1-23-2007
MEETING MINUTES

Due to the lack of a quorum, no formal meeting was held.

Present:
Dave Heishman
Hope Yankey
Charles Kohne
Grover See
George Leatherman
Lee Lehman

Mickey Carr
Dave Shields

Guests:
Dick Hughes

Hardy County Planning Commission
2-20-2007 Meeting Minutes

Due to there being a lack of a quorum, no business could be done and no meeting could be held.

Board Members Present: Dave Heishman, Hope Yankey, Charles Kohne, Grover See, Arlie Funk, David Fansler

Planning Office: Mickey Carr and Dave Shields

Guests: Dick Hughes, David Jopling, Curtis Durst, Tommy & Debbie Crites, Jerud Crites, Carissa Wilson.

Hardy County Planning Commission
2-27-2007
Meeting Minutes

A special meeting of the Planning Commission was held in the Hardy County Courthouse Annex. Present at the meeting were board members Dave Heishman, J.R. Keplinger, Hope Yankey, Charles Kohne, Charlotte Bowman, Arlie Funk, David Fansler and George Leatherman. Planner Mickey Carr and Assistant Planner Dave Shields were also present. Guests were Dick Hughes, Larry Kuykendall and Rhonda Craven.

Dave Heishman called the meeting to order at 7PM.

The first order of business was to approve the meeting minutes from the January 2, 2007 meeting. With there being no additions, revisions or questions, Charles Kohne made a motion to approve the meeting minutes as read. The motion was seconded by Arlie Funk. A vote was taken and the motion passed.

Next, Dave Heishman informed the Planning Commission of the resignation of commission member Bill Ours.

Charles Kohne inquired about the covered dish dinner to be held in Keyser on the 8th of March. Dave Heishman informed the commission that the dinner and meeting was open to everyone. Charles Kohne invited the commission members to come with him to the meeting and dinner.

The next order of business was from Larry Kuykendall, representing WELD, owned by Curtis Durst. Larry asked if there was a conflict of interest due to his previous work for the Planning Commission. The commission replied that there was no conflict.

Larry then informed the commission that WELD is changing their official location from Petersburg to Moorefield. With arrangements they have with a fire department, their intentions are to; not change the tower height or; add one foot to the tower or; add 6 feet to the tower. The tower is located on Helmick Rock, where there is an Antenna farm. The purpose of this is to extend the range of the station to the eastern part of the county. Larry showed the commission technical data in regards to the tower.

J.R. Keplinger added that if this project will add more radio coverage to Hardy County, the it would benefit everyone to allow the special use permit.

Mickey Carr then gave his report on the WELD application and relief requests. Mickey's recommendations were to grant an exemption under Section 16 of the wireless ordinance. He also suggested that WELD provide insurance and indemnity as described in Section 25 and 26 of the wireless ordinance. Next Mickey said the applicant should provide a detailed drawing of the particular site and tower to the Planning Office. Finally, in accordance with Section 21 of the wireless ordinance, the applicant should pay the $2,000 fee.

After Mickey Carr's report, Larry Kuykendall asked if there were any questions. Mickey Carr asked when the modifications would occur. Larry answered that it would be before fall of 2007. There were no other questions.

J.R. Keplinger then made a motion to grant the special use permit to WELD with the variance, relief and conditions the Planner, Mickey Carr, suggested. The motion was seconded by Charles Kohne. With no discussion a vote was taken. The motion passed.

Next on the agenda were revisions to the subdivision ordinance proscribed by the County Commission. The three items were;

(1) Omit "immediate" from Article 6, B. Criteria, 1: Family transfer.

(2) Changes in Article 6, B: Criteria, 1 & 2, in regards to the 20 foot travel way.

(3) Change Article 14, D: Drainage, 7: Culverts, from twenty (20) inches to fifteen (15) inches.

A motion was made by Charles Kohne to change the language in Article 6, B: Criteria, 7 (a) to read; "*(a) The proposed lots shall either front on an existing State maintained road or be provided with a right-of-way of a width not less that forty (40) feet, providing a twenty (20) foot travelway. The lot and right-of-way center line must be described by use of a plat and metes and bounds description prepared by a West Virginia licensed surveyor*." The motion was seconded by J.R. Keplinger. With no discussion a vote was taken. The motion passed.

A motion was made by Charles Kohne to change the diameter of culverts in Article 14, D: Drainage, 7: Culverts, from twenty (20 inches) to eighteen (18) inches. The motion was seconded by George Leatherman. With no discussion a vote was taken. The motion passed.

Dave Heishman asked if there was any further business.

J.R. Keplinger said that the planning commission and planning office should be careful when mentioning names in the newspaper in regards to attendance of meetings so as no one would be offended.

Mickey Carr added that he requested 3 times from the county commission to remove members of the planning commission who had less than 25% attendance. He added that the county commission had not acted on his request.

Dave Heishman added that he, the planning staff and the county commission need to get together and revise the ordinance for the planning commission to include all parts of West Virginia code 8A.

Dave Heishman then commented in regards to the letter he sent to the commission members. He stated that the letter was his idea and his alone. That was why he signed every copy. He then explained why the letter was written.

George Leatherman and Charles Kohne asked that the planning office to call them the day of meetings and remind them of the meeting that evening.

Mickey Carr then informed the commission of the up coming meetings on March 6th and April 3rd.

A motion was then made by J.R. Keplinger to adjourn the meeting. The motion was seconded by Hope Yankey. A vote was taken and the motion passed. The meeting adjourned at 8:05PM.

Hardy County Planning Commission

3-6-2007 Meeting Minutes

A Planning Commission ordinance meeting was held in the County Courthouse Annex. Present at the meeting were Dave Heishman, Hope Yankey, J.R. Keplinger, Charles Kohne, Phyllis Cook, George Leatherman, Charlotte Bowman, Arlie Funk, Grover See, Lee Lehman, and David Fansler. County Planner Mickey Carr and Assistant Planner Dave Shields were also present. The guest for the evening was Dick Hughes.

Dave Heishman called the meeting to order at 7PM.

The first order of business was to read and approve the meeting minutes from February 27th, 2007. With there being no additions, corrections or objections, George Leatherman made a motion to accept the minutes as read. The motion was seconded by Grover See. With no further discussion, a vote was taken and the motion passed.

