

Meeting Minutes

Jefferson County Planning Commission

October 8, 2024

The Jefferson County Planning Commission met on October 8, 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, Tim Smith, and Donnie Fisher were present in person. Steve Stolipher; County Commission Liaison, and J Ware was present via ZOOM.

Staff members present included Jennifer Brockman, Chief County Planner, Luke Seigfried, County Planner; Jonathan Saunders, County Engineer; Nathan Cochran, Prosecuting Attorney (via ZOOM); Jennilee Hartman, Zoning Clerk; and Colin Uhry, Planning & Zoning Clerk.

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

1. Approval of Meeting Minutes: September 10, September 17, and October 1, 2024 Meetings

Mr. Seigfried provided the Planning Commission with a transcript regarding the portion of the September 17 meeting that the Commission had questioned at the last meeting. Mr. Shepp stated the minutes stand approved as presented.

2. Request for postponement. None.

The following items are open for public comment.

3. Public Hearing: Final Plat Amendment to lift the single family restriction for a detached accessory dwelling unit for a family member. See Note #9 on Final Plat PB 25 PG 85A for restriction. Applicant/ Property Owners: Steve Lana & Maureen Smolke. Property Location: Potomac Ridge Subdivision, Lot 9, 415 Potomac Ridge Ln, Shepherdstown, WV. Parcel ID: 09001000090019; Size: 3 ac; Zoning District: Rural (File#24-5-FPA).

Ms. Brockman provided an overview of the staff report.

Mr. Steve Lana, property owner, explained the nature of the request.

The Planning Commission had no clarifying questions.

Mr. Shepp opened the public hearing. No members of the public were signed up to speak. Mr. Shepp closed the public hearing.

Mr. Howell moved to approve the request as presented. Mr. Fisher seconded the motion, which carried unanimously.

4. Public Hearing: Waiver request from Section 20.201B of the Subdivision Regulations to reduce the required access easement width of Doe Walk Lane from 50' to 40' and to allow more than five lots to access Doe Walk Lane for a proposed two lot minor subdivision. Applicant: Adam Crum. Property Owners: William Crum. Property Location: Vacant Lot on the eastern side of Doe Walk Lane, Kearneysville, WV. Parcel ID: 07002200210000; Size: 6.5 acres; Zoning District: Rural (File #24-26-PCW).

Ms. Brockman provided an overview of the staff report.

Mr. Adam Crum, relative to the property owner, explained the nature of the request.

The Planning Commission had no clarifying questions.

Mr. Shepp opened the public hearing. No members of the public were signed up to speak. Mr. Shepp closed the public hearing.

Mr. Louthan moved to approve the request as presented. Mr. Howell seconded the motion, which carried unanimously.

- 5. Public Hearing:** Variance request from Section 2.1B of the 1979 Subdivision Ordinance (parent to child exemption) to lift the single family restriction to allow for a detached Accessory Dwelling Unit (In-Law Suite) pursuant to Section 8.15A of the Zoning Ordinance. See Page #2 in DB 821 / PG 156 for restriction. Applicant/Property Owners: Dawn White. Property Location: 49 Boyer Lane, Summit Point, WV. Parcel ID: 06001900030001; Size: 2.95 acres; Zoning District: Rural (File#24-3-PCV).

Mr. Shepp recused himself from this Item due to a connection with the property.

Ms. Brockman provided an overview of the staff report.

Ms. Dawn White, property owner, explained the nature of the request.

Mr. Louthan made note the property crosses the West Virginia/ Virginia border and Ms. White may need approval from Clarke County, VA. The Planning Commission had no clarifying questions.

Mr. Fisher moved to approve the request as presented. Mr. Smith seconded the motion, which carried unanimously.

Mr. Shepp returned to the meeting room for the duration of the meeting.

There is no public comment for the following items.

- 6. Discussion and Possible Action Related to the Comprehensive Plan Update:** Review of the draft 2045 Comprehensive Plan

Mr. Seigfried explained edits to the 2045 Comprehensive Plan that the Planning Commission requested during the October 1, 2024 meeting. Mr. Fisher requested that a legend be added to the Future Land Use map in the 2045 Comprehensive Plan, Mr. Seigfried said he would discuss the addition with GIS.

Mr. Hefestay expressed concern over Objective 1.4, less emphasis on beauty in Jefferson County, concern over lack of compare and contrast between 2035 and 2045 Comprehensive Plans, and concern regarding the upcoming election season and members voted onto the County Commission.

Mr. Seigfried addressed the concerns made by Mr. Hefestay. Mr. Hefestay moved to strike Objective 1.4 from the 2045 Comprehensive Plan. Mr. Shepp called for a second, no second was found, and the motion died.

Mr. Howell moved to recommend the 2045 Comprehensive Plan to the County Commission, Mr. Louthan seconded the motion, which carried seven (7) in support and two (2) in opposition, Mr. Hefestay and Ms. Keys.

Ms. Keys moved to rescind the vote, allowing for more discussion regarding Objective 1.4. Mr. Cochran joins the meeting in person to discuss the legality of returning to the motion later in the meeting.

[The motion to rescind and related discussion occurred after the Planning Commission moved to Agenda Item 9. Additional detail can be found in Agenda Item 9 below.]

7. Review and Approval: Planning Commission Calendar Year 2025 Meeting and Submission Dates

Staff provided meeting and application deadline dates for the 2025 Planning Commission Calendar and pointed out specific dates requiring Planning Commission approval.

Mr. Shepp moved to establish Monday, December 23rd as the waiver application deadline for the Tuesday, January 14 2025 meeting. Mr. Louthan seconded, unanimous approval.

Mr. Louthan moved to hold the November Planning Commission meeting on Tuesday, November 4, due to the Veteran's Day holiday. Mr. Shepp seconded the motion, which carried unanimously.

8. Reports from Legal Counsel. None.

9. Planner's Memo.

Mr. Seigfried asked Planning Commission to fillout self-evaluation forms. Mr. Uhry passed out the forms to Planning Commission members attending in person.

Mr. Hefestay requested further discussion on Objective 1.4 and Mr. Cochran explained the process through Roberts Rules of Order to rescind a motion. Mr. Fisher moved to rescind the motion to send the Comprehensive Plan to the County Commission and Mr. Smith seconded.

Ms. Keys moved to remove "...by principal permitted use and by conditional use" from the Comprehensive Plan. Mr. Louthan seconded the motion, which carried eight (8) in favor and one (1) in opposition, Mr. Hefestay.

Mr. Fisher moved to send the 2045 Comprehensive Plan to the County Commission. Mr. Howell seconded the motion, which carried eight (8) in support and one (1) in opposition, Mr. Hefestay.

Mr. Seigfried explained issues adding cellular assets to the Future Land Use map.

10. President's Report.

Mr. Shepp requested presentation on ministerial vs adjudicatory authority from Mr. Cochran, after New Year's.

11. Actionable Correspondence.

None

12. Non-Actionable Correspondence.

- a. 09/16/24: Elizabeth Shockley
- b. 09/26/24: Jean Zigler
- c. 10/1/24: James Gatz

Mr. Howell motioned to adjourn the meeting at 7:54 pm. Mr. Louthan seconded the motion, which carried unanimously.

These minutes were prepared by Colin Uhry, Planning & Zoning Clerk.