

**AGENDA**  
**JEFFERSON COUNTY COMMISSION**  
**THURSDAY, OCTOBER 31, 2013**  
**9:30 A.M.**  
County Commission Meeting Room  
located at the Old Charles Town Library  
200 E. Washington Street, Charles Town, WV

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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

- Public Hearing October 10, 2013
- Special Session October 11, 2013
- Regular Meeting October 17, 2013

**APPROVAL OF PURCHASE ORDERS**

- October 31, 2013

**APPROVAL OF ACCOUNTS PAYABLE**

- October 24, 2013
- October 31, 2013

**PUBLIC COMMENT**

- Introduction of Tim Staton, Finance Director
- Introduction of TinaDawn Stratton, IT Specialist

**PRESENTATIONS:**

1. 9:45 a.m. Pete Dougherty, Sheriff
  - Approval of Deputy Reserves - Discussion/Action
  - Approval of Employment - Glen Kincaid - Bailiff - Discussion/Action
  - Personnel Issue/Legal Update - Possible Executive Session - §6-9A-4 - Discussion/Action
2. 10:15 a.m. Bill Polk, Maintenance Director
  - Update on Courthouse Landscaping Project - Discussion/Action
  - Update on VoIP Project and Funding - Discussion/Action
  - Approval of 11<sup>th</sup> Cycle Courthouse Facilities Improvement Authority Grant Application - Discussion/Action
3. 10:45 a.m. **BREAK**

4. 11:00 a.m. Barbara Miller, Director of Homeland Security and Emergency Management  
- Approval of 2013 Emergency Management Planning Grant - Discussion/Action
5. 11:15 a.m. Roger Goodwin, Chief County Engineer  
- Complete release of the construction bond security for The National Education Humane Society AKA Briggs Animal Adoption Center Maintenance Building - (File #512-01) - Letter of Credit #01-13 with The Bank of Clarke County, Winchester, Virginia - Discussion/Action  
  
- Chesapeake Bay Initiative - the new Stormwater Management Ordinance and related text amendments to the Subdivision and Land Development Regulation - Discussion/Action
6. 11:35 a.m. Jennifer Brockman, Director of Planning and Zoning  
- Follow Up to potential Amendments to WV Code 8A - Discussion/Action
7. 11:55 a.m. Todd Fagan, GIS/Addressing Office Director  
- Approval of Grant Application for funding under the West Virginia Assistance Grants Program and (WVTAGP) and WV Broadband Mapping Program (WVBMP) - Discussion/Action

**NEW BUSINESS:**

8. Proclamation - Designate October as Domestic Violence Awareness Month - Discussion/Action

**COUNTY ADMINISTRATOR REPORTS**

- Commissioner's Top Project Listing
- Discuss Meet Your Commission schedule
- Update on Jefferson County Legislative Summit

