

Draft Minutes

Committee Meeting – December 18, 2013

(The following minutes were prepared from the Z.O.'s notes and from the recording.)

Present:

Committee Members: David Rosen – Chair, Karene Motivans, Jim Auxer, and Steve Ayraud.

Town Planning Consultants (Benchmark): Jason Epley and Vagn Hansen.

Jefferson County and Ranson Representatives: Seth Rivard (Jefferson County Planner), David Mills (Ranson Director of Economic Development), and Sarah Kleckner (Ranson Planning Director).

Zoning Officers: Andy Beall and Harvey Heyser.

Visitors: Lori Robertson, Dave Springer, Zenia Kuzma, and Kelly Cambrel.

A. Call to Order: The Meeting was called to order at 6:34 p.m.

B. Approval of Minutes: *No minutes were presented for approval.*

C. Discussion of the Urban Growth Boundary with Jefferson County (and Ranson): For those in attendance who were not familiar with how the Urban Growth Boundary (UGB) concept works (since it is somewhat different from the general planning concept), Seth Rivard explained how the legal concept in WV State law allows counties and municipalities to agree in advance on areas where they will allow annexations (if requested by property owners). Mr. Rivard emphasized that this agreement does not have anything to do with limiting the provision of services but that it does offer an opportunity for counties and municipalities to coordinate their comprehensive plans.

Shepherdstown's Requested UGB: (On 8-9-11, in response to requests from Jefferson County to delineate a UGB, Shepherdstown submitted the Water/Sewer Service Area map showing the northern part of the County as the Town's UGB.) Mr. Rivard indicated the County was not sure why the requested UGB was so large. (He was not certain the ability to extend utility service to that area was a convincing reason for the County's purposes.) S. Ayraud remarked that, in requesting such a large UGB, Shepherdstown seemed to be taking a defensive posture. (If the Town had some other measure of control against incompatible development, the requested UGB might have been more modest in size.)

Conservation Standards within the UGB: Mr. Rivard indicated that conservation standards in the Town's zoning code can be applied – if land within the UGB is annexed.

Tools to Deal with Suburban Style Development Patterns: D. Rosen asked what tools the UGB gives the Town. Mr. Rivard responded that the Town would need zoning classifications that offer developers more density in a more traditional [town-like] pattern. He pointed out that the County encourages developers of properties within the UGBs to talk with the municipalities – especially if the municipalities have incentives that make annexation more attractive like density, a streamlined review process, smart code, or more zoning options (such as mixed use). J. Auxer commented that annexation needs to become the best option.

Non-Contiguous Annexation: Mr. Rivard expressed his opinion that, because Jefferson County has zoning, towns in the County are permitted by law to annex non contiguous parcels of land within their UGBs. (This was not confirmed.)

Cities' and Towns' Roles: David Mills made the following presentation: All jurisdictions have roles to play. The County only allows a certain level of development. If a developer desires a more urban feel, he has to come into the municipality. Because of the unique tax structure of WV law, the County continues to get its tax revenue. (The County does not lose out if a property is annexed.

Consequently, the County and the municipalities can cooperate on matters of growth because neither loses out on taxes.)

Municipalities can set urban standards for development that allow for good services and business opportunities while slowing the spread

of sprawl. At the same time, the County has a tool to help preserve its rural character by encouraging those who wish to develop to do so around the municipalities. By designating where this development will occur, the UGB can thus become a planning tool for Jefferson County and its cities and towns.

UGB Boundaries: Mr. Mills stated that Ranson picked boundaries such as roads to define their UGB, but he saw no reason why Shepherdstown could not use watersheds to define theirs.

Ranson's Form Based Code: Mr. Mills described the code PlaceMakers developed for Ranson as having been heavily influenced by Shepherdstown and as trying to preserve the local character (as opposed to building a place just like everywhere else). He indicated that Ranson's intention was give property owners a good idea how Ranson wanted things to look like throughout the planning process. (Mr. Mills passed out some copies of Ranson's form based code during the meeting. He also reported that Ranson did visual preference surveys during the development of their form based code.)

Farmland inside the UGB: Mr. Mills stated that Ranson had included 5000 acres of undeveloped farmland inside their UGB in part because residents recognized these farms had been part of their community for so long. He stated that Ranson realized that it would be much easier to negotiate annexation with a single land owner now than with a large number of homeowners or even a group of developers in the future. (Once a project is built, it is hard to get it annexed. Why should homeowners be expected to want to sign up to pay additional taxes?) Mr. Mills indicated that Ranson's form based code will accommodate continued agricultural uses by including conservation requirements for all transects/districts and by allowing for all uses including agriculture in all transects/districts unlike conventional zoning codes which segregate uses by zoning district. He then summed up Ranson's concept: they felt if they annexed open land ahead of time they could control the character of future development; the people, who moved there would be city residents right from the start; if farmers wanted to continue to farm they could do so; and if they wanted to develop urbanely they could do so – in the City.

Urban Services-Urban Taxes: Mr. Mills pointed out that urban style, relatively dense development built in the County (esp. commercial development) does not have to pay the municipal taxes that support those urban services and character.

