

400 West Stephen Street - Suite 203, Martinsburg, WV 25401-3838
Telephone: 304-264-1963, Fax: 304-262-3127
Web Page: www.berkeleywv.org

Berkeley County Planning Commission Agenda

TUESDAY February 21, 2017 @ 6:00 pm.

- 1. CALL TO ORDER
- 2. ROLL CALL
- 3. APPROVAL OF THE AGENDA
- 4. SUNSHINE LAW SPEAKERS
- 5. APPROVAL OF MEETING MINUTES
- 6. PUBLIC HEARINGS
- a. Morning Dove Phase 1 Plan Change (#047-16)
- 7. PRELIMINARY / FINAL PLAT APPROVAL
- a. Lots N2A & N2B (#027-16)
- b. J. Douglas Bayer (#048-16)
- c. Cole McCullough (#051-16)
- d. L. Allen & Carole Henry (#050-16)
- 8. FINAL PLAT DETERMINATION
- a. Shickle Lots #008-16
- 9. STAFF/COUNSEL DISCUSSION/ACTION/MOTION
- 10. ADJOURNMENT

The Planning Commission reserves the right to re-arrange items on the agenda due to time constraints of the public or Commission



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PUBLIC HEARING STAFF REPORT PLAN CHANGE February 21, 2017

Project: Morning Dove Estates Phase 1-Major Plan Change

File #: 047-16ⁱ

Developer: DR Acquisitions LLC

10212 Governor Lane, Suite 1006

Williamsport, MD 21795

Engineer: Gordon

301 N Mildred Street, Suite 1 Charles Town, WV 25414

District, Tax Map & Parcel #: Mill Creek District, Map 10P, Parcel 43

Location: The site is located Southwest of the Giles Mill Rd./Bray Dr. intersection,

approximately 1.5 miles east of Giles Mill Rd/Rt. 11 intersection in the

Mill Creek Tax District.

Project Description: The project proposes the conversion of one (1) existing commercial lot,

of 1.12 acres, to four (4) residential lots for single family homes.

Administrative History:	Date Received
Approval Letters (Phase 1/File 46-03/1975 Regulations)	Date Received
Berkeley County Health Department (Wells and Septic)	N/A
Berkeley County Public Service Water District (Water Availability)	11/03/04
Derkeitey Country I done Service water = 1	06/09/05/Revised
Berkeley County Public Service Sewer District (Sewer Availability)	03/17/06
State Health Department (Water)	11/03/04
State Health Department (Water)	11/03/04
Department of Highways (Entrance Permit)	11/03/04 **Updated 1/4/2017
Central Dispatch (Road Names)	11/13/03
GPP Permit Application	11/03/04
	11/03/04
NPDES Permit Application	N/A
*Traffic Study	
*School Impact Analysis	N/A
Meetings & Submissions	Date
Pre-Application STAC Meeting	09/03/03
Preliminary Plat Submitted	11/03/04
1 Telliminary 1 lat Sacrifices	

1st Review Comments	
Preliminary Plat Resubmitted	
Preliminary Plat Resubmitted	
Advertised	01/22/05
Public Hearing (Preliminary Plat/Site Plan Approval)	02/22/05
Final Plat/Site Plan Approval	08/01/05 & 07/10/06
Bond Reduction	

MEETINGS & SUBMISSIONS	DATE
Waiver Requests	
Waiver Requested	N/A
Waiver Request Advertised	
Waiver Granted	
Phase 1-Proposed Major Plan Change	
Plan Change Submitted	11/29/2016
Planning Review Comments	12/6/2016
Engineering Completion	12/22/2016
Resubmission	1/12/2017
Planning Complete	1/18/2017
Public Hearing Advertised	1/30/2017
Plan Change Advancement Meeting	2/21/2017
Preliminary Plan	
Preliminary Plan Submitted	
1 st Review Comments	
Preliminary Plan Re-Submitted	
Preliminary Plan Advancement Meeting / Approved	
Final Plat	
Final Plat Submitted	
1 st Review Comments	
Final Plat Re-Submitted	
Final Plat Determination Meeting	
Final Plat Public Hearing Advertised	
Final Plat Public Hearing	
Final Plat Approval	
Bond Reduction	

