

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
AUGUST 22, 2006

The Jefferson County Planning & Zoning Commission met on Tuesday, August 22, 2006 for the regular meeting, with Paul Burke, President presiding. Greg Corliss, John Sidor, Lynne Deming, Arnie Dailey, Russell Roper, Todd Baldau and Tom Kane were present. Staff members present were Sherry Kelly, Kim Shrader and Jennilee Hartman.

Mr. Burke called the special meeting with legal counsel to order at 6:30 p.m.

Ms. Stephanie Grove, Assistant Prosecuting Attorney, was present to discuss the legal opinion regarding the County paying for attorney fees for members of the Planning Commission who are sued. Ms. Grove stated the Attorney General's opinion states the County should not pay for the attorney fees until after the Court has decided a finding of good faith. Mr. Kane arrived to the meeting at 6:34.

At 6:50 p.m. Mr. Corliss motioned to go into Executive Session under Peters vs. County Commission of Woods County. Mr. Sidor seconded the motion which passed unanimously. Mr. Baldau arrived during the Executive Session at 6:55 p.m.

The regular meeting of the Planning Commission began at 7:06 p.m.

Ms. Deming motioned to amend the August 8, 2006 minutes to reflect the following change: Page four, Item #10, before the name Fred Blackmer to add the words, "Ms. Deming inquired as to why a request to meet with the County Commission to discuss bylaws was placed on the County Commission agenda when no action had been taken by the Planning Commission for such a request." Mr. Kane seconded the motion which carried unanimously. Mr. Sidor motioned to amend the August 8, 2006 minutes to reflect the following changes: (1) Page four, Item #8, add to the end of the fourth paragraph, "Letter is attached." (2) Page four, Item #8, regarding the Long Range Planner, change the sentence to state, " Mr. Burke stated that he is appointing Todd Baldau to replace John Sims. Mr. Kane motioned to amend the August 8, 2006 minutes to reflect the following change: Page one, Item #1, after the fourth sentence to add the words, "Mr. Sidor took over as chair." Ms. Deming seconded the motion which carried unanimously. Mr. Kane motioned to approve the amended minutes from August 8, 2006. Mr. Dailey seconded the motion which passed unanimously.

Regarding the July 18, 2006 Special Planning Commission minutes Mr. Burke suggested the following amendments: (1) Page two, Item #7, change the word "minority" to "majority." (2) Page four, after Item #35 insert the motion, "On a motion by Mr. Sims, seconded by Mr. Baldau, the Planning Commission unanimously voted to refer the draft bylaws and procedures for public comment, with written comment due by September 1, 2006, and the topic to be on the September 12, 2006 agenda. Mr. Sidor made a motion to approve the suggested amendments. Mr. Corliss seconded the motion which passed six for, one opposed and one abstention (Mr. Kane).

Mr. Burke asked if there were any postponements.

Mike Shepp with Dewberry requested a postponement for the Final Plat Public Hearing for the Maddex Farm Subdivision, Phase IV. Mr. Burke and Ms. Deming recused themselves and left the meeting room because he had testified on the project and her ex-husband is an owner. Mr. Sidor sat

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as chair. Mr. Shepp requested the item be postponed until the September 12, 2006 meeting in order for Dewberry to submit a redline revision and an As-Built for the project. Staff concurred with Mr. Shepp's statement and added until these documents are submitted Staff would not be able to give a recommendation. Mr. Sidor asked if there was any public comment. There was none. Mr. Baldau motioned to postpone the Final Plat Public Hearing for the Maddex Farm Subdivision, Phase IV until the September 12, 2006 meeting. Mr. Kane seconded the motion which passed unanimously. Mr. Burke and Ms. Deming returned to the meeting room.

Mr. James Campbell, Attorney, requested a postponement for the Community Impact Statement Review for Spruce Hill Subdivision, Townhouse Lots 1-50 until the September 12, 2006. Mr. Burke asked is any members of the public were present to speak on this item. There were. Mr. Burke stated he would like to hear public comment, while keeping the item open for the next meeting to give the Commission time to review the most current copy of the Community Impact Statement. It was agreed that if the meeting were to be carried over to September 12, 2006 the public would be able to speak again. Mr. Baldau suggested they wait until their item comes up on the agenda before any action is taken.

Ms. Sherry Kelly, County Planner, stated Mr. and Ms. Wilson requested a postponement in writing for Items #11, 12 and 13. Mr. Burke asked if there was any public comment. There was none. Mr. Baldau made a motion to postpone these items until the September 12, 2006 meeting. Mr. Corliss seconded the motion which passed unanimously.

