

MINUTES  
JEFFERSON COUNTY PLANNING COMMISSION  
OCTOBER 10, 2006

The Jefferson County Planning Commission met on Tuesday, October 10, 2006 with Paul Burke, President presiding. John Sidor, Lynne Deming, Todd Baldau, Russell Roper, Arnie Dailey, Tom Kane and Ellen May were present. Staff members present were Sherry Kelly, Kim Shrader and Sherry Cole.

Greg Corliss was absent with notification.

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

Mr. Baldau motioned to approve the September 26, 2006 minutes with the following changes: (1) Page 1, Item #2, the second sentence, change from Mr. Baldau has concerns about the existing sinkholes to Mr. Baldau had concerns about the existing sinkholes; (2) Page 2, 4<sup>th</sup> line change from Mr. Dailey motioned to deny the variance because they have never approved any variance that would create a residential lot by a merger deed to read Mr. Dailey motioned to deny the variance because the Planning Commission have never approved any variance that would create a residential lot by a merger deed; (3) Page 1, Item #1, change from Mr. Kane voted to delay the election of officers until we have a full contingent of members to read Mr. Kane moved to delay the election of officers until we have a full contingent of members. Mr. Sidor seconded the motion which carried unanimously.

1. Election of Officers. Waiting to have election of officers until the Planning Commission has a full contingent of members.

2. Final Plat Public Hearing for the Jeffrey C. & Audrey J. Reightler, Sr. Minor Subdivision (PC File #06-29). Mr. Burke asked for staff's report first. Staff stated that the plat meets the technical requirements of the subdivision ordinance and recommends approval condition on submitting the necessary originally signed copies and recordation within 90 days. Ed Johnson was present for any questions. Mr. Burke opened the public hearing. There was no public comment. Mr. Burke closed the public hearing. Mr. Baldau motioned to approve the final plat with staff contingencies. Mr. Sidor seconded the motion which carried unanimously.

4. Request by Annette van Hilst with Dewberry on behalf of Sarah F. Carl Family Partnership for a variance to permit the 60.2 acre residue parcel identified as Parcel 6, Lot A Residue located within the proposed Avalon Hills Subdivision to retain the existing access from a public road, Roper North Fork Road, and not require that Lot A be served by internal subdivision roads. Mr. Burke changed the order of the agenda to hear Item #4, variance request before Item #3, Community Impact Statement for Avalon Hills Subdivision. Michael Cassell, representative for the applicant, spoke and introduced Mike Shepp. Mike Shepp with Dewberry made a presentation. Staff recommended granting the variance. Mr. Baldau motioned to grant the variance. Mr. Dailey seconded the variance which carried unanimously.

3. Community Impact Statement for Avalon Hills Subdivision (PC File #06-24). Mr. Burke stated that he was concerned that the Planning Commission did not have a written report from Staff regarding the Cluster Plan and asked if the Planning Commission would like to consider postponement pending receipt of the written report. Mike Cassell and Mike Shepp spoke. Staff stated that the Community Impact Statement has provided the information as listed in the subdivision ordinance and staff recommends acceptance of the Community Impact Statement. Mr. Cassell made a brief presentation. Mr. Shepp made a presentation. Mr. Burke opened the

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public hearing. There was no public comment. The public hearing was closed. Mr. Burke stated that he wanted the minutes to reflect that the applicant agreed to the following:

- (1) survey for wetlands; (2) homeowners Association covers all 18 lots; (3) attempt to move main road to avoid trees; (4) review all other environmental recommendations.

Mr. Kane motioned to approve the Community Impact Statement. Mr. Sidor seconded the motion. The motion passed with a vote of 7 for and 1 opposed (Mr. Baldau).

5. Request by Annette van Hilst with Dewberry on behalf of Larry and Margo Gassman for a variance to allow the proposed subdivision to move directly to final plat; to allow the residue parcel being created to continue in its present use, and to lift the note on the previous subdivision plat that requires all lots to be accessed via internal subdivision roads. Annette van Hilst spoke and answered questions from the Planning Commission. Attorney Braun Hamstead and Mike Shepp spoke and answered questions from the Planning Commission. Staff stated it would be contrary to the public interest to not require the applicant to process a Community Impact Statement and preliminary plat. Staff stated that there are specific commercial regulations that would not be addressed if the application were allowed to proceed straight to final plat. Staff further stated that the commercial business currently has a separate access from the subdivision, which is in violation of the plat restriction that all lots have access via internal subdivision roads. Staff recommended denial of the variance request. Ms. van Hilst spoke again. There was no public comment. Larry Gassman answered questions from the Planning Commission. Mr. Hamstead and Mr. Shepp spoke again. Mr. Burke allowed a 3 minute break in order to change the CD. The meeting reconvened at 8:25 p.m. Mr. Kane motioned to advance the Gassman Subdivision to the Preliminary Plat stage and remove the condition that lot access only be through interior subdivision roads, subject to determination eligibility to subdivide. Mr. Sidor seconded the motion which passed with a vote of 7 for and 1 opposed (Mr. Burke).

