

Jefferson County Planning Commission
March 10, 2015

The Jefferson County Planning Commission met on February 10, 2015 with the following Commission members present: Steve Stolipher, President; Wade Louthan, Vice President; Gene Taylor, Secretary; Dale Manuel, Gary Phalen, Mike Chapman, Donnie Fisher, Peter Fricke, and Dick Childs . Staff members present included Jennifer Brockman, Director of Planning and Zoning; Rhonda Greenholtz, Planning Clerk; Jonathon Saunders, County Engineer; Steve Groh, Legal Counsel; and Nathan Cochran; Legal Counsel

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

1. Approval of the minutes from the following Planning Commission Meetings:

- February 10, 2015
- February 24, 2015

Mr. Stephen Stolipher asked if there were any objections to the approval of the meeting minutes. No objections were made. Minutes were approved.

Mr. Stephen Stolipher and Mr. Peter Fricke asked that the February 10, 2015 meeting minutes be revised to include Committee appointees that were appointed after the February 10, 2015 meeting had adjourned. The minutes were appended as requested.

2. Citizens Communications: None

Mr. Stephen Stolipher introduced new Legal Counsel for the County Commission, Mr. Nathan Cochran. Mr. Nathan Cochran took this opportunity to give a brief introduction of himself and description of his background.

3. Request for postponements: None

4. Public Hearing: Request by applicant Roderick Planes, LLC / Aspen Greens Phase IIA (File #PCV15-01) to be represented by Gates Associated, Inc. for a variance from Article 6, Section 6.3 of the 1979 Jefferson County Subdivision Ordinance which requires a Final Plat public hearing within 24 months of the Final Plat public hearing for the previous phase. The applicant is requesting a time extension from April 10, 2015 to June 10, 2016, to advance through the Final Plat public hearing for this development. The property is located northeast of the intersection of Old Country Club Road and Flowing Springs Road. The property is designated as Tax District: Charles Town (02); Tax Map: 4; Parcel: 19; Size: 110 acres total (203 lots); Zoned: Rural (R).

Ms. Jennifer Brockman gave an overview and history of the project. Ms. Brockman explained that the request is being processed as a Variance because that is the term used in the 1979 Jefferson County Subdivision Ordinance under which this development is being processed.. She further explained that Aspen Greens Phase IIA was one of the few projects that had not received preliminary plan approval prior to March 1, 2010 and therefore did not qualify for the WVC Code 8A-5-12 SB 595 Extension.

Mr. Fred Gates, Gates & Associates; representative for Roderick Planes, LLC/Aspen Greens Phase IIA presented the request for extension on behalf of his client. Although the applicant's request is for a 14 month extension, Mr. Gates agreed with the Planning Department Staff Report recommendation of an 8 month extension.

Mr. Stephen Stolipher opened the floor to public comment.

No public comment was made.

Mr. Stephen Stolipher closed the floor to public comment.

A motion was made by Mr. Dale Manual to grant an 8 month extension to advance through the Final Plat Public Hearing, which would allow the public hearing be held at or before the December 8, 2015 Planning Commission meeting.

A vote was taken which passed unanimously.

5. Public Hearing: Request by applicant Shepherdstown Community Club (File #PCV15-02) related to the Morgan's Grove Park property for a variance from Article 8, Section 8.2.c.1.d., of the 1979 Jefferson County Subdivision Ordinance (storm water management regulations). The applicant is requesting to install four – 50 gallon rain barrels in lieu of constructing an infiltration trench required as a part of the site plan for the kitchen and bathroom building. The property is located southwest of the intersection of Kearneysville Road (WV 480) and Morgan Grove Road. The property is designated as Tax District: Shepherdstown (09); Tax Map: 13; Parcel: 28 (25.9 ac.).

Ms. Jennifer Brockman stated that the Planning Department defers this request to the Engineering Department as this request is primarily an Engineering issue. The Site Plan has been approved and bonded for a long period of time. Ms. Jennifer Brockman suggested that the applicant explain the request to the Planning Commission and then the County Engineer will give their recommendation afterward.

Mr. Mark Shields, President of the Shepherdstown Community Club spoke. The 960 square foot building was constructed in the early 2000 time frame and the infiltration trench was required and designed to alleviate stormwater coming off the roof of the new building. In 2005, an effort was made by the organization to add the infiltration trench by constructing a berm. A letter from Roger Goodwin, Jefferson County Engineer was received by the organization stating that the berm did not meet county standards. Several meetings were held during the next few years and it was determined that the responsibility for the infiltration trench cannot be waived or alleviated by the County Engineering Department. Mr. Mark Shields believes the use of the four – 50 gallon rain barrels would be a better alternative and have less impact than construction of the infiltration trench. The water collected from these rain barrels could also be used to irrigate young trees planted on the property.