Working with the County: Mr. Mills finished by stating that defining a UGB by some metric (whether physical boundaries, watersheds, or something else sets up a relationship that allows each entity to play its role and cuts down competition between them. He also pointed out that the intention of the UGB is that the County will generally allow less dense, less urban development outside the UGB than the municipalities will allow inside.

Residential Growth Areas around Shepherdstown: S. Ayraud inquired about the large amount of land zoned residential-growth, a classification that does not seem compatible with the character of Shepherdstown. Mr. Rivard reported that, as a matter of policy, the County is not considering down zoning. He did encourage the Town to consider managing what occurs outside of Town through the UGB process through better standards and reported the County staff's intention to discourage a wall of development along Rt. 45. Mr. Rivard indicated that the County could make it their policy to encourage growth only within the UGBs (nothing definite at this time).

David Mills reinforced Mr. Rivard's point: If annexation (in the UGB) offers better zoning (mixed use, traditional development patterns, etc.), a developer will have a straight-forward choice, especially if the municipality's requirements are set out clearly. He stated that it is up to the municipality to make the process as seamless (painless) as possible (versus rezoning and subdivision in the County). (Ranson tries to accomplish re-zoning, subdivision, and land development planning within a 60 day period – something they can do because they have a clear idea what a given part of their city is going to look like today and in the future from their planning [and form-based code].) Mr. Mills stressed that clear, simple requirements cut down on the developer's time and engineering. (As a result, Ranson gets new residents paying taxes, residents who know what their new development will look like – not suburban subdivision.) He reiterated that in the annexed areas a municipality gets to define what goes on. [And that process begins with defining a UGB.] He also repeated Ranson's reasons for annexing so much farmland: 1) It is easier to negotiate with a single property owner, and 2) recognizing people wanted to move into the area, Ranson wanted that projected growth in their city. He indicated that Ranson views the UGB as a way to define where they want to grow further should that prospect occur.

Shepherdstown – Growth to the Berkeley County Line: S. Ayraud inquired how to deal with this prospect, which is implied by quite a few planning maps. David Mills expressed his opinion that the UGB may be the Town's only tool.

Preferred Growth Areas (PGAs): S. Ayraud inquired about this concept that has been cropping up in the Vision 2035 materials. Seth Rivard indicated that PGAs are areas outside of the municipalities and the UGBs (if designated) where the County expects growth might occur (such as the Potomac Farms Dr. area west of Shepherdstown). He went on to state that, if Shepherdstown does not designate a UGB, the County's only option for channeling growth is a PGA.

Next Step: D. Rosen asked if the Town could go back to its previous 8-9-11 request of the Water/Sewer Service Area. Seth Rivard indicated that might be a possibility if Shepherdstown explains its reasons for choosing that large an UGB in broad terms. J. Auxer emphasized the need to come up with a UGB.

Urban Agriculture Concept: David Mills described how Ranson knew they had been a rural community for a long time and, therefore, decided to adopt an urban agriculture style, making it a part of their development standards. (They are on the cutting edge of this concept.) He indicated that Ranson annexes farmland as rural land. (If property owners wish to continue farming they can do so without any changes. There is no pressure on them at the beginning. In the future, if they wish to develop, they are already in the City. People buying houses in the development are already residents [and taxpayers] of and getting services from the City.)

Follow-up Discussion – Miscellaneous Topics:

- UGB boundary adjustment: In response to a question from K. Motivans, Seth Rivard indicated UGB boundaries could be adjusted in the future through a process similar to setting them up initially.
- Annexation: David Mills summarized the 3 methods of annexation: 1) boundary adjustment, 2) petition, and 3) election. (Petitioning is the most common in his experience.)
- Design Standards: K. Motivans inquired if the County could work with Shepherdstown on design standards for development within a UGB. Seth Rivard responded that the County has some standards for roads and such but that they wish to encourage farmers (so design standards are not a bib priority).
- Future Land Use Map: Mr. Rivard displayed a draft map and emphasized that it remains the County's policy that they will not take anyone's development rights away.
- Development within the UGB: D. Rosen expressed his hope there would be discussions about standards even for land not annexed.
- Historic Standards: Lori Robertson asked about who would establish these. D. Rosen responded that task would likely be up to the Town.
- Various UGB Maps: Z.O. Heyser handed out copies for the Committee Members reference.

(At this point in the Committee thanked its guests from the County and Ranson and proceeded with the remainder of the agenda. The minutes for the rest of the meeting will be much briefer.)

Later in the meeting, the Committee discussed the possibility of a work session on the UGB in the future now that they understand the concept better thanks to this evening's explanation and discussion. Benchmark indicated they had also discussed the matter with the County previously. Vagn Hansen distributed copies of draft maps of proposed UGB configurations "A" through "G" for the PC's consideration. He explained that each configuration encompassed the previous with an added area. The Committee set a tentative date of 1-20-14 during the PC's regular meeting to review the matter further with Benchmark available by teleconference.

