

## MINUTES FOR 2/11/03 MEETING

Present at the meeting were: Paul Lewis, David Fansler, David Jopling, Arlie Funk, George Leatherman, David Heishman, Charles Kohne, Phyllis Cook, J. R. Keplinger, Russell Ratliff and Lee Lehman. Guests present were Jill Jeffries, Marcia McDonough, Stanley Moyers, Dick Hughes, Steve Hines and Renick Williams.

President David Jopling asked the members to read the minutes from the November 19, 2002 meeting and asked for corrections or additions. David Heishman moved that the minutes be approved as written. The motion was seconded by Phyllis Cook.

Dave Jopling thanked his sub-committee comprised of Phyllis Cook, Arlie Funk, Paul Lewis and Lee Lehman for their hard work and time. He then proceeded to explain the legend and the purpose of delineating the proposed zoning map.

Charles Kohne asked that the minutes be mailed to the members with the meeting memos.

David Heishman made a motion to accept the work of the sub-committee. The motion was seconded by George Leatherman. It was agreed that the map would be accepted as the FOUNDATION and that it was NOT being adopted. A vote was taken in which no one was in opposition.

George Leatherman asked if the next step would be a public hearing or presentation to the county commissioners. Revision of the written portion of the zoning ordinance was discussed and the need to complete it prior to the public hearing.

David Heishman made a motion to adopt the proposed map as the zoning map for Hardy County. The motion was seconded by Grover See. It passed with 7 votes for and 3 votes against (Charles Kohne, David Fansler and George Leatherman).

David Heishman expressed his concern over the possibility of “endless argument.” At this time, there was a show of hands. There were three members opposed to the motion to adopt the proposed map.

David Jopling brought up the subject of locations for displaying the map prior to the public hearing. Possible locations included the library, the court house rotunda, the court house annex, the bank or post office in Mathias, the library at Baker, and an undecided location in Wardensville.

David Heishman explained that when the map is published in The Moorefield Examiner, cross-hatching, not color, will be utilized.

Paul Lewis explained that the county commission passed the resolution for the county farmland protection bureau. A seven person committee will be required.

Russell Ratliff asked for a tentative time frame. Paul set February 25<sup>th</sup> and March 4<sup>th</sup> as dates for the new sub-committee that will work on the written ordinance. The next full body meeting will be held on March 18, 2003. The public hearing could possibly take place at the end of April.

David Heishman explained that changes to the zoning map will have to be made by motion.

J. R. Keplinger asked for comments from the guests at the meeting.

Marcia McDonough stated that she was “impressed” by the work of the planning commission and the way the meeting was conducted. She stated that she believed in “participation” by the citizens of Hardy County.

David Jopling thanked everyone for attending and the meeting adjourned at 8:00 pm.

## MINUTES FOR 4/1/03 MEETING

Present at the meeting were Paul Lewis, Lee Lehman, Charles Kohne, Lee Thompson, Arlie Funk, George Leatherman, Russ Ratliff, J.R. Keplinger, Phyllis Cook and Grover See. Guests in attendance were Dick Hughes, Marcia McDonough, Jill Jeffries, Steve Hines and Renick Williams.

President Jopling asked that the members read the minutes from the February 11, 2003 meeting. Two changes were recommended. A motion was made to accept the minutes with the suggested changes. The motion was seconded by Russ Ratliff.

There was a brief discussion concerning "Old Fields Subdivision" which is being developed by Renick Williams. A hearing date has been set for May 6, 2003.

Charles Kohne questioned the procedure used by the Planning Commission for choosing sub-committee members. Paul Lewis stated that he was fairly certain that the President or the Chairman may make any appointments they choose.

By-laws were discussed and it was agreed that Dave Jopling or Paul Lewis would discuss the need/requirement for them with Prosecuting Attorney, Lucas See.

A motion was made by Charles Kohne that all motions pertaining to changing the map would be voted on by "yeas" and "nays." The motion was seconded by Dave Fansler. The motion passed.

