

01/15/01 Minutes

Present at the meeting were Paul Lewis, Dave Fansler, David Heishman, Dave Jopling, Arlie Funk, Phyllis Cook, and visitors, Vernon Boggs and Sheldon Barb.

Mr. Boggs and Mr. Barb want to develop two subdivisions near the Hardy County/Rockingham County line. The two tracts are 150 acres and 160 acres. They are located off of Crab Run.

A problem exists regarding a right-of-way. There is a gate across the right-of-way which the commission members agreed was a legal issue. The width of the right-of-way is the only issue that concerns the Planning Commission.

Dave Jopling stated that if there is a county road, it can be widened.

David Heishman added that if public monies have been spent to maintain a road, it is a public road.

Mr. Boggs said they would like to develop 11-15 lots on the 150 acres and 15-20 parcels on the 160 acres. The right-of-way for the 160 acres passes over five land owners' property.

Dave Jopling stated that a right of way must be 16 feet when coming off of a state maintained public road. This width will allow two-way traffic. This is known as the "travelway." David Heishman feels that 20 feet will be the standard for a right-of-way which allows for 16 feet of right-of-way and two foot shoulders on each side.

Paul advised Mr. Boggs to check the county DOT office to see if public money has been spent to maintain the road. Paul also advised Mr. Boggs to contact Tom Youngblood to do the research on these county roads. Paul added that Mr. Youngblood handles "orphan roads."

Since this county road crosses Mr. Boggs' property, Phyllis stated that Mr. Boggs is not responsible for the width of it, only the road leaving it.

The discussion then turned to other issues. David Heishman said that a zoning ordinance needs to be put in place to present to the public. It needs to be determined which zones are where, and it would be futile to start hearings on the old zoning ordinance.

Paul feels that the county's flood ordinance should be revised and updated with some changes.

Another meeting was scheduled for January 29, 2001.

PLANNING COMMISSION MINUTES

January 29, 2001

Present at the meeting were: Paul Lewis, Grover See, Dave Jopling, Arlie Funk, George Leatherman, Phyllis Cook, Russel Ratliff, J. R. Keplinger and David Heishman.

David Heishman was nominated to be Chairman of the Planning Commission. This was seconded by George Leatherman.

Paul will be receiving a copy of the zoning ordinance for Jefferson County. Paul expressed a desire to split the members of the commission into groups for the purpose of working on the ordinance for Hardy County. Paul went on to explain the format of Jefferson County's ordinance.

There was a discussion over the matter of the necessity for regulations regarding signs (size and set-back) in the ordinance. Jefferson County regulates signs inside and outside of its businesses.

George brought up the subject of wells being too close to hay fields when spraying. Phyllis mentioned that in Shenandoah County, manure cannot be spread within 50 feet of a property line.

Paul assigned the members of the commission to groups which he divided into categories: Commercial, Residential and Agricultural. Assigned to the commercial group were David Heishman, J. R. Keplinger and Russel Ratliff. Assigned to the residential group were Phyllis Cook, Dave Jopling, Charlie Kohne and Lee Thompson. George Leatherman, Arlie Funk, Grover See and David Fansler will serve on the farm committee. Paul stated that the agricultural properties can be divided into as many as three zones. The next meeting is scheduled for February 12, 2001.

The subject of flood regulations came up, and it was decided that they should be included in this zoning ordinance. Dave Jopling stated that the zone A's (areas with no elevation) create a problem when it comes to issuing elevation certificates.

George wants to contact the railroad regarding marking the floodplain.

David Heishman stated that the new topographical maps that he has seen show elevations at all road intersections.

Dave Jopling feels that hydrology studies need to be done between the Old Fields Bridge and town.

Annexation of land as far down Rt. 220 North as Wal-Mart was discussed.

Paul stated that hearings concerning the by-pass will be held soon.

George brought up the subject of the 8-acre subdivision exemption. He feels it would be desirable to have clusters of houses on an 8-acre parcel to prevent "sprawl." Dave Jopling expressed the feeling that when a buyer purchases 8 acres that that person is looking for seclusion.

Paul stated that three or four subdivisions are ready to start. He added that Mr. Boggs and Mr. Barb have learned from the DOH that the road they are concerned with at Crab Run belongs to the DOH.

Dave Jopling asked the question, "At what point in time do we say that a subdivision is grandfathered?" Paul responded by saying that it would not be grandfathered until the planning commission approves it. He referred to the ordinance which states that an application should be considered formal unless the applicant is advised within seven days of submission of all documents.

