



**AGENDA**  
Jefferson County Planning Commission  
Tuesday, January 12, 2016, 7:00 PM

Planning Commission meetings are held in the Old Charles Town Library Meeting Room located at 200 East Washington Street, at the side entrance on Samuel Street in the City of Charles Town.

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**All Citizens that desire to speak must sign-in prior to the Agenda Item being addressed.**

1. Approval of the minutes from the following Planning Commission Meetings:
  - December 8, 2015
2. Election of Officers
3. Citizen Communications: If you wish to comment, please sign-in to speak for issues that are not on the agenda or items that are not open for public comment. Items not open for public comment will be so noted.
4. Request for postponement.
5. **Public Hearing:** Proposed draft redlined edits to Article 12 of the Zoning Ordinance RE: Zoning Map and Text Amendments (File #ZTA 15-03). The amendment includes revising the text to reflect State Code Chapter 8A.

**There is no public comment for the remaining items.**

6. Discussion and possible action regarding the proposed text amendment to the Zoning Ordinance related to Mass Events (File #ZTA14-02). Review and discussion regarding public input received. Possible recommendation to County Commission.
7. Reports from Legal Counsel and legal advice to the Planning Commission.
  - a) Active Litigation:
    - Far Away Farms: Report on legal action in Jefferson County Circuit Court, Case # 11-C-325 Possible Executive Session
    - Shiloh Citizens Association: Report on legal action in Supreme Court, Docket #15-1031 Possible Executive Session.
8. Director's Report.
9. Planning Commission Exchange and Liaison Reports:
  - County Commission
  - Health Department
  - Public Service District
  - Parks and Recreation
  - Jefferson County Development Authority
  - Water Advisory Committee
  - Planning Commission Exchange
  - Historic Landmark Commission
10. President's Report.

11. Actionable Correspondence.

12. Non-Actionable Correspondence.

- Email from Doug Rockwell regarding Zoning Ordinance Amendment ZTA15-02 setbacks, January 6 2016.

All files are made available for public review Monday through Friday, 9:00 AM to 5:00 PM (excluding Holidays). The Planning Commission welcomes written comments at any time. Submitting a document no later than the Thursday before a scheduled meeting will provide the Commission an advanced opportunity to review your comments prior to the meeting. Please note that documentation and exhibits submitted at a Planning Commission meeting are retained as part of the official record. Feel free to submit your comments to office of the Departments of Planning and Zoning.

Any party desiring a transcript of these proceedings will be responsible for providing a competent stenographer at their own expense. Minutes, video and/or audio recordings of past meetings, the Jefferson County Subdivision Regulations, Zoning Ordinance and Comprehensive Plan, as well as any working proposed amendments are located on the Departments page within the County's website at [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org). Minutes and audio recordings of older meetings that are not on the County's website are available for review in the office.

**DRAFT**

Jefferson County Planning Commission  
December 8, 2015

The Jefferson County Planning Commission met on December 8, 2015, with the following Commission members present: Steve Stolipher, President; Wade Louthan, Vice President; Gene Taylor, Secretary; Dale Manuel, Gary Phalen, Mike Chapman, Donnie Fisher, Dick Childs, and Peter Fricke. Staff members present included Jennie Brockman, Director of Planning and Zoning; David Simon, County Planner; Lydia Lehman, Assistant Prosecuting Attorney; and Alexandra Beaulieu, Office/Project Manager.

Mr. Stolipher called the meeting to order at 7:00 PM.

1. Approval of the Minutes from the following Planning Commission Meeting
  - November 10, 2015

Mr. Fricke requested that the minutes be amended to clarify under the President's Report that the roundtable meeting is open to the public.

The amended minutes were approved with no objections.

2. Citizen Communications.

Mr. Robert Aitcheson spoke in reference to Agenda Item #4. He requested that the public comment session be left open for two weeks because three (3) minutes was not enough time to provide comments.

3. Request for postponement. None.

4. **Public Hearing:** Proposed text amendment to the Zoning Ordinance related to Mass Events, as revised during the October and November 2015 Planning Commission meetings (ZTA14-02). The amendment includes creating the new Section 8.16 "Mass Event Regulations" for major and minor mass events and provides details on the Public Hearing process before the Board of Zoning Appeals and the submittal of a Zoning Certificate and Sketch Plan, which is administratively approved.

Mr. Stolipher read into the record the following statement:

"I wanted to take this opportunity to make it clear to the public about a few misconceptions and the process regarding the Mass Gathering Ordinance.

The County Commission asked the PC to draft a Mass Gathering Ordinance. The mass gathering ordinance was intended to be drafted for ALL events throughout the County to expand upon the existing seasonal use permit process. In 1989 a seasonal use permit process was drafted and has been used successfully for many events such as the Arts and Crafts festival, events on the Summit Point Raceway, and many others throughout the County.

The mass gathering ordinance is not intended for one event nor shall it be tailored to one event. Jefferson County received more revenues from tourism than any other county in our State. Jefferson County has a lot to offer since we have the beautiful Potomac and Shenandoah Rivers that run through our County offering itself to recreational uses throughout the year and we have an abundance of Historical attributes in our County such as the Washington Homes and of course Civil War History located in Harpers Ferry.

I also want to take this opportunity to make it clear to the public about a few misconceptions regarding my role on the Planning Commission and the All Good Festival.

Over the past year there has been a lot of misinformation disseminated from several individuals that are simply not true and have been misconstrued for the sole purpose of keeping their backyards free. I'd like to ensure that everyone understands what has occurred to date:

1. The All Good Festival applied through the BZA under a seasonal use permit. Not the Planning Commission Board.
  - a. The Planning Commission Board does not control the BZA
  - b. The seasonal use permit process was drafted in 1989 and has been used successfully for many events throughout the County.
2. I do not work for All Good. Nor do I have any financial interest in Berry Hill Farm where the Festival was held.
3. The County Commission asked the PC to draft a Mass Gathering Ordinance. The mass gathering ordinance was intended to be drafted for ALL events throughout the County to expand upon the existing seasonal use permit process. The mass gathering ordinance is not intended for one event nor shall it be tailored to one event.
4. As many of you may recall Bob Aitcheson did file an ethics complaint against myself and other individuals in an attempt to control the process and bully myself and others. I have been transparent on the issues involving the Mass Gathering Ordinance from the start and would like to report that the WV Ethics Commission Probable Cause Review Board dismissed the complaints filed by Mr. Aitcheson on myself and the other individuals. I would like to enter into the record a letter I received from the WV Ethics Commission dated 11/18/2015 stating the dismissal.
5. I did originally participate in the Mass Gathering Ordinance until All Good named Berry Hill Farm as their desired location. I chose to recuse myself from any other discussions concerning the festival including the Mass Gathering Ordinance since Berry Hill Farm is owned by direct family members of mine. I chose to recuse myself not because it was ever a conflict of interest but instead of the perception that there were any conflicts.

As of to date, the All Good Festival has not applied for a permit for another festival on Berry Hill Farm. Therefore, I will no longer be recusing myself from the discussions on the Mass Gathering Ordinance discussions for Jefferson County Mass Gatherings.”

*\*referenced Dismissal Order from the WV Ethics Commission, dated November 18, 2015, has been included in the minutes as part of the record.*

Ms. Brockman provided an overview of the changes made as the result of the October and November Planning Commission meetings.

Mr. Stolipher opened the floor to public comment.

Mr. Robert Aitcheson stated that Mass Events should not be included as a Principal Permitted Use based on the definition of Principal Permitted Use in the Zoning Ordinance (reference Page 30 of the Zoning Ordinance). He stated that mass events should be dealt with under the Conditional Use Permit process. Mr. Aitcheson also stated that adding mass events to the list of Principal Permitted Uses would be contrary to the Comprehensive Plan (see page 39 of Envision Jefferson 2035, Recommendation #4.b).

Mr. Pete Dougherty, Jefferson County Sheriff, stated that the mass event application needs to include fire services review. He noted that the proposed amendment does not include contracting with fire services and fire services should be added under the list of agencies requiring contracts.

Mr. Ward Zigler expressed his concerns regarding the effect the proposed regulations might have on family reunions and farm sales/auctions, etc. He stated that he did not think those types of events should have to process for a mass gathering permit. Mr. Zigler stated that having regulations for events with 250-1,000 attendees was going overboard.

There were no other members of the public signed up to speak. Mr. Stolipher closed public comment.

Mr. Stolipher stated that the public comment session would remain open for two weeks for members of the public to submit comments in writing, which the Planning Commission would review and discuss during their January 2016 meeting.

Mr. Fricke stated that he had a few comments he would like to make. Mr. Stolipher clarified that the Planning Commission would discuss the amendment during the January meeting after public input has been received.

5. Discussion and possible recommendation to the County Commission on the proposed text amendments to the Zoning and Land Development Ordinance and the Subdivision and Land Development Regulations regarding campground standards (File #STA15-04 and ZTA15-02).

Ms. Brockman provided an overview of the changes made during the November meeting.

Mr. Stolipher moved to delete Section 8.17.C, subsections 1, 2, 3, and 4 and replace with a blanket statement that setbacks for Developed, Semi-Developed, and Semi-Primitive campgrounds be 50' unscreened from property lines; or, 20' with a 10' vegetative buffer. All setbacks for sites on the river would be 20'.

Mr. Stolipher continued his motion to include setbacks for Primitive Campgrounds would be 20' from all property lines, including from the river.

The Planning Commission discussed this proposal at length.

Mr. Stolipher withdrew original motion and amended his motion to delete Section 8.17.C subsections 1, 2, 3, and 4 of the proposed amendment to the Zoning Ordinance so that all setbacks are 20' with a 10' vegetative buffer; or, a 10' natural vegetative buffer that may be administratively approved. Mr. Childs seconded the motion.

Mr. Manuel moved to amend Mr. Stolipher's motion to change all setbacks to 50' with a 10' vegetative buffer for all campgrounds. Mr. Fricke seconded the motion.

Ms. Brockman clarified that both of the motions set forth would keep #3, which reads: "All campsites and amenities shall be screened by a 10' vegetative buffer; provided that if the campground abuts the river, no vegetative screen is required in this area. A 10' buffer of natural vegetation (evergreen or hardwood) may be administratively approved in place of a planted buffer." Mr. Stolipher agreed with Ms. Brockman's clarification.

Mr. Manuel's amendment to the motion for a 50' setback with a 10' buffer failed with a vote of two to seven (Mr. Manuel and Mr. Fricke in support).

Mr. Stolipher called for a vote on his original motion to change all setbacks to 20' with a 10' vegetative buffer, provided that if the campground is along the river, no vegetative screen is required. And, that a 10' buffer of natural vegetation may be administratively approved in place of a planted buffer. The vote, originally seconded by Mr. Childs, passed with a vote of seven to two (Mr. Manuel and Mr. Fricke opposed).

Mr. Stolipher motioned to include regular cabins in the definition for semi-developed campgrounds. Mr. Fisher seconded the motion. The motion failed with a vote of two to seven.

