

MINUTES  
JEFFERSON COUNTY PLANNING COMMISSION  
JUNE 10, 2008

The Jefferson County Planning Commission met on Tuesday, June 10, 2008, with Commission members John Sidor, President; Robert Reynolds, Vice President; Lynne Deming, Secretary; Arnold Dailey; Jim Surkamp; Tom Kane; Edward Dunleavy and John Maxey present. Staff members present included Sherry Kelly, Deputy Director of Planning; Damien Davis, County Engineer and Jennilee Hartman, Administrative Assistant.

Ellen May was absent with notification.

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

1. Approval of Minutes. Mr. Kane and Mr. Sidor abstained from voting on the May 27, 2008, minutes because they were not present at that meeting. Ms. Deming moved to approve the minutes of the May 27, 2008 Planning Commission meeting with the following changes:
  - a. Page 2, first paragraph, between the words '*specific road*' add '*responsibility for.*'
  - b. Page 2, Item #5, change "*Mr. Sidor opened the public hearing.*" to "*Ms. Deming opened the public hearing.*"
  - c. Page 2, Item #5, last sentence. Mr. Dunleavy pointed out that Ms. Deming could not have been the individual that seconded the motion because she was Chair of that meeting. The Planning Commission could not recall who the individual was that seconded the motion and directed staff to research the issue and to send an email naming said person. The staff was also directed to change the name when the research was completed.
  - d. Page 3, Item #8, fifth sentence, correct the spelling from, "*Dunleavey*" to "*Dunleavy.*"

Mr. Dunleavy seconded the motion, which carried 6 for and 2 abstentions (Mr. Kane and Mr. Sidor)

2. Requests for postponement. Item #4, Final Plat Public Hearing for the K.L. Wilt Tract, Lots 1 & 2-Residue Subdivision. On June 5, 2008, the applicant requested postponement until the June 24, 2008 Planning Commission meeting.

Item #5, Final Plat Public Hearing for the Blue Stone Investments, Lots 1, 2 & 3-Residue Subdivision. On June 5, 2008, the applicant requested postponement until the June 24, 2008 Planning Commission meeting.

Michael Novotony was present to answer Planning Commissioners' questions regarding Items #4 and #5. Mr. Novotony stated the applicant was willing to waive the 60-day requirement for the final plats.

Mr. Kane moved to postpone the K.L. Wilt Tract, Lots 1 & 2-Residue Subdivision and the Blue Stone Investments, Lots 1, 2 & 3-Residue Subdivision until the June 24, 2008 Planning Commission meeting. Ms. Deming seconded the motion, which carried unanimously.

Item #7, Request by Herbert Snyder for a variance from having to upgrade a 50' easement to County standards for a proposed parent to child lot. Ms. Kelly stated the applicant had provided the wrong property information to the office and therefore the letter that was sent to adjacent property owners was incorrect. Ms. Kelly also stated the site was posted correctly, the applicant had been notified and new adjacent property owner letters were going to be sent out. Ms. Kelly asked for the variance request to be postponed until the June 24, 2008 Planning Commission meeting. Mr. Kane moved to postpone the variance request for Herbert Snyder until the June 24, 2008 Planning Commission meeting due to an administrative error. Mr. Dailey seconded the motion, which carried unanimously.

3. Final Plat Public Hearing for the Peter & Judith Ackerman Lots 1, 2 & 3-Residue Subdivision. Ms. Kelly and Mr. Davis recommended approval of the final plat. Mr. Dunleavy questioned Staff on Note #14 of the final plat, which discussed access easements. Ed Johnson was present to answer Planning Commissioners' questions. Mr. Johnson stated Note #14 was added because of a staff comment during review. Mr. Dunleavy asked that Note #14 on the final plat be more specific as to reflect who would be responsible for the road maintenance. Staff agreed to formulate specific language that would address this issue for minor subdivision final plats. Mr. Johnson agreed to change Note #14 to add Staff's specific language. Mr. Dunleavy moved to approve the final plat with the condition that specific language be reflected in Note #14 of the final plat regarding road maintenance. Mr. Kane seconded the motion, which carried unanimously.
4. Final Plat Public Hearing for the K.L. Wilt Tract, Lots 1 & 2-Residue Subdivision. This item was postponed until the June 24, 2008 Planning Commission meeting (see Item #2).
5. Final Plat Public Hearing for the Blue Stone Investments, Lots 1, 2 & 3-Residue Subdivision. This item was postponed until the June 24, 2008 Planning Commission meeting (see Item #2).
6. Request by the Board of Trustees of Asbury United Methodist Church for a variance to allow a waiver of a site plan for the placement of three temporary 24' by 60' mobile classroom buildings. Ms. Kelly deferred to the County Engineer for recommendation. Mr. Davis recommended granting the variance with the condition that the applicant receives Health Department approval and that a site plan is submitted to the office within six months. Michael Pratt with Keller Engineers was present to answer Planning Commissioners' questions. Clark Dickson, Chair member of the church, was also present to answer Planning Commissioners' questions. Mr. Sidor opened the public hearing. There were no comments from the public. The public hearing was closed. Mr. Surkamp moved to grant the variance with staff contingencies. Ms. Deming seconded the motion. Mr. Kane offered a friendly amendment to add that the temporary classrooms be removed 30 months from the date of this

meeting. Mr. Surkamp accepted the friendly amendment, as did Ms. Deming. Mr. Sidor called for a vote and the variance request was granted unanimously.

