

MEETING FOR 1/22/04 MEETING

Present at the meeting were: Arlie Funk, Grover See, George Leatherman, Charlotte Bowman, Bill Ours, Russ Ratliff, J.R. Keplinger and Dave Heishman.

Guests present were: Dick Hughes, Renick Williams, and Jim Turnock.

Paul opened the meeting by announcing that Lee Thompson has retired from the Hardy County Health Department and that Bill Ours will be sitting in for him on the Planning Commission. Lee is presently stationed in Fort Dix, New Jersey and awaiting deployment to Iraq.

Russ Ratliff made a motion to accept the December 16, 2003 minutes as written. The motion was seconded by Arlie Funk. The motion passed.

Paul Lewis recommended that public hearings be held on the Hardy County Zoning Ordinance for the purpose of taking comments from the public. He suggested that the Planning Commission hold a meeting following the public hearings so that the members can review the comments that were made before presenting the proposed ordinance to the County Commission. Paul would like to advertise for the hearings by the first of March.

Dave Heishman added that the only delay in having the hearings is the completion of the mapping so that the zoning map can be displayed for the public.

Paul announced that the Department of Highways will be making upgrades to Rt. 220 South in the form of a 4-lane road to Grant County.

Russ Ratliff made a motion to adjourn the meeting. Dave Heishman seconded the motion. The meeting adjourned at 7:45 pm.

MINUTES FOR THE 2/17/04 MEETING

Present at the meeting were Paul Lewis, Bill Ours, Dave Fansler, Arlie Funk, Phyllis Cook, Grover See, Charlotte Bowman, Russ Ratliff and guest, Dave Jopling.

Dave Jopling explained that he had completed the zoning map and that he had two copies with him for the members to study.

After reviewing the map, Russ Ratliff made a motion to extend one of the residential zones across the top of mountain ridge to Corridor H (in the Arkansaw area). The motion was seconded by Phyllis Cook. The motion passed. David Jopling will make this change.

Discussion began regarding the locations at which the completed zoning map would be displayed. Tentatively, it was decided that the map would be on display in Wardensville at the War Memorial Building, in Mathias at the bank or post office, in Moorefield at the courthouse, and in Baker at an undetermined location. Public hearings will be held in Wardensville, Mathias, and Moorefield. It is the Planning Commission's desire to begin holding these hearings to take written comments by April 20, 2004.

The minutes from the January 22, 2004 were reviewed by the members. Grover See made a motion to accept the minutes as written. Arlie Funk seconded the motion. The motion passed.

Paul Lewis stated that the Comprehensive Plan needs priority revision. He also mentioned revision of the Subdivision Ordinance which he feels should include types of subdivisions, road installation requirements, restrictions on the number of parcels permitted to transfer to related individuals, and widening of the roads.

Grover See made a motion to adjourn. The motion was seconded by Bill Ours. The meeting adjourned at 8:20 pm.

MINUTES FOR THE 3/16/04 MEETING

Present at the meeting were Paul Lewis, Charles Kohne, Arlie Funk, George Leatherman, Lee Lehman, Grover See, David Heishman and J.R. Keplinger.

Guests present were Dick Hughes and David Jopling.

Grover See made a motion to accept the minutes from the February 17, 2004 meeting. J. R. Keplinger seconded the motion. The motion passed.

David Jopling distributed his descriptions of the commercial, residential and industrial zones. The members will review them for discussion at the next meeting.

Paul Lewis requested that the subcommittees for the Subdivision Ordinance and the Comprehensive Plan meet in the near future to begin updating and revising both.

Grover See made a motion to adjourn. The motion was seconded by J.R. Keplinger. The meeting adjourned at 8:05 pm.

MINUTES FOR 4/20/04 MEETING

Present at the meeting were Paul Lewis, Arlie Funk, Grover See, Lee Lehman, Charlie Kohne, Charlotte Bowman, Dave Heishman and J.R. Keplinger.

