

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
MAY 24, 2011

The Jefferson County Planning Commission met on Tuesday, May 24, 2011, with the following Commission members present: Daniel Hayes, President; Arnold Dailey, Vice-President; Morgan Eppers, Secretary; Gene Taylor, Kelly Baty, Eric Smith, and Walt Pellish. Staff members present included Seth Rivard, Planner; Steve Barney, Zoning Administrator; Jonathon Saunders, County Engineer; Stephen Groh, Assistant Prosecuting Attorney; and Amy Puetz, Planning Clerk.

Mr. Ed Burns and Mr. Paul Taylor were absent with notification.

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

Mr. Hayes apologized for the cancellation of the May 10, 2011 meeting due to the lack of a quorum.

1. **Guest Speaker: Dale Manuel to address Parliamentary Procedure and Robert's Rules of Order.**

This item was postponed to the June 14, 2011 Planning Commission Meeting.

2. **Guest Speaker: Stephen Groh to discuss motions and Findings of Fact; Ex Parte Contact; and provide an ethics overview.**

This item was postponed to the June 14, 2011 Planning Commission Meeting.

3. **Approval of the minutes for the April 12, 2011 meeting.**

Ms. Eppers moved to approve the minutes of the April 12, 2011 meeting. Mr. Pellish seconded the motion which carried unanimously.

Approval of the minutes for the April 26, 2011 meeting.

Mr. Pellish moved to approve the minutes of the April 26, 2011 meeting. Mr. Taylor seconded the motion which carried 4 for and 1 abstention (Ms. Eppers).

4. **Citizens Communication:** None.

5. **Request for postponement:** None.

6. **Discussion and possible scheduling of Public Hearing for Proposed Text Amendment for Sections of Article 24 of the Jefferson County Subdivision Regulations regarding timeframes and noticing requirements for processing procedures.**

Mr. Rivard presented the Article 24 amendments and discussed how the amendments would shorten time frames and create quicker deadlines, which had been a common complaint presented by applicants to staff.

Mr. Eric Smith entered the room at 7:13 PM.

There was a lengthy discussion on how Concept Plans are currently processed and how these amendments would affect that process. Mr. Pellish asked any time limit that is expressed in

State Law be recognized as a state limitation within the amendments. Mr. Hayes suggested that the discussion of these amendments be postponed. Ms. Ethers moved to postpone this agenda item until the June 14, 2011 Planning Commission Meeting. Mr. Taylor seconded the motion which carried unanimously.

7. Discussion and possible scheduling of a Public Hearing for Proposed Text Amendment for maximum square footage requirements for a Minor Site Plan in each Zoning District.

Mr. Rivard reviewed the proposed amendments. He explained that amending the maximum square footage in each zoning district, instead of having a flat maximum square footage for all zoning districts, allows for more appropriate processing of site plans and public notices.

Mr. Dailey entered the room at 7:45 PM.

Mr. Pellish moved to schedule a public hearing regarding the proposed text amendments as written with the addition of the words "whichever is less" in the definition of Site Plan, Major, item C, in both bullet points to read:

- Ten percent or more of existing GFA or additions more than 10,000 square feet of GFA, *whichever is less*, in the Village, Rural/Agriculture District and the Residential Growth District.
- Ten percent or more of existing GFA or additions more than 20,000 square feet of GFA, *whichever is less*, in the Residential/Light Industrial/Commercial and Industrial/Commercial Districts.

Mr. G. Taylor seconded the motion. Staff requested a date for the public hearing. Ms. Brockman informed the Planning Commission that a request had been made to have a June 28, 2011 Planning Commission meeting. Mr. Hayes called a June 28, 2011 meeting. Mr. Hayes stated that the public hearing would be held at the above called meeting. Mr. Pellish requested that as much public notification as possible be provided. The motion passed unanimously.

8. Discussion of draft amendments to Articles 4A and Section 2.2 of the Zoning and Land Development Ordinance and Section 20.203 of the Subdivision and Land Development Regulations, regarding Home Occupations and Cottage Industries.

Mr. Barney reviewed the proposed amendments. He stated that staff was withdrawing the previously recommended amendment to businesses involving firearms due to feedback given by a staff member of the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives. Planning staff recommended that the current prohibition remain in place. There was discussion regarding reasons for prohibiting firearms and automotive uses.

Mr. Barney continued to review the remaining amendments. Mr. Hayes suggested adding a statement that the use of a sketch plan does not exempt an applicant from other requirements such as the Clean Water Act and Sediment and Erosion Control. Mr. Barney presented a comment that was emailed to staff by Anne Bowers suggesting that, under Guidelines, Exempt Activities, removing the words *annual or biennial* and replacing it with *twice annually*. She also suggested, under Home Occupation 1 & 2, Section D, that language be added to allow the sales of class related materials and tools, not just hand-crafted items.

