



Advanced Agenda
Jefferson County Planning Commission
Tuesday, February 13, 2024 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: 854 4636 3038
Meeting Link: <https://us02web.zoom.us/j/85446363038>

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

- 1. Election of Planning Commission Officers.**
- 2. Approval of Meeting Minutes:** January 24, 2024
- 3. Request for postponement.**
- 4. Public Hearing:** Variance request from Section 8.1d of the 1979 Subdivision Ordinance to extend the requirement to bond and record the final plat for Beallair, Phase 4B from March 11, 2024 to June 9, 2024. Property Owner: Beallair Homes, LLC; Applicant: Piedmont Design Group, LLC; Property Location: Vacant Lot on Beallair Manor Dr., Harpers Ferry, WV; Parcel ID: 04010ARESA0000; Size: 46.18 acres; Zoning District: Residential Growth (File: 24-1-PCV).

There is no public comment for the following items.

- 5. Discussion and Action:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcels from Rural to Residential Growth (RG) is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Property Owner: Arcadia Land Inc.; Property Location: Vacant parcels, which are a part of the Harvest Hills Subdivision, located east of the intersection of Flowing Springs Rd and Brass Harness Drive. Tax District: Shepherdstown (09), Tax Map: 24; Parcels: 12 & 13; comprised of 94.63 acres (P12) and 257.62 acres (P13). Zoning District: Rural (File: 23-5-Z).
- 6. Waiver Request** from 20.203A.2a of the Subdivision Regulations to waive the requirement of a Concept Plan for a proposed Concrete Plant; and, from Section 20.203B to allow the proposed Plant to process as a modified Site Plan. Property Owner: Millville Quarry, Inc.; Applicant: Chris Stiles, Diamond Concrete, LLC; Property Location: 165 Bradstone Lane, Harpers Ferry, WV 25425; Parcel ID: 04001100220000; Size: 272.16 acres; Zoning District: Industrial Commercial (File: 24-2-PCW).
- 7. Waiver Request** from Section 20.203B of the Subdivision Regulations to allow the proposed Asphalt Plant to process as a modified Site Plan. Property Owner: Millville Quarry, Inc.; Applicant: W-L Construction and Paving, Inc. / Mike Thomas; Property Location: 165 Bradstone Lane, Harpers Ferry, WV 25425; Parcel ID: 04001100220000; Size: 272.16 acres; Zoning District: Industrial Commercial (File: 24-3-PCW).

8. **Waiver Request** from Section 22.208 and Appendix B Section 10.6 to remove the requirement of a sidewalk along the frontages of the property at this time. Property Owner: DALB INC; Property Location: 73 Industrial Blvd, Kearneysville, WV 25430; Parcel ID: 02000200010007; Size: 2 acres; Zoning District: Industrial Commercial (File: 24-5-PCW).
9. **Review and Discuss** County Commission direction for the Planning Commission to review Section 8.20 of the Zoning Ordinance pertaining to Solar Energy Facilities and provide recommended edits to the County Commission based on projects submitted thus far (see 12/21/23 CC Meeting Minutes).
10. **Discussion and Recommendation:** FY24 1st and 2nd Quarter Quarterly Report to County Commission (to be distributed at meeting).
11. **Discussion and Action:** Planning Commission recommendation to the County Commission regarding the proposed budget for fiscal year 2024/2025 for the Department of Engineering, Planning, and Zoning.
12. **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).
 - g. Update from Legal Counsel regarding County Commission actions on December 21, 2023 including obtaining ethics opinion regarding committee.

13. Planner's Memo

14. President's Report

- a. **Discussion and Possible Action:** Regarding potential amendment to Division 24.300 of the Subdivision Regulations regarding Waiver Process
- b. **Discussion and Possible Action:** Regarding potential policy related to Planning Commission Committee and Subcommittee Meetings

15. Actionable Correspondence

16. Non-Actionable Correspondence

1. Mike Wiltshire dated February 2, 2024.
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