

Meeting Minutes

Jefferson County Planning Commission

June 11, 2024

The Jefferson County Planning Commission met on June 11, 2024 at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Aaron Howell, Vice President Wade Louthan, Secretary; Jack Hefestay; Cara Keys and Tim Smith were present in person. Steve Stolipher, County Commission Liaison, was present online (ZOOM).

Donnie Fisher and J Ware were absent without notice.

Staff members present included Luke Seigfried, County Planner; Alexandra Beaulieu, Deputy Director and Zoning Administrator; Jonathan Saunders, County Engineer; Nathan Cochran, Prosecuting Attorney; and Jennilee Hartman, Zoning Clerk.

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

1. Approval of Meeting Minutes: May 7, 2024

Mr. Howell requested an edit to Page 2, Paragraph 10, stating that he had returned to the meeting room after Item #10. Mr. Shepp stated the minutes stand approved as edited.

2. Request for postponement. None.

3. Presentation from the West Virginia Division of Highways.

Mr. Ken Clohan, Traffic Engineer with the West Virginia Division of Highways, presented an overview of the Traffic Impact Study (TIS) requirements and process to the Planning Commission. A copy of the presentation was posted to the County's website.

There is no public comment for the following items.

4. Waiver Request from Section 20.201A of the Subdivision Regulations to reduce the required access easement width from 50' to 20' for a proposed two lot minor subdivision. Property Owner: Samuel J Donley Jr. / Applicant: Edwina (Lane) Donley. Property Location: 4368 Engle Molers Rd, Harpers Ferry, WV. Parcel ID: 09001900040000; Size: 97.3 acres; Zoning District: Rural (File: 24-17-PCW).

Mr. Seigfried provided an overview of the staff report.

Ms. Edwina Donley, applicant, explained the nature of the request.

The Planning Commission members asked clarifying questions.

Mr. Hefestay made a motion to approve the request as presented. Mr. Louthan seconded the motion, which carried unanimously.

5. Waiver Request from Section 20.201A of the Subdivision Regulations to reduce the required access easement width from 50' to 40' for a proposed three lot minor subdivision. Property Owner / Applicant: Michael Nick. Property Location: 1195 Summit Point Rd, Summit Point, WV. Parcel ID: 07002800090004; Size: 15 acres; Zoning District: Rural (File: 24-18-PCW).

Mr. Seigfried provided an overview of the staff report.

Michael Nick, property owner, explained the nature of the request and addressed the public comments that were included in the packet.

The Planning Commission members asked clarifying questions.

Mr. Hefestay made a motion to approve the request, as presented. Mr. Howell seconded the motion, which carried unanimously.

6. **Waiver Request** from Section 20.203 of the Subdivision Regulations that requires the proposed project to process as a Minor Site Development. The project consists of operating a food truck on the subject property. Applicant: Haulin Butts BBQ / Attn: Paul Wesner. Property Owner: CLG Enterprises, LLC / (dba Dead Rock Contracting / Attn: Chris Livingston). Property Location: 465 Shipley School Rd, Harpers Ferry, WV. Parcel ID: 04000900270000; Size: .88 acres; Zoning District: General Commercial (File: 24-19-PCW).

Mr. Seigfried provided an overview of the staff report.

Chris Livingston, property owner, and Paul Wesner, applicant, explained the nature of the request noting that the food truck would not be in operation during the regular office hours of the contractor business.

Mr. Saunders recommended denial of the request.

The Planning Commission members asked clarifying questions.

Mr. Livingston provided a rebuttal stating that he would be processing a site plan in the near future in order to expand the operations of the existing land use.

Mr. Shepp made a motion to approve the request conditioned upon the submission of a site plan within one year. Mr. Hefestay seconded the motion, which carried unanimously.

7. **Waiver Request** from Section 20.203B.2 of the Subdivision Regulations that requires the proposed project to process as a Minor Site Development. The project consists of the removal and replacement of two existing dams on the subject property. Applicant/Property Owner: Izaak Walton League of America / Attn: James Butler. Property Location: 10435 Leetown Rd, Kearneysville, WV. Parcel ID: 07001400050000; Size: 56.2 acres; Zoning District: Rural (File: 24-20-PCW).

Mr. Seigfried provided an overview of the staff report.

Brian Morgan with Site Studios Inc. explained the nature of the request.

Mr. Saunders recommended approval of the request as the proposed site work would ultimately be evaluated by the West Virginia Department of Environmental Protection and the Army Corp of Engineers. Mr. Saunders noted that because the State's requirements for reviewing the proposed removal and replacement of the dams exceeded the County's requirements that he believed the request was reasonable.

