

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
MAY 25, 2010

The Jefferson County Planning Commission met on Tuesday, May 25, 2010, with the following Commission members present: John Maxey, President; Thomas Trumble, Vice President; Morgan Eppers, Secretary; Arnold Dailey, Frances Morgan, Daniel Hayes, Kelly Baty, and Gene Taylor. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Seth Rivard, Planner; Jennifer Snyder, Zoning Administrator; Jonathon Saunders, County Engineer; Stephen Groh, Assistant Prosecuting Attorney; Julie Quodala, Planning and Zoning Office Manager; and Amy Puetz, Office Assistant.

Stephen Alemar was absent with notification.

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

1. **Approval of minutes for the May 18, 2010 meeting:**

Staff requested postponement of the approval of minutes for the May 18, 2010 meeting until the June 8, 2010 meeting. Mr. Dailey moved to postpone the approval of minutes. Mr. Taylor seconded the motion to which there was unanimous consent.

2. **Citizens Communication:** None.

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

4. **Conference call with Attorney Robert Bastress, counsel for the Planning Commission in regards to the Jefferson County Planning Commission v. Far Away Farms, LLC, Case #3:09-CV-45, to discuss the recent decision by the U.S. District Court judge.**

Mr. Dailey moved to go into executive session for the duration of the conference call. Ms. Morgan seconded the motion which carried unanimously. Executive session commenced at 7:03 PM.

Ms. Morgan moved to conclude the executive session and resume the regular session.

Mr. Trumble seconded the motion which carried unanimously. Regular session recommenced at 7:24 PM.

Ms. Morgan left the meeting at 7:25 PM.

5. **Presentation on the request being made by Good Shepherd Interfaith Volunteer Caregivers for a zoning map amendment from Residential Growth to Residential/Light Industrial/Commercial and to request that the Planning Commission schedule a public hearing.**

Mr. Rivard read from the staff report and gave options of appropriate dates to hold a public hearing on the matter.

Dan Rowzie, President of the Good Shepherd Interfaith Volunteer Caregivers, gave a presentation on reasons for the need for a rezoning of the property and the benefits rezoning would provide.

Mr. Trumble moved to schedule the public hearing for the rezoning for June 22, 2010.
Ms. Etters seconded the motion which carried unanimously.

Ms. Morgan re-entered the meeting at 7:45 PM.

6. Discussion and vote to recommend the Subdivision Regulations Amendments to the County Commission for their consideration and to schedule a public hearing:

Ms. Brockman presented an updated chart of amendment changes that had been agreed on at the May 18, 2010 meeting. There was discussion on the process that would be followed moving forward. Mr. Taylor moved to approve the Subdivision Regulations Amendments final draft and forward the document to the County Commission for a workshop and public hearings. Mr. Hayes seconded the motion which carried 7 for and 1 abstention (Ms. Morgan).

7. Blue Ridge Mountain Community Plan:

Mr. Rivard provided an update to the Planning Commission on the staff's visit to Downstream Strategies in Morgantown on May 24, 2010. Ms. Brockman informed the Planning Commission that the grant requires staff to provide an Interim Programmatic Report that would be due May 31, 2010.

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

Attorney Groh supplied information to the Planning Commission regarding placing authorization of a Transfer of Development Rights Ordinance on the November general election ballot. He stated that an ordinance would have to be drafted and the ordinance, not the authorization, would need to be voted on by the public at the general election.

Attorney Groh also stated that the possibilities of rezoning Federal and Parkland to update the map would require more research. Mr. Maxey voiced importance of having underlying zoning for these properties.

9. Director's Report:

- a) Activity Report. A copy of staff's schedule was provided in the agenda packets. Ms. Brockman informed the Planning Commission that she agreed to be a part of a committee for a grant received by Region 9 to write model stormwater regulations.
- b) Shenandoah Professional Center Zone Change Request. Ms. Brockman informed the Planning Commission the Zone Change Request had been rescheduled to May 27, 2010.
- c) Land Development Fees – Stakeholders Meeting. Ms. Brockman provided an update on the stakeholders meeting that was held May 19, 2010 from 2 PM to 4 PM. She stated that out of over 30 invitations only 2 people attended. Ms. Brockman stated

- she would forward the comments given at the meeting to the County Commission for their consideration.
- d) Ethics Commission – Ms. Brockman presented information provided at an Ethics Commission workshop that she attended the previous week and gave the highlights of events.
 - e) Upcoming Tasks – Ms. Brockman distributed a memo of staff goals for the upcoming months concerning the Subdivision Regulation and Zoning Ordinance Amendments.

Mr. Maxey called for a break at 8:37 PM to allow staff to change the CD. Mr. Maxey called the meeting to order at 8:38 PM.

10. County Commission Liaison Report: Ms. Morgan reiterated that the Shenandoah Professional Center rezoning request would be on the Thursday, May 27, 2010 County Commission agenda and that future topics to be discussed by County Commission would include budgets and updating county personnel policies. Ms. Morgan stated there was a Farmland Protection Board meeting held on May 17, 2010 and a change had occurred in the matching program the board had with the Natural Resources Conservation Service (NRCS), who would now match landowner donation dollars.

11. Planning Commission Exchange:

Ms. Etters presented an updated draft of a letter addressed to the District Engineer at the Department of Transportation regarding the traffic issues at the intersection of Shepherdstown Pike and Flowing Springs Road. Mr. Baty suggested having a drawing attached to the letter to help describe the issues with the road. Mr. Baty stated he would email suggested changes to Ms. Etters. The Commissioners had agreed to revisit this agenda item at the next Planning Commission meeting.

12. President's Report: None.

13. Actionable Correspondence: None.

14. Non-Actionable Correspondence: None.

Ms. Morgan moved to go into executive session to discuss the conference call with Attorney Bastress and pending litigation. Mr. Trumble seconded the motion which carried unanimously. Executive session commenced at 8:52 PM.

Ms. Morgan moved to conclude executive session and resume regular session. Mr. Dailey seconded the motion which carried unanimously. Regular session commenced at 9:16 PM.

Ms. Morgan left the room at 9:16 PM.

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Mr. Trumble moved that the Planning Commission request the County Commission to approve the funds to support the appeal to the 4th Circuit Court in an amount up to \$1000.00. Mr. Baty seconded the motion which carried 4 for and 3 opposed (Mr. Dailey, Mr. Maxey, and Mr. Hayes)

Mr. Trumble moved to adjourn at 9:19 PM. Mr. Taylor seconded the motion, which carried unanimously. A detailed transcript of the meeting may be found on CDs #40 and #41. These minutes were prepared by Amy Puetz, Office Assistant.