**COUNTY COMMISSION REPORTS**

9. 12:30 p.m. Break for Lunch

~~~~~ AFTERNOON SESSION ~~~~~

10. 1:30 p.m. Pete Mulford, President, United Way  
- Teen Court Contract Extension - Discussion/Action
  
11. 145: p.m. Norwood Bentley, Esquire  
- Discussion on legal matters regarding personnel issues/Possible Litigation - Possible Executive Session - §6-9A-4
  
12. 2:00 p.m. Personnel Issue/Possible Litigation - Possible Executive Session - §6-9A-4 - Discussion/Action
  
13. ADJOURN

**CORRESPONDENCE:**

Jefferson County Offices Closed - Monday, November 11, 2013 - Veteran's Day.

Notice of Intent to Appoint on Thursday, November 7, 2013 - North Eastern Regional EMS, Inc. - one 2-year term ending October 31, 2015.

Notice of Public Hearing Thursday, November 21, 2013 at 7:00 p.m. for a proposed Zoning and Land Development Ordinance Text Amendment to establish additional commercial and industrial zoning district categories, and related changes to the Ordinance. The amendment includes changes to the following sections of the Zoning and Land Development Ordinance: 4.4; 4.6; 4.10; 4.11; 5.1; 5.4; 5.6; 5.7; 5.8; 5.10; 6.3; 6.5; 8.1; 8.9; 8.12; 12.2; 12.3; Appendices A, B, and C; and the addition of new Sections 5.11, 5.12, 5.13, 5.14, 5.15, 5.16 and 5.17.

Letter from State of West Virginia, Glen B. Gainer III, State Auditor and Chief Inspector - regarding the audit report of Jefferson County for the fiscal year ending June 30, 2012 with notification of certain instances of noncompliance.

Letter from CoxHollidaPrice LLP regarding the Jefferson County Public Service District Financial Statements for the fiscal years ended June 30, 2013 and 2012.

Letter from Adam Shively informing the Commission of his resignation from the Board of Parks and Recreation.

Public Comments on the 10/10/2013 Public Hearing regarding the potential Amendments to WV Code 8-A, submitted by J. Michael Cassell, Ted & Jan Schiltz, Cathy Vance, William S. Dorman, Barbara Humes, Beverly Meadows, Wendy Whitehair-Lochner, Krista Steiding, and Kathy Loftin.

**Jefferson County Public Service District Regular Board Meeting Minutes for September 3, 2013.**

**Letter from Loudoun County, Virginia regarding the Loudoun County Planning Commission public hearing on a Comprehensive Plan Amendment.**

**West Virginia Lottery Weekly Settlement for Charles Town week ending October 5, 2013.**

**West Virginia Lottery Weekly Settlement for Charles Town week ending October 12, 2013.**

**West Virginia Lottery Weekly Settlement for Charles Town week ending October 19, 2013.**

***At all times the County Commission reserves the right to rearrange agenda times because of time constraints and to accommodate the Commission schedule or the public.***

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

## AGENDA REQUEST FORM

Name: Roger Goodwin, Chief County Engineer

Department or Entity: Engineering Department & Planning Department

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: October 31, 2013

Date Requested – 2<sup>nd</sup> Choice: November 7, 2013

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

Subject: Chesapeake Bay Initiative – the new Stormwater Management Ordinance and related text amendments to the Subdivision and Land Development Regulations.

Please provide the County Commission with a description of your request or presentation, including any background information:

The Engineering Department and the Planning Department staff – with help from Region 9 and Delta Development - completed a final draft of the proposed stormwater management ordinance and related text amendments to the Subdivision and Land Development Regulations. The ordinance adds stormwater runoff quality control (pollution reduction) requirements to the existing stormwater runoff quantity control regulations, in order to reduce stormwater runoff pollution to the Chesapeake Bay resulting from land development in Jefferson County.

The existing stormwater management regulations were pulled from the Subdivision and Land Development Regulations and a stand-alone stormwater management ordinance was created with both quantity and quality control requirements. As a result, it became necessary to change references in the Subdivision and Land Development Regulations to now reference the stand-alone stormwater management ordinance.

Two stakeholder meetings were held during the process of drafting the stormwater management ordinance in order to gather comments and input. On July 9, 2013, the Jefferson County Planning Commission held a Public Hearing for the purpose of receiving public input regarding the proposed new standalone Stormwater Management Ordinance and associated text amendments to the 2008 Subdivision and Land Development Regulations. Public comments were received at that Planning Commission meeting. At the August 13, 2013 Planning Commission meeting, the Planning Commission reviewed the comments previously provided by the public and also staff's proposed amendments to the documents based on the public comments received.

Then, At the August 13, 2013 Jefferson County Planning Commission meeting, the Planning Commission recommended to the County Commission the adoption of the new Stormwater Management Ordinance and associated text amendments to the 2008 Jefferson County Subdivision and Land Development Regulations.

On June 27, 2013, the Jefferson County Commission set a public hearing date for September 19, 2013 for the purpose of accepting public comment on the new Stormwater Management Ordinance and associated text amendments to the 2008 Jefferson County Subdivision and Land Development Regulations. During the public hearing a request was made by several representatives from the building and land development industry in Jefferson County to allow more time to provide comments. The Jefferson County Commission extended the public comment period to October 3, 2013, to allow time for written comments to be submitted. No written public comments were received.

Attached by web links, are the new Stormwater Management Ordinance and associated text amendments to the 2008 Jefferson County Subdivision and Land Development Regulations that have been recommended for adoption by the Jefferson County Planning Commission.

Since there are no further comments to address and the public hearing is closed, staff recommends adoption of the new Stormwater Management Ordinance and the associated text amendments to the 2008 Jefferson County Subdivision and Land Development Regulations.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Move to adopt the new Stormwater Management Ordinance and the associated text amendments to the 2008 Jefferson County Subdivision and Land Development Regulations.**

Attachments:

The proposed Stormwater Management Ordinance and the Subdivision Regulations with the proposed text amendments is available on the county's web site under:

Planning & Zoning Department/Ordinances & Regulations/Proposed Ordinances or at the following web page links:

Proposed Stormwater Management Ordinance:

<http://www.jeffersoncountywv.org/uploads/planning/Final%20SWM%20Ordinance%2009-2013.pdf>

Subdivision Regulations with proposed text amendments:

<http://www.jeffersoncountywv.org/uploads/planning/Subdivision%20Regs%20tracked%20changes%208-26-13%20FINAL%20For%20County%20Commission.pdf>

# Jefferson County, WV

Stormwater Management Ordinance  
Department of Engineering



AUGUST, 2013

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**ARTICLE I GENERAL PROVISIONS**

**A. STATUTORY AUTHORITY**

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- (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**

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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**

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- (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**

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- (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**

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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**

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- (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**

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- (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**

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- (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**

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- (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 the 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 solely 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
- (5) The Chief County Engineer may also, at their discretion, grant waivers or modifications to the Quality control requirements for projects of minimal size and magnitude where Quality control measures would not be practicable and/or economically feasible, and any impacts of such a project would be relatively insignificant. Should the justification for such waivers be questionable, the Chief County Engineer may refer the request to the Jefferson County Planning Commission for a determination.

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

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- (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**

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- (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**

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- (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.

|    | 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            | <input type="checkbox"/> | <input type="checkbox"/> |
| 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             | ✓                        |                          |
| <p>Key: <input type="checkbox"/> depends on facility<br/>                     ✓ Yes</p> <p><b>Shaded Area:</b> Facilities or operations not technically required to have NPDES permits, but can be designated as potential Stormwater Hotspots by the Jefferson County Engineer</p> |                |                          |                          |
| <p>Source: Chesapeake Stormwater Network Technical Bulletin No. 1, "Stormwater Design Guidelines for Karst Terrain in the Chesapeake Bay Watershed," version 2.0 (June 2009)</p>                                                                                                    |                |                          |                          |

**E. SMALL-SCALE STORMWATER MANAGEMENT PRACTICES**

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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-bioretenion
  - (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

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- (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**

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- (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**

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- (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.

| Ditch Material       | Maximum Allowed 10-Year Storm Event Velocity<br>(Feet per Second)                          | Maximum Allowed Ditch Slope<br>(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**

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- (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**

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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**

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- (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**

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- (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**

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- (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**

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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 FACILITY INSPECTION REPORT

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| <b>Stormwater Facility Inspection Report</b>   |                                                                    |                                                    |                                                                         |                                                         |
|------------------------------------------------|--------------------------------------------------------------------|----------------------------------------------------|-------------------------------------------------------------------------|---------------------------------------------------------|
| Address of facility:                           |                                                                    |                                                    | Date of Inspection:                                                     |                                                         |
| Associated Business or Property Owner's Name:  |                                                                    |                                                    |                                                                         |                                                         |
| Company Conducting Inspection:                 |                                                                    |                                                    |                                                                         |                                                         |
| Name of Inspector:                             |                                                                    |                                                    |                                                                         |                                                         |
|                                                | <b>Condition</b>                                                   |                                                    |                                                                         |                                                         |
|                                                | -Substandard-<br>Requires<br>replacement or<br>significant repairs | -Fair-<br>Minor structural<br>maintenance required | -Satisfactory-<br>Minor debris removal<br>and/or weeding<br>recommended | -Good-<br>No action or<br>considerations to be<br>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**





### **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

### Division 20.100 Authority and Jurisdiction

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- 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,

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the vacating of public road right-of-ways, or the creation or 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



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.

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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* 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 ~~transfer~~ 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:
    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.

**Sec. 20.203 Minor Site Development<sup>3</sup>**

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

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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.<sup>3</sup>

### Division 20.300 General Review Standards

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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

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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* roads, lots, landscaping, or other plat elements, but not by *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.

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- 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* 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

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#### Sec. 21.101 Blocks

- A. **Block Length.** The *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* of the type proposed, zoning requirements, fire *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* 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 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* to the street system shall be required. Space for off-street parking may also require similar *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* 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* or, in limited conditions, cul-de-sacs. Within any *superblock* created by *arterials* or *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*, or *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* 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* residential lots should be avoided. It is preferable only along *arterials* or collectors where the short end of blocks cannot be used because of the proximity to two intersecting arterials or *collectors*. It is preferable to align *blocks* with perpendicular *local streets* so as to have side lot lines adjoining the main road. Only where all the preferred orientations are impractical or where large *bufferyards* set the lots an adequate distance from the road may double frontages be considered for *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* onto major roadways. Residential lots fronting on collectors or arterials shall be prohibited unless served with *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*. Different lot shapes may be permitted if necessary or desirable to relate *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 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,

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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*.
- 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.



| Table 21.105<br>Parkland Requirements for<br>R-LI-C & RG Districts and Development in the Rural District with an<br>approved CUP |                                            |
|----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| Density in Units per Acre<br>of Residential Land Area                                                                            | % of Land to be Reserved<br>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* 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**

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**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.

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- 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

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### 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.



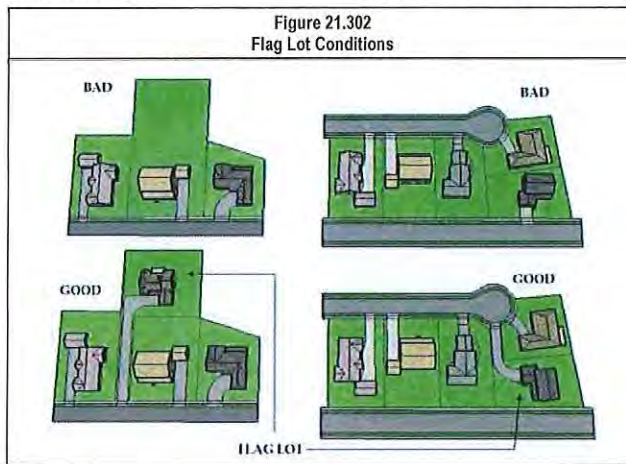
| Maximum Distance from Street (ft.) |                             |
|------------------------------------|-----------------------------|
| Open Space Access                  | Alley and Open Space Access |
| 60                                 | 100                         |
| 75                                 | 150                         |
| 100                                | 180                         |
| 120                                | 200                         |



**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.

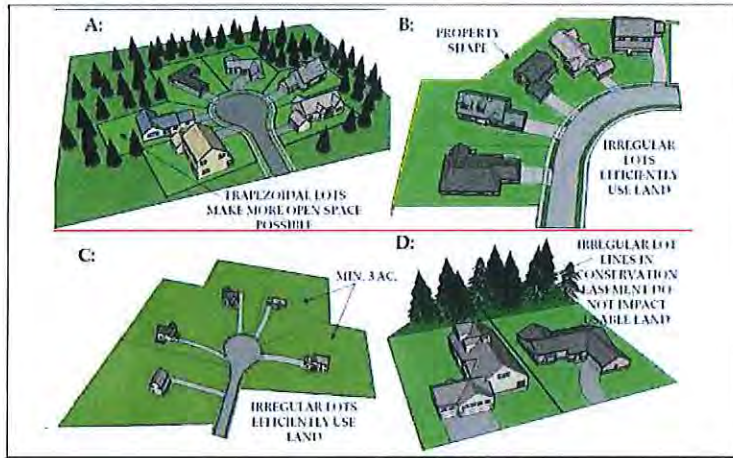


**Sec. 21.303 Lot Shapes**

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.

Figure 21.303  
Irregular Shaped Lots



**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:

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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

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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 ~~12~~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**

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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

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- 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

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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

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#### 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*, 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

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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 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.

## Subdivision Regulations



### 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 ~~theethree~~ (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**

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- 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**

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**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 of 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.
- 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 I the Jefferson County Stormwater Management Ordinance.
- 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.

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**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.

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- 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):

| <b>Table 22.504<br/>Retention of Land in Hillside Development</b> |                                                                           |
|-------------------------------------------------------------------|---------------------------------------------------------------------------|
| <b>Weighted Average<br/>Slope of Land<br/>Percent</b>             | <b>Percentage of Land To Be<br/>Maintained in a Natural<br/>Condition</b> |
| 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                                                                       |

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.

## Subdivision Regulations

## Jefferson County, West Virginia



- 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.



*Article 23 Administrative Bodies*

**Division 23.100 Purpose**

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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**

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- 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).

## Subdivision Regulations

Jefferson County, West Virginia



### 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 for 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 or other applicable local agency supplying centralized utilities, West Virginia Health Department, and WVDEP shall be responsible for the review and approval for any centralized sewer and water supply intended to serve the proposed development.
- 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.

**Division 24.100 Processing of Applications**

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**Sec. 24.101 Application and Approval Process**

The review processes for subdivisions and site plans are shown in:

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.

***Subdivision Regulations***

**Jefferson County, West Virginia**



- 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

*Minor Subdivision Approval Process*

| <u>Step Taken</u>                | <u>Action Taken</u> | <u>Acting Authority</u>                      |
|----------------------------------|---------------------|----------------------------------------------|
| <b>Final Plat Application</b>    |                     |                                              |
| Step 1<br><u>Section 24.104</u>  | Submission          | Staff                                        |
| Step 2<br><u>Section 24.104A</u> | Application Meeting | Staff (performed in 7 days from submission)  |
| Step 3<br><u>Section 24.104B</u> | Site Inspection     | Staff                                        |
| Step 4<br><u>Section 24.104C</u> | Determination       | Staff (performed in 10 days from submission) |
| Step 5<br><u>Section 24.104D</u> | Approval            | Staff                                        |
| Step 6<br><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>                      |
|----------------------------------|---------------------|----------------------------------------------|
| <b>Site Plan Application</b>     |                     |                                              |
| <u>Step 1</u><br>Section 24.105A | Submission          | Staff                                        |
| <u>Step 2</u><br>Section 24.105B | Application Meeting | Staff (performed in 7 days from submission)  |
| <u>Step 3</u><br>Section 24.105C | Site Inspection     | Staff                                        |
| <u>Step 4</u><br>Section 24.105E | Determination       | Staff (performed in 10 days from submission) |
| <u>Step 5</u><br>Section 24.105F | Approval            | Staff                                        |

*(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>                         |
|-------------------------------------------|----------------------------------|-------------------------------------------------|
| <b>Pre-Proposal Conference (Optional)</b> |                                  |                                                 |
| <u>Step 1</u><br>Section 24.103A          | Submission                       |                                                 |
| <u>Step 2</u><br>Sections 24.103B, C & D  | Conference                       | Staff Conference within 15 days from submission |
| <u>Step 3</u><br>Section 24.103E          | Memorandum                       | Staff Memo within 10 days                       |
| <b>Concept Plan</b>                       |                                  |                                                 |
| <u>Step 1</u><br>Section 24.106           | Submission & Completeness Review | Staff                                           |
| <u>Step 2</u><br>Section 24.107           | Public Workshop                  | Planning Commission                             |
| <u>Step 3</u><br>Section 24.108           | Concept Plan Direction           | Planning Commission                             |

(For major subdivision criteria see the definition, Subdivision, Major and Sec. 20.202, Major Subdivisions.)



Figure 24.106B  
Major Subdivision Approval Process (Part 2)

*Major Subdivision Approval Process*

| <u>Step Taken</u> | <u>Action taken</u> | <u>Acting Authority</u> |
|-------------------|---------------------|-------------------------|
|-------------------|---------------------|-------------------------|

Preliminary Plat Application

|                                        |                                  |                            |
|----------------------------------------|----------------------------------|----------------------------|
| <u>Step 1</u><br><u>Section 24.109</u> | Submission & Completeness Review | <u>Staff</u>               |
| <u>Step 2</u> <u>Section 24.110</u>    | Public Hearing                   | <u>Planning Commission</u> |
| <u>Step 3</u> <u>Section 24.111</u>    | Preliminary Plat Approval        | <u>Planning Commission</u> |

Final Plat Application

|                                        |                                  |                            |
|----------------------------------------|----------------------------------|----------------------------|
| <u>Step 1</u><br><u>Section 24.112</u> | Submission & Completeness Review | <u>Staff</u>               |
| <u>Step 2</u><br><u>Section 24.113</u> | Public Hearing                   | <u>Planning Commission</u> |
| <u>Step 3</u><br><u>Section 24.114</u> | Final Plat Approval              | <u>Planning Commission</u> |
| <u>Step 4</u><br><u>Section 24.115</u> | Recordation                      | <u>Staff</u>               |



**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:



| <u>USE</u>    | <u>PEAK HOUR</u> | <u>AVERAGE DAILY</u> |
|---------------|------------------|----------------------|
| 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.         |

- 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 1<sup>st</sup> 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.



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

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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 for up for 45 days for additional information. If the application is to be held for the additional time, a date certain for re-opening the public hearing must be set by the Planning Commission simultaneously with the vote to hold. Additional legal advertisement is not required.

- A. **Approval.** The Planning Commission shall review the recommendations and opinions of the reviewing agencies, the staff's decision regarding compliance with the Zoning Ordinance, and the testimony of the public and render its decision. 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

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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

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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



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

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Ordinance or these Regulations, shall be complied with, and require final engineering approval.

10. **Open Space.** Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the final plat. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved for recordation.

~~11. **Stormwater Management Plan.** If the preliminary Stormwater Management Plan satisfies the requirements of the Department of Engineering and no modifications to the preliminary Stormwater Management Plan is required, then preliminary plans previously approved shall be considered final plans. Preliminary stormwater management plans requiring modifications will require a final Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, to be submitted as part of the final plat to be reviewed by the Jefferson County Engineering Department. 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*~~

~~11.13. **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.~~

~~11.14. **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;

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- 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>                         |
|-------------------------------------------|------------------------------------|-------------------------------------------------|
| <b>Pre-Proposal Conference (Optional)</b> |                                    |                                                 |
| Step 1<br>Section 24.102A                 | Submission                         |                                                 |
| Step 2<br>Sections 24.102B, C & D         | Conference                         | Staff Conference within 15 days from submission |
| Step 3<br>Section 24.103E                 | Memorandum                         | Staff Memo within 5 days                        |
| <b>Concept Plan</b>                       |                                    |                                                 |
| Step 1<br>Section 24.116                  | Submission and Completeness Review | Staff                                           |
| Step 2<br>Section 24.117                  | Public Workshop                    | Planning Commission                             |
| Step 3<br>Section 24.118                  | Concept Plan Direction             | Planning Commission                             |

*(For major site plan criteria see the definition, Site Plan, Major and Sec. 20.204, Major Site Development.)*



Figure 24.116B  
Major Site Plan Approval Procedure (Part 2)

| Step Taken                   | Action taken                     | Acting Authority    |
|------------------------------|----------------------------------|---------------------|
| <b>Site Plan Application</b> |                                  |                     |
| Step 1<br>Section 24.119     | Submission & Completeness Review | Staff               |
| Step 2<br>Section 24.120     | Public Hearing                   | Planning Commission |
| Step 3<br>Section 24.121     | Site Plan Approval               | Planning Commission |

**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:

| <u>USE</u>            | <u>PEAK HOUR</u> | <u>AVERAGE DAILY</u>   |
|-----------------------|------------------|------------------------|
| 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 1<sup>st</sup> 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.

11. **Stormwater Management Plan.** A Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the major site plan preliminary plat to be reviewed by the Jefferson County Engineering Department.

12. **Surety.** Cost estimates for all improvements and proof of surety. See Section 24.503, *Amount of Surety*

13. **Other Agencies.** Required agency sign offs that the 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.

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

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

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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

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### 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

## Subdivision Regulations

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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**

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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**

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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.

## ***Subdivision Regulations***

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### **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*

**Division 25.100 Enforcement and Penalties**

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**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.



## *Article 26 Terminology*

### **Division 26.100 Word Usage and Abbreviations**

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#### **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.



- 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       | <del>storm water</del> stormwater management                       |
| USGS      | United States Geological Survey                                    |

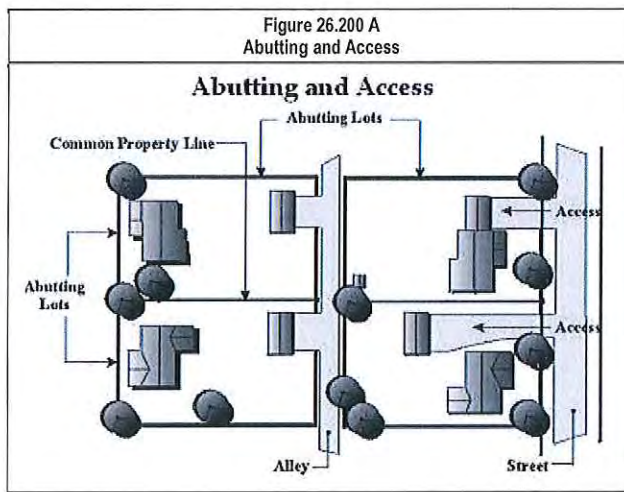


**Division 26.200 Definitions of Terms**

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.





**Access Easement.** That portion of a lot used for ingress/egress to an *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*. 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.*

**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, VI-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.

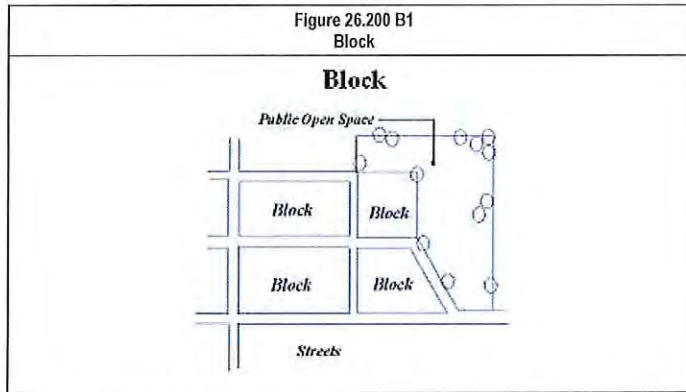
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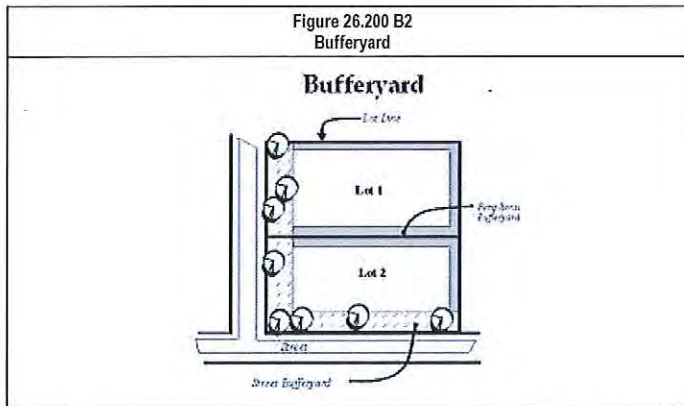
**Best Management Practices.** That combination of conservation measures, structures, vegetation, or management practices that reduces or avoids adverse impacts of development on an adjoining site's land, water, or waterways and water bodies.

**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.

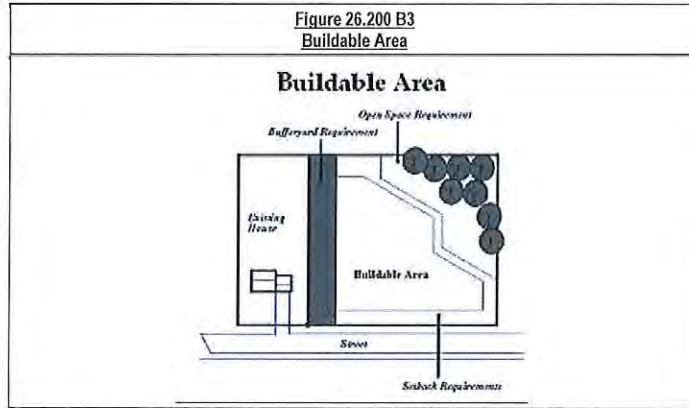


**Buffer.** A designated area between two uses or zoning districts deemed incompatible with each other, or along the perimeter of a natural feature to be protected from an incompatible use, or along the perimeter of that use, which will absorb or otherwise mitigate such incompatibility by some combination 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.



**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*.



**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.

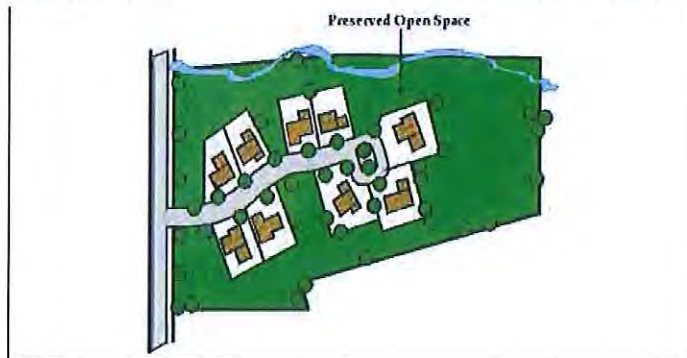
**Clean Fill.** A non-decomposable, environmentally inert solid such as rock, soil, or gravel.

**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*.

**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.



**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.

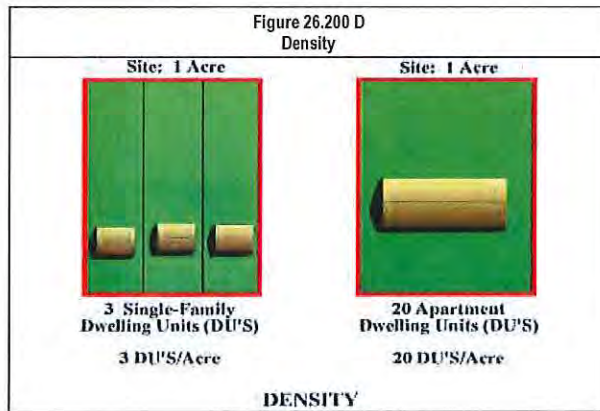
**D**

**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.





**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*.

**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 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*.

**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.

**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.

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**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 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.

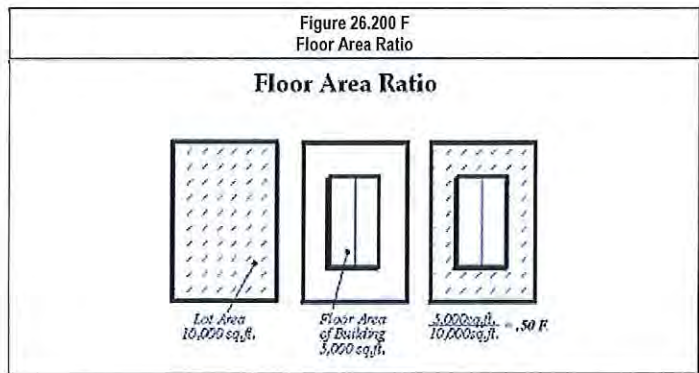
**Floodproofing Certificate.** A FEMA form to be completed by a professional engineer or surveyor to certify that a floodproofed, nonresidential building has been constructed in accordance with NFIP requirements.

**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.



**Freeboard.** Vertical elevation between 100-year flood elevation level and the top of bank or grade.

**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.

**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.

**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

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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*, lane, court, trailway, 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.

