

Morgan County Planning Commission
Meeting Minutes
June 26, 2012

I. CALL TO ORDER

Members present: Susan Parker, Jack Soronen, Carl Cowgill, Wayne Omps, Brenda Hutchinson, Scott Swaim, Eric LaRue, Jim Hoyt, Brian Carter.

Members absent: Mary Ellen Largent, Amy Lane.

Meeting was opened at 7:03 p.m.

II. MEETING MINUTES

On a Jim Hoyt/Eric LaRue motion, the minutes from the May 22, 2012 meeting were unanimously approved.

III. FINAL PLAT PUBLIC HEARING – MINOR SUBDIVISION APPLICATION
MORGAN COUNTY SUBDIVISION REGULATIONS

- A. Vos Mountain Section II, property owned by Vos Mountain, LLC
Cacapon District, Tax Map 15, Parcel p/o 10
Located on both sides of Rockford Road, ½ mile southwest of Sparky
Dawson low water bridge
Waiver Requests:
1. Reduction of scale of plat to 1"=100'
 2. Reduction of plat size to 8.5"x14"
(Morgan County Subdivision Regulations Section 13.3.a.1)
 3. Reduction of distance of well to a property line from 50' to 29'
(Morgan County Subdivision Regulations Section 11.2.1.c)

Engineer Report – May 18, 2012
Arro Consulting – Richard Parks, P.E.
Final Plat – Vos Mountain Section 2 – Lot 17
Minor Subdivision of 1 lot – 2.01 acres

We have reviewed the final plat for Lot 17 and find that it meets the minimum requirements of the County's Subdivision Ordinance subject to the following revisions and approval of the requested waives:

1. *The total area of floodplain within the lot must be placed on the plat.*
2. *Owner must sign the owner's certification.*

3. *Confirm the property has a valid access permit from Division of Highways.*

In addition, the applicant has requested approval of three (3) waiver requests, which are as follows:

1. *Reduction of distance of well from property line from 50' to 29'*
2. *Reduction of scale of plat from 1"=50' to 1"=100'*
3. *Reduction of plat size from 24" x 36" to 8 ½" x 11"*

We have no opposition to granting the waiver requests provided the Health Department has no opposition to the well being closer than 50' to the property line.

The Commission discussed with the surveyor, Charles Dawson of Berkeley Land Surveys and the owner, John Vos, the reasoning of the location of the property line running along the side of the existing house and driveway. The well is located next to the house and fails to meet the 50 foot setback requirement of the subdivision regulations. The owner is requesting a waiver of this requirement. Mr. Vos stated that the property line was drawn along an existing fence line. This fenced area is currently pasture land and he has no intention of developing any part of this area.

The Planning Commission considered the following waiver requests:

Morgan County Subdivision Regulations Section 13.3.a.1:

On a Carl Cowgill/Eric Larue motion, the Planning Commission approved the waiver request for the reduction of the plat size to 1"=100' for Vos Mountain Section II, Lot 17 minor subdivision application. Motion carried.

On a Carl Cowgill/Jim Hoyt motion, the Planning Commission approved the waiver requesting a reduction of the plat size to 8.5"x14" for Vos Mountain Section II, Lot 17 minor subdivision application. Motion Carried.

Morgan County Subdivision Regulations Section 11.2.1.c:

On a Carl Cowgill/Scott Swaim motion, the Planning Commission approved the waiver requesting the reduction of distance of the well location to a property line from 50' to 29' for Vos Mountain Section II, Lot 17 minor subdivision application. (E. LaRue-opposed, J. Hoyt-abstained) Motion carried.

Commission member Susan Parker commented on the rationale for the 50' setback requirement and its intent. She stated that this requirement may need to be revisited during the next ordinance review. Staff will be sure to include this requirement for review at that time.

On a Scott Swaim/ Eric LaRue motion, the Planning Commission approved the minor subdivision application for Vos Mountain Section II, Lot 17 as requested. Motion carried.

IV. SALVAGE YARD ORDINANCE VIOLATION – Robert & Susan Summers

- A. Robert and Susan Summers
Property located at 110 Daisy Lane, Berkeley Springs, WV 25411
Cacapon Acres Subdivision, Timber Ridge District, Map 8, Parcel 25.3

At their May 22, 2012 meeting, the Morgan County Planning Commission took the following action regarding this violation:

“The Morgan County Planning Commission instructed staff to delay enforcement of the violation proceedings until their next regular meeting (June 26, 2012) to allow Mr. Summers time to meet the Morgan County Salvage Yard Ordinance requirements. No Improvement Location Permits (building permits) are to be issued for this location while the violation exists per Planning Commission policy.”

Staff had performed a site inspection on June 25, 2012 and had met with Mr. Summers at his property to discuss his progress. He stated that he had removed 18 vehicles thus far but still has additional vehicles that needed to be removed. Staff had stated that according to the Assessor’s Office Personal Property listing for Mr. Summers, there were approximately 30 vehicles, campers, trailers and tractors located on the property initially. Photographs of the property were provided for the group to view.

Even though the site continues to be in violation of the Salvage Yard Ordinance, Mr. Summer’s efforts over the past month to comply with the Ordinance are to be commended. Because of this effort, the Planning Commission took the following action:

On a Jim Hoyt/Carl Cowgill motion, The Planning Commission will allow Mr. and Mrs. Robert Summers twenty-eight (28) days to bring the site into total compliance with the Morgan County Salvage Yard Ordinance regulations.
(E. LaRue-opposed) Motion carried.

The Commission requested that staff, with some assistance from Mr. Summers, draft an inventory listing of all vehicles, their location and whether the vehicle has a current registration tag, by the next regular meeting. Staff will also meet with Barbara Abe, West Virginia Division of Highways Salvage Yard Inspector, to review the status of the site.

Mr. Summers stated that he will proceed with the cleanup and will assist staff with a listing of inventory.

V. DISCUSSION

- A. Matthew Pennington
Region 9 Chesapeake Bay Coordinator
Stormwater Management 101 Presentation

Matthew Pennington, Region 9 Chesapeake Bay Coordinator, educated the group by conducting a Stormwater Management 101 presentation that outlined how stormwater runoff is calculated and how low impact development practices can reduce the amount of runoff from a site plus assist with improving the water quality of the runoff. The presentation was very informative and the Planning Commission thanked Mr. Pennington for preparing the presentation and sharing it with the group.

- B. Chesapeake Bay Accountability Grant Award
Update on status of project by Arro Consulting

Richard Parks, with Arro Consulting, provided the Planning Commission a draft of the stormwater presentation that's being funded by the Chesapeake Bay Accountability Grant. This portion of the presentation provided three sample projects, each of them previously submitted and reviewed by the Planning Commission and each utilizing customary stormwater detention ponds as stormwater management devices. For the presentation, the plans were revised utilizing low impact best management practices that capture the first one inch of rainfall at the site. Mr. Parks hopes to have the entire draft presentation completed by the July 24, 2012 meeting for the Planning Commission to review.

VI. OTHER BUSINESS

- A. Supporting West Virginia's Watershed Implementation Plan
South Branch Inn, Romney, WV
Thursday, July 12, 2012
9:00 a.m. – 2:30 p.m.

The Chesapeake Bay staff members are holding a meeting in Romney to discuss how they can help with the implementation of the Phase II Watershed Implementation Plan. Local governments and staff, Planning Commission members, watershed groups and other various stakeholders are all encouraged to attend.

VII. ADJOURNMENT

The meeting adjourned at 9:20 p.m.