Next Mickey Carr stated that the public hearing for the proposed subdivision named "Prosperity Point" would be held on April 3rd.

Phyllis Cook asked about commission attendance and suggested that there may be a better way to deal with members who have not attended. She felt that the Planning Office should not have to go to the County Commission to report of delinquent members.

Mickey Carr responded that he appreciated her inquiry, but West Virginia Code 8A was specific in regards to the County Commission being informed of such members.

Next on the agenda was to begin discussions on the Comprehensive Plan. The Planning Office prepared work sheets for the commission members which listed two sections of 8A-3-4. Section one is Land Use and section two is Housing.

Dave Heishman started with the comment that he did not want the Comprehensive Plan to be based off the Zoning Ordinance.

J.R. Keplinger asked if the Comprehensive Plan had to be very specific. Dave Heishman replied that it did not.

Mickey Carr then went over the basic goals of the Comprehensive Plan for the commission members.
The following notes were collected by the Planning Staff:
Section I. Land Use:
-Residential-
- Limit residential building to where infrastructure (water/sewage) and commercial zones are.
-Limit mountain top development or development where there are sharp slopes.
-Residential zones near schools.
-Add water and septic systems to current residential zones.
-Commercial-
-Keep development of commercial zones where they have traditionally existed.
-Intersections of major roads.
- develop commercial zones where there are on/off ramps off of Corridor H.
-Industrial-
-Keep industry in industrial parks (Baker, Wardensville, Robert C. Byrd, and Moorefield).
-If industrial zones reach maximum capacity, will find suitable sites where residential and agriculture will not be adversely affected.
-Agriculture-
-Protect family farms.

-Limit development around farms.

-Protect poultry and cattle farms.

- Utilize floodplains for farming.

-Educational-

-Build schools in proximity to residential zones.

-Must have adequate water and septic.

-Use strategies to protect the community college.

-Historical-

-Maintain rural heritage.

-Protect historical sites.

-Protect the heritage of local families.

-Growth in tourism.

-Recreational-

-Create a zone where housing is in remote areas.

- Housing would have septic and water not connected to public utilities.

-Land set aside for vacation homes.

With these items discussed, Dave Heishman asked when the next ordinance meeting would be held. Mickey Carr replied that it would be May 15th. The commission would pick up where it left off with added notes from the Planning Office.

Mickey reminded the commission that the next meeting, a public hearing would be held on April 3rd.

A motion was made by George Leatherman to adjourn the meeting. The motion was seconded by Arlie Funk. A vote was taken and the motion passed.

The meeting adjourned at 8:35PM.

PLANNING COMMISSION
MEETING MINUTES
4-3-2007

A public hearing was held in the Planning Office in the courthouse with a regular meeting held afterwards. Present at the meeting were David Heishman, Phyllis Cook, Charlotte Bowman, J.R. Keplinger, Charles Kohne, Grover See and Arlie Funk. County Planner Mickey Carr and Assistant Planner Dave Shields were also present. Guests were Dave Jopling, Tom Crites, Debbie Crites, Robert Williams and Robert Knisely.

Dave Heishman called the meeting to order at 7PM.

The first order of business was to read and approve the minutes from the March 6, 2007 meeting. There was one spelling error pointed out by J.R. Keplinger. Grover See made a motion to accept the meeting minutes with the correction made by Dave Shields. The motion was seconded by Charlotte Bowman. With no discussion on the motion a vote was taken. The motion passed.

Next, a public hearing was opened in regards to the proposed "Prosperity Point" subdivision, developed by Tom and Debbie Crites. The Board of Zoning Appeals approved a conditional use permit in February for the proposed subdivision. Dave Jopling represented the Crites' for the proposed subdivision. He started out explaining the purpose of the proposed subdivision. The proposed subdivision would have 6 houses. When Dave Jopling was finished, the members of the Planning Commission were invited to ask questions.

After the question and answer session, Mickey Carr gave a report on his findings. He informed the Crites' that if they paved the entire road, including part of the first driveway, he would be satisfied and recommend approval to the Planning Commission. The Crites' agreed. Dave Jopling asked if a bond or letter of credit could be issued so lots could be sold to soften the cost of the paving. The Planning Commission voiced that a bond could be raised.

J.R. Keplinger made a motion to approve the proposed "Prosperity Point" subdivision with the following stipulation; that the entire road, including part of the first driveway, would be paved and a bond or letter of credit would be issued under the direction of the

Planner. The motion was seconded by Charles Kohne. With no further discussion, a vote was taken on the motion. The motion passed.

Dave Heishman then closed the public hearing and opened an ordinance meeting.

J.R. Keplinger informed the Planning Commission that the County Commission was prepared to go to public hearing on the amended subdivision ordinance. The Commission would set the date at the next Commission meeting on April 17th.

Next, the discussion opened in regards to the Comprehensive Plan. Dave Heishman informed the Commission that they were continuing with number 2, Housing. The commission discussed the various points of housing in regards to the requirements of WV Code 8A.

Phyllis Cook pointed out that much of the material covered was already in current Comprehensive Plan. Dave Shields suggested that he pull out all of the information in the current Comprehensive Plan and apply them to each number in 8A. Then this could be presented to the Planning Commission to add further material. The Commission agreed that it was a solid idea and asked him to start the project.

Mickey Carr reminded the Commission that the next meeting is scheduled for May 1, 2007 and an ordinance meeting to be held on May 15, 2007. He also remarked that an application for a subdivision was under review and the public hearing may be scheduled for May 1st.

With no further business to attend to, Grover See made a motion to adjourn the meeting. The motion was seconded by Arlie Funk.

The meeting was adjourned at 8:10PM

PLANNING COMMISSION
5-1-2007
MEETING MINUTES

A public hearing of the Hardy County Planning Commission was held in the county courthouse on 5-1-2007. Present at the meeting were Dave Heishman, J.R. Keplinger, Hope Yankey, Charles Kohne, Phyllis Cook, Grover See, Charlotte Bowman and Arlie Funk. Planner Mickey Carr was also present. Guests included Dick Hughes, Renick Williams, Mark Sirk, Phyllis Sirk, Kirk Wilson, Steve and Elizabeth Smith and Gary Smith.

Dave Heishman called the meeting to order at 7PM.

