



AGENDA
Jefferson County Planning Commission
Tuesday, September 9, 2014, 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.

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:
 - August 12, 2014
 - August 26, 2014
2. 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.
3. Request for postponement.

There is no public comment for the remaining items.

4. Review, discussion and possible recommendation on the Planning Commission's recommended redlined revisions to the Draft Envision Jefferson 2035 Comprehensive Plan.
5. Distribution, discussion, and possible action related to input received on the proposed text amendment to the Zoning Ordinance (ZTA14-02) regarding Mass Event Regulations.
6. Reports from Legal Counsel and legal advice to the Planning Commission.
 - Active Litigation:
 - Far Away Farms
7. Director's Report.
8. Planning Commission Exchange and Liaison Reports:
 - County Commission Meeting
 - Health Department Meeting
 - Public Service District Meeting
 - Parks and Recreation Meeting
 - Jefferson County Development Authority Meeting
 - Water Advisory Committee Meeting
 - Planning Commission Exchange
9. President's Report.
10. Actionable Correspondence.
11. Non-Actionable Correspondence.
 - Letter from Robert Aitcheson regarding Disqualification of Mr. Stephen Stolipher and Mr. Michael Chapman from ANY participation in matters related to a proposed Mass Gathering Ordinance.
 - Letter from Jefferson Utilities sent to Jefferson County Commissioners regarding the Comprehensive Plan relative to Public Utilities.

- Letter from Michael L. Scales, P.L.L.C. regarding boat ramp at end of Knott Road. This letter is in response to letter from John Michael Cassell dated August 8, 2014.

12. Signing of approved Motions from previous Planning Commission meetings.

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 any of the addresses below:

Physical Address: 116 E. Washington St., Charles Town, West Virginia 25414
Mailing Address: P.O. Box 338, Charles Town, West Virginia 25414
Email Address: planningdepartment@jeffersoncountywv.org
Fax Number: 304-728-8126

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. Minutes and audio recordings of older meetings that are not on the County's website are available for review in the office.

This information is
Tab # 1 of your binder

Draft Minutes
Jefferson County Planning Commission
August 12, 2014

The Jefferson County Planning Commission met on August 12, 2014, with the following Commission members present: Stephen Stolipher; President, Wade Louthan, Vice President; Gary Phalen, Peter Fricke, Dale Manuel and Mike Chapman. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Seth Rivard, County Planner; Rhonda Greenholtz, Planning Clerk; and Alexandra Beaulieu, Project Manager.

Mr. Richard Childs and Mr. Gene Taylor were absent with notice.

Mr. Stephen Stolipher called the meeting to order at 7:03 PM.

1. The Approval of the minutes from the following Planning Commission Meetings.

June 10, 2014

Mr. Dale Manuel motioned to approve.

Mr. Gary Phalen seconded the motion, which carried unanimously.

July 8, 2014

Mr. Donnie Fisher noted inconsistency in Item # 5 stating that he suggested contacting DOH. He was not present at this meeting. He requested that staff make the correction to reflect the correct information. Staff revised the minutes to reflect the following correction:

On page 3, item 6b. Members discussed whether to include the requirements to notify the DOH regarding a short term entrance permit. Mr. Fisher Chapman requested that staff contact the DOH to determine if a short term entrance permit exists and how long the application process would take.

Mr. Gary Phalen motioned to approve the minutes from July 8, 2014 with correction.

Mr. Mike Chapman seconded the motion, which carried 5-0, with 2 abstentions (Mr. Fisher and Mr. Louthan).

July 22, 2014

Mr. Stephen Stolipher and Mr. Mike Chapman were not present at this meeting and therefore excluded themselves from the motion.

Mr. Gary Phalen motioned to approve the minutes.

Mr. Wade Louthan seconded the motion, which carried 5-0, with 2 abstentions.

2. Citizen Communications.

The following citizens commented on a Comprehensive Plan Public Hearing Input Letter from Mr. Matt Knott re: Boat ramp access across from Ms. Julianna Mosher's Property located at end of Knott Road.

Ms. Cathy Vance: Commented on the fact that the Existing Land Use Map shows campgrounds and access points on the Shenandoah and Potomac. Asked that those be limited to public access points and not privately held commercial ones. Addressed letter written by Mr. Matt Knott asking that ramp at end of Knott Road be shown as an access point on Existing Land Use Map. Thanked Planning staff for the recommendation that this should not be shown on the Existing Land Use Map. This piece of land is landlocked. You would have to trespass on private property

to get to ramp. No parking is available, no turnaround, one lane road, would be inappropriate to mark as access point onto the Potomac.

Ms. Cathy Loftin: Commenting on letter from Mr. Matt Knott. Reiterated what Ms. Cathy Vance stated regarding property being landlocked, etc. recommending that this not be shown as river access point on the Existing Land Use Map. Ms. Loftin added that the Planning Commissioner/Staff has done great job with the plan.

Mr. Bernard Simmons: Commented on road conditions of Knott Road. No place to turn around.

Mr. Charles Axline: Agreed with previous comments. Not a safe place to get in or out. No place to park or turnaround. No room to make improvements. Would like to oppose Mr. Knott's request.

3. Request for postponement. None.

4. Public Hearing on the proposed text amendment to the Jefferson County Zoning Ordinance related to Mass Events (File #ZTA14-02). The amendment includes deleting the term "Seasonal Use" from Section 2.2; adding the definition of "Mass Event" to Section 2.2; deleting Section 9.8 "Seasonal Use"; and creating the new Section 8.16 "Mass Event Regulations" which includes details on the Public Hearing process before the Board of Zoning Appeals and the submittal of a Concept Plan, which is administratively approved.

Ms. Jennifer Brockman gave an explanation of proposed Zoning Text Amendment related to Mass Events Regulations and clarified that it is not intended to apply to any existing fairs and festivals which would be grandfathered, to any commercial property with a permanent structure with an approved site plan, or to land owned by a local, state or federal government.

Mr. Dale Manuel made an announcement before opening the Public Hearing regarding developing a "grandfather clause" for existing activities, i.e. the County Fair, Summit Point Raceway, Mountain Heritage Arts and Crafts Festival and other activities that take place in Jefferson County. Mr. Manuel has preliminary language but hasn't had opportunity to fully look it over as the draft was just received from legal counsel before the meeting.

Mr. Stolipher opened the floor to public comment.

Ms. Annette Gavin, CEO Jefferson County Convention & Visitors Bureau. Ms. Gavin read the letter submitted to Commissioner Pellish dated August 11, 2014 regarding the impact on tourism and adverse effects on current as well as future events. Ms. Gavin added that the stakeholders appreciated the proposed grandfather clause but has concerns.

Mr. Doug Rockwell: Mr. Rockwell pointed out that there may be potential conflict of interest with Mr. Stephen Stolipher due to representation of an organization that would fall under the provisions of the mass events regulations. Mr. Rockwell has some suggested changes in the language of the proposed amendment. He stated that he would submit a hard copy of his recommended edits to the Planning Commission for consideration.

Mr. Charles Tilley: President of Country Roads Car Club. Mr. Tilley is concerned with how this Ordinance would impact a non-profit organization. He questioned how would this affect obtaining permits and fees associated with this.

Mr. Andrew Skinner: President of Jefferson County Chamber of Commerce. Questioned how this will affect the economic activity in Jefferson County; asked for caution in implementing these rules and appreciates any consideration.

Ms. Peggy Smith: Not speaking as the Mayor but because she serves on several boards including Jefferson County Chamber of Commerce, County Convention & Visitors Bureau Board. The Board has come up with new ideas that cannot be grandfathered in as they are new ideas. Tourism is a concern due to monies coming into Jefferson County. Fundraisers are another concern.

Mr. Mark Dyck: Suggested modifications:

- Section 8.16 (A) paragraph 4; fees associated with posting bond; to state "if recommended" by the sheriff's department. The Sheriff could review and determine if needed or not.
- Section 8.16 (A) paragraph 5; define what proposed access route is.
- Section 8.16 (A) paragraph 6; Approvals required. Getting approval from agencies before Board of Zoning Appeals approval is premature. Huge effort and cost. Suggested changing language to state that notification only required, with approvals required with Site Plan.
- Section 8.16 (A) paragraph 8; Define additional event fee.
- Section 8.16(B) paragraph 4(a) and 8 (b); suggest setback from nearest residential structure not property line.
- If sheriff waives fees, the insurance bonding should automatically be waived.

Mr. Mike Chapman motioned to close public hearing.

Mr. Gary Phalen seconded motion which carried unanimously.

Mr. Stephen Stolipher asked for suggestions or recommendations from Planning Commission.

Ms. Jennifer Brockman stated for the record there were letters from:

- Mr. Robert Aitcheson
- Ms. Joyce Rawn
- Mr. Dallas Wolfe
- Ms. Annette Gavin
- Mr. John Michael Cassell
- Mr. Matt Knott

Ms. Jennifer Brockman stated these letters were submitted as written comments into this record.

Mr. Dale Manuel motioned to keep the proposed amendment to the Zoning Ordinance regarding Mass Event Regulations before Planning Commission for discussion and possible revisions. He requested that staff work with stakeholders and those individuals who have shown interest at this meeting and bring back a revised amendment at a future meeting.

Mr. Wade Louthan seconded the motion which carried unanimously.

Mr. Stephen Stolipher will check with the Ethics Committee regarding Mr. Rockwell's conflict of interest concerns. Mr. Stolipher believes there is no conflict because the proposed amendment will apply county-wide.

5. Cambridge Estates Cambridge Manufactured Home Park (File#PCV14-02). Request for Determination/Variance Subdivision Ordinance (1979 Version), Article 6, Section 6.3 and Article 8, Section 8.1 (d), requiring sections of development be processed every 24 months and recorded within 90 days.

Mr. Seth Rivard gave overview of development and request.

Mr. Dirk Stansbury, representative for the project, spoke on behalf of the applicant.

Mr. Stephen Stolipher opened up Public Hearing.

No speakers had signed up to speak on this.

Mr. Mike Chapman made motion to close the Public Hearing.

Mr. Wade Louthan seconded the motion which carried unanimously.

Mr. Stephen Stolipher stated that due to uniqueness of the project and the fact that this was probably not provided for in the Subdivision Regulations (Mobile Home Park vs. "Stick Built" Subdivision), he is in favor of the applicant not having to return every 24 months.

Mr. Steven Groh stated the Planning Commission does not have the authority to make a determination that the Subdivision Ordinance did not apply. He advised that the Planning Commissioners look at the request as a variance from the 24 month requirement based on findings related to the fact that it is a unique type of development. It is not a "traditional subdivision" because the lots are not being sold.

Mr. Dale Manuel motioned to approve the variance request based on the conditions outlined on the last two pages of the request submitted by the applicant (included by reference). Variance granted for a period of 10 (ten) years based on staff recommendations and unique criteria found.

Mr. Mike Chapman seconded the motion which carried unanimously.

6. Cave Quarter Estates (File #PCV14-03). Variance request from 1979 Subdivision Regulations, Article 8, Section 8.2 (a)(2), which requires a second entrance for subdivisions over 50 lots; and Section 8.2 (a)(14), which requires a full size turnaround (cul-de-sac) in accordance with the design standards for any dead end streets that serve over 5 lots.

Mr. Seth Rivard gave overview of application.

Mr. Dirk Stansbury, representative for project, spoke on behalf of the applicant.

Mr. Stephen Stolipher opened up for public comment.

Ms. Sharon Wilson - The entrance is located under a right-of-way for Dominion Power which has been used by Dominion Power to park trucks and to provide maintenance on transmission line. In the past 6 (six) months, the entrance has been blocked. The school bus stop is at top of hill which could possibly be a hazard.

Mr. Brett Bouly – Same concerns as previous speaker.

Ms. Joyce Dunn – Unfinished road is an eyesore and dangerous. If second entrance is not completed and an emergency occurs there is no way for residents to evacuate development.

Mr. Bob Cole – Main concern is the entrance/exit. There have been a couple of close calls due to the rise in the hill. Mr. Cole is in favor of second entrance.

Mr. Johnathon Puffenbarger – Shares sentiment of previous speakers

Mr. Dale Manuel motioned to close public hearing.

Mr. Gary Phalen seconded the motion which carried which carried unanimously.

Mr. Dirk Stansbury – Engineering standards for T turnaround would accommodate emergency vehicle concerns. Necessity of cul-de-sac not required. A remediation of existing disturbed earth at the rough graded second entrance will return it to a grass state that will improve the curb appeal of the development. Mr. Stansbury also presented an option that he would like the Engineering Department to consider, which is an “Inverted Tee” design.

Mr. Peter Fricke motioned to grant the variance to allow the approved cul-de-sac to be converted to an approved T-turnaround. The motion was modified to state that the applicants proposed “Inverted Tee” could be considered as long as the Jefferson County Engineering Department accepted that design. Further, the motion was modified to state that the design should accommodate the largest fire apparatus in the City of Charles Town. Mr. Peter Fricke restated the full motion to include the following three conditions:

1. The requested variances apply only to this phase and would need to be reexamined with the submittal of any future phase, change in plan or layout.
2. Applicant shall install the “T” turnaround (cul-de-sac).
3. A sign stating the following shall be installed at the top of the “T” directly down the center line of the street: “Street to be extended by authority of the owner of the Residue and upon approval of the County Planning Commission”. The sign shall be similar in size to a speed limit sign.

Mr. Dale Manuel seconded the motion, which carried unanimously.

Mr. Dale Manuel motioned to grant the variance request allowing the required second entrance not to be constructed at this time with the condition of restoring the currently graded and graveled area to its original conditions. The motion failed for a lack of a second.

Mr. Gary Phalen made a motion to approve the variance request to allow the required second entrance not to be constructed at this time, with the staff recommended conditions of approval. Mr. Wade Louthan seconded motion. The motion passed 6 -1 (Mr. Peter Fricke opposed).

9:06 PM Mr. Stephen Stolipher called for break

9:17 PM Mr. Stephen Stolipher called meeting back in session.

7. Review and possible recommendations regarding public comments provided at the Public Hearing on July 22, 2014 and/or public comments received on or before 5:00 p.m. on July 28, 2014 related to the Steering Committee’s recommended DRAFT Envision Jefferson 2035 Comprehensive Plan.

Mr. Stephen Stolipher stated that there will be a special meeting held on August 26th, 2014 for the Comprehensive Plan only and that he would allocate 2.5 hours for the meeting. At that meeting, the Planning Commission will provide their comments, which staff will put in text form but they will not be discussed at the 8/26 meeting and no further public meeting will be required.

Ms. Jennifer Brockman provided the following overview of the public comments received at or after the Public Hearing:

- 38 people submitted comments
- 72 Specific and unique comments submitted
 - 4 purely editorial
 - 7 Substantive recommendations
 - 61 comments were already covered in the plan and will not be addressed.

Mr. Seth Rivard briefed the Planning Commission on comments received at a Planning Commission Public Hearing held on July 22, 2014 and all written comments received during open public comment time frame. Planning Commission had the opportunity to note to staff which comments they were interested in addressing in greater detail at the August 26, 2014 meeting.

8. Reports from Legal Counsel and legal advice to the Planning Commission. None.
9. Director's Report.

Eastern Panhandle Transit Authority (EPTA) submitted Transit Development Plan Scope of Work for the Planning Commission's information.

Jefferson County Commissioners held a Public Hearing on the Planning Commission's recommended Senate Bill 595 Vested development time extensions on July 23, 2014.. A decision will be made at the August 28, 2014 County Commission meeting.

County Commission held Public Hearing on July 23, 2014 Rezoning of Perkins/Shingleton Property and left it open for written public comment for two weeks. A decision will be made at the August 28, 2014 County Commission meeting.

Reminder that there is a required 2 hour per year Planning Commissioner training which the staff will prepare when a meeting agenda allows. Ethics form must be completed and turned in. New members will be required to complete ethics training before signing form.

10. Planning Commission Exchange and Liaison Reports: None.
11. President's Report.

Mr. Stephen Stolipher suggested round table discussions be held quarterly.

Ms. Jennifer Brockman was concerned about staff and Commission capacity until the Comprehensive Plan is adopted.

Mr. Stephen Stolipher requested to possibly schedule round table discussion in September.

12. Actionable Correspondence. None.
13. Non-Actionable Correspondence.

Email comment from Ed Smariga dated August 4, 2014 RE: Draft Comprehensive Plan

14. Signing of approved Motions from previous Planning Commission meetings. None.

Mr. Dale Manuel motioned to adjourn the meeting at 10:30 PM.

