

Meeting Minutes
Jefferson County Planning Commission
December 12, 2023

The Jefferson County Planning Commission met on December 12, 2023 at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Steve Stolipher, County Commission Liaison; Wade Louthan, Secretary; Jack Hefestay; and Donnie Fisher.

Matt Knott, Vice President; J. Ware; and Aaron Howell were absent with notice.

Tim Smith was absent without notice.

Staff members present included Jennifer Brockman, Chief County Planner; Luke Seigfried, County Planner; Jonathan Saunders, County Engineer; Nathan Cochran, Prosecuting Attorney; and Michelle Evers, Planning Clerk.

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

1. Approval of Meeting Minutes: November 14, 2023

Mr. Shepp stated the minutes stand approved without objection.

2. Request for postponement.

- 3. Public Hearing:** Beallair Subdivision, Phase 4B Final Plat (major subdivision) consisting of Lots 160-164, 244-272, and Residue A, resulting in 35 single family dwelling units. Property Owner: Beallair Homes LLC. Applicant: Piedmont Design Group. Property Location: Beallair Subdivision, Vacant 'Residue A' lot Beallair Manor Drive, Charles Town, WV. Parcel ID: 04010ARESA0000; Size: 30.5 acres; Zoning District: Residential Growth (File #22-15-SD).

Ms. Brockman provided an overview of the staff report and explained that the only outstanding comment related to the language needed on the plat to allow the future relocation of an existing water line easement when the new West Virginia Water American waterline is installed.

The applicant's representative, Mike Wiley with Piedmont Design Group, explained the nature of the request to the Planning Commission and clarified the comment related to the new waterline.

Mr. Shepp opened the public hearing. There was no public comment. Mr. Shepp closed the public hearing.

Mr. Louthan made a motion to approve the request with the staff recommendation that the language related to abandoning a water line easement be addressed before the Final Plat is signed and recorded. Mr. Fisher seconded the motion, which carried unanimously.

There is no public comment for the following items.

4. Reports from Legal Counsel

- a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109 (RE: PC File #21-2-Z – Jefferson Orchards Rezoning).
- b. Review and discuss 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 and Jefferson County Circuit Court Civil Action No. 2023-C-112 (RE: PC File #ZTA19-03 Solar Energy Facilities text amendment).

- c. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: PC File #ZTA22-01 Solar Energy Facilities text amendment).
- 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 (RE: PC File #23-3-SP – Shannondale Lake Telecommunication Tower).
- f. Discuss and review Jefferson County Circuit Court Civil Action No. 2023-C-266 - Notice of Filing: Adam McDowell v. The Jefferson County Planning Commission (RE: PC File #23-3-SP – Shannondale Lake Telecommunication Tower).

Mr. Cochran provided an update for Items A and E under ‘Reports from Legal Counsel.’ He noted that Item A had been fully briefed and that they have moved for summary judgement and to dismiss the case. The trial is postponed indefinitely.

Mr. Cochran noted that Item E case was dismissed based on the Judge’s order and the approved settlement agreement. He also requested, per the WV Open Meetings Act, that the out of court settlement agreement be entered into the record of today’s meeting, as it is the next regular meeting following the action. Mr. Shepp then directed that the settlement agreement be placed in today’s meeting minutes.

Additionally, Mr. Cochran recommended that the Planning Commission go into Executive Session to obtain legal advice related to Item F on the agenda under ‘Reports from Legal Counsel.’

Mr. Shepp moved to go into Executive Session for the purpose of receiving legal advice on Item F under ‘Reports from Legal Counsel’ at 7:12 pm. Mr. Stolipher seconded the motion, which carried unanimously.

Mr. Louthan moved to go back into regular session at 7:21 pm. Mr. Fisher seconded the motion, which carried unanimously.

5. Planner’s Memo

Ms. Brockman informed the Planning Commission that the Concept Plan for the Bakerton Monopole was withdrawn by the applicant.

Ms. Brockman also reminded the Planning Commission about the HEPMPO survey and the upcoming regular meeting on January 9, 2024 and the 3rd 2045 Comprehensive Plan Public Input Meeting on January 23, 2024 at Jefferson High School.

6. President’s Report

7. Actionable Correspondence

8. Non-Actionable Correspondence

Mr. Hefestay made a motion to adjourn the meeting at 7:23 pm. Mr. Louthan seconded the motion, which carried unanimously.

These minutes were prepared by Michelle Evers, Planning Clerk.