Charles Kohne made a second motion to change Lower, Middle and Upper Coves from residential zones to agricultural zones. The motion was seconded by Dave Fansler. The vote was 6 yeas (Charles Kohne, Dave Fansler, George Leatherman, Russ Ratliff, J.R. Keplinger and Lee Lehman) and 3 nays (Phyllis Cook, Arlie Funk and Dave Jopling). The motion passed.

Charles Kohne made a third motion to change the commercial area at Baker as identified by his proposed map. The motion was seconded by George Leatherman. The vote was 3 yeas (Charles Kohne, Grover See and Dave Fansler) and 7 nays (George Leatherman, Phyllis Cook Arlie Funk, Russell Ratliff, Dave Jopling, J.R. Keplinger and Lee Lehman). The motion did not pass.

Charles Kohne's fourth motion was to change the Arkansaw/Rock Oak area and also the area from Rt. 55 to the Hampshire County line from residential to agricultural. The vote was tied. Charles Kohne, Dave Fansler, Phyllis Cook, Arlie Funk and Lee Lehman voted yea. The nays were Grover See, George Leatherman, Russ Ratliff, Dave Jopling and J.R. Keplinger. The motion was tied and therefore not approved.

Charles Kohne's fifth motion was to change the area between State Park Road and Shoemaker Hollow from residential to agricultural. Also included in this same motion

would be the area from Lost City to Mathias. The yea votes were as follows: Lee Lehman, Dave Fansler and Charles Kohne. The nays were J.R. Keplinger, Dave Jopling, Russ Ratliff, Arlie Funk, Phyllis Cook, George Leatherman and Grover See. The motion was not passed.

Charles Kohne's sixth motion was to alter the Wardensville commercial zone to include the Industrial Park in industrial, Warden Acres in residential and the area between Rts. 55 and 259 in the commercial zone. The yeas were Russ Ratliff, George Leatherman, Dave Fansler, J.R. Keplinger, Grover See, Lee Lehman and Charles Kohne. The nays were Arlie Funk and Dave Jopling. Phyllis Cook abstained. The motion passed.

Charles Kohne's seventh motion dealt with changing all of North Mountain to agricultural. All of Evergreen Farm Subdivision would remain residential. The motion was seconded by Dave Fansler. There were three yeas: George Leatherman, Charles Kohne and Dave Fansler. There were eight nays: Phyllis Cook, Russ Ratliff, Arlie Funk, Grover See, Dave Jopling, Lee Lehman and Dave Fansler. The motion did not pass.

Charles Kohne's eighth motion concerned the area that extends from Trout Pond to Thorny Bottom being changed from residential to agricultural. The motion was seconded by J. R. Keplinger. Charles Kohne voted yeah. The remaining nine votes were nay. The motion did not pass.

Charles Kohne's ninth motion was to change Sager Town from residential to agricultural. The motion was seconded by J.R. Keplinger. The yea votes were Dave Fansler, J.R. Keplinger and Charles Kohne. The nay votes were Phyllis Cook, Arlie Funk, George Leatherman, Russ Ratliff, Grover See, Dave Jopling and Lee Lehman. The motion did not pass.

The next topic of discussion was Margaret Jane's' 379.34 acres of land in Mathias. Russ Ratliff made a motion to re-zone it to residential. The motion was seconded by Phyllis Cook. The vote was unanimous in favor of re-zoning in favor of Dr. Jane's' request.

Charles Kohne's final motion was to place in the minutes the names of the appointed committee members and the purpose of the committee. The motion was seconded by Dave Fansler. The motion passed. The purpose of the committee composed of David Heishman, David Fansler, George Leatherman, Russ Ratliff and Lee Thompson was to review and make corrections to the written sections of the zoning ordinance.

April 15, 2003 will be the next full meeting of the Planning Commission.

Steve Hines expressed concern about Ashton Woods Subdivision. Paul explained that all parcels of land were 20 acres plus and that they cannot be subdivided.

Russ Ratliff made a motion to adjourn. The motion was seconded by Grover See. The meeting adjourned at 9:00 pm.