7. Request by Herbert Snyder for a variance from having to upgrade a 50' easement to County standards for a proposed parent to child lot. This item was postponed until the June 24, 2008 Planning Commission meeting (see Item #2).

At this time it was called to Mr. Sidor's attention that Item #3 was not made open for public comment. Mr. Sidor opened the final plat public hearing for the Peter & Judith Ackerman Lots 1, 2 & 3-Residue Subdivision. There were no comments from the public. Mr. Sidor closed the public hearing.

8. Request by Rocky Marsh, LLC for a variance to waive the requirement for a Community Impact Statement and for advancement to the final plat stage. Ms. Kelly stated the applicant had been granted a variance by the Board of Zoning Appeals to reduce the setback for existing structures. Ms. Kelly stated that because of the previously approved variance, the property no longer qualified as a minor subdivision, though she did recommend approval of this variance due to the minimal impact of the proposed subdivision. Mr. Davis recommended granting the variance. Ryan Perks with Alpha was present to answer Planning Commissioners' questions. Mr. Sidor opened the public hearing. There were no comments from the public. The public hearing was closed. Mr. Reynolds moved to grant the variance. Mr. Maxey seconded the motion, which carried unanimously.
9. Request by Peter Chakmakian for an 18-month extension of the Conditional Use Permit (CUP ) for Daniels Forest LLLP. Ms. Kelly read the following from her staff report:

“Due to the Steptoe decision rescinding the April 8, 2005 Zoning Ordinance amendments, requests for CUP extensions must now be presented to the Planning Commission. The original CUP was signed by the former director on January 29, 2007, and in August 2007 the BZA voted to validate the CUP for 18 months from the date of signature, resulting in an expiration date of July 29, 2008. The BZA also stated that the applicant would be eligible to request one 18-month extension, which is before you tonight. The application is currently in the fourth review of the preliminary plat stage, but revised plans have not been submitted since May 2007. The Planning Commission may grant one extension up to 18 months. Staff recommends granting the extension to complete the subdivision process.”

Mr. Davis deferred to the County Planner for recommendation. Peter Chakmakian gave a presentation to the Planning Commission on the history of the project and the reasons for the request. The Planning Commission had a lengthy discussion regarding the following: reasons for granting the extension, how long the extension should be granted for, the length of time it took to reengineer the subdivision due to major changes in design because of the Public Service District and the expiration/extension of the Community Impact Statement. Mr. Sidor opened the public hearing. There were no comments from the public. The public hearing was closed. Mr. Reynolds moved to grant an extension of 18 months from

July 29, 2008. Mr. Kane seconded the motion, which died 4 for and 4 opposed (Mr. Dunleavy, Mr. Maxey, Mr. Surkamp and Mr. Sidor). Mr. Dunleavy stated that since the Community Impact Statement is to expire on March 10, 2009, the Conditional Use Permit should have the same expiration date. Mr. Dunleavy moved to grant an extension of the Conditional Use Permit until March 10, 2009. Mr. Surkamp seconded the motion. Mr. Kane stated that a Conditional Use Permit, by ordinance, was only permitted to have one extension. Mr. Kane was concerned that by not granting the extension for the full 18 months, if the applicant could not finish the final plat process during the given time frame this project would end up back in court. It was mentioned that the applicant could ask for another extension of the Community Impact Statement if the project was not completed by the March 10, 2009 date but the applicant could not come back before the Planning Commission for another extension of the Conditional Use Permit. Mr. Sidor called for a vote, which died 4 for and 4 opposed (Mr. Reynolds, Mr. Kane, Mr. Dailey and Ms. Deming). Mr. Surkamp moved to grant an extension of the Conditional Use Permit for 12 months with an expiration date of July 29, 2009. Mr. Dunleavy seconded the motion, which failed 3 for and 5 opposed (Mr. Kane, Mr. Reynolds, Mr. Sidor, Ms. Deming and Mr. Dailey). Mr. Reynolds moved to grant an extension of 18 months from July 29, 2008. Mr. Dailey seconded the motion, which passed 6 for and 2 opposed (Mr. Dunleavy and Mr. Maxey).