**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.

**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.

**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.

L

**Land Development.** See *Major Site Plan* or *Minor Site Plan*.

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**Land Grading.** See *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*.

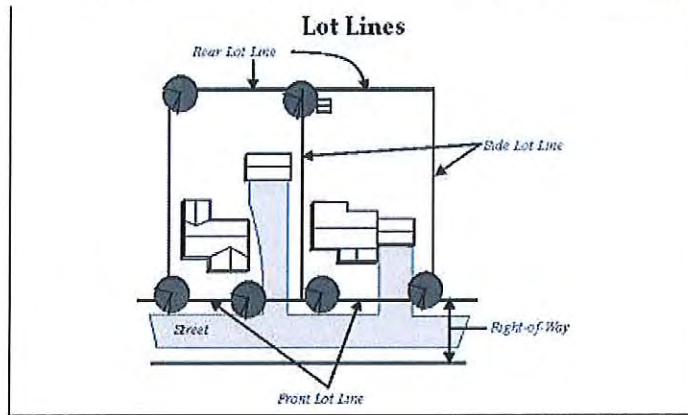
**Lot.** A parcel of land whose boundaries have been established by a legal instrument such as a recorded deed, court order, or a recorded plat, which is recognized as a separate legal entity for purposes of transfer of title.

**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.

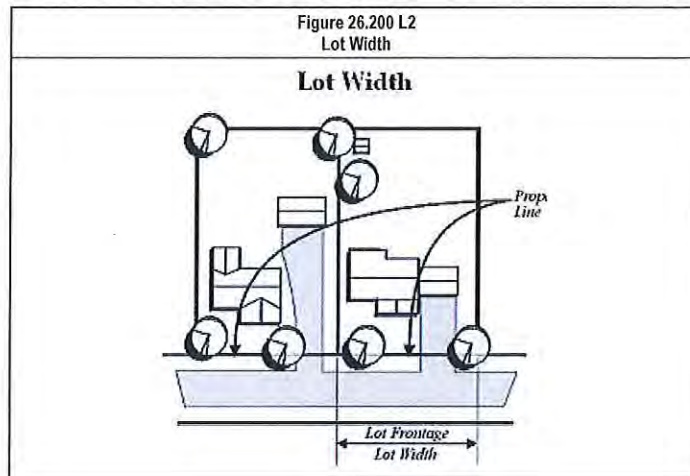
- A. **Front lot line.** The street lot line from which the unit takes access; or, where more than one street yard could safely provide this access, the street serving the smallest traffic volume.
- B. **Rear lot line.** The lot line opposite the front lot line.
- C. **Side lot line.** The lot line that 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.

Figure 26.200 L1  
Lot Lines



**Lot, Panhandle.** See *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*).



## 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 Plan<sup>3</sup>.** 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.



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

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

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

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

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

**Minor Site Plan<sup>1&3</sup>.** 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;<sup>1&3</sup>
- C. Apartment or multi-family development of nine or less dwelling units.

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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. <sup>3</sup>

**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 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 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.

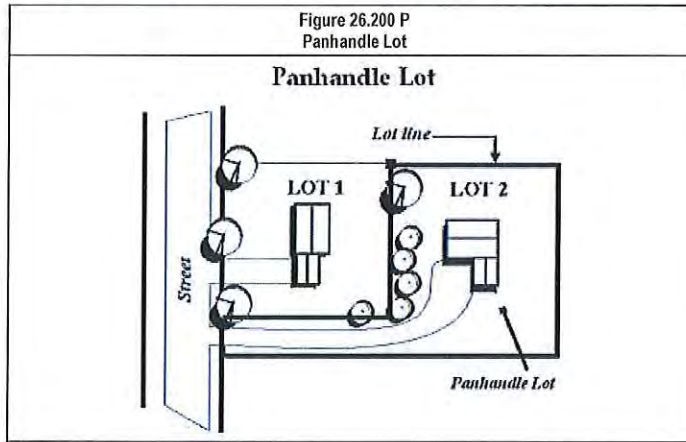
**Outflow Hydrograph.** Graphical representation of the runoff rate versus time for flow exiting a stormwater management facility.

**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*.

**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*.



**Parcel.** See *Lot*.

**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.

**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*.

**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*.

**Property Owner.** A person or persons having an ownership interest in real property located within the geographic boundaries of Jefferson County, West Virginia.

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## Subdivision Regulations

## 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.

**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,



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. Hillside 15 to 25 percent - to the top of the slope where it falls below 15 percent or 400 feet, whichever is less.
- I. Hillside 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.

## Subdivision Regulations

## Jefferson County, West Virginia



**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 Management Erosion 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.

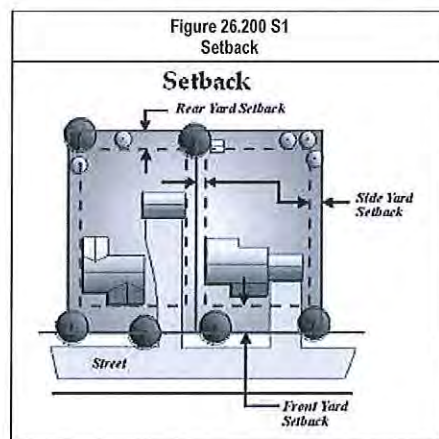
**Selective Cutting.** The felling of certain, but not all, trees in an area for the purpose of:

- 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.

**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.

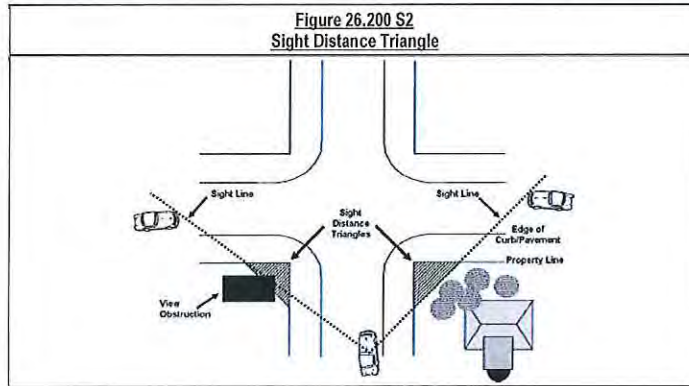
- A. **Open sinkholes.** These are open to the potentiometric surface (water table) so that water is at the surface at the bottom of the sinkhole for at least a portion of the year. These are either directly connected or most likely to be directly connected to the aquifer. Any sinkhole open to a known 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*.

**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.



**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, Major<sup>3</sup>.** 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; or<sup>3</sup>
- 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.

**Site Plan, Minor<sup>1&3</sup>.** 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.

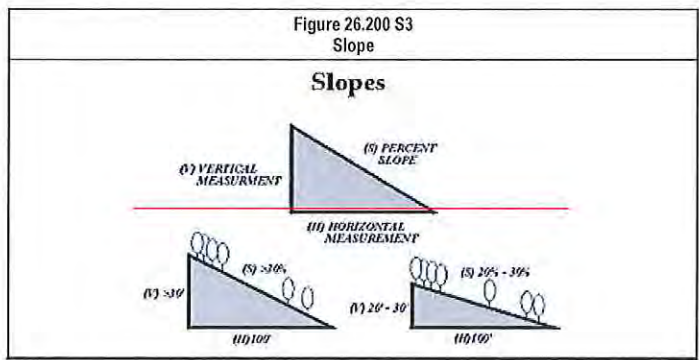
Minor Site Plans do not include the design, erection or addition to detached single family dwelling units when only one dwelling unit is located on an established lot.<sup>3</sup>

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.<sup>3</sup>

**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.

**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.



## Subdivision Regulations

## Jefferson County, West Virginia



**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.

- 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.

**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 Regulations

Jefferson County, West Virginia



### 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.

**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.

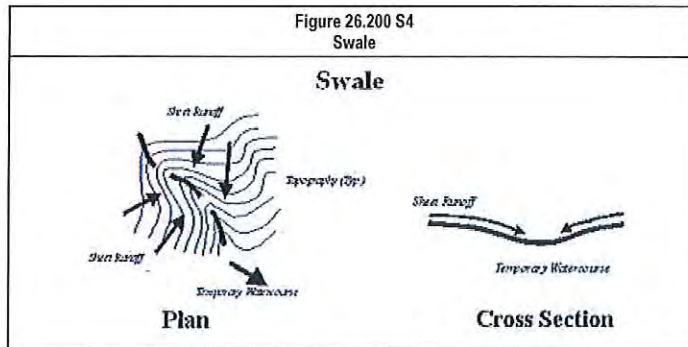
**Surface Water.** Natural or artificial bodies of water greater than one acre in extent at the normal annual water level, as determined by on-site surveys by a professional surveyor. Excluded from this definition are retention basins or other stormwater management facilities, farm ponds, or other facilities 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



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.



**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 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.

## Subdivision Regulations

## Jefferson County, West Virginia

**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.

**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.

## Z

**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.



## Appendix A – Plan & Plat Standards

### Division 1.0 Plan/Plat Requirements

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#### 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.



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. Tie 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

## Subdivision Regulations

## Jefferson County, West Virginia



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.
- ~~18~~19. Show adjoining roads including the right-of-way widths, road pavement widths, road names and route numbers.
- ~~19~~20. A tentative list of restrictive covenants. (This is not needed for site plans.)
- ~~20~~21. Reservations of land for public or semi-public use.
- ~~21~~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.
- ~~22~~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.
- ~~23~~24. Note on the plat or plan, the West Virginia Division of Highways entrance permit number and provide a copy of the entrance permit.
- ~~24~~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.
- ~~25~~26. Demonstrate that appropriate agreements between the Jefferson County Public Service District and the developer are in place, if applicable.
- ~~26~~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.
- ~~27~~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.
- ~~28~~29. Complete design and construction plans, profiles, cross-sections and engineering specifications for roads, sidewalks, curbs and gutters to be installed.
- ~~29~~30. Description of soils and subsurface geology and hydrology.
- ~~30~~31. Show building setback lines and note the minimum building setbacks on the plat or plan.



3432. In the Rural District, all plats and plans shall provide a density calculation and a notation that contains one of the following statements:

A. "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."

B. "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."

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3433. 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:

|                                                                                                   |       |
|---------------------------------------------------------------------------------------------------|-------|
| Jefferson County, West Virginia                                                                   |       |
| <input type="checkbox"/> PRELIMINARY PLAT APPROVAL<br><input type="checkbox"/> SITE PLAN APPROVAL |       |
| BY _____                                                                                          | _____ |
| County Engineer                                                                                   | Date  |
| BY _____                                                                                          | _____ |
| County Planner                                                                                    | Date  |

3435. 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

***Subdivision Regulations***

or plan cover sheet:

Jefferson County, West Virginia





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. | <p>Earth Work shall be compacted to the percentages of maximum dry density in accordance with AASHTO T99C, as shown below:</p> <p>a. Roadways..... 98%</p> <p>b. Parking Lots for heavy trucks..... 98%</p> <p>c. Parking Lots for passenger vehicles..... 95%</p> <p>d. -Utility line trenches..... 98%</p> <p>e. Building Pads.....100%</p> <p>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.</p> |
| 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.

## Subdivision Regulations

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34.36. 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<br>(Table 1.2-2) |                      |                                   |              |
|------------------------------------------------------------------------|----------------------|-----------------------------------|--------------|
| Ordinance                                                              | Section of Ordinance | Description of Waiver or Variance | Date Granted |
|                                                                        |                      |                                   |              |
|                                                                        |                      |                                   |              |
|                                                                        |                      |                                   |              |

35.37. 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.



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

## Subdivision Regulations

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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:

A. “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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## Subdivision Regulations

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B. "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.



## Appendix B – Engineering Standards

### Division 1.0 General Engineering Requirements

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#### 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 3/8" 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**

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**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.



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

## Subdivision Regulations

## Jefferson County, West Virginia



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.



**Subdivision Regulations**

**Jefferson County, West Virginia**



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| Table 2.2-1<br>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'                                                           | <b>Curb &amp; Gutter!</b>                                                               |
| Shoulder Type                                                    | Crusher Run Stone                                                                                              | Crusher Run Stone                                | Crusher Run Stone                                            | -                                                                                       |
| Shoulder cross slope                                             | 3/4" per ft.                                                                                                   | 3/4" per ft.                                     | 3/4" 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' x 25' x 2-1/2" Bituminous Asphalt Surface                                                                  | -                                                | -                                                            | 25' x 6" WWF Reinforced 3,000 psi Portland Cement Conc.                                 |
| Sidewalk                                                         | -                                                                                                              | -                                                | -                                                            | Minimum 4' width; no closer than 1' from P/L or 4' from curb <b>or edge of roadway.</b> |

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.

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### 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.

#### 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/s<sup>2</sup>~~

~~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~~



the vehicle while staying within the travel lane and maintaining steering control during the braking maneuver. A deceleration rate of 11.2 ft/s<sup>2</sup> (3.4 m/s<sup>2</sup>) 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<br>(Table 2.2-2) |                                           |                                             |                                     |
|--------------------------------------------------|-------------------------------------------|---------------------------------------------|-------------------------------------|
| Design Speed (mph)                               | Brake <sup>4</sup> Reaction Distance (ft) | Braking <sup>2</sup> 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                                       | 260                                 |
| 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                                 |

<sup>4</sup> Brake reaction distance based on a time of 2.5s.  
<sup>2</sup> Driver deceleration based on a rate of 11.2 ft/s<sup>2</sup>.

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.

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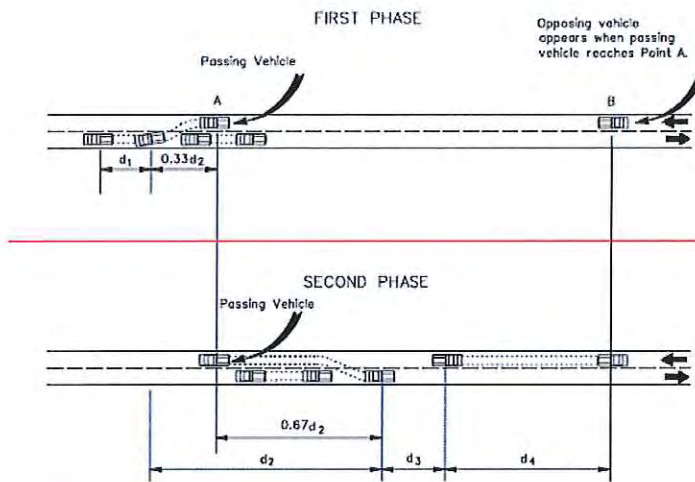
Passing sight distance for passenger cars is measured from a 3.5 ft (1.080 m) height of eye to a 3.5 ft (1.080 m) height of object. The 3.5 ft (1.080 m) height of object allows the opposing driver to see the top of a typical passenger car. The recommended value of truck driver eye height for design is 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.



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<br>(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                               |



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| GUIDELINES FOR PERCENT PASSING DISTANCE<br>(Rural)<br>(Table 2.2-4) |                                        |       |
|---------------------------------------------------------------------|----------------------------------------|-------|
| Terrain                                                             | Minimum Percent Passing Sight Distance |       |
|                                                                     | Collectors                             | Local |
| Level                                                               | 50%                                    | 40%   |
| Rolling                                                             | 30%                                    | 20%   |

e. 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



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:

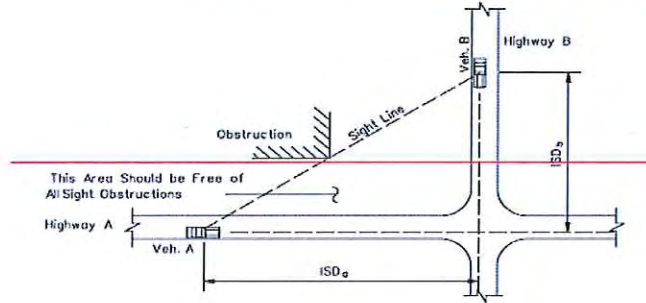
- Case A — Intersections with no control
- Case B — Intersections with Stop control on the minor road
- Case C — Intersections with Yield control on the minor road
- Case D — Intersections with traffic signal control
- Case E — Intersections with all-way Stop control
- Case F — Left turns from the major 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)





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)<br>(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%. |    |     |     |     |     |     |    |

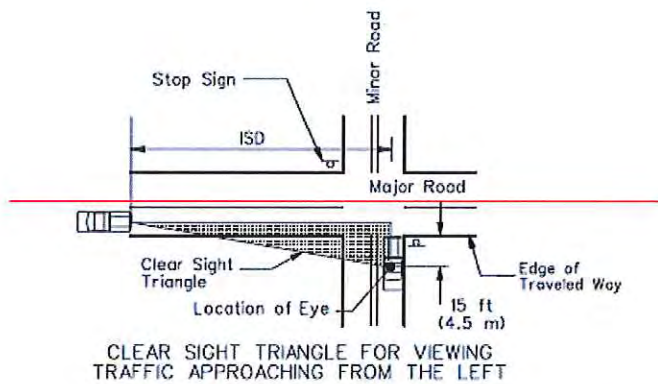
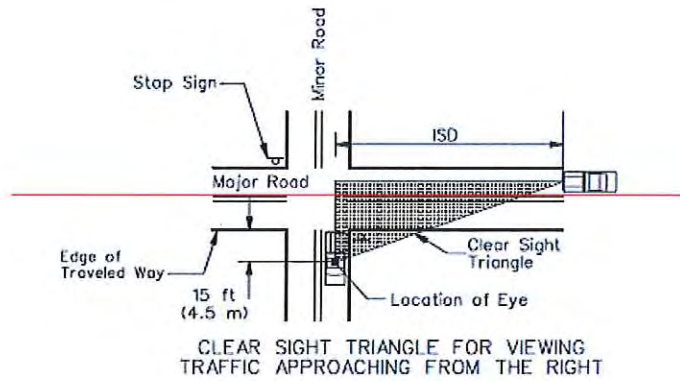
3) Case B Intersections with Stop Control on the Minor Road

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.
- e) **Major Road.** The length of the sight triangle leg or ISD along the major road is determined using the following equation:



$$ISD = 1.47 V_{major} t_g$$

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, see

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.

| Design Speed<br>( $V_{major}$ )<br>(mph) | ISD (ft) <sup>(1)(2)</sup> |
|------------------------------------------|----------------------------|
| 20                                       | 225                        |
| 25                                       | 280                        |
| 30                                       | 335                        |
| 35                                       | 390                        |
| 40                                       | 445                        |
| 45                                       | 500                        |
| 50                                       | 555                        |
| 55                                       | 610                        |
| 60                                       | 665                        |

<sup>1</sup>These ISD values assume crossing or left or right turns onto a 2-lane facility without a median.

<sup>2</sup>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(1)(1)(e)(2) and the stop controlled ISD as discussed in Section 2.2(1)(1)(e)(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(1)(1)(e)(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(1)(1)(e)(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.



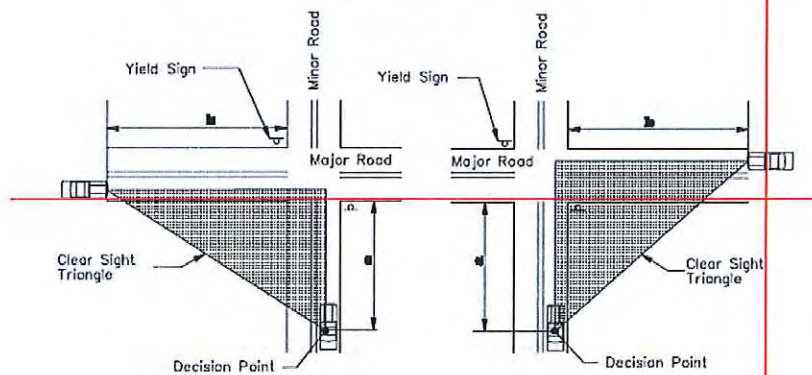
**Intersection Sight Distance Guidelines (Yield Control)**  
(Table 2.2-7)

| Design Speed (mph) | Minor Road Approach (a) (ft) <sup>1,2</sup> | 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                          |

<sup>1</sup>For "T" intersections, use 85 ft (25 m).

<sup>2</sup>Values 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

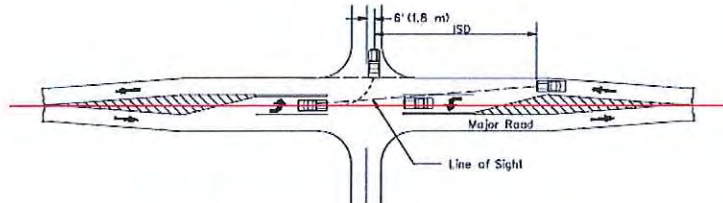
At all intersections, regardless of the type of traffic control, consider the sight distance needs for a stopped vehicle turning left from the major road. This situation is illustrated in Figure 2.2-5. The driver will need to see straight ahead for a sufficient distance to turn left and clear the opposing 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.



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

- a. 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.
- b. Multiple intersections involving junctions of more than two (2) streets, is not allowed.
- c. 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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## Subdivision Regulations

## Jefferson County, West Virginia



- d. Minimum curb radii at street intersections should be:
  - Residential Subdivision                      Thirty (30) feet.
  - Non-residential Subdivision                  Thirty-five (35) feet

### 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 (1-1/2) 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 1/4" 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



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



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.

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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 ~~curb~~filllet 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 (WVDOH). 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



(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.

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### 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.



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<br>(Table 2.5-1) |             |             |             |             |
|--------------------------|-------------|-------------|-------------|-------------|
| Parking Angle            | Stall Width | Stall Depth | Drive Aisle | Drive Aisle |
|                          |             |             | One-Way     | Two-Way     |
| 90                       | 9'          | 20'         | 24'         | 24'         |
| 60                       | 9'          | 22'         | 18'         | 24'         |
| 45                       | 9'          | 21'         | 14'         | 24'         |
| Parallel                 | 9'          | 22'         | 12'         | 24'         |

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- 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.



**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**

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**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.



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 placed 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 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.

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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.~~



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.



- 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.



- 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.

| 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.



- b. — Top and bottom of storm inlet elevations.
- e. — 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 watershed 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.~~
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:
- ~~An adequate route of conveyance between the site and the off-site facility exists, or will be built as part of the project; and~~
  - ~~The off-site facility has the capacity or can be retrofitted to meet the criteria stated above; and~~
  - ~~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.~~

## ***Subdivision Regulations***

Jefferson County, West Virginia



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.



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.                                                                                                                                                                     |

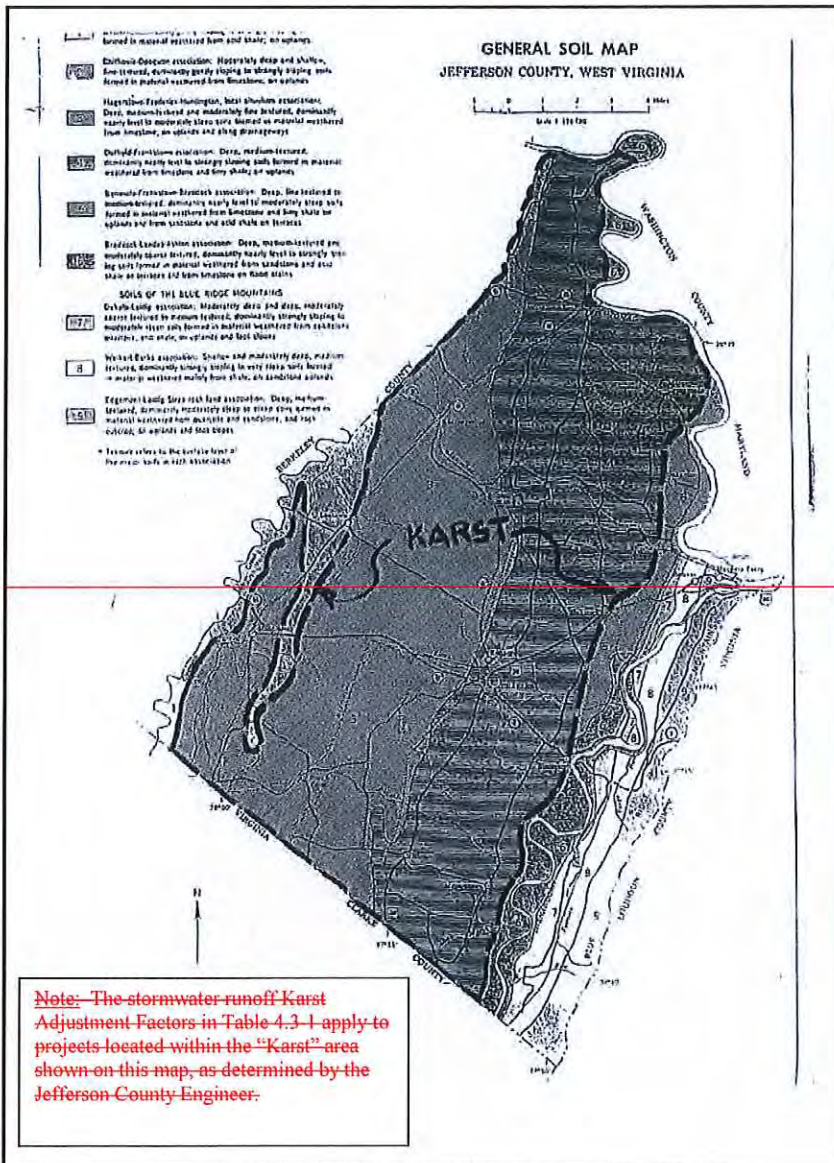
**Karst Geology—Runoff Adjustment Factors**

|  | % 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 | 0.86 |
|  | 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**





**B. Quality Control:**

1. There are two options for providing quality control at stormwater management basins:
  - a. Provide extended detention whereby the 1.25<sup>th</sup> 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.



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



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:



- 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.

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**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.



- 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)**

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**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



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.



Where a sidewalk is located outside of a road right-of-way, it shall be identified by a separate plated 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 (pipestems) 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 plated 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:

- 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<br>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



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**

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**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 ~~19~~ 20 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.



- 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 40 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**

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### **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



- 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 to 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.



**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:

| 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



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 water~~ stormwater from impervious areas to ~~storm water~~ stormwater 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.



- 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 9.4211 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



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 9.4312 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.

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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Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Roger Goodwin

Department or Entity: Department of Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: October 31, 2013

Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

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

Subject: Bond reduction and/or release.

Please provide the County Commission with a description of your request or presentation, including any background information: **Complete release of the Construction Bond security for The National Education Humane Society AKA Briggs Animal Adoption Center Maintenance Building (File #S12-01) – Letter of Credit #01-13 with The Bank of Clarke County, Winchester, Virginia.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize a complete release of the remaining \$31,408.00 from the construction bond for the maintenance building only for The National Education Humane Society AKA Briggs Animal Adoption Center (File #S12-01).

Attachments: Bond Release Letter  
Bond Release Request Report  
Site Map



## JEFFERSON COUNTY COMMISSION

124 East Washington Street, P.O. Box 250, Charles Town, WV 25414

Phone: (304) 728-3284 - Fax: (304) 725-7916

Web: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

PRESIDENT

*Dale Manuel*

VICE PRESIDENT October 31, 2013

*Walt Pellish*

COMMISSIONER Mr. Dale L. Fritts, SVP/SLO

*Jane Tabb*

Bank of Clarke County

COMMISSIONER

*Patsy Noland*

Old Town Center

202 N. Loudoun Street

Winchester, Virginia 22601

COMMISSIONER

*Lyn Widmyer*

RE: Irrevocable Letter of Credit #01-13 dated March 18, 2013 Construction Bond  
Surety for The National Humane Education Society AKA Briggs Animal  
Adoption Center Maintenance Building (File #S12-01).

Dear Mr. Fritts:

The Jefferson County Commission authorizes a complete release of the remaining \$31,408.00 from the construction bond for The National Humane Education Society AKA Briggs Animal Adoption Center Maintenance Building (File #S12-01). This project is located on the west side of Route 340 approximately 600 feet north of its intersection with Route 340/2-Wheatland Road. The work appears to be 100% complete for the maintenance building only.

In summary, you are hereby authorized to fully release the remaining amount for the above referenced Letter of Credit #01-13, originally issued in the amount of \$31,408.00. Please contact the Jefferson County Department of Engineering at (304)-728-3257 if you have any questions.

Sincerely,

Dale Manuel, President  
Jefferson County Commission

DM:rfb

cc: Mr. James Taylor, President  
Briggs Animal Adoption Center  
P. O. Box 340  
Charles Town, WV 25414  
Department of Engineering

County Administrator  
*Debbie Keyser*

Deputy County Administrator  
*Sandy Slusher McDonald*

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

### BOND REDUCTION or RELEASE REQUEST - REPORT

Date Received: 09 / 13 / 2013  
*RESUBMIT REVISION RECEIVED 10/16/2013*

J.C.P.C. File No. S12 - 01

Consultant/Engineer/Firm Name: GREENHAY ENGINEERING

Mailing Address: 151 WINDY HILL LANE

City: WINCHESTER State: VA Zip: 22602

Contact Person: RANDY STEELE Phone: 540-662-4185

Project/Subdivision Name: BRIGGS ANIMAL ADOPTION CENTER

Section/Phase: MAINTENANCE BUILDING ONLY Lots: \_\_\_\_\_

**Review Comments:**

The bond release reduction is Approved as Submitted. \_\_\_\_\_ The bond release/reduction request is Denied.

\_\_\_\_\_ Add items/revise as shown per our comments on your attached bond release/reduction form & resubmit reduction/release request to our office for review and approval.

\_\_\_\_\_ Some site work has progressed beyond the required "milestone" site inspections that are to be performed by our office. As a result, you will need to schedule the inspections with our Land Development Inspector, and/or provide the certifications noted on the attached "Third-Party Certifications" checklist. Please collect all the required third-party certifications and submit them all at one time along with a copy of this report and the checklist.

\_\_\_\_\_ Bonding Policy & Unit Cost Figures attached for your use.

Comments: ALL ITEMS COMPLETE. LED LINE REVISION TO SHOW ADDITIONAL GRAVEL TURN AROUND  
NAT NOW BEEN SUBMITTED & APPROVED.

**Approved for:**  
BOND RELEASE  
By: [Signature] 10/21/2013  
County Engineer Date

Original Bond Amt. \$ 16,408 + 15% Cont. \$ 15,000 = Total Original Bond Amt. \$ 31,408

Total Current Bond Amount \$ 31,408.00

Cost of Work Remaining \$ 0.00 + Contingency Amount \$ 0.00

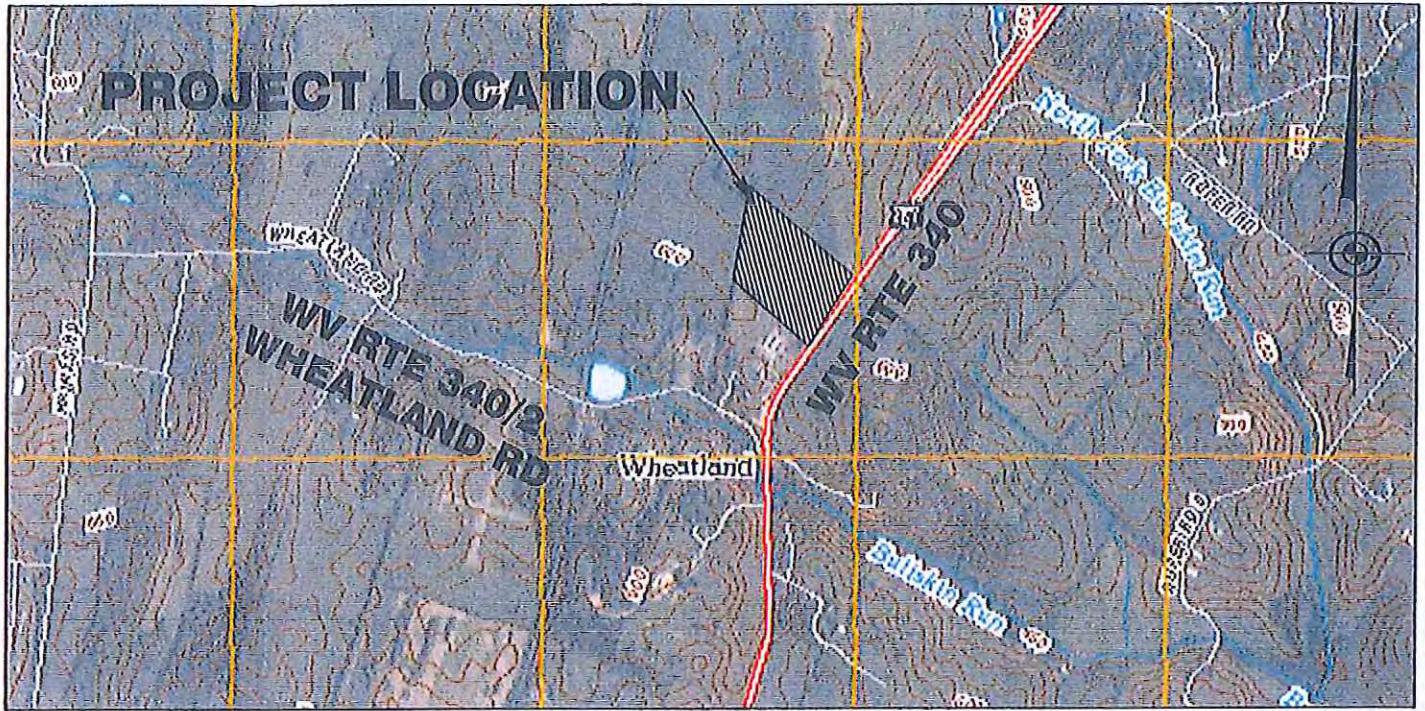
= Approved for Revised Bond Amount \$ 0.00

Reviewed By: JOSEPH W. KENT Title: L.D.I.

Signature: [Signature] [Signature] Date: 10 / 21 / 2013

# VICINITY MAP

SCALE 1" = 2000'



Jefferson County  
CONSTRUCTION NOTES

(Table 1.2-1)

WV1

WV2

WV3

WV4

WV5

WV6

WV7

WV8

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 20 minutes

Date Requested – 1<sup>st</sup> Choice: October 31, 2013

Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

If a specific date is needed, please provide reason for specific date: N/A

Subject: Follow Up to Potential Amendments to WV Code 8A (Discussion and Possible Action)

Please provide the County Commission with a description of your request or presentation, including any background information:

On October 5, 2013, Jefferson County Planning staff presented an overview of potential proposed amendments in WV Code 8A intended to continue to develop local processes that would reduce barriers to development, streamline processes, and improve the clarity of the processes. In particular, the Department of Planning and Zoning staff has reviewed the provisions of WV Code 8A, Article 4 Subdivision and Land Development Ordinance, and developed a few proposed amendments that we believe would help prevent some unnecessary delays that may have inadvertently been created by the language in 8A. Attached is a slightly revised version of the amendments based on input from the County Commission. Additionally, 2 timelines are attached which compare how the amendments will affect the time required to process applications.

Staff has not yet reached out to the State Senators and Delegates and would like to review the proposed changes with the County Commission one more time and request possible endorsement of the proposed amendments.

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

I move endorsement of the proposed text amendments to WV Code 8A for the purposes of allowing staff to forward the proposed amendments to the County's State Senators and Delegates for their review and consideration.

Attachments:

- Proposed Amendments to WV Code 8A, Article 4 Subdivision and Land Development Ordinance 10.24.13 (revised based on comments at 10.03.13 CC meeting)
- Major Subdivision Approval Process Timelines

**WEST VIRGINIA CODE**

**CHAPTER 8A. LAND USE PLANNING.**

**ARTICLE 4. SUBDIVISION AND LAND DEVELOPMENT ORDINANCE.**

**§8A-4-1. Subdivision and land development ordinances authorized.**

(a) The governing body of a municipality or a county may regulate subdivisions and land development within its jurisdiction by:

- (1) Adopting a comprehensive plan and enacting a subdivision and land development ordinance; or
- (2) Establishing a planning commission, enacting a subdivision and land development ordinance, and adopting a comprehensive plan for the area included in the subdivision and land development ordinance within three years of the enactment of the subdivision and land development ordinance.

(b) A municipality may adopt, by reference, the subdivision and land development ordinance of the county in which it is located.

(c) With the prior approval of the county planning commission, a municipality may, by ordinance, designate the county planning commission as the planning commission for the municipality to review and approve subdivision or land development plans and plats.

**§8A-4-2. Contents of subdivision and land development ordinance.**

(a) A subdivision and land development ordinance shall include the following provisions:

- (1) A minor subdivision or land development process, including criteria, requirements and a definition of minor subdivision;
- (2) The authority of the planning commission and its staff to approve a minor subdivision or land development;
- (3) A major subdivision or land development process, including criteria and requirements;
- (4) The authority of the planning commission to approve a major subdivision or land development;
- (5) The standards for setback requirements, lot sizes, streets, sidewalks, walkways, parking, easements, rights-of-way, drainage, utilities, infrastructure, curbs, gutters, street lights, fire hydrants, storm water management and water and wastewater facilities;
- (6) Standards for flood-prone or subsidence areas;
- (7) A review process for subdivision or land development plans and plats by the planning commission;
- (8) An approval process for subdivision or land development plans and plats by the planning commission, including the authority to approve subdivision or land development plans and plats with conditions;
- (9) A process to amend final approved subdivision or land development plans and plats;
- (10) A requirement that before development of the land is commenced, subdivision and land development plans and plats must be approved by the applicable planning commission, in accordance with the comprehensive plan, if a comprehensive plan has been adopted;
- (11) A requirement that after approval of the subdivision or land development plat by the planning commission and before the subdivision or development of the land is commenced, the subdivision and land development plat shall be recorded in the office of the clerk of the county commission where a majority of the land to be developed lies;
- (12) A schedule of fees to be charged which are proportioned to the cost of checking and verifying proposed plats;
- (13) The process for granting waivers from the minimum standards of the subdivision and land development ordinance;
- (14) Improvement location permit process, including a requirement that a structure or development of land is prohibited without an improvement location permit;
- (15) The acceptable methods of payment to cover the cost of the water and sewer service infrastructure, which can include, but are not limited to, bonds, impact fees, escrow fees and proffers;
- (16) The process for cooperating and coordinating with other governmental agencies affected by the

subdivision and land development and use; and

(17) Penalties for violating the subdivision and land development ordinance.

(b) A subdivision and land development ordinance may include the following provisions:

(1) Establishing a board of subdivision and land development appeals with the same powers, duties and appeals process as set out for the board of zoning appeals under the provisions of article eight of this chapter;

(2) Requirements for green space, common areas, public grounds, walking and cycling paths, recreational trails, parks, playgrounds and recreational areas;

(3) Encourage the use of renewable energy systems and energy-conserving building design;

(4) Vested property right, including requirements;

(5) Exemptions of certain types of land development from the subdivision and land development ordinance requirements, including, but not limited to, single-family residential structures and farm structures; and

