

MINUTES  
JEFFERSON COUNTY PLANNING COMMISSION  
SEPTEMBER 12, 2006

The Jefferson County Planning Commission met on Tuesday, September 12, 2006 with Paul Burke, President presiding. John Sidor, Lynne Deming, Todd Baldau, Russell Roper, Arnie Dailey and Greg Corliss 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 7:04 p.m.

Mr. Baldau motioned to approve the August 22, 2006 minutes with the following changes submitted by Mr. Burke and Mr. Baldau (see attached 2 pages): Mr. Baldau's edits to the August 22, 2006 meeting minutes are as follows: (1) Under Item #1. Election of Officers, the fourth sentence should read, The vote for the nominees for Vice President was four for Mr. Sidor (Mr. Burke, Mr. Corliss, Mr. Sidor and Mr. Baldau) and four for Mr. Dailey (Mr. Kane, Mr. Roper, Ms. Deming and Mr. Dailey). (2) Under Item #6, Community Impact Statement for Spruce Hill Subdivision, townhouse Lots 1-50 (#05-48), the first paragraph, last sentence should read: Concerns were raised whether or not this would be the final phase of the Spruce Hill Subdivision, storm water drainage, road improvements and public water and sewer hook up. Mr. Burke's edits to the August 22, 2006 minutes are as follows: (1) On page 1, paragraph 4 the first line should read: At 6:50 p.m. Mr. Corliss motioned to go into Executive Session under Peters vs. County Commission of Woods County. (2) On page 2, Item #2, the next to the last sentence should read Mr. Baldau motioned to approve the Harvest Pointe Minor Subdivision with staff contingencies and the vicinity map being updated to reflect current boundaries of the City of Ranson as well as to have all roads on the vicinity map accurately identified. (3) On page 3 under Item #6, the third sentence change Ms. Rosa Espama to Ms. Rosa Espana. (4) On Page 3, Item #9 (b) change to Aspen Pool Farm Inc. is a family owned corporation whose stockholders are the parents of Charles F. Printz, Jr. (5) On page 4, Item #10, the first sentence should read as follows: Request by Mr. Payne for a variance to advance to the final plat stage property on South side of Bowers Rd, 1 mile from intersection with Leetown Rd. (6) On page 4, Item #16 the last sentence should read Mr. Kane seconded the motion which passed seven for and one opposed (Mr. Burke). (7) On page 4, Item #19. A) Backups of documents: should read Discussion started and Mr. Roper motioned to adjourn the meeting. Mr. Baldau seconded the motion which passed six for and two opposed (Mr. Burke and Mr. Sidor). Mr. Sidor seconded the motion which carried unanimously.

1. Election of Officers. Mr. Burke was concerned that this item was not properly noticed. Continued to the September 26, 2006 meeting.

2. Final Plat Public Hearing for the Gray Rudisill, LLC Minor Subdivision (#06-25). Kevin Nelson with W. H. Gordon Associates answered questions from Mr. Burke. Staff recommended approval conditioned on submitting the necessary originally signed copies and recordation within 90 days. Mr. Baldau motioned to approve the final plat conditioned on an updated and corrected vicinity map (remove the notch) and staff contingencies. Ms. Deming seconded the motion which carried unanimously.

3. Postponed from the April 25, 2006, May 23, 2006, June 13, 2005, July 11, 2006 and the July 25, 2006 and the August 8, 2006 meetings. Final Plat Public Hearing for the Maddex Farm Subdivision, Phase IV (#06-07). Mr. Burke stated he was recusing himself and leaving the meeting room since he spoke at a meeting regarding this project. Ms. Deming stated she was recusing herself and leaving the meeting room for this item on the agenda since her ex-husband