J. R. wanted to know how precise the zoning has to be. David Heishman asked if we are putting zones where they are now or where we think they should be in the future.

Dave Jopling added that after the ordinance is in place, a property owner has the right to appeal a zone.

The meeting was adjourned.

02-12-01 MINUTES

Present at the meeting were: Paul Lewis, Lee Thompson, Grover See, Arlie Funk, George Leatherman, Dave Jopling, Dave Fansler and Charlie Kohne.

Dave Jopling posed the question, "Should mobile home parks be in residential areas?" He feels that we need to get away from the old regulation.

Lee stated that there is a problem with the mobile home park requirements regarding the type and age of the mobile homes.

Paul asked if the members of the commission felt that we should adjust the old zoning or "start from scratch." Lee stated that we need to decide what zones we want. He added that there were industrial sites that were never developed for manufacturing.

George Leatherman asked a question about building in flood zones. Paul stated that the water table can be raised one foot. After the one foot raise, there is to be no more development in that area.

Lee brought up the subject of family cemeteries. He said that the code provides that anyone can establish his own cemetery. Lee wants wells as far away from cemeteries as possible because of the dangers of formaldehyde.

Members discussed the old zoning ordinance and why everything was allowed in agriculture.

Dave Jopling stated that farmers want the freedom to do whatever they want with their land.

Charlie Kohne changed the discussion to mobile home parks. He feels that they are the number one problem and that standards need to be set up. He feels that the lots are too small and that that is one of the primary reasons for disputes and arguments among the residents of the trailer parks. He stated that 60% of the housing in West Virginia is mobile homes and that the problem is becoming "epidemic." Lee stated that with Corridor H, the problem will continue to get worse and that property owners with extra land will rent to mobile home owners.

Paul stated that utility rights-of-way can't be less than 40 feet. It was mentioned that developers should insist on a twenty-foot travelway.

The agricultural sub-committee then met, and the residential group met.

George Leatherman suggested that the minimum requirement for mobile home sites be increased from 2,500 square feet to 5,000 square feet. He also said that there should be a fifty-foot setback from property lines for wells and no spraying within fifty feet of a property line.

Paul feels that the "A District" should be changed to a rural district (agricultural plus residential). George feels that it should be left as agricultural and that "wellhead protection" should be added.

Mobile home and modular home dimensions were discussed. Most mobile homes are 14' wide, and modulars are 16'.

The residential group discussed setbacks and the lot sizes that should be allowed when doing a subdivision. Also, setbacks and septic systems were discussed.

The next meeting was scheduled for February 26, 2001.

02/26/01 MINUTES

Present at the meeting were Paul Lewis, David Jopling, Grover See, Arlie Funk, Russel Ratliff, Lee Thompson, J.R. Keplinger, David Heishman, Charles Kohne and Dave Fansler.

Paul began by reviewing the topics discussed at the last meeting. Both the residential and agricultural groups discussed setbacks. The ag group discussed wellheads.

Russel, being a member of the commercial planning group, expressed a desire to have a chart of setbacks similar to the one in the Jefferson County Zoning Ordinance. Copies of the Jefferson County zoning map are also needed, and Paul will discuss this with Greg Ely.

David Heishman stated that he feels that zoning needs to be done regardless of land ownership. He stated that the Baker area needs to be zoned even though Robert Ludwig owns practically all of it. He feels that the zones should be definite; that no one should "bow" to those who own land.

Paul requested that the members of the commission turn in their round-trip mileage.

At this time, the three groups met separately.

Lee stated that he would like to see simply an "R" district rather than an "R-1" and "R-2."

The exclusion of "tents, cabins and mobile homes" was discussed. Lee stated that "cabin" needs to be defined. He also feels that a square foot limit needs to be set for dwellings which he feels would eliminate the cabin problem and the construction of other undesirable buildings.

Phyllis feels that cabins should be eliminated altogether.

Dave disagreed with the square foot limit proposed by Lee. He stated that older people might wish to have a 700 square foot home. Lee stated that if you do not clarify size requirements for a single-family dwelling, you can end up with anything.

Dave doesn't want to be "exclusive" by limiting certain zones to "the rich."

Charlie added that zoning is actually "segregation by money." Lee said that if you don't restrict, why should we even be concerned with residential zones at all.