Phase 2-Sketch Plan (Approved)	
Sketch Plan Submitted	10/31/2016
Engineering Completion	11/14/2016
Planning Review Comments	11/10/2016
Sketch Plan Re-Submitted	11/17/2016
Planning Complete	12/5/2016
Sketch Plan Public Hearing Advertised	12/26/2016
Sketch Plan Advancement	1/3/2017
Preliminary Plan	
Preliminary Plan Submitted	
1 st Review Comments	
Preliminary Plan Re-Submitted	

Preliminary Plan Advancement Meeting / Approved	
Final Plat	
Final Plat Submitted	
1 st Review Comments	
Final Plat Re-Submitted	
Final Plat Determination Meeting	
Final Plat Public Hearing Advertised	
Final Plat Public Hearing	
Final Plat Approval	
Bond Reduction	

Waivers/ Exceptions:

No waivers or exceptions have been requested by the applicant.

Project Notes:

The subject of this report is the proposed major plan change pertaining to phase 1 of this project. This is a change to the Preliminary Plan showing lots 1-57 residential lots, commercial lot 1, and a residue. The plan change proposes the conversion of one (1) existing commercial lot, of 1.12 acres, to four (4) residential lots for single family homes. No new infrastructure will be needed to accommodate this proposed change, and the County Engineer has recommended approval as storm water management can be provided by the existing facilities for phase 1.

Phase two, is currently under review with Berkeley County Planning, and proposes approximately two hundred 200 single family lots on 94.41 acres to be served by public water and sewer. The sketch plan was approved for Phase 2, on January 3, 2017.

County Engineer:

The Engineer issued a letter on December 22, 2016, stating that the plat meets the requirements of the 2009 Berkeley County Subdivision Ordinance. Therefore, the County Engineer recommends approval of the proposed plan change.

Staff Recommendation:

The plan change meets the requirements of the Subdivision Ordinance; therefore, Staff recommends <u>approval</u> of the proposed major plan change.

Respectfully Submitted,

ⁱ Cross reference with Berkeley County file #46-03 (Ph.1) & #044-16 (Ph.2)



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STAFF REPORT PRELIMINARY/FINAL PLAT February 21, 2017

Project: Lots N2A & N2B-Preliminary/Final Plat

File #: 027-16

Developer: Mr. Sol Trotter Surveyor: Mr. Greg Yebernetsky 365 Sweetbriar Rd. 1211 Palmer Rd.

Martinsburg, WV 25405 Hedgesville, WV 25427

District, Tax Map, & Parcel: Arden Tax District, Tax Map 16, Parcel 1.59.

Location: The property is located on the south side of Rt. 19 (Paynes Ford Rd.), 0.5 miles

east of the intersection of Rt. 19 and 19/1 (Airport Rd.), in the Arden District.

Project Description: The project proposes a the creation of one (1) new lot, 2.49 acres in size, served

by private well and septic and a 50' common access easement.

APPROVAL LETTERS	DATE RECEIVED
Berkeley County Health Department (Well & Septic)	1/24/2017
Berkeley County Public Service Water District (Water Availability)	
State Health Department (Water)	
State Health Department (Sewer)	
Department of Highways (Entrance Permit) Letter Received	2/13/2017
Central Dispatch (Road names) approved	
GPP Permit Application	
NPDES Permit Application	
*Traffic Study	
*School Impact Analysis	
Appendix C—Environmental Impact Checklist	

MEETINGS & SUBMISSIONS	DATE RECEIVED
Waiver Requests	
Waiver Requested	10/19/2016
Waiver Request Advertised	10/31/2016
Waiver Denied	11/21/2016
Request for Consideration	
Request for Consideration Submitted	12/2/2016
Request for Consideration Accepted/Denied	12/5/2016
Request for Constant and Artist a	

Preliminary/Final Plat	
Preliminary/Final Plat Submitted	8/15/2016
1 Tellillinary/1 mar r lat Sasimteed	(Did not qualify)
Preliminary/Final Plat Re-Submitted (upon waiver approval 12.5.2016)	12/6/2016
Planning Comments	12/19/2016
Engineering Complete	1/10/2017
Revisions Submitted	1/18/2017
Planning Conditional Completion (Pending DOH)	1/24/2017
Planning Complete	2/13/2017
Planning Complete Planning Commission Meeting (Approval Pending)	2/21/2017

Waivers/Exceptions:

A waiver to section 305.4.1 was granted on December 5, 2016. This waiver allows the applicant to subdivide a lot using the simultaneous Preliminary/Final Plat process, without road frontage on a WVDOH road.

