

Jefferson County Planning Commission
November 10, 2015

The Jefferson County Planning Commission met on November 10, 2015, with the following Commission members present: Steve Stolipher, President; Wade Louthan, Vice President; Gene Taylor, Secretary; Dale Manuel, Gary Phalen, Mike Chapman, and Peter Fricke. Staff members present included Jennie Brockman, Director of Planning and Zoning; David Simon, County Planner; Lydia Lehman, Assistant Prosecuting Attorney; Jonathon Saunders, County Engineer; and Rhonda Greenholtz, Planning Clerk.

Mr. Fisher and Mr. Childs were absent with prior notification

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

1. Approval of the Minutes from the following Planning Commission Meeting
 - October 13, 2015
 - October 27, 2015

The minutes were approved with no objections.

2. Citizen Communications.

Mr. Ted Schiltz spoke in reference to Agenda Item # 6. Mr. Schiltz stated concerns of losing details that are currently in the Zoning Ordinance regarding Commercial Uses in campgrounds.

Ms. Jessica Getman, General Manager, KOA Campground Harpers Ferry spoke in reference to Agenda Item # 6. Ms. Getman had a few more suggestions for consideration in addition to comments previously submitted.

- Section 8.2 (e)2: Sanitation facilities should be located at “Dump Stations”, which are typically used for refuse and are generally located near the exit of the campground. Water should be provided at “Comfort Stations”. Both should be defined in the Ordinance.
- Section 8.2 (e)3: 40 RV sites per hookup is contradictory to the National Fire Protection Standards NFPA1194. NFPA1194 Standard is 1 hookup per 100 sites.
- Article 2 Section 2.2 (Zoning Ordinance) Definitions: Clarify “Lodging”.
- The changing in the definition of “Campground” from “Single Ownership” to “located on a single lot” was found to be confusing and restrictive.
- Article 8 Section 8.16 (a)2. The change from 30 days to 180 days was more acceptable, however, no mention of days would be sufficient. This would allow transient contractual workers and people building houses to stay at a campground. No permanent residency is allowed.
- Article 8.B.1(b): 200’ setbacks from a property line seems excessive for campsites.

Ms. Getman asked the Planning Commission to please consider those points and thanked them for the opportunity to be allowed input on this topic

Mr. Doug Rockwell spoke in reference to Agenda Items # 6 and 7. Mr. Rockwell provided a handout of pages 73 and 74 of the Envision Jefferson 2035 Comprehensive Plan to the Planning Commission members. Attention was brought to the second paragraph of the second page of the handout. Mr. Rockwell stated that the Campground Regulations as presently drafted are in direct violation of the adopted Envision Jefferson 2035 Comprehensive Plan. He suggested that the CUP process would be much simpler.

Mr. Rockwell noted some of his observations on the draft Campground Regulations. Compliments were given to the Staff and Planning Commission for putting it together. He stated that Standards for campgrounds in Rural zones and Commercial zones should be different.

Mr. Bob Aitcheson spoke in reference to Agenda Item #6 and 7. Mr. Aitcheson stated he was under the impression that it was decided by the Planning Commission that the Jefferson County Emergency Services were not to have input nor be part of any approval/disapproval process of emergency plans submitted for an event such as the All Good Festival or other mass event.

Mr. Aitcheson read a portion of a letter written by Mr. Doug Rockwell. The letter asked that the Board or Agency which has the authority to determine the number of days be identified in the Ordinance. He stated there is no definition of "temporary" in the Subdivision Regulations or the Zoning Ordinance. Such vague and abstract terms are used and are subjective in nature.

3. Request for postponement. None.
4. Review and approval of the 2016 Planning Commission Meeting Schedule.

Mr. Chapman made a motion to approve the 2016 Planning Commission Meeting Schedule. Mr. Taylor seconded the motion which carried unanimously.

5. **A Public Hearing was held:** A Request by DR Acquisitions, LLC was made for a variance from the 1979 Subdivision Ordinance, Section 8.2.a.14 (File #PCV15-04). The request was made for a reduction in the diameter of a cul-de-sac located on Wilderness Court from 80' to 65'. Property location: north side of Route 340 (Sheridan Estates). Tax District: Harpers Ferry (04); Tax Map: 9D; Zoned: Residential Growth.

Mr. Stolipher recused himself from this agenda item due to a conflict of interest. Mr. Louthan presided over this portion of the meeting.

Ms. Brockman stated that the request is for the alteration of a cul-de-sac and deferred to the Engineering Department for recommendation.

Ms. Kristin Stolipher represented the applicant and provided an overview of the request. Ms. Stolipher stated that the cul-de-sac was constructed 2 feet lower than originally designed creating a severely steep driveway for Lot 160. Reducing the existing diameter from 80' to 65' and removing 15' of existing pavement of the constructed cul-de-sac would resolve this issue. The HOA for Sheridan Estates and contiguous lot owners have been contacted by the applicant and are in agreement with this request.

Mr. Louthan opened the floor to public comment. There was no public comment.