One guest, Dick Hughes, was present.

Paul Lewis asked for a motion to accept the minutes from the March 16, 2004 meeting. Arlie Funk made a motion to accept the minutes as written. The motion was seconded by Lee Lehman. The motion passed.

Paul displayed a revised plat for Old Fields Subdivision. The revised plat adds two additional tracts to the subdivision. Arlie Funk made a motion to accept the revision. The motion was seconded by Grover See. The motion passed.

Trout Run Forest Subdivision was then discussed and Phase II of the plat was reviewed. A bridge will be proposed. The public hearing for Trout Run Forest will be held on May 18, 2004 at 7:00 pm.

Enlarging the commercial zone at Baker was debated. Grover See made a motion to use the original circumference that follows the boundaries of the river as a commercial district. The motion was seconded by J.R. Keplinger. Charles Kohne abstained. The motion passed.

A motion was made by Lee Lehman to designate the Fitzwater tract following Corridor H as industrial and the land on the opposite side as commercial. Dave Heishman seconded the motion. The motion passed.

Members of the Comprehensive Plan subcommittee discussed updating the plan and will begin working on it in the near future.

Zoning of Lower Arkansaw Road was the final subject of the evening. Dave Heishman made a motion to follow the contours of Lower Arkansaw Road designating the east side as agricultural and the west side as residential. The motion was seconded by Lee Lehman. The motion passed.

Paul announced that the next meeting will be held on May 18, 2004 which will also be the public hearing for Trout Run Forest Subdivision.

Arlie Funk made a motion to adjourn the meeting. The motion was seconded by Grover See. The meeting adjourned at 8:15 pm.

MINUTES FOR 5/18/04 MEETING

Present at the meeting were Paul Lewis, Arlie Funk, Charlotte Bowman, Phyllis Cook, Russ Ratliff, Charles Kohne, Grover See and J. R. Keplinger.

Guests present were John Bowman, Dick Hughes, Darwin Bergdoll, Tom Matthes, Ed Mayhew, Vickie Dyer, James Dyer, and Mr. and Mrs. Jay Mathias.

Arlie Funk suggested changes to the minutes from the April 20, 2004 meeting. He then made a motion to accept the minutes as corrected. The motion was seconded by Grover See.

The first order of business was Trout Run Forest Subdivision. The developers were asked questions concerning permits, grades, number of lots, variances, landowners meetings, cost of lots and formation of a Board of Directors. Following the answers and explanations, Arlie Funk made a motion to approve Phase I of Trout Run Forest Subdivision. The motion was seconded by Russell Ratliff. All were in favor. The motion carried.

The second order of business regarded release of Bob Dillard's remaining funds. The Planning Commission agreed that additional answers were needed regarding stone type, grades, ditches and compaction of culverts.

Paul announced that a subdivision application had been received from GOWEST, LLC. Paul said copies of the application will be sent to the members for review prior to the public hearing.

Paul reminded the members that the public hearings for the Hardy County Zoning Ordinance will be held on June 14, 2004 at East Hardy High School and June 15, 2004 in the courtroom of the Hardy County Courthouse. Both hearings will be from 6:00 – 8:00 pm.

Russ Ratliff made a motion to adjourn. The motion was seconded by Arlie Funk. The meeting adjourned at 8:25 pm.

MINUTES FOR JUNE 14 & 15 PUBLIC HEARINGS

June 14, 2004 – East Hardy High School

Planning Commission members present at the June 14, 2004 public hearing on zoning were: J. R. Keplinger, Charles Kohne, David Heishman, David Fansler, Charlotte Bowman, Russ Ratliff & Phyllis Cook. The County Planner, Paul R. Lewis, conducted the hearing. Former Planning Commission Chairman, David Jopling, was also present.

County Commissioners Mike Teets, Roger Champ, and J. R. Keplinger were all in attendance. Nineteen guests from the vicinity attended.