## MINUTES FOR 4/15/03 MEETING

Present at the meeting were Paul Lewis, Dave Jopling, Charles Kohne, Lee Thompson, Grover See, Phyllis Cook, Arlie Funk, Dave Heishman, Lee Lehman, Russ Ratliff, George Leatherman and Charlotte Bowman. Guests present were Dick Hughes, Steve Hines, Carroll Collier, Jim Frye and Renick Williams.

The minutes from the 4/1/03 meeting were reviewed by the members, and corrections were made. Russ Ratliff made a motion to accept the minutes as corrected. The motion was seconded by Grover See. The motion passed.

Paul Lewis opened the meeting by reiterating that the President or Chairman of a planning commission has the authority to make appointments. He added that bylaws are not required by the state.

Charlotte Bowman asked for an explanation of Farmland Preservation. Paul Lewis explained that funds received from the sale of real estate are used for preservation rights.

David Heishman made a motion to revert the decision to change Dr. Jane's' land from agricultural to residential. Arlie Funk seconded the motion. The yea votes were David Heishman, George Leatherman, David Jopling, Phyllis Cook, Arlie Funk, Russ Ratliff and Lee Lehman. The nay votes were Charles Kohne and Grover See. The motion passed to reverse the previous decision.

David Heishman proceeded to make several points regarding zoning methods. The first was that precedents were being set when land is zoned according to property ownership.

Mr. Heishman's second point was that in doing this, the county is committed to surveying private property boundaries to determine the zone boundaries. He feels that such requests can be handled by the formation of a zoning board after the ordinance is passed.

Mr. Heishman's final point was that if this procedure were to be continued, there eventually would be no zoning ordinance.

Charlotte Bowman had a concern regarding the county's tax base. Lee Lehman explained that taxes are based on the PRESENT USE of the property.

Russ Ratliff made a motion to restore the industrial zone at Baker. The natural boundaries would be the river, Corridor H, Needmore Road, Baker Run, Lost River and Long Lick. The motion was seconded by George Leatherman. The yea votes were Lee Lehman, Russ Ratliff, Arlie Funk, Phyllis Cook, George Leatherman, Grover See and David Heishman. David Jopling voted nay. Charles Kohne abstained. The motion passed.

David Heishman made a motion to create a flood zone as defined by FEMA maps. No structures would be permitted that fall in FEMA "A" and "AE" zones. The motion was seconded by George Leatherman. The yeas were David Heishman, Grover See, George Leatherman, Phyllis Cook, Arlie Funk, Russ Ratliff, David Jopling and Lee Lehman. Charles Kohne voted nay. The motion passed.

David Heishman then made a motion to remove any reference to flood zones including the motion previously passed. The motion was seconded by Charles Kohne. The yeas were Lee Lehman, Dave Jopling, Russ Ratliff, Arlie Funk, Phyllis Cook, Grover See, Charles Kohne and Dave Heishman. George Leatherman voted nay.

Dave Heishman made a motion to remove zone "A-2." The motion was seconded by Charles Kohne. There was a show of hands; 6 in favor, 2 against. The motion to remove zone "A-2" passed.

Russ Ratliff made a motion to restore zone "A-2" and include only the first paragraph. Any state or federal lands that revert to private entities shall be classified as "A-3." The motion was seconded by Phyllis Cook. All members were in favor. The motion passed.

Dave Heishman made a motion to adjourn. Charles Kohne seconded the motion. The meeting adjourned at 8:55 pm.

## MINUTES FOR 5/20/03 MEETING

Present at the meeting were: Paul Lewis, Charles Kohne, Lee Thompson, David Jopling, Charlotte Bowman, Phyllis Cook, David Heishman, Arlie Funk, Grover See and Russell Ratliff.

Guests present were: Ken Clarke, Dick Hughes, Toni Harvey (Wardensville Planning Commission), Theda and Gene Baker, and Steve Hines.

