

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
APRIL 13, 2010

The Jefferson County Planning Commission met on Tuesday, April 13, 2010, with the following Commission members present: John Maxey, President; Thomas Trumble, Vice President; Morgan Etters, Secretary; Arnold Dailey, Daniel Hayes, Stephen Alemar, Frances Morgan, Kelly Baty and Gene Taylor. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Jennifer Snyder, Zoning Administrator; Jonathon Saunders, County Engineer; Stephen Groh, Assistant Prosecuting Attorney; and Amy Puetz, Office Assistant.

Mr. Maxey called the meeting to order at 7:02 PM.

1. Election of Planning Commission Vice President:

Mr. Taylor nominated Mr. Trumble for Vice President. Mr. Trumble resigned as Secretary to accept the nomination. Mr. Hayes seconded the motion which carried unanimously.

For the position of Secretary, Mr. Trumble nominated Mr. Taylor. Mr. Taylor declined nomination. Mr. Taylor nominated Ms. Etters. There were no other nominations and Ms. Etters was voted in as Secretary unanimously.

2. Approval of minutes for the March 23, 2010 meeting:

Mr. Trumble moved to approve the minutes of the March 23, 2010 Planning Commission meeting. Mr. Alemar seconded the motion which carried 5 for and 2 abstentions (Mr. Hayes and Ms. Etters).

3. Citizens Communication:

Mr. Paul Rosa of the Harpers Ferry Conservancy addressed the Planning Commission in regards to amending the Zoning Ordinance in reference to cell towers. Mr. Rosa suggested that the Zoning Ordinance needed to be amended, before the Subdivision Regulations, to provide submittal requirements, height constraints, and obligations of the telecommunication companies to use existing structures. Mr. Rosa presented documents to support his request including: a letter to Tony Redman dated, December 31, 2007, outlining suggestions of amendments which were subsequently included in the now failed Zoning Ordinance, copies of news articles describing the increased data traffic strain on cell phone networks, and a draft resolution of a Wireless Telecommunications Facilities Moratorium that Mr. Rosa desired to present to the County Commission. Mr. Maxey asked that staff review Mr. Rosa's request and report back to the Planning Commission on the April 27, 2010 meeting.

4. A call for postponements: None.

5. Variance request by William R. and Elizabeth G. Howard and Home Hill Corporation to have Howard Farm Turner Road accepted as "County Grade" instead of requiring an upgrade of that road for the Howard Farm Subdivision (PC File # 91-19) and the North Hills Subdivision (PC file # 05-22).

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Mr. Saunders read from his staff report and recommended approval with the conditions that a stop sign be placed at the intersection of Howard Farm Road and Shepherd Grade Road, and that all brush be removed from the road culvert. Ms. Brockman presented the Planning staff report and also recommended approval. The Planning Commission questioned about current conditions of the road and what standards had not been met according to the 1979 Subdivision Regulations, how the road accesses the subdivisions, and if the decision of the variance would affect future subdivision of the properties.

Mr. Walter Washington, Attorney representing Home Hill Corporation, approached the Planning Commission and explained the history of the road and its approval by a past County Engineer. Mr. Washington explained that, at the request of the County, this road provided the first interconnectivity of subdivisions. He answered questions of the Commission and submitted an addendum to the petition of support (provided in the variance application) with additional signatures previously omitted.

Ms. Frances Morgan joined the meeting at 7:44 PM.

Mr. William Howard, Developer of Howard Farm, made comment and was available for questions. He voiced concern that the road be able to sustain future subdivision possibilities so that further waivers would not be necessary. If the current variance request would not accomplish this, he stated he would not be in support of it.

Mr. Kelly Baty joined the meeting at 7:52 PM.

Mr. Maxey opened the public hearing. Mr. Jack Young, Vice President of the Fernbank Home Owners Association and Chairman of the Home Owners Association's Road Committee, spoke in support of the variance. Mr. Maxey closed the public hearing.

Discussion followed regarding what density would require an upgrade to the road.

Mr. Groh suggested that the applicants consider resubmitting the variance with more specific wording and combining both Home Hill Corporation's request and Mr. Howard's request.

Ms. Morgan moved to deny the variance. Mr. Alemar seconded the motion. Additional discussion ensued. Mr. Maxey moved to table this item until the April 27th meeting. Mr. Hayes seconded the motion. Mr. Maxey withdrew his motion to table and motioned to postpone until April 27, 2010, to allow staff and the applicant to engage in further discussion. Mr. Taylor seconded the motion which carried unanimously.

Mr. Maxey called for a break to allow staff to change the CD at 8:22 PM. Mr. Maxey called the meeting to order at 8:27 PM.

Mr. Maxey asked staff and legal to research and provide a report on the definition of residential local street and interconnected local subdivisions with regard to density limits.

6. Discussion on public input for the Subdivision Regulation Amendments and request for direction:

Ms. Brockman provided a summation of the outcome of the public outreach meetings. A memo regarding the areas of the proposed Subdivision Regulation Amendments that require clarification and a proposed Subdivision Regulation Amendment timeline were provided to the Planning Commission. For the amendments outlined in the memo, specifically Sections 20.302 (C)(2)(a), 24.502, and Appendix B, Section 9.1(B), there was unanimous consent to amend according to staff recommendation. For Sections 20.302(J) and 20.303(G), there was unanimous consent to strike these sections from the Subdivision Regulations.

