

MINUTES  
JEFFERSON COUNTY PLANNING COMMISSION  
JANUARY 23, 2007

The Jefferson County Planning Commission met on Tuesday, January 23, 2007 with Paul Burke, President presiding. John Sidor, Lynne Deming, Todd Baldau, Russell Roper, Arnie Dailey, Ellen May and Jim Surkamp were present. Staff members present were Sherry Kelly, Kim Shrader and Sherry Cole.

Tom Kane was absent with notification.

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

Mr. Baldau motioned to approve the January 9, 2007 minutes with the following changes: (1) page 1, the first paragraph, second sentence, add Lynne Deming; (2) page 1, the third paragraph, first sentence change file to files; (3) page one, tenth paragraph, third sentence change Mr. Kane Motioned to Mr. Kane motioned; (4) page 2, fifth paragraph, second sentence add "ed" to the word address to read addressed; (5) page 2, fifth paragraph, third sentence should read Joe Kent with Dewberry answered questions from Mr. Burke regarding Note #A1 on sheet 2; (6) page 2, eighth paragraph, first sentence, the name Neil Martinel should be spelled Neil Martineau; (7) page 3, paragraph 6, the third sentence should read Braun Hamstead, Attorney, John Kusner and Paul Ashbaugh represented the request; (8) page 3, 7<sup>th</sup> paragraph, the last sentence should read Ms. Deming seconded the motion which passed with a vote of 7 for and 1 opposed (Mr. Burke); (9) page 3, eighth paragraph, fifth sentence should read Ron Moltere instead of Rob Moltere; (10) page 4, 4<sup>th</sup> paragraph should read Inn at Charles Town instead of MON Valley Bank; (11) page 5, 7<sup>th</sup> paragraph, the third sentence should read Ms. Deming made a motion to request the County Commission to make a position for a Human Resource employee and fill it as soon as possible; (12) page 5, add a paragraph (next to the last paragraph), Mr. Dailey motioned the Planning Commission came out of executive session. Mr. Kane seconded the motion which carried unanimously. Mr. Roper motioned to adjourn at 11:19 p.m. Mr. Dailey seconded the motion which carried unanimously.

Mr. Roper seconded the motion which passed with a vote of 7 for and 1 abstention (Ms. May).

Mr. Baldau stated that he would have to temporarily leave the Planning Commission meeting at 7:15 p.m. to participate in a conference call regarding an issue in his day job. Mr. Baldau stated he would return to the meeting as soon as his call was finished.

2. Requests for postponement. Staff stated that Phil Musselwhite withdrew his variance request.

3. Final Plat Public Hearing for the Curtis Wayne and Lynda Jean Langley Minor Subdivision. Staff recommended approval pending submission of originally signed plats and recordation within 90 days, and pending the 911 address issue is resolved. Ed Johnson spoke. Todd Baldau left the meeting room at 7:13 p.m. due to a work related matter (prior to action being taken on the final plat). There was no public comment. Mr. Roper motioned to approve the final plat subject to staff contingencies and having staff and the 911 Addressing office come to a resolution regarding the address issue. Mr. Dailey seconded the motion which failed with a vote of 3 for (Mr. Roper, Mr. Dailey and Mr. Burke) and 4 opposed. Mr. Sidor motioned to approve the final plat with staff contingencies and placement on the deed to share the maintenance cost on the 40 ft. access easement (Lots 2 and 3). Ms. May seconded the motion which carried unanimously. Mr. Sidor asked staff to write to 911 Addressing regarding solving the problem of the 30 ft. easement, by naming the 30' easement and giving Watson an address on that easement. Mr. Sidor seconded the motion which carried unanimously.

MINUTES - JEFFERSON COUNTY PLANNING COMMISSION  
JANUARY 23, 2007  
PAGE TWO

4. Community Impact Statement Public Hearing for Shepherds Retreat Subdivision. Staff recommended acceptance of the Community Impact Statement. Pete Kubic answered questions from the Planning Commission. Mr. Baldau returned to the room after this item started, so he did not participate. Mr. Burke opened the public hearing. There was public comment from Julian Lesh, Fred Wells and Ed Dunleavy. Mr. Burke closed the public hearing.

Mr. Sidor motioned to approve the Community Impact Statement with two conditions:  
(1) Developer agreeing to provide a 20' tree buffer instead of 15' as shown on the perimeter and  
(2) Five day notification to adjoining property owners of blasting. Mr. Dailey seconded the motion.

Mr. Surkamp made an amendment to the motion stating the covenants shall assign responsibility to the Homeowner's Association to correct damaging and persistent runoff on adjacent properties. Ms. May seconded the motion which failed with a vote of 3 for (Mr. Surkamp, Mr. Burke and Ms. May) and 4 opposed.

The original motioned passed with a vote of 6 for and 1 opposed (Mr. Burke).