Grover See made a motion to accept the minutes from the May 6, 2003 meeting as written. Charles Kohne seconded the motion. The motion passed.

Charlotte Bowman requested that Dave Jopling, Dave Heishman and Paul Lewis attend the upcoming meeting of the Wardensville Planning Commission to be held on June 13, 2003. Our three members are to meet with Charlotte & Jody Sayers at 5:30 for a pre-meeting at the town hall. The regular meeting will begin at 6:30 pm.

Chairman Jopling asked Mr. Ken Clarke to explain his grievance to the commission. Mr. Clarke explained that he has a 1974 model mobile home which he has owned for 15 years and rented for 12. He wants to move it to a different area of his property. The Mobile Home Ordinance states that any mobile home manufactured prior to July, 1976 will not be allowed in the county under the Mobile Home Court Ordinance. Lee Thompson pointed out that two or more mobile homes are required in order to qualify as a "mobile home court." Mr. Clarke only owns the one mobile home. A new double-wide home will be placed in the space that the mobile home currently occupies. Mr. Clarke stated that he needs to have the mobile home moved by June 10, 2003.

Dave Jopling suggested that Mr. Clarke write a formal letter to the Planning Commission requesting a variance and asked that he include photos. He also suggested that Mr. Clarke hire a building inspector to ascertain the integrity of the mobile home.

Paul Lewis stated that a second mobile home (a 1968 model) had been moved into the county without a permit. Paul will write a letter of denial to the owner, Patrick Webster.

The members discussed placing the zoning ordinance on the ballot. Paul Lewis explained that 15% of the qualified voters who voted in the last gubernatorial race for all candidates would have to sign a petition in order to have the proposed ordinance placed on the ballot.

Dave Heishman made a motion to amend the "A-2" District permitted use #13 to 20 lots or less rather than 100 acres. In addition, he made a motion to change #13 of the conditional uses to 21 or more lots rather than 100 acres. The motion was seconded by Arlie Funk. The motion passed.

Dave Heishman made another motion to omit the boundary description for the "A-1" District. Russ Ratliff seconded the motion. A vote was taken. All votes were yea with the exception of Charles Kohne who voted nay. The motion passed.

Russ Ratliff made a motion to accept the "A-2" District with the corrections of the previous motions. All votes were yea with the exception of Charles Kohne who voted nay. The motion passed.

Dave Jopling made a motion that land converted from public ("P" District) to private land then take on the appropriate zone. Phyllis Cook seconded the motion. The vote was unanimous in favor of this motion. The motion passed.

Russ Ratliff made a motion to accept the "R" District providing the 1976 mobile home age limitation rule be added to the permitted uses of the "R" District and to the definition section of the ordinance. The motion was seconded by Phyllis Cook. All votes were yea with the exception of Charles Kohne who voted nay. The motion passed.

Phyllis Cook made a motion to accept the "C" District section as written. The motion was seconded by Arlie Funk. The vote was unanimous in favor of this motion. The motion passed.

Arlie Funk made a motion to accept the "I" District section as written. The motion was seconded by Grover See. The vote was unanimous in favor of this motion. The motion passed.

Grover See made a motion to accept the remainder of the ordinance with changes to the definitions and non-conforming uses with exceptions to boundary description to "A-1" zone. The motion was seconded by Arlie Funk. The motion carried with Charles Kohne abstaining.

A motion was made by Grover See to have Dave Jopling and Dave Heishman to modify the descriptions of the zones and to return to the commission with the revisions. The motion was seconded by Russ Ratliff. The motion passed.

The next meeting date will be June 3, 2003. Dave Heishman made a motion to adjourn the meeting which was seconded by Russ Ratliff. The meeting adjourned at 8:30 pm.

## MINUTES FOR 5/6/03 MEETING

Present at the meeting were: Paul Lewis, David Jopling, Charles Kohne, David Heishman, Lee Lehman, Lee Thompson, Grover See and J. R. Keplinger. Guests were Dick Hughes, Jim Early, Margaret Janes, Harry Mathias, Steve Hines and Renick Williams.