Mr. Smith moved to accept the amendments with the following changes:

- Section 4A.1.e.4 - Remove the proposed changes to the firearms so that the regulations remain as currently prohibited;
- Section 4A.1.e.5 – Delete the language related to automotive uses;
- Section 4A.5.i – Add a statement that clarifies that *the use of a sketch plan does not preclude compliance with County, State and Federal Regulations*;
- Section 4A.2.3 – The participation of an individual location in an annual event with multiple locations *held up to twice a year*, such as a home and garden tour or an art studio tour;
- Section 4A.3.d and Section 4A.4.d – Adding language that states *Incidental sales of class-related material to students who receive instruction on the premises shall be permitted.*

Mr. Smith added to his motion to schedule the public hearing for June 28, 2011. Mr. Pellish seconded the motion which carried unanimously.

9. Discussion and Planning Commission input into the draft Urban Tree Canopy Plan and Goals.

Ms. Brockman presented an Urban Tree Canopy Plan and Goals report prepared by the Intern, Doug Griffith. She stated that the report would be presented at a roundtable discussion to be held May 25, 2011. She expressed that the objective of the Plan and Goals was that the County and all 5 municipalities adopt at least part of the plan to incorporate into their requirements and regulations. Ms. Brockman explained that staff would suggest at the roundtable discussion to hold one public meeting for all municipalities or, if each municipality wanted to hold their own public hearing, then staff would suggest that it be held within the next 60 to 90 days so that Urban Tree Canopy requirements could be adopted by the end of the summer.

10. Director's Report.

Ms. Brockman reported that the term for Douglas Griffith, Intern, will end May 31, 2011. She informed the Planning Commission that a new intern, Aaron Molinda, had been hired to collect data which will be used in writing the Comprehensive Plan. She stated that Julie Quodala, Office Manager, had given final notice and that the department would be hiring a new Office Manager.

Ms. Brockman reminded the Planning Commission that the public hearing for the policy neutral amendments to the Zoning and Land Development Ordinance would be held Thursday, June 9, 2011 at 7 PM. She reported that the public hearing for the Land Development Fees was held Thursday, May 19, 2011 and that no public was there to give comment. However, she stated that the County Commission agreed to leave the hearing open for written public comment until May 31, 2011.

Ms. Brockman explained that Asbury United Methodist Church had submitted a site plan and had requested to be heard on June 28, 2011 and since a meeting had been called, she

requested approval for that by the Planning Commission. Mr. Hayes approved the public hearing for June 28, 2011.

Ms. Brockman presented a letter written by Tim Boyd, County Administrator, on behalf of the County Commission requesting that a study of the southern stretch of US 340, from Charles Town to Berryville, be a part of the next annual work plan.

11. County Commission Liaison Report.

Mr. Pellish stated he would like to continue to stimulate the relationship between the Planning Commission and the Development Authority. He commented that he would like for there to be a meeting between the two to exchange ideas.

Mr. Pellish reported that he feels that the US 340 Corridor Study is focusing on the wrong end of US 340. He stated that he believes the study should focus more on the southern end of US 340.

12. Planning Commission Exchange.

- **Report from the Health Department Meeting Liaison.** Mr. Burns was not present to report.
- **Report from the Public Service District (PSD) Meeting Liaison.** Mr. Hayes stated he was unable to attend the last PSD meeting.
- **Report from the Jefferson County Development Authority Meeting Liaison.** Mr. Burns was not present to report.
- **Report from the Water Advisory Committee Meeting Liaison.** There was no liaison yet appointed to the Water Advisory Committee.

13. President's Report.

Mr. Hayes scheduled the discussion of the Planning Commission bylaws for July 12, 2011. He asked that suggested changes or comments by Planning Commissioners be submitted to the Planning Staff by June 28, 2011. Mr. Hayes stated that attendance to Planning Commission meetings would be a focus in amending the bylaws.

14. Reports from Legal Counsel and legal advice to PC. Legal was not present to report. There was discussion regarding the legal insurance coverage of the Commissioners with regards to those named in the summons of Far Away Farms.

15. Actionable Correspondence. None.

16. Non-Actionable Correspondence. Letters between Martin Burk and Barbara Scott regarding the SPARC property were included in the packet for information only. Pre-proposal Conference memorandums were also included for information.

Mr. G. Taylor moved to adjourn the meeting at 9:43 PM. Mr. Smith seconded the motion which carried unanimously. An audio recording and a video recording of the meeting may be found on our website. These minutes were prepared by Amy Puetz, Planning Clerk.