

Meeting Minutes

Jefferson County Planning Commission

February 25, 2025

The Jefferson County Planning Commission met on February 25, 2025, at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Wade Louthan, Secretary; Cara Keys, County Commission Liaison; Tim Smith; Bruce Chrisman; and Daniel Hayes were present in person. J Ware was present via ZOOM.

Aaron Howell, Vice President, was absent with notice. Donnie Fisher was absent without notice.

Staff members present included Luke Seigfried, County Planner; Johnathan Saunders, County Engineer; Nathan Cochran, County Attorney; 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:** November 12, 2024 Meetings

Mr. Shepp stated the minutes stand approved as presented.

2. **Request for postponement**

Mr. Seigfried noted to the Planning Commission that Agenda Item 3 was postponed due to discussion of completeness the Planning Commission made on January 14, 2025. Mr. Siegfried also mentioned that the applicant requested the Planning Commission determine the completeness of the project, which is discussed under Agenda Item 5.

The following items are open for public comment.

- ### 3. **Public Hearing for the Birdhill Meadows Preliminary Plat.** The proposal consists of the following: Construction of 104 Single-Family Detached Homes, Construction of 76 Townhomes, and Construction 39 Villas. The proposed site improvements will include stormwater management facilities, roadway infrastructure, and public utilities. Property Owner: Jefferson Orchards, Inc. Property Location: Vacant parcel located .35 miles northeast of the intersection of Charles Town Road and Kearneysville Pike, Kearneysville, WV. Parcel ID: 07000300290000; Size: 194.72 acres; Zoning District: Residential Growth (File #24-12-SD).

This item was postponed until a future meeting date dependent on the determination made by the Planning Commission under Agenda Item 5.

- ### 4. **Public Hearing:** Variance from Note 14 of Plat Book 14 Page 54 to allow the residue and two proposed lots access off of Van Clevesville Road for a proposed three lot minor subdivision. Property Owner: Jose Osorio. Property Location: 1196 Van Clevesville Road, Kearneysville, WV 25430. Parcel ID: 09001500010007; Size: 80.15 acres; Zoning District: Rural (File #25-1-PCV).

Mr. Seigfried provided an overview of the staff report.

Mr. Rory Chapman, consultant, was present in person. Mr. Chapman explained the nature of the request.

Mr. Shepp opened the floor for public comment. There were no members signed up for public comment.

Mr. Shepp closed the floor for public comment.

Ms. Keys motioned to approve the request as presented. Mr. Smith seconded the motion, which carried unanimously.

There is no public comment for the following items.

- 5. Discussion and Action:** Request by the applicant for the Planning Commission to vote to approve or deny the Birdhill Meadows Preliminary Plat as complete in accordance with Sections 24.113 and 24.114 of the Subdivision Regulations, for the purpose of scheduling a Public Hearing for this project. Property Owner: Jefferson Orchards, Inc. Property Location: Vacant parcel located .35 miles northeast of the intersection of Charles Town Road and Kearneysville Pike, Kearneysville, WV. Parcel ID: 07000300290000; Size: 194.72 acres; Zoning District: Residential Growth (File #24-12-SD).

Mr. Seigfried provided an overview of the staff report and explained the role of the Planning Commissions' Completeness determination to the Commissioners.

Mr. Jason Gerhardt, engineer, was present in person. Mr. Gerhardt explained the nature of the request.

Mr. Shepp questioned the benefit of finding the application complete prior to the completion of the NPDES public comment period and approval of the WVDEP. Mr. Saunders noted that only the public notice date and future Planning Commission meeting would be impacted.

Mr. Hayes questioned if the WVDEP permit pending was for the entire project or solely Phase I. Mr. Gerhardt noted the permit is only Phase I of the project.

Mr. Hayes questioned the difference between projects being "complete" versus "substantially complete", Mr. Saunders noted it was determined at the state code level.

Mr. Hayes questioned the possibility of the public comment window having to reopen post advertising. Mr. Seigfried stated it would depend on the conditions changed and Mr. Saunders made mention of the project not needing to be readvertised, with the posted Planning Commission packet sufficing.

Ms. Keys questioned if public comments could lead to the applicant having to resubmit for a new permit, opening the public comment window again. Mr. Shepp and Mr. Gerhardt noted they have never seen that happen in their careers.

Ms. Keys motioned to find the application incomplete at this time, pending staff's approval to find the project complete and able to be scheduled for a public hearing. Mr. Louthan seconded the motion.

Mr. Hayes requested an amendment to the motion to include timelines regarding when the 45 day legal advertisement begins. Mr. Shepp noted there was already a motion of the floor. Ms. Keys and Mr. Louthan rescinded the motion.

Ms. Keys motioned to find the application incomplete at this time, pending WVDEP approval for Permit #WVR112829, directing staff to make their completeness determination with the approved permit in hand, with the 45 day advertising window starting then to be placed on the next corresponding Planning Commission meeting. Mr. Hayes seconded the motion, which carried unanimously.

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

Mr. Seigfried provided an overview of the amendments the County Commission made to the 2045 Comprehensive Plan.

Ms. Keys recused herself for the duration of this Agenda Item.

Mr. Cochran explained that should the Planning Commissioners approve the amendments, the 2045 Comprehensive Plan would go into effect. Mr. Cochran further stated that if the Commissioners disagreed with the amendments the Commission would need to send a letter to County Commission explaining their stance.

Mr. Shepp motioned to accept the amendments to the 2045 Comprehensive Plan as made by the Jefferson County Commission. Mr. Chrisman seconded, which carried unanimously.

7. Discussion and Possible Direction: Discuss draft amendment to the Completeness Determination Policy initiated on June, 13, 2023 regarding Concept Plan, Preliminary Plat, and Major Site Development submissions and completeness requirements and the required permits listed in Section 24.113, Section 24.122, and Appendix A Section 1.3 of the Subdivision Regulations.

Mr. Seigfried provided an overview of the amendments of the Completeness Determination Policy, asking for clear direction on what a “critical permit” is defined as.

Ms. Keys noted “sanitary” was misspelled and Staff noted the edit to be made to the Completeness Determination Policy.

Mr. Hayes questioned the purpose of the update to the Completeness Determination Policy. Mr. Shepp explained a conversation had at the January 14, 2025 Planning Commission meeting and the direction given to staff regarding completeness and approving with conditions. Mr. Cochran explained the legal ramifications of the process. Mr. Seigfried noted the benefit of having a baseline for developers to look over when submitting projects, with the option of developers also requesting an audience with the Planning Commission to determine completeness.

Mr. Hayes motioned to approve the Completeness Determination Policy with the edit of correcting the spelling of the word “sanitary”. Ms. Keys seconded the motion, which carried unanimously.

8. Reports from Legal Counsel

No reports given.

9. Planner’s Memo

Mr. Seigfried noted the upcoming Planning Commission meetings in March and put emphasis on the fact that all Commissioners must be in person on the March 11, 2025 meeting, as there will be no option to communicate via ZOOM.

10. President’s Report

None.

11. Actionable Correspondence

- a. 1/28/25: Jean Zigler
- b. 2/18/25: Jacquelyn Milliron

12. Non-Actionable Correspondence

None.

Mr. Hayes motioned to adjourn the meeting at 7:47 pm. Mr. Louthan seconded the motion, which carried unanimously.

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