The first order of business was to approve the minutes from the April 3, 2007 meeting. With there being no additions or corrections, Grover See made a motion to approve the meeting minutes as read. Phyllis Cook made a second on the motion. With no further discussion a vote was taken. The motion passed.

The next order of business was the public hearing for the proposed "Ogden Farms Extension" subdivision. The proposed subdivision is being developed by Steve Smith with Kirk Wilson as the engineer.

Kirk Wilson began with a power point demonstration with an overview of the proposed subdivision. Kirk Wilson said the goal of the proposed subdivision is to, "develop an upscale townhouse community to meet the market needs". The proposed subdivision would have 228 multiplex units and 21 single family houses total with a central collection and sewage center. All of the roads would be paved with a 24 foot width. There would be public areas and parks. The developers have permission from the DEP for the sewage discharge of effluent from package sewage system. Kirk Wilson was scheduled to meet with the PSD the following day concerning water availability for the project. At the last meeting of the Board of Zoning Appeals, a conditional use permit was issued to the developers to develop a conventional residential subdivision in an "A" agricultural zone.

Kirk Wilson then finished the presentation and asked if there were any question.

Charles Kohne asked for a clarification on the conditional use permit. Mickey Carr reiterated Kirk Wilson's explanation.

Dave Heishman inquired about the retention ponds. Kirk Wilson replied that they would not be filled all the time with water.

J.R. Keplinger inquired about the time span on phases. Kirk Wilson stated that it would take five to six years for all of the stages. Within two years there should be occupants.

Charlie Kohne inquired about the capacity and amount of self contained sewage units. Kirk Wilson replied that they would buy several with a capacity of 15,000 gallons.

Mickey Carr inquired as to the access to the proposed subdivision via Corridor H. Kirk Wilson replied that a deal has been completed for access through an adjacent land owner to the Corridor. The legal paperwork is being completed.

Mickey Carr informed the commission as to the variance approved for the original Ogden Farms whereby the roads did not have to be paved. Steve Smith informed the commission that the first and all following phases including the original Ogden Farms would be paved with sidewalks.

Mickey Carr then inquired as to any lots sold at this time at the original Ogden Farms and Steve Smith replied that 19 were sold. Mickey then inquired as to the property owners association of Ogden farms and the bank account. Steve Smith replied that there was no account and all work came out of his pocket.

With no further questions, Dave Heishman opened the floor to persons opposed to the proposed subdivision.

Mark Sirk voiced his concerns due to the smell generated by the sewer plant and the view from his home of the self contained sewage plants. Kirk Wilson replied that the prevailing winds would be from North West and the sewage treatment plants were across from Mark Sirk's Chicken houses. Mark Sirk responded that his two chicken houses did not have any odors due to strict regulations.

Next, Mark Sirk voiced his concerns due to the large amount of wet lands in the proposed subdivision. Charles Kohne remarked that the State Health Department was responsible for perk tests.

Phyllis Sirk also voiced her concerns in regards to the proposed subdivision and the package sewage plants. Steve Smith replied that there would be screening from the chicken houses. Phyllis Sirk also commented about traffic coming into the proposed subdivision and speed limits.

Mickey Carr inquired about the NPDES permit. Kirk Wilson replied that the application not been completed.

J.R. Keplinger asked about the price range per townhouse. Kirk Wilson replied that the price range was from $120,000 to $150,000 per unit.

Phyllis Sirk inquired as to the population of the current Ogden Farms. Steve Smith replied that there were 60 residents.

With all discussion and questioning completed from the public and the commission, Charles Kohne made a motion to approve the application for the proposed “Ogden Farms Extension” subdivision with all requirements made by the Planning Office included. J.R. Keplinger made a second on the motion.

Dave Heishman then closed the public hearing so there could be a report from the Planner.

Mickey Carr presented his findings on the proposed subdivision to the commission. Phase I construction includes providing infrastructure to the existing approved subdivision (paved roads and central sewer). In addition, access will be provided from Corridor H, which is also desirable.

Mickey added that proof of a property owners association and bank account established for said association will need to be submitted to the planning office prior to final plat approval. He reiterated that there was a 50’ buffer zone in an “A” agricultural zone and a maximum of 3 stories or 40’ height in each townhouse or residence.

Mickey then stated that the developers must submit a grading plan, drainage plan and an approved NPDES permit before starting construction. In addition, before final plat approval, the appropriate permit from state agencies for the central sewer is required.

After the Planner’s report, Dave Heishman asked if there was any further discussion. With their being none and a motion on the table, a vote was taken. The motion passed for the proposed “Ogden Farms Extension”.

Next on the agenda was a request from Curtis Durst of WELD to change the location of the antenna from the Fire Department Tower to the Eastern Communications tower. Charlotte Bowman made a motion to approve the request. J.R. Keplinger made a second on the motion. With no discussion on the matter, a vote was taken. The motion passed.

George Leatherman questioned about the possibility of eliminating the application fee. Mickey Carr stated that any inquiries to the application fee should be referred to the County Commission.

Next, Mickey Carr gave an update on the proposed “Fawn Grove” subdivision. The developers have gone to the exemption route and have filed the new plat with the County Clerk’s office and paid the Planning Commission Fees. Phyllis Cook then made a motion to disapprove the subdivision application of September 5, 2006 report. Grover See made a second on the motion. With no discussion a vote was taken. The motion passed.

Mickey Carr then discussed the proposed meeting dates from July through December 2007. The commission members agreed to get back to Mickey concerning any change.

Mickey then informed the commission that the next meeting would be on May 15, 2007.

With no further business, Grover See made a motion to adjourn the meeting. Arlie Funk made a second on the motion. The meeting was adjourned at 8:20PM.

MEETING MINUTES
5-15-2007

A regular meeting of the Planning Commission was held in the Planning Office. Present at the meeting was Arlie Funk, Charles Kohne, Phyllis Cook, Grover See, Lee Lehman, J.R. Keplinger, Dave Fansler and Charlotte Bowman. Planner Mickey Carr and Assistant Planner Dave Shields were also present. The guest for the evening was Dick Hughes.

In the absence of Commission President Dave Heishman and Vice President Hope Yankey, the commission asked Mickey Carr to run the meeting.

Mickey Carr called the meeting to order at 7PM.

