

MINUTES  
JEFFERSON COUNTY PLANNING COMMISSION  
MARCH 9, 2010

The Jefferson County Planning Commission met on Tuesday, March 9, 2010, with the following Commission members present: John Maxey, President; Frances Morgan, Steve Alemar, Gene Taylor, Ellen May and Thomas Trumble. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Seth Rivard, Planner; Jennifer Snyder, Zoning Administrator; Stephen Groh, Assistant Prosecuting Attorney; and Amy Puetz, Office Assistant.

Mr. Dailey and Mr. Reynolds were absent with notification.

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

1. **Approval of minutes for February 23, 2010 meeting.** Mr. Taylor moved to approve the minutes of February 23, 2010. Mr. Alemar seconded the motion. Mr. Maxey recommended the following correction; Page 3, Item #5, first paragraph, line two, change, "...further finds that there have been major changes..." to "...further finds there have *not* been major changes...". The friendly amendment was accepted. The motion carried 5 for and 1 abstention (Ms. May).
2. **Citizen Communications.** None.
3. **A call for postponements.** None.
4. **Waiver request by Michael and Sarah Shveda to use an existing subdivision access easement instead of creating the required 50' access easement over the residue for Shveda Minor Subdivision (PC file # 09-30).**

Mr. Rivard read from the staff report and recommended approval. Mr. Rivard, in the Engineer's absence, read from the Engineer's staff report which also recommended approval.

Annette Van Hilst, with Dewberry, represented the Shveda family and was available for questions from the Commission.

Mr. Maxey opened the public hearing. There was no public comment. Mr. Maxey closed the public hearing.

Mr. Trumble moved to approve the waiver with the staff recommended motion. Ms. May seconded the motion which carried unanimously.

5. **Waiver request by O'Sullivan Farms, LLC to use existing historic driveway as an access easement instead of creating the required 50' access easement over the residue for the Randy Funkhouser Minor Subdivision.**

Mr. Rivard read from the staff report and recommended approval. Mr. Rivard, in the Engineer's absence, read from the Engineer's staff report which also recommended approval.

Mr. Randy Funkhouser, property owner, presented some history of the land and was available for questions from the Commission.

Mr. Maxey opened the public hearing. Mr. Rivard read a letter from Mr. John Allen, Jr., Chairman of the Jefferson County Historic Landmarks Commission, supporting approval of the waiver request. There was no further public comment. Mr. Maxey closed the public hearing.

Ms. Morgan moved to approve the waiver with the staff recommended motion. Mr. Alemar seconded the motion which carried unanimously.

- 6. Information for the Planning Commission regarding the Approval of PC file #S09-01, SPARC Skid Pad Training Building #1 Minor Site Plan.** Ms. Brockman notified the Planning Commission of the Minor Site Plan approval.

Ms. Brockman explained a discrepancy between departmental policy requiring all Site Plans to go before the Planning Commission and regulations stating that Minor Site Plans are to be approved at staff level. Mr. Maxey directed that an item be placed on the next agenda to discuss the policy accompanied by a brief report from staff stating how the conflict occurred.

- 7. Blue Ridge Mountain Community Plan.** Mr. Rivard updated the Planning Commission on the status of the Citizen's Committee and commented on the interest of the public contacting the office. Mr. Rivard explained that the deadline for applications for the Citizen's Committee is at noon on March 17, 2010, and that the names of those applicants would be brought before the Planning Commission at the March 23, 2010 meeting.
- 8. Discussion and vote on Annual Report.** A draft of the Annual Report was provided in the agenda packets. Mr. Trumble suggested that on page 2, paragraph 1, line 3 "With new regulations in place, and no real planning leadership..." needed to be more specific. Ms. Morgan suggested changing to, "With new regulations in place, and *with the Planning Director position vacant...*". Ms. Morgan offered an amendment to page 7, under Administrative Issues, line 5, "~~The Planning Commission believes that the Prosecuting Attorney's office may be able to adequately represent the needs of the BZA, but~~ the Planning Commission and staff need access to an attorney experienced in local land use law and its changes." Mr. Trumble moved to approve the Annual Report with the discussed amendments. Mr. Alemar seconded the motion which carried unanimously.
- 9. Discussion and vote on departmental fees.** Ms. Snyder presented the Commission with the draft proposed fee schedule and proposed changes that had been made to the rezoning requests, conditional use permits, and administrative appeals fees. Discussion ensued on reviewing the fees 6 months after they are enacted to ensure the accuracy of the fees in

relation to staff time. It was suggested that staff time be tracked upon submittal of a few projects to be used as example. Mr. Trumble moved to approve the draft fees to be presented to the County Commission. Mr. Taylor seconded the motion which carried unanimously.

