

Morgan County Planning Commission
Meeting Minutes
April 23, 2013

I. OPEN MEETING

The meeting was opened at 7:06 p.m.

Members present: Susan Parker, Carl Cowgill, Stacy Dugan, Jack Soronen, Jim Hoyt, Wayne Omps, Mary Ellen Largent, Eric LaRue, George Didawick, Scott Swaim.

Members absent: Brian Carter.

II. MEETING MINUTES

On a Mary Ellen Largent/Susan Parker motion, the Morgan County Planning Commission unanimously approved the minutes from the January 22, 2013 meeting.

III. COMMERCIAL AND INDUSTRIAL IMPROVEMENT LOCATION PERMIT APPLICATION
PUBLIC HEARING

- A. First Communications Company
 - Replace existing 194' monopole cell tower
 - Site location: Dennis Shaffer property – 8872 Valley Road
 - Site compound to remain the same; existing tower to be removed

Engineer Report – March 29, 2013
Arro Consulting – Richard parks, P.E.
Replace existing cell tower with new cell tower
194' high @ 8872 Valley Road

This proposal involves construction of an underground foundation and new 194' high monopole to replace an existing 194' tower. The old tower will be removed upon completion of the new tower. Since this is a replacement of an existing tower and the only site work is to excavate and construct a concrete foundation and tower under 3,000 square feet in surface area, we have no further request for information and recommend approval at this time subject to the owner obtaining all the necessary state and federal permits, licenses and approvals.

Joe Flora, representing First Communications, provided the Commission details as to how the construction will proceed. The new tower will be erected and then the various carrier antennas will be placed on the new tower. Once this process has been completed, the old tower will be removed. There will be no expansion to the compound at this time. Mr. Flora also explained

that the original tower was built in 2004 and due to the increased demand of antenna placement at the site it's less complicated to replace the tower with a new one than reinforce the existing tower.

On a Jim Hoyt/Eric LaRue motion, the Planning Commission approved the Commercial and Industrial Improvement Location Permit Application for First Communications to construct a 194' monopole cell tower and remove the existing 194' monopole cell tower, both located on property owned by Dennis Shaffer at 8872 Valley Road. Motion carried.

IV. DISCUSSION

A. Chesapeake Bay Accountability Grant Award Review of Stormwater Management Report produced by Arro Consulting Discussion regarding possible changes to the Morgan County Stormwater Management Plan

Jack Soronen, President of the Morgan County Planning Commission opened up the discussion by stating that there are three issues that need to be reviewed by the Commission relating to the county's stormwater ordinance.

- The Stormwater Report, drafted by Arro Consulting, included possible amendments to the existing stormwater regulations for the Commission to consider;
- Staff was asked to review the existing stormwater regulations for other possible amendments or edit changes; and
- A citizen had posed a question regarding the constitutionality of the exemptions listed in the stormwater plan.

The Commission first discussed the possibility of amending the existing stormwater regulations to include language relating to stormwater quality control calling for the implementation of best management practices to assist with improving water quality at a project site. The Stormwater Report provides three options for consideration:

- Leave the existing stormwater regulations as is, only requiring the control of stormwater runoff from a site;
- Insert language that mandates capturing the first 1" of rainfall on the site by implementing various best management practices to improve the water quality at and exiting a site; and
- Insert language that voluntarily recommends capturing the first 1" of rainfall at the site by offering suggested best management practices to improve water quality at and exiting a site.

After some discussion, the group agreed to have staff prepare a handout detailing the options available to a developer to implement stormwater quality control measures when designing their project. This handout would be included with the application packet and provided at the conceptual design/sketch plat meetings. Staff was instructed to prepare the handout for the Commission to review at the next meeting.

Staff recommended two revisions for the Commission to consider.

- Insertion of the West Virginia Stormwater Management and Design Guidance Manual as a reference guide in Section 5. Specific Design Criteria and remove Maryland reference guides;
- Section 3. Applicability, Definitions, Exemption, Waivers and Variances: Amend exemption language for single-family residences by removing "Additions or modifications to existing" leaving the exemption for single-family residences;

Staff will prepare a draft of the revised Stormwater Management Plan highlighting these proposed changes for the Commission to consider at their next meeting.

Mr. Soronen discussed the various letters received by the Planning Commission in the past from a concerned citizen regarding the constitutionality of the Exemptions listed in the current stormwater regulations. The correspondence suggests that the Exemptions (single family structures, agricultural land management activities and subdivision applications for single-family housing each on a lot of two acres or larger) are unconstitutional and that the exemptions create an equal protection constitutional violation because they do not apply equally to all applicants depending on the size and type of the project. After discussion, no changes to the Exemptions section were proposed at this time.

Staff was instructed to review the single-family subdivision exemption and review the 3,000 square foot threshold for when stormwater management is required. The group would like to discuss the reasoning behind selecting the 3,000 square foot minimum requirement when the regulations were initially adopted and the impact on possibly considering an increase to that number.

V. PERMIT FEE REVIEW REQUEST

The Morgan County Commission had requested that the Planning Commission review our current fee schedule and make any recommendations for possible changes.

Staff provided the Commission members a comparison chart of neighboring counties' Improvement Location Permit fees along with Morgan County's fee schedule. The group reviewed the chart and at this time, no changes will be made to the fee schedule in place.

VI. ADJOURNMENT

The meeting adjourned at 8:45 p.m.