6. Request by Pete Kubic on behalf of Shepherd's Retreat, LLC for a variance to have a hammerhead turnaround 40 ft. wide x 30 ft. long vs. a cul-de-sac of 80 ft. There was no one present to represent this variance request. Mr. Baldau motioned to deny the variance request. Mr. Dailey seconded the motion which carried unanimously.

7. Postponed discussion from the September 26, 2006 meeting. Written Report by Roger Goodwin, Chief County Engineer, on the Storm Water Management Inspection at Spruce Hill Subdivision (#02-02 and #02-28). Ms. Deming and Mr. Baldau stated they would like to request Roger Goodwin attend the next Planning Commission meeting. Mr. Burke asked Michael Cassell if he wanted to speak. Mr. Cassell stated he would wait to hear from the public and then reply. Mr. Burke asked if there was anyone from the public that would like to speak. Kimberly Teska and Tim Brandis spoke. Mr. Cassell stated that DEP inspected and approved Spruce Hill I and II. Lou Athey stated that as-built surveys will be done before release of the bond. Mr. Brandis spoke again. Mr. Kane motioned the following:

- (1) Request copies of Roger Goodwins' November 2003 and March 2004 letters;
- (2) Normal and appropriate to wait from November 2003 to August 2006 and March 2004 to August 2006 without updates;
- (3) Does construction so far match the design;
- (4) Does the design and construction ensure 1 year run off is released in 24 hours;

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- (5) What does Roger Goodwin mean by developer's August 2006 bond release inspection;
- (6) Elaborate on any milestone checks beyond sediment and erosion control;
- (7) What other agencies/regulations to which Mr. Goodwin was referring to in his memo to Paul Raco dated September 21, 2006;
- (8) Reiterate that Mr. Goodwin's report was at the request of the Planning Commission and not at the request of Ms. Teska;
- (9) Ask that Roger Goodwin listen to the discussion of this meeting on the CD;
- (10) Request Roger Goodwin's attendance at the October 24, 2006 meeting, if possible, or the November 14, 2006 meeting;
- (11) If Roger Goodwin puts any materials in writing or sends any reports to the Planning Commission in advance - bring extra copies for the public and developer to the Planning Commission meeting.

Ms. Deming seconded the motion which carried unanimously.

8. Electronic CIS files (Requested by John Sidor). Mr. Sidor passed out a draft of his written motions. The Planning Commission discussed the draft motions. Mr. Burke stated that he spoke with Dr. Nichols of the Jefferson County School Board and he prefers electronic copies. Mr. Sidor motioned that applicants submitting Community Impact Statements shall submit at least 15 days before the pre-application conference two paper copies and two electronic copies of the CIS to the Department of Planning Zoning and Engineering. Electronic copies shall be in PDF format. The final Community Impact Statement shall be submitted as two paper and two electronic copies to the Department of Planning, Zoning & Engineering and one paper or electronic copy to each Planning Commission member. Addresses and Planning Commission members' choices of paper or electronic copy will be available from the department of Planning, Zoning and Engineering office. Pages larger than 8.5.11 inches may be submitted on paper instead of electronically at the applicant's discretion. Mr. Baldau seconded the motion which carried unanimously. Henry Haas spoke and answered questions from the Planning Commission.

Mr. Sidor motioned the Planning Commission requests the County Commission to no later than the date of the advertisement of the Community Impact Statement Public Hearing post the CIS on the web and leave it there until action is taken on the Community Impact Statement and until the Final Plat vote if space allows. Mr. Baldau seconded the motion which carried unanimously.

9. Staff Issues and Concerns (Requested by Todd Baldau). Mr. Burke stated that Mr. Corliss wants the Planning Commission's attorneys to brief the Planning Commission on Planning Commission authorities (approve or deny Community Impact Statements and Final Plats). Mr. Burke further stated that Brandy Sims, Assistant Prosecuting Attorney, will write a draft by the October 24, 2006 meeting and if Ms. Sims still needs to attend a meeting that Ms. Sims will attend the November 14, 2006 meeting. There was no action taken as Mr. Corliss was not present for the meeting.

10. Committees and committee reports:

Executive Committee: Mr. Burke stated there is a meeting Thursday, October 12, 2006 at the Bolivar Community Center.

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Long Range Planner Committee Meeting: Mr. Baldau stated there is a meeting on Wednesday, October 11, 2006 at 1:30 p.m. at the Department of Planning, Zoning & Engineering office.

TDR Committee: Nothing new to report.

PSD Committee: Ms. May stated that there was a report in the mailed packet. There is a consolidation meeting on Friday, October 20, 2006. Ms. May stated that she would not be able to attend the next PSD monthly meeting.

Budget Committee: Mr. Burke reminded the Planning Commission that their suggestions were due by the November 14, 2006 meeting.

Bylaws Committee: Nothing.

11. None.

12. None.

Mr. Roper motioned to adjourn at 9:50 p.m. Mr. Dailey seconded the motion which carried unanimously.

The meeting adjourned at 9:50 p.m. on October 10, 2006. A detailed transcript of this meeting can be found on CD # 134, #135 and #136. These minutes were prepared by Sherry Cole.