Dave stated that a residential zone keeps commercial buildings out.

Charlie stated that if you want only houses surrounding your home, you should live in a subdivision.

The subject changed to manufactured homes. Dave feels that they should be placed wherever the owner desires.

Lee defined a manufactured home as one that has a steel frame under it that cannot be removed.

Charlie feels that to insure quality of these homes, inspectors would need to be involved.

Paul defined a manufactured home as being at least 8' by 40' and transportable. A modular home is one that is fabricated and installed on a "built site."

Charlie feels that this is all a matter of terminology; that old homes were referred to as "mobile homes" and that newer models are termed "manufactured homes." Charlie added that if you don't want a mobile home next to your home, you should live in a subdivision.

Lee feels that non-developed land should be designated as residential.

Dave stated that all subdivisions will carry covenants. He cited the example in Petersburg of "Cedar Manor." When it was established, no mobile home older than a 1980 model could park there. As years passed, the restriction was changed to any mobile home over 15 years old. Once an older mobile home leaves Cedar Manor, it can't come back.

Dave wants restrictions on poultry houses. Charlie said, "We can't be talking about the sacred chicken."

Dave feels that in defining the word "dwelling" that we should not specify one or two-family.

Various opinions were expressed regarding the inclusion of certain structures in the residential district. Most members felt that the commission should stick basically to the present definition on page 6 of the 1973 zoning ordinance. The majority of the members felt that #1, #2 and "conditional" should be the rule.

Paul expressed the need for the appointment of a chairman. Dave Jopling was agreeable but said that because of the problem with his accessibility, he would want a vice chairman. Phyllis said that she would accept this responsibility.

The next meeting was scheduled for March 12, 2001.

03/12/01 Minutes

Present at the meeting were Paul Lewis, Lee Thompson, Arlie Funk, Phyllis Cook, Russell Ratliff, Grover See, Dave Jopling, Charlie Kohne, and J. R. Keplinger.

Paul recorded the round-trip mileage for each of the members.

Paul began the meeting by saying that he has talked to the county commission about the Farmland Preservation Program. They informed him that there are no funds available now.

Phyllis added that the county planner in Monongahela County has offered to help our county with the program.

Dave Jopling wanted to know how public domain comes into effect. Paul stated that you can get a right-of-way for a road or sewer, but it cannot be developed.

Russell stated that he is opposed to farm preservation. Lee explained the concept by saying that a farmer may use his land the way he wants. When the heirs inherit it, they may sell it, but only as farmland. The members agreed that farmland is only worth something to the rich farmer who can farm it. Lee stated that farmland becomes developed land because the heirs can't farm it and they, therefore, sell it.

Dave asked, "Will public domain say you can't touch farmland?"

To qualify for Farmland Preservation, the deed has to be free and clear. Dave posed the question, "Are any farms free and clear?"

Paul explained that in the state of Maryland, there is a designation of "PDR." This restricts development of land and specifies which acres can be developed.

Paul stated that one of the commissioners had commented that he felt the zoning ordinance should be placed on the ballot in April 2002.

Charlie Kohne added that the county commission has the authority and responsibility to enact the ordinance.

Dave feels that the ordinance should not be put on a ballot without first educating the public about it. Paul stated that most people who would attend a hearing regarding it would be opposed. Lee added that most of the public's comments would be "anti."

At this time, the commission split up into their sub-groups.

Paul met with the agricultural group and discussed their section with them.

Arlie began the discussion with the ag members by saying that in an “A” District, regarding use #10, a 600 foot restriction was adequate for uses that produce excessive noise.

Regarding “conditional uses,” Paul feels that #1, extractive type industries, should be deleted.

At a later date, Paul wants to discuss shooting ranges more fully, especially desired locations.

Arlie feels that shooting ranges should be prohibited from residential and agricultural zones.

In discussing the conditional uses of trailer parks, Paul stated that the minimum requirement is now 5 acres. Arlie feels that travel trailers should have separate requirements from those of mobile homes. He stated that 2 acres and 2,500 square feet for each travel trailer would be adequate.

Regarding conditional use #7, Paul said that he doesn’t foresee a penal institution being built in this area. He stated that in the event one did come to the county, the zoning board would have to grant them conditional use.

Paul stated that slaughter houses are in “I-2.” The zoning ordinance also includes them as a conditional use of an “A” district.

