



MEMO

TO: Jefferson County Commission

FROM: Jefferson County Historic Landmarks Commission

DATE: January 12, 2026

RE: Proposed Amendment to Section 24.113.B.10 of the Subdivision & Land Development Regulations.

At its April 29, 2025 meeting, the Planning Commission proposed revisions to the Subdivision Regulations to further elaborate on criteria related to Historical Resource Protection. On May 13, 2025, County Staff submitted a proposed amendment to the Planning Commission. The Historic Landmarks Commission finds that the proposed amendment does not provide sufficient clarification and would remove existing protections for historic resources. Accordingly, the Historic Landmarks Commission proposes the alternative amendment changes outlined below.

Note that Subdivision & Land Development Regulations currently states “(10) A Phase I archaeological study is required. A historic resources impact study shall also be included.”

“Section 24.133 Major Subdivision Preliminary Plat – Application Submission and Completeness Review

The submission of a preliminary plat application is a required step for major subdivisions. The ~~Staff 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 ~~Staff 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 Office 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.** An engineering plan shall be submitted in accordance with the content and formatting guidelines provided by the County Engineer.⁶
5. **Preliminary Landscape Plans.** A landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Department.
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.
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.~~ Submit a Phase IA Archaeological Study for the entire parcel and a Phase IB Archaeological Field Survey for the proposed area of development. The Phase IA shall include archival research, documentary review, searches of the WV State Historic Preservation Office (SHPO) site files, analysis of cultural and environmental context, and predictive sensitivity modeling. Following completion of Phase IA, a Phase IB Archaeological Field Survey, including systematic pedestrian survey and subsurface shovel test pit investigations, shall be conducted in accordance with WV SHPO Guidelines for Phase I, II, and III Archaeological Investigations. All investigations shall be conducted by a principal investigator meeting the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61).
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,



phasing, and development option selected if the development is residential.

12. **Stormwater Management Plan and Narrative.** 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 Office of Engineering. This is a required element in the first submission or the submission will automatically be determined as incomplete.⁴
 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.
 14. **Names.** Name of applicant and of consulting firms, addresses, phone, e-mail, and person(s) to whom correspondence shall be addressed.
 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.
 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 Review.** 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.
- 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 these Regulations be completed prior to final Preliminary Plat approval.
- 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 24.114, *Major Subdivision Preliminary Plat - Public Hearing*. If the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.”

“Sec. 24.122 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 staff~~ ~~The Department~~ shall have 45 days to complete the sufficiency and completeness review. Within the 45 days, the ~~staff~~ ~~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 Office 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 Office of Planning and Zoning. 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 Office of Engineering. If preliminary engineering plans satisfy the requirements of the Office 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 Office of Planning and Zoning.
 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. **Historic Resource Preservation.** Submit a Phase IA Archaeological Study for the entire parcel and a Phase IB Archaeological Field Survey for the proposed area of development. The Phase IA shall include archival research, documentary review, searches of the WV State Historic Preservation Office (SHPO) site files, analysis of cultural and environmental context, and predictive sensitivity modeling. Following completion of Phase IA, a Phase IB Archaeological Field Survey, including systematic pedestrian survey and subsurface shovel test pit investigations, shall be conducted in accordance with WV SHPO Guidelines for Phase I, II, and III Archaeological Investigations. All investigations shall be conducted by a principal investigator meeting the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61).
11. **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.
12. **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 to be reviewed by the Office of Engineering.⁴
13. **Surety.** Cost estimates for all improvements and proof of surety. See Section 24.503, *Amount of Surety*
14. **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 GIS/Addressing Office, 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.
15. **Names.** Name of applicant and of consulting firms, addresses, phone numbers, e-mail addresses, and person(s) to whom correspondence shall be addressed.
16. **Additional Information.** The Department shall:
 - a. Review and approve all matters under its jurisdiction.
 - b. Issue a zoning compliance letter.



c. Certify that all proffers have been satisfied.

C. Signature Blocks on Site Plans. The following certificates shall be placed on all site plans:

1. **Surveyor/Engineer.** Certificate of accuracy and mapping by professional licensed surveyor/engineer signed and sealed.
2. **Owners.** Certificate of ownership and dedication signed and notarized, including all individuals, partnerships, corporations, and lenders with financial security interests.
3. **County Staff.** A signature block for the County Engineer and the County Planner approvals in accordance with Appendix A, *Plan & Plat Standards*.

D. Approval. If the site plan is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it.

E. Effect. Once the site plan is found complete, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. At the meeting where the application is found complete, the Planning Commission shall schedule a public hearing within 45 days and in accordance with Section 24.123. Upon determining the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.

Division 26.200 Definitions of Terms

Phase IA Archaeological Study. A non-invasive research phase designed to identify archaeological sensitivity across the entire parent parcel through archival research, documentary review, WV State Historic Preservation Office (SHPO) site file searches, environmental and cultural context analysis, and predictive modeling, prepared in accordance with WV SHPO Guidelines and performed by a principal investigator meeting the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61).

Phase IB Archaeological Field Survey. A field investigation phase following Phase IA that includes systematic pedestrian survey and subsurface shovel test pit investigations conducted in accordance with WV SHPO Guidelines to identify, evaluate, and document archaeological resources across the proposed area of development.