Minutes
Planning Commission
August 12, 2014
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Mr. Gary Phalen seconded the motion, which carried unanimously.

These minutes were prepared by Ms. Rhonda Greenholtz, Planning Clerk.

Draft Minutes
Jefferson County Planning Commission
August 26, 2014

The Jefferson County Planning Commission met on August 26, 2014, with the following Commission members present: Steve Stolipher, President; Wade Louthan, Vice President; Gene Taylor, Secretary; Dale Manuel, Gary Phalen, Mike Chapman, Donnie Fisher, and Dick Childs. Staff members present included Jennie Brockman, Director of Planning and Zoning; Seth Rivard, County Planner; and Alexandra Beaulieu, Office/Project Manager.

Mr. Peter Fricke was absent with notice.

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

1. Review of and possible recommendations related to the Steering Committee's recommended DRAFT Envision Jefferson 2035 Comprehensive Plan based on the public comments provided at the Public Hearing on July 22, 2014, public comments received on or before 5:00 p.m. on July 28, 2014, and the Planning Commission members' input.

Mr. Stolipher stated that they would go through the document page by page and each member would have the opportunity to provide comments or recommendations.

There were no comments provided for pages 1 through 29.

Mr. Manuel recommended changing the word "create" as listed on recommendation 5 on page 30 to "encourage" so that the recommendation would read: "~~Create~~ *Encourage* urban level land uses to *locate* within the municipalities, UGBs, PGAs, or Villages through rezoning that is consistent with the Future Land Use Map and Comprehensive Plan policies."

Mr. Fisher recommended changing the word "require" to "recommend" as cited in Recommendation 2.c on page 30 so that it would read as follows: "~~Require~~ *Recommend* that all urban level residential and non-residential development and redevelopment efforts in the next two decades be focused on the municipal areas, including the Urban Growth Boundary (UGB) areas and the Preferred Growth Areas (PGAs)."

Mr. Manuel requested clarification regarding Recommendation 7 on page 31 and stated that the County Commission does not have funding for new infrastructure.

Mr. Rivard stated that the land use methods as discussed in the Plan encourage the process described in Recommendation 7. The Recommendation does not require the County Commission to fund the infrastructure.

Mr. Manuel requested that Recommendation 7.c on page 32 be amended to reflect the following addition: "In designating where public utilities are to be delivered, enable public utility providers the ability to right size the infrastructure needed as development occurs, *while considering the ability of current and future customer base to assume the debt for the infrastructure...*"

Mr. Stolipher recommended deleting Recommendation 13.d on page 34.

Mr. Manuel recommended deleting Recommendation 15.a on page 34. Staff explained that this is a provision in other state's utilizing the same building code.

There were no comments regarding the text between pages 35 through 40.

Mr. Manuel recommended deleting Recommendation 9 on page 42 because a study was already conducted which lead the County to the determination that TDRs wouldn't work in Jefferson County. Mr. Stolipher also recommended deleting Recommendation 9 on page 42.

Mr. Phalen recommended deleting Recommendation 5.b on page 42 as the concept would not go over well in Jefferson County because it would negatively affect tourism and would put a burden on restaurant owners. Mr. Manuel stated he agreed with the recommendation to delete 5.b.

There were no comments or recommendations regarding the text on pages 43 through 46.

Mr. Manuel recommended changing the word "shall" to "should" as cited in Recommendation 2.b on page 47 so the text would read: "Traditional suburban commercial strip development is not appropriate in the villages and village expansion areas and ~~shall~~ *should* not be approved.

There were no comments regarding the text on pages 48 through 51.

Mr. Louthan recommended changing the word "protect" to "enhance" as cited in Recommendation 4 on page 52 so that it would read: "Create and implement corridor management requirements to ~~protect~~ *enhance* accessibility...."

There were no comments regarding the text on pages 54 through 63.

Mr. Manuel recommended deleting Recommendation 3 on page 64 because a two-tiered impact fee system is not legal. Mr. Stolipher also recommended deleting Recommendation 3 on page 64.

Ms. Brockman stated that a consultant had informed her that a two-tiered impact fee is a legitimate way to encourage development in a specific area.

Mr. Manuel requested that legal counsel research legality of two-tiered impact fees for the next meeting.

There were no comments regarding the text on pages 66 through 72.

Mr. Manuel recommended adding text to Recommendation 5.c on page 73 to read: "Identify opportunities for private/public partnerships (or other creative forms of collaboration) between local and state government entities and private sector investment that would result in the creation or expansion of employment opportunities in Jefferson County *and to provide infrastructure for water and sewer.*"

Mr. Manuel stated for the record that Recommendation 11 on page 75 is a great recommendation considering that West Virginia ranks 48 in the County for teacher's salary. Mr. Manuel stated that any scholarship funding is an incentive for keeping teachers in our state.

There were no comments regarding the text between pages 76 through 81.

Mr. Stolipher recommended deleting Recommendation 1.b on page 82 because it is redundant; already discussed deleting from earlier sections.

Mr. Manuel stated that Recommendation 1.a on page 82 is a legislative matter. Ms. Brockman clarified that the recommendation was related to identifying additional funding sources such as grants. Mr. Manuel stated that identifying additional funding sources was a good plan and that the County had recently received a grant through the Civil War Trust.

Mr. Manuel recommended adding text to either Recommendation 14 or 15 to read: "*Encourage the Board of Education to provide equal vocational education programs in all middle schools and high schools throughout the County.*" He reiterated that it is important to have the same opportunities available throughout the County such that the schools have the same vocational teachers at each school.

There were no comments regarding the text in pages 86 through 88.

Mr. Fisher recommended deleting Recommendation 8.a on page 89.

Mr. Manuel stated that he would be concerned with deleting this because businesses operating on the river should factor property owners along the river into their development plans.

Mr. Stolipher requested adding text on page 90 and a Recommendation to have one provider for water and sewer. He requested that staff write the recommendation and insert where appropriate within the Infrastructure Section.

Mr. Manuel recommended adding text to Recommendation 1.a on page 97 to read: "Require members of the development community and utility and service providers to collaborate regularly to plan for future infrastructure needs, *while considering the impact on the individual consumer rates.*"

Mr. Chapman requested clarification on Recommendation 5 on page 97 regarding septic systems. PC members discussed the recommendation. Mr. Manuel questioned the legality of Recommendation 5.b. Ms. Brockman stated that staff would research State Law to determine legality of Recommendation 5.b.

Mr. Chapman recommended deleting Recommendation 9.c on page 98. Ms. Brockman stated that the recommendation pertained to preparing for future providers and the approval of cell towers. Mr. Chapman stated that the recommendation could be re-worded to be clearer rather than deleting altogether.

Mr. Manuel recommended adding text to Recommendation 12 on page 99 to read: "Financially create a reimbursement funding mechanism that would allow for pump stations and water mains that serve one subdivision to be oversized or expanded upon to serve nearby future development within the designated growth areas, *not solely dependent on revenue from rate payers but also the development community.*"

There were no recommendations regarding the text between pages 100 through 116.

Mr. Manuel recommended deleting Recommendation 1.d on page 117. He stated that the recommendation could be amended to read: "*Consider the development of transportation designated funding to support future roadway funding.*"

Planning Commissioners discussed Recommendation 6.c on page 118 regarding bike and pedestrian path connectivity. Mr. Manuel recommended that the word "require" be changed to "recommend" or "*Strive to provide connectivity between bike and pedestrian paths* ~~Require residential development to include bike and pedestrian paths~~ that pass through or connect to adjacent new and existing residential developments."

Mr. Stolipher recommended deleting Recommendation 4.f on page 122. Mr. Chapman asked for clarification about what it meant.

Mr. Stolipher recommended deleting Recommendation 6 and clarified that Recommendations 6.a, 6.b, 6.c, and 6.d should remain.

Mr. Stolipher recommended adding a new recommendation to read: "*Implement local tax credits for remodeling or rebuilding historic structures.*" He stated that the new text could be added under Recommendation 10 or 11.

There were no comments regarding the text on pages 124 through 127.

Mr. Chapman requested that Recommendation 1.c on page 128 be amended for clarity to state that it applies to new lights with new development or redevelopment of existing sites, and not that existing lights be retrofitted.

Mr. Stolipher recommended deleting all of Recommendation 1, including 1.a through 1.e. It was stated that each item will be considered as individual actions when put to a vote

There were no comments regarding the text on pages 130 through 132.

Mr. Stolipher recommended deleting Recommendation 6.c on page 134. After some discussion, he recommended that the recommendation be changed to be applicable in specific circumstances such as large portions of property preserved for natural or common areas or donations of large parcels to Parks and Recreation.

There were no comments regarding the text on pages 137 through 139.

Mr. Manuel recommended deleting the portion of Recommendation 2 on page 140 which reads "...as the County Commission and municipalities do not fund school construction."

Mr. Manuel recommended amending Recommendation 10.a on page 142 to include text which reads: "*Encourage legislation to remove prohibition of duplicative trade programs in local areas.*" Mr. Manuel stated the prohibition restricts duplicative programs within the region, and that James Rumsey serves as a regional center to Jefferson, Berkeley, and Morgan Counties and their programs cannot be duplicated in local high schools.

There were no comments regarding the text on pages 143 and 144.

Mr. Manuel recommended deleting Recommendation 4 on page 145. Mr. Stolipher was in agreement with the recommendation to delete Recommendation 4.

Mr. Stolipher recommended deleting Recommendation 8 on page 145. Mr. Manuel was in agreement with the recommendation to delete Recommendation 8.

There were no comments regarding the text on pages 146 through 148.

Regarding provisions on pages 148 and 151 (Recommendation 16), Mr. Chapman requested that a clause clarifying what qualifiers are proposed for property tax reductions. Mr. Manuel suggested a sliding scale. Staff responded stating that they would draft a paragraph to add the requested text and send an email this week.

Mr. Stolipher recommended deleting Recommendation 7 on page 149. Mr. Manuel agreed.

Mr. Stolipher recommended deleting Recommendation 11, 11.a, .b, and .c on page 150 and other recommendations throughout the text related to two-tiered impact fees. Mr. Manuel agreed.

Mr. Manuel stated that the information in Recommendation 10 on page 150 needs to be modified to reflect the correct language as this is already permitted in Jefferson County under the Local Powers Act. He recommended checking with legal counsel on the wording.

Mr. Stolipher recommended deleting Recommendation 13 on page 150. Mr. Manuel and Mr. Phalen agreed with the recommendation to delete 13 on page 150.

Ms. Brockman stated that she would amend Recommendation 13 to reflect the correct definition as suggested by Mr. Manuel. Mr. Manuel stated he would provide the correct information regarding the process for a levy.

Mr. Manuel recommended deleting Recommendation 12 on page 150. The possible uses of a TIF or BID in the villages needs to be discussed further.

There were no recommendations regarding the text on page 152.

Mr. Manuel recommended re-wording Recommendation 13 on page 153 as the County has already provided competitive pay for county employees.

There were no comments regarding the text on pages 154 or 155.

Mr. Manuel recommended deleting Recommendation 1 on page 156 because it is a legislative issue and cannot be addressed at a local level in the Comprehensive Plan. Mr. Stolipher and Mr. Taylor agreed with the recommendation to delete Recommendation 1 on page 156.

There were no comments regarding the text on pages 158 through 164.

Mr. Stolipher inquired as to whether anyone had comments related to the maps in the Draft Plan.

Mr. Manuel stated that the Cluster Density comment provided during the 07-22-14 Public Hearing was a good recommendation. Staff's recommendation was to amend the Plan to state: "The remaining 50% of the land should remain in agricultural use, open space, and/or forest/woods."

The Planning Commission discussed the September 9 meeting agenda and agreed to postpone the review and discussion of the draft amendment to the Zoning Ordinance regarding Mass Event Regulations until the October meeting so that they could focus on finalizing the recommended revisions related to the comments received on the Comprehensive Plan.

Mr. Manuel motioned to adjourn the meeting 8:57 PM. Mr. Chapman seconded the motion, which carried unanimously.

**Attached to these minutes are the comments provided by Planning Commission members after the meeting.*

This information is
Tab # 4 of your binder

#	Goal #, Recommendation # and Page #	Current Language	PC Comment	Staff Comment
1	Page 26, first sentence in the last paragraph	"It is hoped that new development will take place in areas where existing infrastructure exists and the need to extend services into outlying areas will be reduced or eliminated."	Delete the following portion of the sentence: "...into outlying areas will be reduced or eliminated." and change to: "...to growth in outlying areas will be deemed in accordance with the goals and objectives of this comprehensive plan."	Staff recommends the proposed amended language: "It is hoped that new development will take place in areas where existing -infrastructure exists and the need to extend extension of services into to growth in outlying areas will be reduced or eliminated will occur in accordance with the goals and objectives of this Comprehensive Plan."
2	Goal 1, Recommendation 2.c. Page 30	"Require that all urban level residential and non-residential development and redevelopment efforts in the next two decades be focused on the municipal areas, including the Urban Growth Boundary (UGB) areas and the Preferred Growth Areas (PGAs)."	Change the word "require" to "recommend"	Reasonable Change
3	Goal 1, Recommendation 7.c, Page 32	"In designating where public utilities are to be delivered, enable public utility providers the ability to right size the infrastructure needed as development occurs."	Change the sentence to: "In designating where public utilities are to be delivered, enable public utility providers the ability to right size the infrastructure needed as development occurs, <i>while considering the ability of current and future customer base to assume the debt for the infrastructure.</i> "	Reasonable Change
4	Goal 1, Recommendation, 7.d, Page 34	"Require that any lots that are directly adjacent to WV 45 shall not have the rear of the house facing WV 45, unless the appearance of the home is designed to be the front."	Delete	The proposed language is a goal to create a higher quality development pattern along a major corridor in the County. The goal is to not limit development, but to ensure that type of development is in keeping with the character of the area.
5	Goal 1, Recommendation 14.b, Page 34	"The existing Residential-Light Industrial-Commercial (R-LI-C) and/or the Residential Growth (RG) Districts will not be permitted to be requested as a zoning category once alternative zoning categories have been approved."	Does this mean that any existing R-LI-C and/or RG properties cannot be rezoned or request rezoning once the Comprehensive Plan is adopted? If so, this needs to be removed.	Any property with any zoning can request to be rezoned in accordance with the Comprehensive Plan. This Recommendation is stating that no properties should be rezoned to R-LI-C or RG, once the new zoning categories are adopted. The impetus behind the newly adopted commercial categories was that the R-LI-C zoning category is too broad of a category. Currently, there are new commercial zoning categories but not residential zoning categories.
6	Goal 1, Recommendation, 15.a, Page 34	"Encourage the state legislature to include adaptive reuse of historic structures in State Building Code."	Delete	Currently the building code is a hardship for a property owner of historic properties required to meet new construction standards found in the building code. Allowing flexibility in the Building Code for historic structures does not eliminate code requirements for such things as life safety elements.
7	Goal 2, Recommendation 9, Page 42	"Establish a Transfer of Development Rights program for Jefferson County as identified in the 1986 Comprehensive Plan."	Delete	This was included in the Plan as a result of Public Comment; however, this is a PC policy decision.

