

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
FEBRUARY 8, 2011

The Jefferson County Planning Commission met on Tuesday, February 8, 2011, with the following Commission members present: Thomas Trumble, President; Daniel Hayes, Vice-President; Morgan Etters, Secretary; Gene Taylor, Kelly Baty, and Arnold Dailey. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Seth Rivard, Planner; Steve Barney, Zoning Administrator; Jonathon Saunders, County Engineer; and Julie Quodala, Office Manager.

John Maxey, Walt Pellish, and Eric Smith were absent with notification.

Mr. Dale Manuel attended the meeting in Mr. Pellish's absence but abstained from all voting that took place.

Mr. Trumble called the meeting to order at 7:04 PM.

1. Approval of minutes for the December 14, 2010 meeting.

Ms. Brockman explained that staff reviewed the audio recording of the meeting and revised the minutes to expand on the discussion that took place regarding Far Away Farms. Mr. Hayes moved to approve the minutes of the December 14, 2010 meeting as amended. Mr. Taylor seconded the motion which carried 4 for and 2 abstentions (Mr. Dailey and Ms. Etters).

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

Mr. Hayes moved to approve the minutes of the January 18, 2011 Planning Commission Workshop. Mr. Taylor seconded the motion which carried 4 for and 2 abstentions (Mr. Dailey and Ms. Etters).

Approval of minutes for the January 25, 2011 meeting.

Mr. Taylor moved to approve the minutes of the January 25, 2011 meeting. Mr. Hayes seconded the motion for the purpose of discussion. Mr. Hayes stated that there were two references to Ms. Morgan, who is no longer liaison to the Planning Commission, which needed to be changed to Ms. Morgan Etters. Ms. Brockman stated that Mr. Pellish had also provided her with comments stating that on page 3, item #7, it should be clarified that he supported Mr. Maxey's comments of needing water quality testing results on a quarterly basis and that he was not making comment regarding the funding of the water sampling project. Ms. Brockman explained that Mr. Pellish would like the sentence moved within the paragraph to accurately reflect his support. Mr. Taylor accepted the discussed amendments. The motion carried 4 for and 2 abstentions (Mr. Hayes and Mr. Baty).

2. Citizens Communication: None.

3. Request for postponement: None.

4. Presentation by Mr. Fred Blackmer regarding the resubmission of the Mannings Incorporation petition.

Mr. Fred Blackmer, resident of Jefferson County, gave a presentation to the Planning Commission on the intent to file a petition to incorporate Mannings. He reviewed the events

involved with the previous petition that was filed in 2009. Mr. Blackmer stated that short time frames did not allow for time to properly educate the public in order to conduct a fair public hearing. He reported that, in from 2009 through December 2010, he had taken part in a series of meetings with interested petitioners and residents to provide a better understanding of what the incorporation of Mannings would mean for citizens. Mr. Blackmer stated that his intention for the presentation was to notify the Planning Commission that another petition would be submitted and to give staff and Planning Commissioners time to review the old material before the new material is submitted. This would allow for a thorough review of all material within the short time frame from the submittal of the petition to the decision by the governing body. He expressed that he would like there to be as much information as possible given to the public to allow for a fair hearing. He offered to meet with staff to discuss any concerns.

There was a discussion on what role the Planning Commission has in the review of the petition. Ms. Brockman explained that legal had been contacted and asked what part the Planning Commission has in the process of the proposed petition. She reported that, although legal had not responded at the time, she believed that the Planning Commission would only advise the County Commission regarding whether the creation of a new municipality was in the best interest of the county from a land use perspective. Mr. Hayes moved that staff meet with Mr. Blackmer at staff's convenience to discuss the future application to incorporate Mannings. Mr. Taylor seconded the motion. Mr. Trumble offered a friendly amendment that Ms. Brockman consult with legal staff to review the process make sure that anything that is done by the Planning Commission does not prejudice the final result and that everyone, not just the applicants, are given the opportunity to submit information. Mr. Hayes accepted the friendly amendment and added that staff should also consult with legal to ascertain the Planning Commission's role in the process of the petition. Mr. Trumble clarified the motion stating that staff should work with the representatives of Mannings to collect data, review all data collected, review the process with legal counsel to ensure that no prejudice could be construed, and that the staff, with the aid of legal counsel, outline the overall process for incorporation. Mr. Hayes added that the staff should check with legal to ensure that early review of the documents would not create prejudice. Mr. Blackmer asked that any comments, conversations, or documentations submitted by him be considered as public record. The motion carried unanimously.