Mr. Stolipher suggested deleting Section 8.2.C.1 and 2 of the proposed amendment to the Subdivision Regulations with reference to vehicle trips per day. He opened the topic up for discussion.

Mr. Fricke motioned to amend the proposed text to utilize Section. 8.2.C.1, which includes standards for campground roads that serve less than 300 vehicle trips per day, for Semi-Primitive and Semi-Developed Campgrounds; and to use Section 8.2.C.2, which includes standards for campground roads that serve more than 300 vehicle trips per day, for Developed Campgrounds. Mr. Manuel seconded the motion, which carried unanimously.

Ms. Brockman asked if reference to the Stormwater Management Ordinance should be included in Sections 8.2.C.1(f) and 2(f) which reads, "No ditches are required, all drainage from campground roads must be managed to prevent erosion utilizing Best Management Practices (BMPs)."

Mr. Fricke made a motion to require that all drainage from campground roads must be managed to prevent erosion using best management practices for Semi-Primitive and Semi-Developed campgrounds; and, Developed Campground Roads must be managed utilizing best management practices and conform to Stormwater Management Ordinance. Mr. Manuel seconded the motion, which carried unanimously.

Mr. Childs motioned to change Section 8.17.B.2 of the proposed amendment to the Zoning Ordinance pertaining to Parking Requirements, from 1.5 spaces per campsite in the common parking area to 1 space per campsite. Mr. Phalen seconded the motion, which carried unanimously.

Mr. Stolipher motioned to change Appendix C of the Zoning Ordinance to allow Semi-Developed in the Rural District. The motion failed for lack of a second.

Mr. Fisher motioned to send the proposed Zoning Ordinance and Subdivision Regulations amendments related to campgrounds to the County Commission for their consideration and approval. Mr. Chapman seconded the motion which carried unanimously.

6. Review and Discussion of proposed draft redlined edits to Article 12 of the Zoning Ordinance RE: Zoning Map and Text Amendments (File #ZTA15-03).

Ms. Brockman and Ms. Lehman provided an overview of the proposed amendments to Article 12 of the Zoning Ordinance to bring it into conformance with WV Code Section 8A. Mr. Chapman moved to schedule a public hearing on ZTA15-03 for the January meeting. Mr. Louthan seconded the motion, which carried unanimously.

7. Review and Recommendation of staff edits to amendment to the Subdivision and Land Development Regulations RE: Subdivision and Site Plan Processes (File #STA15-05) previously sent to County Commission.

Ms. Brockman explained that due to the fact that the Planning Commission received no public comment regarding the above referenced amendments to the Subdivision Regulations, staff had no opportunity to provide input or possible clarification of the amendments. Therefore, when the County Commission held their public hearing on these amendments, staff recommended some edits to clarify the process proposed. She then provided an overview of Staff's recommended edits as submitted to the County Commission. Because the Planning Commission had not seen these edits, the County Commission had requested that the Planning Commission review them for any comments or concerns before the County Commission took action on them.

She noted that Staff had met with Mr. Paul Raco on behalf of the committee and also distributed the edits to each of the members of the committee and there was no opposition to the changes as presented. Ms.

Malesic, a member of the committee, was in the audience and noted that the committee was ok with the changes as proposed.

Mr. Manuel motioned to approve the changes as presented. Mr. Phalen seconded the motion, which carried unanimously.

8. Discussion and possible action related to document submission policy.

Mr. Phalen motioned to approve the policy as written. Mr. Fisher seconded the motion, which carried unanimously (8-0; Mr. Childs stepped out from the meeting briefly and was not present when the vote was called).

9. Review and approval of the 2016 Planning Commission Meeting Schedule.

- Discussion and possible action related to the revision of the 2016 Planning Commission Meeting Schedule which was previously approved on 11-10-15.

Mr. Fisher motioned to hold the May and November 2016 meetings on the first Tuesday due to the County offices being closed for election purposes. Mr. Louthan seconded the motion, which carried unanimously.

*\*The May meeting will occur on May 3; and the November meeting will occur on November 1, 2016*

10. Reports from Legal Counsel and legal advice to the Planning Commission. None.

11. Directors Report.

- Ms. Brockman provided an update on the status of the various proposed text amendments. She noted that in accordance with the Comprehensive Plan's goals, she would be working with Legal to draft a proposed amendment regarding the LESA/CUP process.

12. Planning Commission Exchange and Liaison Reports. None.

13. President's Report. None.

14. Actionable Correspondence. None.

15. Non-Actionable Correspondence. None.

Mr. Stolipher motioned to adjourn the meeting at 8:58 PM.

## Section 12.3 Procedure for Map Amendment by Petition<sup>25</sup>

### A. Map Amendments by Landowners

The procedure for processing a map amendment petition initiated by the owners of fifty percent or more of the real property to which the petition relates shall be as dictated in §8A-7-9 et seq of the West Virginia State Code, as amended.

The procedure for processing a map amendment petition to change the zoning map designation of a property to the Planned Neighborhood Development district shall also include the applicable requirements of Article 5.<sup>27</sup>

Petitions for a map amendment initiated by landowners shall be submitted to the Planning Commission or the County Commission and shall contain the following information:

1. Substantiation for the request
2. Tax District, Map and Parcel number
3. Deed Book reference
4. Plat or sketch pursuant to Section 7.4B
5. Tract size
6. Discussion on:
  - a. Comprehensive Plan compatibility of the proposed change.
  - b. Any change of transportation characteristics and neighborhood from when the original ordinance was adopted.<sup>17, 21, 27</sup>
7. A petition for a map amendment to change the zoning designation for a property to the Planned Neighborhood Development (PND) district shall include a Preliminary PND Plan for the subject property. The submittal review process for a Preliminary PND Plan is described in Article 5 of this Ordinance.<sup>27</sup>

In accordance with §8A-7-9 et seq of the West Virginia State Code, the Planning Commission or the County Commission is required to set a public hearing on the proposed Zoning Map amendment within 60 days of the date upon which a complete petition is presented to the Planning Commission or to the County Commission at a Planning Commission or County Commission meeting, as relevant. If a public hearing is held by the Planning Commission, it shall be at the discretion of the County Commission whether an additional public hearing is required to be held by the County Commission.

If the petition is to be presented to the Planning Commission, a complete petition, and related fees, shall be submitted to the office of the Departments of Planning and Zoning for placement on a Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented for the purpose of setting the public hearing date within 60 days of the date the petition is presented. Upon request, the Departments of Planning and Zoning staff can

present the petition to the Planning Commission on behalf of the applicant for the purpose of setting the public hearing date.

If the petition is to be presented to the County Commission, a complete petition and complete agenda request form shall be submitted to the office of the County Commission for placement on the County Commission agenda no later than noon on the Thursday prior to the requested meeting date. One copy of the petition along with relevant fees shall be submitted to the office of the Departments of Planning and Zoning prior to appearing at the County Commission to present the petition. Before amending the Zoning Ordinance map, the County Commission, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of §8A-7-8 et seq of the West Virginia State Code, as amended. To this end, the County Commission shall refer the petition to the Planning Commission for their review and recommendation as to whether the amendment is consistent with the adopted Comprehensive Plan. Such recommendation will be required to be sent to the County Commission prior to the County Commission's Public Hearing which shall be held within 60 days of the date the petition is presented.

~~One copy of the petition along with rthe County Commission~~ Notice of the Planning Commission's ~~or County Commission's~~ Public Hearing shall be in accordance with Section 12.2 of this Ordinance. ~~If heard by the Planning Commission, a~~At the conclusion of the Planning Commission's Public Hearing, or at the next regular Planning Commission meeting, the Planning Commission shall make a recommendation to the County Commission regarding whether the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of §8A-7-8 et seq of the West Virginia State Code, as amended approval or disapproval of the requested Map Amendment. This recommendation shall be forwarded ed to the County Commission within four weeks of the final Planning Commission action. The County Commission shall take action to schedule their own public hearing, if desired, or take action to approve or disapprove the requested Zoning Map amendment within the next two regularly scheduled County Commission meetings. If heard by the County Commission, at the conclusion of the County Commission's Public Hearing, or at the next regular County Commission meeting, the County Commission shall, with the advice of the Planning Commission, determine if the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of §8A-7-8 et seq of the West Virginia State Code, as amended. Upon making these findings, the County Commission shall approve or disapprove the petition.

**Public Comment Received at 12/8/15 Public Hearing and/or within 2 week public input timeframe**

<b>Comment</b>	<b>Staff response</b>	<b>PC Action</b>
<p>Mass Events should be a Conditional Use (not a Principal Permitted Use) based on the definitions in the Zoning Ordinance (reference Page 30 of the Zoning Ordinance) and the Envision Jefferson Comprehensive Plan (Page 39 of Envision Jefferson 2035, Recommendation #4.b).</p>	<p>The proposed ordinance states that the use be permitted but requires BZA consideration of capability conditions that may need to be imposed. This is, in effect, a modification of the CUP process for a commercial use as recommended by the Comp Plan. Note that the CUP section will be comprehensively revised in 2016.</p>	
<p>Mass event applications need to include fire services review and contracting with fire services and should under the list of agencies requiring contracts.</p>	<p>If PC determines this is desired, it should be added to Section B(3)(g).</p>	
<p>Proposed regulations might have an effect on family reunions and farm sales/auctions, etc. which should not have to process for a mass gathering permit; regulations for events with 250-1,000 attendees is too restrictive.</p>	<p>Consider modifying the definition to clarify that the provisions of this section apply only to events that involve charging admission or are solely performance events – or exclude events that do not charge admission.</p>	
<p><b>Written Comments Received:</b></p>		
<p>“The Contribution of the All Good Music Festival Event Planning and Patron Spending to the Jefferson County Economy, 2015” by Daniel Eades, Extension Specialist, West Virginia University Extension Service</p> <p>A study prepared by WVU regarding the Employment, Labor Income, Value Added, and Sales Impacts of the 2015 All Good Music Festival on the Jefferson County economy</p> <p>(see attached report)</p>	<p>This was provided for the PC members’ information.</p> <p>No changes required.</p>	
<p>Mass Events should not be a PPU or should not require BZA approval</p>	<p>The intent of the draft ordinance is that the use is permitted but may require conditions; which</p>	