The Planning Commission members asked clarifying questions.

Mr. Louthan made a motion to approve the request, as presented. Mr. Hefestay seconded the motion, which carried unanimously.

8. **Discussion and Possible Action:** Draft amendments to the Bylaws of the Jefferson County Planning Commission based on County Commission input for discussion and possible action: Related to Section 2.4 "Committees" related to public notice and records; Section 3.5; Section 4.1 and 4.2 related to remote meetings for Regular and/or Special Meetings; Section 4.4 "Agendas"; Section 4.8 "Training"; Section 4.9 "Attendance"; Section 5.1 "Voting".

Mr. Seigfried noted that the draft had been modified per the County Commission's recommendations. Mr. Seigfried made reference to spelling errors that would need to be corrected prior to sending the document to the County Commission.

Mr. Cochran stated that the Planning Commission must take action on the proposed changes, which will be forwarded back to the County Commission for review and approval.

Mr. Howell made a motion to accept the Draft with the referenced spelling errors being corrected. Mr. Louthan seconded the motion, which carried unanimously.

9. 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. Update from Legal Counsel regarding County Commission actions on December 21, 2023 including obtaining ethics opinion regarding committee.

A legal update regarding these items was not provided.

10. Discussion and Possible Action related to meeting dates: Planner's Memo

Mr. Seigfried provided an overview of the Planner's Memorandum and requested that Mr. Shepp call a meeting for June 25th in order to review the first portion of the drafted text for the Comprehensive Plan. After discussing the Planning Commission's availability, Mr. Shepp scheduled a meeting for June 25, 2024 at 6:00 pm.

11. President's Report. None.

12. Actionable Correspondence. None.

13. Comprehensive Plan Update Actionable Correspondence

Continued from the May 7, 2024 meeting

- a) Email from Noah Mehrkam dated 2024-02-25
- b) Email from Karen Twigg Sagisi dated 2024-03-01
- c) Email from Roberta N. Meade Curry dated 2024-03-02
- d) Email from Jean C Zigler-Kotch dated 2024-03-18
- e) Email from Mary Gee dated 2024-04-02
- f) Email from Gillian Vickers dated 2024-04-02
- g) Email from Dave Lutman dated 2024-04-10
- h) Email from Kay Shultz dated 2024-04-10

Mr. Siegfried briefly discussed the information provided in the emails noted above.

New correspondence received after May 7, 2024

1. Email from Potomac Valley Audubon Society (PVAS) dated 2024-05-13
2. Email from Lizette Temple dated 2024-05-13
3. Email from Lori Simmons dated 2024-05-13
4. Email from Mark Muse dated 2024-05-13
5. Email from Philip Post dated 2024-05-13
6. Email from Rebecca Phipps dated 2024-05-13
7. Email from Susan Ford dated 2024-05-13
8. Email from Suzanne Patrick dated 2024-05-13
9. Email from Tracy Riordan dated 2024-05-13
10. Email from Jena Meredith dated 2024-05-16
11. Email from Marcy Bartlett dated 2024-05-16
12. Email from Martha Sullivan dated 2024-05-16
13. Email from Ralph Scorza dated 2024-05-16
14. Email from Cindy Powers dated 2024-05-23
15. Email from David Lutman dated 2024-05-16
16. Email from Jeff Hornbeck dated 2024-05-16
17. Email from Jim Surkamp dated 2024-05-16
18. Email from Michael Chalmers dated 2024-05-16
19. Email from Rose Marie dated 2024-05-16
20. Petition from Russo-Shepherdstown dated 2024-05-16
21. Email from Doug Rockwell dated 2024-05-17
22. Email from James Cain dated 2024-05-17
23. Email from D.W. Gregory dated 2024-05-18
24. Email from David Duh dated 2024-05-18
25. Email from Judy York dated 2024-05-18
26. Email from Cynthia Feeser dated 2024-05-19
27. Email from Elizabeth McGowen dated 2024-05-19
28. Email from Lois Butcher dated 2024-05-19
29. Email from Bill Rule dated 2024-05-20
30. Email from Evelyn Getty dated 2024-05-20
31. Email from Jane Tabb dated 2024-05-20
32. Email from Mary Beth Kilmer dated 2024-05-20
33. Email from Nancy Craun dated 2024-05-20
34. Email from Paul Kradel dated 2024-05-20
35. Email from Randall Tremba dated 2024-05-20
36. Email from Carrie Singer dated 2024-05-22
37. Email from Bobbi Blok dated 2024-05-24
38. Email from Bob Aitcheson dated 2024-05-26
39. Email from Charlotte Fremaux dated 2024-05-26
40. Email from Deborah Rochefort dated 2024-05-27
41. Email from Philip Baker-Shenk dated 2024-05-27
42. Email from Billy McLaughlin dated 2024-05-28
43. Email from Charlotte Fremaux dated 2024-05-28
44. Email from Sharon & Michael Helman dated 2024-05-28
45. Email from Teresa Purcell-Diehl dated 2024-05-29