Paul stated that we have an ordinance on file for auto sales, salvage and wrecking yards. The setback may be more than 100 feet. These businesses must meet all state and federal regulations.

In discussing height regulations, Arlie informed the group that Jefferson County has a 75 foot limit.

The group felt that under “Lot area, width and yard requirements,” “single” mobile homes should be specified as well as “travel trailer” lots.

Paul stated that the 5-acre requirement for nursing homes could get “sticky” and that this needed to be discussed in depth at a later date. He said that we could possibly combine #4 and #5.

The entire planning commission re-convened. The residential group reported that their work is 80% complete.

Paul informed the group that a new member, Lee Lehman, would be present at the next meeting on April 9. He will serve on the commercial committee.

Paul is hopeful that hearings can be held in Mathias, Baker and Moorefield as early as July or August.

04/09/01 MINUTES

Present at the meeting were: Paul Lewis, David Heishman, Grover See, Phyllis Cook, Arlie Funk, J. R. Keplinger, and Lee Lehman.

Those present were given a copy of the "I" (industrial) zones as worked on by the commercial group. Members discussed the section with Dave Heishman going over the ideas from the commercial group. He asked for suggestions from the other committee members.

Next the group discussed some changes to the agricultural zone as suggested by the committee handling this zone. A discussion followed about cemeteries and what the West Virginia Code said about cemeteries. Members also suggested minimum sizes for cemeteries.

Paul was to look cemeteries up in the West Virginia Code to familiarize himself and the committee on what the statute said in regard to privately owned cemeteries by corporations.

J. R. Keplinger asked if Paul could set up another meeting of the commercial committee for April 26, 2001 and let the members know of the meeting.

With no further business, the meeting was adjourned.

MEMORANDUM

TO: All Planning Commission Members
FROM: Paul R. Lewis, Planner
DATE: April 17, 2001
SUBJECT: Commercial Planning Meeting

There will be a meeting of the commercial planning group on Thursday, April 26, 2001 at 7:30 pm. The meeting will be held at the South Branch Valley National Bank as it was the last time.

04/30/01 MINUTES

Present at the meeting were: Lee Lehman, Arlie Funk, Charlie Kohne, Dave Jopling, Paul Lewis, Phyllis Cook, Grover See, Dave Fansler, George Leatherman and J. R. Keplinger.

Charlie Kohne began by saying that mobile home courts are 30' x 100' in size. Paul said that the State Health Department does not have to have approval from the legislature.

Paul states that a cemetery is exempt regardless of who owns it according to the West Virginia Code.

Charlie Kohne asked if a National Forest can be zoned. Paul responded in the negative saying that national forests are considered open or recreational land.

The subject of zone borders for "I-2" Districts was brought up. Paul stated that the border is 300' due to the odors and what Lee termed, "the nastier stuff."

Charlie Kohne asked if one could build a house in an "I" District. Paul said that can be done, but that the owner cannot complain about the smell or the noise.

Dave Jopling brought up the subject of roadside stands and asked for a definition. "Is it me with a vegetable stand?" Dave said that we need to be able to defend our definition of a roadside stand. He added that roadside stands don't have business licenses.

Paul posed that question, "Is a roadside stand seasonal or permanent?"

George responded that any stand that is permanent is considered commercial.

Paul referred to the Jefferson County Ordinance which defines a roadside stand as one used seasonally (for three consecutive days) but not continuously.

Dave Jopling stated that he feels that residential zoning is a "dilemma." He added that ag is as much residential as residential is.

Charlie Kohne expressed the need to set a minimum acreage for an "R" District.

Paul defined ag as being any land that is without water and sewer.

Charlie said that all subdivisions will have water and sewer.

The topic of discussion moved to the age of mobile homes to be permitted in Hardy County. Dave Jopling feels that any mobile home that was manufactured prior to 1976 should be prohibited.

Paul said that he has talked with the Prosecuting Attorney, William Moomau, and that William will be opposed to this proposition and that an opinion needs to be obtained prior to putting it in the ordinance.

Dave Jopling stated that mobile home parks shall be permitted in ag areas. George added that ag gets everything that's not zoned. Dave reiterated that "unzoned equals ag" (anything not commercial, residential, or industrial).

The discussion turned back to mobile home parks which require a minimum of eight acres of land. Previously, a lot had to be 7,500 square feet in size. The group agreed that the minimum should be increased to 9,000 square feet with a minimum width of 65' and a minimum depth of 120'. The committee agreed that any combination of dimensions that would equal the total of 9,000 square feet would be acceptable.