	<p>is the purpose of the BZA hearing. It may be useful to state that the purpose of the BZA hearing is similar to that of the Major Site Plan Concept Plan Public Workshop found in Sec. 24.117 of the Subdivision Regulations. The purpose is to determine if there are special circumstances that would require additional conditions to be imposed during the processing of the Zoning Certificate application.</p>	
<p>Because Mass Events are not a specific land use, it should not be listed in Appendix C</p>		
<p>Questions whether the Comprehensive Plan supports Mass Events as a permitted use</p>	<p>The Comp Plan clearly supports the creation and promotion of rural and recreational tourism to help achieve the County’s economic goals. The Comp Plan recommends that a modified conditional use process be developed for capability non-residential uses. In essence, that is what is proposed with this draft as it require BZA public hearings for certain types of uses.</p>	
<p>Proposed language should be under Article 9 “Exceptions” instead of Article 8 “Supplemental Use Regulations”</p>	<p>Article 9 is primarily a list of exceptions to other provisions in the Ordinance that are administratively enforced. Article 8 has other uses requiring BZA review and appears to be the appropriate location for this amendment.</p>	
<p>Mass Events, Major, should include the requirements of a sketch plan mirroring the requirement in Mass Event, Minor (item 3e))</p>	<p>Staff agrees that this should be added under Mass Events, Major</p>	
<p>Applications should be submitted more than 60 days prior to the event.</p>	<p>The proposed ordinance requires a multi-step process. First the use itself needs to approved. Then the applicant needs to work with entities including the Board of Health, Department of</p>	

	Highways, the Sherriff's Dept, prior to applying for the Zoning Certificate. The referenced section is an application intended to confirm that all requirements have been met and cannot occur until the event is imminent.	
JCESA should have an approval role related to the Emergency Medical Services and Fire Suppression Plan		
Page 6 of 7 paragraph C3 change "will" to "shall" and clarify "event fee"	This penalty section may need to be revisited; at a minimum the word "event fee" should be changed to "application fee"	
Section C(5)(d) needs to have the words "once per calendar year" added.	It should be noted that the word "calendar" should probably also be added to Section A(3)(c) and B(3)(c).	
<b>Staff Comments:</b>		
Section B(3)(g) and (h) under Mass Event, Major references items that needs to accompany the Zoning Certificate Application. These items need to be moved to Section C – between #3 and #4, as they are proposed as a part of the Zoning Certificate application.	Move the section as proposed	
Some clarification needs to occur regarding the definitions which say "regardless of length of time" and the 3 day limitation on Minor events and 7 day limitation on Major events. Particularly, a statement needs to be added regarding how an event of less than 1,000 participants but greater than 3 days should process.		
A statement needs to be added that clearly states that the event set up and tear down may take place outside of the delineated time period.		
A statement needs to be added that clarifies that all references to camping and/or overnight lodging relates to customers or attendees. Performers, presenters, or production crews that are a part of the event may stay on site overnight without further approval.		

<p>Section B(3)(e) should be modified to clarify that the applicant is responsible for the required mailing and is obligated to provide the Planning Office with a list of mailing addresses, a copy of what was mailed, and the certified mail receipts for the file (rather than reimbursing for costs).</p>		
<p>It may be advisable to add an introductory “purpose statement” at the beginning of Section 8.16.</p>		

Memorandum

RECEIVED

DEC 17 2015

JEFFERSON COUNTY PLANNING,  
ZONING & ENGINEERING

To: Members, Jefferson County Planning Commission

From: Douglas S. Rockwell  
Robert D. Aitcheson

Date: December 17, 2015

Subject: Mass Events Amendment Proposal

We provide the following for your consideration in re-drafting the Mass Events Amendment proposal. Unless corrected, the noted deficiencies and ambiguities will likely make the present proposal a nightmare to administer.

1. "Mass Events" should not be a principal permitted use.

A. A principal permitted use is a use as a matter of right.... "without the requirement of...approval by a board or commission..." [See definition of principal permitted use on page 30 (definitions) of the Zoning Ordinance (hereinafter JCZO)]. Therefore, allowing mass events as a principal permitted use completely deprives the BZA of the ability to regulate it.

B. **The proposed amendment relates only to the number of participants** and not any use, i.e., campground. It should not even be listed in Appendix C because only uses are listed there. There is not even a North American Industry Classification System (NAICS) number for the general category of mass events as required to qualify as a use under the JCZO. See page 17 and Sec. 7.5, JCZO.

C. In the Rural Zoning District, a mass event as a principal permitted use violates the express provisions of the Comprehensive Plan just enacted.

W.Va. Code Sec. 8A-7-8: An amendment to the zoning ordinance requires that the governing body [County Commission] "...must find that the amendment is consistent with the adopted comprehensive plan." If inconsistent, the governing body must make special findings which could not lawfully be made in this instance. See also Sec. 1.1B and 12.2B, JCZO. No less than the U.S. Supreme Court recognizes the general rule that a general statement of policy must be sensibly read "narrowly in order to preserve the primary operation of the [policy]." *Commissioners v. Clark*, 489 U.S. 726, 739 (1989) cited in *City Edmonds v. Oxford House*, 514 U.S. 725(1995). The Comprehensive Plan is a general statement of policy and must be read narrowly.

Comprehensive Plan, p. 39, Sec. 4b: "...and to modify the **Conditional**

**Use Permit (CUP) process in the Rural Zoning District, which would be used for compatible non-residential development only.** (Emphasis added)

Comprehensive Plan, p. 74, "Agricultural Community Priorities" - This Plan recommends that the use of the CUP in the Rural Zoning District be limited to non-residential **uses** not permitted in the Rural District which are compatible in scale and intensity with the rural environment and that pose no threat to public health, safety and welfare."

Accordingly, the Comprehensive Plan requires the existence of a **use**, i.e., a concert, music festival. As defined, a mass event does not satisfy this requirement. In the Rural Zoning District, a mass event cannot be a principal use but must be a CUP if it is compatible with the rural environment and poses no threat to public health, safety and welfare.

2. The proposed amendment should be placed in Article 9, EXCEPTIONS, of the JCZO, a new Section 9.8, and not under Article 8 SUPPLEMENTAL USE REGULATIONS, so mass events fall under the express jurisdiction of the BZA, thereby eliminating the problems identified in paragraph 1. If the BZA does not have jurisdiction to regulate all activities for mass events, the activity can be ANYTHING since only number of participants is regulated.

West Virginia Code 8A-8-9(2): gives the BZA the power and duty to "(2) Authorize exceptions to the district rules and regulations only in the classes of cases or in particular situations, as specified in the zoning ordinance;...."

It is worth noting that both drafts prepared by former Counsel for the Planning Commission (Mr. Groh) placed the proposal in Article 9, JCZO. The BZA, not the Zoning Administrator, has the authority to grant exceptions. See JCZO Sec. 1.3D.

3. Other issues:

A. Paragraph 3c (sketch plan, etc.) under Mass Events, Minor (page 2 of 7) should also appear at the end of Mass Events, Major Section 3b on page 2 of 7. It is even more important that these requirements apply to a Mass Event, Major **at the time of the filing of the application.**

Persons or entities who propose an event with 10,000 or more participants should have their act together **when they file** their application, not 60 days before the event as in Sec. C1, page 5 of 7. In addition, without those filing requirements for a Mass Event, Major, as well, the public hearing would be rendered a farce, since the public would have nothing of substance to review in order to offer constructive testimony.

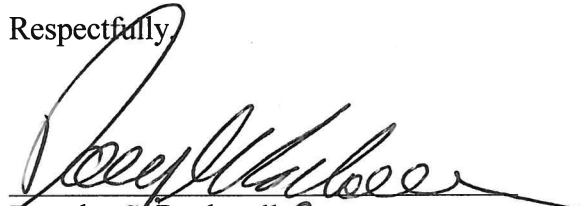
B. Page 4 of 7: The County Commission has **no role** in the mass events application and approval process except as it pertains to approving retail alcohol sales. The provision regarding the JCESA is therefore meaningless. Any approval or disapproval of the emergency medical services and fire suppression plan by the JCESA (the agency in the county responsible for the provision of such services) should be **required** to be provided to the BZA **before** the issuance of a zoning certificate.

C. Paragraph C3 on page 6 of 7

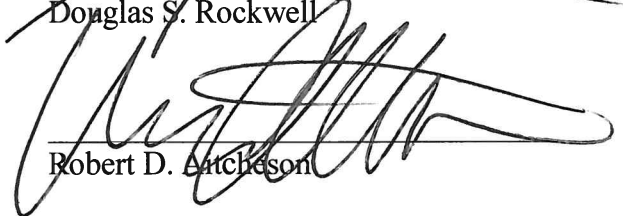
- (1) The word “will” in line three should be “shall”.
- (2) “Event Fee” is not defined and it needs to be. Is it the “ticket price” or the “application fee”, or what?

D. Paragraph 5d should specify that a Mass Event, Major may occur only once **in any calendar year**.

Respectfully,



Douglas S. Rockwell



Robert D. Ancherson

**The Contribution of the All Good Music Festival  
Event Planning and Patron Spending to the Jefferson County Economy, 2015**



**Prepared by:**

**Daniel Eades, Extension Specialist  
Community Resources and Economic Development  
West Virginia University Extension Service  
Morgantown, WV 26505**

**November 2015**

The author is grateful to Tim Walther and Junipa Contento for their willingness to provide detailed data needed to undertake this study.

Cover photo courtesy of <http://allgoodfestival.com/gallery>

## Executive Summary

The 2015 All Good Music Festival was held July 9<sup>th</sup> – 11<sup>th</sup>, at Berry Hill Farm in Summit Point, Jefferson County, WV. The three day event drew more than 11,000 attendees and resulted in significant resource commitments by both festival organizers and the county. Understanding the economic contribution of the event to the Jefferson County economy is of interest to both parties.

Spending by All Good Music Festival organizers and the festival attendees creates and supports demand for goods and services leading to additional purchases by county businesses. This in turn supports jobs, payments to workers, and the generation of new tax dollars. The results of these impacts were estimated using receipts provided by festival promoters/organizers, survey responses from 892 (8%) festival attendees, and models generated using the MIG, Inc. data and software (IMPLAN). Summary results are presented below:

- Between September 1, 2014 and August 31, 2015, the All Good Music Festival organizers spent nearly **\$584,000** in Jefferson and the surrounding counties.
- **65%** of festival spending occurred directly in Jefferson County – nearly **\$379,000**.
- Estimates of festival attendee spending in Jefferson County ranged from **\$485,000 to \$966,000**.
- Total spending associated with the event ranged from **\$863,500 and \$1.3 million in new, direct spending in the county**.
- Spending associated with the event over the 2014-2015 time period supported between **14-22 jobs**.
- Impacts from the All Good Music Festival supported between **\$355,000 to \$499,000 in workers earnings and proprietor incomes**.