The questioning began by discussing the zoning map and the written ordinance. The question was posed, that in case of error, does the map take precedence over the written ordinance. Paul Lewis responded that, presently, the map does take precedence over the written ordinance until all wording corrections have been made so that it will coincide with the map.

A question was raised concerning taxation of residents currently living on land that they use for agricultural purposes. The proposed zoning will place them in a residential zone. It was explained to these residents that property taxes will be based on the land's current use.

One of the guests asked whether agricultural land could be developed under the proposed ordinance. Paul Lewis said that it could. Concerns were expressed about the development of subdivisions and the allowance of as many as 20 lots. This will most likely be revised.

The ordinance adoption procedure was discussed. The commissioners must accept the entire map or return it to the Planning Commission with recommended changes.

June 15, 2004 – Hardy County Courthouse

Planning Commission members present at the June 15, 2004 public hearing on zoning were: Lee Lehman, Phyllis Cook, Grover See, Arlie Funk, George Leatherman, David Heishman, J. R. Keplinger, Charles Kohne and Russell Ratliff. The County Planner, Paul R. Lewis, conducted the hearing. Former Planning Commission Chairman, David Jopling, was also present.

County Commissioners Mike Teets, Roger Champ, and J.R. Keplinger were all in attendance. Ten guests attended.

Paul Lewis announced that the public hearing with the County Commission will be held on Tuesday, July 20, 2004 at 1:00 pm.

One of the guests asked if there would be public hearings when a variance was requested under the ordinance. Paul stated that there would.

There was continued discussion about the commercial area at Baker. The original circumference that follows the boundaries of the river will be the commercial zone.

Campground owners present at the meeting asked that the size of the tent lots be reduced while keeping the trailer lot areas the same.

There were no more questions, therefore the public circulated in the courtroom to review the maps and to ask questions of the Planning Commission members.

MINUTES FOR 7/13/04

Present at the meeting were Arlie Funk, Phyllis Cook, Russell Ratliff, David Heishman, Charlotte Bowman, Lee Lehman, George Leatherman and Paul Lewis.

Guests present were Dick Hughes, Charles May, Jennings Shell, Sonja Shell, Robert Westfall, Joan Westfall and Stephen Smith.

The first question posed by the public concerned the procedure for the presentation of the Zoning Ordinance to the County Commissioners. David Heishman explained that the County Commission would either adopt or not adopt the ordinance.

Stephen Smith expressed concern over the area west of Moorefield being zoned agricultural. He stated that growth is being limited due to this regulation.

Russ Ratliff explained that if the Zoning Ordinance is adopted, the map will have to be recorded and will be the "governing instrument."

Two letters were received from the Trout Pond Property Owners Association. The first letter listed "restricted uses" which they thought should be included in the ordinance. The Planning Commission made the decision that these particular uses should be included in the covenants for the subdivision.

In the second letter, the Association expressed concern over the need for regulations for the construction and maintenance of roads in Hardy County. The Planning Commission decided that this would fall under the control of the Department of Highways.

Several guests present expressed their objections to their agricultural land being placed in a residential zone. Dave Heishman explained that the purpose of zoning is to utilize land for its "highest and best use."

After extensive discussion, George Leatherman made a motion to change the land in point (the area extending from Strawderman Hollow to Mongold Hollow) to be changed from residential back to agricultural. The motion was seconded by Arlie Funk. All were in favor. The motion passed.

Page #44 of the ordinance, which deals partly with camping sites as a conditional use, was discussed. A specified area for tent camping was the issue, and it was decided that 600 square feet plus parking should be included in the description. Russ Ratliff made a motion to delete the word "trailer" and add "600 square feet" to encompass tents and parking. The motion was seconded by Phyllis Cook. The motion passed.

The permitted use of subdivisions of 20 lots or less in an agricultural zone was debated. Phyllis Cook made a motion to leave this as is for presentation to the County

Commissioners. The motion was seconded by Grover See. A vote was taken and there was one “nay.” The motion passed.