Ms. Brockman presented a chart of all public comment received during the outreach meetings. Mr. Maxey proposed that any comment with a staff recommendation of “Requires Research or Policy Input” be moved to the column “Postpone to Future Amendments” with the exception of the topics of *Vesting, Definition of Modulation, and Traffic Impact Data*, which should be moved to the “Include Now” column. Ms. Morgan seconded the motion. The motion passed 8 for, 1 opposed (Mr. Dailey). Mr. Dailey stressed his concern about not considering all public comment relating to the Subdivision Regulations now. Mr. Trumble moved to direct staff to organize any public comment listed under “Postponed to Future Amendments” into subject categories with a proposed schedule as to when those items would be considered. Mr. Hayes seconded the motion which carried unanimously.

Each comment was read and considered individually. There was unanimous consent to adopt the staff recommendations for each item except:

- Outdoor Recreation: Defining parking standards. There was unanimous consent to postpone to future amendments.

Mr. Maxey called for a break to allow staff to change the CD at 9:45. Mr. Maxey called the meeting to order at 9:50 PM. Additional exceptions considered were:

- Resubdivision: There was unanimous consent to strike the term *resubdivision* from the Subdivision Regulations.
- Define HOA: There was unanimous consent to add references to the West Virginia State Code in the definitions section of the Subdivision Regulations.
- Spelling of “soil”: There was unanimous consent to correct all typos (not only “soil”) within the Subdivision Regulations.

Mr. Maxey directed staff to present a draft of changes to the amendments at the April 27, 2010 Planning Commission meeting.

7. Request for Endorsement of the Elks Run Watershed Water Quality Improvement Project:

A copy of the proposal for the Elks Run Watershed and a draft letter to Mr. Warren Mickey supporting the project were provided in the agenda packets. Ms. Brockman briefly explained the project. Mr. Hayes motioned to accept the draft letter as written. Mr. Alemar seconded the motion which carried unanimously.

8. Blue Ridge Mountain Community Plan:

Ms. Brockman informed the Planning Commission that a subcommittee had met and recommended Downstream Strategies for the contract. The County Commission would hear this item on Thursday, April 22. Ms. Brockman also explained that a mission statement had been created and has been distributed to the Citizen's Committee by mail.

9. Director's Report:

- a) Activity Report. A copy of staff's schedule was provided in the agenda packets.
- b) Pre-proposal Conference Memos. Copies of all memos sent since the last Planning Commission meeting were provided in agenda packets.
- c) Reports Generated. Ms. Brockman explained that staff had been tasked with generating a report of subdivisions approved within the last year for the WV Department of Environmental Protection and a report to the Jefferson County Public Service District of the subdivisions which they have committed to serve. The Commission asked to see the reports from previous years.
- d) WV Department of Highways access permits concerns. Ms. Brockman explained the difficulties of obtaining access permits from the Department of Highways and how it has been affecting projects processing through the Planning and Zoning Department. Ms. Brockman suggested discussing this topic at a future meeting to which there was unanimous consent.
- e) Status of Land Development Fees. Ms. Brockman notified the Planning Commission of a County Commission Workshop that was to be held April 22, 2010 at 1:30 PM. Ms. Brockman reported that the EDA appeared before the County Commission to have the development fees waived for a minor subdivision that they would be submitting and that a request had been made to waive all land development and building fees for any property owned by the County, which County Commission planned to discuss at the workshop on fees.
- f) Status of Zoning Map Update. Ms. Brockman described the joint effort of the Planning and Zoning Department and the Addressing Department to improve the zoning map.

10. Reports from Legal Counsel and legal advice to Planning Commission:

- a) Mr. Groh explained the Order of Recusal from the Alstadt's (James Gibson) case that was provided in the agenda packets.
- b) Mr. Groh reported plans to meet with Ms. Brockman to discuss the 595 Senate bill which relates to the extension of active applications in on January 1, 2010.
- c) Mr. Groh informed the Planning Commission of the result of two Board of Zoning Appeals cases, the Jane Rissler, Patricia Rissler, Susan Rissler-Sheely, Mary Macelwee, Richard Latterell, and Sherry Craig vs. The Jefferson County Board of

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- Appeals case and the Jefferson Orchard vs. the Jefferson County Board of Appeals case.
- d) Amendment to Planning Commission Bylaws. Mr. Groh presented the draft amendment to the Planning Commission Bylaws. Mr. Maxey moved to recommend to County Commission to amend the bylaws as drafted by Mr. Groh to which there was unanimous consent.

11. **County Commission Liaison Report:** None.

12. **Planning Commission Exchange:** None.

13. **President's Report:** None.

14. **Actionable Correspondence:** None.

15. **Non-Actionable Correspondence:** None.

Mr. Taylor moved to adjourn at 10:44 PM. Mr. Trumble 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.