

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
JULY 10, 2012

The Jefferson County Planning Commission met on Tuesday, July 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, Daniel Hayes and Walt Pellish. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Seth Rivard, Planner; Steve Barney, Zoning Administrator; Steve Groh and Stephanie Grove, Prosecuting Attorneys; and Amy Puetz, Planning Clerk.

Mr. P. Taylor called the meeting to order at 7:01 PM.

1. Approval of the minutes for the June 12, 2012 meeting.

- **Discussion of action on waiver with Briggs Concept Plan from the June 12, 2012 Planning Commission meeting.**

Mr. Stolipher moved to approve the minutes of the June 12, 2012 Planning Commission Meeting. Mr. Burns seconded the motion which carried 7 for and 1 abstention (Mr. Hayes).

Mr. Rivard reminded the Planning Commission of the motion approving the waiver of sidewalks for Briggs Animal Adoption Center Concept plan. He explained that there had been no notice of the waiver request as the request had been submitted as a part of the concept plan and not as a formal request. He reported that staff felt there should be a placard posted on the property and adjoining letters should be sent to provide an opportunity for public comment regarding the request. He stated that the applicant had been made aware of the situation and had submitted a formal request to be heard at the August 14, 2012 Planning Commission meeting.

2. Citizens Communication.

Ms. Nicola Bastia, Millville resident, offered her services and time to assist with future planning for the Millville area specifically with regard to business opportunities in that area.

Mr. Eric Smith entered the room at 7:06 PM.

3. Request for postponement. None.

4. Request by Arcadia Development Co. for a variance from the Subdivision Ordinance Article 8, Section 8.1(d) to allow for an extension of time (24 months to July 23, 2014) to bond and record the Harvest Hills Subdivision (PC File #12-02). The property is located on the east side of Route 17 (Flowing Springs Road) and the south side of the CSX Railroad where the two intersect. The owner of the property is Arcadia Development Co. This property is designated as Tax District: Shepherdstown, Map: 24, Parcels: 12 and 13.

Mr. Rivard described the variance request and recommended approval.

Ms. Carla Coffey, of the Arcadia Development Co., was available for questions.

Ms. Brockman explained that the Harvest Hills Subdivision did fall under the provisions of the policy recently adopted by the County Commission that extends Senate Bill 595 to July 1, 2015. She reported that the applicant had decided to proceed with the waiver request as a precaution to ensure a time extension for the project.

Mr. P. Taylor opened the public hearing. There was no public comment. The public hearing was closed.

Mr. Smith moved to approve the variance request. Mr. Stolipher seconded the motion which carried 8 for and 1 opposed (Mr. Baty).

5. Discussion and possible vote regarding the US 340 Gateway Plan.

Mr. Rivard reviewed each of the public comments regarding the US 340 Gateway Plan from the June 12, 2012 Planning Commission meeting and staff's recommendation of how to address each concern. The comments were presented in a chart provided to the Planning Commission in their packets (attached).

Mr. Hayes suggested modifying the staff's recommendation of comment #18 regarding crossing signals that states, "Signalized intersections should be upgraded to include pedestrian crosswalks and signals" to include, "*where pedestrian access such as a sidewalk or trail is existing*".

Mr. Burns questioned legal counsel whether or not a requirement of that nature could be imposed upon the Department of Highways. Ms. Grove replied that suggestions could be place within the US 340 East Gateway Plan with the understanding that the Department of Highways ultimately has the final decision regarding any traffic or road related issues.

Mr. Taylor suggested using crossing bridges across certain areas of the highway.

Mr. Rivard explained that staff would encourage crosswalks only at light signals.

Mr. Hayes moved to correct typographical errors throughout the document and to adopt staff recommended changes of comments numbered 6, 10, 25, 20, 18, and 21 with the exception that comment #18 regarding crossing signals will state, "Signalized intersections should be upgraded to include pedestrian crosswalks and signals *at intersections where pedestrian conveyance is in effect*". Mr. Smith seconded the motion which carried unanimously.

Mr. Hayes move to approve the US 340 Gateway Plan as amended and to forward to the County Commission for their review and approval. Mr. Smith seconded the motion. Mr. Pellish commented that he would not support recommending adoption of the US 340 Gateway Plan to the County Commission. He stated that the focus of work should be on the 2014 Comprehensive Plan which would include portions of the US 340 Corridor Study. He also noted that he felt that the US 340 Gateway Plan is anti-growth. Mr. Stolipher stated that

he agreed with Mr. Pellish and stated that the study needs to be incorporated into the Comprehensive Plan. Mr. Burns stated that he would support the motion to forward to the County Commission however; he agreed that the study should be included in the 2014 Comprehensive Plan. Mr. Hayes commented that the US 340 Gateway Plan is only a guidance document. Mr. Burns called the question. The motion carried 7 for and 2 opposed (Mr. Pellish and Mr. Stolipher).