Project Notes:

The project proposes the creation of one (1) new lot, "Lot N2A" approximately 2.49 acres in size, and one remainder "Lot N2B" approximately 2.57 acres in size. The lots will be served by private well and septic, and a 50' common access easement which provides access to Paynes Ford Rd. (WV Secondary Rt. 19).

Engineer's Report:

The Engineer issued a letter on January 10, 2017, stating the plan meets the requirements of the 2009 Berkeley County Subdivision Ordinance. Therefore, the County Engineer recommends Preliminary/Final Plat Approval be granted.

Staff Recommendation:

The Preliminary/Final Plat meets the requirements of the Subdivision Ordinance; therefore, Staff recommends approval.

Respectfully Submitted,



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STAFF REPORT PRELIMINARY/FINAL PLAT February 21, 2017

Project: J. Douglas Bayer Preliminary/Final Plat

File #: 048-16

Developer: J. Douglas Bayer Surveyor: Berry Surveying Associates

102 Baron Dr. PO Box 1090

Martinsburg, WV 25405 Martinsburg, WV 25402

District, Tax Map, & Parcel: Arden Tax District, Map 6, Parcel 50

Location: The property is located on the east end of Slonaker Lane, at the end of Slonaker

Lane (Route 9/15).

Project Description: The project proposes the creation of one 21.2653 acre lot and one 55.344 acre

remainder.

APPROVAL LETTERS	DATE RECEIVED
Berkeley County Health Department (Well & Septic)	11/29/2016
Berkeley County Public Service Water District (Water Availability)	
State Health Department (Water)	
State Health Department (Sewer)	
Department of Highways (Entrance Permit) Letter Received	1/4/2017
Central Dispatch (Road names) approved	
GPP Permit Application	
NPDES Permit Application	
*Traffic Study	
*School Impact Analysis	
Appendix C—Environmental Impact Checklist	

MEETINGS & SUBMISSIONS	DATE RECEIVED
Waiver Requests	
Waiver Requested	N/A
Waiver Request Advertised	
Waiver Denied	
Request for Consideration	
Request for Consideration Submitted	
Request for Consideration Accepted/Denied	

Preliminary/Final Plat	
Preliminary/Final Plat Submitted	11/29/2016
Planning Comments	12/7/2016
Planning Floodplain Review Comments	12/19/2016
Engineering Comments	12/28/2016
Revisions Received	1/13/2017
Planning Conditional Complete	1/18/2017
Planning Floodplain Comments #2	1/27/2017
Revisions Received	1/30/2017
Floodplain Approval	2/8/2017
Engineering Approval	2/13/2017
Planning Commission Meeting (Approval Pending)	2/21/2017

Waivers/Exceptions: No waivers or exceptions have been requested with this proposal.

Project Notes: The project proposes the creation of one 21.2653 acre lot and one 55.344

acre remainder. The proposed lot will be served by private well and

septic, and be accessed from Slonaker Lane.

Engineer's Report: The Engineer issued a letter on February 13, 2017, stating the plan meets

the requirements of the 2009 Berkeley County Subdivision Ordinance. Therefore, the County Engineer recommends Preliminary/Final Plat

Approval be granted.

Staff Recommendation: The Preliminary/Final Plat meets the requirements of the Subdivision

Ordinance; therefore, Staff recommends approval.

Respectfully Submitted,



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STAFF REPORT PRELIMINARY/FINAL PLAT February 21, 2017

Project: Cole McCullough Preliminary/Final Plat

File #: 051-16 i

Developer: Mr. Cole McCullough

1407 W. King St.

Martinsburg, WV 25401

Surveyor:

Mr. Greg Yebernetsky

1211 Palmer Rd.

Hedgesville, WV 25427

District, Tax Map, & Parcel:

Gerrardstown Tax District, Tax Map 28, Parcel 6.

Location:

The property is located on WV Rt. 45, approximately 0.5 miles north of the West Virginia/Virginia State Line, in the Gerrardstown Tax District.

