

Meeting Minutes  
Jefferson County Planning Commission  
June 02, 2020

The Jefferson County Planning Commission met on May 05, 2020 with the following Commission members present: Mike Shepp, President; Wade Louthan, Secretary; Ralph Lorenzetti, County Commission Liaison, Jack Hefestay, Ron Thomas, Steve Stolipher and J Ware. Ray Bruning was late, with notice. Staff members present included Jennifer Brockman, County Planner; Jonathan Saunders, County Engineer; Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, County Attorney; Rachael Burke, Planning Clerk.

Donnie Fisher, Vice President, was absent, with notice.

The June 2, 2020 Planning Commission meeting was held virtually using ZOOM. The public was invited to join via the agenda, posted to the County site; either by calling in or using the link provided within. Sign-ups for Citizen Communication and Public Hearing were done via the chat function and phone call to our office, prior to the meeting.

Mr. Mike Shepp called the meeting to order at 7:00pm and announced the change of order for the public hearings. He stated that Items # 5 and #6 would be heard before the text amendment public hearing.

1. Approval of the May 5, 2020 meeting minutes, approved as submitted.
2. Citizen Communications. None.
3. Request for postponement. None.
5. **Public Hearing:** Application by Roderick Planes, LLC. Maurice Gladhill (File #20-2-PCV), applicant is requesting a variance to allow early grading for Aspen Greens Subdivision Phase IIB. Said variance is from Section 8.2.c. of the 1979 Subdivision Ordinance, "Storm Water Drainage and Erosion Control" that provides for no grading until after Final Plat approval, recording & bonding.

Ms. Brockman presented the request and history of this project, including issues with the stormwater. Mr. Morris Gladhill, applicant, stated that he had no further comments than the staff had made and reiterated they are eager to move forward with grading.

Mr. Shepp opened the Public Hearing. There was no public comment; Mr. Shepp closed the Public Hearing.

Mr. Stolipher made a motion to approve the request as presented and Mr. Louthan seconded the motion, which carried unanimously.

6. **Public Hearing:** Application by Beallair Homes, LLC. (File #20-3-PCV) applicant is requesting a variance from Article 6, Section 6.3 of the 1979 Subdivision Ordinance to extend the date for the required Final Plat Public Hearing for the next Phase from July 1, 2020 to July 1, 2022, due to issues with the sanitary sewer service provider in this area and the recent shut down of county and state offices.

Ms. Brockman provided an overview of the request. She stated that this project is processing under the old requirements and provided a status of the review of the most recent Phase submitted to the Planning Office. She further explained that the County Commission's

Meeting Minutes  
Jefferson County Planning Commission  
June 02, 2020

approval of the Senate Bill 595 extension ends on July 1 2020 and they are requesting to extend for an additional 2 years, until 2022.

Mr. Paul Raco, applicant's consultant, also presented a history of the extension approvals. He stated that the next Phase involves the same builder and that the requested extension is due to the sewer service being held up for the last 4 years. He also noted that this development is located within the Envision Jefferson 2035 Comp Plan "Residential Preferred Growth Area". He noted that the applicant is ready to submit for the second round of comments.

Mr. Shepp opened the Public Hearing. There was no public comment; Mr. Shepp closed the Public Hearing.

Mr. Hefestay made a motion to accept the application as submitted and Mr. Ray Bruning seconded the motion, which carried unanimously.

4. **Public Hearing:** Proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA19-03. The text amendment, in accordance with WV Code 8A and Article 12 of the Zoning Ordinance, proposes revisions to allow Solar Energy Facilities to process as a Principal Permitted Use in the following Zoning Districts: General Commercial, Highway Commercial, Light Industrial, Major Industrial, Rural, Residential-Light Industrial-Commercial, and Industrial Commercial. The text amendment includes proposed revisions to Article 2 Definitions; Article 8 Supplemental Use Regulations (creation of Section 8.20 Solar Energy Facilities); and Appendix C Principal Permitted and Conditional Uses Table.

Ms. Beaulieu provided an overview of the request, including buffering, setbacks, a draft-decommissioning plan submitted with the Concept Plan and a Zoning Certificate. She explained why the Zoning Certificate is needed and touched on the Stormwater Management items.

Mr. Shepp opened the floor to Public Comment. Five 5 people signed up to speak; 2 prior to the meeting and the others within the chat function. The following people spoke regarding the amendment and concerns or edits they proposed:

Doug Rockwell (against)  
Robert Aitcheson (against)  
Susan Hough (for)  
Richard Zigler (for)  
David Fish (against)

Staff noted that written public comment was received from Mark Dyck (for); Doug Rockwell (against); Bob Aitcheson (against); Cam Tabb (recommendations for changes to draft); Joyce Rawn (against). All of these Public Comments were distributed to the Planning Commission prior to the meeting.

Mr. Shepp closed the public hearing and reviewed options for how to move forward. He reminded the Planning Commission that their action is to forward the draft as written or as amended based on public comment to the County Commission for their subsequent action. He reminded the Planning Commission that they were meeting at a fourth Tuesday meeting

Meeting Minutes  
Jefferson County Planning Commission  
June 02, 2020

on June 23<sup>rd</sup> to discuss the Subdivision Regulations revisions and that this discussion and action could be put on that agenda as well.

