

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
FEBRUARY 26, 2008

The Jefferson County Planning Commission met on Tuesday, February 26, 2008 with John Sidor as President presiding. Robert Reynolds, Vice President, Todd Baldau, Tom Kane and Arnold Dailey were present. Staff members present were Tony Redman, Director of Planning, Sherry Kelly, Deputy Director of Planning, Roger Goodwin, Chief County Engineer, Damien Davis, County Engineer, Jennilee Hartman, Clerical Support and Shannon Hayden, Administrative Assistant.

Jim Surkamp, Edward Dunleavy and Ellen May were absent with notification. Lynne Deming and Tom Baldau arriving late with notification.

Due to a lack of quorum, the meeting did not begin until 7:13 p.m. at which time Mr. Baldau arrived.

Mr. Sidor called the meeting to order at 7:13 p.m.

1. Approval of Minutes. Mr. Reynolds abstained from voting on the minutes because he was not present at the last meeting. Mr. Kane moved to approve the minutes of the February 12, 2008, Planning Commission meeting. Mr. Baldau seconded the motion, which carried unanimously.
2. Request for postponements. None.
3. Postponed from the February 12, 2008 Planning Commission meeting. Final Plat Public Hearing for the James & Laretta Wells, Minor Subdivision, Lots 1, 2 & 3-Residue. Ms. Kelly and Mr. Davis recommended approval of the final plat. James and Laretta Wells were present to answer Planning Commissioners' questions. Mr. Sidor questioned the 20 ft. right-of-way and the 40 ft. easement for lots 1, 2 and the residue. Mr. Sidor opened the public hearing. There was none. The public hearing was closed. Mr. Reynolds moved to approve the final plat. Mr. Dailey seconded the motion, which carried unanimously.
4. Postponed from the February 12, 2008 Planning Commission meeting. Final Plat Public Hearing for the Gardner L. Stewart Minor Subdivision, Lots 1, 2 & 3-Residue. Ms. Kelly and Mr. Davis recommended approval of the final plat. Andy DiMagno, with P.C. DiMagno, was present to answer Planning Commissioners' questions. The Planning Commission had none. Mr. Sidor opened the public hearing. There was none. The public hearing was closed. Mr. Reynolds moved to approve the final plat. Mr. Kane seconded the motion, which carried unanimously.
5. Postponed from the February 12, 2008 Planning Commission meeting. Final Plat Public Hearing for the Rocky Marsh LLC Subdivision, Lots 1, 2 & 3-Residue. Ms. Kelly stated that a variance was granted by the Board of Zoning Appeals. Ms. Kelly and Mr. Davis recommended approval of the final plat. Dick Klein, with Alpha Associates, was present to

answer Planning Commissioners' questions. The Planning Commission had none. Mr. Sidor opened the public hearing. There was none. The public hearing was closed. Mr. Kane moved to approve the final plat. Mr. Reynolds seconded the motion, which carried unanimously.

6. Postponed from the February 12, 2008 Planning Commission meeting. Community Impact Statement Review for Breckenridge East Subdivision, Lots 1 – 694 & Residue on 415 acres. Ms. Kelly stated that all staff issues have been address and therefore recommended acceptance of this CIS. Mr. Davis stated the developer has provided the information required in the CIS and therefore recommended acceptance. Mike Shepp, with Dewberry, was present to answer Planning Commissioners' questions and gave presentation.

Lynne Deming arrived at 7:28 p.m.

Jerry Connely, Vice President of BC Partners and Dan Snyder, with BC Partners, gave a presentation regarding the CIS. Dan Snyder provided information from 2003 and 2007 traffic reports. Mr. Baldau and Mr. Reynolds expressed concern of impact on traffic. Chris Turnbull, with Wells and Associates, stated the intersection is efficient. Mr. Shepp stated he had met with the HOA and proposed a new road to run by the school. Mr. Sidor, Mr. Reynolds and Mr. Baldau expressed concern regarding wellhead protection and recharge area for Elk Run. Mr. Sidor opened the public hearing. Mr. Reynolds noted four correspondences from public (see file). Jason Barr, resident of Breckenridge North, inquired as to type of housing. Pat Masters, resident of Breckenridge North, informed the Planning Commission of meetings with the HOA and 100% support from the HOA. Richard McKarker, resident of Breckenridge North, expressed his support.