#	Goal #, Recommendation # and Page #	Current Language	PC Comment	Staff Comment
8	Goal 2, Recommendation 5.b, Page 42	"Enact a restaurant or prepared food sales tax that would support protection of rural resources."	Delete	This is a mechanism to fund rural preservation activities, additional purchase of development rights for farms and/or battlefields. It could also be used to create a fund to establish a revolving loan program to support the renovation of historic structures and associated outbuildings.
9	Goal, 3, Recommendation 2.b, Page 47	"Traditional suburban commercial strip development is not appropriate in the villages and village expansion areas and shall not be approved."	Change the word "shall" to "should"	Intended to be in keeping with the character of the village area. The standard is to not eliminate traditional suburban commercial strip developments/centers, but to ensure that the design is in keeping with the character of the area. The focus on this sentence is the architecture, not the structure itself. Change to, "A traditional suburban commercial strip style development is not appropriate in the villages and village expansion areas and shall should not be approved. A commercial structure shall take into account similar architecture in the area or a type of structure that would be appropriate for the area it is located in. "
10	Goal 4, Recommendation 4, Page 52	"Create and implement corridor management requirements to protect accessibility and viewsheds along designated Arterial and Collector roadways located within Jefferson County."	Two requested changes to this section: (1) Change the word "protect" to "enhance" (2) Delete the word "viewshed".	#1 - this change is reasonable. #2 - a possible change in language of "viewshed" to "the appearance of development" may address the concern. "Create and implement corridor management requirements to protect enhance accessibility and viewsheds the appearance of development along designated Arterial and Collector roadways located within Jefferson County."
11	Goal 5, Recommendation 3, Page 64	"Consider the creation of a two tiered impact fee system, with lower impact fee in areas inside of the municipalities, UGBs, and PGAs and a higher impact fee for areas outside the above noted areas."	Delete	The recommendation is to encourage growth where it is most cost effective to locate growth, especially as it related to the provision of parks and emergency services. The concept assists in making elements of the Comprehensive Plan possible, such as possibly having a reduced impact fee for age restricted housing and affordable housing options. A two-tiered impact fee is a legitimate way to encourage development in a specific area.
12	Goal 6 and 7, Recommendation 5.c, Page 73	"Identify opportunities for private/public partnerships (or other creative forms of collaboration) between local and state government entities and private sector investment that would result in the creation or expansion of employment opportunities in Jefferson County."	Add the following language at the end of the sentence: "... <i>and to provide infrastructure for water and sewer.</i> "	Reasonable Change

#	Goal #, Recommendation # and Page #	Current Language	PC Comment	Staff Comment
13	Goal 8, Recommendation 1.b, Page 82	"Establish a Transfer of Development Rights program for Jefferson County as identified in the 1986 Comprehensive Plan."	Delete	This was included in the Plan as a result of Public Comment; however, this is a PC policy decision.
14	Goal 8, new Recommendation 14.b, Page 85	Proposed new recommendation of 14.b.	Add the proposed language: " <i>Encourage the Board of Education to provide equal vocational education programs in all middle schools and high schools throughout the County.</i> "	Reasonable suggestion to add a new Recommendation 14.b and should also possibly add this in the Education Element as a cross reference.
15	Goal 9, 8.a, Page 89	"When considering the enhancement of river recreation options, rural landowners' property rights and the quality of life of the individuals and families living along the waterways should be factored into any development plans."	Delete	Additional recreation activity along the rivers does have an impact on the property owners who live along the river and there should be consideration given to those property owners.
16	Goals 10 and 11, new Recommendation 1.b, Page 97	Proposed new Recommendation #1.b.	Add the proposed language: " <i>Provide and encourage mechanisms to have one water and sewer provider in the County.</i> "	Create a new Recommendation 1.b. On page 93, add a section titled " <i>Consolidation of Water and Sewer Providers.</i> " Staff recommends the following addition to text: " <i>Over the years, there have been numerous efforts to consolidate the various public water and sewer providers to provide an economy of scale and efficiency to better serve the customer base. Efforts toward this end are multi-faceted and require significant public policy based decision making process. Good land use planning is closely tied to the provision of public water and sewer services within defined service areas. The complexity of a variety of private and public providers throughout Jefferson County makes this difficult but the consolidation of water and sewer providers should continue to be pursued.</i> "
17	Goals 10 and 11, Recommendation 1.a, Page 97	"Require members of the development community and utility and service providers to collaborate regularly to plan for future infrastructure needs."	Add the proposed language at the end of the sentence " <i>...while considering the impact on the individual consumer rates.</i> "	Reasonable Change
18	Goal 10 and 11, Recommendation 3.a, Page 97	"Amend Subdivision and Land Development Regulations to require privately owned public water and sewer utilities to meet the local PSD standards, which would allow a local PSD to assume maintenance, and possible ownership in the future, with fewer upgrades and expenses."	Delete	This Recommendation is in the draft Plan due to the lack of local standards for treatment plants. While the state does have some requirements for private treatment plants, it does not meet the standards of the local PSDs. Private treatment plants that meet the local PSD standards result in better long term operating costs and efficiencies, which benefits both HOAs and the PSD. In the event that the PSD takes ownership of these structures, less public funds are required to upgrade these facilities. The goal is not to hinder the ability of private systems, but to ensure that systems meet a higher standard that has longevity of operating cost and efficiency.

#	Goal #, Recommendation # and Page #	Current Language	PC Comment	Staff Comment
19	Goals 10 and 11, Recommendation 9.c, Page 98	"Ensure that, as next-generation wireless and cellular services are implemented, Jefferson County is in a position to receive these services at the same time as other communities in the Washington, D.C. and Baltimore Metropolitan Areas."	Amend language.	"Ensure that, as next-generation wireless and cellular services are implemented, Jefferson County is in a position to receive collaborates with providers, including any necessary regulatory changes, to ensure that providers are able to provide these services at the same time as other communities in the Washington, D.C. and Baltimore Metropolitan Areas."
20	Goals 10 and 11, Recommendation 12, Page 98	"Financially create a reimbursement funding mechanism that would allow for pump stations and water mains that serve one subdivision to be oversized or expanded upon to serve nearby future development within the designated growth areas."	Add following language at end of sentence. "..., <i>not solely dependent on revenue from rate payers but also the development community.</i> "	Reasonable Change
21	Goals 12 and 13, Recommendation 1.d, Page 117	"Consider the development of a transportation impact fee to support future roadway funding."	Delete and replace with: " <i>Consider the development of transportation designated funding to support future roadway funding.</i> "	Reasonable Change
22	Goals 12 and 13, Recommendation 6.c, Page 118	"Require residential development to include bike and pedestrian paths that pass through or connect to adjacent new and existing developments."	Change "require" to "recommend" or "Strive to provide connectivity between bike and pedestrian paths that pass through or connect to adjacent new and existing residential developments."	It would be reasonable to replace this Recommendation with the following: " <i>Strive to provide connectivity between bike and pedestrian paths that pass through or connect to adjacent new and existing residential developments.</i> "
23	Goals 14 and 15, Recommendation 4.f, Page 122	"Make ordinance recommendations to the Planning and County Commissions related to the protection of areas included in a series of viewshed analyses."	Delete	Policy decision of the PC.
24	Goals 14 and 15, Recommendation 6, Page 122	"Coordinate with the Harpers Ferry National Historical Park and its General Management Plan and potential long-term boundary modifications with respect to future land use and zoning decisions."	Delete	Policy decision of the PC. If deleted, a new 6 should state "Collaborate with the Harpers Ferry National Historical Park on the following Concepts."
25	Goals 14 and 15, Recommendation 11.c, Page 122	Proposed new Recommendation 11.c.	Add the following language in a new Recommendation of 11.c "Implement local tax credits for remodeling or rebuilding historic structures."	Staff recommends the following language for a new Recommendation 11.c: " <i>Implement local tax credits for adaptive reuse of historic structures.</i> "
26	Goals, 16, 17, and 18, Recommendation 1.c, Page 128	"Research and recommend appropriate lighting standards, based on the International Dark Sky Association recommendations, for new development and the retrofitting of current development."	Amend language to note that existing development would only have to become compliant when the site is redeveloped.	Change to "Research and recommend appropriate lighting standards, based on the International Dark Sky Association recommendations, for new development and the retrofitting of current development <i>when redevelopment of an existing development occurs.</i> "

#	Goal #, Recommendation # and Page #	Current Language	PC Comment	Staff Comment
27	Goals, 16, 17, and 18, Recommendation 1, Page 128	Review and amend the Zoning Ordinance and Subdivision Regulations to require developers design residential and non-residential subdivisions using conservation principles that would protect hillsides, wildlife habitat areas and corridors, tree stands, hedgerows, and other natural features.	Delete all of Recommendation 1. There was confusion regarding these recommendations.	Staff recommends amending Recommendation 1 as follows: "Review and amend the Zoning Ordinance and Subdivision Regulations to require developers design residential and non-residential subdivisions using conservation principles that would protect hillsides, wildlife habitat areas and corridors, tree stands, hedgerows, and other natural features."
		a. Review and update the Jefferson County Zoning Ordinance and Subdivision Regulations related to tree preservation, buffering, and effective landscaping standards.		The landscaping and buffering provisions of the Zoning Ordinance and Subdivision Regulations need a comprehensive review and update. One concept that should be considered is to encourage the preservation of trees during the development of sites, which could be used as part of the required landscaping. Buffering is currently required, but the Regulations need to be updated and clarified.
		b. Create and implement mechanisms to protect natural resources as part of the site development by providing a credit or reallocation of the density rights on the property or to another property for the retained/protected natural resource(s).		Recommend adding an additional sentence at the end of the original recommendation. b. "Create and implement mechanisms to protect natural resources as part of the site development by providing a credit or reallocation of the density rights on the property or to another property for the retained/protected natural resource(s). In no instance shall density rights be lost due to the protection of natural resources. "
		c. Research and recommend appropriate lighting standards, based on the International Dark Sky Association recommendations, for new development and the retrofitting of current development.		See proposed change above
		d. Identify and map key wildlife corridors located in the County.		There is no regulatory change proposed with this action, it is merely the mapping of these areas.
		e. Implement the recommendations of the Urban Tree Canopy Plan.		The Urban Tree Canopy Plan has been approved by the County Commission and sets a non-binding goal to increase tree canopy by 1% in the County. Many of the goals will be met by planting efforts along ROWs and other public land, such as schools. Reviewing landscaping standards could result in meeting this goal.

#	Goal #, Recommendation # and Page #	Current Language	PC Comment	Staff Comment
28	Goals 19, 20 and 21, Recommendation 6.c, Page 134	"Include Jefferson County Parks and Recreation Commission in the planning, subdivision, and site review process."	Amend language.	Amend recommendation to "Include Jefferson County Parks and Recreation Commission in the planning, subdivision, and site review process, <i>when a large portion(s) of property preserved for natural area, common area, or other portion of land is to be donated to Parks and Recreation.</i> "
29	Goal 22, Recommendation 2, Page 140	"Encourage the JCBOE and relevant government agencies, notably the State School Building Authority, to continue to jointly fund and utilize existing and future school facilities as the County Commission and municipalities do not fund school construction."	Remove the following portion of the existing sentence "...as the County Commission and municipalities do not fund school construction."	Reasonable change.
30	Goal 22, Recommendation 10.a, Page 142	"Resources and opportunities should be provided to students who are interested in exploring a career in a skilled trades program. Such a program should be implemented to allow students additional career paths beyond the college prep curriculum."	Add language to Recommendation 10.a: "Encourage legislation to remove prohibition of duplicative trade programs in local areas."	Reasonable change.
31	Goal 23, Recommendation 4, Page 145	"Encourage a bookmobile service that could serve village areas, senior centers, and other areas that are currently underserved by library services."	Delete	Policy decision of the PC
32	Goal 23, Recommendation 8, Page 145	Collaborate with Jefferson County's delegation to the West Virginia state legislature to enable legislation that would allow impact fees to be utilized for capital library projects that would provide for the needs of a growing population.	Delete	Policy decision of the PC
33	Page 148, new paragraph under "Property Tax" heading and a new Recommendation 16.a on page 151.	"Property Tax"	This section discusses property taxes related to rental properties and the ability for up to three rental units to be taxed at a Class 1 rate.	Staff recommends adding the following text on Page 148: <i>"In instances where rental units are rented below the median rental rate, an option for a reduced property tax rate should be considered. Property owners who provide housing options to rent below the median rental rate provide renters with an affordable living rate that may otherwise not be available. This may require state legislative changes to permit the County Assessor the option of providing the proposed tax relief."</i> Additionally, create a new Recommendation 16.a: <i>"Create a provision for units rented below the median rental rate stating that they shall qualify for a proportional reduction in taxes for each 1% the rental unit is below the median rental rate ."</i>

#	Goal #, Recommendation # and Page #	Current Language	PC Comment	Staff Comment
34	Goal 24, Recommendation 7, Page 149	"Implement a referendum first considered in the 1986 Comprehensive Plan to utilize a local-option sales tax on restaurant meals and prepared foods to pay for viewshed preservation, parks and recreation, or enhancements to the County's trail network."	Delete Recommendation 7	This is a mechanism to fund the items listed in the Recommendation. Steering Committee thought it was a possible option to fund items that may have a difficulty finding a funding source.
35	Goal 24, Recommendation 11, Page 150	<p>Consider the creation of a two tiered impact fee system, with a lower impact fee in areas inside of municipalities, Urban Growth Boundaries, and Preferred Growth Areas and higher impact fees for the remainder of the County.</p> <p>a. Continue to evaluate impact fees related to schools and consider a two-tiered school impact fee incentivizing future residential development within municipalities, Urban Growth Boundaries, and Preferred Growth Areas, including determining the cost differential associated with a school located an in urban setting versus a more rural/exurban setting.</p> <p>b. Review the state enabling legislation to determine if the two tiered impact fee system is permitted.</p> <p>c. If the two-tiered system is not permitted, collaborate with the state legislators to amend state law to permit it.</p>	Delete all of Recommendation 11	The recommendation is to encourage growth where it is most cost effective to locate growth, especially as it related to the provision of parks and emergency services. The concept assists in making elements of the Comprehensive Plan possible, such as possibly having a reduced impact fee for age restricted housing and affordable housing options. A two-tiered impact fee is a legitimate way to encourage development in a specific area.
36	Goal 24, Recommendation 10, Page 150	"Coordinate with the state legislature to create a Capacity Improvement Fee (CIF) for water and sewer projects."	Amend language.	Staff recommends changing to "Implement a Capacity Improvement Fee (CIF) for water and sewer projects as provided for in the Local Powers Act." (checking with Legal Staff on the wording.)
37	Goal 24, Recommendation 12, Page 150	"Support the utilization of tax increment financing (TIF) and/or business improvement district (BID) in the downtown and village centers to support the development or redevelopment of economically viable districts."	Delete	Supporting the economic viability of the downtowns and villages is a goal of the draft Plan and this Recommendation supports that concept. Deleting this mechanism for those areas hinders the improvements of these areas.

#	Goal #, Recommendation # and Page #	Current Language	PC Comment	Staff Comment
38	Goal 24, Recommendation 13, Page 150	"Explore options to implement the West Virginia's Local Powers Act to create and provide funding for local transportation districts to improve the roadway network in the County."	Delete	Delete and replace with: " <i>Consider the development of transportation designated funding to support future roadway funding.</i> "
39	Goal 25, Recommendation 13, Page 153	"Work with state officials to identify programs and methods to provide competitive pay for police, fire, and EMS based on cost of living for the community that they are employed in."	Amend language.	Amend to: " Work with state officials to identify programs and methods to provide competitive pay for <i>Ensure that local pay is competitive for</i> police, fire, and EMS based on cost of living for the community that they are employed in."
40	Goal 27, Recommendation 1, Page 156	"Change the length of County Commissioner terms from 6 years to 4 years."	Delete	Policy decision of the PC.

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#	Topic	Request	Section and/or Current Language in Draft Plan	Staff Comment	Staff Recommendation
Comments below correspond to the Future Land Use Map (large map provided to you on 06-10-14) of the Comprehensive Plan					
2	Future Land Use Map	<p>Show locations of H.F. Adventure Park and mega-zip as being used (currently shown as vacant commercial); also show Historical River Tours as being used. Lots located near main facility are shown as large lot residential – change to residential or commercial.</p> <p>Campground property on Bakerton Rd should be shown as rural instead of large lot.</p> <p>Show boat ramp at end of Knott Road as an access point.</p>	Future Land Use Map Appendix F (pg. 234)	<p>Campgrounds and boat ramps as shown on the Existing Land Use Map will be shown on the Future Land Use Map.</p> <p>Change of lots near main facility shown as Large Lot to “Residential or Commercial” designation is reasonable.</p> <p>The boat ramp at the end of Knott Road would require processing as a commercial use to be approved. There is no record of commercial use or public access at this location and would further open up an intensive commercial use in a residential area.</p>	<p>The campgrounds and boat ramps as shown on the Existing Land Use Map should be shown on the Future Land Use Map. The boat ramps shown on the Existing Land Use Map depict WV DNR boat launch locations, County owned sites, or are sites that have continuous established commercial use.</p> <p>Change lots near main facility shown as Large Lot to “Residential or Commercial” designation.</p> <p>It is appropriate for the campground property on Bakerton Road to be shown as rural instead of large lot.</p> <p>Not to show the designation of a boat ramp on Knott Road, which does not have a record of use as commercial use.</p>
3	Future Land Use Map	The property identified on the northwest corner of Old Country Club and US Route 340 would like clarification regarding to the fact that it has both Preferred Growth Area and Urban Growth Boundary designation.	<p>Future Land Use Map Appendix F (pg. 234)</p> <p>Property is shown on Future Land Use Map as “Mixed Use Residential/Commercial.” Property is within the Urban Growth Boundary (UGB) of Ranson.</p>	Property is located within the Ranson Urban Growth Boundary (UGB) and within an identified Preferred Growth Area (PGA). Since the property is shown as “Mixed Use Residential/Commercial” and in the Ranson UGB, the ability for this property to develop as the applicant is requesting already exist.	The Preferred Growth Area circle shown on the map for the Country Club/Marlow and 340 intersection should be amended to show only areas outside the UGBs to avoid confusion.
4	Future Land Use Map	Concern that existing definition of Overlay District will allow a property owner to change zoning designation.	Appendix H – Definitions and Acronyms (pg. 247): “Overlay Zoning District: A district or zone which addresses special land use circumstances and is superimposed over the underlying existing zoning districts. Permitted uses in the underlying zoning districts shall continue subject to compliance with the regulations of the overlay zone or district.”	Overlay districts are used for a variety of purposes but are not intended to be used to change the zoning of a property. The overlay might include the concept of having certain standards that apply in the defined overlay area. Examples of an overlay district is to ensure uniformity of signs along a road, design standards, or business owners adopting local	Amend definition to include “Overlay districts are not a mechanism by which to change existing zoning designations.”