5. Discussion regarding filing a petition to rezone Federal Lands.

Ms. Brockman reminded the Planning Commission that this item was placed on the agenda as requested at the December 14, 2010 meeting to revisit whether to resubmit a petition to rezone Federal Lands after the original submission was found to be insufficient by the County Commission in December 2010.

Mr. Paul Rosa, representing the Harpers Ferry Conservancy, stated that he had not heard any legal reason that the original petition was found deficient. Mr. Rosa cited reasons he believed that the petition was sufficient. He reminded the Planning Commission that a copy of a petition that he had drafted was included in their packets. He reported that this draft included more information on how the request was compatible with The Comprehensive Plan. He asked that the Planning Commission move forward and resubmit the petition.

Mr. Pellish asked if any of the Federal Government landowners had requested to be rezoned to which Ms. Brockman replied no. There was discussion regarding the options of action to take with respect to the petition and what the proper process of each of those actions would be.

Mr. Hayes moved to postpone the reconsideration of the resubmission of the petition to rezone Federal Lands indefinitely. Mr. Dailey seconded the motion. Mr. Trumble clarified that this motion in no way takes away a property owners right to request to rezone their land. The motion carried 4 for and 2 against (Ms. Etters and Mr. Baty).

6. Discussion and possible scheduling of Public Hearing for Proposed Text Amendment for Section 20.203 and Definition of Major Site Plan and Minor Site Plan Process in Business or Industrial Parks.

Mr. Rivard presented his staff report. He explained that any site plan greater than 5,000 square feet is processed as a major site plan which requires multiple additional steps and two public hearings. He reported that this has become a concern recently for projects in existing business or industrial parks due to the time it takes to process. Mr. Rivard clarified that the amendment would allow projects of any size located in the business or industrial park areas, in a preapproved subdivision with master planned roads and storm water management to process under a minor site plan which would allow for a quicker process.

Mr. Mark Dyck, President of the Jefferson County Development Authority, voiced a strong support of this amendment. Mr. Tom Bayuzik, Director of the Jefferson County Development Authority, reiterated support and described the benefits of the amendment to Jefferson County allowing businesses to process faster.

Mr. Hayes moved to schedule the public hearing for this amendment for March 8, 2011. Ms. Etters seconded the motion which carried unanimously.

7. Discussion and possible scheduling of Public Hearing on Planning Commission initiated Zoning Text Amendments and Zoning Map Amendments policy.

Ms. Brockman stated that Legal Counsel was the co-author of these amendments and that the Planning Commission may want to postpone this discussion in his absence. Mr. Hayes moved to postpone discussion until legal counsel is present. Mr. Baty seconded the motion which carried unanimously.

8. Review of Revised Land Development Fees.

Mr. Rivard presented the revisions made to the draft Land Development Fees since the last meeting. There was discussion regarding waiving fees for County owned properties and non-profit organizations and whether it should be an all inclusive statement or on a case by case basis. Ms. Etters moved to recommend the Draft Land Development Fees as written to County Commission. Mr. Baty seconded the motion which carried unanimously.

9. Update on US 340 Plan.

Ms. Brockman reported that progress had been made on existing conditions maps. She stated that someone had volunteered his services to facilitate the kick-off meeting at no cost to

Jefferson County and that the Principal of C.W. Shipley Elementary School had allowed use of the school for the kick-off meeting to be held Saturday, March 26, 2011.

