

Jefferson County Planning Commission
August 26, 2014

The Jefferson County Planning Commission met on August 26, 2014, with the following Commission members present: Steve Stolipher, President; Wade Louthan, Vice President; Gene Taylor, Secretary; Dale Manuel, Gary Phalen, Mike Chapman, Donnie Fisher, and Dick Childs. Staff members present included Jennie Brockman, Director of Planning and Zoning; Seth Rivard, County Planner; and Alexandra Beaulieu, Office/Project Manager.

Mr. Peter Fricke was absent with notice.

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

1. Review of and possible recommendations related to the Steering Committee's recommended DRAFT Envision Jefferson 2035 Comprehensive Plan based on the public comments provided at the Public Hearing on July 22, 2014, public comments received on or before 5:00 p.m. on July 28, 2014, and the Planning Commission members' input.

Mr. Stolipher stated that they would go through the document page by page and each member would have the opportunity to provide comments or recommendations.

There were no comments provided for pages 1 through 29.

Mr. Manuel recommended changing the word "create" as listed on recommendation 5 on page 30 to "encourage" so that the recommendation would read: "~~Create~~ Encourage urban level land uses to locate within the municipalities, UGBs, PGAs, or Villages through rezoning that is consistent with the Future Land Use Map and Comprehensive Plan policies."

Mr. Fisher recommended changing the word "require" to "recommend" as cited in Recommendation 2.c on page 30 so that it would read as follows: "~~Require~~ Recommend that all urban level residential and non-residential development and redevelopment efforts in the next two decades be focused on the municipal areas, including the Urban Growth Boundary (UGB) areas and the Preferred Growth Areas (PGAs)."

Mr. Manuel requested clarification regarding Recommendation 7 on page 31 and stated that the County Commission does not have funding for new infrastructure.

Mr. Rivard stated that the land use methods as discussed in the Plan encourage the process described in Recommendation 7. The Recommendation does not require the County Commission to fund the infrastructure.

Mr. Manuel requested that Recommendation 7.c on page 32 be amended to reflect the following addition: "In designating where public utilities are to be delivered, enable public utility providers the ability to right size the infrastructure needed as development occurs, *while considering the ability of current and future customer base to assume the debt for the infrastructure...*"

Mr. Stolipher recommended deleting Recommendation 13.d on page 34.

Mr. Manuel recommended deleting Recommendation 15.a on page 34. Staff explained that this is a provision in other state's utilizing the same building code.

There were no comments regarding the text between pages 35 through 40.

Mr. Manuel recommended deleting Recommendation 9 on page 42 because a study was already conducted which lead the County to the determination that TDRs wouldn't work in Jefferson County. Mr. Stolipher also recommended deleting Recommendation 9 on page 42.

Mr. Phalen recommended deleting Recommendation 5.b on page 42 as the concept would not go over well in Jefferson County because it would negatively affect tourism and would put a burden on restaurant owners. Mr. Manuel stated he agreed with the recommendation to delete 5.b.

There were no comments or recommendations regarding the text on pages 43 through 46.

Mr. Manuel recommended changing the word “shall” to “should” as cited in Recommendation 2.b on page 47 so the text would read: “Traditional suburban commercial strip development is not appropriate in the villages and village expansion areas and ~~shall~~ *should* not be approved.

There were no comments regarding the text on pages 48 through 51.

Mr. Louthan recommended changing the word “protect” to “enhance” as cited in Recommendation 4 on page 52 so that it would read: “Create and implement corridor management requirements to ~~protect~~ *enhance* accessibility....”

There were no comments regarding the text on pages 54 through 63.

Mr. Manuel recommended deleting Recommendation 3 on page 64 because a two-tiered impact fee system is not legal. Mr. Stolipher also recommended deleting Recommendation 3 on page 64.

Ms. Brockman stated that a consultant had informed her that a two-tiered impact fee is a legitimate way to encourage development in a specific area.

Mr. Manuel requested that legal counsel research legality of two-tiered impact fees for the next meeting.

There were no comments regarding the text on pages 66 through 72.