The first order of business was to read and approve the minutes from the May 1, 2007 meeting. Lee Lehman found one error in the meeting minutes. The error involved his name on the meeting minutes of the May 1, 2007 meeting when he was not present. Dave Shields made the correction. With no other additions, corrections or objections, Grover See made a motion to approve the meeting minutes as read with the one correction. Charles Kohne made a second on the motion. A vote was taken on the motion. The motion passed.

J.R. Keplinger inquired about the public hearing on the 3rd of April and an explanation of the motion and vote for the then proposed "Ogden Farms Meadows Extension". Mickey Carr replied that the vote was for the phase one of the development and that the developers must submit a grading plan, drainage plan and an approved NPDES permit before starting construction. In addition, before final plat approval, the appropriate permit from state agencies for the central sewer is required.

The next order of business was the comprehensive plan. The planning staff mailed out the material which the commission read and was to discuss. The topic was Chapter Two: Housing. The material included information from the current comprehensive plan and research done by the planning staff. The commission had several corrections that they wanted made including omitting land and housing values and changes of wording including replacing mobile home with manufactured housing. With the correction noted, Mickey Carr read the suggested goals and objectives borrowed from the Morgan County Comprehensive Plan. The commission voiced their approval for the goals and suggestions and asked for them to be reworded to fit the comprehensive plan.

Next, Mickey Carr previewed Chapter 4: Infrastructure, to the commission. He mentioned the new water treatment plant in Baker and the proposed sewage treatment plant in Old Fields. Mickey also passed out the Chapter on transportation.

Charles Kohne then inquired about grandfathering in regards to the proposed revisions to the subdivision ordinance. Mickey Carr replied that the county commission has to set the date of enactment for the revisions if they pass. Mickey also stated that any proposed subdivision applicants would have to have his approval on all parts of the completed application in order for them to be considered grandfathered.

Mickey then informed the commissioners that there was a proposed subdivision that may be on the agenda for the June 5th meeting if they provided all material necessary by Thursday the 17th of May.

Mickey then inquired if any members of the planning commission were going to attend the County Commission public hearing of June 4th for the proposed revisions to the subdivision ordinance. There was a mixed response from the commission members.

Mickey then informed the commission that the next meeting is to be held on June 5, 2007.

With no further business on the agenda, Grover See made a motion to adjourn the meeting. Phyllis Cook made a second on the motion.

The meeting adjourned at 8:05PM.

MEETING MINUTES
6-5-2007

A public hearing was held on June 5, 2007 in the planning office. Present were Dave Heishman, Charles Kohne, Lee Lehman, Charlotte Bowman, J.R. Keplinger, Arlie Funk, Hope Yankey and David Fansler. Planner Mickey Carr and Assistant Planner Dave Shields were also present. Guests were Dick Hughes, Robert Williams and Dave Jopling.

Dave Heishman called the meeting to order at 7PM.

The first order of business was to read and approve the meeting minutes from the May 15, 2007 meeting. Charlotte Bowman asked that all corrections be added in the meeting minutes if there was a correction in the last meeting minutes. Her reference was to the May 1, 2007 meeting minutes whereby Lee Lehman was added as in attendance when in fact he was absent at that meeting. The Planning Commission members were in agreement of Charlotte and Dave Shields noted that he would add all meeting minute corrections in the future.

With the correction added, Arlie Funk made a motion to accept the meeting minutes as read with corrections. J.R. Keplinger made a second on the motion. With no further discussion, a vote was taken on the motion. The motion passed.

Next, Dave Heishman opened a public hearing for the proposed "Rocky Run" subdivision. The developers of the proposed subdivision are Tom and Debra Crites. Dave Jopling, their representative, spoke for the Crites during the public hearing.

Dave Jopling began with an introduction and explained how the proposed subdivision would be developed. The land is in an "A" agricultural zone, but a conditional use permit was issued to the developers by the Board of Zoning Appeals. Dave Jopling informed the commission that Kirk Wilson of L&W Enterprises would be designing the storm water run-off controls and that the final plat would be slightly different than the proposed sketch plat. In the application are 3 perk test results. Since the majority of parcels are less than 2 acres, the roads would be paved. The proposed subdivision would be on public water. And the roads would be conveyed to the property owners association.

Dave Heishman then closed the public hearing for comments from Planner Mickey Carr.

Mickey Carr gave a description of the erosion and sediment issues for the proposed subdivision. He passed around the 3 perk tests and reminded Dave Jopling that the Crites still owed the subdivision application fees. Otherwise, Mickey stated that he had no issues with the proposed subdivision.

With there being no further questions from the Planning Commission or comments from the public, Charlie Kohne made a motion to approve the preliminary plans for the proposed "Rocky Run" subdivision. Lee Lehman made a second on the motion. With no discussion from the commission, a vote was taken. The motion passed.

The next topic discussed was Chapter 3 of the Comprehensive plan: Transportation. The commission read the hand out of Chapter 3. Several suggestions were made in regards to material to be added. They include:
-Mention Corridor H and its future length crossing the entire East/West length of the county.
-Road upgrades and snow removal.
-Moorefield bypass.
-Proposed Route 220 North to Route 68 in Maryland.
-Methods to acquire funds for road projects.
-Proposals for setbacks off of major roads.
-Discuss State Route 259 and possibilities of road upgrades.
-Mention South Fork Road (Rt. 7) and its role as a scenic route.
-Corridor H as a scenic route.

Mickey Carr then gave an update that the terms of 6 Planning Commission members were up at the end of June. They included Dave Heishman, Charles Kohne, Grover See, Hope Yankey, George Leatherman, and Lee Lehman. Mickey asked the commission members whose term needed renewal if they objected to being reinstated for 3 more years. None of the commission members objected. He also stated that he asked the County Commission to extend Charlotte Bowman's term two years with one year retrospective towards a 3 year term.

Mickey Carr then informed the commissioners that the next meeting would be held on Tuesday, July 17, 2007.

With nothing further on the agenda, JR Keplinger made a motion to adjourn the meeting. The motion was seconded by David Fansler. The meeting was adjourned at 8:20PM.

7-31-07
Meeting Minutes

A regular meeting of the Hardy County Planning Commission was held on July 31, 2007 in the Hardy County Courthouse. Present were President Dave Heishman, Lee Lehman, Grover See, Charles Kohne, Dave Heishman, J.R. Keplinger, and Charlotte Bowman. Interim Planner Dave Shields and Intern Jason Shipe were also present. Guests included Cricky Shultz, Chaz Shultz, Tom Mercer, Trad Sokol, and Dick Hughes.