Mr. Sidor called a break at 8:33 p.m. in order to change the CD. The meeting resumed at 8:36 p.m.

Mr. Sidor asked about amount knowledge of levels of pesticide in the ground and any remediation time and cost involved. Dan Snyder stated they have no numbers with regard to remediation time or cost, but there are plans for voluntary remediation program. Annette van Hilst, with Dewberry, stated there are few steep slopes and that the range provided through the Department of Agriculture web site is a broader range.

Joe Hankins and Sue Lawton, with the Public Service District, discussed sewage. Mr. Hankins stated that, due to economy change and the assistance given to Ranson, finances were affected and they are ¼ year behind schedule. Mr. Hankins also stated that financing has been approved through many agencies and they are looking at a 2009-2010 timeframe. Mr. Baldau stated that he is not comfortable with the current concept plan. Mr. Kane moved to accept the CIS with restrictions. Ms. Deming seconded the motion. Mr. Reynolds made a friendly amendment for the developer to express a real interest in the realignment of the road and be in discussion with the HOA of Breckenridge North. Mr. Reynolds also stated that we should not be surprised that it is in the final plat. Mr. Sidor stated they should have

discussion regarding planning of Job Corps Road, Flowing Spring Road and Country Club Road as they are hard pressed to handle the development we have now, much less what may occur in these developments. Ms. Deming commended the group for their willingness to make this work. Mr. Dailey stated it is a great CIS compared to last time. Mr. Kane and Ms. Deming accepted the friendly amendment and the motion passed with 5 for and 1 opposed. (Mr. Baldau).

7. Postponed from the February 12, 2008 Planning Commission meeting. Community Impact Statement Review the Beallair West Subdivision, Lots 1 – 132 & Residue on 26.9 acres. Ms. Kelly stated the applicant has addressed all staff concerns and has submitted all required materials and therefore, recommend acceptance of this CIS. Mr. Davis stated the developer has provided the information required by the Community Impact Statement and therefore, recommend acceptance of this CIS. Mr. Reynolds made reference to seven variances. Ms. Kelly addressed and Mr. Redman commented. Mike Wiley with Wormald was present to answer Planning Commissioners' questions. Ed Wormald gave a presentation on company history; handouts were distributed. Mr. Wiley gave presentation regarding elements of this CIS. Mr. Reynolds, Mr. Sidor and Ms. Deming questioned entrances, exits and emergency access. Mr. Sidor opened the public hearing. Mr. Kane made reference to three written public comments. The public hearing was closed. Mr. Sidor questioned the anticipated sales price of homes and slopes. Ed Wormald stated starting sales price would be in the low \$400,000 and referred to Appendix A exhibit 5. Mr. Dailey moved to accept the CIS. Mr. Kane seconded the motion. Mr. Reynolds made a friendly amendment to make the second entrance be a two way for incoming and outgoing traffic. Mr. Dailey and Mr. Kane agreed. Motion carried unanimously.

Mr. Sidor called a break at 9:52 p.m. in order to change the CD. The meeting resumed at 9:59 p.m.

8. Postponed from the February 12, 2008 Planning Commission meeting. Request by County Green, LLC for a variance to waive the requirements of the Jefferson County Subdivision Ordinance for acceleration and deceleration lanes for entrances onto roads with speed limits of 45 mph or greater. Ms. Kelly deferred to the County Engineer. Mr. Davis stated it was his understanding that if an improvement required by the Jefferson County Subdivision Ordinance is denied by the WV Department of Highways; a variance would be granted and recommended approval of the variance provided that the applicant provide a written letter from the WV Department of Highways stating their unwillingness to allow improvements. Mr. Baldau recused himself because he is involved in litigation with Louis Athey, and left the room. Kristin Ringstaff with W.H. Gordon Associates was present to answer Planning Commissioners' questions. Kristin Ringstaff and Mike Cassell with Campbell, Miller & Zimmerman both referred to a letter from the WV Department of Highways not requiring improvements. Mr. Dailey moved to deny the variance. Mr. Reynolds seconded the motion; which carried unanimously.