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				area tax to improve the area defined in the overlay district	
5	Future Land Use Map	340 East PGA in the residential neighborhood of Campground Road is poorly suited for expansion of commercial uses beyond the cottage industry-level that currently exists. The predominate character of the area is residential, rural, and historic and it should remain so.	Future Land Use Map Appendix F (pg. 234) 340 East Preferred Growth Area (PGA)	The Steering Committee determined that development at the intersections along US 340 was preferable to extensive development along the whole corridor. Since this intersection has a signalized intersection light and the ability to extend water and sewer from Harpers Ferry and Bolivar exists, it was reasonable to expect that character of the area could change. However, the Future Land Use Map only shows where commercial zoning already exists.	If the Planning Commission believes that this intersection should retain the current land uses, this is a reasonable consideration. The area of campground road is not generally visible due to the fact that U.S. 340 is elevated in this area, making this location less attractive for commercial activity.
Comments below correspond with the “History of Planning in Jefferson County” heading within the Overview of the Plan					
46	U.S. 340 Corridor East Gateway Plan Study	The proposed Plan states that the 340 East Study was implemented. Although the study was completed by the Planning Commission, it was never adopted or implemented by the County Commission.	History of Planning in Jefferson County (pg. 9) “...A third recommendation, implemented in 2010, was a study of the U.S. 340 Corridor East Gateway Plan focusing on land use, transportation, and viewsheds.”	There is an error in the text. While the 340 Plan process was implemented in 2010, the Plan itself was not implemented.	Staff recommends amending the text to read: “A third recommendation that was considered, but not adopted by the County Commission, was the study of the U.S. 340 Corridor East Gateway Plan focusing on land use, transportation, and viewsheds.”
Comments below correspond with Section 1 – Land Use and Growth Element (pg. 17)					
24	Quarry Redevelopment Areas	Supports concept of light recreational development that incorporates design standards that are sensitive to the topography, viewsheds, and their historical surroundings.	Section 1 – Land Use and Growth Management Preferred Growth Areas (PGAs) U.S. 340 East PGA (pg. 22): “Redevelopment should consider site development that incorporates the design of the structures with the topography and other natural features.”	The Plan notes that redevelopment of the site “should” consider design of structures, topography and natural features. It may be reasonable to consider what is visible on the Old Standard Quarry Property for people travelling Eastbound on U.S. 340. Consideration of the view of the higher elevations of the Quarry from U.S. 340 does not need to eliminate the ability to build on the higher elevations, but should take into	The PC may want to consider incorporating language to this effect.

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				consideration the height of the structure on the quarry property.	
25	Quarry Redevelopment Area and Existing Land Use Map	<p>The Plan should recognize and designate the Millville Quarry for mineral recovery, not industrial use.</p> <p>The Plan should include language requiring that if and when the quarry operations cease and there is an interest in redevelopment, an amendment to the Plan could be undertaken to explore what uses and zones would be appropriate.</p>	<p>Existing Land Use Map (pg. 195)</p> <p>Land Use and Growth Management Element Quarry Redevelopment Area (pg. 21 & 22)</p>	<p>It is reasonable to change the Future Land Use for the active area of Millville Quarry to Rural/Agricultural with a designation that clearly indicates that the mineral recovery activity can continue. It is also reasonable to think that a redevelopment plan be developed when operation ceases.</p>	<p>Staff recommends changing the Future Land Use designation for the Millville Quarry on the Future Land Use Map to reflect Rural with "QUARRY" written on the map.</p> <p>Add a statement on page 22 that if the active quarry ceases operation, a redevelopment plan needs to be prepared.</p>
40	Suburban Density	<p>The Plan should allow for other densities (suburban) than just Urban Level and Rural.</p>	<p>"Like the R-LI-C District, the Residential Growth (RG) District is also very broad in the number of residential uses permitted. The RG District allows uses from single family detached residential homes to large multifamily residential developments, whether as apartments, condominiums, or townhouses. It is a common practice that communities have different residential zoning categories that indicate the level of intensity permitted in those zoning categories." Page 25</p> <p>Urban Level Development Recommendations (Goal 1) Recommendation 5.C "Establish a greater variety of zoning district options (in commercial, residential, and mixed-use zoning categories) that adhere to predictability of land use options and outcomes based on the Future Land Use Map and Comprehensive Plan policies." Page 37</p>	<p>There may be a perception that the draft Plan is written go directly from an urban environment to a rural environment. That is not how the development pattern will occur.</p> <p>While it is expected that there will be high density activity within the urban areas, it is also anticipated that there will be suburban development as well within the areas defined as urban level areas. In the Rural areas, the clustering provision outlined in the draft Plan would result in the lots in the cluster area to be of a suburban scale.</p> <p>The Plan also delineates an area called "Residential Area" that specifically calls for "traditional" suburban housing development and is depicted as low density residential.</p> <p>In this Plan, Urban Level Development is intended to be served by water and sewer,</p>	<p>No change, the draft Plan addresses this public comment. Further the draft Plan recommends additional residential zoning categories relative to density and development patterns.</p> <p>Like the additional commercial zoning categories districts recently adopted, the additional residential zoning categories would be more refined in terms of the density permitted in a district than the existing Residential Growth District that permits everything from high density attached units to low density detached units.</p>

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				<p>and Rural development is expected to be on well and septic. The land use classification “low density residential” is expected to develop at one to three units per acre, which is typically considered a suburban density.</p> <p>There are a number of locations on the Future Land Use Map that permit traditional suburban housing developments. There is also the ability for parcels within the Urban Growth Boundary to develop in a suburban pattern within the County’s jurisdiction.</p>	
39	Cluster Density	The change of cluster density in rural district to 1 lot every 5 acres requires that 50% of the land should remain in agricultural uses. It should say agricultural uses or open space or forest/woods, etc. That is typical for clusters in a rural district.	<p>Section 1.B – Rural Land Use Planning Recommendation 4.c (pg. 41): “Amend the Zoning Ordinance density provisions related to Cluster Developments to utilize an overall density of one unit per five acres, with a maximum lot size of 2.5 acres and a mandatory provision retaining a minimum of 50% of the original tract in agricultural uses, instead of allowing for rural residential development to occur using the LESA/CUP system.”</p>	Reasonable request	Amend the Plan to state that “The remaining 50% of the land should remain in agricultural use, open space, and/or forest/woods.”
56	Transfer of Development Rights (TDRs)	The proposed Plan states that the County should ‘establish’ TDRs instead of ‘Study’ the possibility of TDRs. The County and a committee have already determined that TDRs aren’t the best tool available. The Plan should limit the use of ‘shall’ and ‘should’.	<p>Section 1.B – Rural Land Use Planning (pg. 37): “There exist a variety of tools and means to assist in the protection of lands with prime or statewide importance, soils and active farm sites. These tools range from policy, such as transfer of development rights programs, purchase of development rights, and land development standards that allow for flexibility of agriculture based uses and activities on the farm.”</p> <p>Section 1.B – Rural Land Use Planning</p>	Comments were received that the County should implement a TDR program and no input was received or documented that this had already been studied and rejected.	If documentation of the determination can be provided to the Planning Commission, the Planning Commission may want to consider modifying this recommendation.

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			<p>Recommendation 9 (pg. 42): "Establish a Transfer of Development Rights program for Jefferson County as identified in the 1986 Comprehensive Plan."</p> <p>Section 2.B – Agricultural & Rural Economy Recommendation 1.b (pg. 82): "Establish a Transfer of Development Rights program for Jefferson County as identified in the 1986 Comprehensive Plan."</p>		
62	Aging-in-Place	The County Commission should appoint an advisory committee to review national aging-in-place reports and make recommendations for a coordinated Jefferson county aging-in-place initiative.	<p>Section 1.E – Housing Recommendation 10 (pg. 65): "Work with state legislators to address housing, building codes, and aging related issues."</p> <p>Recommendation 10.a (pg. 65): "To support the assisted and nursing homes permit process which may impact the feasibility of age-in-place or transitional housing communities in Jefferson County."</p>	Reasonable request. Implementation of the age-in-place recommendation of the Plan.	Could be added as a recommendation under Section 1.E - Housing or as an implementation strategy.
65	Development	<p>Emphasize developing the unique historical, cultural, and natural resources of the County in general and Harpers Ferry in particular.</p> <p>Development along US Route 340 East should be conducted in a way that preserves the unique features of the area rather than industrial and commercial development. One quarry is zoned industrial and one is zoned Rural. These are perfect areas for tourist-friendly commercial development.</p>	<p>Cultural, Historic, Natural Resources, and Recreation Element (pg. 120)</p> <p>Land Use and Growth Management Element Quarry Redevelopment Area (pg. 21 & 22)</p>	Reasonable request.	Comment is supported by the Plan. If the Planning Commission was inclined, the Old Standard Quarry, which is zoned Rural, could be recommended for tourist friendly recreation development under the Quarry Redevelopment Areas discussion on pages 21 and 22.

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#	Topic	Request	Section and/or Current Language in Draft Plan	Staff Comment	Staff Recommendation
The Comments below correspond with Section 2: Economic Development, Employment, and Infrastructure Element (pg. 66)					
17	Recreational Tourism	Acknowledge that recreational tourism has off-site impacts.	<p style="text-align: center;">Section 2.C – Tourism</p> <p>Recommendation 8 (pg. 89): “Coordinate with riverside property owners and river tourism service providers to identify and implement methods that would enhance recreation options along the County’s waterways, including public river access.”</p> <p style="text-align: center;">Section 2.C – Tourism</p> <p>Recommendation 8.a (pg. 89): “When considering the enhancement of river recreation options, rural landowners’ property rights and the quality of life of the individuals and families living along the waterways should be factored into any development plans.”</p>	Recreational tourism is a part of the Jefferson County economy. However, it is true that there are impacts that recreational activity creates related to the roads and rivers. There might be instances where the vehicle traffic related to recreational tourism could affect a residential neighborhood and its road system.	The Plan acknowledges that recreational tourism is a part of the County’s economy and that it creates off-site impacts that need to be mitigated. When developing standards to permit additional recreational tourism in the County, standards should consider off-site impacts.
8	Buses / Public Transportation	Add estimates for bus expansion, include demand response service which would serve widely-scattered population cost effectively. Use Berkeley County costs as a guide for planning for Jefferson County.	Section 2.E – Transportation (pg. 114-116)	<p>The implementation of this element falls under Eastern Panhandle Transit Authority (EPTA/PanTran) and the County needs to continue to work closely with EPTA’s planning efforts to ensure expanded bus service meets the needs of Jefferson County. This concept is included in the Plan.</p> <p>Demand response does exist in Jefferson County and potential expansion could be investigated with the cooperative of EPTA.</p>	Add a sentence to the Plan about EPTA’s demand response service in Jefferson County.
10	EPTA / PanTran Transportation	EPTA plans and expansion should be supported by the County and with increased funding. EPTA should have disabled transportation accessibility options clearly understandable as the services expand. E.G.: Currently, one	<p>Section 2.E - Transportation Recommendation 8 (pg. 118): “Fund and expand EPTA (PanTran) services to meet the growing and evolving needs of all Jefferson County Residents.”</p> <p>Recommendation 10 (pg. 118): “Collaborate</p>	Reasonable request.	Staff recommends amending Transportation Recommendations to include the addition of 8.d to address the transportation needs of the disabled population.

Draft Envision Jefferson 2035
Comments Received at July 22, 2014 Planning Commission Meeting

#	Topic	Request	Section and/or Current Language in Draft Plan	Staff Comment	Staff Recommendation
		can call for a pick up but the return trip coordination is frequently difficult or impossible to arrange.	with key stakeholders to ensure the funding and development of the Charles Washington Commuter Center in downtown Charles Town.”		
11	Transportation	Change use of the term “transportation impact fee” to “transportation designated funding”	Section 2.E – Transportation Recommendation 1.d (pg. 117): “Consider the development of a transportation impact fee to support future roadway funding.”	Reasonable request.	It was brought to the attention of Staff that the term “impact fee” was incorrect because the County does not own any roads. Change recommendation text to read: “Consider the development of transportation designated funding to support future roadway funding.”
27	Alternative Energy	Concerned that plan does not acknowledge two laws which prohibit cooperatives or communities to create a solar panel system that would feed multiple houses.	Section 2.D - Infrastructure	Reasonable request	Amend Plan to allow for cooperative or community wide solar panel system.
18	Recreational Tourism & Transportation	Would like to see more rural and recreational uses in the County. The County should consider commuter bike paths along 340; also consider bike taxis.	Section 2.E – Transportation Recommendation 7.a (pg. 118): “Collaborate with the Division of Highways (DOH) to allow pedestrian/bike trails to be constructed within the right-way where appropriate.” Section 3.C – Recreation Recommendation 6.k (pg. 134): “Ensure that pedestrian and bicycle access is provided along the main road corridors in Jefferson County as part of a Countywide pedestrian and trail network.”	These concepts can be found in the Plan with the exception of the bike taxi.	Amend the Transportation Element of the Plan to strengthen the discussion of commuter bike paths and bike taxis.
21	Bike Trails (Transportation / Recreation)	The County can benefit from more bike trails. Specifically, a trunk from Shepherdstown to Ranson/Charles Town would help safely connect these town communities and provide more recreation (and commuting) opportunities. Explore the possibility	Section 2.E - Transportation Recommendation 7.a (pg. 118): “Collaborate with the Division of Highways (DOH) to allow pedestrian/bike trails to be constructed within the right-of-way where appropriate.” Section 3.C: Recreation (pg. 130): “One of the biggest needs identified by residents was	The concept provided in the public comment is found in the document. However, the comment is more specific and it would be reasonable to amend the draft Plan to include the specifics found in the recommendation.	Staff recommends amending Transportation Recommendation 7.a to include railroad rights-of-way in addition to the Division of Highways rights-of-way for potential bike/pedestrian trails. Staff recommends amending Parks and Recreation Recommendation 6.h to read,

Draft Envision Jefferson 2035
Comments Received at July 22, 2014 Planning Commission Meeting

#	Topic	Request	Section and/or Current Language in Draft Plan	Staff Comment	Staff Recommendation
		of sharing the Norfolk Southern rail line right-of-way as well.	expansion of a trail network that would not only include trunk lines such as the Route 9 Bike Path, but also trails that would connect communities, schools, and recreational facilities.”		“...such as a trail from Shepherdstown to Ranson/Charles Town.”
Comments below correspond with the Section 5: Finance, Public Safety, and Governance Element (pg. 137)					
31	Impact Fees	The new resident’s impact fee should be used for new water treatment plants and the Developer’s should build their own treatment plants.	Section 5.A - Finance	Implementation of impact fees requires a study, establishment of level of service, and an ordinance to be conducted by the County Commission. The County’s current impact fees are being re-evaluated. The County could consider funding water treatment plants through this tool.	If the Planning Commission deems this to be appropriate, a recommendation could be added under the Urban Level Development recommendations and/or Infrastructure and Technology recommendations.
67	County Government Meetings	Jefferson County government meetings and public hearings should be available via IT means for the blind and hearing impaired. Once a week/month a volunteer could read reports and transcripts for disabled residents at the public libraries.	Section 5.D – Governance Recommendation 3 (pg. 156): “Provide electronic (live and/or taped) coverage of County meetings and workshops held in all locations.”	All Jefferson County Commission, Planning Commission, and Board of Zoning Appeals meetings are broadcast live and archived on the County’s website. It should be noted that some of these concerns are addressed through services provided by volunteers such as the Good Shepherd Caregivers.	Consider amending Section 5.D - Governance Recommendations to include a recommendation 3.a to address the needs of the disabled population.
Comments below correspond with the Appendices of the Plan (pg. 165)					
53	Appendices	Add the Green Infrastructure Assessment to the Appendices.	Goal #17, Objective #1 (pg. 217): “Based on the recommendations of the Jefferson County Green Infrastructure Assessment, designate priority natural resource protection areas within Jefferson County.” Section 1.D - Community Design	Reasonable Request	The Appendix in the document is full of resources. Staff suggests that a new appendix page be created entitled “Documents incorporated by reference.” The document list should include the following statement: “The Jefferson County Green Infrastructure Assessment is incorporated into the Envision Jefferson 2035 Plan by reference;

**Draft Envision Jefferson 2035
Comments Received at July 22, 2014 Planning Commission Meeting**

#	Topic	Request	Section and/or Current Language in Draft Plan	Staff Comment	Staff Recommendation
			Recommendation 3 (pg. 52): "Encourage the development of new neighborhoods that include green infrastructure standards and best management design principles."		however the full document is not included in this Appendix."
55	Appendices	Include the Blue Ridge Mountain Communities Area Watershed Plan in the Appendix, along with the document's Engineering Report.	Goal #18, Objective 2 (pg. 218): "Work with property owners on the Blue Ridge Mountain and the Blue Ridge Watershed Coalition to implement the recommendations of the Blue Ridge Mountain Communities Watershed Plan."	Reasonable Request	Appendix in the document is full of resources. Staff suggests that a new appendix page be created entitled "Documents incorporated by reference." The document list should include the following statement: "The Blue Ridge Mountain Communities Area Watershed Vision Plan and Engineering Report is incorporated into the Envision Jefferson 2035 Plan by reference; however the full document is not included in this Appendix."