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is part owner. Mr. Sidor took over as chair. Mike Shepp with Dewberry stated that all outstanding items have been resolved. Staff stated that a site visit was made today, September 12, 2006 and that all prior issues with the land disturbance activity has been addressed. Staff further stated that no penalties would be applied to the developer. Mr. Sidor opened the public hearing. There was no public comment. The public hearing was closed. Staff stated that the final plat meets the technical requirements of the ordinance and recommended approval conditioned on submitting the necessary originally signed copies, making bonding arrangements and recordation within 90 days. Kim Shrader, County Engineer, stated the site was revisited on September 12, 2006 and all requirements of the Notice of Violation dated June 9, 2006 have been met. Per Mr. Baldau's request, Mike Shepp summarized the events that took place since the violation notice was issued to the developer. Mr. Roper motioned to approve the final plat with staff contingencies. Mr. Corliss seconded the motion which passed with a vote of 4 for and 1 opposed (Mr. Dailey). Ms. Deming and Mr. Burke returned to the meeting room.

3. Continued from the August 8, 2006 meeting. Harvest Hills Subdivision, Section 1, Phase 1, Lots 28-50 (#01-42). Mr. Burke and Mr. Corliss left the meeting room for this item because they stated that they took legal action against the developer. Mr. Sidor remained as chair. Attorney Peter Chakmakian stated that he had the original signed deed transferring the land to the Jefferson County Parks & Recreation. Mr. Chakmakian further stated that the deed to the church is in the Department of Planning, Zoning & Engineering file. Staff stated that the deed to the Jefferson County Parks & Recreation has not been submitted to the office for approval. Mr. Baldau motioned to continue this item until Mr. Raco reviews the deed and gives his recommendations. Mr. Dailey seconded the motion which failed with a vote of 2 for (Mr. Baldau and Mr. Dailey) and 3 opposed. Mr. Roper motioned to approve the final plat provided Mr. Raco approves the deeds. Ms. Deming seconded the motion which passed with a vote of 3 for and 2 opposed (Mr. Dailey and Mr. Sidor). Mr. Burke and Mr. Corliss returned to the meeting room.

5. Continued from the August 22, 2006 meeting. Community Impact Statement for Spruce Hill Subdivision, Townhouse Lots 1-50 (#05-48). Mr. Burke took over as chair. Attorney James Campbell made a presentation. Mr. Burke asked Mr. Campbell questions. Mr. Burke opened the public hearing. There was public comment from Kimberly Teska, Tim Brandes, Dee Edmonds, Jim Surkamp, Aaron Waldner, Roy Vaughn, Henrietta Davis, Constance Davis. Mr. Burke closed the public hearing. Mr. Campbell rebutted. Lou Athey spoke and answered questions from the Planning Commission. Staff recommended acceptance of the Community Impact Statement. Kim Shrader, County Engineer, spoke regarding storm water management. Mr. Baldau motioned to disapprove the Community Impact Statement for the following reasons: (1) Emergency services - fire and ambulance; (2) no evaluation for electric provision of utilities and testimony about existing electricity; (3) traffic problems on Huyett Road, Augustine Avenue and outlets to Route 340; and (4) extensive testimony regarding storm water management. Mr. Corliss seconded the motion. The motion passed with a vote of 4 for and 3 opposed (Ms. Deming, Mr. Dailey and Mr. Roper). Mr. Baldau motioned to ask Roger Goodwin to provide a copy of his evaluation of the storm water management inspection to the Planning Commission along with 20 extra copies for the public by the September 26, 2006 meeting. Mr. Corliss seconded the motion which carried unanimously.

6. Postponed from the August 8, 2006 meeting. Correspondence from Attorney Aaron C. Amore on behalf of Chuck de Caro regarding an extension of 120 days for completion of project (Declaration of Violation for construction of an addition without obtaining an Improvement Location Permit). Mason Carter, Ordinance Compliance Officer, made a presentation and recommended a declaration of violation. There was no one present to represent Chuck de Caro.

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Mr. Baldau motioned to declare Chuck de Caro in violation. Mr. Dailey seconded the motion which carried unanimously.

7. Map Amendment of James L. Grove property located on Map 19, Parcel 18.1 of the Kabletown District consisting of 3.4997 acres. Staff read Mr. Raco's memo. There was public comment from John Kusner. Mr. Corliss motioned to find the proposed map amendment consistent with the Jefferson County Comprehensive Plan. Mr. Dailey seconded the motion which carried unanimously.

