

**JEFFERSON COUNTY, WEST VIRGINIA**

**Department of Planning**

104 East Washington Street

P.O. Box 338

Charles Town, West Virginia 25414

Phone: (304) 728-3228

Fax: (304) 728-8126

**Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)**

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Date: October 8, 2008

To: County Commission

From: Tony Redman, Planning Director

RE: Public Comments received at the Public Hearing on the proposed Subdivision & Land Development Regulations September 29, 2008

Please find attached the written public comments received from the public hearing.

If you have any questions, please feel free to contact me at x3245.

## **Sec. 24.106 Major Subdivision Concept Plan Completeness Review**

Once the concept plan has been found sufficient, the Department shall have 45 days to place the concept plan on a Planning Commission agenda to hold a public workshop. The applicant shall distribute the concept plan material to all reviewing agencies within seven days after the plan has been found sufficient. Agency comments shall be received by the Department 14 days prior to the scheduled public workshop.

- A. **Department and Agency Reviews.** The Department and appropriate reviewing agencies shall conduct reviews of the proposed concept plan.
- B. **Review Content.** The Department and agency reviews shall address the areas indicated in C through E below and any other areas of concern to the agencies.
- C. **Department.** The Department review shall include the following:
  1. Whether the density, use, and plan meet the requirements of Articles 2 and 3 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 plan submittal.
  2. Staff opinion as to whether the plan meets the site development planning or subdivision criteria of this Ordinance. The Department shall review the concept plan for modifications that would improve the plan.
- D. **WVDOH.** When appropriate, 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 this Ordinance 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 plan review, all transportation information is available so the agency does not have to seek additional data for a qualitative review.

## **Sec. 24.113 Major Subdivision Final Site Development Plan Application – Submission**

The submission of a final plan application is a required step for all subdivisions and site developments.

**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.
3. **County Clerk or Developer's Attorney.** County Clerk's certification or the developer's attorney's certification of ownership for any final plat involving a right-of-way dedication signed and notarized.

## **Sec. 24.502 Maintenance Bond**

A maintenance bond shall be provided to repair any damage sustained to improvements listed in Section 24.501, Improvements Requiring Surety, during the subdivision's or development's construction and for two years after acceptance of facilities. The amount of surety or maintenance bond and/or bond for improvements shall be determined as outlined in Section 24.503, *Amount of Surety*. The amount of the maintenance bond shall in no case exceed 50% of the amount of surety provided for the initial costs of improvements, and shall expire one year from the date that the construction bond is released.

## **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.

## **Appendix A**

### **Sec. 1.4 Recordation of Final Plat**

The applicant shall have ~~120~~ 180 days after approval to file and record the Final Plat in accordance with W.Va. Code §30-1-13. The approval shall be become void if it is not filed within the 120-day period. The following documents shall be submitted to the Department of Planning:

1. Two (2) mylar copies 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/Addressing Office requirements; and
4. One (1) digital and two (2) paper copies of any deed restrictions/covenants in a form suitable to the Department.

## **Appendix B**

### **Sec. 1.2 Surveys**

- A. The Preliminary Plan 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 ~~West Virginia Laws, Rules and Regulations of the State Board of Examiners of Land Surveyors (July 1, 1976) Rules and Regulations of the West Virginia Board of Professional Surveyors; Sections 23-5-7 and 3-1-17 of the West Virginia Code~~; or a greater standard as specified by the County Engineer/Staff.
- C. All permanent lot corner markers not susceptible to destruction by subdivision improvements shall be in place prior to the conveyance of individual lots. All other lot corners shall be in place prior to the final release of the construction bond. Lot corners will consist of 36" long by 5/8" diameter sections of steel rod suitable for magnetic detection; and/or shall be in accordance with state law. Certification of such shall be provided by a West Virginia licensed land surveyor.
- D. Bearings (or Azimuths) shall be dimensioned to the nearest 0.5 minute, distances to the nearest .01 foot and areas to the nearest .01 acre or 100 square feet.
- E. New sections of any subdivision on record at the time this Ordinance was adopted may use directional references that align with the directional references of the recorded subdivision.