This information is
Tab # 5 of your binder



Jefferson County, West Virginia

Departments of Planning and Zoning

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MEMORANDUM

TO: Planning Commission

FROM: Jennifer M. Brockman, AICP,
Director, Planning and Zoning/Acting Zoning Administrator

DATE: September 9, 2014

RE: Distribution, discussion, and possible action related to input received on the proposed text amendment to the Zoning Ordinance (ZTA14-02) regarding Mass Event Regulations.

At the August 26, 2014 Planning Commission meeting, it was determined that the September 9, 2014 Planning Commission meeting should be dedicated to the discussion of and action on the Envision Jefferson 2035 Comprehensive Plan and that the Zoning Ordinance text amendment related to Mass Events (ZTA14-02) should be put on the October meeting. However, at the County Commission's August 28, 2014 meeting, the Commission voted to request that the Planning Commission take action on the draft ZTA14-02 and forward it to the County Commission for their consideration at the next scheduled Planning Commission meeting. Therefore, this item has been added to the agenda.

Attached are all the written comments received before, during, or after the Planning Commission Public Hearing as well as the minutes of the Public Hearing (a part of the August 12, 2014 PC Meeting) and a red-lined version of the draft incorporating Mr. Rockwell's comments. We have also attached the original draft provided to the Planning Commission on March 11, 2014 as well as the version for which the August 12, 2014 Public Hearing was held.

On August 21, 2014, a meeting was held between staff and some of the stakeholders that spoke at the Public Hearing to address some of the concerns discussed at that meeting. In essence, the two primary concerns appear to be applicability and clarifying that existing events are grandfathered in. It has also become clear that we either need to retain the provision for "Seasonal Uses" with some added processing criteria or have a multi-tiered Mass Event process so that all events that do not qualify as a Rural Reception Event or agritourism event have a process by which they can be considered for approval. To that end, staff has drafted a potential revision to the definition that may address these concerns; however, there are still gaps in these provisions:

Section 2.2 Terms Defined

Mass Event Any outdoor gathering of more than 5,000 people/day (midnight – midnight) on any parcel or contiguous parcels; regardless of the length of time or type of activity, and which involves overnight stay in temporary shelters. A Mass Event may be permitted to occur in the Rural Zoning District or any commercial zoning

district and is prohibited on a property in any residential zoning district provided that it processes according to the requirements of Section 8.16 of this Ordinance.

It should be noted that this definition does not apply if the event occurs entirely within in a lawful permanent structure nor on a property so long as the structure or property has a site plan specifically developed and approved for the purpose of hosting such an event. In addition, this Section does not apply to events conducted by local or state or federal government on land owned by or in which there is an interest by said government body.

Section 4.3 “Nonconforming Use” of this Ordinance applies to the continuation of all activities, festivals and events that legally existed and regularly operated before the adoption of the Zoning Ordinance. Further, the expansion clause of Section 4.3 shall not serve to limit the number of attendees allowed at such pre-existing legal non-conforming events, so long as the event occurs entirely within the confines of the existing parcel or structure where it became an otherwise lawful non-conforming use. Any such non-conforming event must follow the requirements of the Ordinance and must also obtain a Zoning Certificate.

Seasonal Use A use that is carried on for not more than a single three day consecutive period in each of the four solar seasons and involving over 1,000 people per day, and not meeting the definition of a Mass Event, a Rural Reception Event or agritourism, as determined by the Zoning Administrator .

It should be noted that this definition does not apply if the event occurs entirely within in a lawful permanent structure nor on a property so long as the structure or property has a site plan specifically developed and approved for the purpose of hosting such an event. In addition, this Section does not apply to events conducted by local or state or federal government on land owned by or in which there is an interest by said government body.

Section 4.3 “Nonconforming Use” of this Ordinance applies to the continuation of all activities, festivals and events that legally existed and regularly operated before the adoption the Zoning Ordinance. Further, the expansion clause of Section 4.3 shall not serve to limit the number of attendees allowed at such pre-existing legal non-conforming events, so long as the event occurs entirely within the confines of the existing parcel or structure where it became an otherwise lawful non-conforming use. Any such non-conforming event must follow the requirements of the Ordinance and must also obtain a Zoning Certificate.

Section 8.16 Mass Event Regulations (proposed language)

A Mass Event may be permitted to occur in the Rural Zoning District or any Commercial Zoning District, provided that it processes according to the following requirements:

Section 9.8 Seasonal Uses

Seasonal uses must be considered for approval by the Board of Zoning Appeals pursuant to a public hearing, approval of required permits by the Board of Health, the WV Department of Highways, a Traffic Control Plan in conjunction with the Sherriff's Department, and further requiring the submission of a Concept Plan in accordance with Section 8.16B for administrative review and approval.. Newspaper notification requirements of Section 3.4A.3.b apply. Seasonal uses cannot be approved for longer than one year at a time.

This request is on the agenda for the purposes of discussion and to request that the Planning Commission schedule a Public Hearing on this Ordinance at the August 12, 2014 Planning Commission meeting.

Please note that once referred to the County Commission, they will also be required to hold a separate Public Hearing prior to making final revisions.

Attachments:

- 3-11-14 Original Draft
- 8-12-14 Public Hearing draft

DRAFT

Amendment to Zoning Ordinance of Jefferson County, West Virginia

The County Commission finds that temporary mass gatherings of large numbers of people to attend outdoor concerts, festivals, “mud runs” or other gatherings in a rural outdoor setting which lacks sufficient permanent structures to house, feed, bath and provide for the sanitary needs of all people at the gathering, accompanied with the impact of traffic congestions and parking burden a large number of vehicle presents a hazard to public health and safety and places unacceptably high burden upon police, fire, EMS, 911 and medical resources of the county. WHEREFORE:

A new section “**Section 9.9 Mass Events**” shall be added to the Ordinance as follows:

- A. Any outdoor gathering of more than 1000 people on any parcel involving any three or more of the following characteristics shall be considered a “Mass Event”
 - 1. An admission fee is charged
 - 2. involves a performance or activity with amplified sound
 - 3. attendees use temporary shelters of any form such as tents, RVs, vehicles or other items, property or structures not assessed under West Virginia Code as an improvement upon real property.
 - 4. alcohol is sold (whether separate from or included in the price of admission) or the event allows the consumption of alcohol
 - 5. any activity planned to take place or to be attended on more than one consecutive day or more than three days in any calendar year or any activity open to attendees for more than 16 hours on a given day.

- B. In addition, a Mass Event is subject to the following conditions and restrictions:
 - 1. No outdoor amplified sound after 11pm or before 10 am
 - 2. No outdoor performance lighting after 11 pm or before 10 am

3. No sale of Alcohol after 11pm nor before 10 am
4. No Mass Event may last more than three days. Only one Mass Event may occur per year on any given parcel or a portion of any given parcel.
5. Each Mass Event must be the subject of separate application and public hearing.
6. A set back of 500 feet from the property line is required for any performance area
7. A set back of 250 feet from the property line is required for any area in which camping is permitted and for all parking areas
8. A set back of 250 feet from the property line is required for any alcohol, food or other sales or concessions
9. Applicant for Mass Event must consult with local law enforcement, EMS, Fire and 911 agencies and develop a written agreement with said agencies which satisfies their public safety concerns and submit written proof of said agreement at the public hearing required herein and again prior to issuance of Zoning Certificate.
10. Mass Event must have and submit with the application written approval of the County Health Department for the provision of potable water and sanitation facilities for the event. Applicant shall submit written proof of said approval at the public hearing required herein and again prior to issuance of Zoning Certificate.
11. Each Mass Event application shall require a public hearing before the Board of Zoning Appeals at least 180 days, but no sooner than one year, in advance of the planned event. The application fee for said hearing shall be \$500. The public hearing must comply with notice requirements of the Zoning Ordinance. In addition, the applicant must send written notice and 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 assess route.
12. all lighting and all sound shall be aligned so as to minimize impact on nearby residents.
13. The applicant shall provide written proof of appropriate general commercial liability insurance coverage which specifically covers the mass event in the amount of at least \$2,000,000 (two million dollars).

14. At said hearing the Board of Zoning Appeals may permit, deny or permit with additional restrictions and conditions
 15. The Board of Zoning Appeals may not grant a variance from nor waiver of any of the foregoing provisions (B(1) -B(13) but may impose conditions more restrictive than the ones set forth herein (e.g limits on number of attendees, barring or restricting hours of alcohol sales and/or restricting hours of performance). The Board of Zoning Appeals may consider any past Mass Events on the same parcel or by the same applicant in considering whether to grant the application and/or additional conditions or restrictions placed upon the event.
 16. If approved by the Board of Zoning Appeals, in addition to all other permits and agreements required, the applicant must also submit a site plan, to scale, on a 24"x36" sheet, showing parking, performance areas, bathrooms, food, concessions, public entrance, separate emergency entrance, garbage collection area, location of performance lighting and amplification and any other information required by planning or engineering staff at the public hearing at least 120 days before the event. Staff will review the application and site plan for completeness within 10 days of receipt. There will be a 30 day period for staff to review of the application and of the site plan once the application is deemed complete. Staff shall approve any application and site 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
- C. During the event, any violation of the requirements in Section B and/or any violation of additional terms and conditions set by the Board of Zoning Appeals will result in imposition of a fee of \$2 per attendee per hour in which a violation occurs for each restriction that is violated. In addition, the County make seek other legal and equitable relief.
- D. In addition to normal application fee for the Board of Zoning Appeals hearing, any Mass Event must make an estimate of total anticipated attendance and pay an additional fee to offset application, management and public safety impact of the event in the amount of \$2 per attendee per day. Said fee must be paid in advance and a bond in the amount of

ten times the pre-paid fee must be submitted to cover attendees in excess of estimated amount and to cover any fines, fees or costs which may arise by any violation of the requirements of this section. Said fee and bond shall be submitted as an additional condition of the issuance of a zoning certificate.

- E. 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.
- F. The Development Review System may not be used to permit any activity barred under this section or otherwise supercede the requirements of this section. No variance nor waiver of any of the foregoing provisions contained in sections A-E above may be granted by the Board of Zoning Appeals or Planning Commission.
- G. Seasonal Use provisions under Section 9.8 of the Ordinance are not permitted to include any activity that meets the definition of a Mass Event under this section.

Section 9.8 Seasonal Uses^{5,7}

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.^{17, 21, 23} After the public hearing required under this section the Board of Zoning Appeals may deny, approve or approve with condition any proposed season use. The Board of Zoning Appeals may not grant a waiver or variance from the three day limit for seasonal events nor for any event more than once a year. Furthermore, no seasonal event may involve outdoor amplified sound after 11 pm nor before 10 am.

Request for Zoning Ordinance Text Amendment

Comes now the undersigned residents and citizens of Jefferson County, West Virginia and requests a Text Amendment to Section 9.8 as follows:

Existing:

Section 9.8 Seasonal Uses (5,7)

Seasonal uses must be approved 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. (17,21,23)

Amendment:

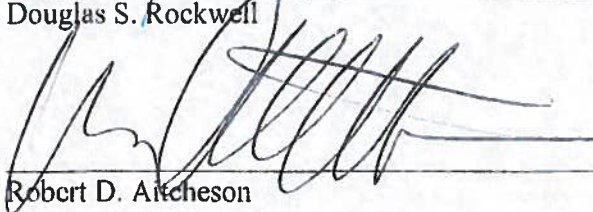
Section 9.8 Deleted.

Comprehensive Plan

The existing Section 9.8 is not compatible with the Comprehensive Plan. This Section allows any use in any district, which is contrary to the Plan's statement of goals. New amendments of the Zoning Ordinance expand the permitted uses in the Growth Area, thus eliminating any possible need for Section 9.8.



Douglas S. Rockwell



Robert D. Aitcheson

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

DELETE THE FOLLOWING SECTIONS:

Section 2.2 Terms Defined

~~Seasonal Use — 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^{5,7}**~~

~~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.^{17,21,}~~

ADD THE FOLLOWING SECTIONS:

Section 2.2 Terms Defined

Mass Event Any outdoor gathering of more than 1000 people on any parcel; regardless of the length of time or type of activity. A Mass Event may be permitted to occur in the Rural Zoning District or any commercial zoning district and is prohibited on a property in any residential zoning district.

Section 8.16 Mass Event Regulations

A Mass Event is any outdoor gathering of more than 1000 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 or any Commercial Zoning District, provided that it processes according to the following requirements:

- A. Approval of all Mass Events shall require the submission of an application and Public Hearing before the Board of Zoning Appeals, in accordance with the following criteria:
 - 1. Each Mass Event must be the subject of separate application and Public Hearing.
 - 2. 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.
 - 3. Each Mass Event application 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:

a. 1,000 – 2,000 attendees	\$200
b. 2,000 – 5,000 attendees	\$300
c. 5,000 – 10,000 attendees	\$400
d. Over 10,000 attendees	\$500
 - 4. 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.

- | | |
|---------------------------------|--------------|
| a. 1,000 – 2,000 attendees/day | \$2,000/day |
| b. 2,000 – 5,000 attendees/day | \$5,000/day |
| c. 5,000 – 10,000 attendees/day | \$10,000/day |
| d. Over 10,000 attendees/day | \$15,000/day |

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.

5. 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.
6. 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.

7. If approved by the Board of Zoning Appeals, in addition to all other permits and agreements required, the applicant must also submit a Concept Plan in accordance with the requirements found below, which shall be administratively reviewed and approved.
 8. 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.
- B. If approved by the Board of Zoning Appeals, in addition to all other permits and agreements required, the applicant shall submit a Concept Plan, in accordance with the Minor Site Plan Process, for administrative review and approval, and in accordance with the requirements found below:
1. The Concept Plan shall be to scale; on a 24”x36” sheet; showing appropriate areas for parking, performance areas, 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, 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 application and Concept Plan for completeness within 10 days of receipt.
 3. 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 shall meet the following site requirements and such requirements will be depicted on the Concept 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' from any structures on adjoin properties; and
 - e. A setback of 250 feet from the property line is required for any alcohol, food, or other sales or concessions.
 - f. Any variance from these requirements shall be included in the Mass Event Application and shall process a Variance application which shall be presented to the Board of Zoning Appeals for their approval.
5. A Mass Event is subject to the following conditions and restrictions and such notes shall be placed on the Concept Plan:
- a. No outdoor amplified performances after 3 a.m. or before 10 a.m. (amplified announcements are permitted).
 - b. No outdoor performance lighting after 3 a.m. or before 10 a.m.
 - c. All sale of alcohol shall be regulated by the West Virginia Alcohol Beverage Control (ABC) Administration.
 - d. No Mass Event may last more than four days, including attendee arrival and departure dates. Only one Mass Event may occur per year 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. 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 Application which is presented to the Board of Zoning Appeals for their approval.
6. 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.

RECEIVED

AUG 05 2014

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

HAND-DELIVERED 8/5/14

August 5, 2014

Jefferson County Planning Commission
Charles Town, WV

Re: Proposed Amendments to the Zoning Ordinance (ZTA 14-02)
Related to Mass Events

Dear President Stolipher and Members of the Commission:

This is in reference to the above draft ordinance and the public hearing scheduled for August 12, 2014. Regrettably, I am going to be unable to attend. Therefore, I submit the following comments and concerns for your consideration.

