

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
JANUARY 25, 2011

The Jefferson County Planning Commission met on Tuesday, January 25, 2011, with the following Commission members present: Thomas Trumble, President; Morgan Eppers, Secretary; Gene Taylor, John Maxey, Arnold Dailey, and Walt Pellish. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Seth Rivard, Planner; and Julie Quodala, Office Manager.

Kelly Baty and Daniel Hayes were absent with notification.
Eric Smith arrived at 9:03 PM.

Mr. Trumble called the meeting to order at 7:00 PM.

1. Postponed from the January 11, 2011 meeting:

Approval of minutes for the December 14, 2010 meeting.

Ms. Brockman explained that Staff did review the audio of the December 14, 2010 meeting and determined the minutes were accurate as written. Mr. Maxey stated that he had also reviewed the audio of the December 14, 2010 meeting and felt that two discussions were missing from the minutes:

- Mr. Maxey's comments regarding the applicant's failure to prove that the variance was not contrary to public interest and how he felt that it was contrary to public interest.
- Comments regarding that denial of the variance were not denying the right of the subdivision to be built, rather the right to use a 30 year old ordinance instead of the current regulations.

Mr. Maxey moved to table the discussion until at which time the attorney could be present. Mr. Taylor seconded the motion. Mr. Trumble asked for clarification on whether the minutes or the audio recording were the legal document and asked for legal opinion. Mr. Maxey asked if a vote on the motion to table should occur. Mr. Trumble stated that a vote was not necessary.

Approval of minutes for the January 11, 2011 meeting.

Mr. Maxey moved to approve the minutes of the January 11, 2011 meeting as written by staff. Mr. Taylor seconded the motion which carried 5 for and 1 abstention (Mr. Dailey)

Approval of minutes for the January 18, 2011 Planning Commission Workshop.

Ms. Brockman asked for a postponement of consideration of the January 18, 2011 Planning Commission Workshop.

2. Citizens Communication: None.

3. Request for postponement: None.

4. Postponed from the January 11, 2011 meeting: Discussion and vote on the Planning Commission Meeting Schedule for 2011.

A schedule was provided to the Planning Commissioners in the agenda packets which detailed all of the dates for the regularly scheduled meetings for 2011. Mr. Pellish commented that he felt that one meeting a month should be sufficient. Mr. Maxey stated

that, since the second meeting of the month had been a necessity in the past, he would request that the second meeting date be held as a tentative date if needed. Mr. Trumble inquired on the effect on deadlines should the second meeting of the month be cancelled. Ms. Brockman explained that Staff would work with applicants on meeting dates and could use the second meeting of the month only if necessary to complete a deadline to conform to State Law. Mr. Maxey proposed to follow the schedule as presented by staff with the addition of a meeting to be tentatively scheduled for December 20, 2011 and also ask staff to, when possible and convenient for applicants, schedule applications for the first meeting of each month so that the President of the Planning Commission could cancel the second meeting of the month if possible. Mr. Pellish moved to schedule only one meeting a month with a tentatively scheduled meeting in December as Mr. Maxey suggested. Mr. Trumble clarified that the motion was to have only one meeting a month for the 2011 year. Mr. Pellish confirmed that as correct. Mr. Dailey seconded the motion for discussion purposes. Ms. Etters offered a friendly amendment that the second meeting of the month be held as a tentative date to be decided to be cancelled or held at the first meeting of the month. Mr. Pellish accepted the friendly amendment. Mr. Maxey suggested that the public be notified any time the second meeting of the month is cancelled. Mr. Pellish stated that a notification of the schedule should be posted to allow the public to adapt to a once-a-month schedule. Mr. Trumble clarified the motion as the Planning Commission schedule is to meet once a month with the proviso that a second meeting will be held if it is required to conduct public or Commission business and that the schedule will be plain that the Planning Commission will meet once a month and that the second meeting will be noticed if it is not being held. Mr. Pellish agreed. The motion passed unanimously.

Ms. Brockman offered to provide a press release to notify the public of the new schedule.

5. Postponed from the January 11, 2011 meeting: Discussion and vote on Submittal of Applications and Supporting Information Draft Policy.

Mr. Pellish moved to approve the policy as written. Mr. Maxey seconded the motion which carried unanimously.

6. Postponed from the January 11, 2011 meeting: Review of Revised Land Development Fees.

Mr. Rivard presented the amended proposed Land Development Fees. He explained that all established fees were increased by 20% and that new fees were introduced for processes that previously did not have an established fee. Mr. Maxey asked for examples of certain types of fees. Mr. Pellish asked for clarification on the 20% increase and asked if the document could be condensed to make it easier for the public to read. Ms. Brockman and Mr. Rivard explained that the detail within the document made it easier for staff to quote the correct fee. Ms. Brockman stated that a Public Hearing or an informal Public Workshop could be scheduled as soon as the Planning Commission agrees on the fees that are presented. Mr. Trumble suggested that any non-profit organization with a project less than 4 acres be charged no fee at all. He also proposed that any County project would be free of charge. He recommended that fees should only be raised 10% instead of 20%. Mr. Maxey moved that staff rework the current chart (proposed fees) to indicate no more than a 10% increase in current fees, rather than 20%, and that it incorporate, by footnote, exemption that county

owned projects or non-profit projects of a staff recommended square footage. Mr. Pellish seconded the motion which carried unanimously. There was discussion regarding previously presented fee structures that showed cost recovery for the department would more than double the fees. Ms. Etters suggested that fees be reviewed at least every one to two years to avoid high percentage increases. Mr. Trumble stated that 501 C3 statuses would need to be proved for non-profit organizations.

