

Morgan County Planning Commission
Meeting Minutes
April 26, 2011

I. CALL TO ORDER

Members present: Amy Lane, Jim Hoyt, Brenda Hutchinson, Mary Ellen Largent, Carl Cowgill, Jack Soronen, Scott Swaim, Susan Parker, Eric LaRue.

Members absent: Wayne Omps, Thomas Stinebaugh.

Others present: Alma E. Gorse, Richard Parks, P.E.

Meeting opened at 7:05 p.m.

II. MEETING MINUTES

On an Amy Lane/Jim Hoyt motion, the Planning Commission unanimously approved the March 22, 2011 meeting minutes.

III. OTHER DISCUSSION/ACTION

- A. Stormwater Management Model Ordinance
Alana Hartman, West Virginia Department of Environmental Protection
(WVDEP) Potomac Basin Coordinator

Teresa Koon, West Virginia Department of Environmental Protection
(WVDEP) Asst. Director, Division of Water and Waste Management

Chesapeake Bay Total Maximum Daily Load Allocations
WVDEP Watershed Implementation Plan – Phase I & II

Jack Soronen, President of the Planning Commission, introduced all the members of the Commission and staff and provided a brief background on each. Mr. Soronen then explained that the group had received a copy of the Model Stormwater Management Ordinance and has an understanding of the Chesapeake Bay issues, but wanted to focus specifically on what would be the mandates imposed for Morgan County, what are our deficiencies and what would be the penalties if these mandates were not met.

Ms. Hartman opened the discussion by identifying the various state and local agencies involved in the Chesapeake Bay initiative such as Division of Forestry, Department of Natural Resources, WVDEP, Health Departments and conservation agencies, just to mention a few. The authority and mandates come from the Environmental Protection

Agency to WVDEP which would have the authority to issue penalties if regulations are not met.

With regard to the farming community and any mandates imposed upon them, WVDEP has been working with county agencies but there has not been any local ordinances proposed for them at this time.

The main goal for the counties within the Chesapeake Bay watershed is to hold the line, meaning that pollution levels are not increased (nitrogen, phosphorus and sediment). Over time the urban load increases and in order to “hold the line” and not increase pollutants, the water quality controls recommended within the stormwater management model could assist with this goal.

In the Phase II Watershed Implementation Plan, there is a section relating to developed lands and how to reduce the pollutants in developed areas. The WVDEP MS4 stormwater permit is now required for these areas. Currently, the City of Martinsburg, Berkeley County, Division of Highways and the VA Center in Martinsburg are MS4 permittees. When the final census numbers are released and reviewed, there may be some areas of Jefferson County that will also be required. To date, Morgan County does not meet the population density requirement for the MS4 permit. The MS4 permitted areas and mandates that are required within those areas, should offset the growth in the non-MS4 permitted areas.

Staff had prepared a comparison sheet of the existing stormwater management regulations in effect for the county and the model stormwater management ordinance. It is clear that the model ordinance focuses on water retention and water quality where the regulations for the county currently in effect only address water retention. The model ordinance references the Virginia Stormwater Handbook which provides examples of various low impact development measures that could be used in place of the traditional stormwater retention pond.

Staff stated that the current regulations in place require that a maintenance agreement be enacted for the upkeep of the retention ponds constructed. When the model ordinance was being drafted, the committee members expressed concerns with maintaining low impact measures such as swales and rain gardens that are in place on individual’s properties and how this responsibility falls upon the homeowners associations. There would be a need for educating the property owners as to the importance of maintaining these measures to ensure their effectiveness.

The question came up as to where the pollutant data that WVDEP obtained came from. Ms. Hartman explained that they looked at what land uses were in place before versus after development along with what practices are already in place. There is reporting for treatment plants, urban development and agriculture along with the annual best management practices reporting that counties complete. After review of the various reports, WVDEP was able to determine that some threshold was not being met.

Ms. Hartman explained that WVDEP is currently creating a website that will provide and promote green infrastructure development tools for developers and contractors that will include a West Virginia Stormwater Manual along with a spreadsheet tool that will provide examples of low impact development measures that can be used for various projects.

In closing, Ms. Hartman stated that the model ordinance does provide good information for counties to use and that there is no expectation from Morgan County to alter their existing ordinance. She recommended that the group build on the comparison that staff had prepared and should there be an easy revision that would comply with the model, then move forward and make the amendment to the existing ordinance. She offered their assistance to work with the Planning Commission on any amendments.

Planning Commission member Susan Parker stated that she would like to see the Rural Village concept that was included within the zoning ordinance proposal incorporated within the county's subdivision ordinance.

Staff will expand on the comparison list and also prepare a listing of best management practices for the group to review and discuss at the next meeting.

Citizen Eric Pritchard also requested that the group look at the constitutional issues that he had submitted in the past.

B. Planning Commission By-Laws Draft – Review and possible adoption

Staff had prepared a revised copy of the draft set of by-laws to the group for review. After some review and discussion, the Commission recommended a few additional changes to the draft (See attached copy).

On a Scott Swaim/Jim Hoyt motion, the Planning Commission approved the Morgan County Planning Commission By-Laws Draft with the verbal recommendations discussed and that the by-laws are submitted to the Morgan County Commission for approval. Motion Carried.

IV. STAFF DISCUSSION/ACTION

A. Participation in the Morgan County Fair – Booth Application July 30th – 31st, 2011

Staff had received an application for participation in this year's Morgan County Fair. The Planning Commission agreed that they would like to have staff prepare a display for the fair. Some recommended themes were stormwater management practices, Chesapeake Bay initiatives and water runoff. A decision on the theme was not made at this time and will be discussed again at a later date.

V. ADJOURNMENT

The meeting adjourned at 9:15 p.m.