S. Ayraud asked if there was much prospect of the existing developments inside the draft UGB being annexed. Benchmark responded that they needed to consult with legal council and the Municipal League on WV annexation law to answer. Mr. Ayraud inquired what the amount of extra tax would be for annexed property. The general response was not much (28¢ per \$100 for rental property and 14¢ per \$100 for owner occupied property). Z.O. Heyser pointed out that the residential growth zone extends to the County line and suggested considering extending the UGB to include the entire zone. D. Rosen stated the Town has an opportunity with the County to get a UGB approved if we prepare and submit a narrative soon.

Schedule: Benchmark indicated they are not planning to visit in January and, therefore, needed approval of the draft Comprehensive Plan outline at this meeting.

D. Public Meeting Results: There was general agreement that the meeting was quite successful and that the issues raised were similar to those raised by the survey. The Committee discussed the proceedings at some length and in detail with Benchmark.

Visitor Zenia Kuzma brought up several points:

- She asked if there had been reasonable citizen participation. D. Rosen responded that attendance at the meeting had been more than 70.
- She pointed out that the public meeting and this Committee meeting occurred right before major holidays.
- She asked about different totals for the numbers of surveys submitted. Vagn Hansen reported the final total was 327.
- She inquired how citizens, who had limited or no access to computers, were supposed to participate in the survey. Z.O. Heyser reported that two people had filled out paper copies at Town Hall. The Committee pledged to make that option more readily available in the future.

E. Survey Summary: Benchmark reported the following results from the survey: They were surprised by the large percentage of respondents who work locally. There was good participation from short term residents. Respondents favored annexation by a 2 to 1 margin, but there were a significant number of people opposed.

Making Survey Results Available to the Newspaper: Reporter Kelly Cambrel requested a copy of the results for the Chronicle. The Committee decided to let the Mayor make that decision for all the questions **except the last** (about other thoughts respondents may have had).

Benchmark listed the top three things mentioned about the Town: the downtown, businesses, and tourism. The committee asked about historic character but noted the community's love for German St. In discussing the Town's relationship with Shepherd, Benchmark noted the need to move beyond the issue of parking and mentioned the expression of a need for more and different kinds of interaction and greater community involvement (a problem that the discussion noted often resulted from the Town's failure to make its needs known). Regarding other aspects of the survey, Benchmark reported the following:

- Cultural assets – enthusiasm about the local food scene.
- Community services – The Town is doing great things but needs to let people know.
- Natural resources – concerns about water quality, tree canopy, open space, farmland close by, and parks.
- Economic development – concerns about rather scarily high commercial rental rates (Old buildings are quite costly to purchase and maintain.)
- Housing – walkable; affordable; suitable for young adults (and their families) and seniors (competing with students was noted); and compatible with historic character.
- Transportation – Walking and biking could not be overstated. Making connections and filling in gaps were also mentioned numerous times.

The Riverfront: Benchmark mentioned the desire that the riverfront be more accessible but not be commercialized. The Committee responded that the boat ramp already is heavily used. (The difference in perception may be a matter of more people in the area and more interest in the River.) Benchmark stated that a pathway along the River bank could be a great asset.

Visitor Dave Springer brought up several points:

- There has been an effort to build a bike path to Morgan's Grove Park. Will the Plan take that into account?
- A while ago there was a brief consideration of short term rental housing in the residential zoning districts of Town. What is the will of the community on that issue?

- Infill apartments, senior living spaces, granny flats, accessory apartments in the residential zoning districts – again what is the will of the community on that issue?
- A functional downtown (with a library, post office, etc.) – what steps will the plan take to make that outcome more likely? (The Committee recalled the overwhelming vote by residents to keep post office mail delivery, as opposed to home delivery. D. Rosen stated that the question with each new change should always be “does moving one of these core functions to the edge of Town help us grow or does it defeat our downtown and destroy something wonderful?”)

The Future of Shepherdstown: Benchmark reported that respondents were hopeful about the Town. (There were some things they wanted improved but they seemed generally happy with the Town they way it is.) D. Rosen stated that one nice thing about this small town is that it is always changing. J. Auxer credited the Shepherd students’ coming and going for a lot of that.

F. Draft Table of Contents: Not specifically discussed.

G. Draft Vision Statement: Benchmark indicated this had been crafted with input from the following sources: 1) stakeholders, Comprehensive Plan Committee, 3) the survey, and 4) the present Comprehensive Plan. They discussed the vision for future commercial growth given the fact that the current business district is land-locked. (How does the district grow without destroying downtown? High rents, connections, similarity – or dissimilarity – and two competing shopping areas were mentioned.) The PC discussed the vision – briefly mentioning walking circles, sustainability, alternative energy balanced with historic character, and the Town as a source of information.

Coordination: J. Auxer will put the draft plan (when available) on the agenda of the Town’s various standing committees.

Next Steps: Benchmark will do the following:

- Work on the recommendations to be included in the Plan,
- Set the meeting date for the February meeting,
- Make recommendations for the various Town committees, and
- Set a date for the next public meeting.

H. Adjournment: 9:35 p.m.

Submitted by,

Harvey Heyser, Zoning Officer