The proposed ordinance has many positive aspects and I applaud the Planning Commission for its diligence and thoughtfulness in this effort. However, there are some aspects of the proposal that are troubling as follows:

1. The threshold for the definition of a mass event should be any event with greater than 300 people. My recollection is that a small gathering is currently defined as 300 people or less.
2. The bond amounts in section 4 are grossly insufficient to cover the county's costs for an event such as the "All Good" festival with an attendance of 30 to 50 thousand people, drug dealers, dispensing of alcohol, etc., based on Preston County's experience with that event. The bond amounts should be as follows:

a. 300-1,000 attendees/day	\$3,000.00/day
b. 1,000-2,000 attendees/day	\$7,500.00/day
c. 2,000-5,000 attendees/day	\$15,000.00/day
d. 5,000-10,000 attendees/day	\$20,000.00/day
e. Over 10,000 attendees/day	\$35,000.00/day

Also, the assumption that event organizers would meet with county officials to settle accounts 60 days after the event, and do so without negotiation or litigation, is naive at best. The county needs to get all of its costs covered UP FRONT and refund any unused balance, rather than have to chase event organizers for reimbursement.

3. The amounts of liability insurance are wholly insufficient to cover potential liability for injury or death (as has happened at the All Good festival) and, for aggregate limits policies, should be:

Planning Commission Letter - page 2

a. 300-1,000 attendees/day	\$1,000,000.00
b. 1,000-2,000 attendees/day	\$2,000,000.00
c. 2,000-5,000 attendees/day	\$5,000,000.00
d. 5,000-10,000 attendees/day	\$10,000,000.00
e. Over 10,000 attendees/day	\$20,000,000.00

4. The Concept Plan should be required to be submitted with the application and not subject solely to "administrative approval". The Concept Plan is an essential element for the public to review prior to a public hearing. Without the benefit of this document prior to the public hearing, the public's ability to provide meaningful input is unduly restricted. Further, a Concept Plan is probably needed to obtain at least some of the approvals required to be submitted with the application, so there is no need to limit the public's access to it prior to the hearing.

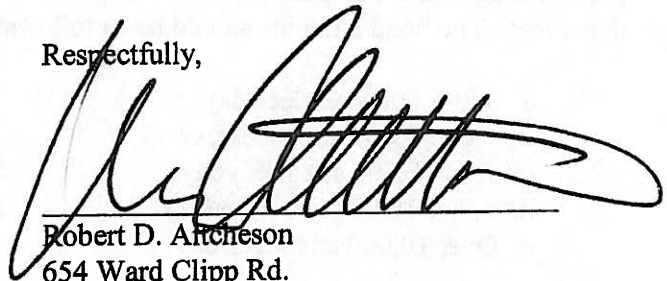
5. There is no mention of surface disturbance and storm water management. If there are going to be internal roads or any other grading at the site, storm water management issues must be addressed.

6. It is inconceivable to me that allowing amplified performances and outdoor lighting until 3 AM would be deemed protective of county residents. While Jefferson County is still largely rural, there are virtually no areas of the county without residential dwellings. Amplified performances and lighting should be limited to no later than 11 PM and to no earlier than 10 AM.

7. Mass events should be no longer than three, not four, days and no variances should be allowed.

Thank you for your consideration.

Respectfully,



Robert D. Ancheson
654 Ward Clipp Rd.
Charles Town, WV 25414
P.O. Box 188
Rippon, WV 25441
(304) 725-7639

cc: Steve Groh
Assistant Prosecuting Attorney

August 19, 2014

Dear Jefferson County Board of Zoning Appeals,

I have been looking over the information made available about the 5-day All Good Festival and Camp Out that is being proposed on a farm in Summit Point. I own property and live adjacent to the site where the proposed festival will take place. I would like this letter to stand as my objection to the festival being held in the proposed location. It is surrounded by houses and the buffer is not adequate for the magnitude and duration of the festival.

Access for vehicles is a concern because there are no major roads that lead to the farm. All the roads are small and go through residential areas. I certainly can't imagine a band's huge bus rounding the corner at Lewisville and Franklinton roads. I feel that traffic will be horrendous and accidents will occur.

Sanitation and trash are also concerns. There is no public or mass sanitation facility to accommodate the large number of people over several days. Portable units seem inadequate to handle the amount of use. With the number of attendees and the multiple days, the amount of trash will be astronomical. Plus, if a wind picks up, trash will be blown all over the surrounding personal properties.

And of course noise is a large concern. The proposal states no amplified sound after 3am. What about the noise from that large a group of people? Plus, 3am is extremely late to have loud music playing with the area so close to so many houses. Would you want loud music playing until 3am in your back yard?

If the festival is intended to increase tourism in the county why can't it be held at the fairgrounds, Sam Michael Park or some other facility that is designed to support this type of activity and the large number of attendees?

After researching the festival and its impact on the surrounding areas, I have seen nothing but a negative impact and can not see how it will positively impact Jefferson County. It obviously is not a positive event or it would still be held where it has been for years.

Thank you for considering my concerns.

Mike and Barbara Milleson

The following redlined revisions draft to the “Mass Event Regulations” was submitted by Mr. Douglas Rockwell as a follow up to his comments during the Public Hearing held on August 12, 2014.

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

DELETE THE FOLLOWING SECTIONS:

Section 2.2 Terms Defined

~~Seasonal Use — 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^{6,7}~~

~~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.^{17,21}~~

ADD THE FOLLOWING SECTIONS:

Section 2.2 Terms Defined

Mass Event Any outdoor gathering of more than 1000 people on any parcel; regardless of the length of time or type of activity. A Mass Event may be permitted to occur within the Rural Zoning District or any commercial zoning district and is prohibited on a property in any residential zoning district and is prohibited from any property that does not abut and does not have access to a center-lined state road.

Section 8.16 Mass Event Regulations

A Mass Event, as defined in Section 2.2, is any outdoor gathering of more than 1000 people on any parcel, regardless of the length of time or type of activity. Such event shall may be permitted to occur in the Rural Zoning District or any Commercial Zoning District, provided that it processes according to the following requirements:

- A. Approval of all Mass Events shall require the submission of an application and Public Hearing before the Board of Zoning Appeals, in accordance with the following criteria:
 - 1. Each Mass Event must be the subject of separate application and Public Hearing.
 - 2. 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.
 - 3. Each Mass Event application shall require a Public Hearing before the Board of Zoning Appeals at least 180 days, but not more than 240 days, in advance of the planned event. The application fee for said hearing shall be based on the projected number of attendees per day and whether participants may spend the night at the event:

a. 1,000 – 2,000 attendees	\$200
b. 2,000 – 5,000 attendees	\$300
c. 5,000 – 10,000 attendees	\$400
d. Over 10,000 attendees	\$500
 - 4. 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 and approved by the Jefferson County Commission, from a bank or financial institution within a

150 mile radius of Charles Town, WV, to cover any ~~unexpected~~ costs ~~incurred by~~ 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 ~~off~~ for the issuance of a zoning certificate.

a. 1,000 – 2,000 attendees/day	\$2,000/day
b. 2,000 – 5,000 attendees/day	\$5,000/day
c. 5,000 – 10,000 attendees/day	\$10,000/day
d. Over 10,000 attendees/day	\$15,000/day

} Too Low

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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~~30 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 ~~whether that~~ all of their costs had been reimbursed by the applicant, which shall be provided at the ~~60~~30-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 ~~or Letter of Credit~~ 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.

5. ~~The All~~ Public Hearings 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.

At the Public Hearing, the Board of Zoning Appeals may take testimony, evidence, and arguments first in support of the application and second in opposition thereto. In reaching their decision, the Board may consider the location, physical characteristics, and uses of the proposed event property and the adjoining neighborhood, roadways to be used for access, activities which may occur at the proposed event and did occur at other events conducted by the applicant or parties related thereto, and such other matters as may affect the public health, safety, and welfare with respect to the application. The Board may deny, grant, or grant with additional restrictions and conditions.

5.6. The following supplemental site preparedness information shall be addressed and shall be filed with the 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 ~~State and~~ County Health Departments for the provision of adequate potable water and proper sanitation facilities, ~~and camping if appropriate 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.~~

~~6.7. If approved by the Board of Zoning Appeals, in addition to all other permits and agreements required, the applicant must also submit a Concept Plan in accordance with the requirements found below, which shall be administratively reviewed and approved.~~

~~7.8. 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 a penalty or fine for every hour in which a violation occurs for each violation, 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 immediate other legal and equitable relief.~~

- B. ~~If approved by the Board of Zoning Appeals, i~~n addition to all other permits and agreements required, the applicant shall submit with the application a Concept Plan, in accordance with the Minor Site Plan Process, for administrative review and approval, and in accordance with the requirements found below:

1. The Concept Plan shall be to scale; on a 24"x36" sheet; showing appropriate areas for screening, camping, surface disturbance, stormwater management, parking, performance areas, 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, 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 application and Concept Plan for completeness within 10 days of receipt.
3. 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 shall meet the following site requirements and such requirements will be depicted on the Concept Plan:
 - a. A setback of 500 feet from the property line is required for any performance area;
 - b. A setback of ~~250~~500 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' from any structures on adjoin properties; and
 - e. A setback of 250 feet from the property line is required for any alcohol, food, or other sales or concessions.
 - f. ~~Any variance from these requirements shall be included in the Mass Event Application and shall process a Variance application which shall be presented to the Board of Zoning Appeals for their approval.~~
5. A Mass Event is subject to the following conditions and restrictions and such notes shall be placed on the Concept Plan:
 - a. No outdoor amplified performances after ~~3~~12 a.m. or before 10 a.m. (amplified announcements are permitted).
 - b. No outdoor performance lighting after ~~3~~12 a.m. or before 10 a.m.
 - c. ~~All sale of alcohol shall be regulated by the West Virginia Alcohol Beverage Control (ABC) Administration.~~
 - d. ~~No~~A Mass Event may last ~~no~~ more than ~~four~~three days, including attendee arrival and departure dates. ~~and only be held between June 10 and August 10, excluding July 1-6.~~ Only one Mass Event may occur per year 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 ~~the applicant shall comply with all~~ conform to the requirements of Section 8.9 of the Jefferson County Zoning and Land Development Ordinance.
 - f. 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 Application which is presented to the Board of Zoning Appeals for their approval.~~
6. ~~Upon~~ Within 60 days of 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), with all LOC or Bond documents and 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 45 days prior to the Mass Event, with the Zoning Certificate application. The Zoning Certificate for a Mass Event shall be reviewed and issued or denied within 30 days of submission of a complete application.

DRAFT

From: [Susan Rissler Sheely](#)
To: [Jennifer Brockman](#)
Cc: planningdepartment@jeffersoncountywv.org; zoning@jeffersoncountywv.org
Subject: Proposed Music Event
Date: Monday, August 11, 2014 6:13:13 PM

Hello all, I am aware of the on-going discussions and the proposed amendments to the ordinance regarding mass events. I have also heard bits and pieces regarding a proposed event in Jefferson County. I know of two individuals who have been approached and asked to use their property. Are you permitted to share and information at this stage.

I do hope to attend the meeting tomorrow night, August 12.

Thank you as always for your dedicated work to protect our wonderful Jefferson County.
Susan

Susan Rissler Sheely
susanrissler@frontiernet.net
304-728-6622 (H)
304-886-2390 (C)

From: jasummit1@frontiernet.net
To: planningdepartment@jeffersoncountywv.org
Subject: 5 day festival
Date: Wednesday, August 20, 2014 4:14:32 PM

Hello to Whom It May Concern:

It was brought to our attention that Jefferson County is trying to pass a 5 day festival here in my neighborhood or near my house soon. I live 146 Garland Drive, Summit Point Wv 25446. My house is right down the road from this festival will be. We have great friends that live in Qual Run -across street is where the festival will be. There is a lot of families with children that do NOT need to be exposed to this. The traffic will be horrible and we will live in quiet area away from the city. That is why we moved out here to get away from all the congestion. We strongly disagree with this festival. Please consider our request not to have this festival here in our quiet peaceful neighborhood with families all around.

Thanks!

Angie Carr
304-261-5899

Dear Mr. Aitcheson,

November 25, 2013

Shortly after I took office as the Preston County Sheriff in January of 2009, plans were to actively provide a police presence at the "All Good Music Festival" located near Masontown, West Virginia. This event had been located in Preston County for several years and recently, brought in over 30,000 visitors from all around the United States. This actually doubled the county's population for nearly four days. Problems with having this very large event had never been properly addressed by law enforcement. During my first year as Sheriff, the Preston County Sheriff's Department worked diligently with Mr. Tim Walther and his representatives to make this event as safe and lawful as possible for the citizens of Preston County as well as for those attending the festival.

Prior to the 2009 "All Good Music Festival", it was agreed that Mr. Walther would continue to provide security personnel to manage the crowd related to the All Good Festival patrons inside the grounds and near the gates. The Preston County Sheriff's Department would provide non-uniformed personnel inside the festival grounds and uniformed officers would patrol the routes leading to the festival from the Masontown area. Mr. Walther agreed to provide a secure area on the festival grounds for continuous police activities. This worked very well as everyone was dedicated to making this event as safe and lawful as possible. After our presence during 2009, it was determined more police officers would be required to address the many problems seen inside the grounds as well as those seen outside.

During the 2010 "All Good Music Festival" the number of police officers were increased and special details were developed to address the problems seen during 2009. Mr. Walther continued his support by providing the secure area for discrete police operations. These operations consisted mainly of addressing the prevention of the sale of narcotics and the many illegal drugs observed the year before.

The Preston County Commission passed a "Mass Gathering Ordinance" to assist with the financial needs of Preston County. During 2011, the funds collected from the "All Good Music Festival" relating to this ordinance, secured much needed funds to assist with hiring more police officers and equipment needed to manage the large number of arrests associated with this event.

The 2011 "All Good Music Festival" was the last event in Preston County. During this event, the Preston County Sheriff's Department hired over one hundred (100) police officers from over ten (10) outside police agencies throughout the State of West Virginia. Additionally, nearly twenty (20) undercover drug officers associated with the West Virginia State Police Bureau of Criminal Investigations as well as other local drug task force members assisted with our police efforts. Many State Police, Sheriffs Department and City Police

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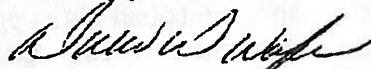
PRESTON COUNTY PLANNING,
ZONING & ENGINEERING

Department K-9 teams were also employed during the event to assist with the drug problem observed at prior events. The Preston County Sheriff's Department also purchased a large bus to assist with the transportation of the many individuals that were arrested and transported to the Magistrate for arraignment. Additional officers and police vehicles were required to keep up with the many transports throughout the event to supplement the efforts of the bus and drivers.

During the 2011 "All Good Music Festival", our officers were able to make over 75 felony drug arrests and more than 200 drug and traffic citations were issued. This festival brought in a variety of individuals from around the country along with an assortment of illicit drugs. Due to the "open air drug sales mentality" inside the festival grounds, more officers could have been employed and many more drug arrests could have been made. At one point, our investigative team decided our legal system in Preston County was becoming saturated and it would be unable to manage if we continued.

In this letter, I am representing my observations and have provided as many facts as possible. Mr. Walther and his staff continued to support law enforcement efforts to suppress the drug activity and he certainly did not represent to me he condoned the drug activity of the patrons of this festival. It was understood by me, the "All Good Music Festival" attracts certain types of people and individual communities should make their own decisions as to what is allowed in their respective areas.

Sincerely,



Dallas D. Wolfe III



1-866-HELLO-WV
DISCOVERITALLWV.COM

JEFFERSON COUNTY

CONVENTION & VISITORS BUREAU

37 Washington Court
Harpers Ferry, WV 25425

CHARLES TOWN • HARPERS FERRY • SHEPHERDSTOWN

August 11, 2014

Mr. Walt Pellish, President
Jefferson County Commission
P.O. Box 250
124 East Washington Street
Charles Town, WV 25414

RECEIVED

AUG 12 2014

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Dear Commissioner Pellish,

On behalf of the Jefferson County Convention & Visitor's Bureau, I am writing to you to express our concern over the "Proposed Amendments to the Zoning Ordinance related to mass events (ZTA 14-02)".

While I understand that this is an attempt to set guidelines for events, I implore you, the Commissioners and Planning & Zoning to consider the impact on tourism that this particular document will affect. Although there are multiple reasons this proposed ordinance is troubling, I have listed just a handful of glaring observations outlined in this ordinance that will absolutely impact events throughout the county.

