

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
SEPTEMBER 22, 2009

The Jefferson County Planning Commission met on Tuesday, September 22, 2009, with the following Commission members present: Robert Reynolds, Vice-President; Ellen May, John Maxey, John Sidor, Jim Surkamp and Thomas Trumble. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Stephen Groh, Assistant Prosecuting Attorney; Jennifer Snyder, Acting Zoning Administrator; Jonathan Saunders, Engineer; Jennilee Hartman, Planning Clerk; and Amy Puetz, Office Assistant.

Mr. Arnold Daily, Ms. Lynne Deming, and Mr. Edward Dunleavy were absent with notification.

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

1. Approval of minutes.
 - a. For the minutes of August 25, 2009, Mr. Trumble moved to approve the minutes. Mr. Maxey seconded the motion which carried unanimously.
 - b. The minutes of September 8, 2009 were held over until the October 13, 2009 meeting.
2. Citizen Communications. Mr. Scott Faulkner presented to the Planning Commission his concern that a violation of the Zoning Ordinance was occurring because logging operations have commenced at the Old Standard Quarry. Mr. Faulkner handed out photographs to support his concern. Mr. Reynolds asked if a complaint had been filed with staff to which Mr. Faulkner confirmed that one had been submitted. Mr. Faulkner stated that he had seen the issue on the agenda as non-actionable correspondence and wanted to bring it to the Commission's attention. Mr. Reynolds deferred further discussion until later in the meeting.
3. Requests for postponement. None.
4. Request by B.C. Partners, Inc. for a variance to extend the file expiration date of the Breckenridge East Subdivision (PC Files #07-31) for a period of 6 months, from November 16, 2009, to May 16, 2010. This phase is to consist of 45 single-family lots on 99.21 acres. The property is located on the east side of Route 24 (Country Club Road) approximately 1 mile north of its intersection with Route 340. District: Harpers Ferry; Map: 10; Parcel 2, 3, 10. (Subdivision Ordinance, Section 6.3). Mr. Jerry Connelly with B.C. Partners stated that, at the time of submitting this variance, the Health Department had yet to approve the pump station on site. Since then the Health Department has given its approval and the preliminary plat has been approved by the County Engineer. Mr. Connelly relayed that the final plat has been submitted, fees have been paid, and they have been scheduled for the October 27, 2009 agenda. A variance, however, is being requested as a precaution in the event the meeting would be cancelled or there would be an error in the advertising. Mr. Surkamp asked what provision was made for sewer to property. Mr. Connelly stated that the pump station will pump to the existing Charles Town plant for which a permit has already been issued.

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Ms. Hartman read the following from her staff report, "In light of the upcoming holidays and potential for inclement weather, as well as any possible issues with the legal ad, Staff finds an extension until January 12, 2010 would be sufficient. This will ensure the applicant and Staff that barring any unforeseen occurrences; the final plat will be processed through the public hearing stage."

The Planning Commission received the Engineer's staff report via packets that were mailed on September 18, 2009.

Ms. Brockman provided the Commission with a resolution to approve the extension request until January 12, 2010.

Mr. Trumble moved to approve the the resolution which approved the variance until January 12, 2010. Ms. May seconded the motion, which carried unanimously.

