

Minutes  
Jefferson County Planning Commission  
September 22, 2015

The Jefferson County Planning Commission met on September 22, 2015, with the following Commission members present: Stephen Stolipher, President; Wade Louthan, Vice President; Gene Taylor, Secretary; Donnie Fisher, Mike Chapman, Dick Child, Gary Phalen, and Peter Fricke. Staff members present included Jennie Brockman, Director of Planning and Zoning; David Simon, County Planner; Lydia Lehman, Assistant County Prosecuting Attorney; and Alexandra Beaulieu, Office/Project Manager.

Mr. Dale Manuel was absent with notice.

Mr. Stolipher called the meeting to order at 7:02 PM.

1. Citizen Communications.

Mr. Bob Aitcheson spoke in reference to the proposed draft Mass Event Regulations text amendment (ZTA14-02). He addressed concerns related to the All Good Music Festival and expressed that he would like the Commissioners to consider the importance of having a well-written enforcement policy in the regulations. Mr. Aitcheson submitted two documents entitled "Subject: Fwd: ZTA14-02, Mass Event Ordinance –Doug Rockwell Notes" and "Police make dozens of drug arrests in Jefferson Co. during All Good Music Festival".

Mr. John Doyle spoke in reference to the Shiloh Subdivision dispute with the Board of Education Bus Garage. He submitted for the record an e-mail dated September 21, 2015 with a report from the Department of Environmental Protection (DEP).

Mr. John Barile spoke in reference to the proposed draft Mass Event Regulations text amendment (ZTA14-02). He stated for the record he was in agreement with Mr. Aitcheson's comments. Mr. Barile stated that mass events with sleepovers are disruptive to surrounding communities. He requested that the following constraints be considered in drafting regulations: No amplified noise or lighting after 1:00 a.m.; limit events to 15,000 participants. Mr. Barile submitted his comments in writing for the record.

Mr. Stolipher stated that Item #4 would be postponed until the October 13, 2015 meeting because the handout was not prepared in time.

Mr. Stolipher re-arranged the order of the agenda, stating that they would hear Item #3 ahead of Item #2.

3. Review and Discussion of proposed draft redlined edits to the Subdivision Regulations  
RE: Subdivision and Site Plan Processes (PC File #STA15-05).

Mr. Paul Raco, Ms. Katie Fidler, and Mr. Mike Shepp spoke on behalf of the Citizen's Committee regarding the proposed draft redlined edits to the Subdivision Regulations. Mr. Raco provided an overview of the Committee's task to draft an amendment that streamlined the process and more closely reflected the intent of West Virginia State Code for site plans and subdivision plat approvals. He highlighted the key changes proposed in the amendments, noting that the primary substantive change in the Minor Site Plan process was an increase in maximum building square footage from 50,000 square feet to 250,000 square feet. Ms. Fidler clarified that while they proposed an increase in square footage for the minor process, all projects whether major or minor, would have to meet Stormwater Management and Subdivision Regulation standards. Mr. Raco continued with his overview and noted that with regards to the Major processes, the committee mostly cleaned up the text, clarifying which agencies get involved at what stage in the review process. Ms. Fidler added

that the committee worked to pare down redundancy. Mr. Shepp stated that the biggest change is removing the Final Plat public hearing. He noted that holding a public hearing at the end of a process required additional time and money from a developer. Mr. Shepp stated that conversely, if all public input is received up front during the concept plan stage, public input can be incorporated into plans without a huge loss in investment.

Mr. Phalen motioned to place the proposed amendment on the October 13, 2015 meeting agenda for a public hearing.

Mr. Fisher seconded the motion, which carried unanimously.

*Ms. Lehman requested to provide her legal update before the next agenda item because she needed to leave by 8:30. The Planning Commission was agreeable to Ms. Lehman providing her update ahead of the next agenda item.*

6. Reports from Legal Counsel and legal advice to the Planning Commission.

- Far Away Farms: Report on legal action in Jefferson County Circuit Court, Case # 11-C-325  
Ms. Lehman stated that she had prepared a response rebuttal brief which was due on Friday, September 25, 2015.
- Shiloh Citizens Association: Report on legal action in Jefferson County Circuit Court, Case #15-C-129.