8. Declaration of Violation of the Subdivision Ordinance - Eric and Stacy Lindberg. (Barleywood Subdivision #04-16). Kim Shrader, County Engineer, stated that the office received the highway entrance permit and no further action is needed. Eric Lindberg spoke.

9. Request by Attorney James P. Campbell on behalf of Beallair Homes, LLC for a variance of the Subdivision Ordinance, Article 6, Section 6.3, Paragraph 2, to extend the 24 month time period for approval and recordation of the next final plat for a period of at least 12 months (The Community of Beallair Subdivision, Phase 2, #05-41). Ed Wormald made a presentation. Attorney Mike Cassell presented the variance request. Mike Wiley answered questions from John Sidor. There was no public comment. Staff recommended approval of the variance request. The county engineer stated that she concurred with Ms. Kelly's recommendation. Mr. Baldau motioned to deny the variance request. The motioned died for a lack of a second. Mr. Dailey motioned to approve the variance request. Mr. Roper seconded the motion which carried with a vote of 5 for and 2 opposed (Mr. Baldau and Mr. Burke).

10. Request by WLN Inc., c/o Jim Nichols for a variance to allow two principal buildings on one site (Section 3.1 Definitions a. Lot). Mike Shepp with Dewberry made a presentation. Staff recommended granting the variance. Mr. Baldau motioned to approve the variance. Mr. Dailey seconded the motion which carried with a vote of 5 for and 2 opposed (Mr. Burke and Mr. Sidor).

11. Request by Michael & Alla Wilson for a variance to allow two additional lots to use Amnesty Way and a variance for the right-of-way width and from upgrading the road to county grade standards. (Article 8, Section 8.2A). Mr. Wilson presented both variance requests (Item #11 and #12). There was no public comment. Staff recommended approval of the variance. The county engineer recommended approval of the variance contingent upon providing a West Virginia highway entrance permit. Mr. Baldau motioned to approve the variance with staff contingencies. Mr. Dailey seconded the motion which carried unanimously.

12. Request by Michael & Alla Wilson for a variance to proceed to final plat stage. (Article 6, Section 6.1a). Staff recommended approval. Mr. Corliss motioned to approve the variance request. Mr. Dailey seconded the motion which passed with a vote of 7 for and 1 opposed (Mr. Burke).

13. Continued from the August 22, 2006 meeting. Zoning Definition Amendment: Request from the County Commission on advice of the Planning Commission on whether or not the County Commission's proposed Text Amendment to §5.7(a)(2) of the Jefferson County Zoning and Development Review Ordinance is consistent with the Jefferson County Comprehensive Plan. Mr. Corliss motioned to find the amendment consistent with the Jefferson County Comprehensive Plan with the following three conditions: (1) a minimum 10 acre lot; (2) a maximum of 20 students per 1 acre; (3) comply with the Zoning Ordinance requirements of

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Section 5.8b. Mr. Dailey seconded the motion. Mr. Sidor asked for the planner's comment on the motion. Staff stated that the standards are definitely appropriate, but would not comment on the acreage size stating she didn't know what would be appropriate for that. Mark Dyck answered questions from the Planning Commission. The motion passed with a vote of 5 for and 2 opposed (Mr. Baldau and Mr. Sidor).

14. Staff Issues and Concerns (Requested by Todd Baldau). Mr. Baldau asked that Potential Change to Schedule for Planning Commission meetings in November and December 2006 and 2007 be placed on the September 26, 2006 agenda.

15. Backups of Documents (Requested by Paul Burke). Mr. Burke read an email from Paul Raco which stated that currently the County Commission is receiving suggestions on backing up documents and that he would give them a copy of the Planning Commission's suggestions. Mr. Raco stated in the email that he had no comment on them at this time. Mr. Burke presented his ideas for backups of documents in case of a fire because of the Morgan County Courthouse fire. Mr. Burke suggested sending his ideas to the County Commission for their consideration and amend it in anyway the people think it needs to be amended. The Planning Commission had a discussion. Mr. Burke asked if there was any comment from the public. There was comment from Mr. Henry. Mr. Sidor motioned that the Department of Planning, Zoning and Engineering recommend to the County Commission how to address the backup record retention issue. Ms. Deming seconded the motion which carried unanimously.