5. Director's Report. Ms. Brockman spoke about the following topics:
 - a. Activity Report. A calendar of meetings and conferences for time period beginning 9/14/09 and ending 9/25/09 was submitted in packets.
 - b. Appointment of Planner. Ms. Brockman provided a copy of Seth Rivard's resume to the Commission stating that his start date will be 9/29/09.
 - c. Recommendation for Zoning Administrator position. Ms. Brockman recommended Jennifer Snyder for this position.
 - d. Recommendation on Office Manager/ Planning and Zoning Coordinator. Ms. Brockman will take this issue to the County Commission meeting on 9/24/09 to request to hire for this position.
 - e. Zoning Outreach memo prepared for County Commission. A copy of the memo was included in agenda packet for Planning Commission awareness.
 - f. Other possible outreach efforts:
 - Draft wording for the Weather Channel "crawl".
 - Potential Public Service Announcements/Advertisements for on-line newspapers and print newspapers including information on cost.
 - Open house/Public Forum before the October 27, 2009 PC meeting.
 - g. Discussion of the possibility of cancelling the November 24, 2009 meeting. Mr. Reynolds stated he would like a meeting then to discuss the November 7th vote. Ms. Hartman asked for a show of hands to see if those present plan on attending to make sure there would be a quorum. All members present planned on attending.
 - h. Update on Blue Ridge Mountain Study Chesapeake Bay Program grant. Ms. Brockman stated that this would be Mr. Rivard's primary challenge. Ms. Brockman suggested that the Planning Commission recommend the formation of a citizen's committee to draft the Request for Proposals (RFP) and to assist in generating public interest in attendance at the four forums required by the grant. However, she will wait until the grant packet is received before making recommendation.

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6. County Commission Liaison Report. None.
7. Planning Commission Exchange.
 - a. Recommendation from the Planning Commission to the County Commission to endorse the approval of the proposed traditional Zoning Ordinance by the voting public at the November 7, 2009 referendum vote. Ms. Brockman presented a resolution included in the agenda packets for review. Ms. May moved to approve the resolution. Mr. Sidor seconded the motion, which carried 5 for, 1 opposed (Mr. Trumble).
 - b. Mr. Surkamp reported that there had been a presentation at the Water Advisory Committee meeting concerning the need for a nitrogen reduction system at onsite treatment facilities.
 - c. Mr. Maxey gave a presentation on the Public Service District meeting he attended in place of Ms. May. Mr. Maxey handed out a synopsis of the meeting and reviewed with the Commission key points. Mr. Trumble asked that the smell on Flowing Springs Road by the CSX crossing be checked out by Engineering. Mr. Saunders agreed to check into this issue.
8. President's Report. None.
9. Reports from Legal Counsel and legal advice to PC.
 - a. Vote on the Finding of Fact and Conclusions of Law for the James and Barbara Gibson variance decision dated August 25, 2009. Mr. Groh, legal counsel to the Planning Commission, presented this document in the agenda packet for review. There was discussion on whether or not approved minutes override the tape of a meeting and also on typographical and grammatical errors within the document.

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

Mr. Reynolds called for further discussion on the Findings of Fact and Conclusion of Law. Discussion on item 12 ensued with suggestion to strike 400% from this item. Mr. Maxey moved to accept the Denial of Variance Findings of Fact and Conclusion of Law presented by Mr. Groh subject to the grammatical corrections cited by Mr. Surkamp and the revision of item 12 suggested by Mr. Reynolds. Mr. Surkamp seconded the motion. Mr. Sidor, Ms. May, and Mr. Trumble expressed not being comfortable voting without a final copy. Mr. Reynolds suggested for approval to be held over until the October 13, 2009 meeting. Mr. Sidor motioned to table the approval until next Planning Commission meeting (this motion supersedes motion to approve). Mr. Maxey seconded the motion, which carried unanimously.

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- b. The relationship between the County's Zoning Administrator and their rulings and zoning and the location of private, publicly regulate utilities per Civil Action Case 97-P-28. After a short discussion, a decision was made that this topic should be tabled until after the results of the November 7th, 2009 Zoning Ordinance vote.

10. Actionable Correspondence. None.

11. Non-Actionable Correspondence.

Mr. Reynolds discussed referring the notice of a Zoning Ordinance Violation from Scot and Vicki Faulkner received September 18, 2009 to the Code Enforcement Officer or the Zoning Administrator and requested that a report be provided to the Planning Commission on October 13, 2009. Mr. Sidor moved to have the violation reviewed by staff. Mr. Maxey seconded the motion, which carried unanimously.

Mr. Maxey moved to adjourn the meeting at 8:44 PM. Mr. Surkamp seconded the motion, which carried unanimously. A detailed transcript of the meeting may be found on CD # & #. These minutes were prepared by Amy Puetz.