

Meeting Minutes  
Jefferson County Planning Commission  
December 13, 2022

The Jefferson County Planning Commission met on December 13, 2022 at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Matt Knott, Vice President; Wade Louthan, Secretary; Steve Stolipher, County Commission Liaison and Donnie Fisher were present. J. Ware and Jack Hefestay were present via ZOOM. Ron Thomas and Shane Roper were absent with notice.

Staff members present included Jennifer Brockman, Chief County Planner; Jonathan Saunders, County Engineer; Alexandra Beaulieu, Deputy Director and Zoning Administrator; Luke Seigfried, County Planner; Nathan Cochran, Prosecuting Attorney; and, Tanya Lyons, Planning Clerk.

Pursuant to Planning Commission action on October 11, 2022, public participation via ZOOM is no longer permitted. The Planning Commission meeting was broadcast via ZOOM.

Mr. Shepp called the meeting to order at 7:00 pm. and confirmed that a quorum was present.

1. **Approval of Meeting Minutes:** November 15, 2022

Mr. Shepp stated that the minutes stand approved without objection.

2. **Request for postponement.** Ms. Brockman referred to an email submitted by the applicant requesting a postponement of Item #6. Ms. Brockman stated this item would be heard at the January 10, 2023 Planning Commission meeting.

3. **Public Workshop:** Concept Plan for Verizon-Franklinton Telecommunications Tower consisting of a 199' Monopole Telecommunication Tower including 6 Antennas and a 2,500 square foot fenced compound area, screened by an 8' tall board fence. Applicant: Verizon Wireless; Property Owner: Douglas and Laura Gansler; Property Location: Berryville Pike at Clarke County VA line; Parcel ID: 0600290003000; Size: 15.4 ac; Zoning District: Industrial-Commercial; File: #22-12-SP.

Ms. Brockman provided an overview of the staff report (technical computer difficulties with the power point).

Mr. Phil Stetler, representative from Site Link Wireless, explained the nature of the project to the Commission. Mr. Stetler noted that Verizon will be the first wireless provider to be located on the proposed tower, but the project will be capable of handling a number of wireless co-locations on the tower. The project includes a 2,500 square foot fenced compound. The tower will not support 5G at this time, but hopefully it will in the future.

Ms. Brockman stated that the Concept Plan does show that the required 115 foot fall radius can be completely contained within the subject property. She also noted that the applicant resubmitted a revised concept plan that addressed all outstanding comments on the requirements at this time.

No comments were received on the Concept Plan from the outside agencies. The Zoning Ordinance does give the Planning Commission the authority to require that the required fencing be screened by a landscaped buffer planted along the entire exterior perimeter of the fence which is not currently depicted on the concept plan.

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

Mr. Shepp asked about the distance between the North project line and the fence shown on the Concept Plan.

Mr. Stetler said it is approximately 225 feet to the east property line and 252 feet to the north and to the south is 507 feet from the fenced compound.

Mr. Stolipher made a motion to approve the Concept Plan as presented, noting that the project is consistent with the Comprehensive Plan and meets all the required criteria outlined in the Subdivision Regulations and the Zoning Ordinance; Mr. Louthan seconded the motion, which carried unanimously.

4. **Public Hearing:** Final Plat Amendment to lift the single family restriction (Note #2 on Final Plat DB 9/ PG18) to allow for the construction of an agricultural caretaker's residence and a detached accessory dwelling unit for a family member (in-law suite). Property Owner/Applicant: Tammy Miller; Property Location: Riccards' Estate Minor Subdivision, Lot 2; 1335 Gardners Lane, Shepherdstown; Parcel ID: 09001700090004; Size: 35.39 ac; Zoning District: Rural; File: #22-6-FPA.

Ms. Brockman provided an overview of the staff report.

Mr. Shepp acknowledged that he did this plat over 22 years ago and stated that this fact would not have an effect on his ability to make a decision on this matter.

Ms. Tammy Miller, property owner, explained the request to the Planning Commission to lift the restriction to allow for the construction of an agricultural caretaker's residence and an in-law suite.

