



Agenda
Jefferson County Planning Commission
Tuesday, May 9, 2023 at 7:00 PM

**By order of the President of the Jefferson County Planning Commission,
Public Participation is available in-person only.
The meeting will be broadcast live via ZOOM for viewing purposes only.**

In-Person Meeting Location: County Commission Meeting Room located in the lower level of the Charles Town Library (side entrance on Samuel Street)
200 East Washington Street, Charles Town, WV 25414

ZOOM Broadcast Information*: Meeting ID: 839 8584 7467
Meeting Link: <https://us02web.zoom.us/j/83985847467>

**If watching live broadcast, please ensure your microphone is muted and be mindful that your video is streaming to others.*

1. **Approval of Meeting Minutes:** March 14, 2023 (corrected), March 28, 2023, and April 11, 2023.
2. **Request for postponement.**
3. **Public Workshop:** Solar Energy Facility Concept Plan for the Flowing Springs Farm Solar project for a proposed 125 MWac solar electric generating facility and associated battery energy storage system on approximately 660-acres. The project will consist of solar modules, a new substation to connect the solar facility with the electric grid, and underground utilities. The project site has existing high voltage power lines running through the property. (PC File #23-4-SP).

Property Owners/Location/ID/Size/Zoning District

B C Partners, Inc., Property Owner

Vacant parcel south of Job Corps Road/south of Driswood Elementary School, Shenandoah Junction, WV
Parcel ID: 02000300130000; Lot Size: 104.7 acres; Zoning District: Rural

Butler Family Limited Partnership, Property Owner

Vacant parcel northeast of Old Country Club Rd / east of Aspen Greens Subdivision, Charles Town, WV
Parcel ID: 04001000010000; Lot Size: 133.9 acres; Project Area: 93.8 acres; Zoning District: Residential Growth & Rural

B C Partners, Inc., Property Owner

Vacant parcels east of Old Country Club Road / north of Beallair Subdivision, Charles Town, WV
Parcel ID: 04001000020000; Lot Size: 99.5 acres; Zoning District: Residential Growth
Parcel ID: 04001000030000; Lot Size: 233.5 acres; Zoning District: Residential Growth

Potomac Edison Company, Property Owner

1320 Old Country Club Road (Substation), Charles Town, WV
Parcel ID: 04001000030005; Lot Size: 3.67 acres; Zoning District: Residential Growth

B C Partners, Inc., Property Owner

Vacant parcel west of Shepherdstown Pike, Harpers Ferry, WV
Parcel ID: 04001000100000; Lot Size: 141.1 acres; Zoning District: Residential Growth & Residential-Light Industrial-Commercial

4. **Public Hearing:** Request for a waiver from Appendix B, Section 2.3.B.6 of the Subdivision Regulations to reduce the radius from 35 ft. to 15 ft. for the entrance to the proposed Aspen Hill Apartments (File: 23-2-SP). Property Owner: L & C Horning LLC. Applicant: Tri-State Improvements, LLC; Property Location: Maddex Dr, Shepherdstown WV; Parcel ID: 09000800170001; Size: ~0.43 acres; Zoning District: Residential Growth (File: 23-8-PCW).
5. **Public Hearing:** Request for a waiver from Section 20.203B of the Subdivision Regulations, which requires a Full Site Plan for any development that does not meet the Limited Site Plan Standards.. The applicant is requesting to waive the requirement of a Full Site Plan for up to two 2,500 sq. ft. octagonal dog kennels and a 480 sq. ft. shed roof overhang on one existing building. Property Owner/Applicant: National Humane Education Society; Property Location: 3731 Berryville Pike, Charles Town, WV; Parcel ID: 06001100010000; Size: ~23.36+ acres; Zoning District: Industrial-Commercial (File: 23-9-PCW).
6. **Public Hearing:** Request for a variance from Section 2.1B of the 1979 Subdivision Ordinance (parent to child exemption) to lift the single family restriction to allow for a detached Accessory Dwelling Unit (In-Law Suite). Property Owner/Applicant: Jake Lavoie; Property Location: 1196 Ward Clipp; Parcel ID: 06002800110000; Size: ~17.36 acres; Zoning District: Rural (File: 23-1-PCV).

There is no public comment for the following items.

7. **Discussion and Possible Direction:** Review final approved amendments to WV Code 8A (effective 5/31/23) which will now allow the Planning Commission to authorize staff to have certain rights not previously permitted. This item is for discussion and direction as to whether amendments to the Subdivision Regulations, Bylaws, and/or Zoning Ordinance should be drafted.
 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. 2023-C-48 (RE: PC File #21-8-SP Berryville Pike Telecommunications Tower).
 9. **Planner's Memo**
 10. **President's Report**
 11. **Actionable Correspondence**
 12. **Non-Actionable Correspondence**
 - Email from Alan Dattelbaum and Mary Edwards Re: Dust Control for Large Scale Projects.
 - Invitation to Blake Solar Project Re: Ground Breaking Ceremony
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