

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
DECEMBER 12, 2006

The Jefferson County Planning Commission met on Tuesday, December 12, 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 without notification.

Mr. Burke called the meeting to order at 7:03 p.m.

Mr. Burke stated the Planning Commission would look at the November 28, 2006 minutes at the January 9, 2007 meeting.

Mr. Kane motioned to approve the November 14, 2006 minutes (as provided by Paul Burke) with the following changes: (1) Page 1, second paragraph, add a second sentence to read: Mr. Corliss arrived at 7:32 with notification. (2) Under Item #1, Declaration of Violation for Gay Snyder, the second to the last sentence should read: Ms. May seconded the motion which passed with a vote of 5 for and 2 opposed (Mr. Burke and Ms. Deming). (3) Under Item #7, Page #2, The second sentence should read as follows: Mr. Burke did not return to the meeting room for this item on the agenda as he filed a Zoning Appeal regarding this subdivision. (4) Under Item #8, the third sentence should read Attorney Ellen Capellanti asked to speak and was denied. (5) After Item #8, on page #3, should read Mr. Sidor motioned to go into Executive Session to consult with our attorney under authority of Peters vs. Wood County. Mr. Kane seconded the motion which carried unanimously. The Planning Commission came out of executive session. Mr. Sidor motioned to approve the order on files. Ms. Deming seconded the motion which carried unanimously.

Ms. May seconded the motion to approve the November 14, 2006 minutes which passed with a vote of 7 for and 1 abstaining (Mr. Baldau).

Mr. Burke stated that Item #1- Election of Officers would be postponed until the January 9, 2007 meeting, as Mr. Corliss is absent. Mr. Burke further stated the election will be held on January 9, 2007 even if all members are not present since elections are supposed to be held each January.

Mr. Burke asked if there were any postponements. Mike Shepp with Dewberry asked for postponement of the following: Item #2 - Final Plat Public Hearing for the Northgate Limited Partnership Two Lot Subdivision; Item #10 & Item #11 - Request by Howard F. And Betty J. Simons variances. Mike Shepp waived the 60 Day Rule for the final plat public hearing for the Northgate Limited Partnership Subdivision. Mr. Baldau motioned to postpone Item #2, Final Plat Public Hearing for the Northgate Limited Partnership Two Lot Subdivision until the January 9, 2007 meeting and asked staff to readvertise the public hearing as soon possible. Mr. Kane seconded the motion which carried unanimously.

Mr. Kane motioned to postpone Item #10 & #11, the Howard F. and Betty J. Simons variances until the January 9, 2007 meeting. Mr. Sidor seconded the motion which carried unanimously.

Mike Cassell asked for a postponement of Item #8 - Declaration of Violation for Gay Snyder. Mason Carter spoke. Mr. Kane motioned to postponement Item #8 until the April 10, 2007 meeting. Mr. Roper seconded the motion. The motion passed with a vote of 5 for and 3 opposed (Ms. Deming, Mr. Baldau and Mr. Burke).

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David Sutherland with Sierra Properties, LLC spoke and asked for a postponement of Item #9, Declaration of Violation, until the January 9, 2007 meeting. Mason Carter recommended postponement until the January 9, 2007 meeting. Mr. Baldau motioned to postpone this item until the January 9, 2007 meeting. Mr. Kane seconded the motion which carried unanimously.

3. Final Plat Public Hearing for the Herpst-Gregory Lands Minor Subdivision. Staff recommended approval condition on submitting the necessary originally signed copies and recordation within 90 days. Mr. Burke opened the public hearing. There was no public comment. The public hearing was closed. Mr. Kane motioned to approve the final plat with staff contingencies. Mr. Roper seconded the motion. Fred Gates and Mr. Herpst were present for questions. Mr. Gates answered questions from the Planning Commission. The motion carried unanimously.

4. Final Plat Public Hearing for the Michael Taylor Minor Subdivision. Staff recommended approval conditioned on submitting the necessary originally signed copies and recordation within 90 days. Mike Shepp with Dewberry answered questions from Lynne Deming. Mr. Burke asked Mr. Shepp about the copyright on the final plat. Mr. Shepp stated that he will remove the copyright from the recordable plat when submitted. Mr. Burke opened the public hearing. There was no public comment. The public hearing was closed. Mr. Burke suggested to Mr. Shepp that he add the word "Zoning" ordinance to Item #1 on the plat. Mr. Shepp agreed to this request. Ms. Deming stated that she would like the homeowners to share in the maintenance of the road. Mr. Roper motioned to approve the final plat with staff contingencies, adding a note in the deed regarding shared maintenance of the road and add in note #1 the word "zoning" ordinance. Ms. Deming seconded the motion which carried unanimously.

5. Final Plat Public Hearing for the Seneca Crossing North Side Subdivision. Staff recommended approval conditioned on submitting the necessary originally signed copies, making bonding arrangements and recordation within 90 day and the requirement that the applicant submit two sets of design calculations with a building permit application for the retaining walls. Mike Shepp, Eric Lewis and Henry Haas with Haas Consultants, answered questions from the Planning Commission. Mr. Shepp stated that he will have an arborist look at the trees. Mr. Burke opened the public hearing. There was no public comment. Mr. Burke closed the public hearing. Mr. Roper motioned to approve the final plat with staff contingencies. Mr. Kane seconded the motion which passed with a vote of 5 for and 3 opposed (Ms. May, Mr. Baldau and Mr. Burke).