(6) Any other provisions consistent with the comprehensive plan the governing body considers necessary.

(c) All requirements, for the vesting of property rights contained in an ordinance enacted pursuant to this section 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 agreement or zoning action be terminated or ended by a certain date or within a certain number of years.

#### **§8A-4-3. Enactment of subdivision and land development ordinance.**

(a) Before a governing body enacts a subdivision and land development ordinance, the governing body shall hold at least one public hearing and give public notice.

(b) The public notice of the date, time and place of the public hearing must be published in a local newspaper of general circulation in the area as a Class I legal advertisement, in accordance with the provisions of article three, chapter fifty-nine of this code, at least thirty days prior to the public hearing. The public notice must contain a brief summary of the principal provisions of the proposed subdivision and land development ordinance and a reference to the place or places where copies of the proposed subdivision and land development ordinance may be examined.

(c) After the public hearing, if the governing body makes other than technical amendments to the proposed subdivision and land development ordinance prior to voting on it, the governing body shall hold another public hearing and give public notice. The public notice shall be as provided in subsection (b) of this section, and must contain a brief summary of the amendments.

#### **§8A-4-4. Filing the subdivision and land development ordinance.**

After the enactment of the subdivision and land development ordinance by a governing body, the governing body must file the enacted subdivision and land development ordinance in the office of the clerk of the county commission where the subdivision and land development ordinance applies.

#### **§8A-4-5. Amendments to the subdivision and land development ordinance.**

After the enactment of the subdivision and land development ordinance by the governing body, all amendments to the subdivision and land development ordinance shall be made by the governing body after holding a public hearing with public notice.

#### **§8A-4-6. Effect of adopted subdivision and land development ordinance.**

After enactment of a subdivision and land development ordinance by the governing body, all subsequent subdivisions and land development must be done in accordance with the provisions of the subdivision and land development ordinance.

#### **§8A-4-7. Validation of prior subdivision and land development ordinance.**

All subdivision and land development ordinances, all amendments, supplements and changes to the ordinance, legally adopted under prior acts, and all action taken under the authority of the ordinance, are hereby validated and the ordinance shall continue in effect until amended or repealed by action of the governing body taken under authority of this article. These ordinances shall have the same effect as though previously adopted as a comprehensive plan of land use or parts thereof.

**ARTICLE 5. SUBDIVISION OR LAND DEVELOPMENT PLAN AND PLAT.**

**§8A-5-1. Jurisdiction of planning commissions.**

(a) A planning commission has the authority to:

- (1) Approve a minor subdivision or land development application within its jurisdiction;
- (2) Exempt an application for a minor subdivision or land development within its jurisdiction; and
- (3) Approve a major subdivision or land development application within its jurisdiction.

(b) The staff of a planning commission has the authority to approve a minor subdivision or land development application within its jurisdiction, if granted such authority by the governing body in the subdivision and land development ordinance.

(c) If a subdivision or land development plan and plat cannot be approved through the minor subdivision or land development process, then an applicant must use the major subdivision or land development approval process.

**PART I. MINOR SUBDIVISION OR LAND DEVELOPMENT PROCESS.**

**§8A-5-2. Requirements for a minor subdivision or land development.**

a) An application for approval of a subdivision or land development plan and plat may be considered a minor subdivision or land development if it meets the following requirements:

- (1) Only creates the maximum number of lots specifically permitted by the subdivision and land development ordinance for a minor subdivision or land development;
- (2) Will not require the development of new or the extension of existing off-tract infrastructure; and
- (3) Such other requirements as determined by the governing body to ensure that required improvements are installed and not avoided by a series of minor subdivisions or land developments.

(b) The following can be considered a minor subdivision or land development if approved by the planning commission:

- (1) Merger or consolidation of parcels of land;
- (2) Land transfers between immediate family members; and
- (3) Minor boundary line adjustments

**§8A-5-3. Application for minor subdivision or land development.**

(a) An applicant submits a copy of a land development plat and the fees to the planning commission having jurisdiction over the land.

(b) Within seven days after the submission of the subdivision or land development plat, the applicant and the staff of the planning commission shall meet to discuss the proposed subdivision or land development and the criteria used to classify the proposal as minor.

(c) The staff of the planning commission may make a site inspection of the proposed subdivision or land development.

(d) Within ten days after the submission of the subdivision or land development plat, the staff of the planning commission shall notify the applicant in writing that the proposed subdivision or land development has been classified a minor subdivision or land development.

**§8A-5-4. Approval of minor subdivision or land development plans and plats.**

(a) Within ten days after a plat has been classified a minor subdivision or land development, then the planning commission or staff, if the authority has been given by the governing body, shall approve or deny the plat.

(b) If the planning commission approves the plat, then the planning commission shall affix its seal on the plat.

(c) If the planning commission approves the plat with conditions, then the planning commission must state the conditions.

(d) If the planning commission denies the plat, then the planning commission shall notify the applicant in writing of the reasons for the denial.

**§8A-5-5. Recording of minor subdivision or land development plat.**

After approval of a minor subdivision or land development plat by the planning commission and before the

subdivision or development is commenced, the subdivision or land development plat shall be recorded by the applicant in the office of the clerk of the county commission where the land is located.

## PART II. MAJOR SUBDIVISION OR LAND DEVELOPMENT PROCESS.

### **§8A-5-6. Application for major subdivision or land development.**

(a) An applicant for approval of a major subdivision or land development plan and plat shall submit written application, a copy of the proposed land development plan and plat, and the fees to the planning commission having jurisdiction over the land.

(b) Within forty-five days after receipt of the application, the planning commission shall review the application for completeness and either accept or deny it. The Planning Commission may delegate the determination of completeness to its staff for the purpose of setting the public hearing required within 45 of the determination as detailed in §8A-5-8c.

(c) If the application is not complete, then the planning commission may deny the application and must notify the applicant in writing stating the reasons for the denial.

### **§8A-5-7. Contents of a major subdivision or land development plan and plat.**

(a) A land development plan and plat must include everything required by the governing body's subdivision and land development ordinance.

(b) If a governing body does not have a subdivision and land development ordinance or if a governing body's subdivision and land development ordinance does not specify what may be included in a subdivision or land development plan and plat, then the following may be included, when applicable, in a subdivision or land development plan and plat:

- (1) Show that the subdivision or land development conforms to the governing body's comprehensive plan;
- (2) A method of payment to cover the cost of the water and sewer service infrastructure, which can include, but is not limited to, bonds, impact fees, escrow fees and proffers;
- (3) Coordination among land development with adjoining land owners, including but not limited to, facilities and streets;
- (4) Distribution of population and traffic in a manner tending to create conditions favorable to health, safety, convenience and the harmonious development of the municipality or county;
- (5) Show that there is a fair allocation of areas for different uses, including, but not limited to, streets, parks, schools, public and private buildings, utilities, businesses and industry;
- (6) Show that there is a water and sewer supply;
- (7) Setback and lot size measures were used;
- (8) The standards used for designating land which is subject to flooding or subsidence, details for making it safe, or information showing that such land will be set aside for use which will not endanger life or property and will not further aggravate or increase the existing menace;
- (9) The control measures for drainage, erosion and sediment;
- (10) The coordination of streets, sidewalks and pedestrian pathways in and bordering the land development; and
- (11) The design, construction and improvement measures to be used for the streets, sidewalks, easements, rights-of-way, drainage, utilities, walkways, curbs, gutters, street lights, fire hydrants, water and wastewater facilities, and other improvements installed, including the width, grade and location for the purpose of accommodating prospective traffic, customers and facilitating fire protection.

(c) The locally adopted regulations related to the major subdivision or land development approval process may separate the approval process into multiple steps, including, but not limited to, a Concept Plan, a Preliminary Plat, Construction Documents and a Final Plat. If multiple steps are proposed for a major subdivision or land development approval process, the locally adopted regulations may limit the public hearing process to the Concept Plan and/or Preliminary Plat (if applicable) first of these steps and authorize the later steps to be administratively reviewed. All major subdivision or land developments shall require at least one public hearing in accordance with the provisions of 8A-5-8.

### **§8A-5-8. Approval of major subdivision or land development plans and plats.**

(a) Upon written request of the applicant for a determination, the planning commission must determine by vote at the

next regular meeting or at a special meeting, whether or not the application is complete based upon a finding that the application meets the requirements set forth in its governing body's subdivision and land development ordinance.

(b) If a governing body's subdivision and land development ordinance does not specify what may be included in a land development plan and plat, then the planning commission must determine that an application is complete if the application meets the requirements set forth in subsection (b), section seven of this article.

(c) At a meeting where the application is determined to be complete, the planning commission must set a date, time and place for a public hearing and a meeting to follow the public hearing to vote on the application. If the Planning Commission has authorized the staff to make this determination, such determination will be made in writing to the applicant and staff will set the date, time and place of the public hearing in accordance with this section. The public hearing must be held within forty-five days of the determination of completeness, and the planning commission must notify the applicant of the public hearing and meeting in writing unless notice is waived in writing by the applicant. The planning commission must publish a public notice of the public hearing and meeting in a local newspaper of general circulation in the area at least twenty-one days prior to the public hearing.

(d) At a meeting at the conclusion of the public hearing or a meeting held within fourteen days after the public hearing, the planning commission shall vote to approve, deny or hold the application.

(e) The application may be held for additional information necessary to make a determination. An application may be held for up to forty-five days.

(f) The planning commission shall approve the application after the planning commission determines that an application is complete and meets the requirements of the governing body's subdivision and land development ordinance; or if the governing body does not have a subdivision and land development ordinance or if the subdivision and land development ordinance does not specify what may be included in a subdivision or land development plan and plat, that the application meets the requirements set forth in subsection (b) section seven of this article.

(g) If the planning commission approves the application, then the planning commission shall affix its seal on the subdivision or land development plan and/or plat.

(h) If the planning commission approves the application with conditions, then the planning commission must specify those conditions.

(i) If the planning commission denies the application, then the planning commission shall notify the applicant in writing of the reasons for the denial. The applicant may request, one time, a reconsideration of the decision of the planning commission, which request for reconsideration must be in writing and received by the planning commission no later than ten days after the decision of the planning commission is received by the applicant.

#### **§8A-5-9. Recording of major subdivision or land development plat.**

After approval of a major subdivision or land development plat by the planning commission and after the conditions of the planning commission are met, the subdivision or land development plat shall be recorded by the applicant in the office of the clerk of the county commission where the land is located. If the land is located in more than one county, then the land development plat shall be recorded in the county of the initial land development and subsequently recorded in the other counties when there is land development in that county.

#### **§8A-5-10. Appeal process.**

(a) An appeal may be made by an aggrieved person from any decision or ruling of the planning commission to:

- (1) The circuit court, pursuant to the provisions of article nine of this chapter; or
- (2) A board of subdivision and land development appeals, if the governing body has established a board of subdivision and land development appeals by ordinance.

(b) Within thirty days after the date of the denial, the petition, specifying the grounds of the appeal in writing, must be filed with:

- (1) The circuit court of the county in which the affected land or the major portion of the affected land is located; or
- (2) The board of subdivision and land development appeals that has jurisdiction over the affected land.

#### **§8A-5-11. Effect of approval of land development plans and plats.**

A land development plan and plat that has not been approved by the planning commission is without legal effect: *Provided*, That failure to comply with this article shall not invalidate or affect the title to any land within the area of the

land development plat.

**§8A-5-12. Vested property right.**

(a) A vested property right is a right to undertake and complete the land development. The right is established when the land development plan and plat is approved by the planning commission and is only applicable under the terms and conditions of the approved land development plan and plat.

(b) Failure to abide by the terms and conditions of the approved land development plan and plat will result in forfeiture of the right.

(c) The vesting period for an approved land development plan and plat which creates the vested property right is five years from the approval of the land development plan and plat by the planning commission.

(d) 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:

(1) Obtains or is the beneficiary of a significant affirmative governmental act which remains in effect allowing development of a specific project;

(2) Relies in good faith on the significant affirmative governmental act; and

(3) Incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.

(e) A vested right is a property right, which cannot be taken without compensation. A court may award damages against the local government in favor of the landowner for monetary losses incurred by the landowner and court costs and attorneys' fees, resulting from the local government's bad faith refusal to recognize that the landowner has obtained vested rights.

**§8A-5-12. Vested property right.**

(a) A vested property right is a right to undertake and complete the land development. The right is established when the land development plan and plat is approved by the planning commission and is only applicable under the terms and conditions of the approved land development plan and plat.

(b) Failure to abide by the terms and conditions of the approved land development plan and plat will result in forfeiture of the right.

(c) Subject to section ten-a, article thirteen-e, chapter sixteen of this code, the vesting period for an approved land development plan and plat which creates the vested property right is five years from the approval of the land development plan and plat by the planning commission.

(d) 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:

(1) Obtains or is the beneficiary of a significant affirmative governmental act which remains in effect allowing development of a specific project;

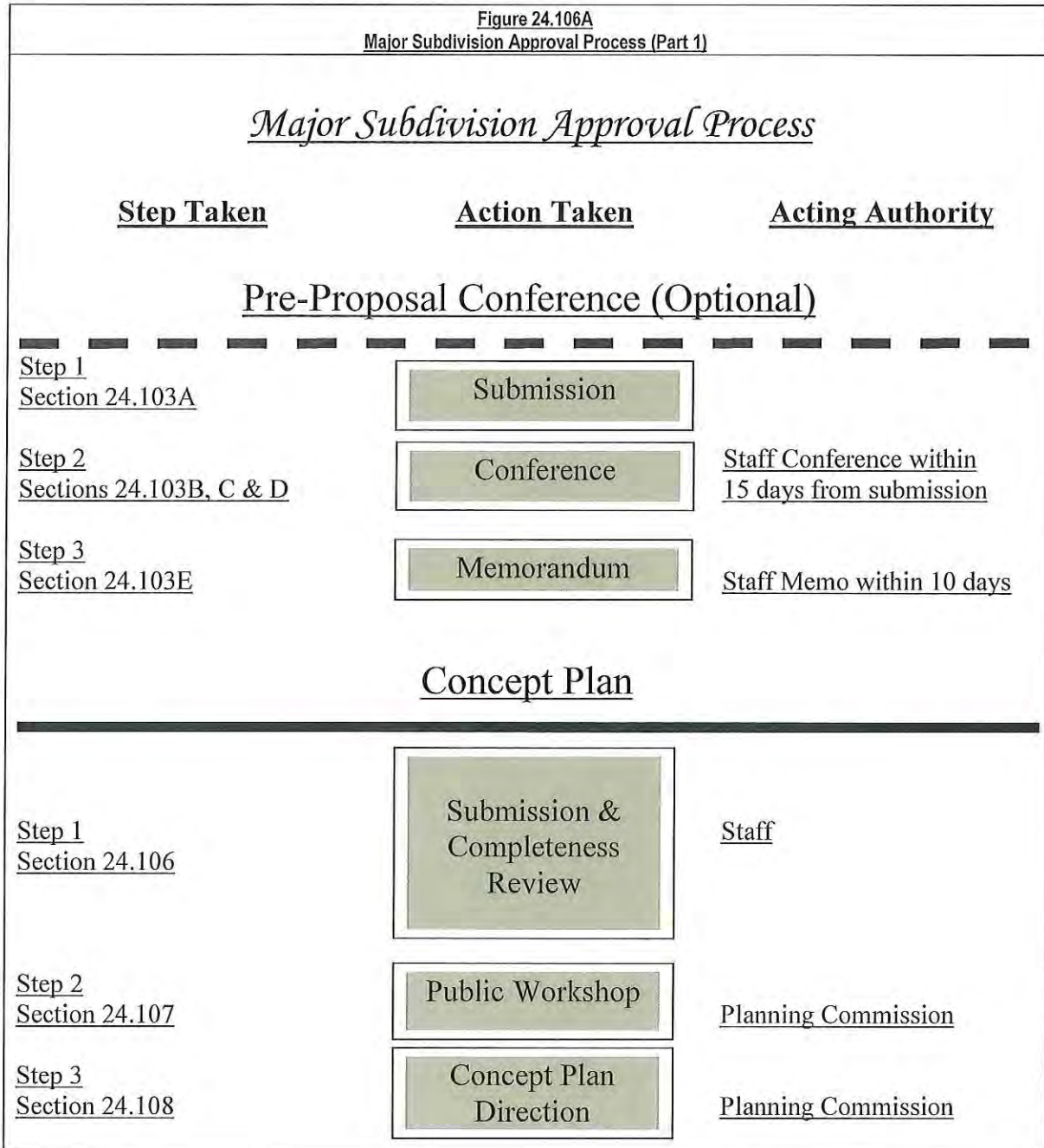
(2) Relies in good faith on the significant affirmative governmental act; and

(3) Incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.

(e) A vested right is a property right, which cannot be taken without compensation. A court may award damages against the local government in favor of the landowner for monetary losses incurred by the landowner and court costs and attorneys' fees resulting from the local government's bad faith refusal to recognize that the landowner has obtained vested rights.

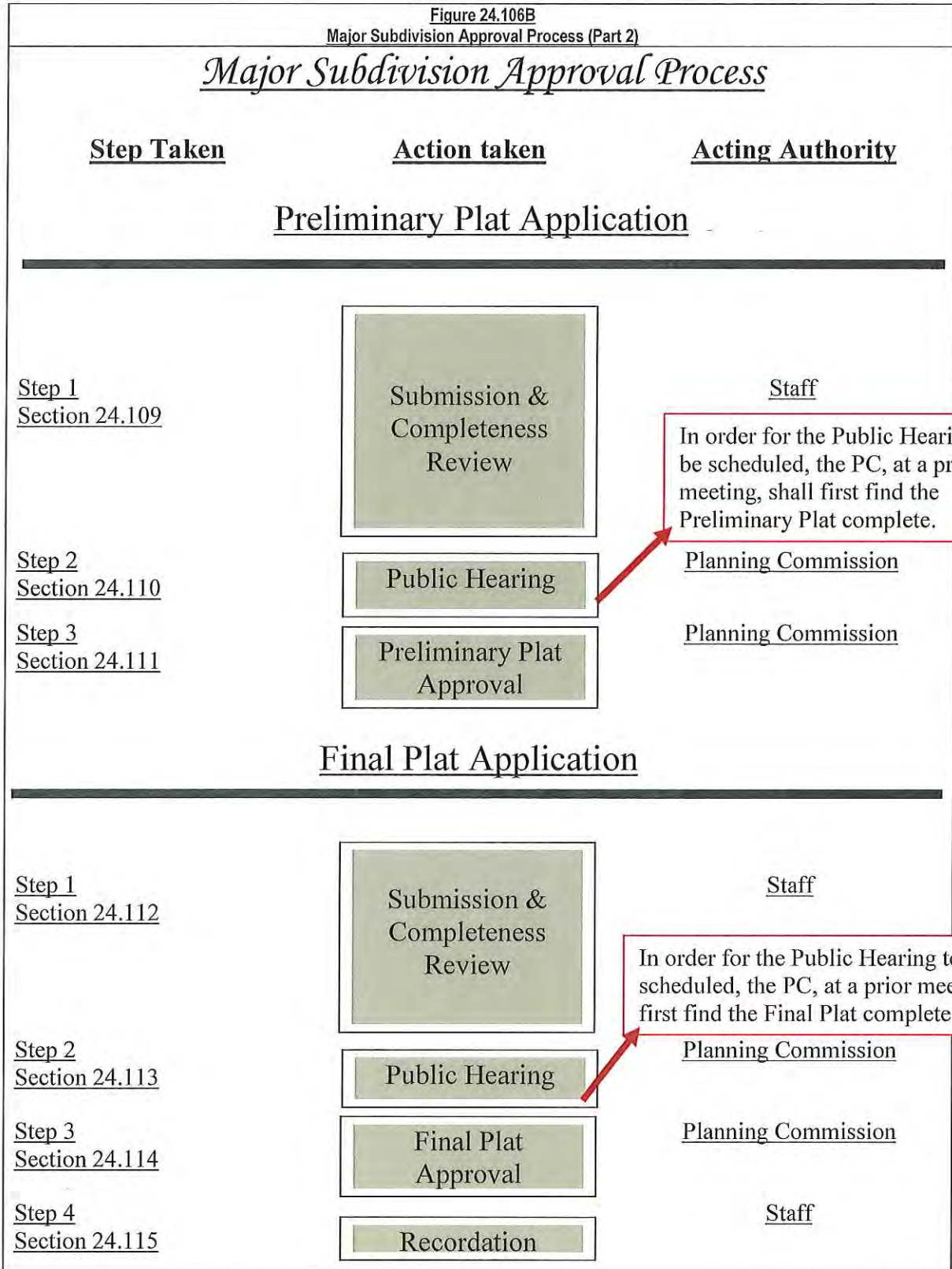
(f) Any subdivision or land development plan or plat, whether recorded or not yet recorded, valid under West Virginia law and outstanding as of January 1, 2010, shall remain valid until July 1, 2012, or such later date provided for by the terms of the planning commission or county commission's local 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.

# CURRENT Major Subdivision Process

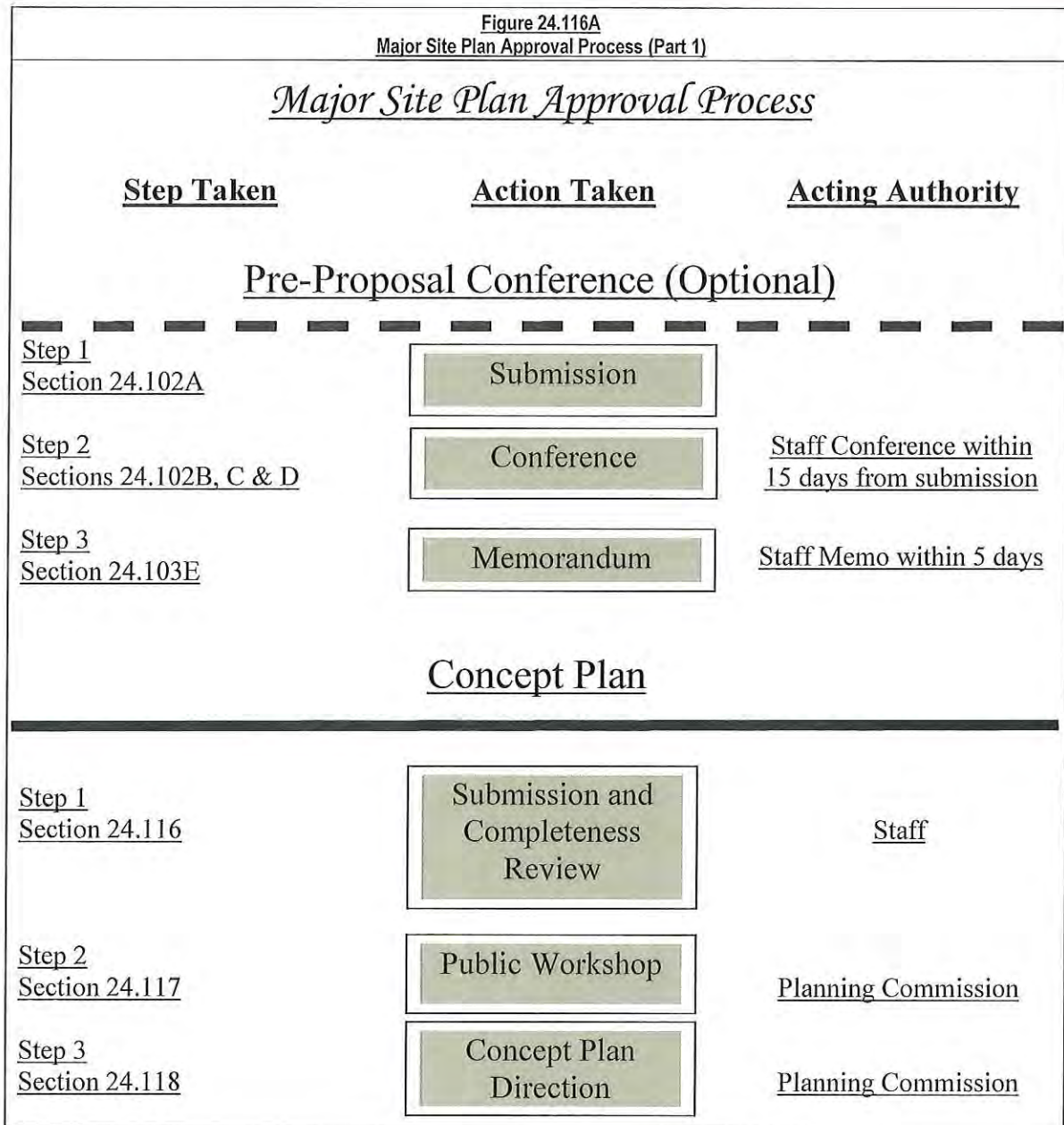


*(For major subdivision criteria see the definition, Subdivision, Major and Sec. 20.202, Major Subdivisions.)*

# CURRENT Major Subdivision Process

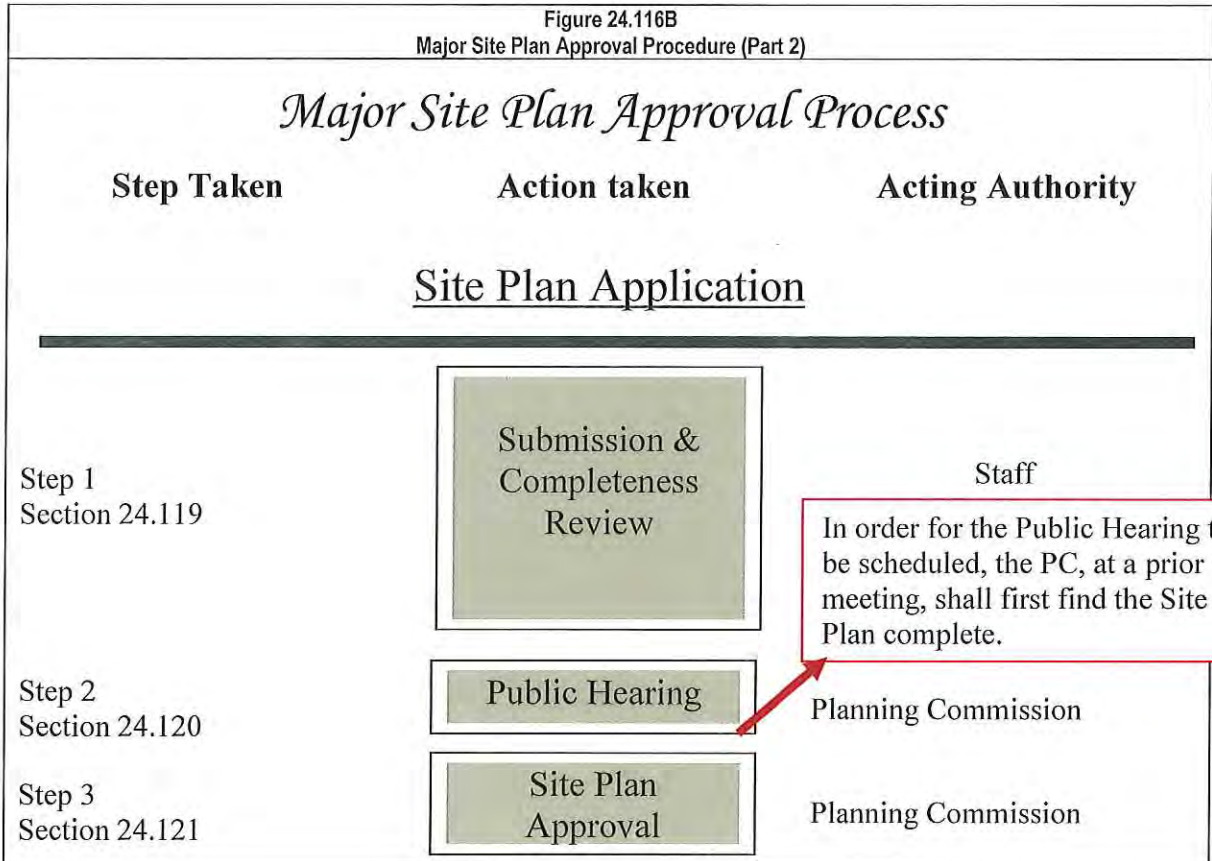


# CURRENT Major Subdivision Process

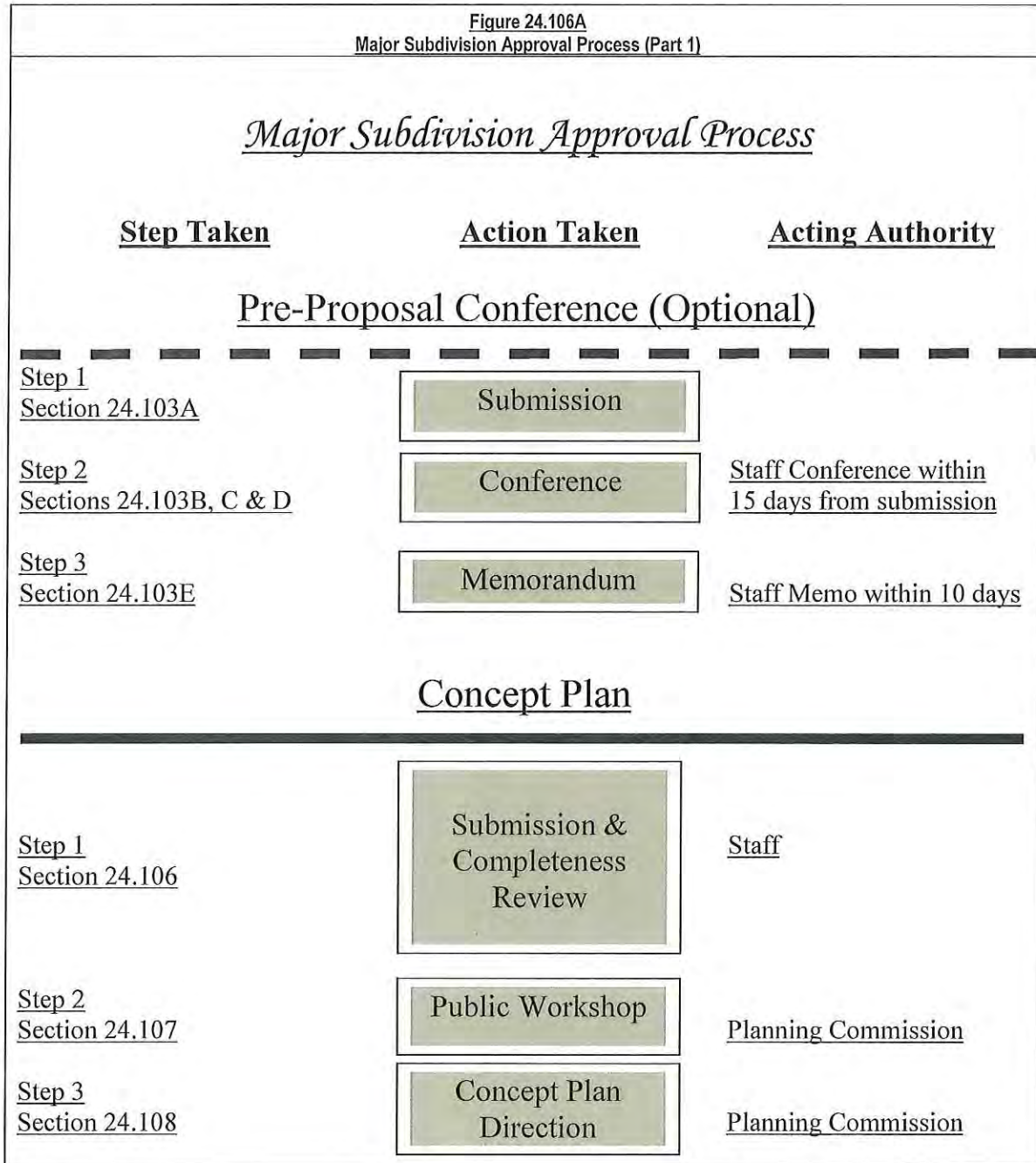


*(For major site plan criteria see the definition, Site Plan, Major and Sec. 20.204,  
Major Site Development.)*

# CURRENT Major Site Plan Process

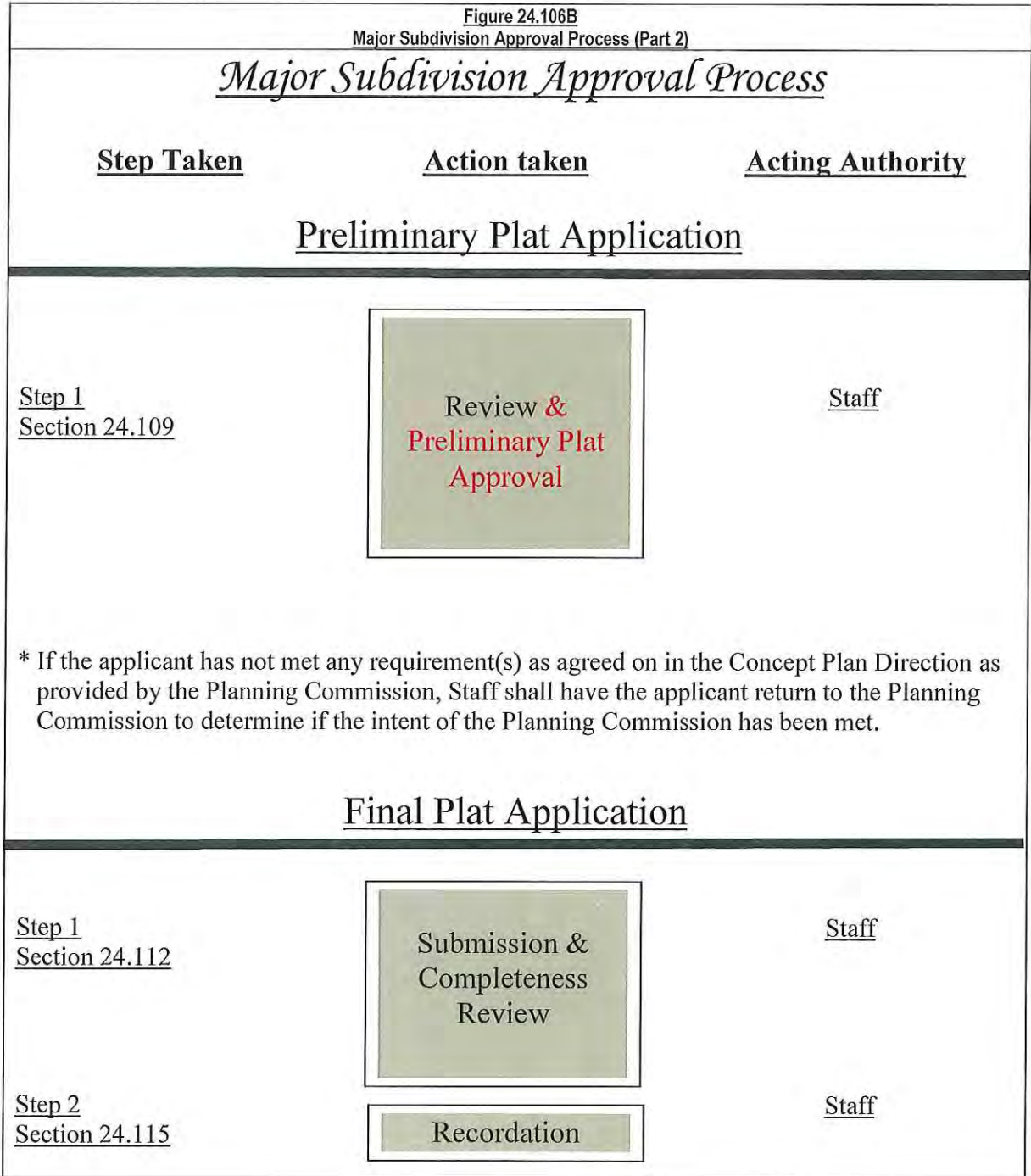


**PROPOSED**  
**Major Subdivision Process**



*(For major subdivision criteria see the definition, Subdivision, Major and Sec. 20.202, Major Subdivisions.)*

**PROPOSED**  
**Major Subdivision Process**



# PROPOSED Major Site Plan Process

| Figure 24.116A<br>Major Site Plan Approval Process (Part 1) |                                                                                                                                 |                                                                  |
|-------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| <i>Major Site Plan Approval Process</i>                     |                                                                                                                                 |                                                                  |
| <u>Step Taken</u>                                           | <u>Action Taken</u>                                                                                                             | <u>Acting Authority</u>                                          |
| <u>Pre-Proposal Conference (Optional)</u>                   |                                                                                                                                 |                                                                  |
| <u>Step 1</u><br><u>Section 24.102A</u>                     | <div style="border: 1px solid black; padding: 5px; background-color: #d3d3d3;">Submission</div>                                 |                                                                  |
| <u>Step 2</u><br><u>Sections 24.102B, C &amp; D</u>         | <div style="border: 1px solid black; padding: 5px; background-color: #d3d3d3;">Conference</div>                                 | <u>Staff Conference within</u><br><u>15 days from submission</u> |
| <u>Step 3</u><br><u>Section 24.103E</u>                     | <div style="border: 1px solid black; padding: 5px; background-color: #d3d3d3;">Memorandum</div>                                 | <u>Staff Memo within 5 days</u>                                  |
| <u>Concept Plan</u>                                         |                                                                                                                                 |                                                                  |
| <u>Step 1</u><br><u>Section 24.116</u>                      | <div style="border: 1px solid black; padding: 5px; background-color: #d3d3d3;">Submission and<br/>Completeness<br/>Review</div> | <u>Staff</u>                                                     |
| <u>Step 2</u><br><u>Section 24.117</u>                      | <div style="border: 1px solid black; padding: 5px; background-color: #d3d3d3;">Public Workshop</div>                            | <u>Planning Commission</u>                                       |
| <u>Step 3</u><br><u>Section 24.118</u>                      | <div style="border: 1px solid black; padding: 5px; background-color: #d3d3d3;">Concept Plan<br/>Direction</div>                 | <u>Planning Commission</u>                                       |

*(For major site plan criteria see the definition, Site Plan, Major and Sec. 20.204, Major Site Development.)*

# PROPOSED Major Site Plan Process

Figure 24.116B  
Major Site Plan Approval Procedure (Part 2)

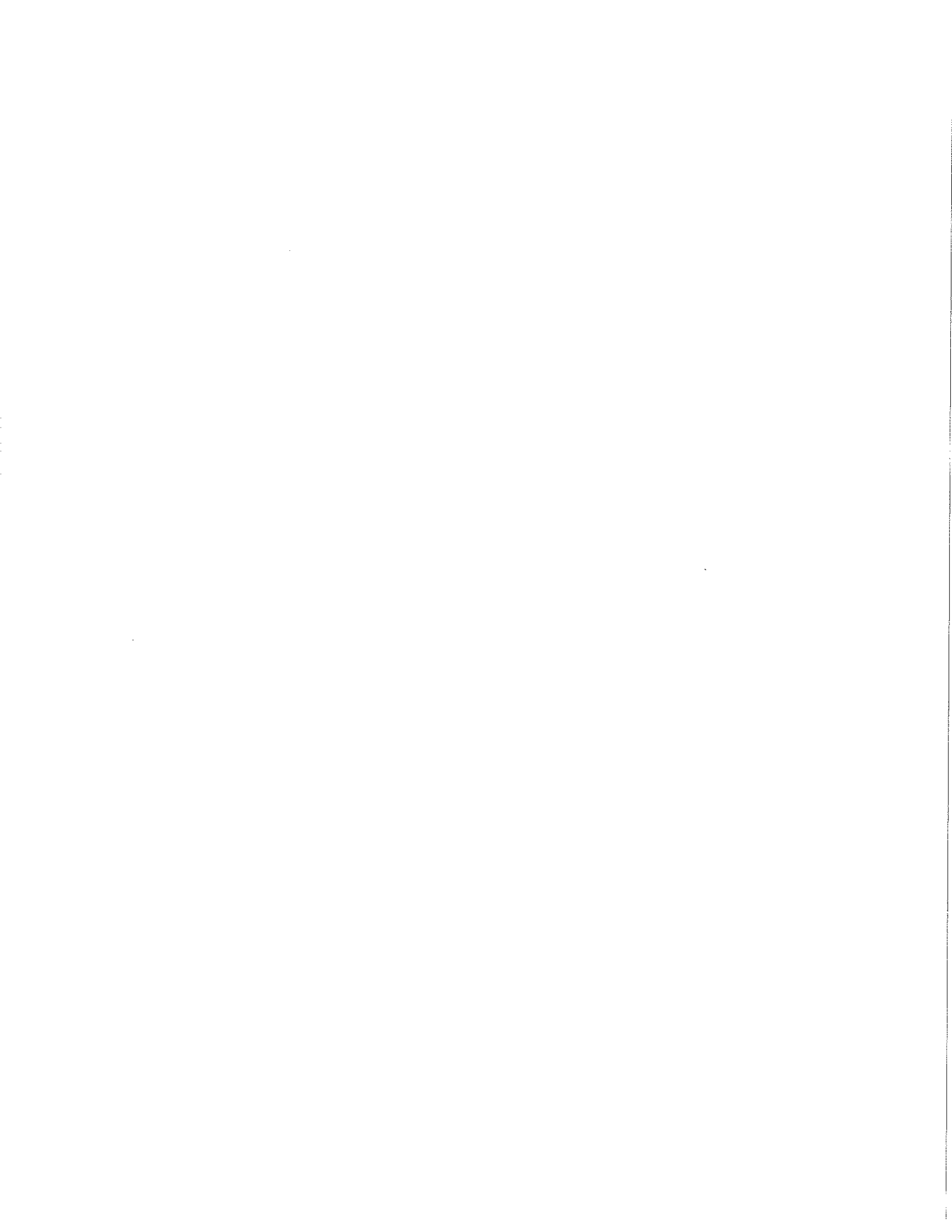
## *Major Site Plan Approval Process*

| Step Taken | Action taken | Acting Authority |
|------------|--------------|------------------|
|------------|--------------|------------------|

### Site Plan Application

|                          |                                                                                                                                                                    |       |
|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| Step 1<br>Section 24.119 | <div style="border: 1px solid black; padding: 10px; width: fit-content; margin: 0 auto;"> <p style="margin: 0;">Review &amp;<br/>Site Plan<br/>Approval</p> </div> | Staff |
|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|

\*If the applicant has not met any requirement(s) as agreed on in the Concept Plan Direction as provided by the Planning Commission, Staff shall have the applicant return to the Planning Commission to determine if the intent of the Planning Commission has been met.



Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

## AGENDA REQUEST FORM

Name: Todd Fagan

Department or Entity: GIS/Addressing

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: October 31, 2013

Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

If a specific date is needed, please provide reason for specific date: **It's best to have this application approved and mailed long prior to November 7<sup>th</sup>, which is the last possible date prior to grant submission deadline.**

Subject: **County application for grant funding under the West Virginia Assistance Grants Program (WVTAGP) and WV Broadband Mapping Program (WVBMP).**

Please provide the County Commission with a description of your request or presentation, including any background information:

County staff is near selection of vendors to provide document scanning and electronic content management systems in order to better serve the public, reduce staff research time, and increase overall efficiency. The ultimate goal is an online records portal so staff and public may access permits and land development records. This 2<sup>nd</sup> round of grant funding provides an opportunity to support a secondary phase, which is additional digitization of existing paper records.

The WVTAGP has made funds available through the WV Broadband Mapping Program with one primary objective being to facilitate projects like ours. Among their stated goals are to enable adoption of online records management applications and foster e-Government solutions at the local government level. Providing citizen access to Jefferson County records and applications via the internet will promote the use of broadband technologies and achieve the WVTAGP's goals.

The County's application will request funding to continue digitizing our existing paper archives in preparation for import into our upcoming internet-based Land Records Management System. Staff will present the application, provide background and field Commission questions. The deadline for submission is November 8<sup>th</sup>, 2013. If approved, signatures are required immediately for inclusion in the mailed materials.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Move to approve the grant application as presented, request \$30,000 in WVTAGP funds and pledge the requisite matching County funds of \$5000 to support digital archive and e-Government access to County land development records.**

Attachments: **Grant Application**

## Application Checklist

The following must be completed and returned to WVGES by November 8, 2013

| FORM                                   | COMPLETED | WVGES USE ONLY |
|----------------------------------------|-----------|----------------|
| Form SBDD-1<br>Project Cover Sheet     | ✓         |                |
| Form SBDD-2<br>Certification Statement | ✓         |                |
| Form SBDD-3<br>Program Alignment       | ✓         |                |
| Form SBDD-4<br>Project Proposal        | ✓         |                |
| Form SBDD-5<br>Project Milestones      | ✓         |                |
| Form SBDD-6<br>Project Budget          | ✓         |                |
| <b>7.5% MATCH</b>                      | ✓         |                |
| Form SBDD-7<br>Coalition Statement     | ✓         |                |

Form SBDD-1

**West Virginia Technical Assistance Broadband Grant Program  
Project Cover Sheet**

|                                                                                         |                                           |
|-----------------------------------------------------------------------------------------|-------------------------------------------|
| Project Title: Jefferson County (WV) Public Records Digitization and Archive – Phase II | Applicant:<br>Jefferson County Commission |
|-----------------------------------------------------------------------------------------|-------------------------------------------|

**Sub-Recipient Information**

|                                   |                             |
|-----------------------------------|-----------------------------|
| Name: Jefferson County Commission | Address: PO Box 250         |
| FEIN #: 55-6000333                | DUNS #: 07-741-4548         |
| City: Charles Town                | State: West Virginia        |
| Zip: 25414                        | Amount of Request: \$30,000 |

|                                     |                                     |
|-------------------------------------|-------------------------------------|
| Principal Contact: Todd Fagan       | Technical Contact: Todd Fagan       |
| Phone: 304-728-6679                 | Phone: 304-728-6679                 |
| Email: tfagan@jeffersoncountywv.org | Email: tfagan@jeffersoncountywv.org |

|                                        |                                      |
|----------------------------------------|--------------------------------------|
| Administrative Contact: Sandy McDonald | Accounting Contact: Vivian Fields    |
| Phone: 304-728-3282                    | Phone: 304-728-3208                  |
| Email: sandy@jeffersoncountywv.org     | Email: vfields@jeffersoncountywv.org |

|                                                                                                                                              |            |           |
|----------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|
| Do you have any previous grant-funded project management experience?                                                                         | <b>YES</b> | <b>NO</b> |
| If yes, briefly describe: We are currently finishing two similar projects that were partially funded from the first round of WVTABGP grants. |            |           |

**WVGES USE ONLY**

|                         |              |
|-------------------------|--------------|
| Amount Approved:        | Sub-Award #: |
| Congressional District: | County:      |

**West Virginia Technical Assistance Broadband Grant Program  
Certification Statement**

|                                                                              |                                        |
|------------------------------------------------------------------------------|----------------------------------------|
| Project Title: Jefferson County Public Land Records Digitization and Archive | Applicant: Jefferson County Commission |
|------------------------------------------------------------------------------|----------------------------------------|

1. I hereby certify that the proposed project is designed to address one or more of the objectives listed in the West Virginia Technical Assistance Broadband Grant application.
2. I hereby certify that no resources obtained under this grant shall be utilized for any purposes other than those necessary to achieve the goals and milestones stated in this proposal.
3. I understand that all funds must be expended within the performance period. I understand that upon grant award, my organization will register with the State of West Virginia as a vendor, and be responsible for financial reporting, in accordance with guidelines set forth in the West Virginia Broadband Grant Application package.
4. I hereby certify that this program will be administered in accordance with the policies and regulations of the American Recovery and Reinvestment Act of 2009.

Dale Manuel

\_\_\_\_\_  
Print Name of Authorizing Official

\_\_\_\_\_  
Signature of Authorizing Official

County Commission President

\_\_\_\_\_  
Title of Authorizing Official

\_\_\_\_\_  
Date

**West Virginia Technical Assistance Broadband Grant Program  
Program Alignment**

|                                                                              |                                        |
|------------------------------------------------------------------------------|----------------------------------------|
| Project Title: Jefferson County Public Land Records Digitization and Archive | Applicant: Jefferson County Commission |
|------------------------------------------------------------------------------|----------------------------------------|

In this section, provide each broadband objective (listed below) that will be addressed by the proposed project, along with barrier(s) to adoption and beneficiaries of the project. Space is provided for projects addressing multiple objectives and beneficiaries.

**Technical Assistance Objectives:**

1. To develop training classes to encourage broadband use in a specific sector(s).
2. To create broadband internet applications that enhance broadband usage for any of the sectors identified in Section 1-1 of this NOFA.
3. To establish broadband internet access programs in areas of the State that are un-served and under-served to better facilitate broadband access to education, health care, e-government, libraries, law enforcement, employment opportunities, and economic development.
4. To facilitate information exchange between public and private users in one of the identified sectors found in Section 1-1 of this NOFA.
5. To perform broadband internet education and awareness for a broadband application in any of the sectors identified on page 5 of this NOFA.

| Objective Number | Sector           | Barrier                                                                                                                                                                                    | Beneficiary                                                      |
|------------------|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| 2, 3 and 4       | Local Government | Provide on-line public access to digitized archive of land development records, application/review process and related public documents indexed in an enterprise content management system | Public (FOIA), Developers, Real Estate, Businesses, County staff |

## Project Proposal

|                                                                      |                                        |
|----------------------------------------------------------------------|----------------------------------------|
| Project Title: Jefferson County Public Land Digitization and Archive | Applicant: Jefferson County Commission |
|----------------------------------------------------------------------|----------------------------------------|

### Geographic Range:

In this section provide the precise geographic range of your proposed project by listing the cities and counties in which the project will take place.

**These government records principally cover all unincorporated areas under Jefferson County's jurisdiction. In some cases, like addressing, these records apply to each of the municipalities as well (Charles Town, Ranson, Shepherdstown, Bolivar and Harpers Ferry)**

### Project Proposal Statement:

In this section list the sector(s) that your project seeks to support, identify the specific barrier(s) or obstacle(s) that exists in the target sector, how your project will address the barrier(s), and the specific beneficiaries of your project. Please limit this to no more than 5 pages in Arial 11-point font.

#### (1) Program Goals Alignment (50 points):

Jefferson County wishes to continue scanning, classifying, indexing and archiving all existing and future public records into a data sharing system that incorporates linked workflows, searchable databases and document retrieval among multiple departments and the public. Jefferson County is uniquely positioned to take full advantage of Round 2 funding due to demonstrated successes in Round 1 projects: Jefferson County (WV) Online Public Land Records Management System and Public Land Records Digitization and Archive. Altogether they provide both content and access to an Online Content Management System. All of these projects represent a significant local investment in online access to public records. Including Round 2's proposed cash match, Jefferson County will have invested an additional \$215,000 to provide content and internet access to staff and the public.

This project aligns most closely with program goals to increase efficiency and broadband use of records management applications in the local government sector.

Any Records Management System requires content. Without scanning existing paper document archives, the Content Management System will only access information from present day forward. To prepare for the upcoming implementation, the County must scan and

index an estimated 1.5 million hardcopy documents, including maps, plats, drawings, permits, certificates, applications, inspection reports, bonding agreements, violations, memos, photos, complaints and related correspondence. These large and small format paper files comprise the existing land development document archives for the local Health Department and three County Commission departments, Planning & Zoning, Engineering, and GIS/Addressing.

(2) Project Methodology (50 points):