## Introduction

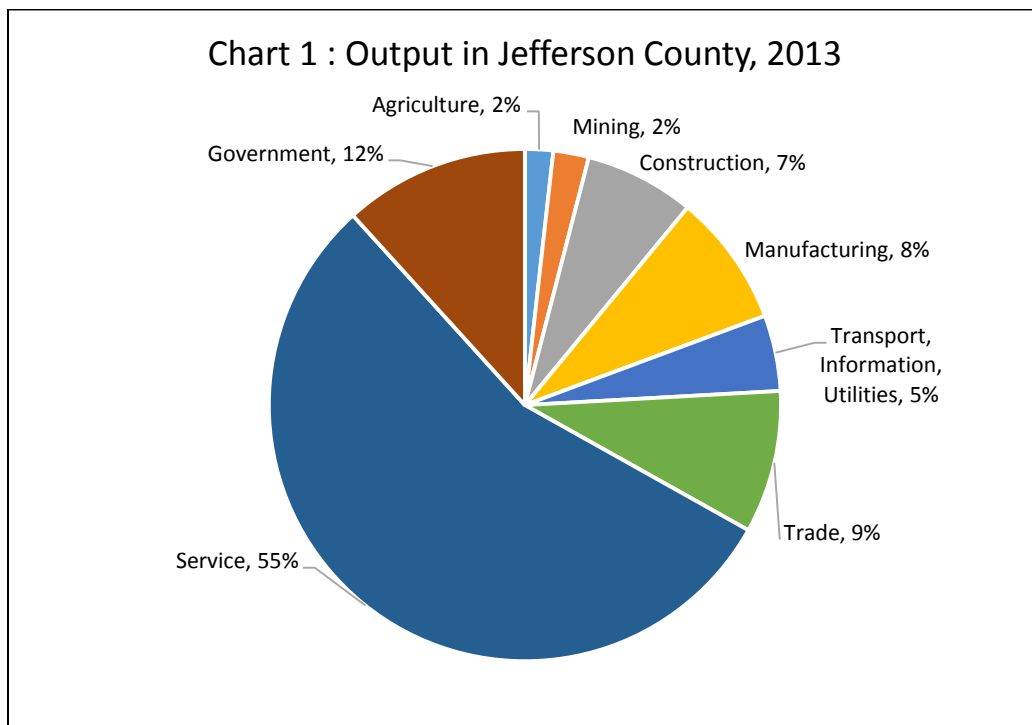
The 2015 All Good Music Festival was held July 9<sup>th</sup> – 11<sup>th</sup>, at Berry Hill Farm in Summit Point, Jefferson County, WV. The three day event drew more than 11,000 attendees and resulted in significant resource commitments by both concert promoters and the county. In order to encourage dialogue and facilitate the relationship between the Festival, county leadership, and the larger community, both parties were interested in quantifying the economic impacts of the Festival.

An impact study of an event answers the question, “what if this event did not occur.” To adequately answer that question, assumptions regarding a host of behaviors must be addressed. For example, if the All Good Music Festival was not held in the county, would another, similar event occur? Would a comparable number of attendees travel elsewhere and spend similarly? Would businesses like local hotels have available rooms, or would these rooms have been occupied by other travelers not associated with the event? Did new spending result in new jobs, or a reallocation of resources and employee hours? Given the complexity of these issues, analysts often discuss the economic *contribution* of an event rather than pure economic impacts. Economic contribution studies still attempt to answer “what if” questions, but with an eye toward illustrating the linkages between the event and the local economy.

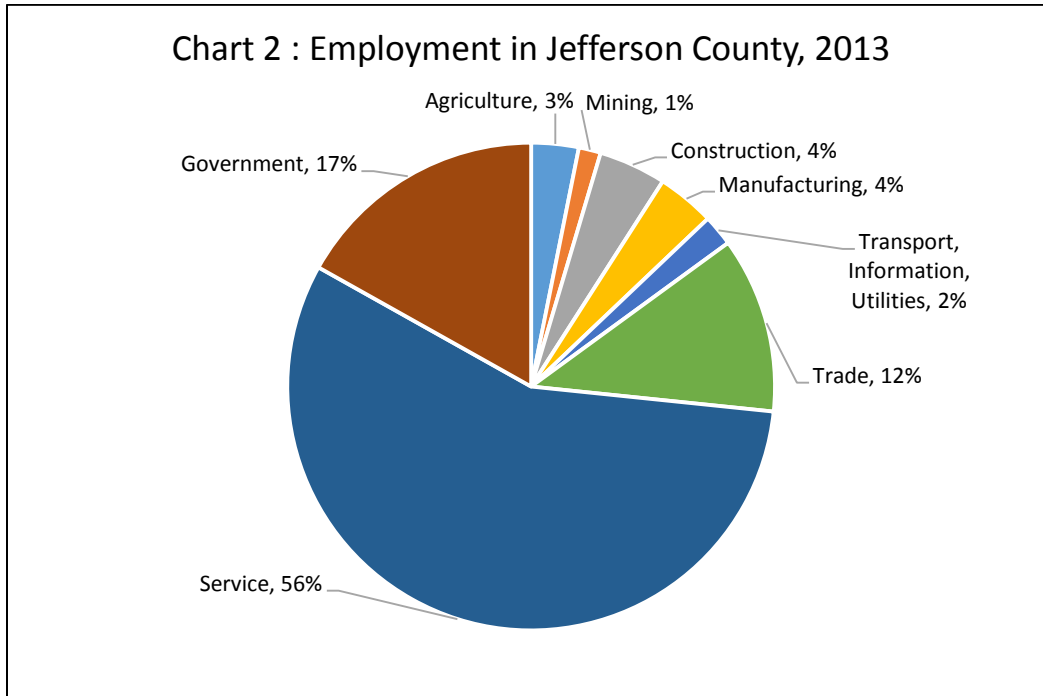
## Study Area

The study area for this analysis is Jefferson County, West Virginia, the site of the 2015 All Good Music Festival. In 2013, the total output in the county totaled \$2.5 billion dollars, or 2% of the state’s total. There were 22,567 jobs in the region, receiving a total of \$835.6 million in labor income.

Chart 1 describes the output by major industry classifications. Output in the county is comprised heavily of services (55%) and government (12%).



Employment by major industry classification is shown in Chart 2. Like output, the majority share of employment is in the services (56%) and government (17%) sectors. In the model, all jobs are reported as one job, regardless of its classification as full-time, part-time, seasonal, etc. Therefore, industries with a substantial share of part-time employees (such as retail trade) may represent a larger share of total employment than industries with primarily full-time employees, such as manufacturing.



The top ten industry sectors by employment are shown in Table 1. Hotels and motels, including the Hollywood Casino and Inn at Charles Town, are the largest employers in the county, followed by state and local education facilities.

**Table 1. Top Ten Industries by Employment in Jefferson County, 2013**

Total	22,567
Hotels and motels, including casino hotels	1,653
Local government, education	1,099
State government, education	1,059
Junior colleges, colleges, universities, and professional schools	1,021
Real estate establishments and services	999
Full-service restaurants	800
Limited-service restaurants	678
Grantmaking, giving, and social advocacy organizations	523
Food and beverage stores	497
Local government, non-education	481

## Economic Impact

An economic impact is the sum of direct, indirect, and induced spending effects. The direct effect is the initial change triggered by an economic event. This could be the opening or closing of a new business, or in this case the staging of a festival or event. The direct spending associated with the event triggers additional spending, setting off a ripple in the local economy. These subsequent rounds of spending are categorized as indirect effects (business to business transactions) or induced effects (consumer to business transactions). The direct effects are calculated and quantified by the analyst; indirect and induced effects are modeled using data and software packages. In this study, direct effects are calculated using receipts provided by the festival organizers, and data from an online survey of 892 festival patrons conducted by the organizers. Indirect and induced effects are calculated using input-output models generated with the IMPLAN (MIG, Inc.) data and software package.

## Direct Impacts

### Event Planning and Operations

Table 2 shows the total promoter-reported spending for preparation and planning related to the festival. The value of exchanged goods and services reported in I-O transaction tables reflect a one-year production period. To simplify the modeling process, the impact spending represents spending in Jefferson County from September 1, 2014 to August 31, 2015.

**Table 2. Spending for Preparation and Planning for 2015 All Good Music Festival**

Year	Direct Spending	Impact Spending Sept. 2014 – Aug. 2015
2013	\$580	--
2014	\$19,520	\$17,664
2015	\$556,492	\$352,368
<b>Total</b>	<b>\$576,592</b>	<b>\$370,032</b>

The festival organizer provided detailed receipts for payments to individual businesses. Using establishment data from the Reference USA Database, business spending was divided between local (Jefferson County) and non-local establishments, and aggregated by North American Industrial Classification System (NAICS) codes and corresponding IMPLAN sector codes.

Preparation and planning activities to host the All Good Music Festival totaled nearly \$584,000 dollars in 2014-2015. This included rental payments to land owners; architectural, engineering, and construction services for site preparation; payments to law enforcement and emergency service providers; legal services; and lodging for department heads. Table 3 details how these expenditures were distributed.

**Table 3. Preparation and Planning Spending by Industry Sector for 2015 All Good Music Festival**

Industry Sector	Local Spending	Non-Local Spending	Total Spending
Construction of New Highways and Streets	\$9,500	\$0	\$9,500
Construction of New Commercial Structures, Including Farm Structures	\$10,831	\$0	\$10,831
Manufactured Ice	\$0	\$25,232	\$25,232

Wholesale Trade	\$0	\$63,367	\$63,367
Retail-Building Material and Garden Equipment and Supplies Stores	\$2,746	\$835	\$3,580
Retail-Food and Beverage Stores	\$409	\$0	\$409
Retail-Gasoline Stores	\$2,149	\$0	\$2,149
Retail-General Merchandise Stores	\$7,026	\$0	\$7,026
Retail-Miscellaneous Store Retailers	\$312	\$0	\$312
Real Estate	\$53,250	\$0	\$53,250
Automotive Equipment Rental and Leasing	\$4,979	\$0	\$4,979
General and Consumer Goods Rental	\$246	\$0	\$246
Legal Services	\$10,284	\$567	\$10,851
Architectural, Engineering, and Related Services	\$58,359	\$0	\$58,359
Waste Management and Remediation Services	\$0	\$17,191	\$17,191
Other Ambulatory Health Care Services	\$0	\$97,500	\$97,500
Hotels and Motels	\$93,011	\$0	\$93,011
Full-Service Restaurants	\$3,569	\$0	\$3,569
Limited-Service Restaurants	\$1,992	\$0	\$1,992
Car Washes	\$24	\$0	\$24
Postal Service	\$23	\$0	\$23
**Other Local Government Enterprises	\$17,249	\$0	\$17,249
Employment and Payroll of State Govt., Non-Education	\$64,835	\$0	\$64,835
Employment and Payroll of Local Govt., Non-Education	\$37,750	\$0	\$37,750
Other Cash Receipts	\$0	\$648	\$648
<b>TOTAL</b>	<b>\$378,543</b>	<b>\$205,339</b>	<b>\$583,882</b>

\*\* Note that Other Local Government Enterprises includes an \$8,512 donation to Citizens Fire Dept. While not a government enterprise it would have spending patterns most similar to a government fire department.

Since the study area was limited to Jefferson County, only expenditures in the study area could be included in the economic impact (in most cases spending outside of the county was spent in neighboring Berkeley County). Money removed from the local economy, or in this case spent outside of the county, is classified as a “leakage” and has no impact on the study area. Of the \$583,882 spent to operate the event, 65% was spent in Jefferson County. Therefore, the direct effect of the event planning and operations for the 2015 event was **\$378,543**.