Lee Lahman asked if each mobile home will have access to a public road. Dave Jopling responded by saying that one entrance is provided by the WVDOH.

Charlie Kohne said that when it comes to zoning for the county, he hopes that everyone does not end up being considered exempt as they have been with subdivisions.

Phyllis stated that she feels that we need to specifically define "mobile home park." Paul read a definition which described a park as being one with three or more rented mobile homes occupied for more than 30 days.

The subject of mobile home subdivisions was brought up. If there was an ordinance set up, lot sizes would be determined.

Dave Jopling is opposed to mobile home subdivisions. He feels that if someone owns a lot and places a mobile home on it, that that person should have the right to build on that same lot at a later date.

Paul is going to work on zoning definitions before the next meeting which is scheduled for Monday, May 14, 2001.

Dave Jopling made a motion to adjourn which was seconded by Grover See.

May 14, 2001 Minutes

Present at the meeting were Paul Lewis, Russ Ratliff, George Leatherman, Lee Lehman, Arlie Funk, Lee Thompson, Dave Jopling, Phyllis Cook and Grover See.

Paul opened by bringing up the subject of residential zoning in mobile home parks.

Dave Jopling stated that #4, regarding setback for additions, decks, and porches, should be deleted. Dave suggested that mobile homes be excluded completely as is the case in Maryland. Already existing mobile homes would be grandfathered in.

Paul stated that camper trailers do not fall under the heading of “manufactured housing.”

Lee Thompson asked how you can “pick on” mobile homes older than 1976 for safety? He added that how the owner cares for the mobile home makes all the difference.

Dave Jopling stated that if a mobile home has a red tag, the mobile home has not been condemned. George Leatherman added that the tag indicates safe wiring. Paul said that the title number should match the number on the tag.

The subject of a building inspector was brought up for discussion. Paul stated that he is not being paid to be a building inspector. Dave Jopling asked, “What is the purpose of a building permit other than money?” He said that we may need an inspector in the county. George agreed that we should hire one and enforce the regulations. He stated that he felt a competent inspector would probably cost the county \$50,000 annually. Paul added that if the county can afford two park inspectors, they can afford a building inspector. He said that inspectors would be inspecting footers, wiring, plumbing and framing. Dave Jopling added that there are fees for inspections. Lee Thompson added that the inspector would be at a site several times.

Paul said that Lefty Moore will be at our next meeting to discuss manufactured housing.

Paul informed the commission that the Scott’s are putting a 1965 rental mobile home on their property. Lee Thompson explained that the Scott’s own the spaces and the trailers both.

Phyllis asked if mobile homes prior to 1976 could be permitted provided they were used as permanent residences.

Dave Jopling stated that he feels mobile home owners are being discriminated against by their having to be placed in a mobile home park. Phyllis stated that we must draw the line somewhere. She added that we need occupancy permits like other counties have.

Lee Thompson feels that it will cause a lot of “flak” to insist that all homes be built on a masonry foundation. Arlie feels that it would be hard to put mobile homes on masonry foundations. Lee added that doublewides don’t ever have foundations, just underpinning.

George stated that all homes in a flood plain must comply with the flood plain ordinance.

Russ asked, “What is “conditional use?” Dave feels that anyone wanting a structure used for a conditional purpose should have to appear before a Board of Appeals to get permission for that particular use.

Lee feels that flood plain sites should not be permitted in a residential district. George feels that all “R” district structures should have a permanent foundation and asked if masonry would be considered permanent. Dave Heishman asked if we shouldn’t change the definition of “permanent” to “that which is affixed to the building and the ground.” Phyllis added that the definition might be extremely long.

Dave Heishman asked Paul how many homes are under construction at one time. Paul replied by saying that, in the summer, there can be as many as ten to fifteen.

Phyllis asked where driveways would be covered.

Paul stated that the next meeting will be held on June 5, 2001 and that definitions and administrative aspects would be discussed at that time. He stated that commercial, industrial and ag are completed. Residential continues to be the area still requiring the most work.

June 5, 2001 Minutes

Present at the meeting were Paul Lewis, Lee Thompson, David Heishman, Lee Lehman, Dave Jopling, Phyllis Cook, Russ Ratliff, and David Fansler.

The scheduled guest, Jeff Moore, was unable to attend due to his recent hospitalization.