Paper limits the staff and public's ability to accurately and completely research the actual history of a subdivision, parcel, structure or address. This limitation leads to gaps in knowledge exposing the County to mistakes and liabilities. Freedom of Information Act (FOIA) requests can take many hours or days of staff time. Important data can be lost or misfiled in paper-only systems. To better ensure government transparency, compliance and public access, all records, files and documents should be digitally reproduced, archived according to State Code and accessed in a content management system.

The principle barrier in paper document archives is citizen and staff access. Digitization will alleviate the inaccessibility of files sequestered in file cabinets and basement storage rooms. Digital backups also alleviate the risk of loss or damage to these paper records.

Local officials have discussed digital archiving as an e-Gov solution for some time. Paper documents are inefficient and difficult to access. Our single project goal is to transfer this valuable historic data to a digital format suitable for indexing in a searchable database for both County staff and the public.

Estimates to scan and index all of these documents have reached up to \$150,000. A grant award of \$30,000 will significantly alleviate the burden on Jefferson County and its taxpayers to fund the entire project and will greatly increase the likelihood of project completion sooner rather than later in our County's strategic plan.

Milestones in this project are straightforward; 1. Scan and digitize selected paper documents, 2. Create key indices and metadata for records, 3. Employ Optical Character Recognition (OCR) techniques where free-text searching is necessary, 4. County staff Quality Assurance (QA) reviews, 5. Backup digital records for redundant, offsite archive, 6. Prepare digital files for integration into Content Management System.

(3) Projected Outcomes (40 points):

The primary outcome for this project is to produce digital copies of our existing paper records. Industry standards allow no more than 2.5% loss of data quality or quantity. Our requirements will exceed that minimum standard. Measurement of benefits can be obtained through QA controls throughout the contract process. Staff will control keyword and search criteria to insure accurate and efficient indexing of records. Metrics to demonstrate value and benefit to the community come later through usage and performance of the Content Management System. Some applications have reporting tools to reveal search times and completeness. Staff will conduct a full Return on Investment analysis following a specified period of usage, perhaps as early as 6 months to one year into implementation.

(4) Community Impact (40 points):

The primary benefit to local government and citizens comes from vastly improved, online access to public records. This access leads to improvements in efficiency throughout government services like land development applications, building permits, zoning reviews, address assignment and general research requests.

Aside from online access to digital records, there is the added benefit of a permanent archive that is better protected from loss due to hazards such as floods, fire and age deterioration. Currently, these public records are at risk and must be preserved digitally to avoid liability. Scanning and archiving will comply with all applicable State document retention policies and laws.

Other benefits include reduced space needs for storage of paper. Jefferson County's estimated storage space for existing land development records and filing cabinets is 1200 square feet or roughly the equivalent of 5 to 8 offices.

If successful, grant funds used for digitizing of paper records will be leveraged to maximize our investment in an online content management system accessible by staff and public to research land development history and streamline future application and review processes.

(5) Partnerships (20 points):

The participating departments under the Jefferson County Commission have a collaborative, cost-sharing partnership with the State Public Health Department. These agencies are intrinsically involved in land development processes.

(6) 7.5% Match Requirement:

Jefferson County will provide a 16.6% cash match (\$5000) as specified.

Form SBDD-5

**West Virginia Technical Assistance Broadband Grant Program  
Project Milestones**

|                                                                              |                                        |
|------------------------------------------------------------------------------|----------------------------------------|
| Project Title: Jefferson County Public Land Records Digitization and Archive | Applicant: Jefferson County Commission |
|------------------------------------------------------------------------------|----------------------------------------|

Provide a list of project milestones, with associated costs and timelines for each from program inception to conclusion.

**Project Milestones:**

| Milestone                                                                                        | Begin & End Dates                 | Cost                   |
|--------------------------------------------------------------------------------------------------|-----------------------------------|------------------------|
| Contract Award under previous Grant Project G1300019                                             | November 22, 2013                 | N/A                    |
| Pickup, Scan, Index, OCR, QC, Return Equivalent of 23,000 letter-sized documents (Deliverable 1) | March 31, 2014<br>April 15, 2014  | \$10,000               |
| Pickup, Scan, Index, OCR, QC, Return Equivalent of 23,000 letter-sized documents (Deliverable 2) | April 16, 2014 to<br>May 15, 2014 | \$10,000               |
| Pickup, Scan, Index, OCR, QC, Return Equivalent of 23,000 letter-sized documents (Deliverable 3) | May 16, 2014 to<br>June 15, 2014  | \$10,000               |
| Pickup, Scan, Index, OCR, QC, Return Equivalent of 23,000 letter-sized documents (Deliverable 4) | June 15, 2014 to<br>June 30, 2014 | \$5000                 |
| Project Completion Date                                                                          | July 1, 2014                      | Total Cost<br>\$35,000 |

## Project Budget

|                                                                              |                                        |
|------------------------------------------------------------------------------|----------------------------------------|
| Project Title: Jefferson County Public Land Records Digitization and Archive | Applicant: Jefferson County Commission |
|------------------------------------------------------------------------------|----------------------------------------|

| General Information                                    |                                                               |                  |          |
|--------------------------------------------------------|---------------------------------------------------------------|------------------|----------|
| 1. Grantee Name:                                       | Jefferson County Commission                                   |                  |          |
| 2. Preparers Name and Title:                           | Todd Fagan – GIS Director                                     |                  |          |
| 3. Project Name:                                       | Jefferson County Public Land Records Digitization and Archive | 4. Date:         | 10/31/13 |
| Boxes 5- 8 are to be completed by WV Geological Survey |                                                               |                  |          |
| 5. Grant Agreement Number:                             |                                                               | 6. Grant Amount: |          |
| 7. Period of Grant:                                    |                                                               | 8. Match Amount: |          |

**A. Personnel: (includes salary and benefits)**

| Position               | Salary/Rate | Grant Request | In Kind Match | Cash Match | Total Cost |
|------------------------|-------------|---------------|---------------|------------|------------|
| 1.                     |             | N/A           |               |            |            |
| <b>PERSONNEL TOTAL</b> |             |               |               |            | N/A        |

**B. Contractor Salaries:**

| Name/Service            | Contract Payment | Grant Request | In Kind Match | Cash Match | Total Cost |
|-------------------------|------------------|---------------|---------------|------------|------------|
| 1. Scanning Contractor  |                  | \$30,000      |               | \$5000     | \$35,000   |
| <b>CONTRACTOR TOTAL</b> |                  | \$30,000      |               | \$5000     | \$35,000   |

**C. Office Supplies:**

| Item                         | Grant Request | In Kind Match | Cash Match | Total Cost |
|------------------------------|---------------|---------------|------------|------------|
| 1.                           | N/A           |               |            |            |
| <b>OFFICE SUPPLIES TOTAL</b> |               |               |            | <b>N/A</b> |

**D. Office Equipment:**

| Item                           | Grant Request | In Kind Match | Cash Match | Total Cost |
|--------------------------------|---------------|---------------|------------|------------|
| 1.                             | N/A           |               |            |            |
| <b>OFFICE EQUIPMENT TOTALS</b> |               |               |            | <b>N/A</b> |

**E. Other:**

| Item                                 | Grant Request | In Kind Match | Cash Match | Total Cost |
|--------------------------------------|---------------|---------------|------------|------------|
| 1. Travel (mileage/lodging/per diem) | N/A           |               |            |            |
| 2. Computer Hardware                 | N/A           |               |            |            |
| 3. Computer Software                 | N/A           |               |            |            |
| 4. Hospitality                       | N/A           |               |            |            |
| 5. Facility Space                    | N/A           |               |            |            |
| 6.                                   | N/A           |               |            |            |
| <b>OTHER TOTALS</b>                  |               |               |            | <b>N/A</b> |

**BUDGET SUMMARY**

When you have completed the budget worksheets, verify the totals transferred for each category to the spaces below.

| Budget Summary       | Amount          |
|----------------------|-----------------|
| A. Personnel         | 0               |
| B. Contractor        | \$35,000        |
| C. Office Supplies   | 0               |
| D. Office Equipment  | 0               |
| E. Other             | 0               |
| <b>Total Cost:</b>   | <b>\$35,000</b> |
| Breakdown of Costs   |                 |
| Total Grant Request: | \$30,000        |
| Total In Kind Match  | 0               |
| Total Cash Match:    | \$5,000         |

Total **\$35,000**

Grantee's Signature: \_\_\_\_\_

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

WVGES Approval Signature: \_\_\_\_\_

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

**SBDD-7**

**West Virginia Technical Assistance Broadband Grant Program**

**Coalition Statement**

|                                                                              |                                        |
|------------------------------------------------------------------------------|----------------------------------------|
| Project Title: Jefferson County Public Land Records Digitization and Archive | Applicant: Jefferson County Commission |
|------------------------------------------------------------------------------|----------------------------------------|

Jefferson County Commission is the primary recipient of this proposed grant. Three departments (Planning & Zoning, Engineering, GIS/Addressing) are partnering with the local Board of Health to share the funding that will provide document scanning, indexing and archive services. Each coalition member has similar responsibilities to identify priority hard copy documents for scanning, QA the electronic deliverables for visual clarity and indexing, and import digital documents into the shared online Content Management System. Project funds will be disbursed by the Commission's Project Manager equally among coalition participants. Under this proposal, no further matching contributions are required of the Board of Health, Planning & Zoning, or Engineering. The Project Manager (GIS/Addressing Director) will manage Commission funds and grant reporting.

Director of Planning & Zoning:

Date:

\_\_\_\_\_

\_\_\_\_\_

Director of Engineering:

Date:

\_\_\_\_\_

\_\_\_\_\_

Director of GIS/Addressing:

Date:

\_\_\_\_\_

\_\_\_\_\_

Board of Health Member:

Date:

\_\_\_\_\_

\_\_\_\_\_



AGENDA REQUEST FORM

www.leffersoncountywv.org



Name: CAROLYN ZDZIERA

Department or Organization: Community Alternatives to Violence

Estimation of amount of time needed for appointment: 10 min.

Date Requested - 1<sup>st</sup> Choice: 10/24, as early in morning as possible

Date Requested - 2<sup>nd</sup> Choice: 10/31/13

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

I am having an event on 10/31 which I need to attend, so 10/24 AM is the only date which will work.

Subject (Wording to be placed on agenda):

Proclamation to recognize Domestic Violence Awareness mo.

Please provide the County Commission with a description of your request or presentation, including any background information:

October is Domestic Violence Awareness month. We would like a proclamation by the Commission to recognize this.

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

We proclaim October, 2013 as Domestic Violence Awareness Month

Are documents attachments? Yes  No

If not, explain:

Is a projector needed? Yes  No

Contact information:

Email address: CZdziera@msn.com

Phone number: 304-262-4424

## PROCLAMATION

### DOMESTIC VIOLENCE AWARENESS MONTH

**WHEREAS;** The family is the foundation of a safe and healthy community. It is a goal of this administration for our community in Jefferson County to be safe;

**WHEREAS;** The problem of domestic violence affects all citizens of Jefferson County and crosses racial, social, religious, ethnic, geographic, and economic groups;

**WHEREAS;** 12,661 domestic violence cases were reported to law enforcement in West Virginia in 2010, according to the West Virginia Coalition Against Domestic Violence;

**WHEREAS;** Domestic violence accounts for 22% of the violent crimes experienced by women in the United States;

**WHEREAS;** 14,880 domestic violence cases were filed in West Virginia Family Court in 2010;

**WHEREAS;** Domestic violence is widespread, including one in three Americans who have witnessed an incident of domestic violence and with an annual cost to U.S. companies of \$3.5 billion in lost work time, increased health care costs, higher turnover, and lower productivity;

**NOW, THEREFORE;** In recognition of the impact that domestic violence has on the health and well-being of our community in Jefferson County, we, the Commissioners of Jefferson County, West Virginia, do hereby proclaim October 2013 as Domestic Violence Awareness Month;

**FURTHER,** we reaffirm the commitment of Jefferson County to reducing violence in our homes, as well as on our streets. We urge all citizens to participate in the activities planned by community organizations during this month. Citizens should also take this opportunity to educate themselves about the impact of domestic violence in Jefferson County and to become familiar with resources and programs available. This month let us remember the victims of domestic violence, celebrate the survivors, expose abusers and work together to eliminate violence against women and children from our community.

\_\_\_\_\_  
Dale Manuel, President

\_\_\_\_\_  
Walt Pellish, Commissioner

\_\_\_\_\_  
Patricia Noland, Commissioner

\_\_\_\_\_  
Jane Tabb, Commissioner

\_\_\_\_\_  
Lyn Widmyer, Commissioner

Project

Team Leader

Deadline

Update

In-Progress ; Completed

Commissioner's Top Project Listing

|                                                                                                                                                                                                                   |                                                                                            |                       |                                                                                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>GIS Content Management System:</b><br/> --Presentation to Commission to present project, costs, and benefit analysis in preparation for next year's budget.</p>                                             | <p>Leader: Todd Fagan</p>                                                                  | <p>May 30, 2012</p>   | <p>Completed presentation. Applied for grants. RFP out to bid.<br/> DOC MANG.<br/> JC1302<br/> 24642504460000GG000</p>                                 |
| <p>Research, determine needs analysis, costs and make recommendation for new telephone system for the County</p>                                                                                                  | <p>Leader: Bill Polk</p>                                                                   |                       | <p>Internal fiber/cables structure almost complete. Phone implementation July, 2013.</p>                                                               |
| <p><b>IT Needs:</b><br/> Determine IT needs within the County. Provide recommendation for in-house or contract services, associated costs and plan of action.</p>                                                 | <p>Leader: Keyser and McDonald</p>                                                         | <p>June 30, 2013</p>  | <p>System upgrades being completed by Accurate Systems/Voip and SSI by year-end. \$48k SSI; IT Update<br/> Project #JC428 - Long Term Plan Pending</p> |
| <p><b>OPEB Actuarial Study:</b><br/> RFP to be completed and bids returned for Commission consideration.</p>                                                                                                      | <p>Leader: Debbie Keyser</p>                                                               | <p>Dec. 2013</p>      |                                                                                                                                                        |
| <p><b>Income Replacement:</b><br/> Review County's options to provide employees with short term disability and long term disability options, the costs, vendor comparison and date to implement, if approved.</p> | <p>Leader: Debbie Keyser<br/> Team Members: Sally Gran</p>                                 | <p>Sept. 30, 2012</p> | <p>Oct., 2012</p>                                                                                                                                      |
| <p><b>Move AS400:</b><br/> Move AS400 from Hunter Building to Mason Building to protect equipment</p>                                                                                                             | <p>Team Leader: Bill Polk<br/> Members: Charlotte Hernandez, SSI, and Accurate Systems</p> | <p>Sept. 30, 2012</p> | <p>AS400 being moved 6/2013 with installation of Voip.</p>                                                                                             |

## Project

## Team Leader

## Deadline

## Update

| Project                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Team Leader                                                           | Deadline      | Update                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|---------------|------------------------------------------------------------------------------------------------------|
| <b>CAD System:</b><br>Develop RFP for a Computer Aided Dispatch System to provide complete data to those responding to 911 calls. RFP should include estimated costs for budget planning.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Leader: Jeff Polczynski                                               | Oct. 30, 2012 | Vendor Selected and approved. Contract pending.<br>PROJECT#<br>CAD<br>JC 1301<br>24642504460000GG000 |
| <b>Space Needs Study:</b><br>Provide inventory of all square footage of office space owned/leased/occupied by County gov't and affiliated agencies; Include:<br>--Purchase of the Briel Building<br>--Renovation of Animal Control<br>--Cost Estimates for Judicial Center for Circuit Clerk; Bond or No Bond?<br>--Court House space needs<br>--Tax Office Work Stations & Storage<br>--Utilize other outside resources as needed<br>--Allow for privacy of citizens to discuss personal issues<br>--Central heat and air condition unit for Hunter bldg.<br>--Meeting Hall for citizens/Commission<br>--Avoid damage to historical buildings<br>Provide a 3 year plan for the use, renovation, sale and upkeep of all buildings to ensure the County is fully utilizing its spaces and dollars for County employment.<br>Determine space needs for new Drug Court due 2016. | Leader: Debbie Keyser and Bill Polk;<br>Add Tim Stanton when on-board |               |                                                                                                      |
| Develop a user-friendly citizen's budget for the website for 2013/2014                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Leader: Tim Stanton                                                   |               | December, 2013                                                                                       |
| Develop a bidding contract policy based on state code                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Leader: Debbie Keyser                                                 |               | One was developed. In policy packet but legislation just changed and needs to be revised             |
| Establish a date for First Annual Economic Outlook for Jefferson County                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Leader: John Reisenweber                                              |               | June 30, 2013                                                                                        |
| Schedule two more "Meet your Commissioner" events prior to fiscal year-end based on each Commissioner's region.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Leader: Keyser<br>Jane: Black Dog<br>Walt: Morgan Grove Park          |               | Morgan Grove Park;<br>July 18 - 5:00 - 7:00 p.m.                                                     |

## Project

## Team Leader

## Deadline

## Update

| Project                                                                                                                       | Team Leader                                                                   | Deadline             | Update                                                            |
|-------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|----------------------|-------------------------------------------------------------------|
| Receive report from CVB on ROI for our \$150k investment                                                                      | Leader: Keyser                                                                | Nov. 2013            | Completed at Commissioner meeting by new Director - Annette Gavin |
| Review Planning & Zoning processes to ensure good customer service to public; Update on smaller scale signs for business      | Leader: Jennie Brockman                                                       | Jan. 2014            |                                                                   |
| Continue to completion on Hite Road Project                                                                                   | Leader: Jennifer Myers; Hired Project Leader                                  | Jun. 2014            |                                                                   |
| Develop Compensation Team to address compensation issues.                                                                     | Leader: Keyser<br>Members: McDonald, Goodwin, Polk and Banks                  | Implement 7-1-2013   |                                                                   |
| Develop Phone Metrics to determine improved effectiveness, efficiency and cost savings                                        | Leader: Bill Polk<br>Members: L. Kuhn, C. Hernandez, Keyser                   | Dec. 2013            |                                                                   |
| Hire a Financial Director                                                                                                     | Leader: Keyser                                                                | Oct. 2013            |                                                                   |
| New central heat and air conditioning. Stair replacement, and maintenance to floor.                                           | Leader: Bill Polk                                                             | Need estimated costs |                                                                   |
| Determine end-of-year carry over for FY2013 and decide on Rainy Day Fund.                                                     | Leader: Tim Stanton                                                           | July, 2013           |                                                                   |
| Devise a plan to create methodology and provide staff & space for the Ambulance Fee collection.                               | Leader: Tim Stanton                                                           | April, 2014          |                                                                   |
|                                                                                                                               |                                                                               |                      |                                                                   |
| Completed 2012-2013:                                                                                                          |                                                                               |                      |                                                                   |
| Hire a County Administrator:                                                                                                  | Leader: Patsy Noland<br>Member:<br>Commission<br>Members, Keyser and McDonald | June 30, 2012        | Completed                                                         |
| Impact Fees – Affordable Housing                                                                                              | Leader: Roger Goodwin                                                         | June 30, 2012        | Completed                                                         |
| Impact Fees:<br>--Ensure a long term plan is in place to protect Impact Fees<br>--Determine how to collect<br>--How to charge | Leader: Roger Goodwin and Stephanie Grove                                     |                      |                                                                   |

**Project                      Team Leader                      Deadline                      Update**

|                                                                                                                                                                                                                                                               |                                                                         |                |                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|----------------|----------------------------------------------------------|
| --Potential income<br>--Proposal due to Commission Oct, 2012                                                                                                                                                                                                  |                                                                         | Sept. 30, 2012 | Completed Oct., 2012                                     |
| CIP Presentation – Ensure it includes all potential capital projects.                                                                                                                                                                                         | Leader: Paul Shroyer                                                    | June 30, 2012  | July, 2012 Presentation made; Completed                  |
| Grant Policy:<br>Develop a policy to establish a standard process to ensure each grant is documented, checks are applied to the appropriate fund, expenditures go to the proper fund, and the County is currently meeting or can meet the Grant requirements. | Team Leader: Vivian Fields<br>Members: Teresa Hendricks, Sandy McDonald | Oct. 30, 2012  | Completed Nov., 2012                                     |
| Polling Assignment/Budget:<br>Determine needs and costs of machines to show polling assignment                                                                                                                                                                | Leader: Jennifer Maghan                                                 | July 30, 2012  | Completed a trail program Aug. 2012                      |
| Transportation Meeting with DOH to discuss/resolve two dangerous intersections. Cattail Lane and Top of Mountain/New Rt 9.                                                                                                                                    | Leader: Nichelle Hosby/Dale Manuel                                      |                | Completed.                                               |
| Develop budget which addresses decreases in revenue, 911 Fee structure, F&R. Fees, Rainy Day Fund, receive input from Dept. Heads.                                                                                                                            | Leader: Shroyer                                                         |                | Completed budget approved and submitted timely to State. |

| <b>Commissioner Long Term Projects:</b>                                          | <b>Team Leader/Members</b> | <b>Deadline</b> | <b>Comm Mtg</b> |
|----------------------------------------------------------------------------------|----------------------------|-----------------|-----------------|
| Tennis Bubble                                                                    | TBD                        | TBD             | TBD             |
| Public Indoor Swimming Facility                                                  | TBD                        | TBD             | TBD             |
| Public Transportation for Community to get to work without cars; MARC Train, etc | TBD                        | TBD             | TBD             |
| Local Drug Treatment Center                                                      | TBD                        | TBD             | TBD             |
|                                                                                  |                            |                 |                 |
|                                                                                  |                            |                 |                 |

Debbie Keyser is responsible for meeting with each team member to review their assignment and be the liaison between the team leader and the Commission to establish dates for the presentation to the Commissioners.

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Jessica Carroll

Department or Entity: Teen Court

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: October 31, 2013

Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

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

Subject: Teen Court Contract Extension

Please provide the County Commission with a description of your request or presentation, including any background information:

**Requesting the approval to extend the lease agreement between Teen Court and the Jefferson County Commission (use of the Smoot Building)**

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

**Move to approve the Teen Court Contract, which provides free use of the Jefferson County Commission's Smoot Building, to be extended from October 1, 2013 until (date to be decided by the Commission) and waive the \$800 fee.**

Attachments: Lease between the Jefferson County Commission and Teen Court

**LEASE**

**Jefferson County**

**Commission**

**And**

**Teen Court**

1. This Lease shall evidence the complete terms and conditions under which the parties whose signatures appear below have agreed. Landlord/Lessor/Agent, **JEFFERSON COUNTY COMMISSION** shall be referred to as "OWNER" and Tenant(s)/Lessee, United Way of Berkeley and Jefferson County for use by "Drug Free Berkeley and Jefferson County and Jefferson Prevention Group" shall be referred to as "Tenant" As consideration for this agreement, OWNER agrees to rent/lease to Tenant and Tenant agrees to rent/lease from OWNER for use solely meeting place for **Teen Court in conjunction with Drug Free Berkeley and Jefferson Prevention Group**, the premises located at "**The Smoot Building**" 114 E. Washington Street, Charles Town, Jefferson County, WV. **Owner retains use and possession of a file room as noted elsewhere herein.**

**TERMS:** Owner agrees, in consideration of other terms herein, to allow the Tenant to use the leased premises free of rental charge or a period of Four Months commencing June 1<sup>st</sup>, 2013 and ending with the Owner receiving occupancy on October 1<sup>st</sup>, 2013. This agreement shall NOT continue on a month-to-month tenancy unless both parties execute a separate additional written agreement. Continued occupancy beyond October 1<sup>st</sup>, 2013 without an additional written agreement shall constitute wrongful occupancy and the Tenant agrees that for the purposes of imposing damages for lost rental income during any wrongful occupation the fair market value of the premises is \$800 (eighty hundred dollars) which will be due and payable for any month or portion of a month in which a wrongful occupancy may occur.

**PAYMENTS:** During the four month occupancy period no rent is due.

**SECURITY DEPOSITS:** The total of the above deposits shall secure compliance with the terms and conditions of this agreement and shall be refunded to Tenant within n/a days after the premises have been completely vacated less any amount necessary to pay OWNER; a) any unpaid rent, b) cleaning costs, c) key replacement costs, d) cost for repair of damages to premises and/or common areas above ordinary wear and tear, and e) any other amount legally allowable under the terms of this agreement. A written accounting of said charges shall be presented to Tenant within 10 days of move-out. If deposits do not cover such costs and damages, the Tenant shall immediately pay said additional costs for damages to OWNER.

**UTILITIES:** During the four month rental term, the Owner shall provide ordinary and reasonable water, sewer and electrical service. In the event of any wrongful occupancy after the four month period, Tenant agrees to pay all such utilities and/or services based upon occupancy

of the premises. Other than water sewer and electrical services, the Tenant shall be responsible for all other utilities and services, including but not limited to, any cable television or phone services.