### Visitor Expenditures

The All Good Music Festival drew 11,200 attendees. To measure the direct impacts of visitor spending the analyst relied on data collected by festival organizers via a survey sent to 2015 festival patrons. Attendees were asked how much they spent individually outside of the festival grounds in Jefferson County. The survey was completed by 892 respondents. Table 4 shows the breakdown of expenditures by six spending categories. Because the categories represent a range of spending, three total spending categories (low, medium, and high) are presented.

**Table 4. All Good Festival Patron Spending in Jefferson County, 2015**

Amount Spent	Number	Share	Total Number Spending (based on 11,200 attendees)	Low Spending	Medium Spending	High Spending
\$0 - \$25	358	40.1%	4,491	\$ 0	\$56,000	\$112,000
\$26 - \$50	224	25.1%	2,811	\$73,086	\$106,818	\$140,550
\$51 - \$100	162	18.2%	2,038	\$121,686	\$180,143	\$238,600
\$101 - \$200	101	11.3%	1,266	\$127,866	\$190,533	\$253,200
\$201 - \$350	24	2.7%	302	\$60,702	\$83,201	\$105,700
\$351 - \$400	23	2.6%	291	\$101,850	\$109,125	\$116,400
<b>TOTAL</b>	<b>892</b>	<b>100%</b>	<b>11,200</b>	<b>\$485,190</b>	<b>\$725,820</b>	<b>\$966,450</b>

Only non-residents, and visitors spending in the county specifically as part of attending the festival bring new spending into the community. Ideally, information on residency and spending on specific goods and services would be collected as part of an event impact analysis. However, this information was not available. Based on overnight spending estimates for West Virginia visitors from Longwood International and conversations with organizers and county leaders, the analyst divided attendees' expenditures into five retail spending categories. The breakdown of patron spending is presented in Table 5.

**Table 5. All Good Festival Estimated Patron Spending Scenarios in Jefferson County, 2015**

Industry Sector	Low Spending	Medium Spending	High Spending
Restaurants	\$182,778	\$291,863	\$400,948
Fuel	\$110,204	\$175,975	\$241,747
Misc. Retail	\$110,204	\$175,975	\$241,747
Lodging*	\$52,000	\$52,000	\$52,000
Recreation**	\$30,000	\$30,000	\$30,000
<b>TOTAL***</b>	<b>\$485,190</b>	<b>\$725,820</b>	<b>\$966,450</b>

\* Based on conversations with Commissioner Patricia Noland regarding known hotel occupancy on the three nights of the event, and estimated room rates

\*\* Based on conversations with Commissioner Patricia Noland regarding visitor use of outdoor recreation activities

\*\*\*Numbers may not add to total due to rounding

#### Total Direct Effects

To address issues of variability in patron spending, impacts are calculated for all three spending scenarios. The total direct effects in Jefferson County associated with the 2015 All Good Music Festival are shown in Table 6. The festival organizers spent \$378,500 and visitors spent an estimated \$485,000 to \$966,000. This translates to between \$863,500 and \$1.3 million in new, direct spending in the county. Both organizer and vendor spending are subjected to an input-output technique called "marginizing," which allocates retail spending dollars to the components produced locally. For example, when visitors or organizers purchase fuel in the county only a small portion, the retail markup, stays in the local economy, usually as labor income. The rest of the spending impact is allocated between activities like refining, wholesaling, and transportation; activities that likely occur outside of the county. Margining calculations reduce the value of the direct impact and are reflected in the numbers presented below.

**Table 6. Total Direct Impact of the All Good Music Festival, 2015**

Scenario	Preparation and Planning	Visitor Spending	Total Spending
Low	\$369,162	\$326,713	\$697,875
Medium	\$369,162	\$472,761	\$841,923
High	\$369,162	\$618,810	\$987,972

**Total Impacts**

An input-output model of the Jefferson County economy was used to estimate the contributions of the festival to the local economy. These models trace the flows of goods and services between industries, sales by industries to households and institutions, and the use of factors of production (labor and capital). Once direct impacts are quantified, the flow of dollars between businesses (indirect) and between businesses and households and institutions (induced) can be modeled.

Table 7 shows the total economic impact of the 2015 All Good Music Festival. As described previously, spending by the festival operators and visitors totaled between \$863,500 and \$1.3 million in new, direct spending in the county. After accounting for retail margins, the IMPLAN model estimates total direct spending between \$698,000 and \$988,000. As a result of this spending, businesses in the county received an estimated, additional \$106,000 - \$160,000 in business to business sales (indirect effects) and an estimated \$130,000 - \$182,000 in business to consumer sales (induced effects). The total sales impact in the county's economy therefore totaled an estimated \$931,900 to \$1.3 million.

**Table 7. Sales Impacts of the All Good Music Festival in Jefferson County, 2015**

Scenario	Direct Effects	Indirect Effects	Induced Effects	Total
Low	\$697,900	\$106,300	\$129,700	\$931,900
Medium	\$841,900	\$133,000	\$156,000	\$1.1 million
High	\$988,000	\$159,600	\$182,300	\$1.3 million

More important than sales are the jobs, incomes, and revenues to governments that are created or supported by economic activity. Although smaller than the sales impacts, these numbers represent "money in the pockets" of local residents and government coffers. Table 8 details the total employment, labor income, and value added impacts from the three spending scenarios.

Festival related spending over the 2014-2015 time period supported an estimated 14 to 22 jobs, primarily in restaurants, retail, and lodging<sup>1</sup>. Local employees and business proprietors received an estimated \$355,000 to \$499,000 in earnings; or approximately 40 cents per dollar of spending associated with the festival. The total value added, the sum of labor income, taxes, and other property income (rents, royalties, dividends) totaled between \$564,000 and \$771,000.

**Table 8. Employment, Labor Income, Value Added, and Sales Impacts of the All Good Music Festival in Jefferson County, 2015**

Scenario	Employment	Labor Income	Value Added	Sales
Low	14	\$354,600	\$564,400	\$931,900
Medium	18	\$426,600	\$667,500	\$1.1 million
High	22	\$498,600	\$770,600	\$1.3 million

<sup>1</sup> Does not distinguish between full-time, part-time, or seasonal. See Appendix I for a complete definition.

## Appendix I. Overview of IMPLAN

This appendix provides a brief overview of the IMPLAN input-output modeling system and definitions of key terms.

IMPLAN is a widely used software model for estimating the impacts of economic activities across a county, regional, or state economy. For the defined region, the input-output tables account for the flow of all dollars between different sectors of the economy, including businesses, households, and government. By tracing these flows we can model how a dollar (or millions of dollars) injected into the economy from one sector or industry is spent, and re-spent, in the region by other businesses and institutions. These re-spending effects within the region are quantified as an economic multiplier – the total economic activity that results from additional spending in the economy. Based on these multipliers, IMPLAN generates output that describes the *direct*, *indirect*, and *induced* impacts that result in the economy.

*Direct Impact:* The dollar value of new economic activity or new spending in the economy. The direct impact represents the new money available to circulate through the economy.

*Indirect Impact:* Business-to-business purchases resulting from the “shock” of the direct impact.

*Induced Impact:* Household spending impacts that result from new employment or increased worker incomes generated by the direct and indirect impacts.

The impacts described above are generated for three economic measures: sales (output), employment, and value added.

*Output:* Total economic value of sales generated in the economy by the event.

*Employment:* The number of new employees needed to support the event. These are not necessarily full-time positions, but the number of workers hired to generate a specified level of output. These values differ by industry. For example, manufacturing establishments may produce a given level of output using one full-time employee, while fast food chains may produce a comparable level of output using 6 part-time employees.

*Value Added:* The total income that is generated in the region by the event. Value added can be further divided into:

*Employee Compensation:* Payroll and benefits.

*Proprietors' Income:* Payments received by owners and self-employed.

*Other Property Type Income:* Payments for rents, royalties, and dividends.

*Indirect Business Taxes:* Excise taxes, property taxes, fees, and sales taxes paid by businesses.

**PROPOSED AMENDMENTS TO THE ZONING ORDINANCE  
RELATED TO MASS EVENTS (ZTA 14-02)**

**DELETE THE FOLLOWING SECTIONS:**

**~~Section 2.2 Terms Defined~~**

~~Seasonal Use<sup>5</sup> — A use that is carried on for not more than a single three day consecutive period in each of the four solar seasons.~~

**~~Section 9.8 Seasonal Uses<sup>5,7</sup>~~**

~~Seasonal uses must be considered by the Board of Zoning Appeals pursuant to a Public Hearing. Newspaper notification requirements of Section 3.4A.3.b apply. Seasonal uses cannot be approved for longer than one year at a time.<sup>17, 21, 23</sup>~~

**ADD THE FOLLOWING SECTIONS:**

**Section 2.2 Terms Defined**

Mass Event, Major Any outdoor gathering of more than 1,000 people on any parcel, regardless of the length of time or type of activity. A Mass Event, Major may be permitted to occur in the Rural Zoning District, General Commercial, Highway Commercial, Residential-Light Industrial-Commercial, or Industrial Commercial or any ~~commercial~~ zoning districts and is prohibited on a property in ~~any the~~ Residential Growth zoning district and in any major subdivision. A Mass Event, Major shall not qualify as a Rural Reception/Event Facility.

Mass Event, Minor Any outdoor gathering of more than 250 and less than 1,000 people on any parcel, regardless of the length of time or type of activity. A Mass Event, Minor may be permitted to occur in zoning districts detailed in Section 8.16 and Appendix C. A Mass Event, Minor shall not qualify as a Rural Reception/Event Facility.

**Section 8.16 Mass Event Regulations**

A Mass Event, Minor is any outdoor gathering of more than 250 and less than 1,000 people on any parcel, regardless of the length of time or type of activity. A Mass Event, Minor may be permitted to process administratively if camping or overnight lodging is not proposed. If camping or overnight lodging is proposed, or if the proposed event will occur in the Neighborhood Commercial or Village zoning districts, the applicant shall adhere to the requirements for a Mass Event, Major as outlined in this section. Any Mass Event, Minor that is proposed to occur on a parcel with shared access shall be considered by the Board of Zoning Appeals pursuant to a Public Hearing and the notification requirements of Section 3.4A.3.b shall apply.

A. Mass Event, Minor Application

1. Approval of a Mass Event, Minor shall require the submission of an application at least 180 days prior to the event.
2. Applications for events with more than 250 and less than 1,000 attendees and which are located on a parcel that does not have shared access may process administratively. Applications for events located on a parcel with shared access shall be considered by the

Board of Zoning Appeals pursuant to a public hearing and the notification requirements of Section 3.4A.3.b shall apply. Any application proposing camping or overnight lodging shall adhere to the requirements for a Mass Event, Major as outlined below.

