

## **NOTICE OF PUBLIC HEARING**

The County Commission of Jefferson County will hold a Public Hearing on **Thursday, November 19, 2015, at 1:30 p.m.** in the County Commission meeting room located at the Old Charles Town Library, 200 East Washington Street, Charles Town, WV 25414.

The purpose of the hearing is to receive public input on the proposed redlined edits to the Jefferson County Subdivision Regulations (File #STA15-05).

Anyone wishing to provide written or oral comment may do so at this meeting or send comments to [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org).

A copy of the proposed information may be obtained on the County website at: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

No decisions will be made at this meeting.

By Order of The County  
Commission of Jefferson County  
Jane M. Tabb, President





# JEFFERSON COUNTY, WEST VIRGINIA

## Departments of Planning and Zoning

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### MEMO

**To:** Jefferson County Planning Commission

**From:** Jennifer M. Brockman, AICP  
Director of Planning and Zoning

**Date:** September 22, 2015

**RE:** Proposed red-lined edits to the Jefferson County Subdivision and Land Development Regulations regarding the Major/Minor Processes (STA15-05)

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On February 10, 2015 the Planning Commission appointed a citizen's committee to draft an amendment to the Jefferson County Subdivision and Land Development Regulations regarding the Major/Minor Subdivision and Site Plan processes.

On August 11, 2015 staff distributed for your review the first draft of the proposed redlined edits (STA15-05) as submitted by the committee.

Attached for your review is the first draft of the proposed red-lined edits as submitted by the committee. Note, the only revision made on this version from the first version you received is that **Section 24.105E Minor Site Plan Application – Determination** has been re-added to the text by staff because it is mandated by WV Code §8A-5-4.

The next step would be to schedule a Public Hearing to receive public input on the proposed text amendment.

#### Attachments

- ❖ Cover Memo dated 07-29-15
- ❖ Article 26 – Terminology, Definition of Major Site Plan and Minor Site Plan
- ❖ Minor Site Plan Process
  - Sections 20.203; 24.105
  - Proposed new Sections (not yet numbered):
    - Minor Site Plan Concept Plan – Submission and Completeness Review
    - Minor Site Plan Concept Plan – Public Workshop
    - Minor Site Plan Concept Plan Direction
    - Minor Site Plan Process After Concept Plan Direction (working title)
- ❖ Major Subdivision/Site Plan Processes
  - Sections 23.203; 24.206; 24.107; 24.109; 24.110; 24.111; 24.112; 24.114; and 24.115
  - 24.113 - Major Subdivision Final Plat – Public Hearing – Recommendation is to delete this section entirely.

MEMORANDUM

TO: Steve Stolipher, President, Jefferson County Planning Commission

FROM: Committee on Subdivision and Site Plan Process Ordinance Amendments *PR*

SUBJECT: Draft of Proposed Amendments to the Subdivision and Site Development Ordinance

DATE: July 29, 2015

As you are aware, this Committee has been working diligently on proposed ordinance amendments for the processing of Subdivisions and Site Plans. The Committee has met for many months to come up with reasonable amendments to the process that would both streamline an application while keeping the Public involved and informed during the process.

The Committee understood that our task was to come up with a more workable process for plan and plat approvals that more closely reflected the intent of the West Virginia State Code and the experiences of the last several years of processing plans. When the Subdivision/Site Development Ordinance was adopted in 2008, the procedures for processing developments were incorporated into the document without much direction from a very vague new enabling legislation.

Although the Enabling Legislation does not contain a lot of public participation, the Committee felt that it served both the Public and the Applicant if the Concept Plan stage remained in the early stages of the plan approval process. Accordingly, the proposed amendments should achieve a balanced approach to public participation along with quicker processing times.

While the State Code makes it difficult to make the process perfect, the Committee believes that it succeeded with their task. The active participants of the Committee included: Suzanne Malesic; Katy Fidler; Mike Shepp; Michael Boyle; Debra Lee Hovatter; and, Paul J. Raco.