Dave Heishman began by saying that regarding manufactured housing, classification could possibly be handled by determining how long the home would last with regular maintenance.

Lee pointed out that this means of classification would be unsatisfactory since something that lasts twenty years for one person might only last three for another.

There was some discussion of THE POLICY GUIDE – FACTORY BUILT HOUSING publication. Dave Jopling described it as being very “lobbyistic” with no recommendations included.

Paul told the committee that he suggested to the County Commission that there should be no construction in a flood zone unless it met the flood requirements as certified by a professional engineer.

Dave Jopling stated that the DOH has a right-of-way past the trailers on River Road. He is not sure of the width on the right-of-way to determine encroachment by mobile homes.

Dave Jopling also stated that he feels that pasturing, corn, or crops should be allowed in a residential district, but that chicken houses should not. There is a 100’ buffer on agricultural and a 100’ buffer on residential. Dave said that if a developer didn’t put something in the covenants, a person could build a facility to keep animals in a subdivision.

David Heishman asked if we should delineate between crop land and pasture land.

Paul asked where the buildable lots are located. He stated that there is not a large inventory of them. Dave Jopling added that the ones that do exist are scattered.

Phyllis emphasized the need for lots for regular, middle income people.

Russell asked Lee Thompson which directions of the counties the majority of the septic permits are located. Lee responded by saying North and South of Moorefield.

Paul stated that a lot of developers want a right-of-way off DOH for each lot of a subdivision. He noted that DOH is beginning to tighten up on how many they will allow coming off of DOH right-of-ways.

Paul asked if, in using the county highway map, should we zone according to how it should be or how it is at the present time members discussed.

Russell responded by saying that “We’re a planning committee, not an existing committee.”

Paul said that the next meeting is scheduled for Monday, July 9, 2001.

Russell made a motion to adjourn which was seconded by David Heishman.

July 9, 2001 Meeting

Present at the meeting were Paul Lewis, Dave Jopling, Lee Lehman, Arlie Funk, Phyllis Cook, David Heishman, J.R. Keplinger and Charlie Kohne.

David Heishman displayed a map of Hardy County showing the commercial zones that his committee has agreed upon. In deciding the width of the commercial zones, David and his group members increased the width of each side of the road from the prior 300' to a tentative 1,320'. Previously, Baker and Warden Ridge covered a ½ mile area. This will be increased to a two-mile area. Arlie had concerns over whether the Baker area was large enough.

Mathias and Rio proposed areas are one mile in diameter.

David Heishman explained that Corridor H is not included on the map but that it will run through the Wardensville circle.

David commented that he feels that industrial areas should be located on the East side of the county. He expressed this idea by saying, "Let the National Forest soak up some of the noise and the stink."

The agricultural zoning was briefly discussed. Paul mentioned that George still has concerns with the setback between residential and agricultural areas. Paul added that the purpose of the commission should be to preserve the "A" area.

Dave Jopling feels that the "R-2" district should exclude any agricultural buildings whatsoever. He added that ag is outnumbered by residential property at this point in time.

Dave Jopling asked about regulations regarding building in a flood zone. Paul explained that you can build in a flood zone as long as the structure is built at or above flood level.

Charlie Kohne questioned why a property owner would even want to build in a flood zone. Paul replied by saying that the land is level.

The topic of the bypass was brought up. Paul explained that it would run from Cold Spring, behind William Bean's property, through Paskel Hill, run East of the Inskeep house and come out beside Perry Newton's trailer sales.

Paul set the next meeting for Monday, July 30, 2001.

July 30, 2001 Minutes

Present at the meeting were Paul Lewis, Dave Fansler, George Leatherman, Dave Jopling, Phyllis Cook, Lee Lehman, Arlie Funk, Grover See, & J. R. Keplinger.

Dave Jopling called the meeting to order. He said that in the future, the minutes from the previous meeting need to be read and approved. Changes in the minutes can then be brought to the next meeting and approved.

The first topic discussed by the Planning Commission was the matter of Steve Smith's development and the waiver that he was granted on the roads. The neighboring roads have been tarred and chipped by the county and Steve's road remains shale. It was suggested that a letter be sent to Steve asking him to upgrade. George made a motion to send a letter to Steve. Arlie seconded the motion. There was then a vote on the motion which was opposed by one member. The motion carried.

The covenants for the development, which were written by Mark Geary, don't mention maintenance of roads. Mark had asked for a variance at the November, 1998 meeting.