Ms. Lehman stated that her office was waiting on the judge's decision.

2. Review and Discussion of the proposed draft Zoning Ordinance Text Amendment  
RE: Mass Event Regulations (PC File #ZTA14-02).

Mr. Stolipher read into the record the following statement:

“I wanted to take this opportunity to make it clear to the public about a few misconceptions regarding my role on the Planning Commission and the All Good Festival. Over the past year there has been a lot of misinformation disseminated from several individuals that are simply not true and have been misconstrued for the sole purpose of keeping their backyards free. I'd like to set the record straight to ensure that everyone understands what has occurred to date:

- 1 The All Good Festival applied through the BZA under a seasonal use permit. Not the Planning Commission Board.
  - A. The planning commission board does not control the BZA.
  - B. The seasonal use permit process was drafted in 1989 and has been used successfully for many events such as the Arts and Crafts festival, events at the Summit Point Raceway and many others throughout the County.
- 2 I do not work for All Good. Nor do I have any Financial interest in Berry Hill Farm where the Festival was held.
- 3 The County Commission asked the PC to draft a Mass Gathering Ordinance. The mass gathering ordinance was intended to be drafted for ALL events throughout the County to expand upon the existing seasonal use permit process.

- 4 Once All Good named Berry Hill Farm as their desired location, I chose to recuse myself from any other discussions concerning the festival including the Mass Gathering Ordinance. Because Berry Hill Farm is owned by direct family members of mine, I am choosing to recuse myself this evening to ensure there are no misconceptions of conflict of interest.”

Mr. Stolipher recused himself from the meeting at 7:47 PM. Mr. Louthan presided over this portion of the meeting.

Ms. Brockman provided an overview of the draft text amendment and the Planning Commission’s role. She stated that several of the County’s agencies involved in the All Good Music Festival requested that there be more time for processing applications, preferably 6-9 months in advance of an event date. Ms. Brockman noted that another key topic to address in this amendment was how to ensure that there would not be multiple mass events occurring at the same time. She provided an example of a large bike event and an Oktoberfest that both occurred in Shepherdstown on the same day, which made traffic and parking difficult. She noted that if events on a larger scale were to occur simultaneously, there could be a strain on County emergency services.

Representatives from various County agencies were invited to the work session to provide input into the processing of future mass events. Sheriff Peter Dougherty and the Board of Health’s Health Office David Didden were present to provide input and answer questions.

The Planning Commission discussed liability insurance and what would be a reasonable policy to require and which governing agency could enforce insurance and bonding policies. Mr. Fisher requested that legal staff research liability insurance and bonding policies in other jurisdictions to determine a reasonable rate as well as which governing body could legally enforce said requirements. The Planning Commission also requested that staff consider drafting a checklist of agencies to notify or items required for approval of an event. Said checklist could be similar to the Site Plan checklist, which requires applicants to submit their site plan to a list of County agencies for input and approval.

Mr. Phalen requested clarification on the “grandfather” clause. Ms. Lehman stated that it meant any new events would have to follow new regulations and any existing, approved events would not have to meet new regulations. She clarified that an existing event, such as the Arts and Crafts Heritage Festival, could not hold a new event without processing under new/current regulations.

The Planning Commission discussed amplification and lighting requirements, noting that many of the public comments requested that the sound curfew be reduced from 3:00 a.m. to midnight.

Mr. Chapman requested that staff create a comments matrix for the Planning Commission to review during the October meeting.

Mr. Louthan called for a break at 9:00 p.m.

Mr. Stolipher returned to the meeting at 9:09 p.m. and called the meeting back to order.

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

This item was postponed until October 13, 2015 meeting date.

5. Request for Postponement.
7. Actionable Correspondence.
8. Non-Actionable Correspondence.

- 09-14-15, Comments from Mr. Douglas Rockwell regarding the proposed text amendments of campgrounds.

Mr. Stolipher motioned to adjourn the meeting at 9:10 pm with no objections.