

Jefferson County Planning Commission
May 12, 2015

The Jefferson County Planning Commission met on May 12, 2015 with the following Commission members present: Steve Stolipher, President; Wade Louthan, Vice President; Gene Taylor, Secretary; Dale Manuel, Gary Phalen, Donnie Fisher, Peter Fricke, and Dick Childs . Staff members present included Jennifer Brockman, Director of Planning and Zoning; David Simon, Zoning Administrator; Rhonda Greenholtz, Planning Clerk; Jonathan Saunders, County Engineer; Lydia Lehman, Legal Counsel; and Nathan Cochran, Legal Counsel. Mike Chapman was absent with prior notification.

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

Mr. Stephen Stolipher introduced Ms. Lydia Lehman as Legal Counsel for the County Commission. Mr. David Simon also was introduced as the new Zoning Administrator for Jefferson County.

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

- March 10, 2015

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

2. Citizens Communications: Jessica Getman, General Manager Harpers Ferry KOA Campground. Mr. Stolipher stated that the proposed Amendments to the Campground Ordinance were not open for public comment at this time. Ms. Getman understands that and may be able to offer some suggestions. There is a lot of industry information and background that is available to assist the Commission in its consideration of the proposed amendments. Ms. Getman has offered her assistance in regards to the Amendments.

Mr. Dale Manuel informed Ms. Getman that she may submit any suggestions/comments in writing to the Planning Clerk who would then distribute them to the Planning Commission members for review.

3. Public Hearing: Proposed Urban Growth Boundary (UGB) for the corporation of Bolivar which shall be placed on the adopted County Zoning Map, once approved by the County Commission. WV State Code 8-6-4a establishes the authority under which a municipality may request such a boundary and requires that the boundary be established by the County Commission in agreement with the municipality. Bolivar's requested boundary is based on the Bolivar Growth Boundary delineated in Part 13, Article 1324 of the Town's Planning and Zoning Code, enacted December 18, 2003. Approval of this Boundary by the County Commission does not change the zoning classification of any property.

Mrs. Jennifer Brockman stated that the State law requires that the County and the requesting Municipality agree upon a proposed Urban Growth Boundary. The boundary will then be shown on the County Zoning Map. The Planning Commission's role is to advise the County Commission whether this request is consistent with the Envision Jefferson 2035 Comprehensive Plan. The proposed UGB was referred to in the Comprehensive Plan. Ms. Brockman identified the proposed boundary shown on the graphic provided in the staff report. The area was referenced in the Town Code of Bolivar adopted in December 18, 2003. The map was created from the Town of Bolivar's Growth Boundary that was included in the Town Code.

The Envision Jefferson 2035 Comprehensive Plan discusses UGBs as a planning tool and refers particularly to the Charles Town and Ranson areas where future urban development is desired. Bolivar representatives were present at the meeting.

Representative and Bolivar Town Council member Ms. Helen Dettmer spoke. Mayor Robert Hardy, Town Council members John Paul Hafer and Donna Callar, were also present. An information packet had previously been submitted to the County Commission by the Town of Bolivar. Seven (7) letters of support by residents living within the proposed UGB were submitted to the Planning Clerk for inclusion into the record. Roughly 212-220 citizens reside within the current Bolivar Town boundary.

Mr. Dick Childs asked if the proposed UGB included the Old Standard Quarry property. He also asked if the Old Standard Quarry property could be excluded from being included in the boundary if requested. Ms. Helen Dettmer responded that the request before the Planning Commission is to determine if the boundary can be granted as shown. The area in the Charter allows the Town of Bolivar to buffer the town within one mile of the Town limits. The UGB in the Bolivar Town Charter extends past the boundary the Town is currently requesting in some areas.

Ms. Dettmer explained that any annexations would be a future issue that would entail Public Meetings and elections. This request is to just set the Urban Growth Boundary.

Ms. Jennifer Brockman reiterated that the role of the Planning Commission is to determine if the proposed UGB is consistent with the Envision Jefferson 2035 Comprehensive Plan, not to discuss potential annexation.

Planning Commission members had numerous question for Legal Counsel regarding Annexation, such as if the properties within the boundary area could be forcibly annexed.

Discussion with Legal Counsel ensued regarding annexation and various directions that could be taken.