As discussed with Staff, the Committee would like the draft of the proposed amendments distributed to the Planning Commission at your August 11, 2015 meeting, but would hope for time in a September meeting to discuss the amendments with you. Ideally, we discussed the possibility of scheduling a second meeting in September to adequately address the amendments.

We appreciate the opportunity that we had to work on this important matter and hope that we can continue on the project until the final version is adopted. Thank you.

cc: Jennie Brockman, AICP, Director of Planning and Zoning

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JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING





## 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 new all structures or new additions located on the parcel are equal to or total more than 250,000 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.



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**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 ~~new all~~ structures ~~or new additions to 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~~ 250,000 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</sup>
- 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.<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.





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 subdivision is provided for in the 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>1, 3, & 4</sup>**

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

If the development requires easements for drainage or other purposes, private roads, or parking, and access to public roads is involved that serve one or more land uses, it is a site development. Minor site development proposes one or more of the following:



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(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 new structures or additions to structures located on the parcel total more than 5,000 and less than ~~50,000~~ 250,000 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.<sup>2</sup>

**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.



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**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. If the Staff determines that the site plan has been classified as a minor site development and is over 5,000 square feet as described in Section 20.201, then the project shall proceed with Section XXXX, Minor Site Plan Concept Plan. All other Minor Site Plans (under 5,000 sq. ft. and in Industrial/Business Park) shall proceed with Section XXXX (page 50D) Minor Site Plan Process After Concept Plan Direction (Page 50D).
- 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.)*

**Sec. XXXXX Minor Site Plan Concept Plan - Submission and Completeness Review<sup>2, 4</sup>**

The submission of a concept plan is a required step for minor site plans determined in Section 24.105. 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.



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**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>
<u>Townhouse</u>	<u>0.6</u>	<u>7.0 per d.u.</u>
<u>Mobile Home</u>	<u>0.6</u>	<u>5.0 per d.u.</u>
<u>Light Industrial</u>	<u>1.2</u>	<u>5.5 per 1000 s.f.</u>
<u>Industrial Park</u>	<u>0.99</u>	<u>7.0 per 1000 s.f.</u>
<u>Warehousing</u>	<u>1.63</u>	<u>4.9 per 1000 s.f.</u>
<u>Mini-warehousing</u>	<u>0.29</u>	<u>2.8 per 1000 s.f.</u>
<u>Office</u>	<u>2.82</u>	<u>17.7 per 1000 s.f.</u>
<u>Small Shopping Center</u>	<u>15.51</u>	<u>118.0 per 1000 s.f.</u>
<u>Convenience Market</u>	<u>54.80</u>	<u>625/1000 leasable s.f.</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. 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. A traffic study may be required only at the request and direction of the West Virginia Division of Highways. Any required traffic study or a letter from the West Virginia Division of Highways outlining the proposed improvements shall be received with the first submission of the site plan.<sup>4</sup>**





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



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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. XXXX Minor 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. XXXX Minor 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.

