

MINUTES  
JEFFERSON COUNTY PLANNING COMMISSION  
APRIL 10, 2012

The Jefferson County Planning Commission met on Tuesday, April 10, 2012 with the following Commission members present: Paul Taylor, President; Eric Smith, Vice-President; Morgan Eppers, Secretary; Kelly Baty, Ed Burns, Gene Taylor, Steve Stolipher and Walt Pellish. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Seth Rivard, Planner; Steve Barney, Zoning Administrator; Jonathon Saunders, County Engineer; Ralph Lorenzetti, Prosecuting Attorney; and Amy Puetz, Planning Clerk.

Mr. Daniel Hayes was absent with notification.

Mr. P. Taylor called the meeting to order at 7:06 PM.

Mr. P. Taylor introduced Mr. Steve Stolipher, the newest member of the Planning Commission.

**1. Approval of the minutes for the March 13, 2012 meeting.**

Mr. Smith moved to approve the minutes of the March 13, 2012 Planning Commission meeting. Mr. Burns seconded the motion which carried unanimously.

**2. Citizens Communication.** None.

**3. Request for postponement.** None.

**4. Presentation by Roger Goodwin and Becky Burns regarding an Overview of the Engineering Department and the Jefferson County Bonding Policy.**

Mr. Roger Goodwin gave a presentation of the duties and responsibilities of the Engineering Department including plan and site review. He explained the bonding policy and the new tolling agreements that have been enacted. Ms. Burns was available for questions and provided details of the bonding policy.

**5. Final Plat Public Hearing for the Breckenridge East Subdivision. The property is to consist of 9 single-family lots and 1 residue lot on 74.895 acres. The property is located on the east side of Route 24 (Country Club Road) approximately 1 mile north of its intersection with Route 340. The owner of the property is B.C. Partners, Inc. This property is designated as Tax District: Harpers Ferry, Map: 10, Parcels: 2, 3 and 10.**

Ms. Eppers recused herself due to a conflict of interest and left the room.

Mr. Rivard read from his staff report and recommended approval.

Mr. Dan Snyder of B.C. Partners briefly described the project and was available for questions.

Mr. Lorenzetti disclosed that he had been an engineer for a separate section called Breckenridge North. However, he confirmed that he had no involvement with the section being discussed currently.

Mr. P. Taylor opened the public hearing.

Mr. Pat Masters, resident of Breckenridge North, questioned whether the Homeowner's Associations (HOA) of Breckenridge North and Breckenridge East would be combined or if they would have separate HOAs. Mr. Snyder confirmed that Breckenridge East would have a separate HOA. Mr. Snyder also stated that since Breckenridge East would have amenities that were not built for Breckenridge North, such as a pool, the Breckenridge East development would have a provision written into its covenants that would allow residents of Breckenridge North to use such amenities for a pro rata share of maintenance costs.

Mr. P. Taylor closed the public hearing.

Mr. Rivard clarified that staff report included recommended conditions of approval. He explained that the first condition should be to rename this phase of the project as Phase 1A had been used for the previous submission. He also stated that a setback note would need to be placed onto the plat before recording. The applicant agreed to both conditions.

Mr. Burns moved to approve the Breckenridge East Final Plat with the stated conditions. Mr. Stolipher seconded the motion which carried unanimously.

Ms. Eppers returned to the room.

**6. Public Hearing regarding Proposed Additional Commercial and Industrial Zoning Categories and related amendments to the Jefferson County Zoning and Land Development Ordinance.**

Ms. Brockman gave an overview of the purpose of the amendments. She stated that the proposed rural commercial zoning had been eliminated from the amendments which left 7 proposed non-residential zoning categories. She explained that, due to an advertising oversight which caused the advertising requirements to be short by one day, the Planning Commission would need to leave the public hearing open for comment to a future meeting to be determined by them.

Mr. Barney gave a detailed description, including the purpose, eligible locations, restrictions, special standards, and permitted uses of each proposed category. He explained that there were no zoning map changes being proposed and that the amendments related to recreational use were not a part of these amendments. He reviewed the proposed amendments to the definitions and related amendments to various sections throughout the ordinance. He stated that an amendment to Article 12, Section 12.2 regarding the advertising time requirement was also being proposed to enable more efficient notification since the local newspaper is a weekly publication. Mr. Barney explained that, when the Planning Commission makes a recommendation related to a text amendment to the Zoning Ordinance, that recommendation

is required to be forwarded to the County Commission for their final approval. He presented a letter provided to staff by W.H. Gordon and Associates regarding these amendments.

