

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.