10. Request by Cam Tabb to briefly address the Planning Commission. Mr. Tabb was present to express his support of the "Proposed Alternative Provisions for Consideration by the Planning Commission," specifically in reference to Section 8.205, Ownership and Maintenance of Open Space in the Agricultural Districts. Mr. Tabb explained why the "reserved lands" designation was a viable option to both the Ag Task Force and to those in the agricultural district. Mr. Tabb requested that the 80-85% of required open space not include the access road. Mr. Sidor raised concerns about the certainty of growth if the "reserved lands" provision was adopted. Mr. Maxey asked Mr. Tabb if he felt the proposed alternative provisions were a fair compromise. Mr. Tabb stated that this version of the proposed ordinance has been fairer than any of the other previous drafts. Mr. Sidor thanked Mr. Tabb for his involvement with the proposed ordinance.
11. Request by Rhonda Lehman, representative of the Mountain Heritage Task Force, to briefly address the Planning Commission. Ms. Lehman was present to express their support of the "Proposed Alternative Provisions for Consideration by the Planning Commission," specifically in reference to the provisions in Section 4.304. Ms. Lehman felt the proposed changes to that section allowed those in the mountain district to have greater flexibility when it came to the clearing of their property, among other things. Mr. Maxey asked Ms. Lehman if she would personally support this version of the proposed ordinance. Ms. Lehman stated she would. Mr. Kane and Mr. Maxey expressed their gratitude to Ms. Lehman for her involvement with the proposed ordinance.
12. Director's Report on office activities and questions. None.
13. Planning Commission Exchange. None.

14. Reports from Legal Counsel and legal advice to PC. None.
15. Actionable Correspondence. None.
16. Non-Actionable Correspondence
  - a. Letter from Cam Tabb regarding the Proposed Alternative Provisions to the May 12, 2008 version of the Proposed Zoning Ordinance, sent from the County Commission to the Planning Commission for their consideration. (See Item #10)
  - b. Letter from Rhonda Lehman, representative of the Mountain Heritage Task Force, regarding the Proposed Alternative Provisions to the May 12, 2008 version of the Proposed Zoning Ordinance, sent from the County Commission to the Planning Commission for their consideration. (See Item #11)
17. Discussion and PC Action on Proposed Zoning Ordinance, dated May 12, 2008; Proposed Alternative Provisions for Consideration by the Planning Commission and County Commission, dated May 22, 2008; and Director's suggested minor text changes hand-out.

Mr. Sidor provided a handout to the Planning Commission. (See attached.) The document was addressed to the County Commission and was to serve as the Planning Commission's recommendation on three topics: 1) General Edits and Corrections, 2) Section 4.304 – Undisturbed Area, Neighborhood Conservation Mountain District, and 3) Section 8.205 – Maintenance of Open Space. After a brief discussion, Mr. Reynolds moved to have the Planning Commission recommend that the County Commission amend the May 12, 2008, Review Draft of the Proposed Zoning Ordinance consistent with the provisions of Attachment A, pp. 1-8. (See attached.) Mr. Dunleavy seconded the motion. Ms. Deming abstained from the vote because she was not present for a portion of the workshop held on June 3, 2008. The vote passed 7 for and 1 abstention (Ms. Deming).

Mr. Reynolds moved to have the Planning Commission recommend that the County Commission amend Section 4.304 of the May 12, 2008, Review Draft of the Proposed Zoning Ordinance consistent with the May 22 recommendation of the Director of Planning and Zoning. Mr. Maxey stated he did not agree with this particular section but that it was a fair compromise for the community. Mr. Dunleavy seconded the motion, which carried unanimously.

Mr. Reynolds moved to have the Planning Commission recommend that the County Commission select the option for Maintenance of Open Space in the Agricultural and Countryside zoning district with the greatest degree of community-wide support for inclusion in the Review Draft of the Proposed Zoning Ordinance. Mr. Surkamp seconded the motion. Mr. Surkamp suggested a change to the motion to state, "To have the Planning Commission recommend that the County Commission select **a single** option for Maintenance of Open Space in the Agricultural and Countryside zoning district with the greatest degree of community-wide support for inclusion in the Review Draft of the Proposed Zoning

Ordinance.” Mr. Reynolds agreed to the change. Mr. Dailey, Mr. Kane and Mr. Dunleavy all agreed with Mr. Redman’s proposed changes. Mr. Dunleavy stated he didn’t believe either of the options for maintenance of open space were consistent with the Comprehensive Plan. Mr. Reynolds stated that it is inappropriate to take the Comprehensive Plan and apply its language to a specific provision without evaluating the Zoning ordinance as a whole. He stated that the staff would prepare a consistency report with general findings at a later date. Mr. Maxey stated that the Comprehensive Plan recommends measuring compliance with its open space requirements by determining if an option encourages parcels of land to remain undeveloped. He stated that all options presented did this. Mr. Kane asked the commissioners to choose one option they would support. Mr. Reynolds withdrew his motion. Mr. Surkamp withdrew his second. Mr. Reynolds moved to have the Planning Commission recommend that the County Commission select the “reserved lands” option for Maintenance of Open Space in the Agricultural and Countryside zoning district. Mr. Kane seconded the motion, which passed 7 for and 1 opposed (Mr. Sidor).

Mr. Sidor suggested some time be set aside for the Planning Commission to be educated on the Conditional Use Permit process.

Mr. Reynolds moved to adjourn the meeting at 9:35 PM. Ms. Deming seconded the motion, which carried unanimously. A detailed transcript of this meeting may be found on CDs #\_\_\_ & \_\_\_. These minutes were prepared by Jennilee Hartman.