Paul Lewis stated that FEMA regulations limit the amount of time that a travel trailer may be parked by a river. The limit is 180 days.

The members of the Planning Commission read the minutes from the April 15, 2003 meeting. Grover See made a motion to approve the minutes as amended. The motion was seconded by David Heishman.

David Jopling explained that part of the evening's agenda was to hold a public hearing regarding Old Fields Subdivision, Section 18, Tract 1, owned by Renick Williams.

Charles Kohne inquired as to the width of the road which David Jopling verified was 40 feet. Paul Lewis will inspect the subdivision to see if everything is in place (road signs, lot numbers and installation of roads). Paul Lewis stated that the elevation of the road is 8%. Lee Thompson added that he has all the necessary paper work for the septic system but has not yet visited the site.

Renick Williams stated that the main road at his subdivision will be named "Westbrook Road." The shorter street will be named "Twin Walnut Lane."

At this time, David Jopling asked the public present for comments regarding the subdivision. There were none. Charles Kohne then made a motion for approval of the preliminary plat of the subdivision. Lee Lehman seconded the motion. A vote was taken; all in favor of the motion. The motion passed.

Next, the members discussed the "C-1" Conservation District. Members were given a page defining the "C-1" District which was to replace the current document. After a discussion of changes, David Heishman made a motion to change the "C-1" (Conservation) District to "P" District (Public). The motion was seconded by Lee Lehman. The motion passed.

Charles Kohne asked, after the zoning ordinance is passed, if the Planning Commission has the authority to change the zoning. Paul Lewis responded "yes." Mr. Kohne asked if the Appeals Board could change the zoning, and Mr. Lewis responded, "No." Mr. Lewis added that the Appeals Board can change the conditional uses.

David Jopling made a motion to adjourn the meeting. J. R. Keplinger seconded the motion. The meeting adjourned at 8:40 pm.



## MINUTES OF JUNE 17, 2003

### Commission Members Present:

Lee Thompson, Arlie Funk, George Leatherman, David Heishman, Grover See, Charlie Kohne, Phyllis Cook, Russ Ratliff, David Jopling, J. R. Keplinger, Dave Fansler and Charlotte Bowman.

### Guests Present:

Dick Hughes, John Wilkins, Hope and Bev Yankey, Pete and Ginny Mondale, Renick Williams and Oscar Bean.

Called To Order At 7:05 PM By David Jopling

Approved minutes of May 20, 2003 as corrected (Gene Baker instead of Jim on guest list). Motion made by Grover See and 2<sup>nd</sup> by Arlie Funk.

### Reports:

David Heishman reported on the June 13, 2003 meeting with the Wardensville Planning Commission. Zoning Consultant, Pat Ford, gave a brief list of things that need to be looked at in the proposed county ordinance. Mr. Ford said he would send the county planning commission some information on the various items.

### Old Business:

David Jopling reported on the progress of the boundary descriptions for the proposed zones. Some of the descriptions were handed out to give the commission an idea of how they will appear in the ordinance. David said more time was needed to complete the descriptions.

Mr. Ratliff inquired about the status of Mr. Clarke's request on moving his trailer to another location. David Jopling stated that with the planner on vacation, no information was known at this time.

### New Business:

Oscar Bean appeared before the Planning Commission representing Sugar Loaf, LLC requesting a proposed zoning map change. He has requested re-zoning of the area south of Corridor H and east of State Route 55 near Cunningham Lane to commercial. This involves approximately 20-30 acres. No action was taken at this time.

David Jopling expressed an idea to the commission about having each member assigned to a subcommittee. Each sub-committee would be in charge of an ordinance or

group of ordinances. Members would become more knowledgeable of that committee's ordinance and would also take lead in proposed changes. This idea was met with various support. David asked the members to think about it and would discuss it at another time.

David Jopling reminded the commission of our support for changing the permit fee on the Exotic Entertainment Ordinance. Some discussion took place and a motion was made by Charlie Kohne and 2<sup>nd</sup> by Grover See.

