

Jefferson County Planning Commission
January 12, 2016

The Jefferson County Planning Commission met on January 12, 2016 with the following Commission members present: Steve Stolipher, President; Wade Louthan, Vice President; Gene Taylor, Secretary; Eric Bell, 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 Rhonda Greenholtz, Planning Clerk

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

1. Approval of the Minutes from the following Planning Commission Meeting
 - December 8, 2015

The minutes were approved with no objections.

2. An Election of Officers was held.
 - Mr. Stephen Stolipher nominated Mr. Mike Chapman for the position of President. Mr. Wade Louthan seconded the nomination. A vote was taken which passed unanimously.
 - Mr. Dick Childs nominated Mr. Wade Louthan for the position of Vice President. Mr. Gary Phalen seconded the nomination. A vote was taken which passed unanimously.
 - Mr. Stephen Stolipher nominated Mr. Donnie Fisher for position of Secretary. Mr. Gary Phalen seconded the nomination. A vote was taken which passed unanimously.

Mr. Mike Chapman presided over the remainder of the meeting.

3. Citizen Communications.

Mr. Dale Manuel spoke on the proposed text amendments to the Zoning and Land Development Ordinance regarding Campgrounds. Mr. Dale Manuel expressed concerns about the Planning commission's action changing the proposed 200' setback from adjoining properties to a 20' setback.

4. Request for postponement. None.
5. Mr. Mike Chapman scheduled a second regular Planning Commission meeting on February 23, 2016 for the purpose of a holding a Public Hearing for the Daniels Forest Final Plat.
6. **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 Proposed draft redlined edits to Article 12 of the Zoning Ordinance.

Ms. Jennifer Brockman provided an overview of the proposed amendment.

Mr. Chapman opened the Public Hearing. No public input was received. The Public Hearing was closed.

Mr. Stephen Stolipher made a motion to forward this amendment to the County Commission.

Mr. Gary Phalen seconded the motion which carried unanimously.

7. Reports from Legal Counsel and legal advice to the Planning Commission. (This item was heard in reverse order with Agenda Item # 7 as Ms. Lydia Lehman needed to excuse herself early)
 - a) Active Litigation
 - Far Away Farms: Report on legal action in Jefferson County Circuit Court Case # 11-C-325, Possible Executive Session. No updates.
 - Shiloh Citizens Association: Report on legal action on Supreme Court Docket #15-1031, Possible Executive Session.

- Ms. Lydia Lehman provided a brief update on this case. The HOA has appealed this case and is asking for an extension of time. Negotiations with the Board of Education are ongoing.

8. 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.

Ms. Jennifer Brockman presented comments from the public, as well as by staff, in matrix form. The comment matrix including the Planning Commission action on the recommended changes has been attached to these meeting minutes.

- Mr. Stephen Stolipher made a motion to forward the document to the County Commission as amended on the matrix in this meeting.

Mr. Eric Bell seconded the motion which carried unanimously.

9. Directors Report.

- A Stakeholders' Roundtable Discussion is scheduled for January 27, 2016 at 3:00 PM in the Old Charles Town Library Meeting room.
- Ms. Brockman provided an update on the status of the various proposed text amendments. She noted that the County Commission has scheduled a Public Hearing on January 21, 2016 at 7:00 PM on the pending Zoning Ordinance and Subdivision Regulations pertaining to Campgrounds.

12. Planning Commission Exchange and Liaison Reports. None.

13. President's Report. None.

14. Actionable Correspondence. None.

15. Non-Actionable Correspondence. None.

Mr. Mike Chapman thanked Mr. Dale Manuel for his assistance and guidance during his service on the Planning Commission and welcomed Mr. Eric Bell as the newest member of the Planning Commission.

Mr. Mike Chapman motioned to adjourn the meeting.

Mr. Stephen Stolipher seconded the motion.

The meeting was adjourned at 8:50 PM.

**Planning Commission action taken at the 1/12/16 PC Meeting regarding
Public Comment Received at 12/8/15 Public Hearing and/or within 2 week public input timeframe**