3. A Mass Event, Minor will be in accordance with the following criteria:

- a. Each Mass Event, Minor must be the subject of separate application.
- b. Any application must be submitted by and with the original signature of all persons or entities with ownership interest in the parcel on which the event is proposed.
- c. No Mass Event, Minor may last more than three days, including attendee arrival and departure dates. Only one Mass Event, Minor may occur per year on any given parcel or a portion of any given parcel.
- d. Each Mass Event, Minor application will be required to submit an application fee of \$100.
- e. As part of the application, a sketch plan detailing the layout of the proposed event shall be submitted. A sketch plan should delineate areas for parking, performance areas (if applicable), bathrooms, food, concessions, setbacks, and any other information required by planning or engineering staff.
- f. The applicant shall provide written proof of appropriate general commercial liability insurance coverage for \$1,000,000 which specifically covers the Mass Event.

A Mass Event, Major is any outdoor gathering of more than 1,000 people on any parcel; regardless of the length of time or type of activity. Such event shall be permitted to occur in the Rural Zoning District, General Commercial, Highway Commercial, Residential-Light Industrial-Commercial, or Industrial Commercial or any Commercial Zoning Districts, provided that it processes according to the following requirements:

A.B. Mass Event, Major Application

1. Approval of all Major Mass Events shall require the submission of an application at least 180 days prior to the event, and Public Hearing before the Board of Zoning Appeals, in accordance with the following criteria:
2. Applications for events with less than 5,000 attendees will be processed administratively, unless the proposed parcel is on a shared access. If the proposed parcel is on a shared access, the application shall be considered by the Board of Zoning Appeals pursuant to a Public Hearing. The notification requirements in Section 3.4A.3.b shall apply. Applications for events with more than 5,000 attendees and any event requesting camping for participants and/or attendees will require a public hearing before the Board of Zoning Appeals in accordance with 3.e below.

3. All Mass Events, Major will be in accordance with the following criteria:

- a. Each Major Mass Event must be the subject of separate application and Public Hearing.
- b. Any application must be submitted by and with the original signature of all persons or entities with ownership interest in the parcel on which the event is proposed.
- b.c. No Mass Event, Major may last more than seven days, including attendee arrival and departure dates. Only one Mass Event, Major may occur per year on any given parcel or a portion of any given parcel.

~~e.d.~~ Each Mass Event, Major application will be required to submit an application fee that shall be based on the projected number of attendees and whether participants may spend the night at the event: shall require a Public Hearing before the Board of Zoning Appeals at least 180 days in advance of the planned event. The application fee for said hearing shall be based on the projected number of attendees and whether participants may spend the night at the event:

- ~~i. 1,000 – 2,000 attendees ————— \$200~~ 1,000 to 5,000 attendees ————— \$500
- ~~ii. 2,000 – 5,000 attendees ————— \$300~~ Over 5,000 attendees and/or if camping by participants is proposed ————— \$1,000
- ~~i. 5,000 – 10,000 attendees ————— \$400~~
- ~~ii. Over 10,000 attendees ————— \$500~~

~~e.e.~~ Mass Events, Major with a projected number of attendees over 5,000 shall require a Public Hearing before the Board of Zoning Appeals at least 180 days in advance of the planned event. The notification requirements in Section 3.4A.3.b shall apply. Staff will notify adjacent and confronting property owners by certified mail, the date, time, and location of the Public Hearing and will include a copy of the application in the mailing. The applicant shall be responsible for reimbursing all costs associated with the certified mailing. ~~In addition, the applicant must send written notice and a copy of the application to adjoining property owners via certified mail.~~

f. All Mass Events, Major must be Insured and Bonded. The amount and type of insurance and bonding requires approval of the County Commission on a case by case basis and shall be posted 60 days in advance of an event. The County Commission shall be listed as additionally insured on any insurance policy. Documentation of liability insurance shall be submitted with the Zoning Certificate application. ~~In addition to the application fee for the Board of Zoning Appeals hearing, the applicant for any Mass Event must post a Letter of Credit (LOC) or Cash in Escrow Bond, payable to the Jefferson County Commission, from a bank or financial institution within a 150 mile radius of Charles Town, WV, to cover any unexpected costs to the County related to the Mass Event, based on the sliding scale below. Said LOC or Cash Bond shall be posted after approval by the Board of Zoning Appeals, but at least 45 days in advance of the event and shall be submitted as an additional condition of the issuance of a zoning certificate.~~

The applicant for any Mass Event must post a Letter of Credit (LOC) or Cash in Escrow Bond, payable to the Jefferson County Commission, from a bank or financial institution within a 150 mile radius of Charles Town, WV, to cover any unexpected costs to the County related to the Mass Event, based on the sliding scale below:

- i. 1,000 – 2,000 attendees/day                      \$2,000/day
- ii. 2,000 – 5,000 attendees/day                      \$5,000/day
- iii. 5,000 – 10,000 attendees/day                      \$10,000/day
- iv. Over 10,000 attendees/day                      ~~\$15~~20,000/day

The applicant shall provide written proof of appropriate general commercial liability insurance coverage which specifically covers the Mass Event based on the following sliding scale:

- i. 1,000 to 2,000 attendees/day \$1,000,000
- ii. Over 2,000 attendees/day \$2,000,000

~~The applicant shall be required to meet with County staff, including representatives of legal, finance, planning, zoning and the agencies referenced in Subsection 6 below, within 60 days of the close of the event to discuss any issues or concerns with the event and to determine if there were any unexpected costs to the County. Each agency referenced in Subsection 6 and any other County or Regional agency which incurred costs related to the Mass Event shall provide a full accounting of costs incurred and a letter of release stating that all of their costs had been reimbursed by the applicant, which shall be provided at the 60-day meeting. Any unexpected costs to the County related to the Mass Event which were not paid by the applicant shall be chargeable against the bond required to be posted herein. After 90 days, the applicant may request the return of any remaining value to the Letter of Credit (LOC) or Cash Bond, which shall require action of the County Commission.~~

g. The following supplemental site preparedness information shall be addressed and shall accompany the Zoning Certificate application. All Mass Events, Major must contract with the following agencies:

- i. Jefferson County Sheriff's Department
- ii. WV Licensed EMS Medical Provider
  - JCESA Board shall verify in writing that a WV Licensed EMS Provider is adequately equipped and prepared for the event, which shall be reported to the County Commission.
- iii. Licensed Garbage Removal Company
- iv. Licensed Towing Company

e.h. All Mass Events must consult with the following agencies:

- i. County Health Department (approval or permit required)
- ii. WV Division of Highways (approval or permit required)
- iii. County Homeland Security

~~The Public Hearing must comply with notice requirements of the Zoning Ordinance. In addition, the applicant must send written notice and a copy of the application first class mail postage pre-paid to all adjoining land owners and all land owners within 1000 feet with land fronting on any proposed access route.~~

~~f. The following supplemental site preparedness information shall be addressed and shall accompany the application prior to the Board of Zoning Appeals Public Hearing:~~

- ~~a. Applicant for Mass Event must consult with local law enforcement, EMS/Fire, 911 agencies, a licensed garbage removal company, and a licensed towing company. The applicant shall develop a written agreement with and a contract to cover all costs of said~~

- ~~agencies which satisfy their public safety and clean up or maintenance concerns. Such written proof of said agreements and each signed contract shall be submitted with the application for consideration at the Public Hearing required herein and, again, prior to issuance of a Zoning Certificate if the hearing is greater than 270 days prior to the event.~~
- ~~b. Applicant for the Mass Event must have and submit with the application written approval from the County Health Department for the provision of adequate potable water and proper sanitation facilities for the event. Applicant will also contact the WV Division of Highways to inform them of the proposed temporary event/use and discuss any traffic control and entrance concerns they might have with the proposed temporary activity. Applicant shall submit a signed letter of agreement from both the County Health Department and the WV Division of Highways with the application for consideration at the Public Hearing required herein and, again, prior to issuance of Zoning Certificate if the hearing is greater than 270 days prior to the event.~~
- ~~c. The applicant shall provide written proof of appropriate general commercial liability insurance coverage which specifically covers the Mass Event based on the following sliding scale:~~
- ~~i. 1,000 – 2,000 attendees/day ————— \$500,000~~
  - ~~ii. 2,000 – 5,000 attendees/day ————— \$750,000~~
  - ~~iii. 5,000 – 10,000 attendees/day ————— \$1,000,000~~
  - ~~iv. Over 10,000 attendees/day ————— \$2,000,000~~

~~The Board of Zoning Appeals may take into consideration any past Mass Event on the same parcel by the same applicant in considering whether to grant the application and/or additional conditions or restrictions placed upon the event.~~

- ~~g.i. If the Mass Event, Major application is approved by the Board of Zoning Appeals, in addition to all other permits and agreements required, the applicant shall must also submit a Zoning Certificate application Concept Plan in accordance with the requirements found below, which shall be administratively reviewed and approved.~~

- ~~2. During the event, any violation of the requirements of this section of the Ordinance and/or any violation of additional terms and conditions set by the Board of Zoning Appeals will result in imposition of a fee equal to the additional Event Fee for every hour in which a violation occurs for each restriction that is violated. In addition, the County may seek other legal and equitable relief.~~

### C. Zoning Certificate Application

- ~~1. If approved by the Board of Zoning Appeals, in addition to all other permits and agreements required, tUpon approval of the Mass Event, Major Application, the applicant shall submit a Zoning Certificate Application and Concept Sketch Plan for administrative review and approval at least 60 days prior to the event date.; The Sketch Plan shall be in accordance with Concept Plan guidelines as outlined in Section 24.116 and Appendix A, Section 1.2 of the Subdivision Regulations Minor Site Plan Process, for administrative review and approval, and in accordance with the requirements found below:~~
  - ~~a. The Concept Sketch Plan shall be to scale; on a 24”x36” sheet; showing appropriate areas for parking, performance areas (if applicable), bathrooms, food, concessions,~~

public entrance, separate emergency entrance, area for on-site stacking of vehicles for admissions processing, garbage collection area, location of performance lighting and amplification; setbacks; and any other information required by planning or engineering staff. ~~at the Public Hearing at least 120 days before the event. The Concept Plan shall also show all structures located on neighboring properties with 500 feet of the property upon which the Mass Event is proposed to occur.~~

2. Staff will review the Zoning Certificate application and Concept Sketch Plan for completeness within 10 days of receipt. All applications must meet the requirements of all applicable laws, ordinances, and regulations. Any application that fails to meet the requirements of all applicable laws, ordinances, and regulations shall be rejected. There will be a 30 day period for staff to review and approve the Sketch Plan once the application is deemed complete. The Zoning Certificate shall be approved within 60 days if all requirements are met.
3. The applicant must comply with standards in this Ordinance. Any violation of the requirements of this section of the Ordinance and/or any violation of additional terms and conditions set by the Board of Zoning Appeals will result in imposition of a fee equal to the Event Fee for every hour in which a violation occurs for each restriction that is violated. In addition, the County may seek other legal and equitable relief.