The Planning Commission was of the mind that if the Department of Highways would provide the Department of Engineering with a letter, specifically stating that the proposed road improvements would not be allowed, then the applicant may proceed without a variance.

Mr. Baldau returned to the room

9. Final Plat Public Hearing for the Brookstone Ridge Subdivision. The property is to consist of 6 single-family lots and 1 residue lot on 97.55 acres. Ms. Kelly and Mr. Davis recommended approval of the final plat. Dick Klein with Alpha Associates was present to answer Planning Commissioners' questions. Mr. Sidor asked about the entrance from Silver Spring Road. Dick Klein stated that the entrance road will be paved. Mr. Sidor opened the public hearing. There was none. The public hearing was closed. Mr. Kane moved to approve the final plat. Mr. Dailey seconded the motion; which carried unanimously.
10. Requested by Kristen Ringstaff from W.H. Gordon Associates on behalf of Nuannit Vasuvat for a variance from having to provide an entrance slope not exceeding five percent grade for at least 100 linear feet into the subdivision. Ms. Kelly deferred to the County Engineer. Mr. Davis recommended approval of the variance. Kristin Ringstaff with W.H. Gordon Associates was present to answer Planning Commissioners' questions. Mr. Sidor opened the public hearing and noted a letter from the public (Wanetta Henderson). Bob Stewart, President of Norwood HOA, asked about impact on Norwood subdivision. It was stated that there would be none. The public hearing was closed. Mr. Reynolds moved to grant the variance. Mr. Dailey seconded the motion, which carried unanimously.
11. Request by Annette Van Hilst with Dewberry, on behalf of Ann Hoxton Taylor et Al, for a variance from "The formation of one lot provided such lot is transferred by deed to a parent or a child of the landowner of record and does not create more than one residue;" and, "Any proposed subdivision that is not adjacent to a public highway shall be connected to a public highway by a right of way and road that meet the standards required for rights of way and roads within the proposed subdivision". Ms. Kelly recommended granting the variance. Mr. Davis deferred to the Planner. Annette van Hilst was present to answer Planning Commissioners' questions. Mr. Sidor opened the public hearing. Judy Rand was in approval of the variance. The public hearing was closed. Mr. Kane moved to grant the variance. Mr. Dailey seconded the motion; which was carried unanimously.
12. Director's Report on office activities and questions. Mr. Redman stated the redline revision of the Zoning Ordinances would be available Thursday, February 28, 2008. Mr. Redman informed Planning Commissioners that letters would be going out to public with regard to zoning requests. Mr. Sidor inquired as to workshop dates of 3/10, 3/17 and 3/24. Mr. Redman confirmed workshop dates.

18. Vote for Subdivision Regulation Public Hearing for Tuesday, March 4, 2008 at 7:00 p.m. Mr. Reynolds moved to approve public hearing date. Mr. Dailey seconded the motion, which carried unanimously.
13. Planning Department Budget 2009. Mr. Reynolds provided a handout regarding “Annual Report and Budget Statement” and requested to schedule its acceptance for the March 11, 2008 meeting.
14. State legislation on zoning, subdivisions, and planning. Mr. Redman confirmed Bill 4511 was passed by the House of Delegates.
15. Charles Town Planning Commission Recommendation for Townscape Boundary. Mr. Redman stated that he spoke with Jeremy Camp and would like a work session within the next thirty days with the President of the Planning Commission and the County Commission.
16. Planning Commission Exchange. None.
17. Discussion of PC action on zoning and subdivision rewrites. None
19. Planning Commission Steps Re: Subdivision Draft. None.
20. Reports from Legal Counsel. None.
21. Legal Advice to PC. None.
22. Actionable Correspondence. None.
23. Non-Actionable Correspondence. None.

Mr. Reynolds moved to adjourn the meeting at 11:07 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 Shannon Hayden.