Mr. Gary Phalen asked if this request is in line with what was proposed in the Envision Jefferson 2035 Comprehensive Plan.

Mr. Nathan Cochran stated that the role of the Planning Commission is to determine if the request before them is consistent with the Envision Jefferson 2035 Comprehensive Plan. The forum is not to discuss annexations.

Mr. Robert Hardy, Mayor of Bolivar spoke and stated that there is no mention or plan in the near future for any annexations. The request is for establishment of an Urban Growth Boundary only.

Mr. Stephen Stolipher opened the floor to public comment.

Mr. Matt Knott (Owner/Operator, River Riders) and Ms. Jessica Getman (Manager, KOA Campground) spoke in opposition to the Proposed UGB citing concerns of possible future mandatory annexation.

Mr. Stephen Stolipher closed the floor to public comment.

Mr. Steven Stolipher stated that a letter from the Old Standard Quarry property owner was received by the Planning Commission requesting exclusion from the UGB.

Mr. Peter Fricke made a motion to advise the County Commission that the request is consistent with the Envision Jefferson 2035 Comprehensive Plan.

Mr. Dale Manuel made a subsidiary motion to postpone this request until the next scheduled Planning Commission meeting pending further legal investigation into the implications of an urban growth boundary on future annexations.

A vote was taken to postpone this action on Peter Fricke's motion until the June 9, 2015 Planning Commission meeting and the motion carried a vote of 6-2. (Mr. Peter Fricke and Mr. Gene Taylor opposed.)

4. Request for postponements: None
5. Discussion and action of the previously adopted Roberts Rules of Order for Small Boards. Staff supports keeping the Roberts Rules of Order of Small Boards with the exception of reinstating the "seconding" of motions. All other rules apply.

Mr. Steven Stolipher made a motion to reinstate the "seconding". Dale Manuel spoke in opposition to this change providing some background on the purpose for this provision. A vote was taken and passed with a vote of 6-2 (Mr. Peter Fricke and Mr. Dale Manuel opposed)

6. Discussion and possible action on the Historic Landmark Commission's proposed amendment to the Jefferson County Land Development and Zoning Ordinance to improve historic and cultural resource protections based on the recommendations of the Envision Jefferson 2035 Comprehensive Plan.

Mr. Martin Burke, Chairman of the Jefferson County Historic Landmarks Commission (JCHLC) presented the request. Mr. Burke stated that in the County's 2004 Comprehensive Plan, one of the duties recommended to the JCHLC was to conduct an inventory of structures older than 50 years. He gave an overview of the number and types of historic resources meeting the four established classifications and categories of historic sites. The inventory encompasses all resources older than 50 years and therefore goes back to 1957. The inventory enumerated 1,085 historic resources in the unincorporated areas of Jefferson County.

The second duty recommended to the JCHLC was to develop an ordinance to protect the resources in the four categories. Such provisions were drafted as a part of the new Zoning Ordinance that was approved by the County Commission in 2008 and subsequently rescinded due to a voter referendum. The 2035 Envision Jefferson 2035 Comprehensive Plan includes recommendations that these zoning ordinance provisions should be reviewed and reconsidered at this time so the JCHLC wanted to provide the Planning Commission an overview of the provisions of the proposed ordinance language. The main concern of the JCHLC at this time is the issuance of demolition permits on potentially historic buildings. Mr. Burke believes that there should be a longer investigation period

before a Demolition permit can be issued in order to provide options for alternative uses and/or to more thoroughly document the historic resource before it is demolished..

Mr. Dale Manuel made a motion to proceed with a draft amendment to the sections of the Ordinance relative to the demolition of and adaptive reuse of historic resource sites.

Mr. Steven Stolipher seconded the motion.

A vote was taken which carried unanimously.

Ms. Jennifer Brockman recommended including a representative from the building department as they will be more familiar with the requirements of State law pertaining to this issue. Ms. Brockman suggested setting up a work session and encouraged the Planning Commission members to participate. Ms. Brockman will begin a draft of the Ordinance.