46. Email from Jacquelyn Milliron dated 2024-05-31
47. Emails re: “Public Comment on Future Land Use Map and Comprehensive Plan Action Items” received between 05/19/2024 – 05/31/2024 from the following citizens:
Ali Printz, Amanda Wolfe, AnnaMary Walsh, B Temple, Barbara Humes, Beth-Rosenberg, Carolyn Rodis, Cecile Claude, Cheryl Pullen, Christina Melocik, Conrad Lotze, David Miljour, Dennis G Hatcher, Donna Wolfe, Dwight Wolfe, Eliza Temple, Elizabeth Shockley, Erin Reiney, EVE Lobner, Hilary Lo, Jeffrey Bannon, Jeffrey Feaga, Jennifer Jones, Jennifer King, Jessy Printz, Julia Yuhasz, Kate Temple, Kelly Campbell, Kirsten Martin, Kit McGinnis, Laura Levesque & Russell Fry, Linda Layne, Lindsay McLaughlin, Linus Bicker, Lisa Paynes, Liz Temple, Lizette Temple, Lizz Temple, Marie Tyler, Marie Uehling, Mary Fortuna, Meredith Adams, Nancy Knight, Nicole Gonzalez-Knowlton, Pamela Rowley, Paula Tremba, Rebecca Phipps, Ruth Hatcher, Sara Howle, Sarah Adams, Sharon Buck, Sherry Sturman, Sonny Lobner, Stephanie Pania, Stephen Berzinskas, Terry Thorson, Toby Degenhardt, and Tracy Lesky;
Emails received between 06/01/24 – 06/04/24 from the following citizens: Cristy Miller, Greg Welter, Kathleen Loftin, Paul Singh, and Sue Covello.

Mr. Seigfried briefly addressed some of the emails included in the packet. With regard to the comments received pertaining to the proposed Future Land Use Guide (FLUG), Mr. Seigfried reiterated that the Planning Commission had voted during the Comprehensive Plan Work Session earlier that evening to eliminate the proposed addition of the Shepherdstown South Preferred Growth Area.

Mr. Seigfried confirmed that Staff had corrected the error on the FLUG pertaining to the ‘McShane’s Landing boat ramp parcel’.

Mr. Seigfried informed the Planning Commission of a request by Mr. Lutman that the draft FLUG be revised to reflect the parcel’s current zoning designation (see email #15 – property located on Route 340 South). Ms. Beaulieu provided an overview of the history of the referenced property, and pointed out that the 2035 FLUG reflects the parcel as Future Industrial or Commercial and noted that a Zoning Map Amendment (rezoning) occurred within the last few years to change the zoning district from Industrial Commercial to Residential-Light Industrial-Commercial. Ms. Beaulieu noted that Mr. Lutman’s request was in response to the draft FLUG reflecting the land use classification as Rural Residential and his intent to develop the property commercially.

Ms. Keys made a motion to revise the draft Future Land Use Guide to reflect the subject parcel’s current land use classification to one that better suits its current zoning designation. Ms. Beaulieu clarified that the land use classification would be Residential or Commercial. Ms. Keys concurred. Mr. Hefestay seconded the motion, which carried unanimously.

Ms. Keys requested that the Staff review the feasibility of adopting priority preservation areas as part of the FLUG or as an overlay to the County’s maps. Mr. Shepp requested that staff work with legal counsel to evaluate state code on this topic.

The Planning Commission addressed some of the concerns regarding the proposed edits to the FLUG. The Planning Commission requested that Ms. Beaulieu review the history of the property formerly known as Burch Box Factory and to evaluate its current land use(s) before editing these properties on the FLUG.

The Planning Commission requested that all of the correspondence be continued to the June 25, 2024 meeting in order to allow adequate time to review the emails.

14. Non-Actionable Correspondence

- a. Email from Thomas and Jane Loy dated 2024-05-20
- b. Email from Bob Aitcheson dated 2024-05-29

Mr. Howell made a motion to adjourn the meeting at 8:27 pm. Mr. Hefestay seconded the motion, which carried unanimously.

These minutes were prepared by Jennilee Hartman, Zoning Clerk.