Russ Ratliff made a motion to present the ordinance as amended to the County Commission. The motion was seconded by George Leatherman. All were in favor. The motion passed and the Hardy County Zoning Ordinance will be presented to the Commission on Tuesday, July 20, 2004 at 1:00 pm.

David Heishman made a motion to adjourn which was seconded by Arlie Funk. The meeting adjourned at 8:40 pm.

MINUTES FROM 7/20/04 MEETING

Present at the meeting were: Paul Lewis, Charles Kohne, Grover See, Phyllis Cook and Lee Lehman.

Guests in attendance were John Hogan, John Basye, Dan Waldmann & Greg Lind, developers for GoWest, LLC. Dick Hughes was also in attendance.

John Hogan explained that the proposed subdivision has a total of 14 lots. Percolation results were discussed with questions by the developers as to the reason for having to perk all lots. The necessary percolation tests must be performed before a final plat is approved or the first lot is sold.

Before leaving, Greg Lind said that he will be sending the perk test results and the road grade percentages in the near future. He asked Mr. Lewis to send him a letter stating that he may continue with the project.

Phyllis Cook attended the public hearing on the Hardy County Zoning Ordinance and said that the commissioners objected to the 20 lot or less subdivision provision in an agricultural zone. They felt that this permitted use should be more restrictive, allowing fewer lots. In addition, the commissioners questioned the 25% expansion restriction on an agricultural structure in a residential zone. The next meeting of the Planning Commission is tentatively set for August 17.

Charles Kohne reported on the progress of the updating of the Subdivision Ordinance.

The meeting was adjourned at 8:20 pm.

MINUTES FOR 8/23/04 MEETING

Present at the meeting were Paul Lewis, Phyllis Cook, Arlie Funk, Lee Lehman, Charlotte Bowman, Charles Kohne, Grover See and George Leatherman.

Guests present were John Bowman, Bob Dillard, Tammy Stanley, David Mickow and Dick Hughes.

Bob Dillard had requests and suggestions for the Planning Commission. First, he asked that the President of the Planning Commission sign his plat for the Summit at Lost River.

Secondly, Mr. Dillard described the lack of a cross-referencing method with his septic permits. Many times, the septic permit applicants are the certified installers or the new owners, and there is no way to trace the property back to Mr. Dillard. He suggested that the 9-1-1 mailing address application be attached to the septic application so that a search can be possible using the 9-1-1 address. Mr. Lewis explained that this would be a Health Department decision.

Mr. Dillard's last question dealt with the fact that burning or burying debris is prohibited. He wanted to know who polices the adherence to this law. Mr. Lewis stated that it is the Department of Natural Resources.

The minutes from May 18, 2004, July 13, 2004 and July 20, 2004 were reviewed by the members of the Planning Commission. Grover See made a motion to accept the three sets of minutes as written. The motion was seconded by Lee Lehman.

The Planning Commission reviewed the plat of "Trout Run Forest," Phase II. Paul stated that there were 25 lots and that he advised the developers of the need for a 16' travel way on the bridge.

The last matter to be discussed was the Hardy County Zoning Ordinance and the two revisions that the County Commissioners have expressed. The first is subdivisions in an agricultural zone, and the second is to increase the permitted amount of development for an agricultural structure in a residential zone.

Paul concluded by saying that a consultant, Marjorie Ryan, has been hired to review, evaluate, and suggest changes for the zoning ordinance.

Charles Kohne made a motion to adjourn. The motion was seconded by George Leatherman. The meeting adjourned at 8:20 pm.

MINUTES FOR 9/20/04 MEETING

Present at the meeting were Paul Lewis, Lee Lehman, Charles Kohne, J.R. Keplinger, Russell Ratliff, Grover See, Charlotte Bowman and Arlie Funk.