**OCCUPANTS/USE:** Teen court would have approximately 12 to 20 teens for a training session three times a week, usually in the evenings from 5:00 to 7:30 p.m. The Teen Court Director and an attorney (or another adult) would be present at all sessions for training the teens. The Teen Court works in conjunction with Drug Free Berkeley and Jefferson Prevention Group. The Drug Free Coordinator may also use the facility during the day as well as the Teen Court Coordinator. It is anticipated the building would be used 24 hours per week during the normal business working day.

**PETS:** No animal, fowl, fish, reptile, and/or pet of any kind shall be kept on or about the premises, for any amount of time, without obtaining the prior written consent and meeting the requirements of the OWNER. Such consent, if granted, shall be revocable at OWNER'S option upon giving a 30 day written notice. RESIDENT also agrees to carry insurance deemed appropriate by OWNER to cover possible liability and damages that may be caused by such animals.

**PARKING:** Owner is not obligated to provide any parking for any use associated with the premises. Users, customers and staff shall find on-street parking and may not use any private parking lot of the owner. However, after 5:00 pm and before 8:00 am staff of the Tenant may park otherwise unused marked non-handicapped spaces in the lot of the owner behind the premises. Such parking is solely at users own risk and may not interfere with owners use of said parking. Any car parked on owners private lot which is parked unlawfully, parked during normal business hours or parked at any time without valid registration is subject to towing at the owners expense.

**NOISE:** Tenant agrees not to cause or allow any noise or activity on the premises which might disturb the peace and quiet of another tenant, the owner and/or any neighbor. Said noise and/or activity shall be a breach of this agreement.

**DESTRUCTION OF PREMISES:** If the premises become totally or partially destroyed during the term of this Agreement so that Tenants use is seriously impaired, OWNER or Tenant may terminate this Agreement immediately upon three day written notice to the other.

**CONDITION OF PREMISES:** Tenant acknowledges that he has examined the premises and

that said premises, all furnishings, fixtures, furniture, plumbing, heating, electrical facilities, all items listed on the attached property condition checklist, if any, and/or all other items provided by OWNER are all clean, and in good satisfactory condition except as may be indicated elsewhere in this Agreement. Tenant agrees to keep the premises and all items in good order and good condition and to immediately pay for costs to repair and/or replace any portion of the above damaged by Tenant, his guests and/or invitees, except as provided by law. At the termination of this Agreement, all of above items in this provision shall be returned to OWNER in clean and good condition except for reasonable wear and tear and the premises shall be free of all personal property and trash not belonging to OWNER. It is agreed that all dirt, holes, tears, burns, and stains of any size or amount in the carpets, drapes, walls, fixtures, and/or any other part of the premises, do not constitute reasonable wear and tear.

**ALTERATIONS:** Tenant shall not paint, wallpaper, alter or redecorate, change or install locks, install antenna or other equipment, screws, fastening devices, large nails, or adhesive materials, place signs, displays, or other exhibits, on or in any portion of the premises without the written consent of the OWNER except as may be provided by law.

**PROPERTY MAINTENANCE:** Tenant shall deposit all garbage and waste in a clean and sanitary manner into the proper receptacles and shall cooperate in keeping the garbage area neat and clean. Tenant shall be responsible for disposing of items of such size and nature as are not normally acceptable by the garbage hauler. Tenant shall be responsible for keeping the kitchen and bathroom drains free of things that may tend to cause clogging of the drains. Tenant shall pay for the cleaning out of any plumbing fixture that may need to be cleared of stoppage and for the expense or damage caused by stopping of waste pipes or overflow from bathtubs, wash basins, or sinks.

**CHANGE OF TERMS:** The terms and conditions of this agreement are subject to future change by OWNER after the expiration of the agreed lease period upon 30-day written notice setting forth such change and delivered to Tenant. Any changes are subject to laws in existence at the time of the Notice of Change Of Terms.

**TERMINATION:** This agreement is automatically ends after four months at midnight on September 30<sup>th</sup>, 2013 but may be terminated by either party giving to the other a 30-day written notice of intention to terminate. The premises shall be considered vacated only after all areas including storage areas are clear of all Tenants belongings, and keys and other property furnished

for Tenant's use are returned to OWNER. Should the Tenant hold over beyond the termination date or fail to vacate all possessions on or before the termination date, Tenant shall be liable for additional rent and damages which may include damages due to OWNER'S loss of prospective new renters at the rate set forth elsewhere herein.

**POSSESSION:** The Tenant shall obtain possession at 114 E. Washington Street, Charles Town, WV.

**INSURANCE:** Tenant acknowledges that OWNERS insurance does not cover personal property damage caused by fire, theft, rain, war, acts of God, acts of others, and/or any other causes, nor shall OWNER be held liable for such losses. Tenant is hereby agrees to obtain his own insurance policy to cover any personal losses and premises liability insurance policy in the amount of at least \$1,000,000.00 (one Million Dollars) with the Owner named as an additional insured. Tenant shall provide written proof of said coverage prior to obtaining occupancy.

**RIGHT OF ENTRY AND INSPECTION:** OWNER may enter, inspect, and/or repair the premises at any time in case of emergency or suspected abandonment. At other times, the OWNER shall give 24 hours advance notice and may enter for the purpose of showing the premises during normal business hours to prospective renters, buyers, lenders, for smoke alarm inspections, fire extinguisher inspections and/or for normal inspections and repairs. OWNER is permitted to make all alterations, repairs and maintenance that in OWNER'S judgment is necessary to perform.

**ASSIGNMENT:** Tenant agrees not to transfer, assign or sublet the premises or any part thereof.

**PARTIAL INVALIDITY:** Nothing contained in this Agreement shall be construed as waiving any of the OWNER'S or Tenant's rights under the law. If any part of this Agreement shall be in conflict with the law, that part shall be void to the extent that it is in conflict, but shall not invalidate this Agreement nor shall it affect the validity or enforceability of any other provision of this Agreement.

**NO WAIVER:** OWNER'S acceptance of rent with knowledge of any default by Tenant or waiver by OWNER of any breach of any term of this Agreement shall not constitute a waiver of subsequent breaches. Failure to require compliance or to exercise any right shall not be constituted as a waiver by OWNER of said term, condition, and/or right, and shall not affect the validity or enforceability of any provision of this Agreement.

**ATTORNEY FEES:** If any legal action or proceedings be brought by either party of this

Agreement, the parties shall be responsible for their own legal cost. Neither party shall be responsible for the other parties' legal fees but may be responsible for court costs as required by law.

**JOINTLY AND SEVERALLY:** The undersigned Tenant is jointly and severally responsible and liable for all obligations under this agreement.

**LEAD NOTIFICATION REQUIREMENT:** For rental dwellings built before 1978, Tenant acknowledges receipt of the following: (Please check)  Lead Based Paint Disclosure Form  EPA Pamphlet.

**NOTICES:** All notices to Tenant shall be served at Tenant's premises and all notices to OWNER shall be served at 124 East Washington Street, Charles Town, WV 25414.

**INVENTORY:** The premises contain the following items, that the Tenant may use: Various office equipment, desks chairs and assorted kitchen equipment, including a microwave oven all of which shall be returned in the same condition as currently found subject to ordinary wear and tear. All said items are accepted "as is" and the Owner is under no obligation to repair or replace any such item which may fail.

**KEYS AND ADDENDUMS:** Tenant acknowledges receipt of the following which shall be deemed part of this Agreement: (Please check)  Keys and purposes  House Rules  Pet Agreement  Other \_\_\_\_\_.

**EMERGENCY NOTICE BY TENANT:** Tenant agrees to actively keep watch on the property and promptly inform Jefferson County Maintenance Office in the event of trespassers, power failure or other dangerous or emergency situations concerning the premises.

**OWNER'S STORAGE ROOM:** The Owner retains usage of two rooms within the building containing files of the Owner. The Owner may enter the premises at any time to access said file rooms. Tenant shall not enter nor permit anyone not authorized by the Owner to enter the file room nor to touch nor disturb said room or its files.

**NO SMOKING:** Tenant agrees that no smoking or tobacco use of any kind shall occur on the premises or within 25 feet of any entrance or exit of the premises.

**ENTIRE AGREEMENT:** This Agreement constitutes the entire Agreement between OWNER and Tenant. No oral agreements have been entered into, and all modifications or notices shall be in writing to be valid.

**RECEIPT OF AGREEMENT:** The undersigned Tenants have read and understand this

Agreement and hereby acknowledge receipt of a copy of this Rental Agreement.

Lease – Smoot Building:

Tenant's Signature \_\_\_\_\_

Date \_\_\_\_\_

Tenant's Signature \_\_\_\_\_

Date \_\_\_\_\_

OWNER'S or Agent's Signature \_\_\_\_\_

Date \_\_\_\_\_

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Debbie Keyser

Department or Entity: County Administrator – County Commission

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: October 31, 2013

Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

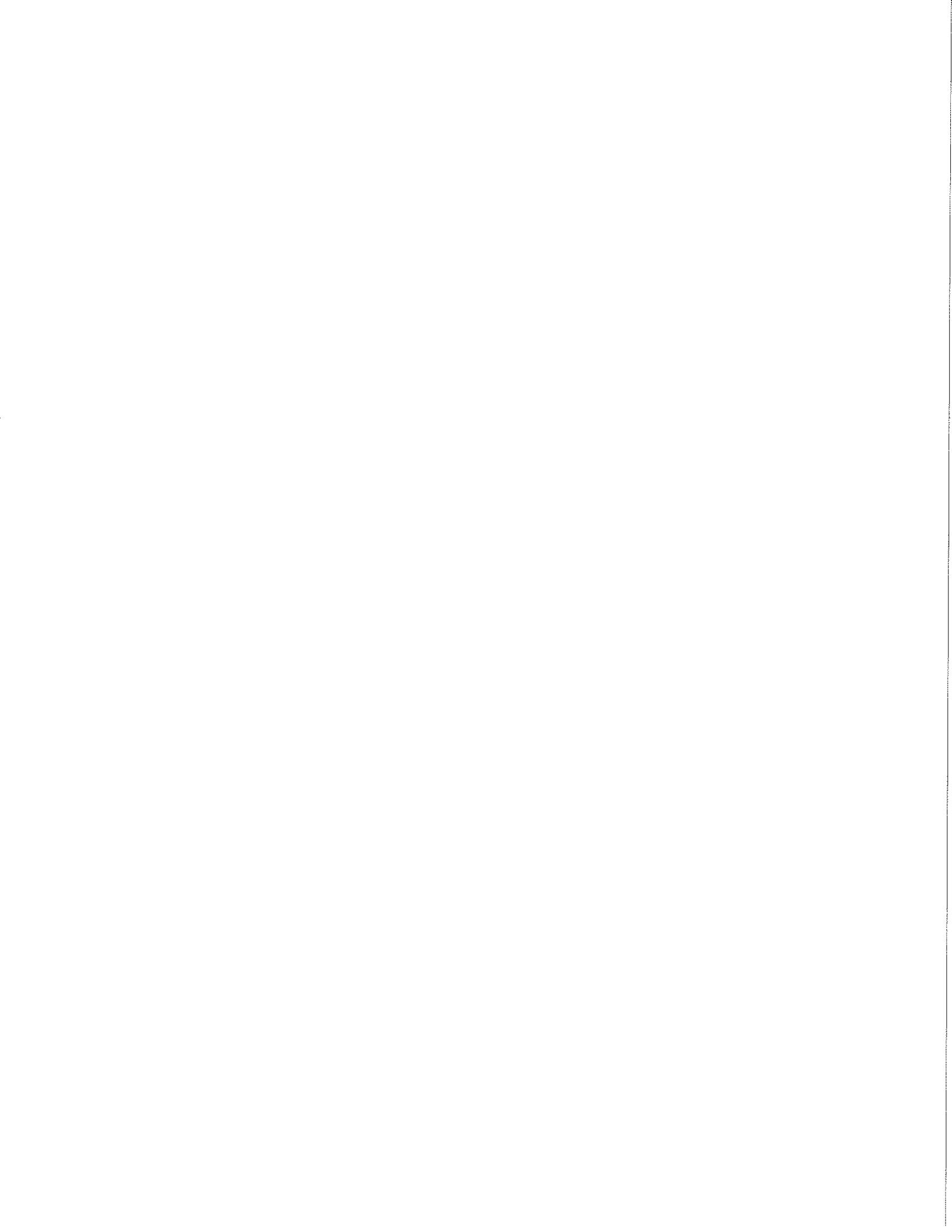
If a specific date is needed, please provide reason for specific date:

Subject: Norwood Bentley, Esquire – Discussion on legal matters regarding personnel issues/Possible litigation – Possible Executive Session - §6-9A-4

Please provide the County Commission with a description of your request or presentation, including any background information:

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

Attachments:



Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Debbie Keyser

Department or Entity: County Administrator – County Commission

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: October 31, 2013

Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

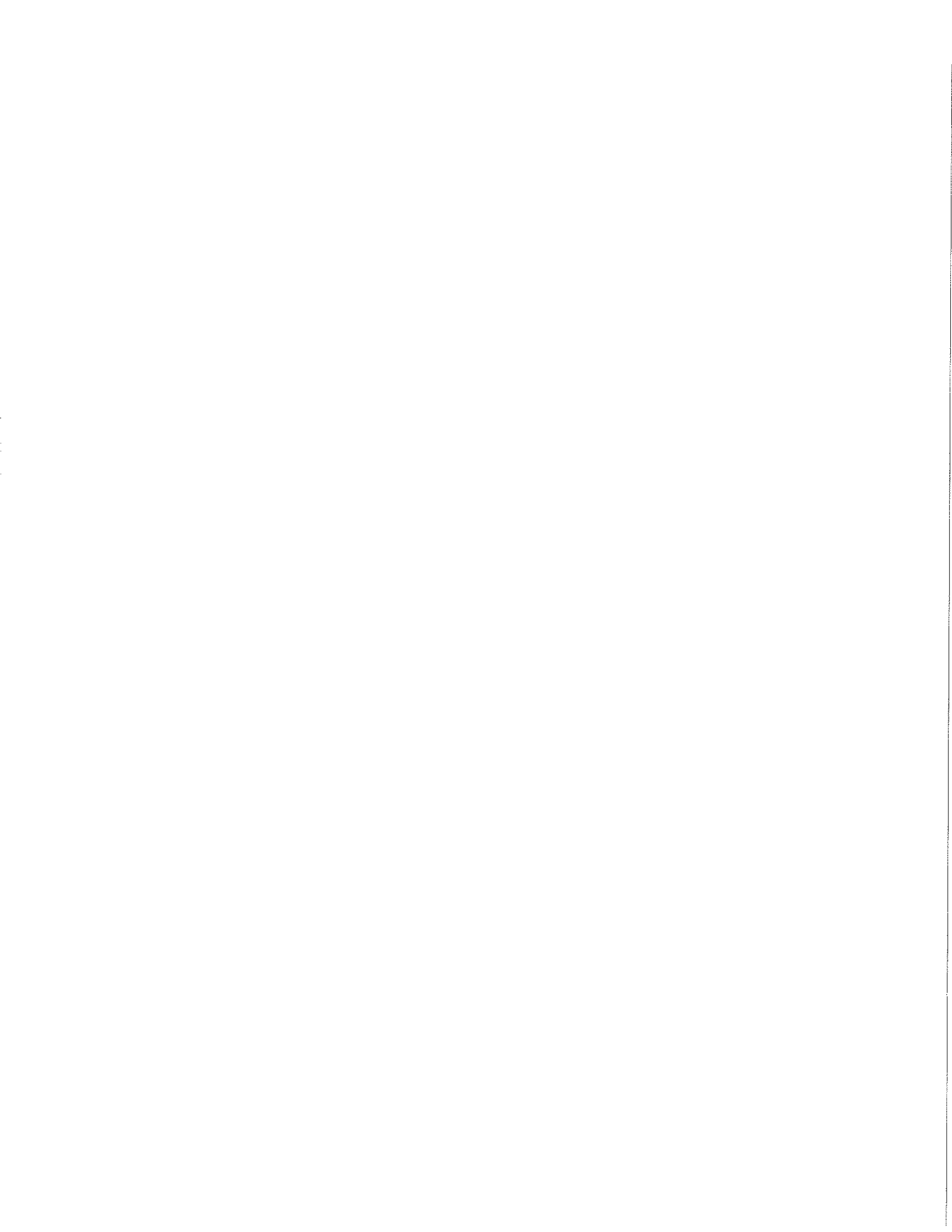
If a specific date is needed, please provide reason for specific date:

Subject: Discussion on legal matters regarding personnel issues/Possible litigation – Possible Executive Session - §6-9A-4

Please provide the County Commission with a description of your request or presentation, including any background information:

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

Attachments:



**JEFFERSON COUNTY  
OFFICES WILL BE  
CLOSED ON  
NOVEMBER 11, 2013  
IN OBSERVANCE OF  
VETERAN'S DAY**



The Jefferson County Commission proposes to name person(s) to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, November 7, 2013, or as soon thereafter as the Commission may decide:

North Eastern Regional EMS, Inc - one-two year term ending  
October 31, 2015

Persons who may be interested in the above listed agency should submit a letter of interest and a resume or statement of qualifications to the Jefferson County Commission, P.O. Box 250, Charles Town, WV 25414, prior to the proposed date of appointment.

Additional information regarding these appointments may be obtained by calling the Commission Office at (304) 728-3284.

**SPIRIT OF JEFFERSON:**

**PLEASE ADVERTISE ON:**

**October 16<sup>th</sup> & 23<sup>rd</sup> .**

**THANKS - JEFFERSON COUNTY COMMISSION**

**NOTICE OF PUBLIC HEARING  
COUNTY COMMISSION OF JEFFERSON COUNTY  
THURSDAY, NOVEMBER 21, 2013 AT 7:00 pm**

The County Commission of Jefferson County has scheduled a Public Hearing for a proposed Zoning and Land Development Ordinance Text Amendment to establish additional commercial and industrial zoning district categories, and related changes to the Ordinance. The amendment includes changes to the following sections of the Zoning and Land Development Ordinance: 4.4; 4.6; 4.10; 4.11; 5.1; 5.4; 5.6; 5.7; 5.8; 5.10; 6.3; 6.5; 8.1; 8.9; 8.12; 12.2; 12.3; Appendices A, B, and C; and the addition of new Sections 5.11, 5.12, 5.13, 5.14, 5.15, 5.16 and 5.17.

Oral or written comments can be provided at the hearing, **7:00 PM, Thursday, November 21, 2013** during the regular scheduled County Commission meeting **in the Charles Town Library meeting room at 200 E. Washington St., at the side entrance on Samuel Street.** In addition, you may provide written comments to [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org), or mail to PO Box 250, Charles Town, WV 25414, or fax to 304-728-8126.

Copies of the proposed text are available on the Departments of Planning and Zoning webpage within the County's website – [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org). Questions related to the proposed new zoning categories may be directed to the office of the Departments of Planning and Zoning at 304-728-3228 or [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org).

By Order of the County Commission of Jefferson County  
Dale Manuel, President



# State of West Virginia

**Glen B. Gainer III**

**State Auditor and  
Chief Inspector**

Office of the State Auditor  
Chief Inspector Division  
1900 Kanawha Boulevard, East  
State Capitol, Building 1, Suite W-100  
Charleston, West Virginia 25305

Toll Free: (877) 982-9148  
Telephone: (304) 558-2540  
Fax: (304) 205-6033  
www.wvsao.gov

October 15, 2013

The Honorable Dale Manuel, President  
Jefferson County Commission  
P.O. Box 250  
Charles Town, West Virginia 25414

Dear Mr. Manuel:

Enclosed is a copy of the audit report of Jefferson County for the fiscal year ended June 30, 2012.

As the recipient, you are required to notify all members of the governing body of the receipt of this report and related correspondence and make the contents available for inspection by all such officers. You are also advised that this report, under the provisions of West Virginia Code § 6-9-9a, is considered public information and must be made available for public inspection.

It is the responsibility of all members of the governing body to review the audit report and take the necessary actions to remedy all instances of noncompliance and weaknesses in internal control.

West Virginia Code § 6-9-7 also requires that this office notify the Prosecuting Attorney of Jefferson County and the Attorney General of any instances of noncompliance with West Virginia state laws. Please advise the Prosecuting Attorney of Jefferson County within 60 days of how you intend to remedy the instances of noncompliance. State law authorizes him to proceed with civil and/or criminal action to resolve noncompliance problems which are not otherwise remedied.

If I can be of further assistance, please do not hesitate to contact this office.

Very truly yours,

Charles K. McKinney  
Assistant Chief Inspector  
Chief Inspector Division

**RECEIVED**

OCT 22 2013

CKM/et  
**Jefferson County Commission**  
Enclosure  
cc: see attachment

The Honorable Dale Manuel, President  
Jefferson County Commission  
Page Two

cc: Hon. Ralph Lorenzetti  
Prosecuting Attorney

Hon. Jennifer S. Maghan  
County Clerk

Hon. Laura E. Storm  
Circuit Clerk

Hon. Robert E. Shirley  
Sheriff

Hon. Angela L. Banks  
Assessor

Hon. Patrick Morrissey  
Attorney General



# State of West Virginia

## Glen B. Gainer III

State Auditor and  
Chief Inspector

Office of the State Auditor  
Chief Inspector Division  
1900 Kanawha Boulevard, East  
State Capitol, Building 1, Suite W-100  
Charleston, West Virginia 25305

Toll Free: (877) 982-9148  
Telephone: (304) 558-2540  
Fax: (304) 205-6033  
www.wvsao.gov

October 15, 2013

The Honorable Ralph Lorenzetti  
Jefferson County Prosecuting Attorney  
P.O. Box 250  
Charles Town, West Virginia 25414

Dear Mr. Lorenzetti:

In accordance with West Virginia Code §6-9-7, we have issued the audit of Jefferson County for the fiscal year ended June 30, 2012 and that report is available for your review at <http://www.wvsao.gov/ChiefInspector/pdfAuditWebApp/Default.aspx>.

The report discloses the existence of certain instances of noncompliance with state statutes. These instances and the corrective actions recommended by this office are presented in the Report on Compliance section of this report.

It is requested that you inquire into the matter to insure that the governing body resolves all instances of noncompliance disclosed. Please advise this office within 60 days of the results of your inquiries and the legal actions you have taken, or propose to take, to remedy these circumstances.

Your prompt attention to this matter will be most appreciated. If I can be of assistance, please do not hesitate to contact this office.

**RECEIVED**

OCT 24 2013

Jefferson County Commission

CKM/et

Enclosure

cc: Hon. Dale Manuel, President  
Jefferson County Commission

Very truly yours,

Charles K. McKinney  
Assistant Chief Inspector  
Chief Inspector Division

Hon. Patrick Morrissey  
Attorney General

201 E. Burke Street  
Martinsburg, WV 25401  
Phone 304.263.0891  
Toll Free 877.242.7278  
Fax 304.263.0997



October 18, 2013

Jefferson County Commission  
PO Box 250  
Charles Town, WV 25414

Enclosed please find one copy of the Jefferson County Public Service District Financial Statements for the fiscal years ended June 30, 2013 and 2012.

Please let me know if you have any questions.

Sincerely

CoxHollidaPrice LLP

A handwritten signature in blue ink, appearing to read 'Chuck W. Young', is written over the printed name.

Chuck W. Young, CPA  
Partner

**RECEIVED**

OCT 24 2013

**Jefferson County Commission**

10/19/13

Dear County Commission and Fellow Parks and Recreation Board Members,

It is with sadness that I must resign my position as a Parks and Recreation Board Member. Due to family obligations that must be worked through, my time needs to be spent concentrating on these issues. At this point, I do not feel my mind and heart can be in what we are doing as a Board. I feel my seat would better be served by another person who has the time to dedicate to making changes and improving the lives of Jefferson County residents. Thank you for your time and attention and for the experiences you have provided me over the past year and a half. I truly appreciate you all and wish you the best in the future.

Respectfully,

*Jonathan "ADAM" Shively*

Jonathan Adam Shively

**J. Michael Cassell**  
ATTORNEY AT LAW  
CASSELL & PRINZ, PLLC  
120 N. George Street, Suite 200  
Charles Town, West Virginia 25414  
304-728-2012/telephone  
304-728-2881/facsimile  
[jcassell@cassellprinz.com](mailto:jcassell@cassellprinz.com)

COPY

October 24, 2013

**Hand Delivery**

County Commission of  
Jefferson County  
Courthouse  
Charles Town, West Virginia 25414

Received

OCT 24 2013

Jefferson County Commission

Re: Proposed "Minor Amendments to Zoning Ordinance"

Dear Ladies and Gentlemen:

The Shorekeepers of Jefferson County retained me to represent them regarding the above-captioned matter. The first issue which causes concern for the Shorekeepers is the introduction of a new Permitted Use titled "Rural Reception/Event Facility" which is proposed to be a Permitted Use in the Rural District. Apparently this proposal is intended to provide an additional source of income for the agricultural community. As currently proposed these new Permitted Uses could be implemented in many ways outside the context of the intended purpose. Additional conditions and definitions are needed to prevent unintended expansion of purely Commercial Uses in the Rural District without adequate planning.

The definition "Rural Reception/Event Facility, Small" is limited to the Rural District and limited by the number of attendees (100) and the frequency of no more than one event per month. These definitions lack any specific location focus or conditions which would limit their implementation to rural areas of the County in a nonintrusive way. It would be very difficult for the staff to monitor the number of people attending these commercial ventures.

These events could over burden rural roads with the introduction of hundreds of guests or patrons. There needs to be limits of numbers of persons and vehicles attending, frequency of events, and parking and traffic requirements which are absent in the Proposed Amendments.

In addition, the Proposed Amendments grant to the Zoning Administrator the authority to waive parking requirements which runs counter to the basic structure of the Ordinance. Any special event of this magnitude should be required to obtain Board of Zoning Appeals approval after a Public Hearing. The Notice requirements should include Certified Mail Return Receipt. Requested Notice for each adjoining landowner along with Notice by Publication and electronic means through automatic list serve.

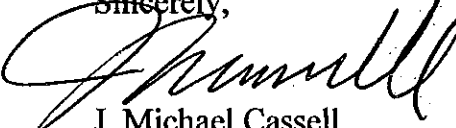
Since there are no limitations on these events and these events would be Principal Permitted Uses, these Special Events could multiply very easily without any oversight or limitation in the County. Apparently, once they are approved, they become permanent. These additional Commercial Uses must be regulated to preserve and protect the character of the Rural District. It seems odd that the Proposed Amendment allows these events in the Rural District, Residential Growth, Mixed Use Zone, and the Village District but these events are not Principal Permitted Uses in the Industrial Commercial District. There are ample opportunities in our Districts for these commercial ventures.

It will be very difficult to monitor and regulate these events. It is almost impossible for the County to obtain accurate information regarding the number of persons attending these events. There must be limitations of the number of vehicles traveling to the events. My clients do not intend to impair the ability of the Agricultural Community to maximize the use of their property. The issue here is the use of this event as a pretext to introduce additional Commercial Uses in the Rural District without the use of the Conditional Use Process which is the preferred method for uses that are not listed as permitted uses.

Another way to regulate these events would be to require these events to be on a seasonal basis which would mean one event for every three month season of the year. Seasons would be defined as January -- March, April -- June, July -- September, and October -- December. It is also important to tie Rural Reception/Events directly to bona fide farming operations with a minimum area such as 100 acres and an approved Farm Use evaluation real estate tax status.

Please consider these suggestions in your deliberations regarding the changes to the Zoning Ordinance.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Michael Cassell".

J. Michael Cassell

**Submitted by J. Michael Cassel on behalf of the Shorekeepers  
October 24, 2013**

## **OUTLINE OF ISSUES**

### **Regarding Proposed Minor Amendments to the Zoning Ordinance**

- I. All Rural Receptions/Event Facilities and Events should be approved by the BZA with a Public Hearing.**
  - (a) Amend Section 10.5A to be mandatory and substitute the word shall for the word may.
  - (b) Create exceptions for bona fide Agricultural Operations.
- II. All special exceptions should be specifically enumerated in the Ordinance in each Zoning District.**
  - (a) All special exceptions must be approved by the Board of Zoning Appeals after a Public Hearing with bona fide Agricultural exceptions.
- III. Improve notice requirements for all BZA Hearings.**
  - (a) Certified mail return receipt requested to all adjoining landowners.
  - (b) Notice by publication in newspaper.
  - (c) Electronic notice of all BZA Hearings through the List Serve methodology.
- IV. Rural Reception/Event Facilities to be existing structures with no new construction.**
  - (a) The Provisions contained on page 52 of the Proposed Amendments should be unnecessary.
  - (b) This Provision seems to allow the construction of new buildings larger than 3,000 square feet.

**V. Construction of new "Accessory Agricultural Dwelling Units should be approved by a CUP process.**

(a) Unless directly tied to bona fide Agricultural operations

(b) Determine if current farming operations employ farm workers and seasonal labor requiring addition housing on site.

**VI. Use of existing structures as "Rural Reception/Event Facilities" (See page 108 of Proposed Amendments) lacks any specificity or conditions for approval.**

(a) Some issues are outlined in the Proposal but there is a need for more specific requirements to guide BZA approval.

**VII. The definition of Accessory Uses must be more specific.**

(a) Currently a structure which is "customarily incidental" and subordinate to the principal building or use" is accessory. This is much too broad.

(b) Additional definition requirements are necessary to provide uniform interpretation and enforcement.

(c) Zoning decisions expanding Non-Conforming Uses through this method must be approved through the public process before the BZA by Public Hearing with Notice to affected parties.

## Sandy McDonald

---

**From:** Jennifer Brockman [jbrockman@jeffersoncountywv.org]  
**Sent:** Thursday, October 24, 2013 12:07 PM  
**To:** Jessica Carroll  
**Cc:** Sandy; Debbie Keyser  
**Subject:** FW: Minor Amendments to Zoning Ordinance

Jennie Brockman  
Director, Planning and Zoning

-----Original Message-----

**From:** Ted Schiltz [<mailto:tlschiltz1@comcast.net>]  
**Sent:** Thursday, October 24, 2013 11:52 AM  
**To:** [dmanuel@frontiernet.net](mailto:dmanuel@frontiernet.net); [pnoland@jeffersoncountywv.org](mailto:pnoland@jeffersoncountywv.org); [walterpellish@mac.com](mailto:walterpellish@mac.com); [vinemont@frontiernet.net](mailto:vinemont@frontiernet.net); [lynwidmyer@gmail.com](mailto:lynwidmyer@gmail.com)  
**Cc:** Jennifer Brockman  
**Subject:** Minor Amendments to Zoning Ordinance

Dear Commissioners and Ms. Brockman,

We am writing to strongly oppose the proposed land use ordinance, "Minor Amendments to Zoning Ordinance" as they pertain to creating rural events. The events seem to create a way for commercial uses to be introduced to all planning zones/districts except Industrial Commercial without any meaningful limitations that can monitored or controlled by the county. The new ordinance is not ready for release yet as there are still too many variables for the unscrupulous to circumvent the system. Allowing 300 people in section 10.5, Special Exception Uses, B, and 100 attendees in Section 8.14. That is just one example. Another example is that the events can be no more than one in each season and another no more than one per month. There is no requirement that the special events are limited to farms or farmers, no minimum land requirement, and the zoning administrator has the authority to waive parking requirements! These "minor" changes are in fact major changes.

We would also like to say that we have no objection to farmers being able to make additional income, but do object to allowing commercial businesses the ability to expand their operations, without proper zoning or a conditional use permit. The amendments seem to be designed for the farmers in the county to utilize their buildings and land for uses other than agriculture, however you already have the vultures of the county flocking to see how they can beat the system.

As you know, there have been several attempts to circumvent normal zoning change requirements in the past few years. Spot Zoning, Floating Zoning, and the NC zone. Neighborhood Commercial that would have allowed commercial enterprises everywhere in Jefferson County.

Ted & Jan Schiltz

## Sandy McDonald

---

**From:** Jennifer Brockman [jbrockman@jeffersoncountywv.org]  
**Sent:** Thursday, October 24, 2013 12:07 PM  
**To:** Jessica Carroll  
**Cc:** Sandy; Debbie Keyser  
**Subject:** FW: Objection to the proposed "minor" land use ordinance changes

Jennie Brockman  
Director, Planning and Zoning

**From:** Cathy [mailto:winterscat@aol.com]  
**Sent:** Thursday, October 24, 2013 10:44 AM  
**To:** jbrockman@jeffersoncountywv.org  
**Subject:** Fwd: Objection to the proposed "minor" land use ordinance changes

-----Original Message-----

From: Cathy <winterscat@aol.com>  
To: dmanuel <dmanuel@frontiernet.net>; lynwidmyer <lynwidmyer@gmail.com>; vinemont <vinemont@frontiernet.net>; pnoiland <pnoiland@jeffersoncountywv.org>; walterpellish <walterpellish@mac.com>  
Sent: Tue, Oct 22, 2013 9:47 pm  
Subject: Objection to the proposed "minor" land use ordinance changes

Dear Commissioners and Ms. Brockman,

I am writing to strongly oppose the proposed land use ordinance, "Minor Amendments to Zoning Ordinance" as they pertain to creating rural

events. The events seem to create a way for commercial uses to be introduced to all planning zones/districts except Industrial Commercial,

without any meaningful limitations that can monitored or controlled by the county. The new ordinance is very mushy, allowing 300 people in

section 10.5, Special Exception Uses, B, and 100 attendees in Section 8.14. That is just one example. Another example is that the events can

be no more than one in each season in one section of the ordinance and another section, no more than one per month. There is no

requirement that the special events are limited to farms or farmers, no minimum land requirement, and the zoning administrator has the

authority to waive parking requirements without a conditional use permit. These "minor" changes are in fact major changes.

As you know, there have been several attempts to circumvent normal zoning change requirements in the past few years. Spot Zoning,

Floating Zoning, and the NC zone, Neighborhood Commercial that would have allowed commercial enterprises everywhere in Jefferson

County. I see these "minor" changes attempting to do the same thing.

I have no objection to a Bed and Breakfast being able to have special events on site or more importantly, for farmers to be able to generate

additional income. These proposed changes introducing Rural Events are too broad, conflicting in some cases, and will not be able to be

enforced fairly or uniformly.

Thank you,

Cathy Vance

## Sandy McDonald

---

**From:** Jennifer Brockman [jbrockman@jeffersoncountywv.org]  
**Sent:** Thursday, October 24, 2013 12:07 PM  
**To:** Jessica Carroll  
**Cc:** Sandy; Debbie Keyser  
**Subject:** FW: Opposition to the "minor" land use changes and traffic

Jennie Brockman  
Director, Planning and Zoning

**From:** Cathy [mailto:winterscat@aol.com]  
**Sent:** Wednesday, October 23, 2013 6:07 PM  
**To:** [dmanuel@frontiernet.net](mailto:dmanuel@frontiernet.net); [vinemont@frontiernet.net](mailto:vinemont@frontiernet.net); [lynwidmyer@gmail.com](mailto:lynwidmyer@gmail.com); [pnoland@jeffersoncountywv.org](mailto:pnoland@jeffersoncountywv.org); [walterpellish@mac.com](mailto:walterpellish@mac.com); [jbrockman@jeffersoncountywv.org](mailto:jbrockman@jeffersoncountywv.org)  
**Subject:** Opposition to the "minor" land use changes and traffic

Dear Commissioners and Ms Brockman,

I forgot to include in my previous letter of opposition to the changes to the land use ordinance that the ability of the zoning administrator to waive parking requirements for seasonal uses greatly concern those of us who use Bakerton Rd. Under the present zoning certificate issued for the Harpers Ferry Campground, clients are to be bused to the campground for the accessory use zip line and river access. If these parking requirements can be waived, the traffic problems at the one lane railroad underpass would be exacerbated. All previous requests for a CUP for this site were denied due to traffic concerns as well as for having a commercial enterprise in a rural residential area. As you know many people in this area are greatly upset by the issue of the zoning certificate for the campground and zip line. Notice to neighbors re a grandfathered use was not required and most people did not check BZA agendas. Further, as most of you know, there was never a continuous use of a commercial campground since one never existed. The expansion of the campground by allowing parking at that site, waiving the magic wand of the zoning administrator would cause us further harm.

We had one head on collision in the tunnel last year. The present restrictions re parking at the campground should remain and the provision in the new land use ordinance should be removed that would allow parking requirements for seasonal uses to be waived by the zoning administrator.

Cathy Vance

## Sandy McDonald

---

**From:** Jennifer Brockman [jbrockman@jeffersoncountywv.org]  
**Sent:** Thursday, October 24, 2013 12:07 PM  
**To:** Jessica Carroll  
**Cc:** Sandy; Debbie Keyser  
**Subject:** FW: Proposed Land Use Ordinance

Jennie Brockman  
Director, Planning and Zoning

-----Original Message-----

**From:** William S Dorman Jr [mailto:chipdorman1@aol.com]  
**Sent:** Thursday, October 24, 2013 10:39 AM  
**To:** Dale Manuel; Patsy Noland; Walter Pellish; Lyn Widmyer; Jane Tabb  
**Cc:** Jennifer M Brockman  
**Subject:** Proposed Land Use Ordinance

Commissioners,

Today, I write you representing myself and my fellow homeowners in Deer Mountain Estates. In addition, after numerous discussions with neighbors throughout the rural residential area between Harpers Ferry and Shepherdstown, I'm certain that my points to follow, reflect their broad sentiments as well.

First, let me encourage you, in the strongest terms possible, to take NO for an answer.

We, your constituents, have told you repeatedly that we will not tolerate efforts to disrupt the quiet enjoyment of our private property. Since previous entreaties seem to have found you to be unreceptive, I will now be blunt.

It is offensive to us, as taxpaying property owners, that our clear property rights appear to be under routine assault. Repeated attempts to issue dodgy conditional use permits, suspect zoning amendments, and efforts to improperly "stack" the board of zoning appeals, all make us distrust your actions. Following due process and giving homeowners a fair opportunity is the minimum we expect from our elected officials.

We do understand the desire and need to encourage business development in Jefferson County, and West Virginia as a whole. So, you would be mistaken to write us off as "anti-growth" zealots. We believe there are ways to develop business opportunities and manage growth without sacrificing the historic character of our area. The zoning changes to the areas north of 340 along Bakerton Road sacrifice significant homeowner rights yet gain the county virtually nothing of value in return. It is truly flabbergasting to us that you would condone this course of action.

We expect you to hear our grievances and put to rest our significant concerns. We, your voting constituents, await your decision.

Very respectfully,

//signed//  
William S. Dorman, Jr.  
Lt Col USAF (Ret)

H: (304) 876-3301

**Sandy McDonald**

---

**From:** Jennifer Brockman [jbrockman@jeffersoncountywv.org]  
**Sent:** Thursday, October 24, 2013 12:07 PM  
**To:** Jessica Carroll  
**Cc:** Sandy; Debbie Keyser  
**Subject:** FW: Opposition to Ordinance Changes

Jennie Brockman  
Director, Planning and Zoning

-----Original Message-----

**From:** Zoning [<mailto:zoning@jeffersoncountywv.org>]  
**Sent:** Thursday, October 24, 2013 10:27 AM  
**To:** 'Jennifer Brockman'; 'Seth Rivard'; Jimmy T. Redmon; [cwhittaker@jeffersoncountywv.org](mailto:cwhittaker@jeffersoncountywv.org)  
**Subject:** FW: Opposition to Ordinance Changes

-----Original Message-----

**From:** Humes Barbara [<mailto:bhumes1@comcast.net>]  
**Sent:** Wednesday, October 23, 2013 10:04 PM  
**To:** [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org); jennifer brockman;  
[commissionerpnoland@gmail.com](mailto:commissionerpnoland@gmail.com); [dmanuel@frontiernet.net](mailto:dmanuel@frontiernet.net);  
[walterpellish@mac.com](mailto:walterpellish@mac.com); Tabb Jane; [lynwidmyer@gmail.com](mailto:lynwidmyer@gmail.com)  
**Subject:** Opposition to Ordinance Changes

To County Commissioners: I am writing to express my concern about the proposed ordinance changes regarding special exception uses that include special rural events. I fear that these changes are too ambiguous and will cause harm to our fragile rural areas and create problems.

Sincerely

Barbara Humes

## Sandy McDonald

---

**From:** Jennifer Brockman [jbrockman@jeffersoncountywv.org]  
**Sent:** Thursday, October 24, 2013 12:06 PM  
**To:** Jessica Carroll  
**Cc:** Debbie Keyser; Sandy  
**Subject:** FW: Opposition to "Minor Changes" to Zoning

Jennie Brockman  
Director, Planning and Zoning

**From:** [Meadowsonriver@aol.com](mailto:Meadowsonriver@aol.com) [mailto:[Meadowsonriver@aol.com](mailto:Meadowsonriver@aol.com)]  
**Sent:** Wednesday, October 23, 2013 4:58 PM  
**To:** [Meadowsonriver@aol.com](mailto:Meadowsonriver@aol.com); [dmanuel@frontiernet.net](mailto:dmanuel@frontiernet.net); [pnoland@jeffersoncountywv.org](mailto:pnoland@jeffersoncountywv.org); [lynwidmyer@gmail.com](mailto:lynwidmyer@gmail.com); [vinemont@frontiernet.net](mailto:vinemont@frontiernet.net); [walterpellish@mac.com](mailto:walterpellish@mac.com); [jbrockman@jeffersoncountywv.org](mailto:jbrockman@jeffersoncountywv.org)  
**Subject:** Re: Opposition to "Minor Changes" to Zoning

*Dear Commissioners and Dr. Brockman:*