One of the most detrimental items is in Section 2.2 where the term "Mass Event" is defined. "Any outdoor gathering of more than 1000 people on any parcel, regardless of the length of time or type of activity" is simply too broad a definition. In section 5. d. it states "Only one Mass Event may occur per year on any given parcel or a portion of any given parcel." Many of our tourism stakeholders host events on their property multiple times a year and have more than 1000 people. Are we therefore to assume, these long standing events are now a Mass Event and will be required to follow all the policies and procedures sited and limit then to one event a year on the same property? Furthermore, the proposed fees including the "Cash-in-Escrow Bond" will render non-profit associations from even considering hosting an event.

It is the opinion of the Jefferson County Convention & Visitor's Bureau the proposed ordinance will adversely affect practically every current event and discourage anyone from coordinating future events. Therefore, this is an ordinance that can virtually cripple the economic impact of events in our county.

Respectfully,

Annette Gavin
CEO, JCCVB

Cc: Jennifer Brockman, Director
Steve Stolipher, President of JC P&Z

August 6, 2014

Dear Jefferson County Planning Commission,

As a landowner in Jefferson County, West Virginia, I am encouraged that the Planning Commission has begun the process to clearly define the terms and conditions of mass gatherings in Jefferson County. The basic idea of our zoning ordinance seems to be that parts of the county are dedicated to commercial or industrial activities while other areas are for rural agricultural uses.

I suggest the correct place for mass gatherings is in places zoned for such commercial uses with appropriate highway access, public water, public sewer and other utility services. Allowing mass gatherings of tens of thousands of people in areas zoned rural/agriculture often with two-lane, unmarked roads, no public water source, no public sewer services, poor access for emergency services and attendant crime, drug, alcohol and law enforcement problems is inconsistent with the Comprehensive Plan for Jefferson County and the Zoning Ordinance. It is also inconsistent with and may jeopardize farm tax treatment for property owners whose farms are involved in commercial events involving mass gatherings.

Section 8.16 a. 2. is a section I support. "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."

Conversely, I have issues with some of the other proposed amendments.

Based on possibility of additional costs incurred by the county, the Letter of Credit and/or Bond limits are inadequate.

Also the General Commercial Liability Insurance is too low in light of the potential risks, especially with events involving alcohol and potential drug use. A mass gathering in Preston County, West Virginia resulted in numerous arrests for drug, alcohol and other offenses as well as the unnecessary death of one person and injury to several others. Lawsuits were filed in those cases, as I understand it. There is some risk of claims against the County if similar events occurred here. I am sure families of the person who was killed and those who were injured would tell us that the presence of liability insurance was little comfort for their enormous losses.

The Board of Zoning staff should not be put in position of responsibility and potential liability for determining and approving a Concept Plan on Mass Gatherings in areas which are, by definition, unsuitable for such events.

As a former 25 year resident of Jefferson County, I see no need to allow amplified or lighted performances past 11:59 p.m.

In closing, mass gatherings in Jefferson County should occur only in commercial zoned districts. Examples of facilities designed for large mass gatherings would be Charles Town Races, Shepherd University's Butcher Center and area football stadiums.

I am attaching a letter written by Preston County Sheriff Dallas D. Wolf III that has been admitted as part of the public record December 5, 2013.

Best regards,

Joyce Rawn,

Owner/Manager, Stiles Family Partnership # 3 LLP

1202 W Main St

Sargent, NE 68874

CC: Steve Groh

Lauren Crowther

August 12, 2014

Jefferson County Planning Commission
P.O. Box 338
Charles Town, WV 25414

Dear Commissioners:

Thank you for an opportunity to comment on the proposed Mass Events Regulations. As it is written, the County is at risk of affecting tourism and existing businesses. It appears to be an effort to regulate large concert type events, but has possibly inadvertently lumped existing commercial operations and tourism opportunities into the same category. The definition is very broad and should be revisited to allow more flexibility for these uses.


Currently, the definition includes any gathering of 1000 people over an unlimited time period. It doesn't really explain what that time period means. Does an auto dealership that has a tent event over a holiday weekend have to get a Mass Event permit? There could easily be 1000 people that visit the dealership over a 3 day weekend to look at cars for sale. A parade, 5K race or auto show could exceed 1000 people in attendance over the course of a week. Although outside of Jefferson County, under the current definition, the gas station 'between the bridges' on Route 340 would probably qualify as a Mass Event every weekend. Should you penalize an existing (or proposed) legal business that is successful?

However, the most disconcerting aspect of the proposed regulation is that it doesn't expressly exempt businesses that may have over 1000 people on their property as a part of their normal legal business enterprise. These businesses include both commercial race tracks and River Riders to name a few in Jefferson County. Furthermore, the definition doesn't take into account other public or quasi-public events such as the Arts and Crafts Festival, the Fair, Antique Auto Shows (Cliffside and Somerset Village), Carnivals at the Moose and Oakland Methodist Church and similar type events. This could have a serious impact on existing tourism opportunities.

At the very least, the definition needs to exclude or exempt any and all uses or gatherings on a bona fide business property that is part of their day to day business enterprise, regardless of zoning district. Additionally, there needs to be a re-examination of the effect of such regulation on existing and potential tourism events as described in this letter.

Thank you for your consideration of these concerns.

Sincerely,



Matt Knott
River Riders

Jefferson County Health Department: *Mass Gatherings*

Outline: (August 2014)(B. Zaleski, REHS/RS)

- Mass Gathering is 250 or more people assembled for meeting, festival, concert, social gathering, or similar purpose
- Need to supply detailed written application at least 45 days in advance
- Application must show outline map, hand washing stations, toilet areas, shower areas (bathing), food service locations, access roads, command posts, water supply (chlorinated), sewage disposal, refuse disposal plan, collection facilities, aid stations, emergency plan, camping areas, assemblage areas, stages, etc.
- Can deny permit if application not complete
- Must meet **ALL** provisions of rule 16-1
- Permits are not transferrable
- Sanitarian is assignee for the state and reviews, inspects, enforces these rules for the Commissioner of Health
- If event is unsanitary, Sanitarian can revoke permit or enforce compliance
- Site must be well drained for use by people, vehicles, equipment, emergency staff
- Site must be free of dust, health and safety hazards not create a nuisance to the public
- Must provide safe and convenient ingress and egress for walking patrons, vehicles and safety vehicles
- Potable water, 5 gallons per person a day, at 20 psi
- Trash pick-up daily or more as directed by Sanitarian
- Full clean up with 24 hours of event
- Appropriate emergency personnel must be present (medical and law enforcement)(in sufficient numbers)
- Area free of pests, rodents, and vermin
- Proper signage must be present at all times
- Meet all WV General Sanitation Rules
- No unvaccinated pets, if allowed, all must be registered and approved in advance, with waste plan
- No snakes or exotic animals
- Storm management and evacuation plan, must be approved
- Meet all other local, state and federal regulations that apply

Refuse: 1 50 gallon container for each 100 person min., plus dumpsters, properly maintained

Toilets: 1 for each 100 to 1,000 then 1 for each additional 250, properly maintained

Hand Sinks: 1 sink for every two toilets, properly maintained

Parking: 1 space for every 4 attendees, max. 100 cars per acre, or 30 buses per acre

Assemblage Areas: 20 sq. ft. per person daytime, 40 sq. ft. person nighttime assemblage areas, does not include parking areas

Camping Spaces: 10 foot separation required, permit cannot exceed 14 days,

West Virginia Legislative Regulations
Board of Health
Chapter 16-1
Series _____
1985

Subject: Mass Gathering Regulations

Section 1. General

- 1.1 Scope - These regulations establish the minimum requirements of the West Virginia State Board of Health governing the safe and sanitary operation of mass gatherings.
- 1.2 Authority - These regulations are issued under the authority of Chapter 16, Article 1, Section 7 of the West Virginia State Code, 1931, as amended.
- 1.3 Filing Date - These regulations were promulgated on the _____ day of _____, _____; and filed on the _____ day of _____, _____, with the Secretary of State's Office.
- 1.4 Effective Date - These regulations become effective on the _____ day of _____, _____.

Section 2. Application and Enforcement

- 2.1 Application - These regulations apply to mass gatherings and their operators as defined in the regulations.
- 2.2 Enforcement - Enforcement of these regulations is vested in the director of the West Virginia department of health or his representative.

Section 3. Definitions

- 3.1. Director - Director of the state department of health or his authorized representative.
- 3.2. Mass Gathering - Any group of 250 or more persons assembled together for a meeting, festival, social gathering, concert or other similar purpose but shall not include assembly in any permanent buildings or permanent structures designed, equipped and intended for use by large numbers of people. Equipped shall mean supplied with adequate sanitary facilities for the intended use.
- 3.3. Nuisance - Nuisance shall mean annoyance: anything which causes injury, inconvenience, damage, or which essentially interferes with the enjoyment of life or property, and shall include inadequate or insanitary sewage, water or plumbing facilities or other insanitary conditions.

- 3.4. Operator - The person responsible for managing a mass gathering. In the event that no "manager" exists, the lessee, or in the event of his unavailability, the owner of the ground encompassing the mass gathering shall be deemed to be the "operator" under these regulations.
- 3.5. Permit - A written document issued by the director giving the holder permission to operate a mass gathering.
- 3.6. Person - Any individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, institution, department, division, bureau, agency, group of individuals or any entity recognized by law.
- 3.7. Refuse - All combustible or non-combustible putrescible or non-putrescible solid or liquid waste.
- 3.8. Sanitary Facilities - Any toilets, lavatories, showers, urinals, drinking fountains and the service building(s) or room(s) provided for installation and use of these units.

Section 4. Waiver of Requirements

- 4.1. When in the opinion of the director the proposed mass gathering is to be of short duration and/or of minor public health significance (i.e., two hour parade, one hour political rally, small family reunion), the requirements of this regulation may be waived.

Section 5. Permits, Hearings, Notices, Orders, Inspection

5.1. Permits

- 5.1.1 On and after _____, _____, the date these regulations become effective, no person shall operate a mass gathering without first making written application to the director and obtaining a permit issued by the director.
- 5.1.2 Written application for a permit must be received by the director on a form prescribed by the state health department at least fifteen (15) days in advance of the proposed mass gathering.
- 5.1.3 Written application for a permit must be accompanied, when applicable, by: an outline map of the area to be used showing the location of all proposed toilets, lavatories, bathing facilities, water supply sources, areas of assemblage, camping areas, access roads, command posts, emergency centers, food service areas, refuse disposal and collection facilities, and an anticipated attendance figure. Detailed drawings of toilet facilities, sewage disposal system, lavatory and bathing facilities and water supply system must be included. The application must also be accompanied by a written plan for security enforcement and crowd supervision.

- 5.1.4 The director shall deny a permit if the information included with the application is incomplete, inaccurate, false or misleading or indicates that the applicable provisions of these regulations cannot be met.
 - 5.1.5 The operator must meet all provisions of these regulations and other applicable West Virginia Public Health Laws and State Board of Health rules and regulations and obtain the necessary permit at least 48 hours prior to the starting date of the mass gathering.
 - 5.1.6 Only persons who comply with the applicable provisions of these regulations shall be entitled to retain a permit. The operator shall be responsible for operational maintenance, and for the clean, safe and sanitary condition of the grounds, sanitary facilities and other service equipment.
 - 5.1.7 Permits shall not be transferable or assignable and shall automatically become invalid upon a change of operator or upon suspension or revocation except that a permit may be assignable within the terms of the definition of operator as set forth in Section 3.4 of these regulations.
 - 5.1.8 A permit may be suspended or revoked by the director, if it is found that the mass gathering is being operated or maintained in violation of these regulations or any law, or other rules or regulations applicable thereto.
 - 5.1.9 A permit to operate shall not be reinstated until an inspection by the director or his representative finds satisfactory compliance with applicable provisions of these regulations and any orders, rules or instructions issued by the director.
 - 5.1.10 Operational permits shall be kept on the premises during a mass gathering and shall be readily accessible to the director.
- 5.2. Administrative Due Process, Conferences, Notices and Orders
- 5.2.1 Those affected persons desiring a public hearing shall do so in a manner prescribed in and by the West Virginia Rules of Procedure, West Virginia State Department of Health, Chapter 16-1 series 1 and further identified as "Rules of Procedure for Contested Case Hearings and Declaratory Rulings;" except that any person whose application for a permit to operate a mass gathering has been denied, or whose permit has been suspended or revoked may petition and shall be granted a date for an informal conference on the matter within ten (10) days after the director has received written petition for such a conference.

5.2.2 Notwithstanding the other provisions of these regulations, whenever the director finds at a mass gathering insanitary or other conditions that may constitute an immediate or substantial hazard to public health, he may, without warning notice or hearing, issue a written order to the operator, citing such conditions, specifying the corrective action to be taken and the time period in which such action shall be completed. When deemed necessary, such order shall state that the permit to operate is immediately suspended. When a permit is suspended, the mass gathering shall immediately cease.

5.2.3 The filing of a petition for a hearing on a permit denial, suspension or revocation shall not stay or suspend the execution of the notice or order resulting in such permit denial, suspension or revocation.

5.3. Inspection

5.3.1 Each mass gathering site shall be inspected prior to the issuance of an operating permit and at least once during the operation of the mass gathering. The director or his representative shall also make such additional inspections as deemed necessary to determine satisfactory compliance with the provisions of these regulations and any orders, notices, instructions, or specifications issued pursuant thereto.

5.3.2 Results of the inspection shall be discussed with the operator or his agent and a copy of the inspection report shall be left with the operator or his agent.

5.3.3 Failure of the operator to correct any violation of these regulations within the time frame established on the inspection report may be considered as just cause for the immediate suspension of a permit to operate. In the case of an inspection conducted prior to the issuance of an operating permit, failure of the operator to correct any violation of these regulations may be considered as just cause for denial of the application for a permit to operate a mass gathering.

5.4.4 The operator shall provide the director with free access to the entire premises for the purpose of inspection, and shall furnish all requested information to make the inspection complete.

Section 6. Space, Location, Layout

6.1 The location of a mass gathering shall be well drained and so arranged as to provide sufficient space for the people assembled, vehicles, sanitary facilities and appurtenant equipment.

- 6.2 The grounds shall be maintained free from excessive dust and other health and safety hazards constituting a nuisance.
- 6.3 The size of the mass gathering must be limited to the number of persons for which the facilities are designed to accommodate and provisions must be made to prevent people in excess of the maximum permissible number from gaining access to the mass gathering location. At least 20 square feet per person shall be provided at the site for daytime assemblage and at least 40 square feet per person shall be provided for overnight assemblages exclusive of parking area.
- 6.4 Each mass gathering location shall be provided with convenient and safe access for the ingress and egress of pedestrian and vehicular traffic.
 - 6.4.1 Service road and parking spaces shall be so located as to permit convenient and safe movement of vehicular and pedestrian traffic and free passage of emergency vehicles.
 - 6.4.2 Adequate parking space shall be provided for vehicles. It is recommended that one parking space should be provided for every four persons with the density per usable acre not exceeding 100 passenger cars or 30 buses.
- 6.5 Signs showing the location of facilities shall be required unless waived by the director.
- 6.6 The operator shall establish a command post. The command post must be provided with a telephone or other means of emergency communication to the outside.

Section 7. Food Service Facilities

- 7.1. Food service facilities shall comply with the West Virginia State Board of Health Food Service Sanitation Regulations.

Section 8. Water Supply

- 8.1 An approved easily accessible potable water supply shall be provided unless waived by the director.
- 8.2 Water provided only for drinking and handwashing purposes must be supplied at a minimum rate of five (5) gallons per person per day.
- 8.3 Water provided for drinking, handwashing and additional water use purposes such as bathhouses, toilets and food service operations must be supplied at a minimum rate of thirty (30) gallons per person per day.
- 8.4 Water supply systems under pressure must supply water at a minimum flow pressure of 20 p.s.i. at all service connections.
- 8.5 The director may permit the use of potable water transported in tanks to supplement the existing water supply or as the sole source of water supply. Transported water shall be from an approved public water supply only and maintained with at least 1.0 mg/l free chlorine residual. Equipment and procedures used to transport potable water must be approved by the director.