**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.



Section XXXX Minor Site Plan Process After Concept Plan Direction

- A. Formal Site Plan Submission. An Application, applicable fees, two copies of a Site Plan as outlined in Appendices A and B, 2 copies of Storm Water Management Calculations with Stormwater Narrative and all other applicable Site Plan support material can be submitted after the Concept Plan Direction is given by the Planning Commission.
- B. Required Elements. Within 7 days, Engineering Staff shall determine if the Site Plan is sufficient and support material contains at least 70 percent of the required elements of a site plan submission.
- C. Staff Review Conference. Once Engineering Staff determines that the Site Plan contains 70 percent of the required elements, Staff shall place an advertisement in the Spirit of Jefferson noticing a Staff Review Conference will be held on the first available Staff Review Schedule held on the first and third Fridays of every month. This Staff Review Conference shall be open to the public, but will be conducted only between the Staff, applicant and Design Consultant. The Design Consultant is required to attend, or the Staff Review Conference will be postponed to the next available Staff Review Schedule on a first or third Friday of the month. The purpose of the Staff Review Conference is for the Staff, applicant and design consultant to exchange checklists, ideas, suggestions and questions regarding the applicable site plan regulations as it relates to the submitted site plan and support data.
- D. Site Plan Approval. Once the Staff Review Conference is held, the site plan will be exchanged back and forth between the design consultant and Staff via the approved checklist process until such time that the Staff believes that the site plan and support data meets all applicable local and state regulations. Once the Staff determines that the site plan meets all such regulations, the Staff shall approve the site plan and allow the project to proceed to bond the project under the current Jefferson County Bonding Policy. All Health Department, Highway Department, Public Service District, WVDEP and other applicable State and Local Agency Approvals shall be in place prior to the Staff's Approval.
- E. Site Plan/Checklist Approval Process. Under Section D above, the applicant may at any time request to be on the Planning Commission agenda pursuant to current agenda rules in order to request that the Planning Commission approve the site plan if the applicant believes that the site plan meets the site plan rules and regulations.
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**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. Approval needed at Preliminary Plat Stage.
- 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. Approval needed at Preliminary Plat Stage.
- 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 at Concept Plan Stage.
- 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 at Concept Plan stage. This is a courtesy review for Park Planning Purposes.
- 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. Approval is needed at either Concept Plan or Preliminary Plat Stage.
- F. **Jefferson County Engineering Department.**<sup>4</sup> 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 and potential improvements to public roads at Preliminary Plat Stage.
- B. **Jefferson County Schools.** The Board of Education should determine the adequacy of school facilities intended to serve a proposed residential development at Concept Plan Stage. This is a courtesy review for School Planning purposes.
- C. **Emergency Services.** Fire, police, and EMS providers should determine the adequacy of emergency response and lifesaving services provided to their respective service area if potentially affected by a proposed subdivision or development project at Concept Stage.
- 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.~~ WVDEP, DEP approval for NPDES, SWPPP, GPP, and other applicable approvals (if required) are needed prior to Preliminary Plat Approval.



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- c. Nearest key intersection that will serve the proposed project. A "key intersection" is defined as any intersection with a primary or secondary highway as classified by the current Comprehensive Plan.
  - d. "Highway Problem Areas" according to the current Comprehensive Plan that falls within a one-mile radius of the project.
  - e. In the event trip generation in the peak hour exceeds 100 or the limitation designated in the most current DOH Traffic Engineering Directive, a traffic study ~~may 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 ~~prior to with the first submission of~~ the preliminary plat ~~approval~~.<sup>4</sup>
6. **Agency Reviews.** The reviewing agencies ~~may shall~~ conduct reviews of the proposed concept plan. Agency comments, ~~if responding~~, 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.** The WVDOH approval is necessary prior to preliminary plat approval. The County defers to the WVDOH requirements and approval. 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 WVDOH shall determine. The review shall indicate~~ whether a traffic impact study will be required during the preliminary plat stage. ~~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 or Applicant. 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.



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- 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 (at least 70 % of the required elements are addressed) 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 and application 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.** If required, TIS and materials agreed to at the concept plan direction shall be submitted prior to final preliminary plat approval by staff. This element is not required for completeness review. Where applicable, analysis, commentary, drawings, or other material specifically addressing conditions in the concept direction. This shall include comments or material from WVDOT 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. This element is not required for completeness review. However, final Health Department (State and Local) approval is necessary prior to final Preliminary Plat approval by Staff.
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. Capacity Letters are required at Completeness Stage, but final approvals are necessary prior to final Preliminary Plat approval by Staff.
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 and Narrative.** A Stormwater Management Plan and Narrative, 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. This is a required element in the first submission or the submission will automatically be determined as incomplete.<sup>4</sup>
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.