Dave Heishman called the meeting to order at 7PM.

The first order of business was to read and approve the minutes from the July 17, 2007 meeting. With there being no additions, corrections, or objections, Grover See moved to approve the minutes as read. Lee Lehman made a second on the motion. With no further discussion, a vote was taken on the motion. The motion passed.

Next on the agenda was a presentation by Cricky Shultz, who presented the phasing plan for the subdivision, Elizabeth Station. Mr. Shultz handed out colored coded plats of the phase description and gave a brief description of the proposed phasing of the subdivision, which included 6 phases, depending on the market needs. It is planned to be completed throughout 5-6 years, pending the current issue of sewage in the subdivision and local area.

Mr. Shultz also stated that he had been diligently working with the PSD to develop a gravity sewage line down to US 220, which would include Caledonia Heights, Moorefield Middle School, and the new Moorefield Intermediate School. At this current time Mr. Shultz has a permit with the Hardy County Health Department to pump and haul the sewage from the subdivision, Elizabeth Station, which expires December 31, 2007. He stated at that point in time, if the sewage line is not completed, he will apply for an extension each month to pump and haul the sewage.

Cricky also discussed that he had developed, along with a private engineering company, three (3) different sewage options for the subdivision. However, the gravity fed sewage line down to US 220 was the most feasible. Renick Williams would provide right of way easement down to US 220 in exchange for a road built from the Caledonia Heights subdivision.

Dave Heishman then entertained any questions or comments from the public. There being none, he then entertained any questions or comments from the planning commission.

Charles Kohne inquired as to the process of extending the pump and haul permit.

Cricky Shultz replied that every month an extension would have to be applied for in order to continue pumping and hauling the sewage from the subdivision. He then stated that he desires to have the completed gravity fed sewage line completed as soon as possible, due to the excessive costs of pumping and hauling sewage. He estimated the sewage line to be completed after December 31, 2007.

Dave Heishman then entertained any motions.

Lee Lehman made a motion to approve the commercial associates to complete the subdivision in the proposed phases. Arlie Funk made a second on the motion. There being no discussion on the motion, a vote was taken. The motion passed. Dave Heishman informed Mr. Shultz that 'Elizabeth Station' subdivision could proceed in phases, provided he presents his exact phase plan before beginning construction of the phase.

Next on the agenda was the continuation of revisions to the comprehensive plan, specifically Section 3: Transportation. Interim Planner Dave Shields gave a brief description of the points stressed from the last ordinance meeting.

The following suggestions were made by the Planning commission in regards to Section 3:
-Routes 259 from Wardensville to the Hampshire County line, Old 55 and South fork Road are secondary roads and scenic like Corridor H.

-Primary roads SR259 (Baker to the VA line), Rt. 29 North and US 220 South to the Grant County line should be expanded.

-Commercial zones should be connected.

The Planning Commission agreed that all other sections of Section 3 were sufficient.

Next, Dave Heishman commented that the meeting area of the Planning Office now has a 16 inch diameter clock.

Interim planner Dave Shields reminded the Planning Commission that the next meeting, a public hearing, would be held on August 21, 2007. At that time there were no requests for a public hearing. Dave Heishman stated that if there were no public hearing requests, the Planning Commission would continue with revisions to the Comprehensive Plan.

With no further business, Grover See made a motion to adjourn the meeting. Arlie Funk made a second on the motion. The meeting was adjourned at 8:30PM.

7-17-2007
MEETING MINUTES

A public hearing was held on July 17, 2007 in the Hardy County Courthouse. Present were Dave Heishman, Arlie Funk, Charles Kohne, Hope Yankey, Grover See, Lee Lehman, George Leatherman and JR Keplinger. Interim Planner Dave Shields was also present. Guests included Randall Miller, Dick Hughes and Ken Pack.

Dave Heishman called the meeting to order at 7PM.

The first order of business was to read and approve the minutes from the June 5, 2007 meeting. With there being no additions, corrections or objections, Charles Kohne made a motion to approve the minutes as read. Hope Yankey made a second on the motion. With no further discussion, a vote was taken on the motion. The motion passed.

Next on the agenda was a public hearing in regards to the proposed "Little Ridge Estates" subdivision. Representing the proposed subdivision was Randall Miller, one of the developers. Mr. Miller gave a brief description of the proposed subdivision to the commission. The proposed subdivision was approved by the Board of Zoning Appeals in 2006 for a conditional use permit to develop a residential subdivision in an "A" agricultural zone.

The proposed subdivision would have 9 lots, each over 2 acres. Each parcel would have separate septic and water wells. The proposed subdivision has an approved WVDOH entrance permit off of Lower Arkansaw Road. Each parcel has approved perk tests. There is a single pond in lot #1, which will be filled in by the developers. And there was a final plat delivered to the Planning Office showing the road grades, topography, setbacks and septic reserve fields.

Dave Heishman then entertained any questions or comments from the public. There being none, he then entertained any questions or comments from the planning commission.

Charles Kohne inquired as to the validity of the interim planner and previous and future planners in regards to inspections of proposed subdivisions. He expressed that past

county planners before Mickey Carr did not dedicate themselves to the job nor had the engineering skills to give professional opinions such as Mickey Carr had.

George Leatherman replied that the county would never be able to employ a planner with Mickey Carr's engineering skills without comparable pay.

Dave Heishman inquired to JR Keplinger if Dave Shields could make planning decisions.

JR Keplinger replied that Dave Shields was competent and was responsible to fill in as interim county planner.

There being no other inquiries related to the proposed subdivision, Dave Heishman turned the public hearing over interim planner Dave Shields for planning office comments.

Dave Shields informed the commission that he had been trained by Mickey Carr to act in his absence.

Dave Shields then informed the commission that the planning office had made an inspection of the proposed subdivision on the 16th of July and gave a brief description of the terrain. He noted the grade markers, good shale roads and marked parcels. Then Dave Shields presented photos to the commission showing lots and depth and distance perspective. He ended his report stating that the proposed subdivision met the requirements of the comprehensive plan, zoning and the subdivision ordinance. It was his recommendation that the commission approve the proposed subdivision to go forward.