Mr. Burns suggested alphabetizing the categories in the chart of Appendix C. He also questioned what kind of timeframes for completing a rezoning would occur and if these amendments would cause additional time to complete a project. Ms. Brockman stated that State Law requires that a public hearing be held on a rezoning within 60 days of petition to the Planning Commission so that no additional time would be created.

Mr. Burns suggested creating separate categories for manufacturing and assembly, such as a creating a Custom Manufacturing District.

Mr. P. Taylor opened the public hearing.

Ms. Crystal Spach, a resident of Bakerton, questioned why the US 340 Gateway Study was increased to 2 miles beyond what was discussed and why it went to the river. She requested clarification that the Rural Commercial district had been withdrawn from the Zoning Ordinance amendments. Mr. Barney confirmed that it had been withdrawn. Ms. Spach asked if the "Other Commercial Uses Not Listed" had also been eliminated as that category appeared to allow the Zoning Administrator too much discretion regarding allowable uses. Mr. Barney stated that category had also been withdrawn. Ms. Spach raised concern that there was a deliberate plan by the Planning Commission to encourage and facilitate building along the Potomac River. She commented that the Planned Neighborhood Development (PND) conflicts with the preservation of the natural environment.

Mr. Ted Schiltz, Jefferson County resident, asked the hierarchy of the Subdivision Regulations, the Zoning Ordinance, and the Comprehensive Plan. He stated the top level document should be written first. He commented that he feels that, since the amendments are being written first, the Comprehensive Plan would be tailored to fit the amendments and that it should be that the amendments are tailored to the Comprehensive Plan. Ms. Brockman explained that the amendments would be guided by the Comprehensive Plan in effect at the time of a submission. Mr. Shultz suggested that the Comprehensive Plan should be drafted first and then the amendments could be revisited.

Ms. Janice Schiltz, Jefferson County resident, stated that she feels that these amendments (Section 3.2) allow the Zoning Administrator the capability to allow a use anywhere at his will. She commented that when there are negative comments to an amendment, she feels that they are just reworded to be similarly defined and presented again. Mr. Barney explained that Section 3.2 was in existence in the current ordinance and the amendment was to clarify that the Zoning Administrator could only make determinations on uses that were not listed but similar in nature to permitted uses in a particular zoning category. He also reminded the public that there is an appeal process in place that allows anyone to challenge a decision made by the Zoning Administrator.

Mr. Smith moved to continue the public hearing to the May 15, 2012 Planning Commission meeting. There was no second. Mr. Smith withdrew his motion.

Mr. Smith moved to continue the public hearing to the April 24, 2012 Planning Commission meeting. Mr. Baty seconded the motion which carried unanimously.

Mr. P. Taylor called for a break at 8:55 PM. Mr. P. Taylor called the meeting back to order at 9:04 PM.

**7. Discussion and scheduling of public hearing for the US 340 Gateway Plan.**

Mr. Rivard explained that staff had been reviewing the plan and that on-going grammatical and aesthetic changes were being made to the document. He requested that any additional grammatical edits noted by the Planning Commission could be suggested by email. He stated that the focus of discussion would be on content related material.

Ms. Brockman explained that the state requires a 30 day notice for any public hearings related to Comprehensive Plan Amendments. She reported that staff therefore recommended setting the public hearing for the June 12, 2012 Planning Commission meeting to allow for the proper advertising requirement. She summarized the presentation of the US 340 Gateway Plan that she had provided at a recent Public Service District (PSD) meeting and the comments that were received at that meeting. She reported that the PSD had requested that a provision be included in the planning documents and ultimately in the Subdivision Regulations that would require developers to enter into an agreement of standards for private wastewater package plants with the PSD. She explained that the PSD had recently been forced to take over several sub-standard abandoned plants. Ms. Brockman stated she would like to include such a provision in the US 340 Gateway Plan once she had been able to consult with legal regarding language.

Mr. Rivard reviewed the comments submitted by Mr. Andrew Lee of the National Park Service (NPS) including:

- a) the National Park Service be notified if a project is submitted in the area of the Millville/Bakerton Road Corridor and its intersection with US 340 due to its proximity to the historic park;
- b) the NPS is responsible for speaking out against developments that they consider incompatible with historic and scenic values;
- c) NPS should be referred to as "National Park Service" and not "U.S. National Park Service";
- d) NPS opposes mixed use development of the northern section of Old Standard Quarry although they feel that the section of Old Standard between the former quarry lake and Millville Road is more appropriate for a mixed use development.

