

PUTNAM COUNTY PLANNING COMMISSION
Tuesday, July 18, 2023
Putnam County Courthouse Courtroom 221 (formerly room 202)

MINUTES

The Putnam County Planning Commission met on Tuesday, July 18, 2023, at the Putnam County Courthouse, Second Floor Courtroom, Room 221.

David Mills, president, called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance.

Roll call was taken and a quorum was present.

Members present: Jim Dodrill, David Hobba-by phone, Bryan Hoylman, Vic Mays, David Mills, Jacob Pack, Donald Pauley, Travis Willard, Glenn Yeager

Members absent: Edie Davis, Brian Ellis, Steve Perry, Heather Davis, Jessica Griffith & Adam Sigman

Staff present: David Coll, Melissa Sargent, Judy Graley & Denise May

Others present who signed in: Linda Tennant

APPROVAL OF MINUTES

The minutes of the June 6th, 2023, meeting were reviewed. Motion was made by Jacob Pack and seconded by Bryan Holyman to approve the minutes as presented. The motion carried unanimously.

CITIZEN CONCERNS

There were no citizens' concerns.

Public Hearing

David Mills opened the public hearing for **Text Amendment 2023-04: Article 1800.06- Application Requirements for Expansion or Enlargement of Nonconforming Uses.**

- *Language maintenance relative to the Zoning Ordinance for the Zoned Unincorporated Areas of Putnam County, WV*
- *Language maintenance relative to the Putnam County subdivision Regulations (Articles 400.01, 400.02, 500.04, 900.01, 900.02, 1300.01, 1300.04, 1500.02, & Appendix E. & Appendix F.)*

Disclosure of Conflict

No Commission member disclosed a conflict for this hearing.

Staff presented the Summary, a copy of which is attached and made a part of these minutes.

Applicant: Jason Asbury, Then Chairperson of Putnam County Ordinance Review Subcommittee & Then President of the Putnam County Planning Commission has applied for a Text Amendment to amend *Article 1800.06* – of the Zoning Ordinance for the Zoned Unincorporated Areas of Putnam County, WV. & Articles (400.01, 400.02, 500.04, 900.01, 900.02, 1300.01, 1300.04, 1500.02 and Appendix E & F) of the Putnam County Subdivision Regulations.

PUBLIC COMMENTS:

Linda Tennant 7 Hampton Road Crossing, Hurricane, WV 25526

Please see attachment A

There being no further questions or comments, David Mills closed the public hearing.

Deliberation and Action

Discussion ensued with a question-and-answer session.

- 1) Will the proposed Amendment protect and promote the public health, safety, convenience, morals, And general welfare? Jacob Pack believes the answer is “yes” As the text amendment in the effort will bring more conformity and lessen confusion.
- 2) Is the amendment consistent with the adopted Comprehensive Plan and US 35 corridor Management Plan? Travis Willard believes the answer is “yes” to streamline & growth in the area.

Motion was made by Travis Willard and seconded by Jacob Pack to recommend Text Amendment 2023-04 for approval to the County Commission. The motion carried unanimously.

STAFF REPORT

Staff reported July 2023 monthly reports. Next meeting is scheduled for August 15, 2023.

UNFINISHED BUSINESS

- David Mills asked staff to email board members for 2 nominations to fill the open position of Vice President of Putnam County Planning Commission.
- Bryan Holyman- questioned regarding the Monthly financial numbers.
- Donald Pauley- brought to the attention of the board that at the bottom of Scary Hill the new Par Mar Station is surrounded by a locked fence which has a fire hydrate is also enclosure.

NEW BUSINESS

There was no further new business to discuss.

ADJOURNMENT

Motion was made and seconded to adjourn. Motion carried unanimously. The meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Signed: , David Coll, Planning Director

Attest: , Presiding Officer

Minutes were approved: 8/15/23

July 18, 2023

Linda K. Tennant
7 Hampton Crossing
Hurricane, WV 25526

Putnam County Planning Commission
Office of Planning & Infrastructure
12093 Winfield Road
Winfield, WV 25213

RE: Text Amendment 2023-04

My public comments regard the proposed Text Amendment 2023-04 presented to the Planning Commission on July 18, 2023 include:

It is my understanding the definition of “nonconforming use” is when a land-use or structure that was legal when established but does not conform to the current zoning ordinances. As stated in Article 1800.01, the legislative intent is to:

- A. Control construction of structures on nonconforming lots.
- B. Restrict expansion of nonconforming structures used for a permitted use.
- C. Encourage the eventual elimination of nonconforming nonresidential uses.
- D. Prevent the re-establishment of nonconforming uses after they are moved or abandoned.

A nonconforming land use is an imperfection in the current zoning laws. There’s a reason the Putnam County Commission modified the ordinances to address these planning flaws. However, under Article 1800.06, expansion and enlargement of nonconforming uses is permitted. Your proposed plan is to modify section Article 1800.06 and eliminate DOH and DEP permit requirements on a parcel that does not meet the current of the Putnam County planning ordinances. There is a distinct reason the county ordinance was changed, and this should be considered.

Under Article 1800.06(B), a pre-application conferenced is scheduled with the Planning Director and the Applicant. Under Article 1800.06(B)(3), the Planning Director along with the applicant “*establish exact requirements for a complete and full submission of an application*”. This allows the Applicant to work with the Planning Director to help prepare the scope of work and schedules, including permit applications. Most importantly, this pre-application meeting is also an opportunity where the Planning Director can help the Applicant determine what might be needed to gain BZA approval. When the formal application is completed and agreed upon, the

consideration process continues with the BZA. Once the BZA approves to proceed, the Applicant then prepares the Overall Site Development Plan, that may include approved DOH access permits and NPDES stormwater permits. This amendment will remove the approved DOH and/or NPDES permit requirements.

Under Article 1800.06(11), this authorizes the Planning Director to determine if certain documents or plans are unnecessary or not applicable. With that authority, *requirements may be waived* as noted in this section. This section allows the Office of Planning & Infrastructure “planning experts” to decide if an approved DOH or DEP permit is required. My concern with this proposed amendment is that more authority is removed from the Planning Director and his staff of experts.

Members of this Planning Commission may have some experience in urban planning yet may not have the full scope of all the specific requirements, including background and history of surrounding properties of the nonconformed parcel. Having knowledge of historical references, documents, previous decisions and rulings is key to the success of meeting the requirements of the Putnam County Comprehensive Plans.

So please allow Director Coll and his team of experts to make this determination. It has worked in the past. Why change something that is not broke?

Linda K. Tennant