

Meeting Minutes
Jefferson County Planning Commission
January 24, 2024

The Jefferson County Planning Commission met on January 24, 2024 at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Jack Hefestay; and Aaron Howell. Steve Stolipher, County Commission Liaison and Wade Louthan, Secretary were present via Zoom.

Matt Knott, Vice President; Tim Smith and J. Ware were absent without notice.

Staff members present included Jennifer Brockman, Chief County Planner; Luke Seigfried, County Planner; 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. Election of Planning Commission Officers – Postponed until the February 13, 2024 Regular Meeting.

2. Approval of Meeting Minutes: December 12, 2023

Mr. Shepp stated the minutes stand approved without objection.

3. Request for postponement.

There is no public comment for the following items.

4. Waiver Request from Section 20.203A.2a of the Subdivision Regulations to waive the requirement of a Concept Plan for a proposed Asphalt Plant. Applicant: W-L Construction and Paving, Inc. / Mike Thomas; Property Owner: Millville Quarry, Inc; Property Location: 165 Bradstone Lane, Harpers Ferry, WV; Parcel ID: 04001100220000; Size: 272.16 acres; Zoning District: Industrial Commercial (File #24-1-PCW).

Ms. Brockman provided an overview of the staff report and stated that if this waiver is granted, it will allow the applicant to advance to the required Site Plan, which will include documentation that it meets all state and local site development standards.

The applicant's consultant, Paul Raco with P.J. Raco Consulting LLC, explained the nature of the request to the Planning Commission and stated that the existing plant will be decommissioned when this new plat is constructed. He also stated that he and the client's engineer, Potesta, have been in discussion with County Engineer, Jonathan Saunders, and Land Development Inspector, Will Smith, regarding the proposal that the new plat will require no new impervious and would be covered by the existing storm water permits.

The Planning Commission members asked clarifying questions regarding the nature of the request.

Mr. Hefestay made a motion to approve the waiver of the Concept Plan for the proposed asphalt plant as presented. Mr. Howell seconded the motion, which carried unanimously.

5. 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 meetings and County Commission action regarding solar text amendment.

Mr. Cochran reported to the Planning Commission about a directive that was given to him by the County Commission regarding requesting an Opinion from the WV Ethics Commission regarding the Planning Commission Committees and/or Sub-committees.

Mr. Cochran asked the Planning Commission questions regarding the Solar Text Amendment Committee, Budget Committee, and the Ordinance Re-Write Committee meetings.

Mr. Shepp, who served on all three Committees, responded to Mr. Cochran's questions on behalf of the Planning Commission.

Mr. Cochran asked the Planning Commission members if the statements and answers provided by Mr. Shepp were accurate. Mr. Stolipher, Mr. Louthan, and Mr. Hefestay all concurred that Mr. Shepp's answers regarding each of the Committees they served on were accurate.

6. Planner's Memo

Mr. Seigfried provided an update regarding the 2045 Comprehensive Plan.

Ms. Brockman reminded the Planning Commission of the upcoming regular meeting on February 13, 2024.

7. President's Report: No Report

8. Actionable Correspondence: None

9. Non-Actionable Correspondence: None

Mr. Shepp stated to the Planning Commission that an email was received regarding Agenda Item 4.

Mr. Hefestay made a motion to adjourn the meeting at 5:52 pm. Mr. Howell seconded the motion, which carried unanimously.

These minutes were prepared by Michelle Evers, Planning Clerk.