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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 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.** The WVDOH approval is required prior to final Preliminary Plat Approval by Staff. ~~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 and application 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. The Planning Commission may also accept the preliminary plat and application with the condition that the remaining items identified as necessary by the Ordinance be completed prior to final preliminary plat approval

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 or essentially 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 or essentially 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. The Planning Commission may approve the plan if it meets the standards of the land use ordinances, deny the plan if it does not meet the standards of the land use ordinances, or approve the plan with conditions to complete any remaining items. In the event that the preliminary plat is approved with conditions to complete any remaining items, unless otherwise directed by the Planning Commission, the Staff shall have the authority to grant final approval of the preliminary plat once the conditions are met. Also, if the Planning Commission conditionally approves the preliminary plat, then the Applicant shall be required to submit a notarized document expressly and explicitly waiving the 45 day time requirement for the Commission and/or Staff to act. If the Applicant is unwilling to provide such document, then the Planning Commission shall proceed in the final consideration of the preliminary plat. 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 defer to the WVDOH on final requirements and approvals for improvements to the public roads. Staff, Applicant and WVDOH are encouraged to work together for an acceptable final approval by WVDOH. have the jurisdiction over any developer or subdivider to require the installation of such improvements as are deemed proper within or adjacent to the subdivision to assure safe access to and from the public highway, and maintain an adequate flow of traffic on the public highway. Improvements required may include the installation of traffic signs and signals, constructing left or right turn lanes, acceleration and deceleration lanes, or reconstructing public roads to eliminate vertical or horizontal curves. Such improvements shall be acceptable to and approved by the West Virginia Division of Highways, provided a denial of such approval shall supersede Planning Commission authority under this provision. The roads impacted by a development are State roads under the jurisdiction of WVDOH. The Planning Commission shall not substitute its judgment of the safety or performance of roads for that of WVDOH unless there is compelling professional evidence that WVDOH has erred in its determination of impact.



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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<sup>4</sup>**

The submission of a final recordable plat, bonding estimate and-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. Approval of the Final Plat shall be administrative, pursuant to Section 24.112E. ~~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.** ~~The final recording plan shall include a current density calculation note or table, 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 their location on the site shall be indicated.
9. **Special Engineering.** If the site is in or partially in areas designated as high vulnerability areas, preliminary geotechnical engineering assessment may be required. All natural resources which have specific resource protection standards in the Zoning Ordinance or these Regulations shall be complied with and require final engineering approval. All natural resources which have specific resource protection standards in the Zoning Ordinance or these Regulations, shall be complied with, and require final engineering approval.
10. **Open Space.** Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the final plat. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved for recordation.
11. **Stormwater Management Plan.** 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.<sup>4</sup>
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 final plat is approved by that agency. These agencies shall include the Jefferson County Health Department, West



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~~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.~~

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.** Based on the Planning Commission's approval or conditional approval of the final Preliminary Plat, the approval of the final recording plat shall be an administrative function of Staff unless there is a disagreement between the Staff and the Applicant. The Staff or Applicant can request that the final recording document be addressed by the Planning Commission by having the matter placed on the next available meeting agenda. 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.~~

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- 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 ~~Director-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 landseaping~~) is inconsistent with the approved preliminary plat or conditions of said approval.
  - 2. Failure to provide approved surety.
- C. **Plat Signing.** The Planning ~~Director, or their representative shall sign~~ 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 Planning Commission may grant a waiver to this provision pursuant to the waiver process. The following documents shall be submitted to the Department of Planning:

- A. One (1) Mylar copy of the Final Plat suitable for recordation and acceptable to the Clerk of Jefferson County;
- B. Three (3) paper copies of the Final Plat;
- C. One (1) digital copy of the Final Plat compatible with the Jefferson County GIS, as specified by the Jefferson County GIS Office-requirements; and
- D. One (1) digital and one (1) paper copy of any deed restrictions/covenants in a form suitable to the Department.