Project Description:

The project proposes the creation of one 53.8 acre lot, to be served by

well and septic.

APPROVAL LETTERS	DATE RECEIVED
Berkeley County Health Department (Well & Septic)	12/20/2016
Berkeley County Public Service Water District (Water Availability)	
State Health Department (Water)	
State Health Department (Sewer)	
Department of Highways (Entrance Permit) Letter Received	12/20/2016
Central Dispatch (Road names) approved	
GPP Permit Application	
NPDES Permit Application	
*Traffic Study	
*School Impact Analysis	
Appendix C—Environmental Impact Checklist	

MEETINGS & SUBMISSIONS	DATE RECEIVED
Waiver Requests	
Waiver Requested	11/10/2016
Waiver Request Advertised	11/28/2016
Waiver Approved	12/19/2016
Request for Consideration	
Request for Consideration Submitted	
Request for Consideration Advertised	·
Request for Consideration Accepted/Denied	

Preliminary/Final Plat	
Preliminary/Final Plat Submitted	12/20/2016
1 st Review Comments-Planning	1/9/2017
1 st Review Comments-Engineering	1/19/2017
Revisions Received	1/24/2017
Planning Complete	2/1/2017
Engineering Complete	2/13/2017

Waivers/Exceptions:

A waiver to section 305.4.1 was granted on December 19, 2016. This waiver allows the applicant to subdivide a lot using the simultaneous Preliminary/Final Plat process, without road frontage on a WVDOH road.

Project Notes:

The project proposes the creation of one 53.8 acre lot, to be served by well and septic, and one remainder of approximately 36.248 acres. The remainder lot will be accessed by a 60' right of way, to WV Rt. 45. The proposed new lot will have road frontage along Rt. 45.

Engineer's Report:

The Engineer issued a letter on February 13, 2017, stating the plan meets the requirements of the 2009 Berkeley County Subdivision Ordinance. Therefore, the County Engineer recommends Preliminary/Final Plat Approval be granted.

Staff Recommendation:

The Preliminary/Final Plat meets the requirements of the Subdivision Ordinance; therefore, Staff recommends approval.

Respectfully Submitted,

ⁱ Cross reference #045-16 (waiver)



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STAFF REPORT PRELIMINARY/FINAL PLAT February 21, 2017

Project: L. Allen and Carole Henry Preliminary/Final Plat

File #: 050-16

Developer: L. Allen & Carole Henry

222 Langston Blvd.

Martinsburg, WV 25403

Surveyor: Fox & Associates

981 Mt. Aetna Rd.

Hedgesville, WV 25427

District, Tax Map, & Parcel: Falling Waters District, Map 5, Parcel 5.3

Location: The property is located on the east side of Vineyard Rd (WV Route 2/1), 3/4 mile

north of WV Route 1

Project Description: The project proposes the creation of 4 lots on approximately 8.36 acres, and one

remainder of 53.07 acres.

Administrative History.	
APPROVAL LETTERS	DATE RECEIVED
Berkeley County Health Department (Well & Septic)	12/20/2016
Berkeley County Public Service Water District (Water Availability)	
State Health Department (Water)	
State Health Department (Sewer)	
Department of Highways (Entrance Permit) Letter Received	2/3/2017
Central Dispatch (Road names) approved	
GPP Permit Application	
NPDES Permit Application	
*Traffic Study	
*School Impact Analysis	
Appendix C—Environmental Impact Checklist	

MEETINGS & SUBMISSIONS	DATE RECEIVED
Waiver Requests	
Waiver Requested	N/A
Waiver Request Advertised	
Waiver Denied	
Request for Consideration	
Request for Consideration Submitted	
Request for Consideration Accepted/Denied	

Preliminary/Final Plat	
Preliminary/Final Plat Submitted	12/22/2016
Planning Comments	1/9/2017
Engineering Comments	1/13/2017
Revisions Submitted	1/25/2017
Planning Conditional Completion (Pending DOH)	2/1/2017
Engineering Complete	2/13/2017
Planning Commission Meeting (Approval Pending)	2/21/2017

Waivers/Exceptions:

No waivers or exceptions have been requested with this proposal.