Comment	Staff Response	PC Action (taken 1/12/16)
		<p>Mr. Eric Bell made a motion to delete “Minor” Mass Events.</p> <p>Mr. Stephen Stolipher seconded the motion which carried unanimously.</p>
<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 compatibility 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>Mr. Peter Fricke made a motion to remove Mass Events from Appendix C. Mr. Wade Louthan seconded the motion which carried unanimously.</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>Mr. Stephen Stolipher made a motion to Amend Section 8.16B(3)(g) to add the Local Fire Dept. to the Departments that must be contracted; to move Garbage and Towing Companies under the list of Consulting Companies; to remove the JCESA Board from the contracting agencies; and to remove Homeland Security from the list of Consulting Agencies.</p> <p>Mr. Stephen Stolipher amended the motion to add to Towing and Garbage Companies “if required by BZA”.</p> <p>Mr. Eric Bell seconded the motion which carried unanimously.</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>Mr. Eric Bell made a motion that events with under 1,000 attendees do not need to process as a Mass Event. Mr. Stephen Stolipher seconded the motion which carried unanimously</p>
<p>Written Comments Received:</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>No action 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 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>A previous motion removed Mass Events from the list of PPUs in Appendix C.</p>
<p>Because Mass Events are not a specific land use, it should not be listed in Appendix C</p>		<p>Mr. Peter Fricke made a motion to remove Mass Events from Appendix C. Mr. Wade Louthan seconded the motion, which carried unanimously.</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>Ms. Jennifer Brockman will be drafting a letter to the County Commission advising that the Comprehensive Plan supports the promotion of Rural and Recreational Tourism.</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>The PC agreed with staff and no action was taken.</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>Mr. Stephen Stolipher made a motion to require a sketch plan with the application.</p> <p>Mr. Wade Louthan seconded the motion which carried unanimously.</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 be approved. Then the applicant needs to work with entities including the Board of Health, Department of Highways, the Sheriff’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.</p>	<p>No action required by PC.</p>
<p>JCESA should have an approval role related to the Emergency Medical Services and Fire Suppression Plan</p>		<p>This language is not required and will be removed.</p>
<p>Page 6 of 7 paragraph C3 change “will” to “shall” and clarify “event fee”</p>	<p>This penalty section may need to be revisited; at a minimum the word “event fee” should be changed to “application fee”</p>	<p>Mr. Stephen Stolipher made a motion to accept the proposed language change and to reword “the maximum fine allowable by law in accordance with Section 3.3 of the Zoning Ordinance”.</p> <p>Mr. Eric Bell seconded the motion which carried unanimously.</p>

<p>Section C(5)(d) needs to have the words “once per calendar year” added.</p>	<p>It should be noted that the word “calendar” should probably also be added to Section A(3)(c) and B(3)(c).</p>	<p>Mr. Stephen Stolipher made a motion to change “one Mass Event per calendar year...” with “Each Mass Event shall require a separate application”.</p> <p>Mr. Donnie Fisher seconded the motion which passed 8-1 (Mr. Dickie Childs opposed)</p>
<p>Staff Comments:</p>		
<p>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.</p>	<p>Move the section as proposed</p>	<p>Mr. Stephen Stolipher made a motion to move the section as proposed.</p> <p>Mr. Eric Bell seconded the motion which carried unanimously.</p>
<p>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.</p>		<p>With the removal of the “Minor Mass Event designation” this statement no longer applies.</p>
<p>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.</p>		<p>Mr. Stephen Stolipher made a motion to add the statement to C (5)d and to incorporate the next two comments.</p> <p>Mr. Eric Bell seconded the motion which carried unanimously.</p>

<p>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>		<p>The Planning Commission unanimously approved this change (see above).</p>
<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>The Planning Commission unanimously approved this change (see above).</p>
<p>It may be advisable to add an introductory “purpose statement” at the beginning of Section 8.16.</p>		<p>No action taken on this comment.</p>
<p>Additional Planning Commission Action:</p>		
		<p>Mr. Stolipher made a motion to delete 8.16B(3)(f) and to replace it with “All Mass Events must be insured and bonded. The Insurance and Bonding shall be posted 60 days in advance of the event. The County Commission shall be listed as additionally insured on any insurance policy. The documentation of liability insurance and bonding shall be submitted with the Zoning Certificate Application. The Bond amount is to be determined by the Board of Zoning Appeals using the sliding scale in this ordinance as a minimum.”</p>

		<p>Mr. Dickie Childs seconded the motion which carried unanimously.</p> <p>Staff clarified that the PC intended to leave in the language “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” and recommended modifying the revision to state “in an amount determined by the Board of Zoning Appeals, which shall use this sliding scale as a minimum: . . .”, which the PC agreed to.</p>
		<p>Mr. Stephen Stolipher made a motion that Non Profit and Government Agencies be required to pay a \$100.00 application fee.</p> <p>Mr. Eric Bell seconded the motion which carried unanimously.</p>
		<p>Mr. Dickie Childs made a motion that events held on County owned property should be exempt from the Mass Event Ordinance.</p> <p>Mr. Donnie Fisher seconded the motion which carried unanimously.</p>