Mr. Campbell referred to a letter submitted to the office on behalf of Beallair Subdivision. Mr. Campbell requested assurance that this letter and corresponding variance would be taken up at the September 12, 2006 meeting. Mr. Burke stated this request is not a postponement, therefore, it would be addressed under Item #20, Non-Actionable Correspondence.

1. Election of Officers. Mr. Baldau nominated Mr. Sidor for Vice President. Ms. Deming nominated Mr. Dailey for Vice President. Mr. Roper motioned to close the nominations. Ms. Deming seconded the motion which passed unanimously. The vote for the nominees for Vice President was four for Mr. Sidor (Mr. Burke, Mr. Corliss, Mr. Sidor and Mr. Baldau) and four for Mr. Dailey (Mr. Kane, Mr. Roper, Ms. Deming and Mr. Dailey). Considering the tie vote, Mr. Burke suggested the Commission wait until the County Commission selects a new Planning Commission member.

2. Final Plat Public Hearing for the Harvest Pointe Minor Subdivision (#06-21). Mr. Todd Kevington was present to represent this item. Mr. Burke had questions regarding the vicinity map. Mr. Burke opened the public hearing. There was no public comment. Mr. Burke closed the public hearing. Staff recommended approval of the final plat conditioned on submitting the necessary originally signed plats and recordation within 90 days. Mr. Baldau motioned to approve the Harvest Pointe Minor Subdivision with staff contingencies and the vicinity map being updated to reflect current boundaries of the City of Ranson as well as to have all roads on the vicinity ma accurately identified. Mr. Kane seconded the motion which passed seven for and one opposed (Mr. Burke).

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3. Final Plat Public Hearing for the Sullivan Minor Subdivision (#06-22). Mr. Burke opened the public hearing. There was no public comment. Mr. Burke closed the public hearing. Staff recommended approval of the final plat conditioned on submitting the necessary originally signed plats and recordation within 90 days. Mr. Baldau motioned to approve the Sullivan Minor Subdivision with staff contingencies. Mr. Roper seconded the motion which passed unanimously.
4. Postponed from the 04-25-06, 05-23-06, 06-13-06, 07-11-06, 07-25-06 and the 08-08-06 meetings. Final Plat Public Hearing for the Maddex Farm Subdivision, Phase IV (#06-07). This item was postponed at the beginning of the meeting.
5. Meeting with lawyer(s) to discuss pending litigation (if it is not finished in the 6:30 special meeting. None.
6. Community Impact Statement for Spruce Hill Subdivision, Townhouse Lots 1-50 (#05-48). Mr. Campbell, Attorney, and Mr. Lou Athey, Developer, were present to represent. There was public comment from Mr. Paul Koehler, Ms. Kim Teska, Ms. Constance Davis, Mr. Roy Vaughan, Mr. Arron Waldner, Ms. Rosa Espana, Mr. Mike Waytovich and Ms. Melony Estrella. Concerns were raised whether or not this would be the final phase of the Spruce Hill subdivision, storm water drainage, road improvements and public water and sewer hook up.

The CD was changed at 8:19 p.m. and the meeting resumed at 8:20 p.m.

Mr. Kane motioned to suspend the public hearing until the September 12, 2006 meeting. Mr. Roper seconded the motion which passed unanimously.

Mr. Burke questioned if they had made a motion to approve the minutes from the July 18, 2006 special meeting. They had not. Mr. Sidor motioned to approve the minutes. Mr. Baldau seconded the motion which passed seven for and one abstention (Mr. Kane).

7. Request by Dan Douridas on behalf of RAI Group 43B, LLC for a variance to allow more than one principal building on Lot 43B (Burr Business Park). Mr. Burke asked for public comment, hearing none Mr. Burke turned to Staff for comment. Staff recommended approval of the variance. Dan Douridas and Jim Ruland of RAI Group 43B, LLC made a presentation stating variances had already been obtained for the landscaping by the Board of Zoning Appeals. Mr. Baldau motioned to approve the variance. Mr. Corliss seconded the motion which passed unanimously.

8. Request by Dan Douridas on behalf of RAI Group 41, LLC for a variance to allow more than one principal building on Lot 41 (Burr Business Park). Mr. Burke asked for public comment, hearing none Mr. Burke turned to Staff for comment. Staff recommended approval of the variance. Dan Douridas and Jim Ruland of RAI Group 43B, LLC made a presentation stating variances had already been obtained for the landscaping by the Board of Zoning Appeals. Mr. Baldau motioned to approve the variance. Mr. Corliss seconded the motion which passed unanimously.