Project Notes:

The project proposes the creation of 4 lots, each approximately 2 acres in size, on approximately 8.36 acres, and one remainder of 53.07 acres. The lots are proposed to be served by private well and septic, and have road frontage along Vineyard Road.

Engineer's Report:

The Engineer issued a letter on February 13, 2017, stating the plan meets the requirements of the 2009 Berkeley County Subdivision Ordinance. Therefore, the County Engineer recommends Preliminary/Final Plat Approval be granted.

Staff Recommendation:

The Preliminary/Final Plat meets the requirements of the Subdivision Ordinance; therefore, Staff recommends approval.

Respectfully Submitted,



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STAFF REPORT FINAL PLAT DETERMINATION February 21, 2017

Project:

Shickle Lots Subdivision

File #:

#008-16

Developer:

Mr. Justin Yates

5623 Dry Run Rd

Hedgesville, WV 25427

Surveyor:

Mr. Greg Yebernetsky

1211 Palmer Rd.

Hedgesville, WV 25427

District, Tax Map & Parcel #: Mill Creek Tax District, Map 6, and Parcel 61.89.

Location:

The subject property is located approximately 0.1 miles south of the

intersection of Rt. 51/7 (Sulphur Springs Rd.)

Project Description:

The project proposes two (2) single family residential lots on approximately 1.05

acres.

APPROVAL LETTERS	DATE RECEIVED
Berkeley County Health Department (Well and	
Septic)	
Berkeley County Public Service Water District	3/4/2016
(Water Availability)	
Berkeley County Public Service Sewer District	3/4/2016
(Sewer Availability)	
State Health Department (Water)	
State Health Department (Sewer)	
Department of Highways (Entrance Permit)	10/3/2016
Letter Received	
Central Dispatch (Road Names) approved	
GPP Permit Application	
NPDES Permit Application	
*Traffic Study (Stone Crest PUD Ph.1)	
*School Impact Analysis	
Appendix C – Environmental Impact Checklist	

MEETINGS & SUBMISSIONS	DATE RECEIVED
Waiver Requests	
Waiver Requested	N/A
Waiver Request Advertised	
Waiver Granted	
Sketch Plan	
Sketch Plan Submitted	3/7/2016
1 st Review Comments	3/8/2016-P
Sketch Plan Re-Submitted	3/18/2016
Sketch Plan Public Hearing Advertised	4/4/2016
Sketch Plan Advancement Meeting / Approved	4/18/2016
Preliminary Plan	
Preliminary Plan Submitted	8/31/2016
	P- 9/19/2016
1 st Review Comments	E- 10/3/2016
Preliminary Plan Re-Submitted	10/26/2016
Preliminary Plan Approved	12/5/2016
Final Plat	
Final Plat Submitted	1/4/2017
Planning Approval	1/24/2017
Engineering Approval	2/9/2017
Final Plat Determination Meeting	2/21/2017
Final Plat Public Hearing	
Final Plat Approval	

Waivers/ Exceptions:

No waivers or exceptions have been proposed with this subdivision.

Project Notes:

The project proposes two (2) single family residential lots on approximately 1.05 acres. The application materials state that this project will be serviced by public water and sewer.

Engineer Report:

The County Engineer issued her letter on February 9, 2017 that the plan complies with the final plat requirements of the Subdivision Regulations.

Staff Recommendation:

The final plat meets the requirements of the 2009 Subdivision Ordinance; therefore Staff recommends advertising a public hearing and the consideration of final plat approval, at the March 20, 2017 Planning Commission Meeting.

Respectfully Submitted,



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Plan Review Activity - January 2017 Performed by Jamie MacLean Major Project Reviews