7. A discussion was held on the following proposed amendments related to provisions for campgrounds created by an appointed citizen based committee for the purpose of scheduling a public hearing:
 - Proposed Amendment to the Jefferson County Land Development and Subdivision Regulations, Appendix B, Division 7 “Mobile/Manufactured Homes Parks and Campgrounds” to remove all reference to campgrounds;
 - Proposed Amendment to the Jefferson County Land Development and Subdivision Regulations, Appendix B, to create a new Division 8 “Campgrounds” (note this requires relabeling the existing Division 8); and
 - Proposed Amendments to the Jefferson County Zoning and Land Development Ordinance, to create a new Section 8.16 “Campgrounds” under Article 8, “Supplemental Use Regulations”

Ms. Jennifer Brockman stated the staff has not yet thoroughly reviewed the draft Zoning Ordinances and Subdivision Regulations, as they were awaiting direction from the Planning Commission. The drafts will require amendments to both the Subdivision Regulations and the Zoning Ordinance. Red line edits will be prepared and reviewed at the June 9, 2015 Planning Commission meeting. Public Hearings will be required separately on both of these items and can be held at the same Planning Commission meeting.

Mr. Donnie Fisher thanked the committee for producing a good start to the amendments. Mr. Steven Stolipher also wanted to thank the committee.

Mr. Stephen Stolipher stated the red line edits will be reviewed and voted on at the June 9, 2015 Planning Commission meeting. A Public Hearing will be tentatively scheduled for the July 14, 2015 Planning Commission meeting.

8. A discussion was held on Envision Jefferson 2035 Comprehensive Plan recommendations regarding modifications to the LESA/Conditional Use provisions of the Jefferson County Land Development and Zoning Ordinance as well as modifications to the Cluster Subdivision provisions of the Rural Zoning District.

Ms. Jennifer Brockman pointed out that any changes to the LESA must be tied to the Cluster Subdivision provisions. Ms. Brockman also pointed out recommendations to the LESA system

within the Envision Jefferson 2035 Comprehensive Plan. (shown on pages 38-40 of 256 of the Envision Jefferson 2035 Comprehensive Plan.) It was determined that it would be advisable for staff to meet with Legal Counsel to determine how to proceed with the recommended changes.

9. Review of Stakeholders meeting memo. The meeting was held on April 29, 2015. The memo will be distributed at the June 9, 2015 Planning Commission meeting.

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

Mr. Nathan recused himself from the following agenda item citing conflict of interest.

- Far Away Farms

Mr. Gary Phalen made a motion to enter into executive session at 8:50 PM. Mr. Dale Manuel seconded the motion. A vote was taken, which carried unanimously.

Mr. Dale Manuel made a motion to come out of executive session at 9:10 PM. Mr. Donnie Fisher seconded the motion. A vote was taken, which carried unanimously.

11. Directors Report:

- Mr. David Simon took the opportunity to introduce himself and give a brief description of his background.
- Landowner-initiated rezoning for a 404.69 +/- acre property owned by Standard Land Company, LLC from Rural and Residential Growth to Residential-Light Industrial-Commercial was approved by the County Commission on 4/2/15
- The following Planning Commission initiated text amendments to the Subdivision and Land Development Regulations were approved by the County Commission on 4/16/15
 - Amend definition of “days” from business days to calendar days in Section 26.200 (STA 15-01)
 - Amend Section 20.104 C, to “exempt” public utilities and private utility firms processing easements (STA 15-02)
 - Amend Section 24.300, “Waivers”, to allow process and procedural waivers (STA15-03)
- County Commission held a workshop regarding the proposed Zoning Ordinance text amendment regarding Mass Events (#ZTA 14-02) and referred the draft and the comments they received at their October 31, 2015 Public Hearing back to the Planning Commission for potential edits
- A Public Meeting on the Parks Master Plan will be held on May 13, 2015 at Sam Michaels Park from 7:00 PM to 8:30 PM. Attendance is encouraged.

12. Planning Commission and Liaison reports:

- Mr. Dale Manuel stated the Parks and Recreation Department received the necessary funding to construct an approximately 3 mile trail around the James Hite Park facility.
- Mr. Peter Fricke attended the last 2 meetings of the Historical Landmark Commission.

13. President Report:

- None

14. Actionable Correspondence:
 - None
15. Non Actionable Correspondence:
 - None
16. Signing of approved Motions from previous meetings:
 - None

Mr. Stephen Stolipher motioned to adjourn the meeting at 9:25 p.m.
A vote was taken and passed unanimously.