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9. Request by Annette van Hilst with Dewberry on behalf of Aspen Pool Farms, Inc. for a variance to allow an exception from the requirements of the Subdivision Ordinance, specifically Section 2.1 Subdivision Exemptions (b). Aspen Pool Farm Inc. is a family owned corporation whose stockholders are the parents of Charles F. Printz, Jr. Mr. Printz desires to create a parent to child transfer to his son. Mike Shepp with Dewberry was present to make the request. Mr. Kane motioned to approve the variance. Mr. Corliss seconded the motion which passed with a vote seven for and one opposed (Mr. Baldau).

10. Request by Mr. Payne for a variance to advance to the final plat stage property on South side of Bowers Rd., 1 mile from intersection with Leetown Rd.. Mr. Burke asked for public comment. Hearing none Mr. Burke turned to Staff comments. Staff recommended approval of the variance. Mr. Kane motioned to approve the variance. Mr. Dailey seconded the motion which passed unanimously.

Items #11, 12 and 13 were postponed at the beginning of the meeting.

Mr. Burke stopped the meeting for a break at 8:54 p.m. The meeting resumed at 9:02 p.m.

14. Site Plan Approval and Issuance of the Improvement Location Permit for SPARC Range Classroom. Mark Dyck made a presentation. Mr. Burke asked for public comment. There was favorable comment from Chris Smith. Staff recommended approval contingent upon bonding and all necessary building permits being obtained. Mr. Baldau motioned to approve the site plan with staff contingencies. Ms. Deming seconded the motion which passed unanimously.

15. Request by Tim Bongiovanni, resident of Locust Hill Sunday and a member of the Locust Hill Unit Owners Association regarding construction activities required by the County for JDM Locust Hill to have their construction bond released. Mr. Bongiovanni, Chris Smith with JDM Locust Hill and Mr. Portela with The Engineering Groupe made a presentation. Ms. Kelly suggested the developer submit a redline revision and/or a variance for the easement. Mr. Baldau motioned to provide the Home Owners Association with copies of the inspection reports and all related documents dealing with roadway and drainage for Avenel Court free of charge. Mr. Kane seconded the motion which passed unanimously.

16. Zoning Definition Amendment: Request from the County Commission on advice of the Planning Commission on whether or not the County Commission's proposed Text Amendment to §5.7(a)(2) of the Jefferson County Zoning & Development Review Ordinance is consistent with the Jefferson County Comprehensive Plan. Mr. Corliss motioned to suspend the Planning Commission's procedural guidelines regarding zoning amendments. Mr. Kane seconded the motion which passed seven for and one opposed. (Mr. Burke)

The CD was changed at 10:08 p.m. and the meeting resumed at 10:09 p.m.

Mark Dyck made a presentation. There was discussion about adult educational facilities, specialized training facilities and the definition of a campus. A suggested twenty student per acre ratio was

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suggested. Mr. Kane suggested a minimum size requirement for acreage of land. Henry Haas with Huron stated a specific lot size requirement could impede on the individual applicants needs. Barbara Scott also made a presentation. Mr. Baldau motioned to postpone this item until the September 12, 2006 meeting. Mr. Dailey seconded the motion which passed five for and three opposed (Mr. Roper, Mr. Corliss and Mr. Kane).

17. Staff Issues and Concerns. Ms. Deming voiced concerns about the Executive Committee's actions. Mr. Kane agreed with Ms. Deming's comments and added he did not agree with the Bylaws Committee either. Mr. Dailey concurred.

18. Committees and committee reports:

Executive Committee: None.

Budget Committee: None.

Bylaws and Procedures Committee: None.

PSD Committee: Mr. Sidor had a draft agenda for the August 28, 2006 meeting.

Long Range Planner: Send all related resumes to Mr. Baldau as a new member of the committee.

TDR: John Doyle will be meeting with the public at the old train station regarding blasting.

19. Actionable Correspondence: A) Backups of documents: Discussion started and Mr. Roper motioned to adjourn the meeting. Mr. Baldau seconded the motion which passed six for and two opposed (Mr. Burke and Mr. Sidor).

The meeting adjourned at 11:02 p.m. on August 22, 2006. A detailed transcript of this meeting can be found on CD # 117, 118, 119 & 120. These minutes were prepared by Jennilee Hartman.