The only item on the agenda was the request of a variance by Melbourne Properties for Trout Run Forest. John Folds spoke on behalf of the company. Mr. Folds feels that the proposed 14' bridge is adequate for the number of lots, however, Melbourne will do whatever is necessary to be in compliance with the subdivision ordinance.

Charles Kohne made a motion to deny the request based on the following:

1. The variance request needs to be submitted with the application.
2. There has been no determination of hardship.
3. The Subdivision Ordinance requires a 16' travel way with 2' shoulders.

The motion was seconded by Russell Ratliff. The motion passed.

Grover See made a motion to accept the minutes from the August 23, 2004 meeting as written. The motion was seconded by Charles Kohne. The motion passed.

Grover See made a motion to adjourn. Charles Kohne seconded. The meeting adjourned at 8:30 pm.

MINUTES FOR 10/18/04 MEETING

Present at the meeting were Paul Lewis, Arlie Funk, Phyllis Cook, Grover See, Charles Kohne and Dave Fansler.

Guests present were Renick Williams and Chris Miltenberger.

Mr. Williams, Mr. Miltenberger and the Planning Commission members briefly discussed Mr. Williams' proposed subdivision to be located on the Clark property near Markwood Road. Mr. Williams will make application and have all lots perked in the meantime.

Paul stated that a historical preservation section needs to be included in the zoning ordinance as per the recommendation of Marjorie Ryan of Mullin & Lonergan Associates. After this section is added, Ms. Ryan will review the ordinance prior to holding public hearings.

The meeting adjourned at 8:15 pm.

MINUTES FOR 11/30/04 MEETING

Present at the meeting were David Heishman, Charles Kohne, Grover See, Dave Fansler, Arlie Funk, Russ Ratliff, J. R. Keplinger, Lee Lehman, Steve Caldwell, and Paul Lewis.

Guests present at the meeting were Dick Hughes, Renick Williams, Stanley Moyer and Marjorie Ryan of Mullin Lonergan Associates.

Minutes from the last meeting were discussed, and Charles Kohne moved to accept them. Grover See seconded the motion. The motion passed.

Charles Kohne discussed the Corridor "H" exit at Wardensville regarding the exit ramp, and the grade that they used for the ramp is 9%. Charles wanted the Planning Commission to send a letter opposing cutting off Trout Run Road Cutoff. Dave Heishman moved to send a letter to the Department of Transportation requesting that the Trout Run Cutoff road stay open permanently. Charles Kohne seconded the motion. The motion carried.

Paul introduced Marjorie Ryan of Mullin Lonergan Associates who has been reviewing the Zoning Ordinance to make sure it meets the new state code.

Marjorie went over the ordinance with the members and discussed issues with the ordinance and what was needed to satisfy the state law. She said that the Planning Commission members did a great job with writing the ordinance.

Paul noted that he had made some other changes that were requested by Marjorie but that she has not reviewed them. Marjorie said that she would review the ordinance again for completion and let us know what still needs to be added.

Members discussed the intersection of Corridor "H", Cunningham Lane and Route 55 area and whether to make it commercial in that area. Russell Ratliff moved to make that area commercial. It would extend from Cunningham Lane south about ¼ mile; not to cross Route 55, and then follow Route 55 for ¼ mile. It would then follow Cunningham Lane southwest ¼ mile across old Route 55 and cross the Corridor, stopping at old Route 55 on the northeast side. Grover See seconded the motion. The motion carried.

Members discussed farm uses versus subdivision. It was discussed that the County Commission would like to see the section in the agricultural area eliminated whereby we allow a subdivision of up to 20 lots. They felt that in order to protect the agricultural area, that we should let this be a conditional use, whereby they would have to follow the ordinance in getting approval for subdivisions in the agricultural areas if we really want to protect the agricultural land. After a discussion of this, the members decided to take it up in the January meeting.

With no further business, the meeting was adjourned.