#### **10. Director's Report.**

- **Activity Report.** The staff schedule for the 2 weeks prior to the meeting was provided to the Planning Commission in the agenda packets.
- **Upcoming Training Opportunity.** Ms. Brockman informed the Commission of the American Planning Association's "Redevelopment and Revitalization for a New Era" Conference hosted by the City of Ranson on March 17<sup>th</sup>, 2010. Mr. Taylor expressed his interest and requested staff to schedule his attendance.
- **Subdivision Regulation Amendments and Outreach Efforts.** Ms. Snyder passed out a document providing proposed changes to the Minor Site Development (Section 20.203), and Major Site Plan and Minor Site Plan definitions of the Subdivision Regulations. Discussion ensued on the building and addition gross floor area being too large. Ms. Morgan moved to have amendments changed from, "Building(s), both proposed new and additions to existing, totaling, 20,000 square feet or more of GFA on any site..." to "Building(s), both proposed new and additions to existing, totaling, 5,000 square feet or more of GFA on any site..." on both the Major Site Plan and Minor Site Plan definitions. Ms. May seconded the motion which carried unanimously.

Mr. Maxey called for a break to change the CD at 8:22 PM. Mr. Maxey called meeting to order at 8:25 PM.

Ms. May moved to have amendments changed from, "Addition(s) to existing development of ten percent or more of existing GFA or with additions of 50,000 square feet or more of GFA..." to "Addition(s) to existing development of ten percent or more of existing GFA or with additions of 10,000 square feet or more of GFA..." in both the Major Site Plan and Minor Site Plan definitions. Ms. Morgan seconded the motion which carried unanimously.

A document entitled "Summary of Amendments to the Subdivision Regulations adopted October 9, 2008 (*Follow-up to Feb. 16, 2010 PC Workshop*)" had been provided in the agenda packets. Ms. Morgan moved to change "All easements created and approved by the Jefferson County Farmland Protection Board, or any other land viewshed, wildlife, water, or historic conservation agency or group, for the purpose of preservation shall be exempt from subdividing but shall process a minor final plat..." to "All easements created and approved by the Jefferson County Farmland Protection Board, or any other land viewshed, wildlife, water, or historic conservation agency or group, for the purpose of preservation *and with the exemption of the required plat, shall be otherwise exempt from processing under these Subdivision Regulations.*" Ms. May seconded the motion which carried unanimously.

Ms. Brockman presented dates and times for public outreach, regarding the Subdivision Regulations, to the Planning Commission for approval. There was unanimous consent to proceed to schedule those meetings.

- **Update on Budget and Cost Cutting Measures.** Ms. Brockman discussed the department's submitted budget which included the cost of a new copier to cut down our per copy cost. Discussion ensued on agenda packets and suggestions on reducing the numbers of copies printed for each meeting. It was decided that an agenda packet would be mailed to each Planning Commissioner and only two extra copies would be brought to the meetings. Ms. Brockman also discussed plans to have the agenda posted online with hyperlinks to each related document.

Mr. Maxey requested to hear item #12 before item #11.

**12. County Commission Liaison Report.** Ms. Morgan discussed the county budget describing it as austere. Ms. Morgan relayed to Ms. Brockman that the County Commission has been considering the idea of having a centralized copy center for all departments which would be reviewed after a cost benefit analysis. Ms. Morgan also explained to the Planning Commission that she believed there would not be any new hires, including an environmental planner, for the upcoming fiscal year.

Ms. Morgan left the room at 8:52 PM.

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

- **Discussion and vote on the proposed Bylaws amendment.** Mr. Groh stated that he would work on this amendment and have it for the next meeting. Mr. Groh requested that staff email him a copy of the bylaws.
- **Resolution for Zoning Map Amendment.** Mr. Groh had emailed to the Planning Commission the Resolution for Denial of Rezoning Request on March 8, 2010. Ms. Morgan had suggested before she left to change on page 2, line 2, the word outline to *outlined*, and to place semi-colons instead of periods in all the paragraphs beginning with the word "Whereas". Mr. Alemar had suggested changes to the document by email to Mr. Groh. Mr. Alemar stated change, on page 2, first paragraph from "Whereas, the requested rezoning should be denied based testimony received, upon the conditions outline in the staff report and upon careful consideration of all factors involved;" to "Whereas, the requested rezoning should be denied based *upon* testimony received, the conditions outlined in the staff report, and *after* careful consideration of all factors involved;". Mr. Maxey offered an amendment on page 2, last paragraph to state "WHEREFORE, the Jefferson County Planning Commission hereby ~~denies the request for rezoning of the subject property~~ *recommends to the Jefferson County Commission that the request for rezoning of the subject property be denied.*" Mr. Trumble moved to approve the resolution with amendments. Mr. Alemar seconded the motion which carried 4 for and 1 abstention (Ms. May).

**13. Planning Commission Exchange.** None.

**14. President's Report.** Mr. Maxey distributed a document containing amendments suggested to §8A of the Code of West Virginia. Discussion ensued on how those amendments, if passed, would affect Jefferson County.

**15. Actionable Correspondence.** None.

**16. Non-Actionable Correspondence.** An email from Gil Garcia, regarding his concern that the information provided on the agenda was inadequate, was submitted to the Planning Commission in the agenda packets. Mr. Trumble suggested sending Mr. Garcia a response of appreciation for concern and a description of steps being taken to address his issues. Ms. Brockman affirmed a response would be sent.

Mr. Trumble moved to adjourn at 9:38 PM. Mr. Alemar seconded the motion, which carried unanimously. A detailed transcript of the meeting may be found on CD #\_\_\_\_. These minutes were prepared by Amy Puetz, Office Assistant.