6. Discussion and possible vote regarding the placement of items on the agenda.

Ms. Brockman explained that there were questions presented to some of the Planning Commissioners and to planning staff regarding how items were placed on the agenda. She presented a policy that described how staff places applicant initiated items in the order that they are submitted on the agenda before staff initiated items. She commented that concern was raised that items were not each given a specific start time on the agenda. She explained that assigning times for items would be near impossible due to the uncertainty of how long any agenda item would last.

Mr. Burns stated that a statement of the rationale staff uses to place items on the agenda would be necessary in the policy to assist with public understanding.

Mr. Hayes commented that it would be very difficult to assign times to agenda items. He cautioned that assigning a time may cause problems if that item is not heard at the exact time scheduled on the agenda and that waiting for an item to be heard is part of the cost of doing business for most applicants.

Mr. Pellish stated that he believes that the current way the agenda is done works well. He stated that no changes need to be made at this time.

Ms. Brockman suggested that amendment related or staff initiated public hearings could be held on special called meetings to make time efficient meetings.

There was unanimous consent to take no action regarding a policy detailing the placement of items on the agenda and to continue creating the agenda as staff currently schedules it.

7. Reports from Legal Counsel and legal advice to PC.

Active Litigation:

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

Mr. Groh brought attention to Civil Action #11-C-325 regarding an Order Granting Petitioners' Motion for Partial Summary Judgment in the Far Away Farms litigation. He suggested that an executive session be held to discuss the document.

Mr. Hayes moved to go into an executive session to discuss Civil Action #11-C-325. Mr. Pellish seconded the motion which carried unanimously. Executive session began at 8:04 PM.

Mr. Hayes move to conclude the executive session. Mr. Pellish seconded the motion which carried unanimously according to Mr. P. Taylor. Regular session resumed at 8:15 PM.

Mr. Burns moved to direct legal counsel to appeal Civil Action #11-C-325 to the WV Supreme Court. Mr. Stolipher seconded the motion which carried 8 for and 1 abstention (Mr. Baty).

Mr. Groh stated that litigation regarding Cedar Meadows Airpark is on hold until October to see if a separate civil action that the airpark is involved in will be resolved.

8. Director's Report.

Ms. Brockman presented a quarterly report for the Planning Commission to review. She stated that this report would be forwarded to the Board of Zoning Appeals and ultimately to the County Commission. She discussed using the final quarterly report as the Planning Commission Annual Report.

Ms. Brockman presented a printed copy of the power point presentation of the "Tourism Works for Jefferson County" economist speaker who was hosted by the Jefferson County Convention and Visitors Bureau.

Ms. Brockman reported that the County Commission approved the policy to extend the provisions of Senate Bill 595. She stated that affected projects would be sent an explanation letter from the Planning Department.

Ms. Brockman stated that the County Commission would be presented with the amendment regarding new zoning categories on July 12, 2012 for the purpose of scheduling a public hearing.

Ms. Brockman stated that staff had been preparing a timeline for preparing the 2014 Comprehensive Plan that would be presented at the August 14, 2012 Planning Commission meeting.

9. County Commission Liaison Report.

Mr. Pellish encouraged the members of the Planning Commission to thoroughly read the "Tourism Works for Jefferson County" power point presentation.

10. Planning Commission Exchange.

- **Report from the Health Department Meeting Liaison.**

Mr. Burns explained that the last Health Department meeting had been cancelled.

- **Report from the Public Service District Meeting Liaison.**
Mr. Hayes requested that he be relieved of the duties of the Public Service District liaison due to a change in job location which prevents his attendance at the meetings. Mr. Burns volunteered to attend the Public Service District meetings.
- **Report from the Parks and Recreation Meeting Liaison.** None.
- **Report from the Jefferson County Development Authority Meeting Liaison.**
Mr. Pellish expressed gratitude to Ms. Brockman for her involvement in the Jefferson County Development Authority Meetings.
- **Report from the Water Advisory Committee Meeting Liaison.**
Mr. Baty stated that the Water Advisory Committee discussed their agenda in relation to County Commission directives for the agency. He reported that there was also discussion regarding several water groups collaborating for use of a booth at the County Fair at the end of August.

11. **President's Report.** None.

12. **Actionable Correspondence.** None.

13. **Non-Actionable Correspondence.** None.

Mr. Hayes moved to adjourn the meeting at 8:27 PM. Mr. G. Taylor 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.