

MINUTES  
JEFFERSON COUNTY PLANNING COMMISSION  
SEPTEMBER 13, 2011

The Jefferson County Planning Commission met on Tuesday, September 13, 2011, with the following Commission members present: Daniel Hayes, President; Gene Taylor, Kelly Baty, Ed Burns, Paul Taylor and Walt Pellish. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Seth Rivard, Planner; Jonathon Saunders, County Engineer; Stephen Groh, Assistant Prosecuting Attorney; and Amy Puetz, Planning Clerk.

Mr. Arnold Dailey, Ms. Morgan Eppers and Mr. Eric Smith were absent with notification.

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

**1. Approval of the minutes for the August 9, 2011 meeting.**

Mr. Hayes stated that on page 6 under item 7; add "Mr. Hayes opened the public workshop. There was no public comment. Mr. Hayes closed the public workshop." Mr. Burns moved to approve the minutes with the above mentioned amendment. Mr. G. Taylor seconded the motion which carried unanimously.

**2. Citizens Communication:**

Mr. David Tabb, citizen, stated that he was under the assumption that Items #5, #6, and #7 should be opened for public comment. Ms. Brockman explained that Item #5, Discussion of Future Subdivision Regulation Amendments was a discussion only and that any amendment that would be made would go through a public hearing process. Mr. Tabb raised concern regarding how the Urban Tree Canopy Goals (Item #6) would affect agriculture and development in Jefferson County. Ms. Brockman explained that the Urban Tree Canopy Goals were a guideline and not a requirement. She also informed Mr. Tabb that a public hearing for this topic was held on July 26, 2011 and that the item on the agenda allowed for the Planning Commission discussion of the public comment taken. Mr. Tabb went on to state that Item #7: Discussion and Possible Vote regarding Amendments to Planning Commission Bylaws, caused concern since the amendments were being made by the body that would follow those bylaws. Mr. Hayes confirmed that the amendments were required to follow state law and that any amendments made would be ultimately approved by the County Commission, not the Planning Commission.

Mr. Mark Postma, owner of a neighboring property of Homeland Security/Customs and Border Patrol, stated that he had anticipated a discussion regarding the traffic signal and zoning scenarios in his area. Ms. Brockman explained that discussion would be held at the US 340 East Gateway meeting on Saturday, September 17, 2011.

Ms. Kathy Knight, Homeowner's Association President of Carriage Park I, read from the minutes of November 9, 2010 regarding the US 340 Rezoning of Federal Lands including the fact that the public hearing had been cancelled. She questioned the topic of the meeting that Ms. Brockman had with the Customs and Border Patrol on September 6, 2011. Mr. Hayes clarified the events of the Federal Lands Rezoning Petition that occurred at the end of 2010

and the beginning of 2011. Ms. Brockman clarified that the public hearing had been cancelled by the County Commission and not the Planning Commission. Mr. Hayes requested that Ms. Knight give staff time to research the timeline of events and contact her with the results of that research. Ms. Knight agreed and inquired as to how the Federal Lands Rezoning request relates to the US 340 East Gateway Study and if the rezoning of those lands would be revisited. Ms. Knight also questioned whether Koontz Road was now Federal property since the US 340 Corridor would be directly affected by the modification of that road. Ms. Brockman encouraged Ms. Knight to attend the US 340 Corridor meeting on Saturday, September 17, 2011. Ms. Knight commented that the Planning Commission amending bylaws was a bad public relations move. Ms. Brockman again explained that the County Commission would have the final approval of any amendments to the bylaws.

Mr. Tom Cardamone, representing the Sheridan Homeowner's Association, also raised concern with the Planning Commission amending their bylaws. Mr. Hayes reiterated that the Planning Commission members were making amendments to allow the meetings to be more efficient and that WV State Law governed the duties and authorities of the Planning Commission.

3. **Request for postponement:** None.
4. **Presentation of a petition by James and Barbara Gibson for a zoning map amendment to the Planning Commission for the purpose of scheduling a public hearing within 60 days. This property is currently zoned Residential Growth and the Gibsons are requesting Residential/Light Industrial/Commercial zoning. This property is located on the south side of Route 340 (William L. Wilson Freeway); the east side of Route 27 (Millville Road) and on the north side of Route 27/2 (Allstadt's Hill Road). District: Harpers Ferry; Map: 9; Parcel: 39.1.**

Ms. Brockman described the request. Mr. Hayes questioned whether the applicant had been notified of all options including a Conditional Use Permit. Ms. Brockman explained that a meeting had been held between the applicant and staff to discuss processing options.

Mr. James Gibson, applicant, made the petition to the Planning Commission to request a rezoning of his property as allowable under the ordinance.

Mr. Hayes scheduled the public hearing for the November 8, 2011 Planning Commission meeting.

#### 5. **Discussion of Future Subdivision Regulations Amendments.**

Mr. Rivard reviewed the staff priorities regarding future Subdivision Regulation Amendments:

- Improvement Location Permit Ordinance – Mr. Rivard explained that this was currently a separate ordinance that should be completely incorporated into the Subdivision Regulations to bring it into compliance with state law.

- Site Plan Requirements (Appendix B, Section 9.1.B and Section 9.2) – Mr. Rivard stated that these requirements need clarification.
- Sidewalks (Section 22.208) – Mr. Rivard reported that, due to the number of waivers received regarding sidewalks, this section needs clarification and policy input.
- Churches – Mr. Rivard stated that occasional special events and overflow parking with regards to churches should be addressed.
- Zoning Ordinance Changes(Section 24.109 and 24.112) – Mr. Rivard explained that staff would research the effects of having any amendments that take place in the 2<sup>nd</sup> year of approval control a project and how that may affect any design that may have already been completed.
- Final Plat Process (Section 21.114) – Mr. Rivard stated that the Planning Commission would have been able to give direction which should have been completed by this stage in the process. He explained that the final plat could be a staff review although this would require a change in state law.