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

Mr. Knott motioned to approve the Final Plat Amendment to lift the single family restriction as presented. Mr. Fisher seconded the motion, which carried unanimously.

5. **Public Hearing:** Final Plat Amendment to lift the single family restriction (Note #9 on Final Plat PB 25/ PG 85A) to allow for the construction of a detached accessory dwelling unit for a family member (in-law suite). Property Owner/Applicant: Julia Reynes; Property Location: Potomac Ridge Subdivision, Lot 7; 384 Potomac Ridge Lane, Shepherdstown, WV; Parcel ID: 09001000090017; Size: 3.01 ac; Zoning District: Rural; File: #22-7-FPA.

Ms. Brockman provided an overview of the staff report, noting that the applicant had already remodeled the existing garage for this purpose, and was required to apply for a setback variance from the Board of Zoning Appeals, which was approved in November 2022.

Ms. Julia Reynes, property owner, explained the request to the Commission.

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

Mr. Shepp made a motion to approve the Final Plat Amendment as presented. Mr. Stolipher seconded the motion, which carried unanimously.

6. **POSTPONED to 1/10/23 Meeting: Public Workshop**: Reconsideration of the Concept Plan for the Berryville Pike Telecommunications Tower consisting of a 179' Monopole Telecommunications Tower. *Note that this is the remand of the Berryville Pike Telecommunications Tower Concept Plan with discussion limited to “demonstration of need” under Jefferson County Circuit Court Civil Action No. 2022-C-85.* Applicant: New Cingular Wireless PCS, LLC d/b/a AT&T Mobility LLC; Property Owner: 340 Rainbow LLC; Property Location: 3511 Berryville Pike, Charles Town, WV; Parcel ID: 06001100010002; Size: 9.31 acres; Zoning District: Industrial-Commercial; File # 21-8-SP.

The applicant submitted an email requesting a postponement until January 10, 2023.

7. **2024 Comprehensive Plan Initial Discussion**

Staff presented an overview of the 2024 Comprehensive Plan Update, a 10 year update required by WV Code §8A-3. The presentation included the legal requirements of the update, a draft Summarized Timeline, and scope of work for the two-year process. Mr. Seigfried described each of the six phases in the timeline and the proposed public outreach methods. Ms. Brockman answered questions regarding the previous Comprehensive Plan.

Planning Commission discussed alternatives to the previous citizens committee. Mr. Stolipher agreed that because planning commission members are already picked by the public, they could function as the citizen commission. There was additional discussion on citizen input during the plan update at commission meetings.

Planning Commission approved an amended Summarized Timeline to be presented at a requested 2/2/2023 Joint County and Planning Commission meeting.

8. **Reports from Legal Counsel**

- a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109.
- b. Review of Zoning Text Amendment File #ZTA19-03 related to solar energy facilities, including discussion of Jefferson County Circuit Court Civil Action No.'s 2021-C- 33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021- C-46 through 50, and WV Supreme Court No.'s 21-0727, 21-0728, and 21-0731.
- c. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: ZTA22-01 Solar Energy Facilities).
- d. Discuss and review for possible action Jefferson County Circuit Court Civil Action No. 2022-C-85.

Mr. Cochran did not have any legal update for Items to the Planning Commission.

9. **Planner's Memo.**

Revised 2023 Meeting Schedule and Submission Deadlines

Ms. Brockman explained that due to a conflict between the approved 2023 Planning Commission Meeting Schedule and the newly approved 2023 County Commission Holiday Schedule, the submission deadline of Monday, June 19, 2023 needs to be revised to Friday, June 16, 2023. Mr. Stolipher motioned to approve the revised 2023 Planning Commission Meeting Schedule. Mr. Louthan seconded the motion, which carried unanimously.

**10. President's Report.**

Mr. Shepp formed a Budget Committee consisting of Matt Knott, Jack Hefestay and himself and indicated they would be setting up a meeting with Roger Goodwin within a few weeks to discuss the budget proposed for County Commission's consideration.

**11. Actionable Correspondence.** None.

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

Mr. Stolipher made a motion to adjourn the meeting at 8:13 p.m. Mr. Knott seconded the motion, which carried unanimously.

These minutes were prepared by Tanya Lyons