

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
JANUARY 22, 2008

The Jefferson County Planning Commission met on Tuesday, January 22, 2008 with John Sidor as President presiding. Lynne Deming, Secretary, Todd Baldau, Ellen May, Jim Surkamp, Tom Kane, Arnold Dailey and Ed Dunleavy were present. Staff members present were Tony Redman, Director of Planning, Sherry Kelly, Deputy Director of Planning, Damien Davis, County Engineer, and Jennilee Hartman, Clerical Support.

Robert Reynolds, Vice President, was absent with notification.

Mr. Sidor called the meeting to order at 7:00 p.m.

1. Approval of Minutes. Mr. Baldau abstained from voting on the minutes because he was not present at the last meeting. Mr. Dunleavy suggested the following changes:
 - a. Page 1, Item 1, second sentence, change the word “for” to “as”.
 - b. Page 1, Item 1, second paragraph, third sentence, add the word “votes” after “five” and “three”.
 - c. Page 2, Item 3, replace, “*Ms. Kelly stated the following Final Plat applicants had asked for postponement and waiver of the 60-day rule, Jason C. Taylor Minor Subdivision, Douglas and Drew Stolipher Minor Subdivision and Stolipher Acres Subdivision.*” with “*Ms. Kelly stated the following Final Plat applicants had asked for postponement and waiver of the 60-day rule; Jason C. Taylor Minor Subdivision; Douglas and Drew Stolipher Minor Subdivision; and, Stolipher Acres Subdivision.*”
 - d. Page 2, Item 3, second paragraph, last sentence, change the word “front” to “beginning.”
 - e. Page 3, Item 17 continued, first sentence, change the word “as” to “was” in the parenthetical note.
 - f. Page 3, Item 17 continued, seconded paragraph, last sentence, replace, “*After Ms. Kleckner was addressed...*” with “*After Ms. Kleckner’s concerns were addressed...*”
 - g. Page 8, last paragraph, add the sentence, “Mr. Dunleavy moved to adjourn the meeting at 11:37 p.m. Mr. Surkamp seconded the motion, which carried unanimously.”

Mr. Kane moved to approve the minutes of the January 8, 2008 Planning Commission meeting with the suggested changes. Ms. May seconded the motion, which passed 7 for and 1 abstention (Mr. Baldau).

2. Requests for postponements. Ms. Kelly stated the following Final Plat applicants had asked for postponement and waiver of the 60-day rule: James and Laretta Wells Final Plat and Gardner Stewart Final Plat. Mr. Baldau moved to postpone the James and Laretta Wells Minor Subdivision, Lots 1, 2 & 3-Residue until the February 12, 2008 meeting. Mr. Kane seconded the motion, which carried unanimously. Mr. Kane moved to postpone the Gardner L. Stewart Minor Subdivision, Lots 1, 2 and 3-Residue contingent upon the applicant being heard within the 60 day rule time frame. Mr. Dunleavy seconded the motion. It was

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mentioned that the applicant had waived the 60-day rule in their letter requesting the postponement. A specific date for postponement was not stated in the letter. Ms. Judy Stewart, applicant, stated they would like to be heard at the February 12, 2008 meeting. The motion to postpone the Gardner Stewart Final Plat carried unanimously.

3. Postponed from the January 8, 2008 Planning Commission meeting. Final Plat Public Hearing for the Jason C. Taylor Minor Subdivision Lots 1, 2 & 3-Residue. Ms. Kelly and Mr. Davis recommended approval of the final plat. Peter Lorenzen was present to answer Planning Commissioner's questions. Mr. Dunleavy questioned the use of the access road for lots 1 and 2. Ms. Deming also had concerns regarding the gravel road. Staff stated the applicant had obtained a highway entrance permit and that the permit required the applicant to construct an entrance per the DOH permit. Mr. Sidor opened the public hearing. There was none. The public hearing was closed. Mr. Baldau moved to approve the final plat. Mr. Dunleavy seconded the motion, which carried unanimously.
4. Postponed from the January 8, 2008 Planning Commission meeting. Final Plat Public Hearing for the Douglas L. and Drew C. Stolipher Minor Subdivision, Lot 1, 2 & 3-Residue. Ms. Kelly and Mr. Davis recommended approval of the final plat. Shane Rauch, with Ace Land Surveying, was present to answer Planning Commissioner's questions. Mr. Baldau asked if the applicant had further development rights. Ms. Kelly stated the applicant could feasibly process a conventional subdivision or in 5 years proceed with another minor subdivision. Ms. Deming expressed concern regarding the layout of the plat. Mr. Rauch stated he had hoped the vicinity map would have been sufficient. Mr. Sidor opened the public hearing. Andy Anders was concerned about the upgrade of an adjacent road. Ms. Kelly stated the road was not on the Stolipher property and therefore would not need to be upgraded. Mr. Sidor closed the public hearing. Mr. Baldau moved to approve the final plat. Mr. Kane seconded the motion, which carried unanimously.
5. Postponed from the January 8, 2008 Planning Commission meeting. Final Plat Public Hearing for the Stolipher Acres Subdivision. Ms. Kelly and Mr. Davis recommended approval of the final plat. Shane Rauch, with Ace Land Surveying, was present to answer Planning Commissioner's questions. The Planning Commission had questions regarding the bioretention plan that had been previously submitted and approved by the Department of Engineering. The approval of the bioretention plan was a condition of a previously approved variance. Mr. Sidor opened the public hearing. There was none. The public hearing was closed. The Planning Commission expressed their desire to have a condition of approval that required the bioretention plan to be built prior to the lots being constructed. Mr. Rauch stated the variance was noted on the plat. Mr. Surkamp moved to approve the final plat conditioned upon the stipulation that no building permits are to be issued until the completion of the 3 bioretention ponds, as approved by the Engineering staff on April 13, 2007. Ms. Deming seconded the motion, which carried unanimously.
6. Final Plat Public Hearing for the James and Laretta Wells Minor Subdivision, Lots 1, 2 and 3-Residue. This item was postponed under Item #2 until the February 12, 2008 meeting.