~~There will be a 30 day period for staff to review the application and the Concept Plan once the application is deemed complete. Staff shall approve any application and Concept Plan that meet the requirements of all applicable laws, ordinances and regulations and shall reject any application that fails to meet the requirements of all applicable laws, ordinances and regulations.~~

4. A Mass Event, Major shall meet the following site requirements and such requirements will be depicted on the Concept Sketch Plan:
  - a. A setback of 500 feet from the property line is required for any performance area;
  - b. A setback of 250 feet from the property line is required for any area in which camping is permitted;
  - c. A setback of 250 feet from the property line is required for all dumpsters and trash collection areas;
  - d. A setback of 50 feet from the property line is required for all parking areas, provided that all parking areas meet a minimum distance requirement of 250 feet from any structures on adjoining properties, unless written documentation from adjoining property owners granting permission to be closer is submitted; and
  - e. A setback of 250 feet from the property line is required for any alcohol, food, or other sales or concession.
  - f. Any variance from these requirements shall be referenced ~~included~~ in the Mass Event, Major Application and the applicant shall ~~process~~ submit a Variance application which shall be presented to the Board of Zoning Appeals for their approval.

5. A Mass Event, Major is subject to the following conditions and restrictions and such notes shall be placed on the ~~Concept~~ Sketch Plan:
  - a. No outdoor amplified performances after ~~3 a.m. or before 10 a.m.~~ 1 a.m. or before 10 a.m. Sunday through Thursday; and not after 2 a.m. or before 10 a.m. on Friday and Saturday (amplified announcements are permitted).
  - b. No outdoor performance lighting after ~~3 a.m. or before 10 a.m.~~ 1 a.m. or before 10 a.m. Sunday through Thursday; and not after 2 a.m. or before 10 a.m. on Friday and Saturday.
  - c. All sale of alcohol shall be regulated by the West Virginia Alcohol Beverage Control (ABC) Administration.
  - d. No Mass Event, Major may last more than ~~four~~ seven days, including attendee arrival and departure dates. A day shall be defined as a 24 hour period from midnight to midnight. Only one Mass Event, Major may occur on any given parcel or a portion of any given parcel.
  - e. All lighting and all sound shall be aligned so as to minimize impact on nearby residents and shall conform to the requirements of Section 8.9 of the Jefferson County Zoning and Land Development Ordinance.
  - f. The Mass Event site shall provide ample potable water supply and proper sanitation facilities.
  - g. All trash shall be removed daily.
  - h. Any variation from these requirements shall be included in the Mass Event, Major Application which is presented to the Board of Zoning Appeals for their approval.
6. Proof of liability insurance, including a certificate listing Jefferson County as additionally insured, and bonding documents in the amount as determined by the County Commission based on the sliding scale above shall be submitted with the Zoning Certificate Application.

~~A Upon approval of the Mass Event by the Board of Zoning Appeals and administrative approval of the Concept Plan, an application for a Zoning Certificate, signed by the applicant and the landowner(s), shall be submitted a minimum of 60 days prior to the Mass Event and all LOC or Bond documents as well as proof of liability insurance shall be submitted with the Zoning Certificate application. The Zoning Certificate for a Mass Event shall be reviewed and issued within 30 days of submission of a complete application.~~

**APPENDIX C: PRINCIPAL PERMITTED USES TABLE<sup>23</sup>**

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses Continued</b>													<b>Sec. 8.9</b>
Bail Bond Services	NP	P	P	P	PC	NP	NP	NP	NP	PC	P	NP	
Bank	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Bank with Drive-Through Facility	PC	P	P	P	PC	P	P	NP	NP	P	P	NP	
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	NP	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
Bed and Breakfast	P	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	PC	Sec. 8.3
Business Equipment Sales and Service	PC	P	P	P	PC	P	P	NP	NP	P	P	NP	
Building Maintenance Services	PC	P	P	P	P	P	P	NP	NP	P	P	NP	
Building Materials and Supplies	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	
Campground	PC	P	NP	NP	NP	P	NP	NP	NP	P	P	NP	
Car Wash	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	
Commercial Blood Plasma Center	NP	P	P	P	NP	PC	PC	NP	NP	PC	P	NP	
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	NP	NP	P	P	NP	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	
Convenience Store, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Convenience Store	PC	P	P	P	PC	P	NP	NP	NP	PC	P	NP	Sec. 5.8C (RLIC only)
Country Inn	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
Custom Manufacturing	P	P	P	P	P	P	P	NP	NP	P	P	PC	
Dry cleaning and Laundry Services	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	
Exterminating Services	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Florist	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Food Preparation	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Hotel/Motel	NP	P	P	P	NP	P	P	NP	NP	P	P	NP	
Gambling Facilities	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	Sec. 4.4G
Gas Station, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Gas Station	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	
Gas Station, Large	NP	PC	P	P	PC	PC	PC	NP	NP	P	P	NP	
Golf Course	NP	P	P	P	NP	P	P	NP	NP	P	P	NP	
Grocery Store	P	P	P	P	PC	P	NP	NP	NP	P	P	NP	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	NP	NP	P	P	NP	
Kennel	NP	P	P	P	PC	P	P	P	NP	P	P	NP	Sec. 8.4
<u>Mass Event, Major</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>Sec. 8.16</u>
<u>Mass Event, Minor</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Sec. 8.16</u>
Medical/Dental/Optical Office, Small	P	P	P	P	PC	P	P	NP	NP	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	PC	P	NP	NP	NP	PC	P	NP	
Movie Theater	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	

*\*Corrected version; staff editorial error incorrectly listed Mass Events under the wrong heading of Institutional Uses; moved to the correct heading under Commercial Uses. 01-12-16*

APPENDIX C:

PRINCIPAL PERMITTED USES TABLE<sup>23, 27</sup>

NC	Neighborhood Commercial	OC	Office / Commercial Mixed-Use
GC	General Commercial	R	Rural
HC	Highway Commercial	RG	Residential Growth District
LI	Light Industrial	RLIC	Residential-Light Industrial-Commercial District
MI	Major Industrial	IC	Industrial-Commercial District
PND	Planned Neighborhood Development	V	Village District
P	Permitted Use		
NP	Not Permitted Use		
PC	Use Permitted Conditionally (subject to requirements of district and/or other requirements of this Ordinance)		
*	Limited Permitted or Conditional Permitted Uses listed in Permitted Uses Table		
**	Accessory Use to a planned residential community, if permitted pursuant to Section 5.4.		
<sup>1</sup>	The Planning Commission may amend the permitted uses for a development in the PND District per Article 5 of this Ordinance		
<sup>2</sup>	Approval process is per the Salvage Yard Ordinance.		

DRAFT

## **PROPOSED AMENDMENTS TO THE ZONING ORDINANCE RELATED TO MASS EVENTS (ZTA 14-02)**

### **Section 2.2 Terms Defined**

**Mass Event, Major** Any outdoor gathering of more than 1,000 people on any parcel, regardless of the length of time or type of activity. A Mass Event, Major may be permitted to occur in the Rural Zoning District, General Commercial, Highway Commercial, Residential-Light Industrial-Commercial, or Industrial Commercial zoning districts and is prohibited on a property in the Residential Growth zoning district and in any major subdivision. A Mass Event, Major shall not qualify as a Rural Reception/Event Facility.

**Mass Event, Minor** Any outdoor gathering of more than 250 and less than 1,000 people on any parcel, regardless of the length of time or type of activity. A Mass Event, Minor may be permitted to occur in zoning districts detailed in Section 8.16 and Appendix C. A Mass Event, Minor shall not qualify as a Rural Reception/Event Facility.

### **Section 8.16 Mass Event Regulations**

A Mass Event, Minor is any outdoor gathering of more than 250 and less than 1,000 people on any parcel, regardless of the length of time or type of activity. A Mass Event, Minor may be permitted to process administratively if camping or overnight lodging is not proposed. If camping or overnight lodging is proposed, or if the proposed event will occur in the Neighborhood Commercial or Village zoning districts, the applicant shall adhere to the requirements for a Mass Event, Major as outlined in this section. Any Mass Event, Minor that is proposed to occur on a parcel with shared access shall be considered by the Board of Zoning Appeals pursuant to a Public Hearing and the notification requirements of Section 3.4A.3.b shall apply.

#### **A. Mass Event, Minor Application**

1. Approval of a Mass Event, Minor shall require the submission of an application at least 180 days prior to the event.
2. Applications for events with more than 250 and less than 1,000 attendees and which are located on a parcel that does not have shared access may process administratively. Applications for events located on a parcel with shared access shall be considered by the Board of Zoning Appeals pursuant to a public hearing and the notification requirements of Section 3.4A.3.b shall apply. Any application proposing camping or overnight lodging shall adhere to the requirements for a Mass Event, Major as outlined below.
3. A Mass Event, Minor will be in accordance with the following criteria:
  - a. Each Mass Event, Minor must be the subject of separate application.
  - b. Any application must be submitted by and with the original signature of all persons or entities with ownership interest in the parcel on which the event is proposed.
  - c. No Mass Event, Minor may last more than three days, including attendee arrival and departure dates. Only one Mass Event, Minor may occur per year on any given parcel or a portion of any given parcel.

- d. Each Mass Event, Minor application will be required to submit an application fee of \$100.
- e. As part of the application, a sketch plan detailing the layout of the proposed event shall be submitted. A sketch plan should delineate areas for parking, performance areas (if applicable), bathrooms, food, concessions, setbacks, and any other information required by planning or engineering staff.
- f. The applicant shall provide written proof of appropriate general commercial liability insurance coverage for \$1,000,000 which specifically covers the Mass Event.

A Mass Event, Major is any outdoor gathering of more than 1,000 people on any parcel; regardless of the length of time or type of activity. Such event shall be permitted to occur in the Rural Zoning District, General Commercial, Highway Commercial, Residential-Light Industrial-Commercial, or Industrial Commercial zoning districts, provided that it processes according to the following requirements:

B. Mass Event, Major Application

1. Approval of all Major Mass Events shall require the submission of an application at least 180 days prior to the event.
2. Applications for events with less than 5,000 attendees will be processed administratively, unless the proposed parcel is on a shared access. If the proposed parcel is on a shared access, the application shall be considered by the Board of Zoning Appeals pursuant to a Public Hearing. The notification requirements in Section 3.4A.3.b shall apply. Applications for events with more than 5,000 attendees and any event requesting camping for participants and/or attendees will require a public hearing before the Board of Zoning Appeals in accordance with 3.e below.
3. All Mass Events, Major will be in accordance with the following criteria:
  - a. Each Major Mass Event must be the subject of separate application.
  - b. Any application must be submitted by and with the original signature of all persons or entities with ownership interest in the parcel on which the event is proposed.
  - c. No Mass Event, Major may last more than seven days, including attendee arrival and departure dates. Only one Mass Event, Major may occur per year on any given parcel or a portion of any given parcel.
  - d. Each Mass Event, Major application will be required to submit an application fee that shall be based on the projected number of attendees and whether participants may spend the night at the event:
    - i. 1,000 to 5,000 attendees \$500
    - ii. Over 5,000 attendees and/or if camping by participants is proposed \$1,000
  - e. Mass Events, Major with a projected number of attendees over 5,000 shall require a Public Hearing before the Board of Zoning Appeals at least 180 days in advance of the planned event. The notification requirements in Section 3.4A.3.b shall apply. Staff will notify adjacent and confronting property owners by certified mail, the date, time, and location of the Public Hearing and will include a copy of the application in the mailing. The applicant shall be responsible for reimbursing all costs associated with the certified mailing.