Mr. Manuel recommended adding text to Recommendation 5.c on page 73 to read: “Identify opportunities for private/public partnerships (or other creative forms of collaboration) between local and state government entities and private sector investment that would result in the creation or expansion of employment opportunities in Jefferson County *and to provide infrastructure for water and sewer.*”

Mr. Manuel stated for the record that Recommendation 11 on page 75 is a great recommendation considering that West Virginia ranks 48 in the County for teacher’s salary. Mr. Manuel stated that any scholarship funding is an incentive for keeping teachers in our state.

There were no comments regarding the text between pages 76 through 81.

Mr. Stolipher recommended deleting Recommendation 1.b on page 82 because it is redundant; already discussed deleting from earlier sections.

Mr. Manuel stated that Recommendation 1.a on page 82 is a legislative matter. Ms. Brockman clarified that the recommendation was related to identifying additional funding sources such as grants. Mr. Manuel stated that identifying additional funding sources was a good plan and that the County had recently received a grant through the Civil War Trust.

Mr. Manuel recommended adding text to either Recommendation 14 or 15 to read: “*Encourage the Board of Education to provide equal vocational education programs in all middle schools and high schools throughout the County.*” He reiterated that it is important to have the same opportunities available throughout the County such that the schools have the same vocational teachers at each school.

There were no comments regarding the text in pages 86 through 88.

Mr. Fisher recommended deleting Recommendation 8.a on page 89.

Mr. Manuel stated that he would be concerned with deleting this because businesses operating on the river should factor property owners along the river into their development plans.

Mr. Stolipher requested adding text on page 90 and a Recommendation to have one provider for water and sewer. He requested that staff write the recommendation and insert where appropriate within the Infrastructure Section.

Mr. Manuel recommended adding text to Recommendation 1.a on page 97 to read: "Require members of the development community and utility and service providers to collaborate regularly to plan for future infrastructure needs, *while considering the impact on the individual consumer rates.*"

Mr. Chapman requested clarification on Recommendation 5 on page 97 regarding septic systems. PC members discussed the recommendation. Mr. Manuel questioned the legality of Recommendation 5.b. Ms. Brockman stated that staff would research State Law to determine legality of Recommendation 5.b.

Mr. Chapman recommended deleting Recommendation 9.c on page 98. Ms. Brockman stated that the recommendation pertained to preparing for future providers and the approval of cell towers. Mr. Chapman stated that the recommendation could be re-worded to be clearer rather than deleting altogether.

Mr. Manuel recommended adding text to Recommendation 12 on page 99 to read: "Financially create a reimbursement funding mechanism that would allow for pump stations and water mains that serve one subdivision to be oversized or expanded upon to serve nearby future development within the designated growth areas, *not solely dependent on revenue from rate payers but also the development community.*"

There were no recommendations regarding the text between pages 100 through 116.

Mr. Manuel recommended deleting Recommendation 1.d on page 117. He stated that the recommendation could be amended to read: "*Consider the development of transportation designated funding to support future roadway funding.*"

Planning Commissioners discussed Recommendation 6.c on page 118 regarding bike and pedestrian path connectivity. Mr. Manuel recommended that the word "require" be changed to "recommend" or "*Strive to provide connectivity between bike and pedestrian paths* ~~Require residential development to include bike and pedestrian paths~~ that pass through or connect to adjacent new and existing residential developments."

Mr. Stolipher recommended deleting Recommendation 4.f on page 122. Mr. Chapman asked for clarification about what it meant.

Mr. Stolipher recommended deleting Recommendation 6 and clarified that Recommendations 6.a, 6.b, 6.c, and 6.d should remain.

Mr. Stolipher recommended adding a new recommendation to read: "*Implement local tax credits for remodeling or rebuilding historic structures.*" He stated that the new text could be added under Recommendation 10 or 11.

There were no comments regarding the text on pages 124 through 127.

Mr. Chapman requested that Recommendation 1.c on page 128 be amended for clarity to state that it applies to new lights with new development or redevelopment of existing sites, and not that existing lights be retrofitted.