Motion: To amend the permit fee for operating an Exotic Entertainment facility from the \$500.00 initial fee and \$100.00 renewal fee to \$1,500.00 initial fee and \$1,500.00 renewal fee. Subject to legal advice. The motion passed.

Lee Thompson informed the commission of the deficiencies in the parking lot requirements of the Exotic Entertainment Ordinance, also that the requirements do not reflect what is in the proposed zoning ordinance.

A motion was made by David Heishman and 2<sup>nd</sup> by Charlie Kohne.

Motion: To amend the parking requirements of the Exotic Entertainment Ordinance from its present requirements to read as follows: "Every arena, auditorium, stadium, theatre, building or ground used for the assembling of persons to attend services, theatrical performances, shows, exhibitions, contests, concerts, lectures, entertainment or similar activities, shall provide off the street or road and outside of the public right-of-way, not less than two hundred (200) square feet of space suitable for parking automobiles and other vehicles for every two (2) persons to be accommodated. Such parking area shall be within four hundred (400) feet of an entrance to such use, shall provide adequate means of ingress and egress, and shall be available for the use of such persons." Motion passed.

The meeting adjourned at 8:45 pm.

## MINUTES FOR JULY 15, 2003 MEETING

Present at the meeting were: Paul Lewis, Grover See, Arlie Funk, David Jopling, Lee Lehman, Charles Kohne, David Heishman, Dave Fansler, and Phyllis Cook.

Guests present were Sarah Mullin, Dick Hughes, and Renick Williams.

The minutes from the June 17, 2003 meeting were read and approved by the Planning Commission. Grover See made a motion to approve the minutes which was seconded by Arlie Funk. The motion passed.

Paul Lewis announced that the County Commission selected members for the Farmland Preservation Board. They are: Mallie Combs, Mike Teets, Jim Dyer, Dennis Funk, Bob Harper, Don Biller and Deb Bishop. Paul will meet with them on August 29, 2003.

Since the last meeting, Paul Lewis discussed Ken Clarke's building permit with Prosecuting Attorney, Lucas See. The age regulation currently is specified in the Mobile Home Court Ordinance, but Lucas said that it also needs to be included in the county zoning ordinance.

Paul Lewis reported on his findings at Renick Williams' new subdivision. He stated that the roads are in. Mr. Williams stated that the plat for water has been filed and that Lee Thompson needs to take care of the septic inspection. Mr. Williams stated that there are three culverts in the subdivision.

Dave Jopling reported on Pat Ford's consulting work that he is doing for the Town of Wardensville and added that he had several good ideas on zoning. To read our ordinance, review it, critique it and study it from a state code standpoint would cost the county between \$1,500 and \$3,000. Dave Jopling suggested that Paul write a letter to the County Commission requesting \$3,000 for the services of Pat Ford. Grover See made a motion to send a letter to the commission. The motion was seconded by Lee Lehman. The motion passed.

Dave Jopling distributed a copy of his prepared version of the commercial zones. The members will review it before re-convening on August 19, 2003.

Changes to the Exotic Entertainment Ordinance were briefly discussed, and Charles Kohne made a motion to publish the notice for the inclusion of these changes at the August 19, 2003 public hearing. The subdivision, "The Summit at Lost River," will also be on the agenda for that hearing.

Dave Jopling made a suggestion that appointments be made to form committees for each county ordinance. This would create expertise in each area of regulation and aid the citizens of Hardy County when they have questions concerning the ordinances.

Grover See made a motion to adjourn. The motion was seconded by Dave Fansler. The meeting adjourned at 8:10 pm.

## MINUTES FOR AUGUST 19, 2003 PUBLIC HEARING

Members present at the public hearing were: David Jopling, Charles Kohne, J.R. Keplinger, Grover See, Charlotte Bowman, and Russ Ratliff.

Guests present were: Dick Hughes, Joshua Miller, Laura Bryant, Robert Dillard, David Mickow, Tammy Stanley, Bartlomiej Nikolayczyk, and Renick Williams.