Mr. Lorenzetti stated he is currently against the proposed text amendment changes and supported discussing it further at the 6-23-20 meeting.

Mr. Louthan asked to hear Legal Counsel's response to some of the public comment regarding the state law affecting this proposed amendment.

Mr. Cochran stated he would prefer to delay discussion until the 6-23-20 meeting in order to further research options related to the decommissioning bond. He agrees with Roger Goodwin regarding the performance bond not applying to decommissioning, but would like the opportunity to look at other sections of state code for direct authority regarding the bond concerns.

Mr. Louthan made a motion to add the Residential Growth District to the solar amendment as well. Mr. Shepp asked staff about the appropriateness of a motion at this time. Ms. Brockman explained that it would be more appropriate to have this discussion and motion at the 6-23-20 meeting if other action is being delayed to that time. Mr. Cochran agreed, action should all be taken at the next meeting. Mr. Louthan agreed to delay his motion until the next meeting.

Mr. Hefestay made a motion to postpone the action for this agenda item to 6-23-20; Mr. Bruning seconded the motion, which carried unanimously (after discussion and the vote below).

Mr. Lorenzetti mentioned keeping the public comment open and there was discussion. Mr. Shepp mentioned that he had already closed the Public Hearing. Mr. Lorenzetti made a motion to keep the public comment open for 10 business days. Mr. Hefestay seconded the motion, which carried unanimously.

Ms. Brockman noted that all public comment received during this period would be provided to the Planning Commission prior to the 6-23-20 meeting so the members could discuss and consider it at that time.

7. **Discussion and Possible Action:** Petition from landowner Hillary Banachowski, represented by ElderBranch, LLC., 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 Commercial Cemeteries in the Rural zoning district.

Ms. Beaulieu provided an overview of the request and reminded the Commissioners that if a land use is not listed as a Principal Permitted Use or a Conditional Use, it is treated as if it is prohibited. Therefore, new uses may require text amendments to be permitted. She noted that this request is to allow a commercial cemetery that is not accessory to a church or a funeral home as a Conditional Use.

The Elderbranch representative, Michael Judd, explained the natural cemetery and Hillary Banachowski, the property owner, is willing to sell them approximately 7 acres along Persimmon Lane. There would be no chemicals or metal and is considered a natural burial that would be available to people without a farm. No cremation would be permitted and this would be within small area of the farm. There are also no monuments (which requires

Meeting Minutes  
Jefferson County Planning Commission  
June 02, 2020

certification they will seek) and no visual markers, except flat native stone with possible engraving with the goal of preserving the land that the cemetery is on and retaining the natural landscape.

Mr. Louthan asked if there will be a graveside service. Mr. Judd explained that there will be graveside similar to other public cemeteries.

Mr. Bruning asked if the text amendment could be this specific.

Ms. Beaulieu said that a text amendment could be this specific but they may want to consider other types of cemeteries as well. She also explained in the 1979 Subdivision Ordinance there was an exemption for cemetery lots. Current regulations do not have any provisions related to cemeteries, except that it would be considered a permitted use in the commercial district. This request relates to the Rural district and at this point, the request is for the Planning Commission to accept into their workplan, to incorporate provisions to allow for cemeteries. This could be a work session or public hearing, at the commission's discretion.

Mr. Stolipher moved a motion to accept into their work plan. Mr. Louthan seconded. A vote was taken 7;1 opposed (Ralph Lorenzetti).

8. **Discussion and Possible Action:** Review of the most recent draft of reorganized Subdivision Regulations (with no edits) for the purpose of preparing for a Public Work Session scheduled for a special called Planning Commission meeting on June 23, 2020 at 7:00 pm.

Ms. Brockman explained where the Planning Commission Committee and the consultant are in the process and what has happened to date. She stated that the Committee have scheduled a Public Workshop for 6-23-20. She explained that the reorganization more closely reflects how things are currently processed in Jefferson County. Specifically, Articles III and IV are lengthier but this will be helpful for landowners, surveyors and engineers processing at this time. Additionally, State Code requires that the stand-alone Improvement Location Permit Ordinance be incorporated into the Subdivision Regulations – this will now be Article V. Phase I only reflects these edits. She reviewed the steps remaining within this process, including public meetings.

She also stated that the 6-23-20 meeting is a workshop and not a Public Hearing. It is intended to inform the PC members and the public about the status of the update. The next step will include revision which will require formal Public Hearings for input into the changes.

Mr. Lorenzetti asked for a printed copy to be placed in the office for people to review. Mr. Shepp asked if action is needed on this. Ms. Brockman stated that they do not need to take action but we will add a link to the website and print off copy.

9. Reports from Legal Counsel: None.
10. Planner's Memo: Status of #8 and update on our office functionality during COVID19 Pandemic. Upcoming meeting Agenda for 6-23-20 and next regular meeting 7-14-20.
11. President's Report

Meeting Minutes  
Jefferson County Planning Commission  
June 02, 2020

12. Actionable Correspondence

13. Non-Actionable Correspondence:

- E-mail from Hartsell Whitacre, Rolling Knolls HOA president; re: Family Transfer provision.

Ms. Brockman stated we are preparing an organized response to this.

Mr. Stolipher made a motion to adjourn and Mr. Bruning seconded the motion, which carried unanimously.

Mr. Shepp closed the meeting at 8:15pm.