*I am writing to strongly oppose the proposed land use ordinance, "Minor Amendments to Zoning Ordinance" as it pertains to creating rural events. The events seem to create a way for commercial uses to be introduced to all planning zones/districts, except Industrial Commercial, without any meaningful limitations that can be monitored or controlled by the county. These "**minor**" changes are in fact "**major**" changes.*

*As a citizen with deep roots in Jefferson County, I am disappointed by what I see, regarding zoning and the lack of respect for the residents of this County. This business of attempting to circumvent normal zoning change requirements during the past few years doesn't have a good ring to it. You've pushed Spot Zoning, Floating Zoning, and the NC zone (Neighborhood Commercial) that would have allowed commercial enterprises everywhere in Jefferson County.*

*I see these "**minor**" changes attempting to do the same thing. Please, give it up and show that you value us as residents and acknowledge that this proposed zoning, as defined, is not in the best interest for Jefferson County residents. These proposed changes introducing Rural Events are too broad, conflicting in some cases, and will be impossible to enforce fairly or uniformly.*

*Further, I ask that you do whatever it takes to protect Rural Residential Neighborhoods and our historical and natural resources. Thank you.*

*Respectfully,  
Beverly A. Meadows  
448 McShanes Landing Lane  
Shepherdstown, WV 25443*

## Sandy McDonald

---

**From:** Jennifer Brockman [jbrockman@jeffersoncountywv.org]  
**Sent:** Thursday, October 24, 2013 12:06 PM  
**To:** Jessica Carroll  
**Cc:** Debbie Keyser; Sandy  
**Subject:** FW: Oppose "Minor Changes" to Zoning

Jennie Brockman  
Director, Planning and Zoning

**From:** Wendy Lochner [<mailto:wwlochner@yahoo.com>]  
**Sent:** Tuesday, October 22, 2013 10:45 PM  
**To:** [dmanuel@frontiernet.net](mailto:dmanuel@frontiernet.net); [lynwidmyer@gmail.com](mailto:lynwidmyer@gmail.com); [vinemont@frontiernet.net](mailto:vinemont@frontiernet.net); [pnoland@jeffersoncountywv.org](mailto:pnoland@jeffersoncountywv.org); [walterpellish@mac.com](mailto:walterpellish@mac.com); [jbrockman@jeffersoncountywv.org](mailto:jbrockman@jeffersoncountywv.org)  
**Subject:** Oppose "Minor Changes" to Zoning

October 22, 2013

Dear County Commissioners and Jennifer Brockman,

It is with a great sense of disappointment that I am writing to you today. As a citizen with deep roots in Jefferson County, I continue to be shocked by what I am witnessing regarding zoning and the lack of respect for residents of this County. While I am very pro commerce and support growing the area, it is coming at too high a price for rural residential neighborhoods. As I have admired and supported you all in your roles for many years in providing direction in our community, ongoing and recent decisions regarding the support of zoning that is done very underhandedly and clearly shows favoritism and discrimination truly goes against the level of trust I have had in your position and mars the great sacrifices and leadership you have displayed in our community over the years. Please, I ask that you have the fortitude to preserve and protect rural residential neighborhoods regarding zoning. The first step is to NOT allow "Minor Amendments to Zoning Ordinance" as they pertain to creating rural events. The events seem to create a way for commercial uses to be introduced to all planning zones/districts except Industrial Commercial with no regulated limitations.

Further, there are conflicts in the number of the events that may occur; lack of wording that limits the events with minimum land requirements and parking requirements may be waived without a conditional use permit. In many ways this looks like another attempt to implement Spot Zoning and Floating Zoning, and it was very clear how upsetting this was to our community.

I do not oppose the ability for special events allowed in Jefferson County, it is that they need to be very tightly controlled. Those of us that have been in the County for the last 50 years are proud of how our area has grown and is prospering and would like that to continue, but we are at a tipping point that is in your hands. Please show that you value us as residents and acknowledge this zoning, as defined, is NOT in the best interest for Jefferson County residents.

Further, I ask that you do whatever it takes to protect Rural Residential Neighborhoods and our historical and natural resources.

Thank You,

Wendy Whitehair-Lochner

## Jessica Carroll

---

**From:** Jennifer Brockman [jbrockman@jeffersoncountywv.org]  
**Sent:** Thursday, October 24, 2013 4:15 PM  
**To:** Jessica Carroll  
**Cc:** Sandy; Debbie Keyser  
**Subject:** FW: Special Exception Uses

Jennie Brockman  
Director, Planning and Zoning

---

**From:** Steiding, Krista [<mailto:SteidingK@MedImmune.com>]  
**Sent:** Thursday, October 24, 2013 3:59 PM  
**To:** 'planningdepartment@jeffersoncountywv.org'; 'lynwidmyer@gmail.com'; 'vinemont@frontiernet.net'; 'walterpellish@mac.com'; 'dmanuel@frontiernet.net'; 'commissionerpnoland@gmail.com'; 'zoning@jeffersoncountywv.org'; 'jbrockman@jeffersoncountywv.org'; 'pnoland@jeffersoncountywv.org'  
**Cc:** 'dissaann@hotmail.com'  
**Subject:** Special Exception Uses

Dear Commissioners and Ms. Brockman,

I am writing to strongly oppose the proposed land use ordinance, "Minor Amendments to Zoning Ordinance" as they pertain to creating rural events. These changes listed as minor have the appearance of providing certain commercial ventures the ability to circumvent the current ordinances as approved. These changes impact a majority of the population of Jefferson County and do not have any semblance of transparency. The changes as written have little to no limitation as to what one venture versus another can be permitted to do.

Additionally, there is conflicting wording throughout the ordinance;

- o Section 10.5 Special Exception Uses, B, allows 300 people
- o Section 8.14 allows for 100 attendees.
- o One section states that events can occur no more than one in each season (what is the definition of a "season"
- o Another section states no more than one per month.

The changes in this ordinance will greatly impact the residents near any event area but there is a provision that the zoning administrator has the ability to waive parking requirements. This gives the appearance that the wants and needs of commercial ventures outweighs that of the residents. The rural nature of Jefferson County and the associated roads would most definitely be overburden by unmonitored events. This issue can be seen extensively on Bakerton Road where the increased level of personal vehicles and commercial transportation has resulted in numerous wrecks. The current infrastructure cannot handle the current level of congestion let alone a significant increase.

Over the years, there have been attempts to change the zoning requirements ranging from Spot Zoning to Neighborhood Commercial. The latest "minor" changes are too broad in range, have conflicting wording and do nothing to protect the residents.

The recent decision by the Jefferson County Commission to appoint a local entrepreneur to the Board of Zoning Appeals shows a level of opaqueness that should never be allowed in local government. The impact from this appointment shows a blatant disregard for transparency in the day to day operations of our elected government officials. The majority of the "minor" amendment changes will benefit this businessman and this appointment shows no consideration to conflict of interest.

I am very disappointed in the Jefferson County Commission's recent decision to appoint Matt Knott to the Board of Zoning Appeals. In the first place, this opening should have been posted for public comment with a specified cutoff day for applicants, and been part of the published agenda, as are applications for the Planning and Zoning Committee.

I believe as constituents, we deserve better from our elected officials. I urge you to reconsider this appointment, in the interest of our county having an ethical government that seeks to avoid conflicts of interest.

Sincerely,  
Krista Steiding  
304-876-6318

To the extent this electronic communication or any of its attachments contain information that is not in the public domain, such information is considered by MedImmune to be confidential and proprietary. This communication is expected to be read and/or used only by the individual(s) for whom it is intended. If you have received this electronic communication in error, please reply to the sender advising of the error in transmission and delete the original message and any accompanying documents from your system immediately, without copying, reviewing or otherwise using them for any purpose. Thank you for your cooperation.

## Jessica Carroll

---

**From:** Jennifer Brockman [jbrockman@jeffersoncountywv.org]  
**Sent:** Thursday, October 24, 2013 4:16 PM  
**To:** Jessica Carroll  
**Cc:** Debbie Keyser; Sandy  
**Subject:** FW: Proposed Zoning Changes

Jennie Brockman  
Director, Planning and Zoning

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**From:** kathy loftin [<mailto:kathyloftin@yahoo.com>]  
**Sent:** Thursday, October 24, 2013 2:53 PM  
**To:** [dmanuel@frontiernet.net](mailto:dmanuel@frontiernet.net); [pnoland@jeffersoncountywv.org](mailto:pnoland@jeffersoncountywv.org); [lynwidmyer@gmail.com](mailto:lynwidmyer@gmail.com); [vinemont@frontiernet.net](mailto:vinemont@frontiernet.net); [walterpellish@mac.com](mailto:walterpellish@mac.com); [jbrockman@jeffersoncountywv.org](mailto:jbrockman@jeffersoncountywv.org)  
**Subject:** Proposed Zoning Changes

Dear Ladies and Gentlemen:

The latest "minor" zoning change that has been proposed is not minor at all (special events), and I urge you not to adapt it as written. It is too broad and would be detrimental to the property rights of the county's residents. I understand the need for farmers to hold special events and find alternate methods of earning income so they can afford to keep farming, but the "special event" zoning is so broad that almost anything would be automatically approved, and not just for farmers. Neighbors get no real notice, or input on whether the parking regulations are enforced - the BZA can just decide they aren't required? What about minimum acreage for special events, farm use only, minimum setbacks from neighboring properties, hours of use and noise levels, number of people (100 or 300?), neighborhood and watershed impact research required before approving such an event? In addition, each event needs to be considered separately; all events are not created equal regarding their impact on the neighboring area.

It appears as though the Commission's intent is to practically eliminate the ability of residents to have any meaningful say on what happens in their neighborhoods and on their roads. Each new zoning change seems intended to make future exception requests go through almost automatically - or to change the zoning to "anything goes" so that an exception won't even be required. The conditional use process is here to protect us - and the Commission seems bound and determined to get rid of it, and make exceptions the norm (just as the people near the underpass had no input on the ziplines and campground which was "grandfathered in" on a complete pretense without undergoing the conditional use process, and the "ancillary use" ziplines are actually a primary use).

Zoning laws protect us, your constituents, who must rely on you to represent us. Those of us in rural areas would have moved elsewhere if we wanted commercial businesses in our neighborhoods - and when we bought our properties, the zoning laws prevented those things from happening. While some exceptions will always be necessary, if you have too many of them (or make them practically automatically approved due to floating zoning and other broad rules such as this special events category), you've basically negated the zoning ordinances. And it seems that is exactly what you're attempting to do. You told us you would table the zoning changes until after the Comprehensive Plan was developed, perhaps in an effort to sneak changes in under our noses - because you reneged on that assurance. It's hard not to think that perhaps you never truly intended to table the zoning effort,

and were just lulling us into a false sense of security. Your constituents have repeatedly made their voices heard that we do not want vague, anything-goes zoning, whether it's called floating zoning or anything else, that is intended to allow pretty much anything no matter how much the residents are against it. And yet, that type of zoning keeps making its way back into the proposal, disguised as a "minor change."

Jefferson County does need to attract more businesses (especially professional businesses), but not at the expense of our residents and rural neighborhoods.

Thank you for your consideration in this matter.

Respectfully,

Kathy Loftin

# Jefferson County Public Service District

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## Jefferson County Public Service District Regular Board Meeting September 3, 2013

The monthly meeting of the Jefferson County Public Service District was held at 7:00PM on Tuesday, September 3, 2013 in the meeting room at the Districts office in Kearneysville. Those in attendance included: Chairman, Jim Cummins; Secretary, Peter Appignani; Treasurer, Bill Strider; General Manager, Susanne Lawton; Administrative Assistant, Ashley Stottlemeyer; Operations Manager, Joe Freeze; District Legal Counsel, Jim Kelsh; from Pentree Engineering, Zane Summerfield; and Customer Liaison, Charles Cheezum.

### CALL TO ORDER

Chairman Jim Cummins called the meeting to order at 7:00PM.

### APPROVAL OF AGENDA

There were no changes made to the agenda.

### PUBLIC COMMENTS

Darrell Nagle, Beallair resident, questioned if it was possible to have a deduct meter for his irrigation system he has for his yard. Ms. Lawton stated that the District has a policy to prohibit the use of deduct meters which was approved by previous board members in 2004. Mr. Nagle will contact the District staff to request to be on the agenda next month to discuss this issue.

### OLD BUSINESS

#### Review Minutes of August 5 regular board meeting

The minutes of the August 5, 2013 regular board meeting were approved as presented.

**Action: Motion made by Mr. Appignani and seconded by Mr. Strider to accept the August 5, 2013 minutes as presented. Unanimously approved.**

#### Update on the Water Systems Improvement Project for Glen Haven and Cavaland

Ms. Lawton informed the Board that the District received final approval from West Virginia Division of Culture and History and approval for the use of \$22,000 for the Cavaland easement before final funding of the project. The District needs a preliminary title opinion to attain final approval to move forward with the project, and the condemnation of the easement in Cavaland must be done before the title opinion can be completed. Mr. Kelsh added that the District only received one protest during the protest period which ended on August 8<sup>th</sup>.

**Action: No action taken by the Board.**

#### Consider approval of the award of contract for pump station 5-3 construction

Last month Snyder Environmental Services was awarded the contract for the pump station upgrade. Mr. Summerfield has negotiated with them to bring the cost down by \$35,000. If the Board approves, the project may now move forward with this bid. Mr. Appignani asked Mr. Summerfield if this pump station would have been upgraded if the Flowing Springs wastewater treatment plant would have been built. Mr. Summerfield replied no.

**Action: Motion made by Mr. Strider and seconded by Mr. Appignani to accept the contract as presented with change order #1, from Snyder Environmental for the pump station 5-3 upgrade. Unanimously approved.**

#### Consider comments on revised stormwater rules

Mr. Kelsh updated the Board. The Public Service Commission has incorporated the Districts, as well as others, suggested changes to the stormwater rules and has prepared another draft for comments. The Board would like Mr. Kelsh to send back the District's original comments.

**Action: No action taken by the Board.**

**NEW BUSINESS**

Ratepayer/Intervener inquiry on Joint Stipulation and Agreement in PSC rate case no. 12-0513-PSD-42T-PC

Ms. Milliron requested to be on the agenda to get clarification from the District regarding the use of the \$413,000 bond proceeds associated with the Public Service Commission case no. 12-0513-PSD-42T-PC. At last month's board meeting, discussions were held relating to expenditures regarding this case. Since last month, Ms. Milliron submitted a list of questions to the District about the use of the money attained in the bond, and requested that the District address them at this month's board meeting. Ms. Lawton provided the board and Ms. Milliron with written responses to her questions. Ms. Milliron appreciated the spreadsheet provided by Ms. Lawton which showed the cost of each item listed in the bond and she was satisfied that the money was being properly used.

**Action: No action taken by the Board.**

Update on Statuses of Current Public Service Commission Cases

Mr. Kelsh gave a brief update on the current cases the District is involved in at the Public Service Commission, including the application for Certificate of Convenience and Necessity for the water systems project (13-0865-PWD-PC-CN) and the pass through sewer rate increase from Charles Town (13-1188-PSD-30B).

**Action: Motion made by Mr. Appignani and seconded by Mr. Cummins to have Counsel write a letter to Charles Town City Council about possibly passing a rate decrease ordinance when the Senate Bill 245 grant money is/when obtained. Unanimously approved.**

Discussion of any Expenses over Budget

There were no items over budget. Mr. Cheezum questioned what a sinking fund was. Ms. Lawton replied that a sinking fund is the account in which the bond payments the District makes each month are held.

**Action: No action taken by the Board.**

Disbursements

**Action: Motion made by Mr. Strider and seconded by Mr. Appignani to approve disbursements for Public Service District water expenses in the amount of \$4,115.75. Unanimously approved.**

**Action: Motion made by Mr. Strider and seconded by Mr. Appignani to approve disbursements for the Public Service District sewer expenses in the amount of \$179,272.60. Unanimously approved.**

Approve transfer of \$4,628.20 from Sewer Security Deposit account to Sewer Operating account for security deposit refunds

**Action: Motion made by Mr. Strider and seconded by Mr. Appignani to approve the transfer of \$4,628.20 from sewer security deposit account into sewer operating account for security deposit refunds. Unanimously approved.**

Approve transfer of \$127.90 from Water Security Deposit account to Water Operating account for security deposit refunds

**Action: Motion made by Mr. Strider and seconded by Mr. Appignani to approve the transfer of \$127.90 from water security deposit account into water operating account for security deposit refunds. Unanimously approved.**

General Manager's Report

Ms. Lawton updated the Board on activities since last month's meeting.

Pump Stations – Ms. Lawton informed the Board that pump station 1-12A has been relined and bioxide has been installed at pump station 5-1 and 3-9.

**Action: No action taken by the Board.**

Operations Manager's Report

Mr. Freeze updated the Board on activities since last month's meeting.

**Action: No action taken by the Board.**

Comments from customer liaison

Mr. Cheezum had questioned how Mr. Summerfield and Mr. Kelsh are compensated for their time. Ms. Lawton responded that they submit invoices for what they do. He also asked if the District has ever considered hiring a contract specialist which Ms. Lawton replied with no. She stated that Mr. Kelsh reviews the contracts.

**Action: No action taken by the Board.**

Public Comment

Mr. Darrell Nagle, Beallair resident, asked if anyone from the current Board was a member of the previous Board that had approved the deduct meter policy. Ms. Lawton stated no.

Mr. Charles Cheezum, Customer Liaison, questioned what West Virginia Rural Water Association did for the District. Ms. Lawton stated that the organization provides ample training for staff, funding agency reports, and other important resources.

Ms. Heidi Parker, Breckenridge resident, thanked Mr. Cheezum for applying for the liaison position and all the time and effort he has put in this far.

Correspondence

None.

Mr. Freeze, Mr. Cheezum and Mr. Summerfield exited the meeting.

**Action: Motion made by Mr. Strider and seconded by Mr. Appignani to convene in executive session for the purpose of discussing litigation, personnel matters, and contract negotiations. Unanimously approved.**

Mr. Bob Rodecker was called to discuss the Old Standard land issues. Mr. Kelsh exited the room for that discussion.

**Action: Motion made by Mr. Appignani and seconded by Mr. Strider to return to public session. Unanimously approved.**

**Action: Motion made by Mr. Appignani and seconded by Mr. Strider to approve the short form agreement between the District and Dunn Engineering, Inc for general consulting services with the noted changes. Unanimously approved.**


**Action: Motion made by Mr. Appignani and seconded by Mr. Strider to direct counsel to file the agreement with Dunn Engineers, Inc with the Public Service Commission. Unanimously approved.**

**Action: Motion made by Mr. Appignani and seconded by Mr. Strider to adjourn. Unanimously approved.**


There being no further business at this time, the meeting was adjourned at 9:08PM

The next regular meeting is scheduled for Monday, October 7, 2013 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,



James D. Cummins  
Chairman



Peter L. Appighani  
Secretary



## Loudoun County, Virginia

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Planning Department

1 Harrison Street, S.E., 3<sup>rd</sup> Floor, P.O. Box 7000, MSC #62

Leesburg, Virginia 20177-7000

Telephone (703) 777-0246 • Fax (703) 777-0441

October 8, 2013

Debbie Keyser  
County Administrator  
PO Box 250  
Charles Town, WV 25414-0250

Dear Ms. Keyser:

As part of the legal notice requirements contained in Section 15.2-2204 (amended) of the Code of Virginia, the following regulations must be addressed relating to notification of adjacent localities:

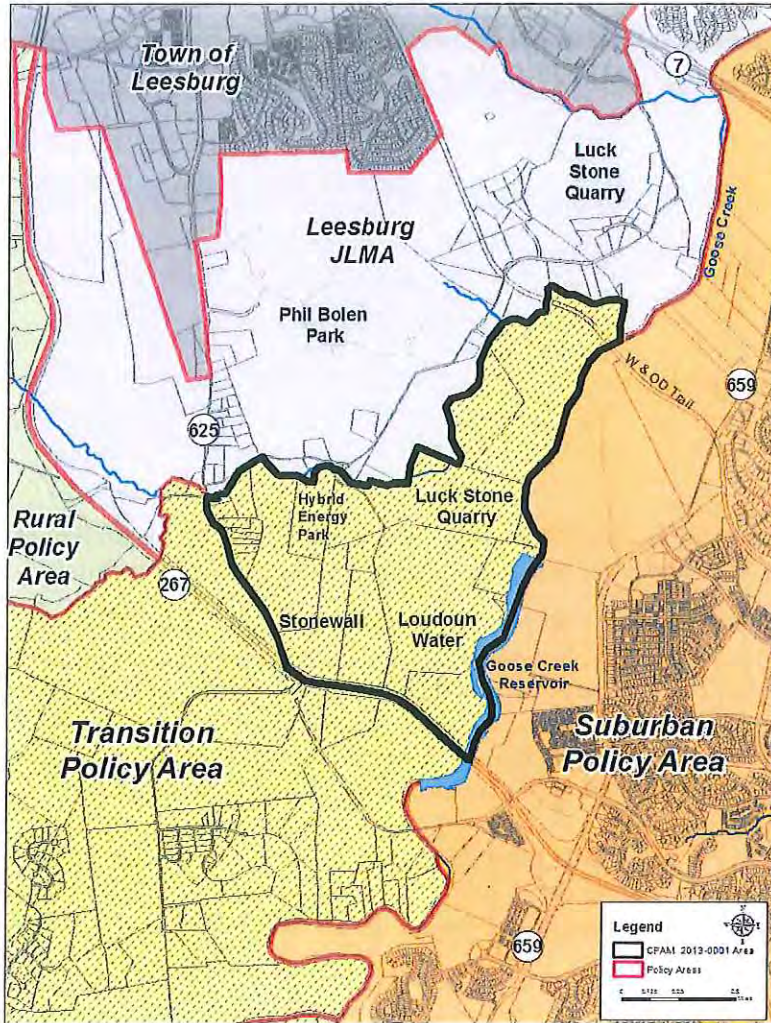
“When a proposed comprehensive plan or amendment thereto; a proposed change in zoning map classification; or an application for special exception for a change in use ..., involves any parcel of land located within one-half mile of a boundary of an adjoining locality of the Commonwealth, then, in addition to the advertising and written notification as above required, written notice shall also be given by the local commission, or its representative, at least 10 days before the hearing to the chief administrative officer, or his designee, of such adjoining locality.”

Therefore, this is the second and final reminder that on **October 15, 2013** the Loudoun County Planning Commission will hold a public hearing on a Comprehensive Plan Amendment (CPAM) for the northern portion of the Lower Sycolin Subarea of the Transition Policy Area (CPAM 2013-0001). The initial notice was sent on September 24, 2013.

On November 7, 2012 the Loudoun County Board of Supervisors initiated CPAM 2013-0001 to amend the Revised General Plan, in order to revise certain land use designations shown on the Planned Land Use Map, and certain land use policies applicable to the northern portion of the Lower Sycolin Subarea of the Transition Policy Area, and to amend the Loudoun County 2010 Countywide Transportation Plan in order to revise the alignment of a section of Cochran Mill Road (Route 653) located within the subject area. This CPAM is intended to better reflect the emerging industrial character of the subject area.

Under existing Revised General Plan policies, the Transition Policy area is recommended to have a more rural character, with lower residential densities of 1 dwelling unit per 10 acres in a clustered pattern, or non-residential uses that achieve a visual and spatial transition between the Suburban and Rural Policy Areas. Recently the County approved four large rezonings that encompass over 700 acres of previously undeveloped land within the subject area that will permit the future development of a natural gas fueled electric power plant, data centers, a quarry, and a water treatment plant. The approved rezonings acknowledged the unique man-made and natural features of the subject area which include proximity to a major natural gas transmission line and a high-voltage overhead electric transmission line as well as concentrations of diabase rock in proximity to existing quarrying operations.

The northern portion of the Lower Sycolin Subarea of the Transition Policy Area, is generally located on the northeast side of Sycolin Road (Route 625) and the Dulles Greenway (Route 267), east of the Leesburg Joint Land Management Area (JLMA), and west of the Goose Creek, and is more particularly shown on the map below.



This public hearing will take place in the Board of Supervisors Meeting Room, County Government Center, 1 Harrison Street, S.E., Leesburg, VA, on **Tuesday, October 15, 2013, at 6:00 p.m.** Written comments can be provided to the Loudoun County Planning Commission, c/o Loudoun County Department of Planning, 1 Harrison St., S.E., 3<sup>rd</sup> Floor, P.O. Box 7000, MSC #62, Leesburg, Virginia, 20177-7000 (attention: Pat Giglio).

The proposed policies and other related materials are available online at <http://www.loudoun.gov/pc>. Should you have any questions, please do not hesitate to contact me at 703-777-0246.

Sincerely,

Pat Giglio, Project Manager

**WEST VIRGINIA LOTTERY  
WEEKLY SETTLEMENT FOR CHARLES TOWN**

| <b>Week Ending Date</b>                                | <b>Week Ending<br/>October 12, 2013<br/>FY14<br/>October 21, 2013</b> |
|--------------------------------------------------------|-----------------------------------------------------------------------|
| <b>To be Deposited on:</b>                             |                                                                       |
| Amount Played                                          | 61,497,489.20                                                         |
| Amount Won                                             | 55,451,245.15                                                         |
| Amount Promo                                           | 226,116.00                                                            |
| MWAP Contribution                                      | <u>3,677.39</u>                                                       |
| <b>Adjusted Gross Terminal Revenue</b>                 | <b><u>5,816,450.66</u></b>                                            |
| Administrative Costs @ 4%                              | 232,658.02                                                            |
| Excess Lottery Fund @ 4%                               | <u>0.00</u>                                                           |
| <b>Net Terminal Revenue</b>                            | <b><u>5,583,792.64</u></b>                                            |
| Surcharge @ 10%                                        | 0.00                                                                  |
| State Share Excess @ 58%                               | 0.00                                                                  |
| Track Share of Capital Reinvestment @ 42%              | 0.00                                                                  |
| <i>Track Share of Capital Reinvestment @ 42% - 96%</i> | <i>0.00</i>                                                           |
| <i>Track Share of Capital Reinvestment @ 42% - 4%</i>  | <i>0.00</i>                                                           |
| <b>Adjusted Net Terminal Revenue</b>                   | <b><u>5,583,792.64</u></b>                                            |
| Racetrack @ 46.50% / 42%                               | 2,596,463.58                                                          |
| Lottery Fund @ 30% / 0%                                | 1,675,137.84                                                          |
| Excess Lottery Fund @ 0% / 41%                         | 0.00                                                                  |
| Race Track Purses @ 7% / 14% / 8%                      | 781,730.97                                                            |
| Workers' Compensation Debt Reduction @ 7% / 0%         | 0.00                                                                  |
| Employee Pension Fund @ 1% / .5%                       | 55,837.92                                                             |
| Greyhound Development @ .75%                           | 41,878.44                                                             |
| Thoroughbred Development @ .75%                        | 41,878.44                                                             |
| Racing Commission @ 1%                                 | 55,837.92                                                             |
| County/Municipality @ 2%                               | 111,675.84                                                            |
| <b>3% Funds:</b>                                       |                                                                       |
| Tourism Promotion Fund @ 1.375%                        | 76,777.15                                                             |
| Development Office Promotion Fund @ .375%              | 20,939.22                                                             |
| Research Challenge Fund @ .5%                          | 27,918.96                                                             |
| Capitol Renovation and Improvement Fund @ .6875%       | 38,388.57                                                             |
| 2004 Capitol Complex Parking Garage Fund @ .0625%      | 3,489.87                                                              |
| <b>1% Funds:</b>                                       |                                                                       |
| State Capitol Complex Parking Garage @ 1%              | 0.00                                                                  |
| Cultural Facilities and Capitol Resources @ .5%        | 27,918.96                                                             |
| Capitol Dome and Capitol Improvements @ .5% / 1%       | <u>27,918.96</u>                                                      |
|                                                        | <b><u>5,583,792.64</u></b>                                            |

WEST VIRGINIA LOTTERY

First Benchmark  
Charles Town  
County / City Split  
Fiscal Year 2014

Charles Town  
1999 Net Terminal Revenue \$ 45,603,174  
Benchmark Goal @ 2% \$ 912,063.48

| DATE                       | 2% OF<br>ADJ. NET<br>REVENUE | TO<br>JEFFERSON<br>COUNTY | TO<br>FIVE<br>CITIES | BOLIVAR<br>7.93% | CHARLES<br>TOWN<br>39.90% | HARPERS<br>FERRY<br>2.17% | RANSON<br>33.68% | SHEPHERDS<br>TOWN<br>16.32% |
|----------------------------|------------------------------|---------------------------|----------------------|------------------|---------------------------|---------------------------|------------------|-----------------------------|
| 6 days ending:<br>07/06/13 | \$ 123,196.88                | \$ 123,196.88             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| Week ending:<br>07/13/13   | \$ 128,080.40                | \$ 128,060.40             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 07/20/13                   | \$ 115,128.84                | \$ 115,128.84             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 07/27/13                   | \$ 123,049.56                | \$ 123,049.56             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/03/13                   | \$ 116,180.80                | \$ 116,180.80             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/10/13                   | \$ 120,078.64                | \$ 120,078.64             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/17/13                   | \$ 124,888.56                | \$ 124,888.56             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/24/13                   | \$ 118,284.44                | \$ 88,882.12              | \$ 28,402.32         | \$ 2,252.30      | \$ 11,332.53              | \$ 616.33                 | \$ 9,565.90      | \$ 4,835.28                 |
| 08/31/13                   | \$ 117,826.36                | \$ 58,913.18              | \$ 58,913.18         | \$ 4,671.81      | \$ 23,508.38              | \$ 1,276.42               | \$ 19,841.96     | \$ 9,614.63                 |
| 09/07/13                   | \$ 135,517.48                | \$ 67,758.74              | \$ 67,758.74         | \$ 5,373.27      | \$ 27,035.74              | \$ 1,470.36               | \$ 22,821.14     | \$ 11,058.23                |
| 09/14/13                   | \$ 106,748.44                | \$ 53,374.22              | \$ 53,374.22         | \$ 4,232.58      | \$ 21,296.31              | \$ 1,158.22               | \$ 17,976.44     | \$ 8,710.67                 |
| 09/21/13                   | \$ 108,555.88                | \$ 54,277.94              | \$ 54,277.94         | \$ 4,304.24      | \$ 21,656.90              | \$ 1,177.83               | \$ 18,280.81     | \$ 8,858.16                 |
| 09/28/13                   | \$ 109,763.00                | \$ 54,881.50              | \$ 54,881.50         | \$ 4,352.10      | \$ 21,897.72              | \$ 1,190.93               | \$ 18,484.09     | \$ 8,956.66                 |
| 10/05/13                   | \$ 111,901.48                | \$ 55,950.74              | \$ 55,950.74         | \$ 4,436.89      | \$ 22,324.35              | \$ 1,214.13               | \$ 18,844.21     | \$ 9,131.16                 |
| 10/12/13                   | \$ 111,675.84                | \$ 55,837.92              | \$ 55,837.92         | \$ 4,427.95      | \$ 22,279.33              | \$ 1,211.68               | \$ 18,806.21     | \$ 9,112.75                 |
| Subtotal                   | \$ 1,770,856.60              | \$ 1,341,460.04           | \$ 429,396.56        | \$ 34,051.14     | \$ 171,329.24             | \$ 9,317.90               | \$ 144,620.76    | \$ 70,077.52                |

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

**WEST VIRGINIA LOTTERY  
WEEKLY SETTLEMENT FOR CHARLES TOWN**

| <b>Week Ending Date</b>                                | <b>Week Ending</b>         |
|--------------------------------------------------------|----------------------------|
|                                                        | <b>October 5, 2013</b>     |
|                                                        | FY14                       |
| <b>To be Deposited on:</b>                             | <b>October 11, 2013</b>    |
| Amount Played                                          | 60,254,580.15              |
| Amount Won                                             | 54,187,362.26              |
| Amount Promo                                           | 235,851.00                 |
| MWAP Contribution                                      | <u>3,164.86</u>            |
| <b>Adjusted Gross Terminal Revenue</b>                 | <b><u>5,828,202.03</u></b> |
| Administrative Costs @ 4%                              | 233,128.09                 |
| Excess Lottery Fund @ 4%                               | <u>0.00</u>                |
| <b>Net Terminal Revenue</b>                            | <b><u>5,595,073.94</u></b> |
| Surcharge @ 10%                                        | 0.00                       |
| State Share Excess @ 58%                               | 0.00                       |
| Track Share of Capital Reinvestment @ 42%              | 0.00                       |
| <i>Track Share of Capital Reinvestment @ 42% - 96%</i> | <i>0.00</i>                |
| <i>Track Share of Capital Reinvestment @ 42% - 4%</i>  | <i>0.00</i>                |
| <b>Adjusted Net Terminal Revenue</b>                   | <b><u>5,595,073.94</u></b> |
| Racetrack @ 46.50% / 42%                               | 2,601,709.38               |
| Lottery Fund @ 30% / 0%                                | 1,678,522.18               |
| Excess Lottery Fund @ 0% / 41%                         | 0.00                       |
| Race Track Purses @ 7% / 14% / 8%                      | 435,512.72                 |
| Workers' Compensation Debt Reduction @ 7% / 0%         | 347,797.64                 |
| Employee Pension Fund @ 1% / .5%                       | 55,950.74                  |
| Greyhound Development @ .75%                           | 41,963.05                  |