8:25 p.m. Todd Baldau returned to his Commission seat for the rest of the meeting.

5. Postponed from the January 9, 2007 meeting. Final Plat Public Hearing for the Jackie Lee and Dorothy H. Payne Subdivision. Staff recommended approval conditioned on submitting the necessary originally signed copies and recordation within 90 days. Randy Litwin with Lavelle and Associates stated the property owners will share in the cost of the maintenance of the road. Mr. Burke opened the public hearing. There was no public comment. The public hearing was closed. Mr. Roper motioned to approve the final plat with staff contingencies, driveways being physically separated before recordation and the deed notes requiring sharing of maintenance cost of the shared access. Mr. Dailey seconded the motion which carried unanimously.

6. Postponed from the January 9, 2007 meeting. Community Impact Statement Public Hearing for Jackson Woods Subdivision. Staff recommended acceptance of the Community Impact Statement. Annette van Hilst with Dewberry made a presentation. Mike Shepp with Dewberry spoke. The applicant committed to having the Fish & Wildlife Service review the blasting plan. Mr. Burke opened the public hearing. There was public comment from Wesley Windle and Carol Hannum. Mr. Burke closed the public hearing. Mr. Dailey motioned to accept the Community Impact Statement. Mr. Roper seconded the motion.

Mr. Surkamp made an amendment to the motion requiring the developer follow the five recommendations on page 86, 6.0. Mr. Sidor seconded the motion which passed with a vote of 5 for and 3 opposed (Mr. Burke, Mr. Dailey and Mr. Roper).

Ms. May motioned to have the applicant have the water tested for contaminants above and beyond just bacteria based on recommendations of the Health Department. Mr. Surkamp seconded the motion.

Mr. Burke called for a five minute break. The meeting reconvened at 9:17 p.m.

Some of the planning commissioners had concerns regarding contaminated water. Mr. Shepp asked the Planning Commission what they wanted the applicant to test for. Mr. Surkamp stated to test for e-coli by the Health Department. Ms. May was acceptable to Mr. Surkamp's change in

MINUTES - JEFFERSON COUNTY PLANNING COMMISSION  
JANUARY 23, 2007  
PAGE THREE

the amendment to the motion. Mr. Shepp stated he had no objection to asking the Health Department to do that as long as they are willing. Ms. May made an amendment to the motion to require a note on the final plat requiring normal bacteria testing be done by the Health Department rather than by anybody else. Mr. Surkamp seconded the motion which passed with a vote of 7 for and 1 opposed (Mr. Burke).

The original motion to accept the Community Impact Statement passed with a vote of 7 for and 1 opposed (Mr. Burke).

8. Request by SPARC, LLC for a variance from the final plat process for the Summit Point Tactical Training Center which consists of several buildings on a single lot. Staff recommended granting the variance. Kristen Ringstaff with W. H. Gordon Associates made a presentation. Mark Dyck with W. H. Gordon Associates spoke. There was no public comment. Mr. Baldau motioned to approve the variance as requested. Mr. Roper seconded the motion. Mr. Surkamp made an amendment to the motion that any activities that include battle sound simulations be limited to 6 classes per year. The amendment to the motion died for a lack of a second. The original motion passed with a vote of 7 for and 1 opposed (Mr. Burke).

9. Request by SPARC for a variance to eliminate the requirement of curbs, gutters and sidewalks along all internal non-residential subdivision roads on the site. Kim Shrader, County Engineer, recommended approval of the variance to provide sidewalks because of low pedestrian flows. Ms. Shrader recommended denial of the variance to provide curb and gutter. Mark Dyck with W. H. Gordon spoke. There was no public comment. Mr. Baldau motioned to approve the variance to eliminate sidewalks and deny the variance request to eliminate the requirement of curbs and gutters. Mr. Dailey seconded the motion. The motion failed with a vote of 2 for (Mr. Baldau and Mr. Dailey) and 6 opposed. Mr. Surkamp motioned to approve the variance request. Ms. Deming seconded the motion which passed with a vote of 6 for and 2 opposed (Mr. Baldau and Mr. Dailey).

10. Request by AAL, LLC for a variance for a six month extension of time to bond and record the final plat for Seneca Crossing North Subdivision. Staff recommended granting the variance. Eric Lewis answered questions from the Planning Commission. Mr. Roper motioned to approve the variance request. Mr. Surkamp seconded the motion which passed with a vote of 6 for and 2 opposed (Mr. Baldau and Mr. Burke).

11. Draft ordinance revisions. Mr. Burke announced there is a special meeting next week.

12. Mailings to Planning Commission. Ms. May motioned to have a goal of two Fridays prior to the Planning Commission meeting for mailing of packets recognizing that there are circumstances that may not allow that and that the site plan deadline be moved up one week. Mr. Baldau seconded the motion which carried unanimously.