6. Peter and Andrea Corum, request a multi-use variance from the Jefferson County Subdivision Ordinance to permit placement of an additional principal structure/use on a single tract of land without processing a subdivision plat. Peter Corum made a presentation and answered questions from the Planning Commission. Mr. Burke opened the public hearing. There was no public comment. The public hearing was closed. Mr. Sidor motioned to approve the multi-use variance request. Mr. Dailey seconded the motion which passed with a vote of 5 for and 2 opposed (Mr. Baldau and Mr. Burke).

Mr. Sidor motioned to go into Executive Session to consult with our attorneys under authority of Peters vs. Woods. Mr. Dailey seconded the motion which carried unanimously. Sherry Kelly, Kim Shrader and Sherry Cole left the meeting room at 8:30 p.m.

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7. Legal discussion and possible action:

- A. Legal advice from attorneys.
 - B. Falcon Ridge (PC File #05-09) road variances and lawsuit (Court File #06-C-232).
 - C. Henry v. Jefferson County Commission, Jefferson County Planning & Zoning Commission, et al (Court File #3:06-CV-33).
- Some or all the discussion may not be open to the public.

The following is per Sherry Kelly's notes: Back into public session at 9:35 p.m. Kim Shrader and Sherry Kelly returned to the meeting room. Mr. Sidor motioned to rescind Findings of Fact and Conclusions of Law for Wolverine. Mr. Dailey seconded the motion which carried with a vote of 7 for and 1 abstained (Ms. Deming).

Ms. May motioned to authorize the prosecuting attorney to draft an order and sign by the president since Department of Highways denied the shoulder and turn lane, that the Planning Commission order staff to not require the turn lane and to approve the preliminary plat if all other regulations are met. Ms. Deming seconded the motion. The motion passed with a vote of 6 for and 2 opposed (Mr. Baldau and Mr. Dailey).

9:40 p.m. Henry case. Mr. Burke asked for a motion to go back into executive session. There was no motion. Item #12 was heard first.

12. Request by Jeff and Michelle Black for a variance from re-subdivision and site plan. Mr. Sidor motioned to waive the re-subdivision and site plan regulations. Mr. Kane seconded the motion which carried unanimously.

9:50 p.m. back into executive session to address the Henry case. The Planning Commission came out of executive session.

Sherry Cole was asked to return to the meeting room.

13. Barleywood Subdivision (PC File #04-16) discussion and possible action. Mark Dyck with W. H. Gordon Associates and Dan de Ojeda with Dan Ryan Builders spoke. Mr. Kane motioned to direct Roger Goodwin, to place on the agenda and advise the Planning Commission should he be aware of or receive any changes regarding Ambler Road in the Barleywood Subdivision and also to notify placement on the agenda to W. H. Gordon Associates, Dan Ryan Builders and Mr. Engle, Mike Magaha and Mr. Washington (adjacent property owners). Mr. Dailey seconded the motion which carried unanimously.

14. Continued from the November 14, 2006 and the November 28, 2006 meeting. Letter dated October 27, 2006 from Scot M. Faulkner regarding a possible violation of the final plat for the Sheridan Subdivision. Mr. Burke recused himself stating he spoke in favor and partly opposed to this subdivision at the Community Impact Statement hearing. Mr. Burke left the meeting room. John Sidor took over as chair. Sherry Kelly stated she has reviewed the minutes, recorded meetings, and plats for Phase 1 and 2 and found that there was only one condition regarding a limit of the number of homes that could be served by pump and haul. Ms. Kelly stated this was the condition at the Phase 2 public hearing on June 13, 2006, which stated that no homes in Phase 2 could be served by pump and haul. Ms. Kelly stated there was a motion made that included a condition of the pump and haul being limited to 27 lots at the April 11, 2006 meeting, but the motion to approve the plat failed. Ms. Kelly further stated a motion to deny the final plat

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was then made, which passed. Ms. Kelly stated that at the June 13, 2006 meeting when Sheridan was reconsidered, the condition that the pump and haul would be limited to Phase 1 was included in the motion. Ms. Kelly further stated the current permit for the pump and haul is limited to 39 lots. In terms of building permits issued, 37 permits have been issued, 33 of which have received occupancy permits. Ms. Kelly stated that Sheridan Subdivision is not in violation today. There was no action taken.

15. Draft Ordinance revisions. Mr. Burke stated that he had nothing to say.

Mr. Roper motioned to adjourn at 11:15 p.m. Mr. Baldau seconded the motion which passed with a vote of 6 for and 1 opposed (Mr. Kane).

Items #16 through #21 were not heard.

The meeting adjourned at 11:15 p.m. on December 12, 2006. A detailed transcript of this meeting can be found on CD #156, #157, and #158. These minutes were prepared by Sherry Cole.

