



Agenda
Jefferson County Planning Commission
Tuesday, June 13, 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: 896 9624 9269
Meeting Link: <https://us02web.zoom.us/j/89696249269>

**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:** May 9, 2023
2. **Request for postponement.**
3. **Public Workshop:** Concept Plan for the Shannondale Lake Telecommunications Tower consisting of a 100' Monopole Telecommunications Tower to include 9 Antennas, one 10' x 3' concrete equipment pad and one 7' x 4' wide concrete equipment pad within a 50' x 50' fenced compound area. Applicant: Smartlink Group, Attn: Sonya Hemphill; Property Owner: Shannondale Enterprises Inc., Attn: Jeff Shores; Property Location: 1329 Lakeside Drive, Harpers Ferry, WV; Parcel ID: 06000600090000; Size: ~68 acres; Zoning District: Rural (File: 23-3-SP).
4. **Public Hearing:** Request for a Waiver from Section 21.101A, which requires blocks to not exceed six lots in length on one side of the street, to allow a mixture of lot numbers along both sides of the streets for the proposed Hunter Hills Subdivision (File: 21-21-SD). Property Owner/Applicant: ILA Properties, Inc.; Property Location: 4469 Charles Town Road, Kearneysville, WV; Parcel ID: 0700010002000; Size: ~107 acres; Zoning District: Residential-Light Industrial-Commercial (File: 23-10-PCW).
5. **Public Hearing:** Request for a Waiver from Section 20.102B to allow site grading and utility work to commence prior to Final Plat approval for the proposed four-lot Country Club Commons Nonresidential Subdivision (19-17-SD). Property Owner/Applicant: B.C. Partners / Dan Snyder, P.E; Property Location: Vacant lot NE corner of Route 340 and WV 24 (Country Club Road), Charles Town, WV; Parcel ID: 04001100110000; Size: 9.54 acres; Zoning District: Residential-Light Industrial-Commercial (File: 23-11-PCW).
6. **Public Hearing:** Request for a Waiver from Section 20.201A2 to reduce the width of the required access easement from 50' to 40' for a proposed four lot minor subdivision. Property Owner: Howard Wines and Regina Northcraft; Applicant: David Lutman; Property Location: 389 Billmyer Mill Road, Shepherdstown, WV; Parcel ID: 09000700150005; Size: 10.11+- acres; Zoning District: Residential Growth (File: 23-12-PCW).

7. **Public Hearing:** Request for a Waiver from Section 20.102B to allow site grading and footings to commence prior to Site Plan approval for the proposed Phase II of the AMP at Sam Michaels Park due to grant deadlines (File: 22-2-SP). Property Owner: Jefferson County Commission; Applicant: Jefferson County Parks & Recreation Commission; Property Location: 235 Sam Michaels Ln, Shenandoah Junction, WV; Parcel ID: 02000300120000; Size: 136.6 acres; Zoning District: Rural (File: 23-13-PCW).
8. **Public Hearing:** Waiver from Section 24.202A of the 2008 Subdivision Regulations, which requires “an amendment to a subdivision plat to process in the same manner as the plat was originally approved”. The Waterside Reserve Subdivision (Files #02-37 and 05-19) processed under the 1979 Subdivision Ordinance, which required both the Community Impact Statement (CIS) and Final Plat to be considered during a Public Hearing before the Planning Commission. The applicant is requesting permission to amend the CIS and Final Plat for the purpose of excluding the Open Space parcel from the Waterside Reserve subdivision to allow for the continued use of an existing nonconforming campground and to allow said amendment to process administratively.; Property Owner: Whisper Ridge, LLC; Applicant: Panhandle Legal / Christopher P. Stroech; Property Location: Vacant parcel on Wilt Road, Charles Town, WV; Parcel ID: 02020B00S10000; Size: 6.08 acres; Zoning District: Rural (File: 23-14-PCW).

There is no public comment for the following items.

9. **Discussion and Possible Direction:** Letter from Mayor Auxer, Shepherdstown, dated 5/9/23 requesting a Memorandum of Understanding regarding agenda items within Shepherdstown Growth Management Boundary.
10. **Discussion and Possible Direction:** Draft policy related to changes to WV Code 8A regarding delegating to staff the authority to determine completeness of Preliminary Plats and/or Major Site Plans, while Subdivision Regulation Text Amendment is being processed. (*to be distributed at meeting*)
11. **Discussion and Possible Direction:** Determination regarding contracts to hire a social media marketing firm to increase Public Outreach for the Comprehensive Plan Update. (*to be distributed at meeting*)
12. **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).

13. Planner’s Memo

14. President’s Report

15. Actionable Correspondence

16. Non-Actionable Correspondence

- Email from Alan Dattelbaum Re: Dust Control for Large Scale Projects.
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