10. Update on Urban Tree Canopy Grant.

Ms. Brockman explained what the Urban Tree Canopy Grant entails and that currently the project participants were working with municipalities to adopt Urban Tree Canopy goals. She stated that there would be a tree planting event projected for the middle of March to the end of April, where trees would be planted in 7 locations in the County.

11. Reports from Legal Counsel and legal advice to Planning Commission.

Ms. Brockman reminded the Planning Commission that a copy of the Findings of Fact and Conclusions of Law regarding Far Away Farms was provided to them at their seats at the beginning of the meeting. There was discussion on whether there was a quorum since Mr. Dailey and Ms. Eppers would be abstaining. Mr. Trumble requested that this item be postponed until legal counsel could be present. Mr. Hayes suggested a spelling change to the first word on the second line, on the second page from “fort” to “forth”.

12. Director’s Report.

- **Activity Reports.** The activity reports were provided in the agenda packets.
- **Update on Annual Report/Work Plan/Budget Subcommittee.**

Ms. Brockman reported that the Subcommittee would be meeting February 9, 2011 at 4 PM. Mr. Trumble asked if Mr. Maxey would be present at that meeting to which Ms. Brockman responded, “no”. Mr. Trumble stated that he would prefer to postpone the meeting until which time Mr. Maxey could be present since the Annual Report is a summary of the events that happened while Mr. Maxey was President of the Planning Commission. Ms. Brockman confirmed that she would reschedule the meeting.
- **Upcoming County Commission Agenda items.**
 - Ms. Brockman reported that the Second Quarterly Report on Fiscal Year 2011 Work Plan was sent to County Commission as a packet agenda item, not for presentation.
 - Ms. Brockman stated that the Wireless Telecommunications Ordinance Amendment Public Hearing was rescheduled to February 24, 2011 at 7 PM.
 - Ms. Brockman explained that the Public Hearing to Amend the County Zoning Map to consider Urban Growth Boundaries for Harpers Ferry and Bolivar rescheduled to February 17, 2011 at 7 PM.
- **Upcoming Planning Commission meetings.**

Ms. Brockman reminded the Planning Commission that the Concept Plan for Payne’s Ford Station and the finalization of the Policy Neutral Zoning Ordinance Amendments for Public Hearing were on the agenda for the February 22, 2011 meeting.

13. County Commission Liaison Report. None.

14. Planning Commission Exchange.

- **Report from the Health Department Meeting Liaison.** Ms. Brockman stated that Ms. Frances Morgan was the liaison to this meeting and that someone else could be assigned.

Mr. Trumble asked that the Planning Commissioners volunteer if there is any interest to be a liaison for the Health Department meetings.

- **Report from the Public Service District Meeting Liaison.** Mr. Hayes stated he was unable to attend the last Public Service District Meeting. He reported that he was able to speak with Mr. Joe Hankins and Ms. Sue Lawton. During their discussion, Mr. Hayes found that the Public Service District is waiting on notification from PSC concerning the Flowing Springs Wastewater Treatment Plant and that an additional public hearing was scheduled for May 3rd, 2011.
- **Report from the Jefferson County Development Authority Meeting Liaison.** None.
- **Report from the Water Advisory Committee Meeting Liaison.** None.

15. President's Report.

Mr. Trumble distributed a copy of the Planning Commission bylaws and requested that the bylaws be an item for discussion for the next regularly scheduled meeting to be held March 8, 2011.

16. Actionable Correspondence. None.

17. Non-Actionable Correspondence. A letter from Mr. Pete Kubic was presented recommending changes to the existing Subdivision Ordinance regarding size limitations in industrial parks. Mr. Hayes suggested that Mr. Kubic be invited to the public hearing for the Text Amendment for Section 20.203 and Definition of Major Site Plan and Minor Site Plan Process in Business or Industrial Parks to be held March 8, 2011.

Ms. Brockman presented an e-mail between her and Mr. Roger Ethier regarding the results of the mountain water samples.

Mr. Trumble adjourned the meeting at 8:55 PM. 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.