

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
APRIL 27, 2010

The Jefferson County Planning Commission met on Tuesday, April 27, 2010, with the following Commission members present: John Maxey, President; Thomas Trumble, Vice President; Morgan Eppers, Secretary; Arnold Dailey, Daniel Hayes, Stephen Alemar, Kelly Baty, and Gene Taylor. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Seth Rivard, Planner; Roger Goodwin, Chief County Engineer; Jonathon Saunders, County Engineer; Stephen Groh, Assistant Prosecuting Attorney; Julie Quodala, Planning and Zoning Office Manager; and Amy Puetz, Office Assistant.

Frances Morgan was absent with notification.

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

1. **Approval of minutes for the April 13, 2010 meeting:**

Mr. Trumble moved to approve the minutes of the April 13, 2010 Planning Commission meeting. Mr. Alemar seconded the motion which carried unanimously.

2. **Citizens Communication:** None.

3. **A call for postponements:** None.

4. **Postponed from the April 13, 2010 Planning Commission meeting. Request by William R. and Elizabeth G. Howard and Home Hill Corporation to have the Planning Commission accept Howard Farm Turner Road 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).**

Ms. Brockman read from the addendum to the staff report outlining staff's interpretation of the regulations in regards to this variance and recommended approval.

Mr. Walter Washington, Attorney representing Home Hill Corporation, and Mr. William Howard each submitted letters to the Planning Commission stating that they had read the staff report and its addendum and concurred with staff.

Mr. Walter Washington approached the podium and voiced his agreement with staff.

Mr. Maxey opened the public hearing. Reverend G. T. Schramm made comment in support of the variance. Mr. Maxey closed the public hearing.

Mr. Trumble moved to approve the variance with the staff recommended motion. Mr. Taylor seconded the motion which carried unanimously.

5. Request by Paul and Susan Prichard for a waiver from Section 20.202 and Section 21.103D of the Subdivision Regulations to allow the use of two entrances for Lot 1 in the Pritchard Minor Subdivision (PC file # 09-25).

Mr. Rivard read from the staff report recommending approval. Mr. Saunders gave the Engineering Department perspective and recommended approval.

Ms. Annette VanHilst, from Dewberry representing Paul and Susan Pritchard, explained the agricultural activity on the property and was available for questions.

Ms. Brockman introduced Mr. Goodwin who answered questions presented to staff.

Mr. Maxey opened the public hearing. Mr. Louis Meadows, neighboring resident, spoke in opposition to the waiver stating that the entrance approved by the Department of Highways is unsafe. However he was in favor of the applicant's effort to protect Rattlesnake Run. Ms. Christina Hiatt-Martinkosky, neighborhood resident, approached the podium to ask of the applicant how close the pavement would be to the stream and what provisions are being taken to protect the stream including allowing the stream to cool and keeping oils from the water. Ms. Robin Dipietro-Durand, also a neighboring resident, also spoke in concern of the safety of the road and suggested replacing a stop sign that had been previously removed. Mr. Maxey closed the public hearing.

Discussion ensued addressing the citizens' concerns. Ms. VanHilst provided resolution to some concerns. In response to Ms. Hiatt-Martinkosky's inquiry, Ms. VanHilst reaffirmed there would be no paving of the entrances. She also confirmed that Mr. Pritchard would be willing to write a letter to the State Highway Department requesting replacement of the removed stop sign and to request reduction of the road's speed limit in conjunction with his neighbors.

Mr. Alemar moved to approve with the staff recommended motion. Mr. Hayes seconded the motion which carried 6 for and 2 opposed (Mr. Daily and Mr. Baty).

6. Response to Paul Rosa's request to initiate an amendment to the Zoning Ordinance for the County Commission to pursue a moratorium for wireless communication towers.

Ms. Brockman provided a memo to the Planning Commission in the agenda packets which detailed staff perspective on the moratorium. She stated that, due to the revision of the Subdivision Regulations, consideration of the moratorium may need to be delayed unless the Planning Commission deemed it a priority.

Mr. Paul Rosa of the Harpers Ferry Conservancy presented his argument to the Planning Commission insisting the urgency of the moratorium.

Mr. Groh was available for legal counsel on this topic. There was discussion on if a moratorium was appropriate at this time versus evaluating each individual application.

Mr. Maxey called for a break to allow staff to change the CD at 8:24 PM. Mr. Maxey called the meeting to order at 8:29 PM.

Discussion continued on the effect a moratorium would have legally and how quickly amendments to the Zoning Ordinance could be made.

Mr. Alemar moved to table this item to the May 18, 2010 Planning Commission meeting to allow staff to provide a list of all the cell towers that are currently in the county, and how many future applications staff may be aware of and also to allow legal to provide a review of the legal stipulations regarding moratoriums. Mr. Taylor seconded the motion which carried unanimously.

7. Blue Ridge Mountain Community Plan:

Mr. Rivard gave an overview of the meeting of the Citizen's Committee that had taken place Saturday, April 24, 2010. He also informed the Planning Commission that the website is now active.

8. Director's Report:

- a) Activity Report. A copy of staff's schedule was provided in the agenda packets.
- b) Status of Subdivision Regulation Amendments. Ms. Brockman explained that progress had been made on the amendments however, due to the priority of deadlines for other projects; the final draft was not complete.
- c) Shenandoah Professional Center Zone Change Request. Ms. Brockman informed the Planning Commission of the results of the public hearing held by the County Commission. She reported that the County Commission requested reports from staff and postponed voting on the item until May 6, 2010.
- d) Land Development Fees – Results of County Commission Workshop held April 22, 2010. Ms. Brockman explained the results of the County Commission Workshop. She stated that the County Commission requested there be a stakeholders meeting prior to the public hearing and for staff provide research into whether fees could be reduced for non-profit/not-for-profit agencies. She also conveyed that the County Commission had proposed no fees for land or buildings owned by the County, case-by-case waiver requests for County affiliated entities, and eliminating the fee for written zoning map or text interpretation. Ms. Brockman stated that the County Commission was requesting input on whether the increase in fees should be phased.

9. Reports from Legal Counsel and legal advice to Planning Commission: Mr. Groh reported to the Planning Commission on meetings with Engineering and Planning and Zoning Department heads. Mr. Groh reaffirmed that he would gather information on the legal aspects of enforcing a moratorium.

Mr. Maxey asked that legal provide a written comment stating that legal has reviewed the Subdivision Regulations and that they are consistent with 8A of the WV State Code in time for the public hearing on the Subdivision Regulations scheduled for May 25, 2010.

10. County Commission Liaison Report: None.

11. Planning Commission Exchange:

Mr. Maxey asked Ms. Ethers to formally draft a letter from the Planning Commission to the Department of Highways regarding the replacement of a removed stop sign at the y intersection of Flowing Springs Road and Shepherdstown Pike. He asked that this be forwarded to the Planning and Zoning Department staff by May 12, 2010 to be included in the next agenda packet.

Mr. Hayes offered to make the Planning and Zoning Department aware of any grant opportunities. He will contact Ms. Brockman with any information he is able to provide.

12. President's Report: None.

13. Actionable Correspondence: None.

14. Non-Actionable Correspondence: Mr. Rivard passed out an email from Ms. Ethers that outlined research carried out by her and Mr. Baty on the topic of easements around swales and channels. Ms. Brockman stated that staff would review this information as updates are being made to the Subdivision Regulations.

Mr. Alemar moved to adjourn at 9:26 PM. Mr. Taylor 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.