Mr. Stolipher recommended deleting all of Recommendation 1, including 1.a through 1.e. It was stated that each item will be considered as individual actions when put to a vote

There were no comments regarding the text on pages 130 through 132.

Mr. Stolipher recommended deleting Recommendation 6.c on page 134. After some discussion, he recommended that the recommendation be changed to be applicable in specific circumstances such as large portions of property preserved for natural or common areas or donations of large parcels to Parks and Recreation.

There were no comments regarding the text on pages 137 through 139.

Mr. Manuel recommended deleting the portion of Recommendation 2 on page 140 which reads "...as the County Commission and municipalities do not fund school construction."

Mr. Manuel recommended amending Recommendation 10.a on page 142 to include text which reads: "*Encourage legislation to remove prohibition of duplicative trade programs in local areas.*" Mr. Manuel stated the prohibition restricts duplicative programs within the region, and that James Rumsey serves as a regional center to Jefferson, Berkeley, and Morgan Counties and their programs cannot be duplicated in local high schools.

There were no comments regarding the text on pages 143 and 144.

Mr. Manuel recommended deleting Recommendation 4 on page 145. Mr. Stolipher was in agreement with the recommendation to delete Recommendation 4.

Mr. Stolipher recommended deleting Recommendation 8 on page 145. Mr. Manuel was in agreement with the recommendation to delete Recommendation 8.

There were no comments regarding the text on pages 146 through 148.

Regarding provisions on pages 148 and 151 (Recommendation 16), Mr. Chapman requested that a clause clarifying what qualifiers are proposed for property tax reductions. Mr. Manuel suggested a sliding scale. Staff responded stating that they would draft a paragraph to add the requested text and send an email this week.

Mr. Stolipher recommended deleting Recommendation 7 on page 149. Mr. Manuel agreed.

Mr. Stolipher recommended deleting Recommendation 11, 11.a, .b, and .c on page 150 and other recommendations throughout the text related to two-tiered impact fees. Mr. Manuel agreed.

Mr. Manuel stated that the information in Recommendation 10 on page 150 needs to be modified to reflect the correct language as this is already permitted in Jefferson County under the Local Powers Act. He recommended checking with legal counsel on the wording.

Mr. Stolipher recommended deleting Recommendation 13 on page 150. Mr. Manuel and Mr. Phalen agreed with the recommendation to delete 13 on page 150.

Ms. Brockman stated that she would amend Recommendation 13 to reflect the correct definition as suggested by Mr. Manuel. Mr. Manuel stated he would provide the correct information regarding the process for a levy.

Mr. Manuel recommended deleting Recommendation 12 on page 150. The possible uses of a TIF or BID in the villages needs to be discussed further.

There were no recommendations regarding the text on page 152.

Mr. Manuel recommended re-wording Recommendation 13 on page 153 as the County has already provided competitive pay for county employees.

There were no comments regarding the text on pages 154 or 155.

Mr. Manuel recommended deleting Recommendation 1 on page 156 because it is a legislative issue and cannot be addressed at a local level in the Comprehensive Plan. Mr. Stolipher and Mr. Taylor agreed with the recommendation to delete Recommendation 1 on page 156.

There were no comments regarding the text on pages 158 through 164.

Mr. Stolipher inquired as to whether anyone had comments related to the maps in the Draft Plan.

Mr. Manuel stated that the Cluster Density comment provided during the 07-22-14 Public Hearing was a good recommendation. Staff's recommendation was to amend the Plan to state: "The remaining 50% of the land should remain in agricultural use, open space, and/or forest/woods."

The Planning Commission discussed the September 9 meeting agenda and agreed to postpone the review and discussion of the draft amendment to the Zoning Ordinance regarding Mass Event Regulations until the October meeting so that they could focus on finalizing the recommended revisions related to the comments received on the Comprehensive Plan.

Mr. Manuel motioned to adjourn the meeting 8:57 PM. Mr. Chapman seconded the motion, which carried unanimously.

**Attached to these minutes are the comments provided by Planning Commission members after the meeting.*