Mr. Baty discussed the US 340 Gateway Plan meeting that occurred on March 8, 2012 and recalled transportation and road improvement suggestions that were made. He commented that the State of West Virginia had reported that the funding for any of these types of road improvements and infrastructure was not currently available. He cautioned against proceeding with development of the corridor without regard for the transportation issues. Ms. Brockman explained that representatives for the WV DOT stated that local governments need to ensure that priority local transportation needs are included in locally approved

planning documents as that will help facilitate having those needs included in future budgets by the State and the MPO.

Mr. Pellish commented that he would argue against adopting this document as an amendment to the Comprehensive Plan.

Ms. Brockman stated that comments from the technical advisory committee were still being submitted and that staff would incorporate those comments as edits to the document. She confirmed that any policy related edits would be highlighted and made clear. She reported that a draft document could be available at the May 15, 2012 Planning Commission meeting.

Mr. Smith moved to hold a public hearing regarding the US 340 Gateway Plan at the June 12, 2012 Planning Commission meeting. Mr. Baty seconded the motion which carried 7 for and 1 against (Mr. Pellish).

**8. Reports from Legal Counsel and legal advice to PC.**

**Active Litigation:**

- **Far Away Farms**
- **Cedar Meadows Airpark**

Mr. Lorenzetti reminded the Planning Commission that an order regarding Cedar Air Park Holdings, LLC (Cedar Meadows Airpark) was provided to them in their packets. He explained that, due to a conflict in interest with their chosen counsel, Cedar Meadows Airpark had only 90 days from March 6, 2012 to find new counsel or the case will be dismissed.

**9. Director's Report.**

Ms. Brockman presented the Quarterly Report to the Planning Commission. Mr. Smith moved to present the Quarterly Report to the County Commission after the Board of Zoning Appeals has had a chance to review the document. Mr. Baty seconded the motion which carried unanimously.

Ms. Brockman reported that County Commission had approved a request to hire a summer intern pending a background check. Ms. Brockman stated that she hoped to be able to introduce the intern at the June 12, 2012 Planning Commission meeting.

Ms. Brockman discussed the draft Recreation Amendments, specifically the amendments that would allow campgrounds to have modified standards from traditional subdivisions. She requested direction on when the Planning Commission would like to address those amendments. It was decided that a draft would be available at the June 12, 2012 Planning Commission meeting.

Ms. Brockman stated that the Millville area was the only rural crossroads settlement in Jefferson County not zoned village. She explained that most of the area is zoned Industrial/Commercial which is very limiting in the reuses of some of the buildings located

there. She reported that staff had also heard complaints from residents of that area with regards to mortgage companies not willing to refinance houses due to the restrictions of the zoning district. She suggested drafting a policy that would help facilitate an easier and more economical rezoning for property owners who are interested in that process. Mr. Burns stated that staff should be cautious not to jeopardize any of the industrial uses currently in effect. Ms. Brockman stated that an item would be placed on a future agenda for discussion purposes.

Ms. Brockman explained the cost of enrolling the Planning Commissioners as American Planning Association members for training purposes. She discussed training options. She requested that Planning Commissioners contact staff with interest and ideas.

Ms. Brockman reviewed upcoming agenda items.

#### **10. County Commission Liaison Report.**

Mr. Pellish showed appreciation to Ms. Brockman for her attendance at the recent Jefferson County Development Authority meetings. He also commented that State and County Authorities were able to visit a business operation that could be potentially recruited to Jefferson County.

#### **11. Planning Commission Exchange.**

- **Report from the Health Department Meeting Liaison.** None.
- **Report from the Public Service District Meeting Liaison.**  
Ms. Brockman reported that the US 340 Gateway Plan was discussed and that the Public Service District is very interested in participating in planning processes.
- **Report from the Parks and Recreation Meeting Liaison.**  
Mr. G. Taylor recognized Ms. Brockman for her participation in the Facilities Committee.
- **Report from the Jefferson County Development Authority Meeting Liaison.**  
Ms. Brockman reported that the new Jefferson County Development Authority Director had met with Planning and Zoning and Engineering staff.
- **Report from the Water Advisory Committee Meeting Liaison.**  
Mr. Baty stated the final water quality report was discussed. He also commented that a report was given on the work completed regarding watershed protection.

12. **President's Report.** None.

13. **Actionable Correspondence.** None.

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14. **Non-Actionable Correspondence.** None.

Mr. Burns moved to adjourn the meeting at 10:05 PM. Mr. Pellish seconded the motion which carried unanimously. An audio recording and/or a video recording of the meeting may be found on our website. These minutes were prepared by Amy Puetz, Planning Clerk.