

Hardy County Planning Commission
Meeting Minutes
02-04-2020

A regularly scheduled Hardy County Planning Commission meeting was scheduled for and held on February 4th, 2019 at 6:00 p.m. on the lower level of the Hardy County Courthouse; 204 Washington Street, Moorefield, WV. Planning Commission members present were Lee Lehman, Charlotte Bowman, Robert Williams, Greg Greenwalt, Roger Saville, Tim Wilkins, Tyler Bradfield. George Leatherman, and County Commission representative Dave (Jay) Fansler. Also present was Lon Anderson from the Moorefield Examiner.

Lee Lehman called the Public Hearing portion of the Hardy County Planning Commission to order at 6:00

The minutes were read and approved from the Nov- and December meetings (Jan. meeting was cancelled due to snow).

- Tyler Bradfield made a motion to approve minutes.
- Greg Greenwalt seconded the motion
- Motion carried, all in favor.

Committee Report:

The Hardy County Floodplain Ordinance Committee recommended that the Hardy County Floodplain Manager add the few corrections recommended by the WVU Law Clinic and e-mail clean copies of the revised Hardy County Floodplain Ordinance Draft to the Planning Commission members for review. The planner reviewed the primary changes to the ordinance – a 6” increase in the freeboard requirement, an added provision to allow for easier permitting of agricultural structures in the floodplain, and a requirement that all foundations and any areas below the base flood elevation must be constructed to meet the state building code (including appendix G – flood construction standards) and that written confirmation must be supplied from a licensed professional confirming such.

New business:

Scott gave a staff report. For December there were only 10 permits with a total of \$500,000. In January there were 11 permits for a total of \$200,000. Scott informed

the board that the GIS company ESRI offered free conference registration and that she would attend the ESRI Federal GIS Government Users Conference in DC on Feb. 10-12. The planner presented a letter to Region 8 endorsing a farm housing project being proposed in town limits.

Scott presented a "change of use" form for a home based business that had been in operation for about 8 months. The business was selling guns – no ammo. The applicant asked if they were to sell ammunition, how much would be acceptable to sell/store without going before the BZA (as other applicants have done due to the storage of "explosive materials" clause in the zoning ordinance – there is no specific mention of ammunition). The board discussed the issue and decided that as long as the ammo was stored securely within the 180 square feet designated for tax purposes as office space, they would not need to appear before the board. In further discussion the board noted there were a lot of people in the county who stored more ammunition for personal use than they would probably be storing for their business. It was the general consensus that the ATF licenses should specify what a license holder can and can not do in their businesses - for zoning purposes, as long as there is no outward evidence of a commercial operation they would be in compliance with zoning. The ATF is in contact with the zoning office when approvals are issued.

- Charlotte Bowman made a motion to consider these issues individually but in this case, if the ammo was stored in the 180 square feet, it should be allowed.
- George Leatherman seconded the motion
- Motion carried, all in favor.

The planner then presented a question about what the policy should be for subdivisions that have "defunct" development plans. For instance, they had planning commission subdivision approvals for particular development plans, but those plans were not achieved and the original developer no longer owns the property especially in cases where there are no deed restrictions or active property owners associations, how do we "deactivate" the original conditional subdivision approvals to allow other uses of the property – there are no provisions in the ordinance? After much discussion and recommendation from the planner it was decided that the county could allow a new subdivision application that would supersede the old approval if there wasn't significant opposition from owners that had built in the subdivision with the expectation that the regulatory measures would be enforced. The planner said she would require written consent of owners that had built and lived on the properties within the originally designated subdivision as part of the application.

The planner then informed the board that there had been inquiries from at least one individual about obtaining a zoning letter for a medical cannabis business use – a dispensary. There is no language in the ordinance pertaining directly to cannabis businesses, but there is a new state code section relating to this new business. The planner stated that according to the Hardy County Zoning Ordinance, medical uses require a Conditional Use permit from the BZA so it was her recommendation and interpretation that any of the various medical cannabis related businesses would require a Board of Zoning Appeals hearing. It was agreed that if an application made it through the state and the other approvals necessary (such as board of health and County Commission) they would be required to appear before the Board of Zoning appeals in a public hearing requesting a conditional use permit to meet the zoning requirements.

There was discussion about the mobile home ordinance as the planner stated that there had been interest from a land owner about creating a mobile home park on a property located partially in the floodplain. Apparently the state laws have changed so that two mobile homes are no longer considered a mobile home park by the health department as is stated in our mobile home ordinance, also the mobile home ordinance prohibits parks in the floodplain completely, when there are provisions to allow for such in the floodplain ordinance. The most restrictive usually applies, but considering the shortage of affordable housing the planner asked to board to think about this issues as it would eventually require action. Whether it be to revise the mobile home ordinance, or to issue a variance from the mobile home ordinance upon application.

Old business:

Scott asked for progress from the commissioners concerning Comp Plan citizen participant for the category to which each was assigned – again the assignments are as follows: Housing Residential – Lee, Infrastructure/Transportation – George & Greg, Public Services – Charlotte, Recreation Tourism – Greg, Economic Development – Robert, History/Culture – Roger, Rural Agriculture – Tim & Tyler. Scott said she was gathering information and data about these issues that will be disseminated to each of the commissioners for their respective topics.

Concerning the GIS board update, Scott stated that the County Commission had not approved the by-laws.

At 7:50 Lee Lehman called for a motion to adjourn

- George Leatherman made a motion to adjourn
- Greg Greenwalt seconded the motion
- Motion carried, all in favor

Meeting adjourned.



President, Hardy County Planning Commission



Hardy County Planner