



Agenda

Jefferson County Planning Commission
Tuesday, September 12, 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: 898 5545 5865
Meeting Link: <https://us02web.zoom.us/j/89855455865>

**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:** August 8, 2023, August 29, 2023, and September 6, 2023
2. **Request for postponement.**
3. **Public Workshop:** Amended Concept Plan for Church of the Ascension for a Minor Site Development proposal consisting of four phases, including a 12,000 sq ft proposed Church and 6,000 sq ft proposed Fellowship Hall. Owner/Applicant: Church Of The Ascension; Property Location: SE corner of Border Road and Bunkhouse Rd, Kearneysville, WV; Parcel ID: 07000400090000; Size: 20.49 acres; Zoning District: Rural (File #22-3-SP).
4. **Public Hearing:** Request for a Waiver from Appendix B, Section 10.6 and Section 2.2.K to remove the requirement of a sidewalk along the front of the property at this time. Owner/Applicant: Church Of The Ascension; Property Location: SE corner of Border Road and Bunkhouse Rd, Kearneysville, WV; Parcel ID: 07000400090000; Size: 20.49 acres; Zoning District: Rural (File #23-21-PCW).

There is no public comment for the following items.

5. **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).
 - e. Discuss and review of VB BTS, LLC v. Jefferson County, WV and the Jefferson County Planning Commission, U.S. N.D. W. Va. Case No. 3:23-CV-171.

- 6. Legal Advice, Discussion and Action:** Discussion of VB BTS, LLC v. JEFFERSON COUNTY, WEST VIRGINIA, & THE JEFFERSON COUNTY PLANNING COMMISSION (United States District Court, Northern District Case No. 3:23-CV-171) including potential resolution/settlement offer presented by Plaintiff and Plaintiff's response to Planning Commission's counter offer.
 - 7. Planner's Memo**
 - 8. President's Report**
 - 9. Actionable Correspondence**
 - 10. Non-Actionable Correspondence**
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