David Jopling read the minutes from the July 15, 2003 meeting. They were not approved due to the fact that there was not a quorum.

Charlotte Bowman reported that the Comprehensive Plan for the Town of Wardensville is completed and that the draft will be available at the Town Office. Hearings will be held on September 19, 2003 and October 17, 2003.

The next item of business was the proposed changes in the Exotic Entertainment Ordinance regarding the fees and required off-street parking. No one in attendance had comments regarding this.

“Old Fields Subdivision” was then discussed. Mr. Williams informed the commission that septic has been installed, as have road signs. Paul Lewis will need to check the site.

The preliminary plat for “The Summit at Lost River” was displayed. The lack of a quorum prevented approval of this subdivision.

David Jopling stated that Charles Kohne was the only Planning Commission member to contact him regarding serving on a specific ordinance committee. Mr. Kohne has been appointed chairperson for the Subdivision Ordinance Committee.

David Jopling stated that Pat Ford, Consultant, was supposed to be in attendance but was not since the decision was made not to hire him.

The next public hearing will be held on September 16, 2003 for the purpose of taking comments on the proposed Mobile Home Park on Howard Sions Road, “Woodland Heights.”

The meeting was adjourned at 8:20 pm.

## MINUTES FOR 9/16/03 MEETING

Present at the meeting were: David Jopling, Lee Thompson, Charles Kohne, David Heishman, Lee Lehman, J.R. Keplinger, Arlie Funk, Grover See, Charlotte Bowman, Russ Ratliff and Phyllis Cook.

Guests present were: Dick Hughes, David Bosserman, Mr. & Mrs. Tommy Crites, Mr. & Mrs. Ervin Hardy, Mr. & Mrs. James Oliver, Mark Geary, Tom Mathias, Renick Williams, Ted & Sue Garrett, Virginia Feigley, and John Mathias.

The minutes from the July 15, 2003 meeting were reviewed by the members. Charles Kohne made a motion to accept the minutes. The motion was seconded by Grover See. The motion was passed.

The minutes from the August 19, 2003 meeting were reviewed. Russ Ratliff made a motion to accept the minutes. The motion was seconded by J. R. Keplinger. The motion passed.

Charlotte Bowman stated that public hearings for the Wardensville Comprehensive Plan will be held on September 19, 2003 and October 17, 2003 at 6:30 pm at the War Memorial Building.

Russ Ratliff made a motion to send the Exotic Entertainment Ordinance changes to the County Commission. The motion was seconded by Charles Kohne. President Jopling asked Marti to write a letter to the Commissioners that would be in their hands by the October 7, 2003 meeting. A revision of the ordinance is to be included.

President Jopling asked the members of the Planning Commission to study the new agricultural zone descriptions for comprehensiveness and accuracy.

President Jopling distributed a list of members that he assigned to the various ordinance sub-committees. Charles Kohne made a motion to accept the appointments on the list. The motion was seconded by Phyllis Cook. The motion passed.

The next matter of business was "Woodland Heights" mobile home court. The Crites' engineer, Mark Geary, asked if the Crites' permits had to be in place at the time of the public hearing or if only a plan was necessary at that time. President Jopling stated that the Mobile Home Court Ordinance stipulates that the developer have application and accompanying material filed at the time of the public hearing.

President Jopling stated that the lot sizes, 40' rights-of-way, and 33 acre total area were adequate. Concerns about the width of Howard Sions Road, traffic flow and the potential for accidents were raised by those in attendance. Objections to the changes and rapid growth of our county were voiced. Mr. Jopling stated that it is not possible to prevent people from developing land.

Grover See made a motion to adjourn. The motion was seconded by Charles Kohne. The meeting adjourned at 8:45 pm.

## MINUTES FOR OCTOBER 21, 2003 MEETING

Present at the meeting were: Paul Lewis, David Fansler, Arlie Funk and Phyllis Cook. Guests present were Dick Hughes and Renick Williams.