7. **Discussion of Next Steps and Comments on the Blue Ridge Mountain Final Common Vision Document and Engineering Report.**

Mr. Rivard gave a report on the Blue Ridge Mountain Final Common Vision Document and Engineering Report and what the next steps were. Mr. Rivard stated that any further steps taken will continue to involve the input of the citizens committee. Mr. Maxey requested that, in response to one of the comments noted in the document, Mr. Vila be contacted to ask the status of the results of the water quality testing being done on the mountain and if he could promise to make that information available to the public on a quarterly basis. Mr. Pellish voiced support of Mr. Maxey's comments. Mr. Maxey also suggested that support be given to the County Commission to continue funding Mr. Vila's water sampling efforts in the upcoming budget discussion. Ms. Brockman stated that she would like to have one more meeting with the Citizen's Committee to review the document and consider ideas for what steps to take next.

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

Legal representation was not present.

9. **Director's Report.**

- **Activity Reports.** The activity reports were provided in the agenda packets.
- **Update on SPARC Noise Agreement.** Ms. Brockman presented a report on the research done by staff regarding discussion of noise concerning the Summit Point Racetrack. She confirmed that, while noise issues were discussed by citizens and the applicant at public meetings, and the applicant verbally agreed to certain noise levels, the Planning Commission and the County Commission determined only that a greater setback related to the raceway expansion would assist in minimizing noise. She reported that any promises made by the applicant could not be upheld as they were not adopted as part of the Zoning Ordinance. Mr. Maxey asked that the report be mailed to the two citizens that commented on the noise at the racetrack at the October 26, 2010 Planning Commission meeting.
- **Summary of Minutes of the January 5, 2011 Annual Report/Work Plan/Budget Subcommittee Meeting.** Ms. Brockman presented the minutes for the Annual Report/Work Plan/Budget Subcommittee Meeting. Mr. Maxey moved that the Planning Department's budget be presented to the Planning Commission for discussion and approval prior to presentation to the County Commission. Ms. Etters seconded the motion. Mr. Trumble stated that he felt the Planning Commission should manage the work plan to in accordance with the budget set by the County Commission. Mr. Maxey requested that Mr. Trumble, as Planning Commission President, attend the County Commission meeting along with Ms. Brockman to discuss the Departments' budget.

- **Quarterly Report.** Ms. Brockman presented a quarterly report detailing the projects and daily activities of the department. She also explained the current projects that staff had been working on including the policy neutral Zoning Ordinance amendments. There was discussion regarding when to place the policy neutral amendments on the agenda and when written comments by the Planning Commissioners would be due. Ms. Brockman suggested that comments would need to be submitted by January 31, 2011 to be included in the next packet. Mr. Trumble stated that a discussion including comments from the Planning Commissioners would be held on February 8, 2011 and that another draft would be presented on February 22, 2011 in hopes that it would be the final draft to present to the public. There was discussion regarding how the document would be presented to the public.
- **Planning Commission initiated Zoning Text Amendments and Zoning Map Amendments.** Ms. Brockman asked that this item be discussed when Mr. Groh was in attendance.
- **Wild Goose Farm letter regarding application of SB 595 provisions.** This document was provided in the agenda packet.
- **Recent County Commission Action:**
 - Zoning Map Update and Zoning Map Policy approved January 6, 2011.
 - Request to Schedule Evening Meetings in 2011 approved January 13, 2011.
- **Upcoming County Commission agenda items.**
 - Wireless Telecommunications Ordinance Amendment Public Hearing
 - Public Hearing to Amend the County Zoning Map to consider Urban Growth Boundaries for Harper's Ferry and Bolivar.
- **Upcoming Planning Commission meetings.**

10. **County Commission Liaison Report.** None.

11. **Planning Commission Exchange.**

- **Report from the Health Department Meeting Liaison.** None.
- **Report from the Public Service District Meeting Liaison.** This report was provided in the agenda packet.
- **Report from the Jefferson County Development Authority Meeting Liaison.** Mr. Trumble reported that the election of officers for the Jefferson County Development Authority occurred and that Mr. Mark Dyck was elected President and Mr. Howard Mills would be the Vice-President. He stated that the Bardane Market is still struggling however; Mr. Dyck has been working on a business plan with the owners. He reported that the Development Authority had requested a copy of the Planning and Zoning fee schedule. Mr. Trumble stated he will report on the fee schedule at the Development Authority's next meeting.
- **Report from the Water Advisory Committee Meeting Liaison.** Mr. Maxey distributed the minutes from the last Water Advisory Committee meeting. Mr. Maxey stated that one of the concerns of the Water Advisory Committee was a possible drought and what effects that would have on agriculture.

12. **President's Report.**

Mr. Trumble reminded staff that there is a requirement for 2 hours of training for Planning Commissioners. He suggested that a retreat may be useful and asked that staff plan the training. Ms. Brockman outlined what topics would be included in the training.

Mr. Trumble asked if the Director's Report should be placed higher on the agenda. Ms. Brockman stated that some of the items in her report could be placed as individual items on the agenda.

Mr. Trumble proposed that individuals who come to Planning Commission meetings to speak on an agenda item sign in so that staff will be able to send follow up correspondence.

Mr. Trumble suggested that the Subdivision Regulations and the Zoning Ordinance be reviewed to research ways the cost and burden could be reduced for processing commercial applications for businesses in the county.

13. Actionable Correspondence. None.

14. Non-Actionable Correspondence. Copies of the Pre-proposal Conference letters were provided in the agenda packet.

Mr. Pellish moved to adjourn at 9:14 PM. Mr. Maxey seconded the motion, which carried unanimously. A detailed transcript of the meeting, which was recorded by Julie Quodala, Office Manager, may be found on our website. These minutes were prepared by Amy Puetz, Planning Clerk.