Members present then discussed the proposed zoning ordinance. Members discussed in length the section dealing with residential.

OTHER ITEMS DISCUSSED:

Owners of farm property who might later want to develop their land for housing must go before the Board of Appeals if the land is not already zoned for residential..

The commission discussed any land in the floodplain should be zoned agricultural.

The matter of land on Route 220 North to the river bridge may be zoned commercial. The planner will determine which land needs a hydrology study.

The agricultural group will be meeting before the next meeting to discuss some minor points that need to be clarified.

Phyllis Cook moved to adjourn the meeting, seconded by Grover See.

MINUTES FOR 8/27/01 MEETING

Present at the meeting were Paul Lewis, Dave Jopling, Arlie Funk, George Leatherman, David Fansler, Lee Thompson, Lee Lehman, Russ Ratliff, Charlie Kohne, Phyllis Cook, and Grover See.

The first order of business was the review of the minutes from the 7/30/01 meeting. George Leatherman made a motion to approve them as corrected. All members approved them with the exception of Charlie Kohne who abstained due to his absence from that meeting. Grover See seconded the motion.

It was decided that the greater portion of Hardy County would be zoned agricultural. The other zones will be taken from it. Charlie Kohne made a motion that was seconded by Russ Ratliff. The motion passed.

Russ Ratliff made a motion to adjourn which George Leatherman seconded.

MINUTES FOR SEPTEMBER 17, 2001 MEETING

Present at the meeting were Paul Lewis, Dave Jopling, Lee Lehman, Phyllis Cook, Lee Thompson, Arlie Funk, Russ Ratliff, Dave Fansler and J. R. Keplinger.

The minutes from the previous meeting were reviewed and approved. Arlie Funk made a motion to approve the minutes for 8/27/01 which was seconded by Russ Ratliff. All members were in favor.

The next order of business was the Cellular Tower Ordinance. J. R. Keplinger made a motion to have a public hearing on the ordinance. Dave Fansler seconded the motion. The motion carried.

It was decided that an ad would be run in the Moorefield Examiner in the September 26, 2001 edition. The public hearing will be set for October 29, 2001. The next meeting of the Planning Commission was set for October 15, 2001. Representatives from H. C. Nutting Company will attend to answer any questions that the Planning Commission might have.

Arlie Funk moved that the meeting be adjourned. Lee Lehman seconded the motion. The meeting adjourned at 9:07 pm.

PLANNING COMMISSION MINUTES

October 10, 2000

Present were: Charles Kohne, Grover See, Phyllis Cook, Arlie Flunk, Russell Ratliff, Jr., Paul Lewis, Dave Jopling, Charles Funkhouser, and Dave Fansler.

The meeting was called to order by Chairman Charles Funkhouser. The purpose of the meeting was to discuss the zoning ordinance.

Members discussed the setback requirements from property lines to be more than 200 feet.

Discussed the "I-1" districts and the 200-foot setback from district different districts only. This setback does not pertain to between buildings in that district.

Members then discussed the different types of "extraction" business and types of industries.

It was noted that definitions needed to be added to the ordinance to explain rendering plants, conversion plants, protein plants and other related industries.

Members discussed the issue of restricting the height of buildings in the "I-1" and "I-2."

It was noted that we needed to get a list of different classifications for hazard materials and the storage of them. It was mentioned that the Public Relations division of ABL might be helpful in the types of classifications.

Russell Ratliff, Jr. moved to adjourn the meeting, seconded by Grover See. Motion carried and meeting was adjourned.

MINUTES FOR 10-15-01 MEETING

Present at the meeting were Paul Lewis, Charles Kohne, Arlie Funk, Lee Thompson, J.R. Keplinger, Lee Lehman, Phyllis Cook, Grover See, Ken Crane, and Tommy Isaacs, representative from H.C. Nutting Company.

Tommy began by saying that H. C. Nutting Company will review applications to make sure that they are in compliance with the terms of the ordinance. The company will regulate the tower as to where it is erected, its height, aesthetics, etc.

When applying, the applicant will be required to deposit \$8,500 in an escrow account. Any money left over is returned to the applicant. All applicants must go through Nutting and must have a co-sponsor.

If after several years of not being in use, the tower can be removed by the county by using the \$75,000 removal bond.

H.C. Nutting Company oversees the construction of the tower up to a point. A quality control company will be hired to oversee the majority of the work.