Dave Heishman then entertained any motions.

Lee Lehman made a motion to approve "Little Ridge Estates" to proceed for final inspection. JR Keplinger made a second on the motion. There being no discussion on the motion, a vote was taken. The motion passed. Dave Heishman informed Mr. Miller that "Little Ridge Estates" subdivision could proceed. The public hearing portion of the meeting ended.

Next on the agenda was a letter from Curtis Durst, owner of WELD-FM, regarding a request to temporarily utilize the Valley TV Co-Op tower until the FCC approves the permanent move of WELD antenna to the Eastern Communications tower, all of which is on Helmick Rock He also requested for relief from the telecommunications ordinance pertaining to application fees.

JR Keplinger remarked that WELD-FM was a necessity for the county and its importance cannot be underestimated. Charles Kohne agreed.

Dave Heishman inquired as to fees in the telecommunications ordinance if there were no new constructions. Dave Shields replied that the fee would be $2,500.

Charles Kohne then made a motion to approve the request from WELD to utilize the Valley TV Co-Op tower until the FCC approves the permanent move of WELD antenna to the Eastern Communications tower. Lee Lehman made a second on the motion. With no further discussion, a vote was taken on the motion. The motion passed.

Grover See then made a motion to wave the application fees for WELD in regards to their application before the planning commission to put antenna up on one of the towers on Helmick Rock. The motion was seconded by JR Keplinger. With no further discussion, a vote was taken on the motion. The motion passed.

Next on the agenda was a request from Commercial Associates, developers of "Elizabeth Station" subdivision, to develop the subdivision in stages. The WV Health Department approved 3,500 gallon storage tanks for 10 houses in the subdivision until December 31, 2007. The letter stated that each phase would be 10 to 15 houses or town houses.

Dave Shields informed the commission that on the 17th of July the planning office had inspected the subdivision. The asphalt and subgrade were well above subdivision standards. The side ditches had been seeded and straw placed on them. The lots were marked and the subdivision sign was up. It was the opinion of the planning office that the developers could proceed with development.

Dave Heishman remarked that further plans of the subdivision needed to be shown on plats so the basic services could be met.

Charles Kohne inquired as to the sewage issues and where the subdivision would tie into the sewers in the future.

It was the consensus of the commission that since there were no representatives of Commercial Associates present to explain these two issues, that they could not approve their request.

With that being said, George Leatherman made a motion to table the request until representatives appeared before the planning commission to answer the sewage and future subdivision sections inquiries. The motion was seconded by JR Keplinger. With no discussion on the motion, a vote was taken. The motion passed.

Dave Shields informed the commission that letters would be sent out to each party regarding decisions made that evening.

Have Heishman then turned the meeting over to interim planner Dave Shields for planning office updates.

Dave Shields informed the commission that Mickey Carr resigned as county planner, effective July 13, 2007. Until a new planner was hired or Dave Shields was hired as planner, he would assume all of the responsibilities of the planning office. Dave Shields

informed the commission that no matter what position he would be in regards to the planning office, he was there to help.

Dave Shields then gave a brief update of the current subdivisions and their status. He also updated the commission on the status of the subdivision ordinance.

Dave Shields then informed the commission that the next meeting, an ordinance meeting, would be held on July 31st. The commission would pick up with section 4:Transportation.

With no further business, Grover See made a motion to adjourn the meeting. The motion was seconded by Arlie Funk.

The meeting adjourned at 8:20PM.

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MEETING MINUTES
8-21-2007

A regular meeting of the Planning Commission was held in the county courthouse. Present at the meeting were, Dave Heishman, Hope Yankey, JR Keplinger, Charles Kohne, Grover See, Arlie Funk, Charlotte Bowman, George Leatherman, and David Fansler. Planner Tom Widder and Assistant Planner Dave Shields were also present. The guest for the evening was Dick Hughes.

Dave Heishman called the meeting to order at 7PM.

The first order of business was to read and approve the minutes from the July 31st meeting. Charles Kohne corrected the spelling of his name. There being no other additions, corrections or abjections, Grover See made a motion to accept the meeting minutes as read with the spelling correction. Charles Kohne made a second on the motion. With no other discussion, a vote was taken on the motion. The motion passed.

Next, Assistant Planner Dave Shields and County Commissioner JR Keplinger introduced the newly hired County Planner, Tom Widder. Tom spoke to the commission for a few minutes. Then Dave Heishman and the Planning Commission welcomed Tom and gave their support for him and his position.

Dave Heishman then complimented the Planning office for the wall clock that kept correct time.

The next order of business was a brief report from Assistant Planner Dave Shields. Dave informed the commission that the County Commission was looking for a replacement for Phyllis Cook, who resigned. The replacement would come from the South Fork area. An update was given that US Cellular was interested in applying to use the OES tower by Moorefield. Dave also briefly discussed a new cell tower company who was interested in putting up towers on Corridor H, SR 259, and US 220. Persons owning hunting lands have shown concern regarding subdivisions built next to their hunting land. WV code dictates that no firearms may be discharged within 500 feet of a residence. And finally, Dave informed the commission about contractors in the county who were concerned about contractors who did not have WV contractor licenses and “moonlighted” doing shoddy work.

Next on the agenda were continued revisions to the Comprehensive Plan. The commission began on Section 4: Infrastructure.

Charles Kohne commented that there needed to be a definition of Infrastructure in regards to planning.

Dave Heishman asked to revisit Section 3: Transportation before moving to Section 4. He commented that there should be language added regarding promotion of public parking in commercial zones and "park & ride" areas. Grover See commented that people use the parking area on Corridor H by Clifford Hollow as a parking area. Charles Kohne added that people use the parking area in Wardensville by the firehouse. The commission agreed to add these suggestions to the Transportation section.

Next the commission started their review of Section 4.

The following were agreed upon and will be added to the section:
<u>-WATER AND LIQUID SEWAGE-</u>
-Develop water sources as high as possible and sewage as low as possible. JR Keplinger informed the commission that the water study is on CD.
-That the water study is an evolving project as water reserves are established and public water and sewage spread out from infrastructure.
-Primary water sources should be brought to commercial zones and spread out to residential zones.
-Encourage growth where public water and public sewage are located.
<u>-SOLID WASTE-</u>
-Envirco as the primary solid waste removal service.
-Encourage the commercial use of agricultural waste.
-Encourage solid waste removal.
-Encourage recycling and recycling education.
<u>-MISC.-</u>
-Electric and telephone come in to areas when other services are in place.
-Encourage wireless telecommunications and internet access.
-Encourage underground utilities.