Mr. Saunders provided an overview of the Engineering report. The Sheridan Estates Subdivision was approved under the 1979 Jefferson County Subdivision Ordinance which required a dead end street to place an 80' diameter cul-de-sac. At that time, a tee or Y turnaround was not permitted for roads with more than 5 lots to have access to a dead end street. According to the current Jefferson County Subdivision Regulations, Wilderness Court would be allowed to utilize a tee or Y turnaround. Mr. Saunders recommended approval of the variance.

Mr. Gene Taylor made a motion to grant the variance request. Mr. Dale Manuel seconded the motion, which carried unanimously.

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

Ms. Brockman stated that while staff was reviewing the documents, a few more minor necessary edits were identified. Ms. Brockman wants the Planning Commission to draft edits that clearly address campgrounds in both Commercial and Rural areas.

A discussion was held at length recommending edits that expand the definition of the types of Campgrounds and more clearly defining the amenities allowed within the various types of Campgrounds. Road standards and points of access to campgrounds were also discussed and further investigation will be needed before final edits will be made. The Planning Commission also discussed what types of camping should be permitted within a floodplain. It was agreed that all camping must comply with the Jefferson County Floodplain Ordinance. The Planning Commission also discussed how many campsites should be permitted per acre of land; setbacks; and vegetative screening. The Planning Commission requested that the definition of "Short term temporary use" be more clearly defined.

Mr. Stolipher asked if the Planning Commission had any additional revisions. There were no additional suggestions. Mr. Stolipher requested that staff revise the draft amendment to reflect the changes discussed and place on the agenda for review at the December 8, 2015 Planning Commission meeting for discussion and recommendation to the County Commission.

7. Discussion and possible recommendation to the County Commission regarding the proposed draft Zoning Ordinance Text Amendment RE: Mass Event Regulations (File #ZTA14-02).

Mr. Stolipher recused himself from this agenda item due to a perceived conflict of interest. Mr. Louthan presided over this portion of the meeting.

Mr. Chapman proposed adding a minimum threshold for minor mass events. The Planning Commission discussed at length and agreed that a minor mass event minimum attendance should be 250-1,000 attendees.

Ms. Lehman stated that after a discussion with the County's insurance agent, the sliding scale pertaining to bonding and insurance rates should be added back into the amendment. The Planning Commission discussed bonding and insurance rates and determined that the original bonding scale should be added back into the proposed amendment with the revision to rates for events with more than 10,000 attendees should be increased to \$20,000/day. They also discussed the insurance requirements and revised the sliding scale to reflect such that any event under 2,000 attendees should be at least \$1,000,000.00 and any event with more than 2,000 attendees should be \$2,000,000.00 policy.

Mr. Manuel requested that the requirement for JCESA to "verify that a WV Licensed EMS Provider is adequately equipped and prepared for the event" be clarified to read: "The JCESA Board shall verify in writing that a WV Licensed EMS Provider is adequately equipped and prepared for the event."

Mr. Manuel made a motion to hold an additional public hearing at the December 8, 2015 Planning Commission meeting due to significant changes in the document since the last Public Hearing held by the Planning Commission on August 12, 2014 and the County Commission Public Hearing held on October 1, 2014. Mr. Fricke seconded the motion which carried unanimously.

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

Ms. Lehman requested to postpone the discussion of this item until the next regular scheduled Planning Commission meeting in order to gather further information.

9. Discussion and possible action related to document submission policy (SS).

Mr. Stolipher stated that he was working on drafting a policy related to the submission of documents for agenda items. The Planning Commission discussed this topic and determined that there should be a deadline of week prior to a meeting for documents submitted to the Planning Commission for consideration on an agenda item. They stated that a week would allow ample time to review the comments before the meeting rather than having a large document submitted the night of the meeting and having no time to review and consider before making a decision. Ms. Brockman stated that she would work with Mr. Stolipher to prepare a draft policy for review and possible action at the December 8, 2015 Planning Commission meeting.

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

- Shiloh Citizens Association: Report on legal action in Jefferson County Circuit Court, Case #15-C-129

Ms. Lehman provided an update on the case and provided a copy of the Scheduling Order to the Planning Commission members on Case #15-C-129.

- Far Away Farms: Report on legal action in Jefferson County Circuit Court, Case #11-C-325

Ms. Lehman provided a copy of the motion response dated November 10, 2015 to the Planning Commission members.

A motion was made by Mr. Chapman to enter into Executive Session to discuss pending litigation at 9:15 PM and was seconded by Mr. Phalen which carried unanimously.

A motion was made by Mr. Fricke to come out of Executive Session at 9:23 PM and was seconded by Mr. Louthan which carried unanimously.

11. Directors Report.

- Ms. Brockman informed Mr. Stolipher that a Public Hearing for the Mass Event Ordinance has been scheduled for the December 8, 2015 Planning Commission meeting.

12. Planning Commission Exchange and Liaison Reports:

- Mr. Fricke stated that the Historic Landmark Commission will meet on November 17, 2015

13. President's Report.

- Mr. Stolipher requested that a Roundtable meeting be scheduled for Wednesday, January 27, 2016 at 3:00 PM in the Old Charles Town Library Meeting room to discuss the Vesting of Projects (Senate Bill 595) and to discuss Tolling and Bonding. This meeting is open to the public.

14. Actionable Correspondence. None.

15. Non-Actionable Correspondence. None.

Mr. Stolipher motioned to adjourn the meeting at 9:30 PM.