The floor was opened up for public comment.

No public comment was made.

The floor was closed to public comment.

Mr. Jonathon Saunders; County Engineer, stated concerns that the rain barrels would not have the volume capacity the infiltration trench was designed for. However, the impact of installing an infiltration trench would have more soil disturbance compared to the use of the rain barrels. Leaving the trench area in a grassy lawn condition is also considered a stormwater management practice as it

would minimize/eliminate erosion of the soil and would help compensate for the volume capacity difference. It is the recommendation of the Engineering Staff to approve this waiver.

Mr. Dick Childs made a motion to approve the requested waiver.

A vote was taken which carried unanimously.

6. Discussion of the implementation of the Envision Jefferson County 2035 Comprehensive Plan recommendations.

Ms. Jennifer Brockman suggested a joint meeting be held with the County Commission to discuss the Commission's highest priorities regarding the implementation of the Envision Jefferson County 2035 Comprehensive Plan. The Planning Commission has initiated a process to receive public input regarding various development processing issues which need to be considered along with the Comprehensive Plan's recommendations. Currently there are 3 (three) Subdivision Regulation text amendments as well as the Mass Event Ordinance before the County Commission. Two Committees have also been formed by the Planning Commission to discuss the Major Subdivision Regulations and Campground Facility Regulations. Staff also has a long standing priority list for amendments that are needed, including the review and revisions to the Parking, Signage and Landscaping standards.

The Planning Commission members discussed the possible development of a committee for Aging in Place and Small House topics. Ms. Jennifer Brockman suggested it may be better to have the County Commission initiate a committee to ensure that certain agencies are represented and participate. Suggestions from the Planning Commission regarding Aging in Place were to involve such organizations such as SAIL, Community Ministries, Transportation and Health Care Agencies, Engineering and the Jefferson County Bureau of Aging.

Mr. Gary Phalen made a motion to send a letter to the County Commission requesting the appointment and development of a committee for Aging In Place.

A vote was taken which carried unanimously.

7. Reports from Legal Counsel and legal advice to the Planning Commission :

- Mr. Nathan Cochran recused himself from this discussion citing prior involvement with the Far Away Farms case.
- Mr. Steve Groh gave a synopsis of the history, and of the case outcome, of the Far Away Farms Supreme Court of Appeals Decision that was made on February 26, 2015 which found that the Planning Commission did violate W. VA. Code Article 6-9A(b)(12). The Supreme Court's Decision was to remand this case to the Circuit Court of Jefferson County. Mr. Steve Groh requested to keep this item on the Planning Commission agenda until this matter is closed. He will continue to monitor this case and keep the Planning Commission informed. A copy of the Supreme Court's Decision is attached to these minutes.

8. Directors Report:

- Ms. Brockman updated the staff in regards to the current open Zoning Administrator position. Three interviews were held on February 27, 2015. Second interviews are scheduled for March 11, 2015 and March 12, 2015.
- The David N. Slusher Zoning Map Amendment was approved by the County Commission on March 10, 2015.
- Recent/Upcoming CC Actions relevant to Planning:
 - Envision Jefferson 2035 Comprehensive Plan – APPROVED
 - County Commission Public Hearing for the Rezoning of the property owned by Standard Land Company is scheduled for March 19, 2015 at 7:00 PM.
 - Upcoming County Commission Public Hearings scheduled for March 26, 2015 at 7:00 PM are:
 - Recommendation to amend the definition of “days” from business days to calendar days in Section 26.200 of the Jefferson County Subdivision and Land Development Regulations.
 - Recommendation to amend Section 20.104, “Exceptions”, of the Jefferson County Subdivision and Land Development Regulations, subsection “C”, to “exempt” public utilities and private utility firms processing easements from these Regulations.
 - Recommendation to amend Section 24.300, “Waivers”, of the Jefferson County Subdivision and Land Development Regulations to change the last sentence of the introductory paragraph stating “No process or procedural waivers shall be granted” to “Process and procedural waivers shall be reviewed and found consistent with the above criteria prior to approval”.

9. Planning Commission and Liaison reports:

- None

10. President Report:

- None

11. Actionable Correspondence:

- None

12. Non Actionable Correspondence:

- None

13. Signing of approved Motions from previous meetings:

- None

Mr. Stephen Stolipher requested to add an actionable item to the next scheduled Planning Commission Meeting Agenda, April 14, 2015 to discuss the Roberts Rules for Small Boards.

Mr. Stephen Stolipher requested a Roundtable Discussion be scheduled for April 30, 2015 at 3:00 PM in the Library Meeting room.

Mr. Stephen Stolipher motioned to adjourn the meeting at 8:15 p.m.

A vote was taken and passed unanimously.