16. Defining Executive Committee and it's tasks (Requested by Lynne Deming). Mr. Burke stated that this item was not on the advanced agenda, but stated that it doesn't really need to be as committees is on. See agenda Item #17.

17. Committees and committee reports:

Executive Committee: Mr. Burke stated that there is no report except there is a meeting Thursday, September 14, 2006. Ms. Deming passed out a hand out. Ms. Deming stated this is a follow up to her concerns from the last meeting about the executive committee and their hours and duties and even their liability in the situation. Ms. Deming further stated that it is her understanding that there has never been any official action taken on appointing an executive committee. There was discussion among the Planning Commission. Ms. Deming motioned that the Planning Commission needs to decide if they need to have an Executive Committee and if we do decide to have an executive committee, then spell out exactly what their duties and responsibilities are. Mr. Dailey seconded the motion. There was further discussion among the Planning Commissioners. The motion passed with a vote of 5 for and 2 opposed (Mr. Corliss and Mr. Sidor).

Mr. Baldau motioned to create an Executive Committee and it's duties would be to discuss, research and recommend actions to the Planning Commission. Mr. Sidor seconded the motion which passed with a vote of 4 for and 3 opposed (Mr. Dailey, Ms. Deming and Mr. Roper).

Budget Committee: Nothing.

Bylaws and Procedures Committee - Nothing.

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PSD Committee: Mr. Sidor passed out a brief report. Mr. Sidor stated the Ecology Committee met on August 28, 2006 and they recommended to the Full Counsel funding for the Flowing Springs Plant, but they voted to table the application for the Evitts Run Plant for no longer than 60 days for a review by the committee of Charles Town for sewer services. Mr. Corliss stated that he was at the Development Authority Meeting on September 12, 2006, that it came out when Jane Peters was giving her director's report that the Tackley Mill/Blackford Farm Wastewater Treatment Plant that was supposed to be built and service Burr Park, Phase II, that they weren't returning her calls. Mr. Corliss further stated that at the same meeting Dave Mills from Ranson said that the it has been slowed down and it is their understanding that they will not have any wastewater treatment out there for four years.

Long Range Planner: Mr. Baldau stated that Mr. Raco scheduled a meeting with the Long Range Planner Committee on Wednesday, September 20, 2006 at 3:00 p.m. Mr. Dailey stated that five people declined. Mr. Burke stated that it would be a good idea to ask those people that didn't want to come in to ask them why. Mr. Burke stated that seven people have been invited to interview and decided not to. Mr. Dailey stated that two people were interviewed.

TDR: Mr. Dailey stated that they have not had a meeting since July 2006.

Mr. Burke stated that he received an email from Paul Raco advising of the Planning Commission meeting with Kendig Keast on Wednesday, September 20, 2006 at 4:00 p.m. Mr. Burke stated this is a joint meeting with the Board of Zoning Appeals. Mr. Burke, Mr. Baldau, Ms. Deming, Mr. Dailey, Mr. Corliss, Mr. Roper and Mr. Sidor stated they would attend the meeting.

18. Actionable Correspondence. None.

19. Non-Actionable Correspondence. Ms. Deming motioned that the Planning Commission meet in a workshop format on Tuesday, October 3, 2006 at 7:00 p.m., if the County meeting room is available and the third Tuesday on odd numbered months beginning in January 2007, if the county meeting room is available. Mr. Sidor seconded the motion which carried unanimously.

Mr. Roper motioned to adjourn the meeting. Mr. Corliss seconded the motion which carried unanimously.

The meeting adjourned at 11:18 p.m. on September 12, 2006. A detailed transcript of this meeting can be found on CD #123, #124, #125 and #126. These minutes were prepared by Sherry Cole.