Discussion ensued regarding the need for public review at all stages versus public comment affecting the costly engineering that may have already been completed.

Mr. Pellish encouraged staff to look at amending the zoning categories in the Zoning Ordinance as the first priority. Ms. Brockman explained that Mr. Steve Barney, Zoning Administrator, would be taking on those amendments as a priority.

Mr. G. Taylor suggested that the issue of incomplete subdivisions and their bonding need to be addressed. Ms. Brockman suggested requesting that Ms. Rebecca Burns, Bonding Administrator, give a presentation to the Planning Commission to allow for a better understanding of the bonding policy.

There was a short discussion regarding natural resource standards and their definition within the Subdivision Regulations.

#### **6. Urban Tree Canopy Goals Public Comment Discussion and Possible Vote.**

Ms. Brockman presented a report of the public comments to the Urban Tree Canopy Goals document and staff's response to those comments. She explained that the intent of this document was to have one document that would act as a guideline for the county and all 5 municipalities. She reported that 3 of the 5 municipalities had recommended amendments to the document at that time and that Charles Town and Ranson still needed to present their suggestions. Ms. Brockman stated that Mr. Doug Griffith, Intern would incorporate the changes into the document and that she would get responses from Charles Town and Ranson to present a complete document at the October 11, 2011 Planning Commission meeting for a vote.

Mr. G. Taylor inquired as to whether there would be grant funding sources available for private land owners to plant trees on their properties. Ms. Brockman explained that a grant had allowed for the creation of the document and that money had been provided for plantings

on public properties. She went on to state that, if the document were adopted, additional grants could be applied for that would allow for funding plantings on public and private land.

Mr. Hayes questioned if the citizens would be obligated to follow the standards if the document were adopted. Ms. Brockman clarified that there would be no obligation to anyone and that the document was simply a guideline emphasizing the importance of planting native trees in the area.

#### 7. **Discussion and Possible Vote regarding Amendments to Planning Commission Bylaws.**

Mr. Hayes described the changes being suggested for the bylaws:

- The change in meetings from twice monthly to once a month should be reflected in the bylaws.
- Allowing members to attend and be a voting member via telephone in necessary situations needed to be stated in the bylaws.
- The direction from County Commission regarding training for the Planning Commission members also needed to be incorporated into the document.
- An attendance policy for Planning Commission members would be included in the bylaws.

Mr. Hayes read each amendment aloud from Section 4.1, 4.2, 4.4, 4.5, 4.8, 4.9 and 5.1. Mr. P. Taylor identified a grammatical error in Section 4.1. *An additional regular meeting may be called by the President or by two or more members of the Planning Commission for ~~an~~ a specific agenda item...*

Mr. Burns stated that since there would be only a two week notice if a second meeting of a month were held, the second meeting should not be factored into the attendance policy. Mr. Hayes reminded the Planning Commission that the amendment would be lenient enough that counting the second meeting of the month toward attendance would not be a cause for concern. Mr. G. Taylor mentioned that the attendance policy amendment made no reference to members showing up late to meetings. Mr. Hayes suggested that tardiness be addressed with any future amendments to the bylaws.

Mr. Pellish moved to approve the amendment to section 5.1 regarding allowing a member to attend a meeting and be a voting participant via telephone. Mr. Burns seconded the motion which carried 5 for and 1 against (Mr. Baty).

Mr. Pellish moved to approve all amendments to Section 4 with the grammatical correction to Section 4.1. Mr. Burns seconded the motion. Mr. G. Taylor stated that he would be more comfortable if there were language added regarding tardiness. There was discussion regarding what defines tardiness and what factors, such as traffic, should be considered when a member is deemed tardy. Mr. G. Taylor stated that he would draft language that could be discussed at the next Planning Commission meeting. The motion carried 5 for and 1 against (Mr. Baty).

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

Mr. Groh stated that there was no litigation to report.

**9. Director's Report.**

Mr. Hayes requested that staff research the timeline of events of the Federal Lands Rezoning and that staff provide the outcome of that research to Ms. Kathy Knight.

Ms. Brockman reminded the Planning Commission of the US 340 East Gateway Plan meeting on Saturday, September 17, 2011. She reported on a meeting that she attended in Shepherdstown regarding future planning for that area. Ms. Brockman stated that Shepherdstown had adopted a large Urban Growth Boundary that would be presented to County Commission on September 15, 2011. She also informed the members that the current amendments would go to a public hearing to be held the night of September 15, 2011. She stated that the County Commission Public Hearing regarding the Hott property rezoning would be held at Blue Ridge Elementary School on October 6, 2011 at 7 PM.

Ms. Brockman reviewed the agenda for the upcoming Planning Commission meetings.

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

**11. Planning Commission Exchange.**

- **Report from the Health Department Meeting Liaison.** Mr. Burns reported that flu vaccinations were available. He stated that the Health Department was facing similar attendance issues.
- **Report from the Public Service District Meeting Liaison.** None.
- **Report from the Parks and Recreation Meeting Liaison.** None.
- **Report from the Jefferson County Development Authority Meeting Liaison.** Mr. Pellish stated that he advised the Development Authority of Planning Commission discussions in an effort to maintain communications.
- **Report from the Water Advisory Committee Meeting Liaison.** None.

**12. President's Report.** Mr. Hayes stated that he felt discussions at the meeting were becoming argumentative at times and that he would like for the meetings to become more focused on the task being brought before the body.

**13. Actionable Correspondence.** None.

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

Mr. G. Taylor moved to adjourn the meeting at 8:45 PM. Mr. Burns 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.