7. Final Plat Public Hearing for the Gardner L. Stewart Minor Subdivision, Lots 1, 2 and 3-Residue. This item was postponed under Item #2 until the February 12, 2008 meeting.
8. Request by Annette van Hilst on behalf of Sarah F. Carl Partnership for a variance to allow a time extension of 6 months to bond and record. Ms. Kelly recommended granting the variance stating others had been granted in the past and that the death of one of the owners could create a hardship if legal issues have arisen. Mr. Davis deferred to the Planner. Mike Shepp with Dewberry was present to answer Planning Commissioner's questions. Mr. Sidor asked for public comment. There was none. The Planning Commission asked about further development rights. Ms. Kelly stated there were none. Mr. Dunleavy stated he believed this was a self-imposed hardship because issues related to death and the creation of a partnership are legal issues and not hardships imposed by the ordinances. Mr. Kane moved to grant the variance and to extend the bonding and recordation of the final plat until August 26, 2008. Mr. Dailey seconded the motion, which passed 6 votes for and 2 opposed (Mr. Dunleavy and Mr. Baldau).

James Casimiro entered the room at 7:47 p.m.

9. Director's Report on office activities and questions. Mr. Redman stated he had completed the subdivision regulations and that the zoning ordinance revisions would be ready around the third week of February.

Mr. Redman gave the Planning Commission an outline to the Subdivision Regulations that he had created in order to discuss the key issues. (See attached) Mr. Redman stated he would be meeting with James Casimiro on January 11, 2008 to discuss any legal issues or changes that should be made to the regulations.

Mr. Redman began discussing the use of easements and deed restrictions/covenants. Mr. Remand explained to the Planning Commission that on each plat a chart would be added regarding the residue lot detailing the remaining development rights.

At this time Jennifer Snyder, Planning Assistant, arrived to take over the secretarial duties of the meeting. Ms. Hartman left the room at 8:00 p.m.

The Planning Commission continued to discuss the handout Mr. Redman provided. The Planning Commissioner's also discussed their desire to establish a special meeting to go page by page through the subdivision regulations. Mr. Dailey moved to schedule a special public workshop for January 29, 2007 to begin at 5:00 p.m. Mr. Surkamp seconded the motion, which carried unanimously. Fred B

10. Planning Commission Exchange. None.

11. Planning Commission Report to County Commission on Zoning Ordinance. Discussed under Director's Report.
12. Discussion of PC action on zoning and subdivision rewrites. None.
13. Planning Commission Steps Re: Subdivision Draft. None.
14. Reports from Legal Counsel. Mr. Casimiro briefed the Planning Commission on the Philip and Gaye Snyder court case. Mr. Casimiro stated that he would need to prepare the Findings of Fact and Conclusions of Law. Staff is to copy and certify the Snyder file by February 28, 2008. No further action is needed at this time.

At this time Mr. Sidor addressed the Holiday Schedule for 2008 provided by staff (see attached). Ms. Deming moved to cancel the following meetings: Tuesday, May 13, 2008 (Election Day); Tuesday, November 11, 2008 (Veteran's Day); and, Tuesday, December 23, 2008 (close to the Christmas Holidays). Mr. Kane seconded the motion, which carried unanimously. It was decided that Mr. Redman would determine the scheduling of the two Subdivision Review Panel meeting that fall on holidays.

15. Legal Advice to PC.
16. Actionable Correspondence. Fred Blackmer was present at the Planning Commission meeting and asked about the status of the Subdivision Regulations. It was explained to him that the subdivision regulations are not ready for public comment.
17. Non-Actionable Correspondence. None.

Mr. Dunleavy moved to adjourn the meeting at 9:16 p.m. Mr. Dailey seconded the motion, which carried unanimously. A detailed transcript of this meeting may be found on CD # __ . These minutes were prepared by Jennilee Hartman with information being provided by Ms. Snyder and Ms. Deming.