The commission agreed to continue with infrastructure at the next meeting and then proceed to Section 5: Public Services.

With no further business, Dave Shields informed the commission that the next meeting will be on September 4th.

Grover See made a motion to adjourn the meeting. Charlotte Bowman made a second on the motion. The meeting adjourned at 8:30PM.

9-4-2007
Meeting minutes

A meeting of the Planning Commission was held in the Hardy Count Courthouse. Present were Dave Heishman, Hope Yankey, JR Keplinger, Charles Kohne, Charlotte Bowman, Arlie Funk, Grover See, Lee Lehman, and Dave Fansler. Present also were County Planner Tom Widder and Assistant Planner Dave Shields. Dick Hughes was the guest that evening.

Dave Heishman called the meeting to order at 7PM.

The first order of business was to read and approve the minutes from the August 21st meeting. There being no additions, corrections or objections, Charlotte Bowman made a motion to accept the minutes as read. Grover See made a second on the motion. A vote was taken on the motion. The motion passed.

Next, Planner Tom Widder gave an update from the Planning Office. Tom informed the commission about his report to the County Commission. The report included persons who have obtained an Improvement Location Permit and not posted their issued placard. He also informed the commission that land owners and contractors were applying for Improvement Location Permits after they had built structures on their property. Tom also informed the commission of the DEP meeting with the Planning Office the previous week.

Dave Heishman commented that WV Code 8A mentioned that Improvement Location Permits should be mentioned in the subdivision ordinance.

Tom Widder then informed the commission about three instructional conferences on planning, smart growth, and flood plain management. The commission requested written information on each.

Tom Widder then informed the commission that he inquired to the County Commission as to the status of the subdivision ordinance. Tom asked JR Keplinger to elaborate about the status of the subdivision ordinance to the Planning Commission.

Before JR could begin, Dave Heishman asked if he could comment. Dave Heishman remarked that he felt that the County Commission was negligent in their duty to make decision on the proposed subdivision ordinance. Dave expressed concern in regards to the

validity the County Commission held in the Planning Commission. Because of this, Dave Heishman felt that the Planning Commission should not continue with any ordinance work until this was resolved.

Charles Kohne then made a motion to cease all ordinance work by the Planning Commission until the County Commission resolved and passed the subdivision ordinance. This motion did not cover subdivision or variance work to be done by the Planning Commission. The motion was seconded by Hope Yankey.

Dave Heishman asked if there was any discussion on the motion.

JR Keplinger replied to the motion that the County Commission planned to meet that week to go over the key points of contention and have a finished product for the Planning Commission. He expressed that the County Commission appreciated the hard work that the Planning Commission has done. JR in formed the commission that the County Commission felt that the county was not at the stage necessary for the full implementation of the ordinance, but that 90% of the ordinance was fine. He also expressed to the commission that he did not vote yea for all parts of the ordinance.

Hope Yankey stated that it was the responsibility of the Planning Commission to protect the future of Hardy County and that this ordinance in its full would accomplish this task.

Charlotte Bowman expressed concern over the motion and informed the commission that it was the duty of the Planning Commission to advise the County Commission. She added that it was the Planning Commissions' duty to serve the people. It would be against that if the Planning Commission boycotted the County Commission through this motion.

Arlie Funk informed the commission that the County Commission was biased to the developers and large land owners. It was they and money who ruled the day, not the people.

Charles Kohne commented that most of the private roads will be taken over by the state for maintenance and the tax payers would have to pay for this. He also commented that the current ordinance was sufficient and the County was not taking the Planning Commission seriously.

Grover See commented that the Planning Commission under Dave Heishman has accomplished more than under and other Planning Commission President.

JR Keplinger remarked that Hardy County was ahead of the curve, being that there were only 3 counties in the state with zoning regulations. He also commented that it was a team effort for the whole Planning Commission in regards to the ordinance work.

Tom Widder reminded the commission that the County Commissioners, not the Planning Commission, received the brunt of the enacted ordinances and that under WV Code 8A, they had the powers of enactment and refusal of ordinances.

Charles Kohne made a motion to amend the current motion. The amendment was to allow the County Commission 2 months to act upon the subdivision ordinance before the Planning Commission would cease any ordinance work. The motion was seconded by Dave Fansler.

Dave Heishman asked if there was any discussion on the amendment motion to the first motion.

JR Keplinger replied that nobody could put a time limit on the Hardy County Commission.

A vote was then taken on the amendment motion to give the County Commission two months to act upon the subdivision ordinance, which would be added to the first motion. The vote was seven nays and one yea. The motion failed to pass.

Next, a vote by show of hands was taken on the original motion, which would cease all ordinance work until the Planning Commission made closure to the subdivision ordinance, save subdivision approval and variance and zoning change requests. The vote results were 5 nays and 3 yeas. The motion failed to pass. JR Keplinger requested that his name be added to the meeting minutes to show that he had voted nay.

Next, Dave Shields gave a brief update to the commission in regards to Cingular Wireless and the approved Special Use Permits issued to them in 2006 for the Wardensville and Baker sites. Dave reported that Cingular would not put towers in the county any time soon due to the 16 to 99 year turnaround in investment in the two sites.

The next item on the agenda was revisions to the Comprehensive Plan. Dave Heishman informed the commission that there would be little time that evening to work on Section 5: Public Services. The commission would tackle the section for the next meeting.

Tom Widder passed out two definitions of infrastructure which the Planning Office felt would suffice for the Comprehensive Plan. Charles Kohne felt the definitions were too vague. Tome Widder then assigned the Planning Commission the task of coming up with a proper definition using the material provided.

Tom Widder then reminded the commission that the next meeting would be on October 2nd.

Grover See them made a motion to adjourn the meeting. Charlotte Bowman made a second on the motion.

The meeting adjourned at 8:15PM.

MEETING MINUTES

10-2-2007

Due to the lack of a quorum, no meeting was held.

