

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
AUGUST 11, 2009

The Jefferson County Planning Commission met on Tuesday, August 11, 2009, with the following Commission members present: Arnold Dailey, President; Robert Reynolds, Vice-President; Lynne Deming, Secretary; Ed Dunleavy, Ellen May, John Maxey, John Sidor, Jim Surkamp and Thomas Trumble. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Jennifer Snyder, Acting Zoning Administrator; Jonathan Saunders, Engineer; Mason Carter, Ordinance Compliance Officer and Jennilee Hartman, Planning Clerk.

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

1. Approval of minutes.

The following corrections were recommended by the Commission:

- a. Page 2, fifth line down, change “*are*” to “*is*.”
- b. Page 2, fifth line down, change “*have*” to “*has*.”
- c. Page 3, last word in sixth paragraph, change “*Maxey*” to “*Reynolds*.”

Mr. Dunleavy moved to approve the minutes of the July 28, 2009 Planning Commission meeting as amended. Ms. May seconded the motion, which carried unanimously.

2. Citizen Communications. None.

3. Requests for postponement. None.

4. Declaration of violation of the Improvement Location Permit Ordinance for Scott Sperow for the placement of a shed and the installation of electrical services for a recreational vehicle (RV) on property designated as Parcel 44, on Tax Map 11A-2 in the Shepherdstown District. Mr. Carter stated Mr. Sperow has cleared the violation. No further action is necessary.

5. Declaration of violation of the Improvement Location Permit Ordinance for John Mc Ilroy for placement of a sign on a building and a sea container on property designated as Parcel 111, on Tax Map 10A in the Charles Town District. Mr. Carter stated Mr. Mc Ilroy submitted a permit for the sea container but not for the sign. Mr. Carter asked the Commission to declare the property in violation. Mr. Reynolds moved to declare a violation of the Improvement Location Permit Ordinance for the sign. Mr. Trumble seconded the motion, which carried unanimously.

6. Declaration of violation of the Improvement Location Permit Ordinance for JDC Enterprises, LLC for placement of an addition and a sign on property designated as Parcel 44.2, on Tax Map 11 in the Harpers Ferry District. Mr. Carter stated JDC Enterprises has cleared the violation. No further action is necessary.

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7. Declaration of violation of the Salvage Yard Ordinance for Roy Dick for a junk vehicle and debris on property designated as Parcel 17 and 17.1, on Tax Map 3B, in the Middleway District. Mr. Carter stated Mr. Dick has removed the junk vehicle, though the debris remains substantial. Mr. Dunleavy moved to declare a violation of the Salvage Yard Ordinance for debris. Mr. Reynolds seconded the motion, which carried unanimously.
8. Request by Fred Gates, Associates on behalf of Roderick Planes, LLC for a variance to extend the file expiration date of the Aspen Greens Subdivision (PC Files #07-15) from December 31, 2009, to December 20, 2010. Mr. Gates gave a presentation to the Commission. Mr. Dunleavy asked why an 18-month extension was necessary. Mr. Gates explained the history of the project, including negotiations with the Public Service District for easements acquired for the proposed wastewater collection system. Mr. Dunleavy asked if the applicant had any documentation from the Public Service District (PSD). Mr. Gates provided staff with a copy of the Deed of Easement between Roderick Planes, LLC, owner, and the PSD. Mr. Gates explained that in the event the proposed Flowing Springs wastewater treatment plant was stalled that the developer would be using a gravity flow system connected through the adjacent Walnut Grove Subdivision. Mr. Maxey inquired about the timeline for build out. Mr. Gates stated if the economy improved build out was projected to be approximately 10 years. Mr. Maxey stated he believed an extension request was not in the best interest of the public due to the number of lots currently on record. Mr. Trumble had a concern about misleading the PSD regarding build out timeframes. This issue was addressed. Maurice Gladhill, owner, was present to answer Commissioners' question. Mr. Dunleavy asked the owner if he would have an issue to bond and record within 90-days. Mr. Gladhill stated he would not have a problem with that timeframe.

Ms. Hartman read the following from her staff report, "*The applicant provides a number of reasons for why the variance request should be approved. The Commission felt these were sufficient to approve an extension request on May 26, 2009. The Commission approved the last extension request until December 31, 2009, in order for the BZA to formulate their own opinion regarding the CUP extension request. The Commission advised the applicant to return for an additional extension request, if necessary, once the BZA had made their findings. The BZA voted unanimously in favor of the granting extension request for a period of 18-months; therefore the applicant is requesting the file's expiration date be extended to match the CUP deadline of December 20, 2010. Staff recommends granting the extension request.*"

The Planning Commission received the Engineer's staff report via packets that were mailed on August 7, 2009.

Mr. Trumble asked if the developer had a business plan to complete the processing of the development within the requested timeframe. It was stated that the Conditional Use Permit for the project would expire on December 20, 2010 and therefore the project must begin construction by that date. Mr. Reynolds moved to approve the extension request until December 20, 2010. Ms. Deming seconded the motion. Mr. Maxey moved to table this

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decision for a period of 90-days to allow a staff review of the proposed preliminary plat; to allow submission of documentation of the sewer plans; and to allow submission of the documentation of the bonding issue for sewage treatment plant construction. Mr. Surkamp seconded the motion. Patrick Henry, attorney for the applicant, made a presentation to the Commission. Mr. Dailey called for a vote to table. The motion failed 3 for and 6 opposed (Mr. Dailey, Mr. Reynolds, Mr. Dunleavy, Mr. Sidor, Ms. Deming and Ms. May). The motion to approve the request passed 6 for and 3 opposed (Mr. Maxey, Mr. Surkamp and Mr. Trumble).

9. Director's Report. Ms. Brockman spoke about the formation of a committee to discuss the 340 Study and an Urban Growth Boundary meeting scheduled for September.

Mr. Dailey called for a break to change the CD at 8:20 PM. The meeting resumed at 8:23 PM.

Ms. Brockman continued her report regarding the following topics:

- a. Job descriptions.
 - b. The August 17, 2009 Joint Meeting between the County Commission and the Planning Commission.
 - c. Announced the August 28, 2009 Open House.
 - d. Gathering information from surrounding jurisdictions regarding extensions.
10. County Commission Liaison Report. None.
 11. Planning Commission Exchange. Mr. Sidor stated Mr. Roger Goodwin, County Engineer, was in the process of revising the bonding policy and to see if it were possible to extend the 90-day provision to bond and record.

Mr. Dunleavy expressed his concern regarding the submittal of documentation as part of the variance submission. Mr. Dunleavy explained that if an applicant were to present facts within the text of their variance request that Staff should be requesting documentation to back up the facts as listed.

Mr. Maxey requested that clarification regarding the Huntfield case be added to the August 25, 2009 agenda.

12. President's Report. None
13. Reports from Legal Counsel and legal advice to PC. None.
14. Actionable Correspondence. None.

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Mr. Reynolds moved to adjourn the meeting at 8:50 PM. Mr. Sidor seconded the motion, which carried unanimously. A detailed transcript of the meeting may be found on CD #49 & #48. These minutes were prepared by Jennilee Hartman.