| Thoroughbred Development @ .75%                        | 41,963.05                  |
| Racing Commission @ 1%                                 | 55,950.74                  |
| County/Municipality @ 2%                               | 111,901.48                 |
| <b>3% Funds:</b>                                       |                            |
| Tourism Promotion Fund @ 1.375%                        | 76,932.27                  |
| Development Office Promotion Fund @ .375%              | 20,981.53                  |
| Research Challenge Fund @ .5%                          | 27,975.37                  |
| Capitol Renovation and Improvement Fund @ .6875%       | 38,466.13                  |
| 2004 Capitol Complex Parking Garage Fund @ .0625%      | 3,496.92                   |
| <b>1% Funds:</b>                                       |                            |
| State Capitol Complex Parking Garage @ 1%              | 0.00                       |
| Cultural Facilities and Capitol Resources @ .5%        | 27,975.37                  |
| Capitol Dome and Capitol Improvements @ .5% / 1%       | <u>27,975.37</u>           |
|                                                        | <b><u>5,595,073.94</u></b> |

WEST VIRGINIA LOTTERY  
 First Benchmark  
 Charles Town  
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 Fiscal Year 2014

Charles Town  
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| Week ending:<br>07/13/13   | \$ 128,060.40                | \$ 128,060.40             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 07/20/13                   | \$ 115,128.84                | \$ 115,128.84             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 07/27/13                   | \$ 123,049.56                | \$ 123,049.56             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/03/13                   | \$ 118,180.80                | \$ 116,180.80             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/10/13                   | \$ 120,078.84                | \$ 120,078.84             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/17/13                   | \$ 124,888.56                | \$ 124,888.56             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/24/13                   | \$ 118,284.44                | \$ 89,882.12              | \$ 28,402.32         | \$ 2,252.30      | \$ 11,332.53              | \$ 616.33                 | \$ 9,565.90      | \$ 4,635.26                 |
| 08/31/13                   | \$ 117,826.36                | \$ 58,913.18              | \$ 58,913.18         | \$ 4,671.81      | \$ 23,506.36              | \$ 1,278.42               | \$ 19,841.96     | \$ 9,614.63                 |
| 09/07/13                   | \$ 135,517.48                | \$ 67,758.74              | \$ 67,758.74         | \$ 5,373.27      | \$ 27,035.74              | \$ 1,470.36               | \$ 22,821.14     | \$ 11,058.23                |
| 09/14/13                   | \$ 106,748.44                | \$ 53,374.22              | \$ 53,374.22         | \$ 4,232.58      | \$ 21,296.31              | \$ 1,158.22               | \$ 17,976.44     | \$ 8,710.87                 |
| 09/21/13                   | \$ 108,555.88                | \$ 54,277.94              | \$ 54,277.94         | \$ 4,304.24      | \$ 21,656.90              | \$ 1,177.83               | \$ 18,280.81     | \$ 8,858.16                 |
| 09/28/13                   | \$ 109,763.00                | \$ 54,881.50              | \$ 54,881.50         | \$ 4,352.10      | \$ 21,897.72              | \$ 1,190.93               | \$ 18,484.09     | \$ 8,956.66                 |
| 10/05/13                   | \$ 111,901.48                | \$ 55,950.74              | \$ 55,950.74         | \$ 4,436.89      | \$ 22,324.35              | \$ 1,214.13               | \$ 18,844.21     | \$ 9,131.16                 |
| Subtotal                   | \$ 1,659,180.76              | \$ 1,285,622.12           | \$ 373,558.64        | \$ 29,623.19     | \$ 149,049.91             | \$ 8,106.22               | \$ 125,814.55    | \$ 60,964.77                |

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

**VIDEO LOTTERY REPORT**

| FY 2010      |            | FY 2011    |            | FY 2012    |            | FY 2013    |            | FY 2014    |            |
|--------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Date         | Amount     | Date       | Amount     | Date       | Amount     | Date       | Amount     | Date       | Amount     |
| 07/04/2009 * | 128,262.42 | 07/03/2010 | 115,402.58 | 7/1-2/2011 | 69,824.12  | 07/07/2012 | 161,637.92 | 07/06/2013 | 123,196.88 |
| 07/11/2009   | 168,815.08 | 07/10/2010 | 205,731.64 | 07/09/2011 | 171,717.28 | 07/14/2012 | 129,458.04 | 07/13/2013 | 128,060.40 |
| 07/18/2009   | 160,652.98 | 07/17/2010 | 161,386.76 | 07/16/2011 | 143,019.52 | 07/21/2012 | 130,037.00 | 07/20/2013 | 115,128.84 |
| 07/25/2009   | 158,869.08 | 07/24/2010 | 160,368.28 | 07/23/2011 | 146,508.00 | 07/28/2012 | 137,164.44 | 07/27/2013 | 123,049.56 |
| 08/01/2009   | 174,493.08 | 07/31/2010 | 157,802.08 | 07/30/2011 | 144,510.28 | 08/04/2012 | 132,931.16 | 08/03/2013 | 116,180.80 |
| 08/08/2009   | 138,408.80 | 08/07/2010 | 136,494.98 | 08/06/2011 | 151,495.28 | 08/11/2012 | 134,212.88 | 08/10/2013 | 120,078.64 |
| 08/15/2009   | 81,222.14  | 08/14/2010 | 78,376.68  | 08/13/2011 | 117,350.38 | 08/18/2012 | 110,241.90 | 08/17/2013 | 124,888.56 |
| 08/22/2009   | 76,260.31  | 08/21/2010 | 76,199.02  | 08/20/2011 | 71,614.12  | 08/25/2012 | 66,209.90  | 08/24/2013 | 89,882.12  |
| 08/29/2009   | 80,472.92  | 08/28/2010 | 72,460.03  | 08/27/2011 | 63,432.14  | 09/01/2012 | 67,133.42  | 08/31/2013 | 58,913.18  |
| 09/05/2009   | 80,798.15  | 09/04/2010 | 76,362.84  | 09/03/2011 | 80,837.76  | 09/08/2012 | 74,029.40  | 09/07/2013 | 67,758.74  |
| 09/12/2009   | 86,286.92  | 09/11/2010 | 82,969.36  | 09/10/2011 | 84,845.80  | 09/15/2012 | 61,838.04  | 09/14/2013 | 53,374.22  |
| 09/19/2009   | 70,010.15  | 09/18/2010 | 67,638.78  | 09/17/2011 | 66,748.62  | 09/22/2012 | 56,996.90  | 09/21/2013 | 54,277.94  |
| 09/26/2009   | 69,316.87  | 09/25/2010 | 70,435.06  | 09/24/2011 | 68,929.80  | 09/29/2012 | 61,611.40  | 09/28/2013 | 54,881.50  |
| 10/03/2009   | 72,286.04  | 10/02/2010 | 71,013.86  | 10/01/2011 | 68,871.64  | 10/06/2012 | 62,715.20  | 10/05/2013 | 55,950.74  |
| 10/10/2009   | 69,650.63  | 10/09/2010 | 69,311.50  | 10/08/2011 | 70,866.90  | 10/13/2012 | 60,710.18  | 10/12/2013 | 55,837.92  |
| 10/17/2009   | 73,560.21  | 10/16/2010 | 75,234.62  | 10/15/2011 | 75,262.66  | 10/20/2012 | 62,333.08  |            |            |
| 10/24/2009   | 67,581.66  | 10/23/2010 | 70,290.80  | 10/22/2011 | 68,757.72  | 10/27/2012 | 58,073.54  |            |            |
| 10/31/2009   | 64,528.30  | 10/30/2010 | 65,615.04  | 10/29/2011 | 60,507.98  | 11/03/2012 | 56,545.30  |            |            |
| 11/07/2009   | 63,741.59  | 11/06/2010 | 61,337.62  | 11/05/2011 | 70,673.88  | 11/10/2012 | 56,110.96  |            |            |
| 11/14/2009   | 65,959.64  | 11/13/2010 | 64,595.28  | 11/12/2011 | 67,627.10  | 11/17/2012 | 57,432.36  |            |            |
| 11/21/2009   | 59,547.05  | 11/20/2010 | 56,010.08  | 11/19/2011 | 60,690.60  | 11/24/2012 | 65,888.86  |            |            |
| 11/28/2009   | 72,399.98  | 11/27/2010 | 71,170.90  | 11/26/2011 | 74,140.54  | 12/01/2012 | 50,243.34  |            |            |
| 12/05/2009   | 51,006.51  | 12/04/2010 | 53,215.08  | 12/03/2011 | 59,429.94  | 12/08/2012 | 50,770.96  |            |            |
| 12/12/2009   | 52,460.58  | 12/11/2010 | 46,944.00  | 12/10/2011 | 51,395.44  | 12/15/2012 | 47,022.38  |            |            |
| 12/19/2009   | 32,834.39  | 12/18/2010 | 42,076.76  | 12/17/2011 | 55,981.32  | 12/22/2012 | 46,838.96  |            |            |
| 12/26/2009   | 53,406.34  | 12/25/2010 | 50,450.28  | 12/24/2011 | 54,248.62  | 12/29/2012 | 59,697.22  |            |            |
| 01/02/2010   | 92,980.40  | 01/01/2011 | 85,152.12  | 12/31/2011 | 94,661.00  | 01/05/2013 | 71,673.52  |            |            |
| 01/09/2010   | 55,020.46  | 01/08/2011 | 54,301.30  | 01/07/2012 | 74,863.40  | 01/12/2013 | 50,416.30  |            |            |
| 01/16/2010   | 60,551.28  | 01/15/2011 | 54,005.90  | 01/14/2012 | 58,901.92  | 01/19/2013 | 51,211.88  |            |            |
| 01/23/2010   | 69,943.53  | 01/22/2011 | 60,924.74  | 01/21/2012 | 61,819.92  | 01/26/2013 | 46,966.26  |            |            |
| 01/30/2010   | 48,527.75  | 01/29/2011 | 48,036.94  | 01/28/2012 | 62,898.78  | 02/02/2013 | 52,067.92  |            |            |
| 02/06/2010   | 37,155.14  | 02/05/2011 | 60,777.44  | 02/04/2012 | 72,154.66  | 02/09/2013 | 52,222.20  |            |            |
| 02/13/2010   | 44,334.00  | 02/12/2011 | 67,471.84  | 02/11/2012 | 66,429.04  | 02/16/2013 | 64,243.52  |            |            |
| 02/20/2010   | 76,946.12  | 02/19/2011 | 72,018.54  | 02/18/2012 | 77,455.88  | 02/23/2013 | 64,115.70  |            |            |
| 02/27/2010   | 72,024.40  | 02/26/2011 | 75,544.02  | 02/25/2012 | 77,611.78  | 03/02/2013 | 62,602.74  |            |            |

|            |           |            |           |            |           |            |           |
|------------|-----------|------------|-----------|------------|-----------|------------|-----------|
| 03/06/2010 | 76,936.85 | 03/05/2011 | 74,535.34 | 03/03/2012 | 75,963.86 | 03/09/2013 | 59,213.26 |
| 03/13/2010 | 71,007.37 | 03/12/2011 | 66,979.48 | 03/10/2012 | 76,808.62 | 03/16/2013 | 62,366.36 |
| 03/20/2010 | 74,335.38 | 03/19/2011 | 73,113.26 | 03/17/2012 | 76,883.92 | 03/23/2013 | 59,841.02 |
| 03/27/2010 | 69,941.88 | 03/26/2011 | 68,490.80 | 03/24/2012 | 72,108.36 | 03/30/2013 | 57,567.98 |
| 04/03/2010 | 70,636.28 | 04/02/2011 | 70,846.58 | 03/31/2012 | 74,244.22 | 04/06/2013 | 63,108.84 |
| 04/10/2010 | 69,692.79 | 04/09/2011 | 67,076.78 | 04/07/2012 | 75,382.98 | 04/13/2013 | 56,849.30 |
| 04/17/2010 | 69,335.92 | 04/16/2011 | 64,698.56 | 04/14/2012 | 71,065.34 | 04/20/2013 | 55,432.12 |
| 04/24/2010 | 68,714.11 | 04/23/2011 | 67,674.14 | 04/21/2012 | 68,055.08 | 04/27/2013 | 58,612.74 |
| 05/01/2010 | 68,799.06 | 04/30/2011 | 66,807.50 | 04/28/2012 | 72,880.66 | 05/04/2013 | 61,102.92 |
| 05/08/2010 | 67,403.54 | 05/07/2011 | 66,379.74 | 05/05/2012 | 71,582.30 | 05/11/2013 | 57,428.70 |
| 05/15/2010 | 70,186.32 | 05/14/2011 | 66,699.76 | 05/12/2012 | 63,357.92 | 05/18/2013 | 61,172.80 |
| 05/22/2010 | 64,695.71 | 05/21/2011 | 63,210.44 | 05/19/2012 | 78,984.36 | 05/25/2013 | 57,131.24 |
| 05/29/2010 | 67,157.40 | 05/28/2011 | 64,724.06 | 05/26/2012 | 67,396.24 | 06/01/2013 | 65,920.66 |
| 06/05/2010 | 77,371.80 | 06/04/2011 | 74,952.34 | 06/02/2012 | 76,959.44 | 06/08/2013 | 55,233.74 |
| 06/12/2010 | 66,106.29 | 06/11/2011 | 62,203.12 | 06/09/2012 | 63,584.86 | 06/15/2013 | 54,067.52 |
| 06/19/2010 | 64,888.48 | 06/18/2011 | 61,200.76 | 06/16/2012 | 59,436.12 | 06/22/2013 | 54,690.28 |
| 06/26/2010 | 63,950.29 | 06/25/2011 | 65,470.44 | 06/23/2012 | 55,921.30 | 06/29/2013 | 55,991.38 |
| 06/30/2010 | 29,667.19 | 06/30/2011 | 34,351.16 | 06/30/2012 | 58,207.40 | 06/30/2013 | 11,509.54 |

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TOTALS **4041141.56**

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**4016541.01**

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**4124906.8**

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**3580645.18**

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**1341460**

**Table Game Revenue**

| <b>Date</b>            | <b>Amount</b>    | <b>Date</b>            | <b>Amount</b>     | <b>Date</b>            | <b>Amount</b>     | <b>Date</b>            | <b>Amount</b>    |
|------------------------|------------------|------------------------|-------------------|------------------------|-------------------|------------------------|------------------|
| July/August, 2010      | 154,185.68       | July, 2011             | 141,718.01        | July, 2012             | 138,663.64        | July, 2013             | 99,274.36        |
| September, 2010        | 94,247.84        | August, 2011           | 137,473.92        | August, 2012           | 133,245.83        | August, 2013           | 111,427.75       |
| October, 2010          | 105,903.60       | September, 2011        | 110,375.25        | September, 2012        | 127,532.40        | September, 2013        | 80,857.74        |
| November, 2010         | 108,717.67       | October, 2011          | 124,273.94        | October, 2012          | 126,482.02        |                        |                  |
| December, 2010         | 118,721.11       | November, 2011         | 121,118.87        | November, 2012         | 134,443.93        |                        |                  |
| January, 2011          | 106,189.21       | December, 2011         | 140,509.93        | December, 2012         | 146,677.92        |                        |                  |
| February, 2011         | 105,776.45       | January, 2012          | 137,812.68        | January, 2013          | 132,650.35        |                        |                  |
| March, 2011            | 120,927.10       | February, 2012         | 142,770.01        | February, 2013         | 121,636.62        |                        |                  |
| April, 2011            | 130,654.61       | March, 2012            | 151,845.46        | March, 2013            | 149,033.62        |                        |                  |
| May, 2011              | 130,492.02       | April, 2012            | 127,862.26        | April, 2013            | 105,545.23        |                        |                  |
| June, 2011             | 121,576.41       | May, 2012              | 137,905.13        | May, 2013              | 109,747.38        |                        |                  |
|                        |                  | June, 2012             | 129,235.38        | June, 2013             | 104,803.37        |                        |                  |
| <b>Total 2010-2011</b> | <b>1297391.7</b> | <b>Total 2011-2012</b> | <b>1602900.84</b> | <b>Total 2012-2013</b> | <b>1530462.31</b> | <b>Total 2013-2014</b> | <b>291559.85</b> |

**Table Game Revenue Distribution - Jefferson County School Board**

| <b>Date</b>            | <b>Amount</b>       | <b>Date</b>            | <b>Amount</b>       | <b>Date</b>            | <b>Amount</b>     |
|------------------------|---------------------|------------------------|---------------------|------------------------|-------------------|
| July, 2011             | 425,154.03          | July, 2012             | 415,990.92          | July, 2013             | 297,823.08        |
| August, 2011           | 412,421.76          | August, 2012           | 399,737.49          | August, 2013           | 334,283.25        |
| September, 2011        | 331,125.75          | September, 2012        | 382,597.20          | September, 2013        | 242,573.22        |
| October, 2011          | 372,821.82          | October, 2012          | 379,446.06          |                        |                   |
| November, 2011         | 363,356.61          | November, 2012         | 403,331.79          |                        |                   |
| December, 2011         | 421,529.79          | December, 2012         | 440,033.75          |                        |                   |
| January, 2012          | 413,438.04          | January, 2013          | 397,951.05          |                        |                   |
| February, 2012         | 428,310.03          | February, 2013         | 381,857.07          |                        |                   |
| March, 2012            | 455,536.38          | March, 2013            | 447,100.86          |                        |                   |
| April, 2012            | 383,586.78          | April, 2013            | 316,635.69          |                        |                   |
| May, 2012              | 413,715.39          | May, 2013              | 329,242.14          |                        |                   |
| June, 2012             | 387,706.12          | June, 2013             | 314,410.11          |                        |                   |
| <b>Total 2011-2012</b> | <b>4,808,702.50</b> | <b>Total 2012-2013</b> | <b>4,608,334.13</b> | <b>Total 2013-2014</b> | <b>874,679.55</b> |

**WEST VIRGINIA LOTTERY  
WEEKLY SETTLEMENT FOR CHARLES TOWN**

| Week Ending Date                                       | Week Ending<br>October 19, 2013<br>FY14<br>October 25, 2013 |
|--------------------------------------------------------|-------------------------------------------------------------|
| <b>To be Deposited on:</b>                             |                                                             |
| Amount Played                                          | 62,794,505.85                                               |
| Amount Won                                             | 56,177,468.15                                               |
| Amount Promo                                           | 225,808.00                                                  |
| MWAP Contribution                                      | <u>2,979.58</u>                                             |
| <b>Adjusted Gross Terminal Revenue</b>                 | <b><u>6,388,250.12</u></b>                                  |
| Administrative Costs @ 4%                              | 255,530.00                                                  |
| Excess Lottery Fund @ 4%                               | <u>0.00</u>                                                 |
| <b>Net Terminal Revenue</b>                            | <b><u>6,132,720.12</u></b>                                  |
| Surcharge @ 10%                                        | 0.00                                                        |
| State Share Excess @ 58%                               | 0.00                                                        |
| Track Share of Capital Reinvestment @ 42%              | 0.00                                                        |
| <i>Track Share of Capital Reinvestment @ 42% - 96%</i> | <i>0.00</i>                                                 |
| <i>Track Share of Capital Reinvestment @ 42% - 4%</i>  | <i>0.00</i>                                                 |
| <b>Adjusted Net Terminal Revenue</b>                   | <b><u>6,132,720.12</u></b>                                  |
| Racetrack @ 46.50% / 42%                               | 2,851,714.86                                                |
| Lottery Fund @ 30% / 0%                                | 1,839,816.04                                                |
| Excess Lottery Fund @ 0% / 41%                         | 0.00                                                        |
| Race Track Purses @ 7% / 14% / 8%                      | 858,580.82                                                  |
| Workers' Compensation Debt Reduction @ 7% / 0%         | 0.00                                                        |
| Employee Pension Fund @ 1% / .5%                       | 61,327.20                                                   |
| Greyhound Development @ .75%                           | 45,995.40                                                   |
| Thoroughbred Development @ .75%                        | 45,995.40                                                   |
| Racing Commission @ 1%                                 | 61,327.20                                                   |
| County/Municipality @ 2%                               | 122,654.40                                                  |
| <b>3% Funds:</b>                                       |                                                             |
| Tourism Promotion Fund @ 1.375%                        | 84,324.90                                                   |
| Development Office Promotion Fund @ .375%              | 22,997.70                                                   |
| Research Challenge Fund @ .5%                          | 30,663.60                                                   |
| Capitol Renovation and Improvement Fund @ .6875%       | 42,162.45                                                   |
| 2004 Capitol Complex Parking Garage Fund @ .0625%      | 3,832.95                                                    |
| <b>1% Funds:</b>                                       |                                                             |
| State Capitol Complex Parking Garage @ 1%              | 0.00                                                        |
| Cultural Facilities and Capitol Resources @ .5%        | 30,663.60                                                   |
| Capitol Dome and Capitol Improvements @ .5% / 1%       | <u>30,663.60</u>                                            |
|                                                        | <b><u>6,132,720.12</u></b>                                  |

WEST VIRGINIA LOTTERY  
 First Benchmark  
 Charles Town  
 County / City Split  
 Fiscal Year 2014

Charles Town  
 1999 Net Terminal Revenue \$ 45,603,174  
 Benchmark Goal @ 2% \$ 912,063.48

| DATE                       | 2% OF<br>ADJ. NET<br>REVENUE | TO<br>JEFFERSON<br>COUNTY | TO<br>FIVE<br>CITIES | BOLIVAR<br>7.93% | CHARLES<br>TOWN<br>39.90% | HARPERS<br>FERRY<br>2.17% | RANSON<br>33.68% | SHEPHERDS<br>TOWN<br>16.32% |
|----------------------------|------------------------------|---------------------------|----------------------|------------------|---------------------------|---------------------------|------------------|-----------------------------|
| 6 days ending:<br>07/06/13 | \$ 123,196.88                | \$ 123,196.88             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| Week ending:<br>07/13/13   | \$ 128,060.40                | \$ 128,060.40             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 07/20/13                   | \$ 115,128.84                | \$ 115,128.84             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 07/27/13                   | \$ 123,049.56                | \$ 123,049.56             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/03/13                   | \$ 116,180.80                | \$ 116,180.80             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/10/13                   | \$ 120,078.64                | \$ 120,078.64             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/17/13                   | \$ 124,888.56                | \$ 124,888.56             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/24/13                   | \$ 118,284.44                | \$ 89,882.12              | \$ 28,402.32         | \$ 2,252.30      | \$ 11,332.53              | \$ 616.33                 | \$ 9,585.90      | \$ 4,635.26                 |
| 08/31/13                   | \$ 117,826.36                | \$ 58,913.18              | \$ 58,913.18         | \$ 4,671.81      | \$ 23,506.36              | \$ 1,278.42               | \$ 19,841.96     | \$ 9,614.83                 |
| 09/07/13                   | \$ 135,517.48                | \$ 67,758.74              | \$ 67,758.74         | \$ 5,373.27      | \$ 27,035.74              | \$ 1,470.36               | \$ 22,821.14     | \$ 11,058.23                |
| 09/14/13                   | \$ 106,748.44                | \$ 53,374.22              | \$ 53,374.22         | \$ 4,232.58      | \$ 21,296.31              | \$ 1,158.22               | \$ 17,976.44     | \$ 8,710.67                 |
| 09/21/13                   | \$ 108,555.88                | \$ 54,277.94              | \$ 54,277.94         | \$ 4,304.24      | \$ 21,656.90              | \$ 1,177.83               | \$ 18,280.81     | \$ 8,858.16                 |
| 09/28/13                   | \$ 109,783.00                | \$ 54,881.50              | \$ 54,881.50         | \$ 4,352.10      | \$ 21,897.72              | \$ 1,190.93               | \$ 18,484.09     | \$ 8,956.66                 |
| 10/05/13                   | \$ 111,901.48                | \$ 55,950.74              | \$ 55,950.74         | \$ 4,436.89      | \$ 22,324.35              | \$ 1,214.13               | \$ 18,844.21     | \$ 9,131.16                 |
| 10/12/13                   | \$ 111,675.84                | \$ 55,837.92              | \$ 55,837.92         | \$ 4,427.95      | \$ 22,279.33              | \$ 1,211.68               | \$ 18,806.21     | \$ 9,112.75                 |
| 10/19/13                   | \$ 122,654.40                | \$ 61,327.20              | \$ 61,327.20         | \$ 4,863.25      | \$ 24,469.55              | \$ 1,330.80               | \$ 20,655.00     | \$ 10,008.60                |
| Subtotal                   | \$ 1,893,511.00              | \$ 1,402,787.24           | \$ 490,723.76        | \$ 38,914.39     | \$ 195,798.79             | \$ 10,648.70              | \$ 165,275.76    | \$ 80,086.12                |

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

**VIDEO LOTTERY REPORT**

| FY 2010      |            | FY 2011    |            | FY 2012    |            | FY 2013    |            | FY 2014    |            |
|--------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Date         | Amount     | Date       | Amount     | Date       | Amount     | Date       | Amount     | Date       | Amount     |
| 07/04/2009 * | 128,262.42 | 07/03/2010 | 115,402.58 | 7/1-2/2011 | 69,824.12  | 07/07/2012 | 161,637.92 | 07/06/2013 | 123,196.88 |
| 07/11/2009   | 168,815.08 | 07/10/2010 | 205,731.64 | 07/09/2011 | 171,717.28 | 07/14/2012 | 129,458.04 | 07/13/2013 | 128,060.40 |
| 07/18/2009   | 160,652.98 | 07/17/2010 | 161,386.76 | 07/16/2011 | 143,019.52 | 07/21/2012 | 130,037.00 | 07/20/2013 | 115,128.84 |
| 07/25/2009   | 158,869.08 | 07/24/2010 | 160,368.28 | 07/23/2011 | 146,508.00 | 07/28/2012 | 137,164.44 | 07/27/2013 | 123,049.56 |
| 08/01/2009   | 174,493.08 | 07/31/2010 | 157,802.08 | 07/30/2011 | 144,510.28 | 08/04/2012 | 132,931.16 | 08/03/2013 | 116,180.80 |
| 08/08/2009   | 138,408.80 | 08/07/2010 | 136,494.98 | 08/06/2011 | 151,495.28 | 08/11/2012 | 134,212.88 | 08/10/2013 | 120,078.64 |
| 08/15/2009   | 81,222.14  | 08/14/2010 | 78,376.68  | 08/13/2011 | 117,350.38 | 08/18/2012 | 110,241.90 | 08/17/2013 | 124,888.56 |
| 08/22/2009   | 76,260.31  | 08/21/2010 | 76,199.02  | 08/20/2011 | 71,614.12  | 08/25/2012 | 66,209.90  | 08/24/2013 | 89,882.12  |
| 08/29/2009   | 80,472.92  | 08/28/2010 | 72,460.03  | 08/27/2011 | 63,432.14  | 09/01/2012 | 67,133.42  | 08/31/2013 | 58,913.18  |
| 09/05/2009   | 80,798.15  | 09/04/2010 | 76,362.84  | 09/03/2011 | 80,837.76  | 09/08/2012 | 74,029.40  | 09/07/2013 | 67,758.74  |
| 09/12/2009   | 86,286.92  | 09/11/2010 | 82,969.36  | 09/10/2011 | 84,845.80  | 09/15/2012 | 61,838.04  | 09/14/2013 | 53,374.22  |
| 09/19/2009   | 70,010.15  | 09/18/2010 | 67,638.78  | 09/17/2011 | 66,748.62  | 09/22/2012 | 56,996.90  | 09/21/2013 | 54,277.94  |
| 09/26/2009   | 69,316.87  | 09/25/2010 | 70,435.06  | 09/24/2011 | 68,929.80  | 09/29/2012 | 61,611.40  | 09/28/2013 | 54,881.50  |
| 10/03/2009   | 72,286.04  | 10/02/2010 | 71,013.86  | 10/01/2011 | 68,871.64  | 10/06/2012 | 62,715.20  | 10/05/2013 | 55,950.74  |
| 10/10/2009   | 69,650.63  | 10/09/2010 | 69,311.50  | 10/08/2011 | 70,866.90  | 10/13/2012 | 60,710.18  | 10/12/2013 | 55,837.92  |
| 10/17/2009   | 73,560.21  | 10/16/2010 | 75,234.62  | 10/15/2011 | 75,262.66  | 10/20/2012 | 62,333.08  | 10/19/2013 | 61,327.20  |
| 10/24/2009   | 67,581.66  | 10/23/2010 | 70,290.80  | 10/22/2011 | 68,757.72  | 10/27/2012 | 58,073.54  |            |            |
| 10/31/2009   | 64,528.30  | 10/30/2010 | 65,615.04  | 10/29/2011 | 60,507.98  | 11/03/2012 | 56,545.30  |            |            |
| 11/07/2009   | 63,741.59  | 11/06/2010 | 61,337.62  | 11/05/2011 | 70,673.88  | 11/10/2012 | 56,110.96  |            |            |
| 11/14/2009   | 65,959.64  | 11/13/2010 | 64,595.28  | 11/12/2011 | 67,627.10  | 11/17/2012 | 57,432.36  |            |            |
| 11/21/2009   | 59,547.05  | 11/20/2010 | 56,010.08  | 11/19/2011 | 60,690.60  | 11/24/2012 | 65,888.86  |            |            |
| 11/28/2009   | 72,399.98  | 11/27/2010 | 71,170.90  | 11/26/2011 | 74,140.54  | 12/01/2012 | 50,243.34  |            |            |
| 12/05/2009   | 51,006.51  | 12/04/2010 | 53,215.08  | 12/03/2011 | 59,429.94  | 12/08/2012 | 50,770.96  |            |            |
| 12/12/2009   | 52,460.58  | 12/11/2010 | 46,944.00  | 12/10/2011 | 51,395.44  | 12/15/2012 | 47,022.38  |            |            |
| 12/19/2009   | 32,834.39  | 12/18/2010 | 42,076.76  | 12/17/2011 | 55,981.32  | 12/22/2012 | 46,838.96  |            |            |
| 12/26/2009   | 53,406.34  | 12/25/2010 | 50,450.28  | 12/24/2011 | 54,248.62  | 12/29/2012 | 59,697.22  |            |            |
| 01/02/2010   | 92,980.40  | 01/01/2011 | 85,152.12  | 12/31/2011 | 94,661.00  | 01/05/2013 | 71,673.52  |            |            |
| 01/09/2010   | 55,020.46  | 01/08/2011 | 54,301.30  | 01/07/2012 | 74,863.40  | 01/12/2013 | 50,416.30  |            |            |
| 01/16/2010   | 60,551.28  | 01/15/2011 | 54,005.90  | 01/14/2012 | 58,901.92  | 01/19/2013 | 51,211.88  |            |            |
| 01/23/2010   | 69,943.53  | 01/22/2011 | 60,924.74  | 01/21/2012 | 61,819.92  | 01/26/2013 | 46,966.26  |            |            |
| 01/30/2010   | 48,527.75  | 01/29/2011 | 48,036.94  | 01/28/2012 | 62,898.78  | 02/02/2013 | 52,067.92  |            |            |
| 02/06/2010   | 37,155.14  | 02/05/2011 | 60,777.44  | 02/04/2012 | 72,154.66  | 02/09/2013 | 52,222.20  |            |            |
| 02/13/2010   | 44,334.00  | 02/12/2011 | 67,471.84  | 02/11/2012 | 66,429.04  | 02/16/2013 | 64,243.52  |            |            |
| 02/20/2010   | 76,946.12  | 02/19/2011 | 72,018.54  | 02/18/2012 | 77,455.88  | 02/23/2013 | 64,115.70  |            |            |
| 02/27/2010   | 72,024.40  | 02/26/2011 | 75,544.02  | 02/25/2012 | 77,611.78  | 03/02/2013 | 62,602.74  |            |            |

|            |           |            |           |            |           |            |           |
|------------|-----------|------------|-----------|------------|-----------|------------|-----------|
| 03/06/2010 | 76,936.85 | 03/05/2011 | 74,535.34 | 03/03/2012 | 75,963.86 | 03/09/2013 | 59,213.26 |
| 03/13/2010 | 71,007.37 | 03/12/2011 | 66,979.48 | 03/10/2012 | 76,808.62 | 03/16/2013 | 62,366.36 |
| 03/20/2010 | 74,335.38 | 03/19/2011 | 73,113.26 | 03/17/2012 | 76,883.92 | 03/23/2013 | 59,841.02 |
| 03/27/2010 | 69,941.88 | 03/26/2011 | 68,490.80 | 03/24/2012 | 72,108.36 | 03/30/2013 | 57,567.98 |
| 04/03/2010 | 70,636.28 | 04/02/2011 | 70,846.58 | 03/31/2012 | 74,244.22 | 04/06/2013 | 63,108.84 |
| 04/10/2010 | 69,692.79 | 04/09/2011 | 67,076.78 | 04/07/2012 | 75,382.98 | 04/13/2013 | 56,849.30 |
| 04/17/2010 | 69,335.92 | 04/16/2011 | 64,698.56 | 04/14/2012 | 71,065.34 | 04/20/2013 | 55,432.12 |
| 04/24/2010 | 68,714.11 | 04/23/2011 | 67,674.14 | 04/21/2012 | 68,055.08 | 04/27/2013 | 58,612.74 |
| 05/01/2010 | 68,799.06 | 04/30/2011 | 66,807.50 | 04/28/2012 | 72,880.66 | 05/04/2013 | 61,102.92 |
| 05/08/2010 | 67,403.54 | 05/07/2011 | 66,379.74 | 05/05/2012 | 71,582.30 | 05/11/2013 | 57,428.70 |
| 05/15/2010 | 70,186.32 | 05/14/2011 | 66,699.76 | 05/12/2012 | 63,357.92 | 05/18/2013 | 61,172.80 |
| 05/22/2010 | 64,695.71 | 05/21/2011 | 63,210.44 | 05/19/2012 | 78,984.36 | 05/25/2013 | 57,131.24 |
| 05/29/2010 | 67,157.40 | 05/28/2011 | 64,724.06 | 05/26/2012 | 67,396.24 | 06/01/2013 | 65,920.66 |
| 06/05/2010 | 77,371.80 | 06/04/2011 | 74,952.34 | 06/02/2012 | 76,959.44 | 06/08/2013 | 55,233.74 |
| 06/12/2010 | 66,106.29 | 06/11/2011 | 62,203.12 | 06/09/2012 | 63,584.86 | 06/15/2013 | 54,067.52 |
| 06/19/2010 | 64,888.48 | 06/18/2011 | 61,200.76 | 06/16/2012 | 59,436.12 | 06/22/2013 | 54,690.28 |
| 06/26/2010 | 63,950.29 | 06/25/2011 | 65,470.44 | 06/23/2012 | 55,921.30 | 06/29/2013 | 55,991.38 |
| 06/30/2010 | 29,667.19 | 06/30/2011 | 34,351.16 | 06/30/2012 | 58,207.40 | 06/30/2013 | 11,509.54 |

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TOTALS **4041141.56**

**4016541.01**

**4124906.8**

**3580645.18**

**1402787**

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**Table Game Revenue**

| <b>Date</b>            | <b>Amount</b>    | <b>Date</b>            | <b>Amount</b>     | <b>Date</b>            | <b>Amount</b>     | <b>Date</b>            | <b>Amount</b>    |
|------------------------|------------------|------------------------|-------------------|------------------------|-------------------|------------------------|------------------|
| July/August, 2010      | 154,185.68       | July, 2011             | 141,718.01        | July, 2012             | 138,663.64        | July, 2013             | 99,274.36        |
| September, 2010        | 94,247.84        | August, 2011           | 137,473.92        | August, 2012           | 133,245.83        | August, 2013           | 111,427.75       |
| October, 2010          | 105,903.60       | September, 2011        | 110,375.25        | September, 2012        | 127,532.40        | September, 2013        | 80,857.74        |
| November, 2010         | 108,717.67       | October, 2011          | 124,273.94        | October, 2012          | 126,482.02        |                        |                  |
| December, 2010         | 118,721.11       | November, 2011         | 121,118.87        | November, 2012         | 134,443.93        |                        |                  |
| January, 2011          | 106,189.21       | December, 2011         | 140,509.93        | December, 2012         | 146,677.92        |                        |                  |
| February, 2011         | 105,776.45       | January, 2012          | 137,812.68        | January, 2013          | 132,650.35        |                        |                  |
| March, 2011            | 120,927.10       | February, 2012         | 142,770.01        | February, 2013         | 121,636.62        |                        |                  |
| April, 2011            | 130,654.61       | March, 2012            | 151,845.46        | March, 2013            | 149,033.62        |                        |                  |
| May, 2011              | 130,492.02       | April, 2012            | 127,862.26        | April, 2013            | 105,545.23        |                        |                  |
| June, 2011             | 121,576.41       | May, 2012              | 137,905.13        | May, 2013              | 109,747.38        |                        |                  |
|                        |                  | June, 2012             | 129,235.38        | June, 2013             | 104,803.37        |                        |                  |
| <b>Total 2010-2011</b> | <b>1297391.7</b> | <b>Total 2011-2012</b> | <b>1602900.84</b> | <b>Total 2012-2013</b> | <b>1530462.31</b> | <b>Total 2013-2014</b> | <b>291559.85</b> |

**Table Game Revenue Distribution - Jefferson County School Board**

| <u>Date</u>            | <u>Amount</u>       | <u>Date</u>            | <u>Amount</u>       | <u>Date</u>            | <u>Amount</u>     |
|------------------------|---------------------|------------------------|---------------------|------------------------|-------------------|
| July, 2011             | 425,154.03          | July, 2012             | 415,990.92          | July, 2013             | 297,823.08        |
| August, 2011           | 412,421.76          | August, 2012           | 399,737.49          | August, 2013           | 334,283.25        |
| September, 2011        | 331,125.75          | September, 2012        | 382,597.20          | September, 2013        | 242,573.22        |
| October, 2011          | 372,821.82          | October, 2012          | 379,446.06          |                        |                   |
| November, 2011         | 363,356.61          | November, 2012         | 403,331.79          |                        |                   |
| December, 2011         | 421,529.79          | December, 2012         | 440,033.75          |                        |                   |
| January, 2012          | 413,438.04          | January, 2013          | 397,951.05          |                        |                   |
| February, 2012         | 428,310.03          | February, 2013         | 381,857.07          |                        |                   |
| March, 2012            | 455,536.38          | March, 2013            | 447,100.86          |                        |                   |
| April, 2012            | 383,586.78          | April, 2013            | 316,635.69          |                        |                   |
| May, 2012              | 413,715.39          | May, 2013              | 329,242.14          |                        |                   |
| June, 2012             | 387,706.12          | June, 2013             | 314,410.11          |                        |                   |
| <b>Total 2011-2012</b> | <b>4,808,702.50</b> | <b>Total 2012-2013</b> | <b>4,608,334.13</b> | <b>Total 2013-2014</b> | <b>874,679.55</b> |