Members Present:
Dave Heishman
Lee Lehman
Grover See
Charles Kohne
JR Keplinger

Tom Widder, Planner
Dave Shields, Asst. Planner

Guests:
Dick Hughes
Robert Williams

10-14-2007
Meeting Minutes

-Due to a lack of a quorum, no business was conducted.

Commission Members
Dave Heishman
Grover See
Hope Yankey
Charles Kohne
JR Keplinger

Planning Staff
Tom Widder
Dave Shields

Guests
Dick Hughes
Robert Williams

MEETING MINUTES
11-6-2007

A regular meeting of the Planning Commission was held in the Planning Office. Present were Dave Heishman, Hope Yankey, JR Keplinger, Charles Kohne, Charlotte Bowman, Grover See, Arlie Funk, Lee Lehman, and Dave Fansler. Planner Tom Widder and Assistant Planner Dave Shields were also present. Dick Hughes was the guest that evening.

Dave Heishman called the meeting to order at 7PM.

The first order of business was to read and approve the September 4, 2007 meeting minutes. Dave Shields pointed out an error which was two periods at the end of a sentence on page two. With no other additions, corrections or objections, Charlotte Bowman made a motion to approve the meeting minutes as read with the correction. Grover See made a second on the motion. With no discussion on the motion a vote was taken. The motion passed.

Next, Dave Heishman gave a brief synopsis of a regional planning meeting he attended in Romney. Three main topics discussed during the meeting were: roads, building codes, and water resources.

JR Keplinger added that Hardy County has mapped out its water resources and that the new water treatment plant and sewage plant in Baker was approved.

Next, Tom Widder gave the Planning Office report. First he informed the Commission that the Planning Office now had extended hours: 8:30AM to 4PM, Monday through Friday. Also, the Planning Office would be open during lunch every day. He also added that if need be the Planning Office would extend hours to accommodate persons in the evenings and on Saturdays.

Next Tom Widder proposed a schedule for Planning Commission meetings for the 2008 year. These were regular meeting dates since public hearings would have to be scheduled as applications come in. Also, Tom Widder informed the Commission that two members of the Commission or the president could call for other meetings if need be.

The scheduled days for meetings are as follows:

Tuesday, January 15, 2008
Tuesday, March 18, 2008
Tuesday, May 13, 2008
Tuesday, July 15, 2008
Tuesday, September 15, 2008
Tuesday, November 18, 2008

The July meeting would be the deadline for the Comprehensive Plan and the Planner's report would be given for the fiscal year. The January meeting would include election of the president and vice president of the Planning Commission.

Hope Yankey expressed concern that the six scheduled meetings would not be enough to complete the tasks needed before the Planning Commission.

Charles Kohne informed the Commission that further meetings can be scheduled.

Dave Heishman also expressed his concern in regards to there only being six meetings scheduled in the 2008 year. He informed the Commission that he would schedule more meetings if need be.

Dave Heishman then asked Tom Widder if there were any time constraints in regards to updating ordinances.

Tom Widder replied that he would look into it. The only one he mentioned up front was the Comprehensive Plan, which has to be updated at least once every ten years and the Hazard Mitigation Plan, which must be updated within fourteen months.

Tom Widder then spoke to the Commission about attendance. He said if the members of the Planning Commission do not call in to the Planning Office and inform them that they will not be able to attend the meeting, and the Planning Office in return inform the Commission President so meetings can be cancelled, then they are wasting the time of members who do appear for meetings, especially if there is no quorum. This is also important due to reimbursement for mileage.

Tom Widder also stated that he would post the schedule on the web site.

With no other discussion on the topic, Charles Kohne made a motion to accept the proposed schedule for 2008. JR Keplinger made a second on the motion. With no further discussion, a vote was taken on the motion. The motion passed.

Tom Widder then discussed corrections to the letter that Dave Heishman sent out in regards to attendance and the December 4th meeting.

Dave Heishman added that it was his suggestion to forgo the December meeting as incentive for Commission members.

Charles Kohne then made a motion for the Planning Commission to forgo the December 4, 2007 meeting. The motion was seconded by David Fansler. With no discussion on the motion a vote was taken. The motion passed.

Tom Widder then gave updated on Improvement Location Permits and exempt subdivisions.

Next, the Commission commenced work on Section Five of the Comprehensive Plan: Public Services.

The first topic was Emergency Services. It was recommended that:
- It should be mentioned that Hardy County has contracts with other counties, including Virginia.
- Mention the additional medical practices in Wardensville, Baker, and Moorefield.
- North River Fire Company, north of Rio.
- Assisted living needs for the growing aging population.
- A county hospital.
-EA Hawse is privately owned.

Police Protection:
- encourage more state police.
- Wardensville has one policeman.
- State police are shared with Grant County.
- Multi jurisdiction with police in the county.
- Hardy County Commission is exploring expanding the Sheriff's deputy staff.
-Change name game warden to

Education:
- The education section needed expanded.
- Any old material that would seem negative should be removed.
- That is should be encouraged to provide additional land for schools and the population grows.
- Schools should be where the jobs are.
-Omit writing about specific repairs to schools.
- Encourage the upgrading of school facilities.

Libraries:
-Dave Heishman stated that he would update that section for the Planning Office.

Culture and History:
-This section will be added to Section 13: History.

Civic Organizations:
- Add information in regards to groups that contribute to the community, including Lions Club, Ruritans, Sons of Confederate veterans, Moose, Boy and Girl Scouts and 4H. Add where they are located and a brief thumbnail of their function.

Government:
- Charlotte Bowman will update the section in regards to Wardensville.
- Mention the Red Cross.
-Need to expand the information for Moorefield.
-Omit the information in regards to space needs in the courthouse.

Disaster Needs:
-Add the navigational beacon at Rig.

Dave Heishman then summarized the parts of Section five that the Planning Commission worked on.
Tom Widder then reminded the Commission that within 14 months the Hazard Mitigation Plan needed updated.

Tom Widder then reminded the Commission that the next meeting for the Planning Commission was on January 15, 2007. In January the Planning Office would send out modified mileage sheets to the commissioners and section six of the comprehensive plan.

With no further business for the evening, Grover See made a motion to adjourn the meeting. Arlie Funk made a second on the motion. With no discussion on the motion a vote was taken. The motion passed.

The meeting adjourned at 8:45PM.