Section 9. Sanitary Facilities

- 9.1 Sanitary toilet facilities shall be provided at an adequate number of convenient and accessible locations properly distributed throughout the activity area and camping area if provided.
- 9.2 Portable chemical toilets, privies, holding tanks and self contained excreta disposal facilities which may need service must be located so as to be readily accessible for service vehicles and must be serviced as often as necessary to maintain a sanitary condition.
- 9.3 Vehicular access must be kept open to sewage facilities requiring regular service for continued operation.
- 9.4 Toilet facilities must be provided in a ratio of at least 1 toilet for every 100 persons in attendance at one time up to the first 1,000 and at least 1 toilet for every 250 persons in attendance at one time above 1,000.
- 9.5 Urinals and sanistands may be substituted for up to one third of the required number of toilets except that urinals supplied in conjunction with a toilet in a portable chemical toilet or pit privy designed for one person at a time may not be counted toward substitution. Each twenty four (24) inches of trough urinal in a men's toilet room shall be considered equivalent to one urinal.
- 9.6 Each toilet must be maintained with a supply of toilet paper.
- 9.7 Sanitary facilities shall be maintained in good repair and in a clean and sanitary condition. Service buildings shall be constructed of easily cleanable non-absorbent materials in areas requiring routine cleaning.
- 9.8 Handwashing facilities must be provided in a ratio of at least one handsink for every two toilets when water under pressure is supplied.
- 9.9 Drinking fountains or watering points, when provided, must be of an approved type, conveniently located and properly drained.
- 9.10 Showers, when provided, must be available at a ratio of not less than one per every two hundred fifty persons gathered at any one time.

Section 10. Sewage and Liquid Waste Disposal

- 10.1 Sewage and liquid waste disposal systems must comply in full with the West Virginia Legislative Rules and Board of Health Sewage System Rules.
- 10.2 Sewage and liquid waste disposal systems must be kept in good repair and properly maintained and operated.
- 10.3 All sanitary facilities handling liquid wastes must be connected to a municipal sewer system, when available.

Section 11. Refuse Disposal

- 11.1 Storage, handling, collection, transportation and disposal of refuse must be so conducted as to prevent odor, insect, rodent and other nuisance conditions.
- 11.2 In addition to central refuse handling/storage facilities, one 50 gallon refuse container or its equivalent must be provided for each 100 persons anticipated to be in attendance. Refuse containers must be readily accessible for use and servicing.
- 11.3 All refuse must be collected from the assembly area at least once each day or as often as necessary and disposed of at an acceptable disposal site.
- 11.4 The grounds and immediate surrounding properties must be cleaned of refuse within 24 hours following the mass gathering.

Section 12. Vector Control

- 12.1 Insects, rodents and other vermin must be controlled by proper sanitary practices, extermination, or other safe and effective control methods.

Section 13. Emergency Medical Services

- 13.1 Appropriate emergency medical services should be provided in accordance with accepted emergency medical services standards in those areas not readily serviceable by established emergency medical personnel.

Section 14. Severability

- 14.1 If any provision of these regulations or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of the regulations, and to this extent the provisions of these regulations are declared to be severable.

Section 15. Penalty for Violating Provisions of Regulations

- 15.1 Any person who violates any provision of these regulations shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine or not more than \$200, or by imprisonment for not more than thirty (30) days, or both fine and imprisonment.
- 15.2 Each day's failure to comply with any applicable provision of these regulations shall constitute a separate offense.

This information is
Tab # 11 of your binder

Hand-delivered 8/20/14

RECEIVED

AUG 20 2014

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Jefferson County Planning Commission
Charles Town, WV 25414

Re: Disqualification of Stephen Stolipher and Michael Chapman from
ANY participation in matters related to a proposed Mass
Gathering Ordinance

Dear President Stolipher, Mr. Chapman and other
Members of the Commission:

As a citizen of Jefferson County with property directly affected by the current non-existence of a Mass Gathering Ordinance, I hereby complain (in the legal sense) that ANY participation by Messrs. Stolipher and Chapman in matters relating to a proposed Mass Gathering Ordinance is a CONFLICT OF INTEREST. As a citizen of Jefferson County, I request, no, I DEMAND, and move that Messrs. Stolipher and Chapman immediately disqualify themselves from any further participation in that issue at any official level.

Mr. Stolipher has acted to date with a clearcut pecuniary interest and, therefore, a direct conflict of interest. Mr. Chapman's actions to date, on the other hand, have created, at a minimum, an unmistakable appearance of impropriety, all based on the following facts:

I. Basis in Fact

1. In 2013, Ms. Contento, Mr. Walther and others filed applications with the Board of Zoning Appeals (BZA) for a variance and "seasonal use" permit to conduct the 5-day "All Good" music festival and campout on portions of what is known in Jefferson County as the Stiles Farm. Those applications were later withdrawn.
2. As reflected in the BZA minutes for 11/14/13, applicants' paid consultants were represented by "Kristin Stolipher" and Gordon & Associates.
3. Kristin Stolipher is the spouse of Stephen Stolipher.
4. At the relevant times, Stephen Stolipher was and is a licensed real estate agent in West Virginia (license no. 0029192 issued 8/2013).
5. Mr. Stolipher, in his capacity as a real estate agent showed Ms. Contento, et al. "5 or 6" farms in Jefferson County prior to the 2013 application, including the Stiles

Farm. According to him, he stood to earn a commission if the festival was approved.

6. On July 31, 2014, applications were again submitted to the BZA for the 5-day "All Good" music festival and campout. At this time, Ms. Contento, et al. continue to be represented by paid consultants, Gordon & Associates (Ms. Stolipher's present employer).
7. The property owners on the instant application are shown to be Douglas Stolipher, Nancy Chapman Stolipher and Mark Stolipher. The property is located along Withers LaRue Road in Jefferson County.
8. Douglas Stolipher is the father of Stephen Stolipher and the uncle of Michael Chapman. Nancy Chapman Stolipher is the mother of Stephen Stolipher and the aunt of Michael Chapman. Mark Stolipher is the brother of Stephen Stolipher and the first cousin of Michael Chapman.
9. On 2/20/14, the County Commission, at its regular meeting, tasked the Jefferson County Planning Commission to develop a recommended Mass Gathering Ordinance for Jefferson County.
10. On 3/11/14, the Planning Commission received that assignment from the County Commission.
11. As President of the Planning Commission since 1/14/14, Mr. Stolipher has presided over and participated in discussions and deliberations concerning the development of a Mass Gathering Ordinance for Jefferson County.
12. As a member of the Planning Commission since 4/8/14, Mr. Chapman has participated in discussions and deliberations concerning the development of a Mass Gathering Ordinance for Jefferson County.
13. To date, NO Mass Gathering Ordinance has been recommended by the Planning Commission to the County Commission.
14. A Mass Gathering Amendment to the Zoning Ordinance would, in all likelihood, impose restrictions, limitations and conditions on the "All Good" festival if the application had been made after the adoption of the ordinance by the County Commission.
15. Those limitations, restrictions and conditions could materially influence whether the festival would be held on the Stolipher property.
16. At a public hearing before the Planning Commission on 8/12/14, well after the new "All Good" application was filed, a citizen, Douglas Rockwell, requested that Commission

Planning Commission letter - page 3

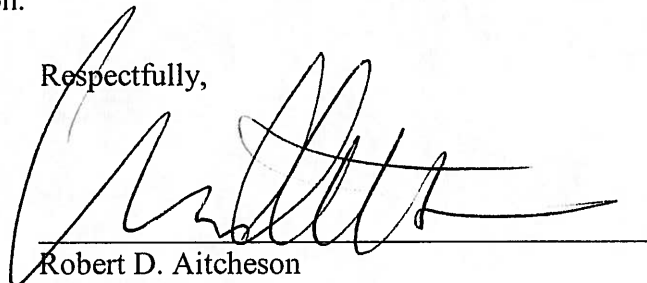
President Stephen Stolipher disqualify himself from any further participation related to the development of the Mass Gathering Ordinance. Mr. Stolipher did not do so.

17. Mr. Stolipher and his immediate family have and/or stand to gain financially by the unfettered approval of the BZA applications for the "All Good" festival and campout, a direct conflict of interest.
18. The participation of Mr. Chapman in the development of a Mass Gathering Ordinance, at a minimum, creates the appearance of a conflict of interest and, therefore, at least the appearance of impropriety.

II. Conclusion

1. Messrs. Stolipher and Chapman should voluntarily disqualify themselves from further participation in any aspect of the development of a Mass Gathering Ordinance.
2. Or, either or both of them failing to do so, they should be so disqualified by a vote of the remaining members of this Commission.

Respectfully,



Robert D. Aitcheson
P.O. Box 188
Rippon, WV 25441
304-582-1997

cc: Jefferson County Commission (hand-delivered)
West Virginia Ethics Commission (by mail)
Stephen Groh, Assistant Pros. Atty.
Jefferson County (hand-delivered)

Jefferson Utilities, Inc.

August 27, 2014

County Commission of Jefferson County
P.O. Box 250
Charles Town, WV 25414

Dear Commissioners:

Thank you for the opportunity to comment on the proposed Jefferson County Comprehensive Plan. Although I have participated throughout the entire process, I was unaware that the written public comment period at the Planning Commission was only an additional seven days after the Public Hearing. Therefore, since the County Commission will be having an additional Public Hearing, I will address my concerns directly to this body.

As you are aware, Jefferson Utilities, Inc. (JUI) has provided and maintained utility services throughout Jefferson County for many years. We presently serve over 2,500 water customers. As a growing public utility, I have several concerns and comments with regard to the proposed Comprehensive Plan. These comments deal directly with the narrative on water and sewer services and the proposed recommendations for the Infrastructure Section. Generally, I believe that there are way too many recommendations in the entire plan that are either overly ambitious or are just out of place in a long term land use plan for a County. These proposed recommendations need to be trimmed of the ones that don't belong in a Comprehensive Plan. Once you weed out those recommendations, the County Commission can then decide on a manageable amount of policy recommendations to be included in the new plan.

Regarding water and sewer services in Jefferson County, the proposed plan makes many references to keeping the extension of these services within the urban growth areas. One of these comments is found on page 26 and states:

'It is hoped that new development will take place in areas where existing infrastructure exists and the need to extend services into outlying areas will be reduced or eliminated.'

These types of comments are throughout the plan. I don't believe that it is in the best interest of Jefferson County to suggest limiting the extension of public water and sewer throughout the County. There are many reasons that centralized water and sewer services should be provided in outlying regions of the County. These services are essential throughout the County and their extension should only be limited by financial practicality. Further, it is much more efficient and reliable to have wherever possible and interconnect utility with the least production and treatment facilities. JUI has for many years worked toward interconnecting smaller systems to achieve dependability and economy of operation.

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8/27/14

County Commission of Jefferson County

Furthermore, the plan makes the following definitive statement on page 90 that recommends prohibiting the extension of water and sewer services into the rural district:

'In order for Jefferson County to retain its rural character and agricultural base, the expansion of water and sewer service into rural areas not designated as growth areas should not occur.'

Broad sweeping comments like this have no place in the Comprehensive Plan. These types of comments will limit the County Commission, Utility Companies and the Public Service District's ability to expand services in Jefferson County. Plus, these types of comments are contrary to State laws that govern extensions and expansions of utilities in West Virginia. The West Virginia Health Department and Public Service Commission regulate these extensions and expansions. In fact, PSC rules require public utilities to extend the service upon request from potential customers. The plan should not try to usurp State authority and jurisdiction.

With regard to specific recommendations found on pages 97-99, all of the recommendations that deal with limiting extensions and expansions of central/public water or sewer are not consistent with, or permitted by, WV Public Service regulations. These recommendations also appear in conflict of the possibility of extending services to troubled areas like Middleway. It really isn't practical to extend services to these areas without the ability to serve the areas in between the Urban Growth Boundaries and these distressed areas.

Also, regarding specific recommendation 3.a. on page 97, I take issue with the suggestion that Jefferson Utilities, Inc. builds utility facilities that may be substandard to PSD standards. JUI has standards for construction of its lines and enforces those standards on development extensions both in design and in construction inspection. JUI cannot accept a Comprehensive Plan that suggests that the JCPSD or any other entity will create standards for the construction of JUI' facilities. JUI takes pride in the facilities that it builds and believes that they are constructed and maintained at a very high standard.

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County Commission of Jefferson County

In conclusion, JUI would like the County Commission to carefully review the narrative and the recommendations of the proposed Comprehensive Plan, particularly as it relates to the water and sewer infrastructure. The Commission needs to go through the recommendations and eliminate the ones that: don't belong in the plan; contradicts other recommendations in the plan; aren't feasible or practical; are illegal; or, are not consistent with present County Commissioners' policies or philosophies.

Thank you for your consideration of these comments.

Sincerely,



Lee Snyder, President
Jefferson Utilities, Inc.

cc: Steve Stolipher, President, Jefferson County Planning Commission
Jefferson County Planning Commission
Jennie Brockman, Director of Planning and Zoning
Sue Lawton, General Manager JCPSD

MICHAEL L. SCALES, P.L.L.C.

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Martinsburg, WV 25402

Telephone (304) 263-0000

Facsimile (304) 263-0739

Michael L. Scales*

***Also Admitted in Maryland**

Not Associated With The Scales Law Office

September 3, 2014

Jefferson County Planning Commission

Attn: Ms. Jennifer Brockman

Mason Building

Charles Town, WV 25414

By email: planningdepartment@jeffersoncountywv.org

Re: My clients, Matt Knott, Harpers Ferry Holdings, LLC
and River Riders, Inc.

Dear Ms. Brockman:

I am directing this letter in response to J. Michael Cassell's letter to your office of August 8, 2014.

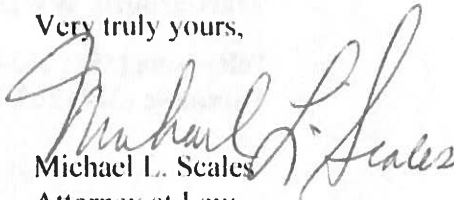
Please be advised that attorney, J. Michael Cassell's representations in his recent letter to the County Commission about the ramp on my client's property are false as it has and continues to be in use by some authorized and some unauthorized persons to this date. Certain residents of Burkhart's Flats subdivision have requested from my client, and he has granted permission, to use that ramp. Others have used it as trespassers and will be dealt with accordingly. My client's property is recorded on plats of record by the Clerk of the County Commission of Jefferson County, West Virginia as being part of the residue of Burkhart's Flats Subdivision, and he has the right to use all subdivision roads which are recorded on those plats. I cite the case of *Chapman v. Catron*, 220 W.Va. 393, 647 S.E.2d 829 (2007), syl. pt. 3, for that proposition.

Furthermore, my client has been granted a thirty foot wide right-of-way in common with other subdivision owners of Burkhart's Flats Subdivision in his deed, dated January 28, 2011, from the Burkhart heirs. My client does not need Julianna Mosher's permission to use the subdivision roads that cross her property.

Jefferson County Planning Commission
Attn: Ms. Jennifer Brockman
September 3, 2014
Page 2

If you need additional information concerning these matters, feel free to contact me.

Very truly yours,



Michael L. Scales
Attorney at Law

MI.S:aro
Cc: Mr. Matt Knott

John Michael Cassell

ATTORNEY AT LAW

CASELL & PRINZ, PLLC

120 N. George Street, Suite 200
Charles Town, West Virginia 25414
304-728-2012/telephone
304-728-2881/facsimile
jcassell@cassellprinz.com

August 8, 2014

Via Email

planningdepartment@jeffersoncountywv.org
Jefferson County Planning Commission
Mason Building
Charles Town, West Virginia 25414

Re: Ms. Julianna Mosher


Dear Ladies and Gentlemen:

Ms. Mosher retained me to represent her regarding various legal matters. Please consider this letter to be a response to the request transmitted to you by Matt Knott in an email dated July 22, 2014. Mr. Knott's email mentions a "boat ramp" in the final paragraph of his email. This reference is inaccurate and should not be considered as a valid request by the Planning Commission. The boat ramp is of recent vintage and has not been in use since the 1800's.

Access to the boat ramp crosses the real estate owned by Ms. Mosher. Access is strictly limited to those persons who have direct permission from Ms. Mosher to cross her property. I am not aware that anyone has received authorization to cross Ms. Mosher's property for this or any other purpose.

The purported boat ramp is not a public river access. All lots in the Subdivision have Potomac River Front access of their own. We agree with the recommendation of the staff in this matter. The staff recommends that no change be noted on the map i.e.: that no river access should be noted as described in Mr. Knott's email. Please accept this letter to correct the record and present accurate information upon which the Commission may rely for a considered Decision. The staff recommendation against the proposed change presented in Mr. Knott's email is consistent with the Rural District and the other facts pertaining to this matter.

I thank you.

Sincerely,

John Michael Cassell