

Meeting Minutes  
Jefferson County Planning Commission  
December 10, 2019

The Jefferson County Planning Commission met on December 10, 2019 with the following Commission members present: Donnie Fisher, President; Steve Stolipher, Vice President; Wade Louthan, Secretary; Ralph Lorenzetti, County Commission Liaison; J Ware, Jack Hefestay, Ron Thomas, Mike Shepp and Ray Bruning. Staff members present included: Jennifer Brockman, County Planner; Jonathon Saunders, County Engineer; Alex Beaulieu, Zoning Administrator and Jennilee Hartman, Zoning Clerk.

Mr. Fisher called the meeting to order at 7:00 pm.

1. Approval of the November 12, 2019 meeting minutes: The meeting minutes with the staff edits provided to the Commission were approved with no objections.
2. Citizen Communications. None.
3. Request for postponement. None.
4. **Public Hearing:** Request by Rahil Nawaz, II. (File #: 19-17-PCW). Applicant is requesting a waiver from Section 20.201 and 20.202(C) of the 2008 Subdivision Regulations, adopted 10/9/08. Applicant is requesting to change the existing entrance to this property from a platted 50' ROW to a direct access to Hite Road due to the location of the septic reserve. The property is designated as Tax District: Middleway (07); Tax Map: 10; Parcel: 15.4; Zoned: Rural; Size: 3.78 acres.

Mr. Rahil Nawaz, property owner, was present to address the Commission. Ms. Brockman provided an overview of the location of the property. Mr. Nawaz explained the nature of the request stating that the existing septic reserve area would require him to install and maintain an unnecessarily long driveway as opposed to having direct access to Hite Road. Mr. Nawaz added that as a firefighter it was imperative that in the event of an emergency he have the ability to leave his home in an expedient manner during inclement weather.

Ms. Brockman presented her staff report to the Commission noting that of the two other lots required to use the subject easement that one lot was vacant and the other already has two other entrances onto Hite Road. Ms. Brockman added that should the Commission deny the request; the applicant has the option to process a minor plat change to relocate the septic reserve area to allow for the installation of a shorter driveway. Ms. Brockman informed the Commission that a minor plat change would require a new survey plat of the property to be submitted and approval from the Health Department.

Mr. Steve Stolipher motioned to approve the waiver as requested. Mr. Jack Hefestay seconded the motion, which carried unanimously.

5. **Public Hearing:** Request by Townhomes Rental, LLC. (File #: 19-18-PCW). Applicant is requesting a waiver from Section 24.113B.10 that requires a Phase I Archaeological Study. The property is designated as Tax District: Middleway (07); Tax Map: 1; Parcels: 1.1 & 1.2; Zoned: Residential/ Light Industrial/Commercial; Size: 7 and 16.62 acres.

Mr. Paul Raco with P.J. Raco Consulting was present to represent the request on behalf of the property owner. Ms. Brockman provided an overview of the location of the property. Mr. Raco explained the nature of the request to the Commission in detail noting that a Phase I Archaeological Study was an unnecessary requirement for this project. Mr. Raco explained that this is an extensive study that does not have a corresponding end result based on any

Findings. He stated that the County Commission has already determined that this property is appropriate for development through its location in a Preferred Growth Area in the Envision Jefferson 2035 Comprehensive Plan. Additionally, Mr. Raco noted that while the Zoning Ordinance does not require any buffering from the Category II structure, the applicant is proposing to set the proposed development back from the category II historic structure and will adaptively reuse the structure.

Ms. Brockman provided an overview of her staff report and noted that while there are two Category II historic resources adjacent to the subject parcel, that the current regulations do not require any special protections for them at this time.

Mr. Mike Shepp motioned to approve the waiver as requested. Mr. Wade Louthan seconded the motion, which carried unanimously.

- 6. Discussion and Possible Action:** Petition from landowner Stanley Dunn, represented by Torch Clean Energy, to request that the Planning Commission consider within its work plan a proposed text amendment to the Zoning Ordinance to create a process to allow Solar Farms in the Rural zoning district.

Mr. Sam Gulland with Torch Clean Energy was present to represent the petition. Mr. Gulland provided an overview of the petition and requested that the Commission adopt the proposed text amendment into their work plan. Some members of the Commission questioned why Solar Farms did not fall under the current definition of an essential utility, which would then allow for the proposed land use to be exempt from processing through the office. Ms. Beaulieu briefly explained that it had been her interpretation in the past that the proposed land use did not fit this definition and that this determination has not been questioned to date. The Commission questioned if the definition could be amended. Ms. Beaulieu stated that should the Commission wish to adopt the proposed text amendment into their work plan, then they may amend the text as they deemed necessary. Other members of the Commission cautioned against allowing this land use to be exempt from processing, including concerns related to setbacks, buffering, and decommissioning solar farms. Ms. Beaulieu explained that additional research on the topic would be conducted if the Commission chose to move forward with the proposed text amendment.

Mr. Mike Shepp motioned to accept the petition to include within the Planning Commission's work plan to consider developing provisions to allow solar energy facilities and to schedule a work session to discuss solar energy facilities and essential utilities at their January 14, 2020 meeting; Mr. Steve Stolipher seconded the motion. Mr. Fisher called for a vote, which carried unanimously.

- 7. Discussion and Possible Action:** Review pending Zoning Ordinance text amendment file #ZTA14-02 pertaining to Mass Event Regulations.

Referring to the memorandum provided in the Commission's packet, Ms. Beaulieu explained that on November 21, 2019, the County Commission made additional revisions to ZTA19-01, Special Event Facilities, which included the Planning Commission's recommendation to remove the sentence prohibiting music festivals and concerts from the definition of Special Event. As part of the Planning Commission's recommendation to remove this sentence, the Planning Commission also requested that the County Commission send the Mass Event text amendment (ZTA14-02) back to them to reevaluate and take formal action. After a limited

discussion regarding the text, the Commission agreed that this text amendment should be evaluated along with the comprehensive rewrite of the Zoning Ordinance being conducted by Greenway Engineering.

Mr. Mike Shepp motioned to forward ZTA14-02, Mass Event Regulations, to Greenway Engineering to incorporate into Phase 2 of the contract, depending on the cost; Steve Stolipher seconded the motion. Mr. Fisher called for a vote, which carried unanimously.

**8. Discussion and Possible Action: 2020 Meeting Dates and Deadlines review.**

The Commission agreed to change May's regularly scheduled meeting date to May 5, 2020 in observance of the Election Day.

Mr. Steve Stolipher motioned to approve the proposed meeting schedule with the revised meeting date; Mr. Donnie Fisher seconded the motion and called for a vote, which carried unanimously.

**9. Reports from Legal Counsel. None.**

**10. Planners Memo:**

Mrs. Brockman provided an update from Greenway Engineering (memo distributed) and discussed the decision made by the Committee and staff regarding separating the reorganization phase from the amendment phase in the update efforts. The reorganized draft will be presented to staff and the committee on January 10<sup>th</sup> and distributes at the January PC meeting.

It has been determined that there will need to be a separate Public Hearing for the reorganization prior to the proposed text amendments. Greenway has requested a joint Public Workshop in early February and Public Hearings by the PC and CC in late February.

President Donnie Fisher called for a special meeting of the PC on February 25<sup>th</sup> for the purpose of holding a Public Hearing. Staff will be attending the 12/19/19 CC meeting to discuss the proposed joint work session and required Public Hearing with them.

**11. Actionable Correspondence: None.**

**12. Non-Actionable Correspondence: None.**

Mr. Fisher closed the meeting at 8:25 PM.