Paul began by explaining that Sam Harper, III has plans for a subdivision on Jenkins Run Road. There are 50 acres divided into 13 lots. Paul feels that Mr. Harper can proceed, although one of the members said she felt that part of the acreage may be in the flood plain. Paul will check the site.

Paul stated that he has discussed the final draft of the Hardy County Zoning Ordinance with the County Commissioners, and he reported that the commissioners said that they will make a decision on the ordinance and vote on its passage. Paul added that he would like to have the public hearings begin in December.

Paul informed the members present that he has accepted the position of Director of the Office of Emergency Services. Paul's replacement in the Planning Office has not been hired.

The next meeting of the Planning Commission has been set for Tuesday, November 18, 2003.

The meeting adjourned at 7:55 pm.

## MINUTES FOR NOVEMBER 18, 2003

Members present at the meeting were Dave Fansler, Lee Thompson, Arlie Funk, Paul Lewis, Charles Kohne, Dave Heishman, Russ Ratliff, Phyllis Cook, Charlotte Bowman and J.R. Keplinger.

Guests present were Bob Dillard, Tammy Stanley, David Mickow and Renick Williams.

Paul Lewis announced that David Jopling had resigned from the Planning Commission and passed Mr. Jopling's letter of resignation around to the members to read.

The first order of business was the approval of the minutes for the September 16, 2003 meeting. A motion was made by Dave Fansler to accept the minutes. The motion was seconded by Dave Heishman. The motion passed.

The minutes for the October 21, 2003 meeting were read by the members. Dave Fansler made a motion to accept the minutes. The motion was seconded by Phyllis Cook. The motion passed.

The next order of business was a presentation by Bob Dillard regarding his development of "The Summit at Lost River." Mr. Dillard explained that he is developing the property in phases and that he has completed the first phase which includes 9 lots of an average 5 acres per lot. One road has not yet been completed. Mr. Dillard presented a letter of credit from Summit Community Bank guaranteeing monies to cover completion of the road in the event it is not finished. He stated that the road contractor will be finished by April 1, 2004.

Mr. Dillard presented a copy of the covenants and also another letter from Summit Community Bank which dealt with a savings account that would be created for the property owners.

There was one objection to the approval of Phase I of Mr. Dillard's subdivision, however, a motion was made by Dave Fansler to approve the plat with the letter of credit. The motion was seconded by Dave Heishman. Russ Ratliff abstained. The motion passed.

Paul Lewis asked that the members review the "A-1" section of the proposed zoning ordinance before the next meeting. If everyone concurs, the Planning Commission will ask Dave Jopling to put this zone on the map before the hearings.

Paul Lewis asked for ideas on how to handle the public hearings. It was agreed that one hearing each should be held in Moorefield, Old Fields, Wardensville, Baker and Mathias. The map will be displayed before the hearing and comments will be taken. Debate will be avoided and written comments will be encouraged.

J. R. Keplinger stated that the Planner's job will be advertised in the Moorefield Examiner. The position will be advertised as full-time and is to include the duties of the previously advertised County Coordinator.

The next meeting will be held on December 16, 2003

Dave Fansler made a motion to adjourn. The motion was seconded by Dave Heishman. The meeting adjourned at 7:50 pm.

## MINUTES FOR 12/16/03 MEETING

Present at the meeting were Paul Lewis, Russ Ratliff, Grover See, Arlie Funk, David Heishman, Lee Lehman, and George Leatherman.

Dick Hughes was the only guest.

Members discussed, at length, possible solutions to the A-1 District dilemma. After a lengthy discussion, a motion was made by Russ Ratliff to change the A-1 District to "Flood Plain District", to delete the Agricultural Zones, to define "flood plain" using the FEMA definition and to change the A-2 District to Agricultural District. The motion was seconded by George Leatherman.

Russ Ratliff made a motion to approve the minutes from November 18, 2003. The motion was seconded by Arlie Funk.

Russ Ratliff made a motion to adjourn at 8:05 pm. The motion was seconded by George Leatherman.