Mr. Surkamp stated he would like to go back to #11 on the agenda. Lane Kendig is coming Monday and Tuesday, the 29<sup>th</sup> and 30<sup>th</sup> and a public hearing is scheduled for on Monday the 29<sup>th</sup> at 7:00 p.m. so Planning Commissioners could go to that hearing and there is also one at 4:00 p.m. on Monday afternoon which is a stakeholder committee meeting which should be interesting.

MINUTES - JEFFERSON COUNTY PLANNING COMMISSION  
JANUARY 23, 2007  
PAGE FOUR

13. Approve Annual Reports. Paul Burke stated this was on the Planning Commission agenda last time and the Planning Commission didn't know why. Mr. Burke stated that Mr. Raco advised him that if the Planning Commission would approve them then he will send them to the County Commission and post them on the web. Ms. May stated she would not approve the annual reports until she gets an updated spreadsheet. Mr. Burke stated he has corrections to the Annual Reports. Ms. May stated she learned a spreadsheet is available with 1100 approved and pending subdivisions.

Ms. May motioned to ask Mr. Raco to take the Excel spreadsheet of approved and pending subdivisions and bring it up-to-date; add five separate columns for the number of single family homes, townhouses, apartments, duplexes and number of commercial lots; and ask Mr. Raco to respond to the Planning Commission on how and when the Department can do this. Ms. Deming seconded the motion which carried unanimously. Continued to next meeting.

14. Appointment times for major agenda items. Mr. Baldau motioned to postpone this item. Mr. Roper seconded the motion which carried unanimously.

Todd Baldau stated no action was taken on Item #13, Annual Reports.

15. Mr. Baldau motioned the Planning Commission directs Department of Planning, Zoning & Engineering staff to meet with applicants, or provide feedback or comments on subdivision applications only during those instances expressly specified in the Subdivision Ordinance: 6.1.a.4, 6.1.a.7, 6.1.a.12, 6.1.a.13 and 6.1.a.16. Mr. Sidor seconded the motion. James Casimiro, Assistant Prosecuting Attorney discussed the motion with the Planning Commission. Fred Blackmer and Henry Haas spoke in opposition to the motion. The motion passed with a vote of 6 for and 2 opposed (Ms. Deming and Mr. Roper).

17. Actionable Correspondence.

(a.) Letter from Edwin D. Smith, Independent Fire Company

Todd Baldau, Russell Roper and Paul Burke stated they would attend the meeting on March 6, 2007 at 7:00 p.m. at the Independent Fire Company.

Mr. Surkamp left the meeting room at 10:58 p.m.

16. Committees and committee reports.

Mr. Baldau motioned to give the existing Long Range Planner committee the authority to come up with recommendations on who to hire. Ms. Deming seconded the motion which carried unanimously.

Mr. Surkamp returned to the meeting room at 11:00 p.m.

Mr. Roper spoke regarding replacement of the Long Range Planner Committee. Mr. Surkamp stated to continue this item to the next meeting. Mr. Burke advised the raising of the Long Range Planner salary is on the County Commission agenda for Thursday.

Mr. Burke passed out last year's budget and asked for any changes.

18. Non-Actionable Correspondence. None.

MINUTES - JEFFERSON COUNTY PLANNING COMMISSION  
JANUARY 23, 2007  
PAGE FIVE

19. Improvements in legal ads and signs. James Casimiro, Assistant Prosecuting Attorney advised it is fine to use the new sign for posting Community Impact Statements. Mr. Sidor motioned to use the new sign for posting Community Impact Statements. Mr. Roper seconded the motion which carried unanimously. See attached copy of sign.

Mr. Casimiro stated there is no problem with the new form for Community Impact Statement and Final Plat legal ads. Ms. May motioned to approve the new Community Impact Statement legal ad. Mr. Sidor seconded the motion which carried unanimously. See attached copy of ad. Mr. May motioned to approve the new Final Plat legal ad. Mr. Roper seconded the motion which carried unanimously. See attached copy of ad.

20. Legal representation and advise. Some or all the discussion may be closed to the public. Mr. Casimiro passed out information regarding 8A-2-1, 8A-2-11 and 8A-6-3. Mr. Casimiro stated that the appointment times being proposed needs to be approved by the County Commission. Mr. Burke asked Mr. Casimiro to research two questions from the Stormwater Workshop given by Roger Goodwin. Mr. Burke asked Mr. Casimiro for his interpretation regarding the 24-hour release of stormwater. Next Mr. Burke asked Mr. Casimiro to research whether the County can enforce a Homeowner's Association to maintain stormwater management areas after bonds are released. Ms. Deming raised the question of whether the Planning Commission may delegate approval of variances and site plans to committees.

Mr. Roper motioned to adjourn the meeting at 11:27 p.m. on January 23, 2007. Mr. Dailey seconded the motion which carried unanimously. A detailed transcript of this meeting can be found on CD #11, #12, #13 and #14. These minutes were prepared by Sherry Cole.