The contract with Nutting is a 3-year contract for the county. A 30-day notice is required either party.

Ken stated that, by federal law, the tower must be inspected every five years.

Ken added that he would like to see the tower kept at a height of 200' or less. A tower of this height does not require lights which could disturb nearby residents.

The public hearing has been set for October 29, 2001 at 7:00 pm. Future meetings of the Planning Commission may be moved to Tuesdays.

MINUTES FOR 10/29/01 PUBLIC HEARING MEETING

Present at the meeting were George Leatherman, Lee Lehman, Phyllis Cook, Lee Thompson, Grover See, Arlie Funk, David Jopling, Paul Lewis, Roger Champ, J. R. Keplinger, Ken Crane, Renick Williams, Chris Miltenberger, Sam Williams, Larry Kitzmiller, and William Moomau. Tommy Isaacs & Ron Ebelhar were present to represent H.C. Nutting Company. Jeff Hutter, Ken Shaffer & Greg Greenwalt were present to represent TWR Communications.

Paul Lewis stated that he feels that the county needs to establish control on the towers so that we will not have a lot of towers in the county with no one on them. Aesthetics is also a concern.

Those present for the public hearing discussed issues and concerns about the Telecommunication Ordinance that would have an impact on their business if the ordinance went into effect.

Renick Williams submitted plans for a subdivision that he is developing on the South Fork Road on the See property. The lots front South Fork Road. There is an entrance for every two lots with a total of eight lots being developed.

Members had some concerns regarding enforcement of the covenants and the possible need to form an association. It was decided that a Water Association will be set up to enforce the covenants. Phyllis Cook made a motion to proceed with this subdivision which was seconded by J.R. Keplinger.

Members discussed the Telecommunications Ordinance further and discussed issues with regard to the ordinance. After much discussion, George Leatherman moved to accept the Wireless Telecommunications Ordinance as presented with the understanding of relief for any tower. The motion was seconded by Lee Lehman. The motion carried.

With no further business, the meeting was adjourned.

PLANNING COMMISSION MEETING

November 11, 2000

Those present were: Grover See, George Leatherman, III, Phyllis Cook, Arlie Funk, Paul Lewis, and Dave Fansler.

Members of the Commission met to continue discussion of the zoning ordinance.

Members wanted to know what the requirements were for explosive materials, types of explosives and storage of them. Also wanted to know what the federal and state requirements are for explosives.

Members also wanted copies of the old zoning ordinance made. It was discussed that we needed to take the old ordinance to public hearings and then work up a new one.

With no further business, the meeting was adjourned.

MINUTES FOR 11/13/01 MEETING

Present at the meeting were: David Jopling, Lee Thompson, Phyllis Cook, Grover See, Arlie Funk, Paul Lewis, Lee Lehman, Russ Ratliff, George Leatherman, J. R. Keplinger, David Heishman and David Fansler.

Charles Kohne will be appointed to the Wardensville Planning Board as an ex officio member.

Members discussed including towers in the county's zoning ordinance.

Minutes from the last meeting were reviewed and amended. It was agreed that regarding approval of the Wireless Telecommunications Ordinance, the planning commission would have the option of waiving certain aspects of the ordinance on a case by case basis. George Leatherman made a motion to accept the minutes as amended. The motion was seconded by Lee Lehman.

Paul Lewis announced that a public hearing will be held on December 4, 2001 regarding the town's annexation of 377 acres. The members discussed the town's requirement to install sewers.

Members discussed the possibility of having two agricultural zones; one that is strictly "ag" and another that allows structures.

The next meeting will be held the second week of December.

The meeting was adjourned at 8:45 pm.

MINUTES FOR 12-04-01 MEETING

Present at the meeting were Paul Lewis, David Heishman, Grover See, Dave Jopling, Lee Thompson, Phyllis Cook, George Leatherman, Lee Lehman, Charles Kohne, and J. R. Keplinger.

Dave Jopling made a motion to approve the minutes from the November 13, 2001 meeting. The motion was seconded by George Leatherman.

The Planning Commission received a petition from residents in the Old Fields area regarding the possible development of a mobile home park. See attached.

The members discussed the designation of residential and agricultural zones at length.

David Heishman made a motion that the members of the residential committee present a map of residential zones at a future meeting. The motion was seconded by Phyllis Cook.

The meeting was adjourned at 9:10 pm.