- f. All Mass Events, Major must be Insured and Bonded. The amount and type of insurance and bonding requires approval of the County Commission and shall be posted 60 days in advance of an event. The County Commission shall be listed as additionally insured on any insurance policy. Documentation of liability insurance shall be submitted with the Zoning Certificate application.

The applicant for any Mass Event must post a Letter of Credit (LOC) or Cash in Escrow Bond, payable to the Jefferson County Commission, from a bank or financial institution within a 150 mile radius of Charles Town, WV, to cover any unexpected costs to the County related to the Mass Event, based on the sliding scale below:

- i. 1,000 – 2,000 attendees/day \$2,000/day
- ii. 2,000 – 5,000 attendees/day \$5,000/day
- iii. 5,000 – 10,000 attendees/day \$10,000/day
- iv. Over 10,000 attendees/day \$20,000/day

The applicant shall provide written proof of appropriate general commercial liability insurance coverage which specifically covers the Mass Event based on the following sliding scale:

- i. 1,000 to 2,000 attendees/day \$1,000,000
- ii. Over 2,000 attendees/day \$2,000,000

- g. The following supplemental site preparedness information shall be addressed and shall accompany the Zoning Certificate application. All Mass Events, Major must contract with the following agencies:
  - i. Jefferson County Sheriff’s Department
  - ii. WV Licensed EMS Medical Provider
    - JCESA Board shall verify in writing that a WV Licensed EMS Provider is adequately equipped and prepared for the event, which shall be reported to the County Commission.
  - iii. Licensed Garbage Removal Company
  - iv. Licensed Towing Company
- h. All Mass Events must consult with the following agencies:
  - i. County Health Department (approval or permit required)
  - ii. WV Division of Highways (approval or permit required)
  - iii. County Homeland Security
- i. If the Mass Event, Major application is approved by the Board of Zoning Appeals, the applicant shall submit a Zoning Certificate application in accordance with the requirements found below, which shall be administratively reviewed and approved.

### C. Zoning Certificate Application

- 1. Upon approval of the Mass Event, Major Application, the applicant shall submit a Zoning Certificate Application and Sketch Plan for administrative review and approval at least 60

days prior to the event date. The Sketch Plan shall be in accordance with Concept Plan guidelines as outlined in Section 24.116 and Appendix A, Section 1.2 of the Subdivision Regulations, and in accordance with the requirements found below:

- a. The Sketch Plan shall be to scale; on a 24"x36" sheet; showing appropriate areas for parking, performance areas (if applicable), bathrooms, food, concessions, public entrance, separate emergency entrance, area for on-site stacking of vehicles for admissions processing, garbage collection area, location of performance lighting and amplification; setbacks; and any other information required by planning or engineering staff.
2. Staff will review the Zoning Certificate application and Sketch Plan for completeness within 10 days of receipt. All applications must meet the requirements of all applicable laws, ordinances, and regulations. Any application that fails to meet the requirements of all applicable laws, ordinances, and regulations shall be rejected. There will be a 30 day period for staff to review and approve the Sketch Plan once the application is deemed complete. The Zoning Certificate shall be approved within 60 days if all requirements are met.
  3. The applicant must comply with standards in this Ordinance. Any violation of the requirements of this section of the Ordinance and/or any violation of additional terms and conditions set by the Board of Zoning Appeals will result in imposition of a fee equal to the Event Fee for every hour in which a violation occurs for each restriction that is violated. In addition, the County may seek other legal and equitable relief.
  4. A Mass Event, Major shall meet the following site requirements and such requirements will be depicted on the Sketch Plan:
    - a. A setback of 500 feet from the property line is required for any performance area;
    - b. A setback of 250 feet from the property line is required for any area in which camping is permitted;
    - c. A setback of 250 feet from the property line is required for all dumpsters and trash collection areas;
    - d. A setback of 50 feet from the property line is required for all parking areas, provided that all parking areas meet a minimum distance requirement of 250 feet from any structures on adjoining properties, unless written documentation from adjoining property owners granting permission to be closer is submitted; and
    - e. A setback of 250 feet from the property line is required for any alcohol, food, or other sales or concession.
    - f. Any variance from these requirements shall be referenced in the Mass Event, Major Application and the applicant shall submit a Variance application which shall be presented to the Board of Zoning Appeals for their approval.
  5. A Mass Event, Major is subject to the following conditions and restrictions and such notes shall be placed on the Sketch Plan:

- a. No outdoor amplified performances after 1 a.m. or before 10 a.m. Sunday through Thursday; and not after 2 a.m. or before 10 a.m. on Friday and Saturday (amplified announcements are permitted).
  - b. No outdoor performance lighting after 1 a.m. or before 10 a.m. Sunday through Thursday; and not after 2 a.m. or before 10 a.m. on Friday and Saturday.
  - c. All sale of alcohol shall be regulated by the West Virginia Alcohol Beverage Control (ABC) Administration.
  - d. No Mass Event, Major may last more than seven days, including attendee arrival and departure dates. A day shall be defined as a 24 hour period from midnight to midnight. Only one Mass Event, Major may occur on any given parcel or a portion of any given parcel.
  - e. All lighting and all sound shall be aligned so as to minimize impact on nearby residents and shall conform to the requirements of Section 8.9 of the Jefferson County Zoning and Land Development Ordinance.
  - f. The Mass Event site shall provide ample potable water supply and proper sanitation facilities.
  - g. All trash shall be removed daily.
  - h. Any variation from these requirements shall be included in the Mass Event, Major Application which is presented to the Board of Zoning Appeals for their approval.
6. Proof of liability insurance, including a certificate listing Jefferson County as additionally insured, and bonding documents in the amount as determined by the County Commission based on the sliding scale above shall be submitted with the Zoning Certificate Application.



# Jefferson County, West Virginia

## Departments of Planning and Zoning

116 East Washington Street, 2<sup>nd</sup> Floor

Charles Town, WV 25414

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)

Phone: (304) 728-3228

Email: [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

Fax: (304) 728-8126

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## Director's Report Planning Commission Meeting January 12, 2016

### 1) Pending Zoning Ordinance and Subdivision Regulation Amendments

#### a) Campgrounds:

- i. CC scheduled Public Hearing Thursday, January 21, 2016 7 pm

#### b) Major and Minor Subdivision and Site Plan Process:

- i. Approved by County Commission 12/17/15, effective 1/1/16

#### c) Mass Events Ordinance (#ZTA 14-02):

- i. Discussion of Public Hearing comments scheduled for 1/12/16 PC meeting

#### d) Article 12 Zoning Ordinance

- i. PC Public Hearing 1/12/16

#### e) Pending amendments:

- i. LESA/Conditional Use and Cluster Subdivision Provision Modifications
- ii. Historic Resource Demolition and Adaptive Reuse
- iii. Parking Standards
- iv. Landscape Standards
- v. Signage

### 2) Upcoming PC meeting

a) Round Table Discussion Meeting: **Wednesday January 27, 2016 3 pm**

b) Next Regular Meeting: **February 9, 2016**

[Print](#)[Close](#)**(No Subject)**

From: **Carol Rockwell** (cdrockwell@hotmail.com)  
Sent: Wed 1/06/16 10:12 AM  
To: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)  
([planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org))

Jan. 6, 2016

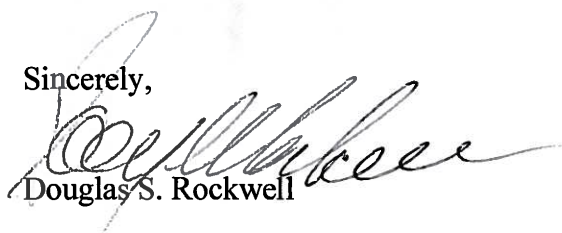
Mrs. Jennifer Brockman, Director  
Jefferson County Planning & Zoning

Dear Mrs. Brockman:

In reviewing the proposed campground amendment to the Zoning Ordinance(ZTA15-02) Section 8.17A3i, the setback is only 20 feet and not 200 feet as was discussed. Is this a mistake? Please acknowledge by return e-mail the setback is 200 feet and not 20 feet and that this typo will be corrected. If Planning Commission action is required to correct this error will it be presented to the Commission on Jan. 12th?

I will present this e-mail in letter form to be included in the members' packet.

Sincerely,



Douglas S. Rockwell

RECEIVED

JAN 06 2016

JEFFERSON COUNTY PLANNING,  
ZONING & ENGINEERING

## Planning Department

---

**From:** Planning Department <planningdepartment@jeffersoncountywv.org>  
**Sent:** Wednesday, January 06, 2016 10:45 AM  
**To:** 'Carol Rockwell'  
**Cc:** planningdepartment@jeffersoncountywv.org  
**Subject:** RE:

Mr. Rockwell,

At the December 10 Planning Commission meeting, members voted to change the setback from 200' to 20'. The minutes will be included in the January packet, but the archived webcast is available online [\[click here\]](#). The motion was made by Mr. Stolipher to delete Section 8.17.C subsections 1, 2, 3, and 4 of the proposed amendment to the Zoning Ordinance so that all setbacks are 20' with a 10' vegetative buffer; or, a 10' natural vegetative buffer that may be administratively approved. Mr. Childs seconded the motion. The motion passed with a vote of seven to two (Mr. Manuel and Mr. Fricke opposed).

Please be advised, the County Commission will hold a Public Hearing on the proposed Campground Regulations text amendments on January 21, 2016 at 7:00 PM in the County Commission meeting room. The Planning Commission cannot consider any additional input on these amendments since they recommended the amendments to the County Commission on December 8, 2015.

If our office can be of further assistance, please let me know.

Jennifer M. Brockman, AICP  
Jefferson County Departments of Planning and Zoning

---

**From:** Carol Rockwell [<mailto:cdrockwell@hotmail.com>]  
**Sent:** Wednesday, January 06, 2016 10:13 AM  
**To:** [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)  
**Subject:**

Jan. 6, 2016

Mrs. Jennifer Brockman, Director  
Jefferson County Planning & Zoning

Dear Mrs. Brockman:

In reviewing the proposed campground amendment to the Zoning Ordinance(ZTA15-02) Section 8.17A3i, the setback is only 20 feet and not 200 feet as was discussed. Is this a mistake? Please acknowledge by return e-mail the setback is 200 feet and not 20 feet and that this typo will be corrected. If Planning Commission action is required to correct this error will it be presented to the Commission on Jan. 12th?

I will present this e-mail in letter form to be included in the members' packet.

Sincerely,