049-16 052-16			201101111111111111111111111111111111111			
				Sent	Review*	
	Mary Donnellan	Waiver	12/9/2016	1/11/2017	33	PC 1/17/2017
	Herman Cain	Waiver	12/29/2016	2/1/2017	33	PC 2/6/2017
006-16	Taco Bell	Revised Preliminary	12/19/2016	1/4/2017	16	
	Bridle Creek Phase 5	Revised Final Plat	12/19/2016	1/4/2017	16	
	L. Allen & Carol Henry	Preliminary/Final Plat	12/20/2016	1/9/2017	20	
051-16	Cole McCullough	Preliminary/Final Plat	12/20/2016	1/9/2017	20	
	Amberfield Phase 5	Revised Preliminary	12/21/2016	1/3/2017	13	
	Spring Mills PUD Ph 11A	Re-Plat	12/21/2016	1/4/2017	15	
	Section 1	, , , , , , , , , , , , , , , , , , ,	7,00,00,00	1,00,0,1	1.0	(borrowner wind A)
012-13	Cornerstone	Plan Change Revisions	12/22/2016	1/9/2017	18	(Admin approved)
021-16	Station Square	Preliminary Revisions	12/22/2016	1/4/2017	15	
005-15	Walmart (Inwood)	Final Plat	12/23/2016	1/17/2017	25	Comments drafted
						1/11/2017. Need to check
			-			with Legal Council
020-16	BTR Capital	Preliminary Revisions	12/23/2016	1/5/2017	13	
44-05	Heritage Hills Sec 1 Ph 2	Plan Change Revisions	12/27/2016	1/11/2017	15	
004-16	Sunny Ridge Overlook	Preliminary Plan	1/3/2017	1/23/2017	20	
008-16	Shickle Lots	Final Plat Revisions	1/4/2017	1/24/2017	20	
001-17	Wholesale Fireworks	Sketch	1/5/2017	1/19/2017	14	
020-15	Thistle Landing	Preliminary Revisions	1/5/2017	1/17/2017	12	
002-15	Fern Corner	Preliminary Revisions	1/6/2017	1/18/2017	13	
002-17	Hedgesville Assembly of	Sketch	1/9/2017	1/23/2017	14	
	God			1		
038-16	Simply Divine	Sketch Revisions	1/10/2017	1/18/2017	8	PC 2/6/2017
41-04	Gold Finch Meadows	Final Plat	1/12/2017	1/31/2017	19	

047-16	Morning Dove Ph 1	Plan Change Revisions	1/12/2017	1/18/2017	9	
048-16	Baver Preliminary Final	Revisions	1/13/2017	1/18/2017	5	
042-16	Spring Mills Ouick Lube	Preliminary Revisions	1/13/2017	1/18/2017	5	
017-15	Cold Spring Run	Preliminary Revisions	1/13/2017	1/24/2017	11	
012-13	Cornerstone	Plan Change Revisions	1/13/2017	1/24/2017	11	
027-16	N2A&N2B	P/F Revisions	1/17/2017	1/24/2017	7	
051-16	Cole McCullough	P/F Revisions	1/24/2017	2/1/2017	8	
Avg. Days t	Avg. Days to Review Sketch:14					
Avg. Days t	Avg. Days to Review Prelim: 20					
Avg. Days t	Avg. Days to Review Final: 19					
Avg. Days t	Avg. Days to Review P/F: 20					
Avg. Days t	Avg. Days to Review Plan Change: 10					
Avg. Days 1	Avg. Days to Review Revisions: 11					
)						

*Averages are reflective of initial review times. Generally, revision times are quicker.

Note:

- Days of review are shown as calendar days (not business days)
- Average days are indicative of average data for January 2017-Present Weekly review days are Monday's and Tuesday's. Wednesdays will be utilized for ordinance revisions and staff reports for PC packets



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Plan Review Activity – January 2017 Performed by Heather Williams (Prepared February 6, 2017)

Minor Projects

File #	Project Name	Date Received	Date Reviewed	Date Approved	# of Calendar Days
105-16m	105-16m Deeds Resurvey	01/03/2017 1st revision	01/06/2017	01/06/2017	bei neview
001-17m	001-17m ROCS Plat of Correction	01/05/2017	01/06/2017	01/06/2017	1
104-16m	104-16m Walberg SWM Easement	01/09/2017 eng. approved n/a	n/a	01/11/2017	2
003-17m	003-17m Virginia Loy Michael	01/06/2017	01/27/2017	01/27/2017	21
				Avg. Days to Review	6.75 Days

Major Projects

File #	Project Name	Date Received	Date Reviewed	Date Approved	# of Calendar Days per Review*
009-15	Project Independence	11/14/16	12/5/16	conditional	21
014-16	Vanville Substation	11/18/16	12/7/16	conditional	19
				Avg. Days to Review 20.0 Days	20.0 Days

*01/30/17-02/03/17: Attended Course 0194-Advanced Floodplain Management Concepts Training