

Morgan County Planning Commission
Meeting Minutes
Morgan County Commission Meeting Chambers
July 28, 2020 – 7:00 p.m.

I. OPEN MEETING

Meeting was opened at 7:08 p.m. via a Zoom Conference Call.

Members present: Jack Soronen, Justin Andrews, Scott Swaim, Susan Parker, George Didawick, Lori Hansroth, Ken Reed and Robert White.

Members absent: Wayne Omps, Carl Cowgill, and Eric LaRue

Others present: Amy Schumaker, County Planning/GIS Director, Alex Moore, County Planning/GIS, Cindy Born and Mr. Riffle for waiver request, and public members Paul Tabler, Ron & Merin French.

II. MEETING MINUTES

On a G. Didawick/J. Andrews motion, the Morgan County Planning Commission unanimously approved the June 23, 2020 meeting minutes with corrections.

III. MORGAN COUNTY COMMERCIAL & INDUSTRIAL
IMPROVEMENT LOCATION PERMIT ORDINANCE SECTION 3.1
MORGAN COUNTY STORMWATER MANAGEMENT ORDINANCE

Property Owner: James Riffle/ 10x Freedom Group LLC
187 Make My Day Lane
Berkeley Springs, WV 25411
Timber Ridge District, Map 11, Parcel 15.13

Waiver Request: Applicant is requesting a waiver of the Morgan County Commercial & Industrial Improvement Location Permit Ordinance Section 3.1: Site Plan, which has the same format and requirements as the Morgan County Subdivision Regulations Section 13.2.

The applicant is also requesting a waiver of the requirements of the Morgan County Stormwater Management Ordinance for commercial sites, as adopted by the authority of the West Virginia Code 8A-1-1 to 8A-11-2 seq. (Morgan County Subdivision Regulations Section 6.0- Waivers).

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Prepared by A. Schumaker

July 20, 2020

Property owner is seeking approval of a waiver of the requirement for a professionally drawn site plan and the waiver of the stormwater management requirements.

Waiver request: Applicant is requesting a waiver of the Morgan County Commercial & Industrial Improvement Location Permit Ordinance Section 3.1: Site Plan, which has the same format and requirements as the Morgan County Subdivision Regulations Section 13.2.

The applicant is also requesting a waiver of the requirements of the Morgan County Stormwater Management Ordinance for commercial sites, as adopted by the authority of the West Virginia Code 8A-1-1 to 8A-11-2 seq. (Morgan County Subdivision Regulations Section 6.0- Waivers).

Project History:

Property is described as Timber Ridge District, Map 11, Parcel 15.13—4 acres
187 Make My Day Ln, Berkeley Springs WV 25411.

On April 1, 2013 Mr. Riffle via the 10 X Freedom Group applied for a permit for range site for club members. The original permit was found on April 2, 2013 to not need a permit as it was already an existing personal use range.

On April 21, 2014 Mr. Riffle applied for a permit for the construction of a 10x50 pavilion to cover the firing line this was approved on April 22, 2014 by the county planner.

In March of 2020 Mr. Riffle applied for a permit to expand his range by 200x135 feet. I advised him that expansion would trigger a site plan and stormwater management plan.

On June 3, 2020 Cindy Born submitted two waiver forms for Mr. Riffle to waive the requirements of the site plan and stormwater management plan.

Findings of Facts/Conclusions:

Public Notice was posted as required by the Ordinance in the Morgan Messenger on July 1, 2020.

It is noted on the waiver request that once the earth work is completed it will be seeded and no impervious area will be created. The applicant also advised they had spoken with the DEP about the earthwork.

Staff Recommendation:

I recommend to approve both of the waiver requests for this project, because all of the subdivision waiver conditions listed on page 9 of the subdivision ordinance Article 6: Waivers Section 6.1 Conditions are met.

Public members Mr. French & Mr. Tabler made concerns about noise admitted by the gun range into the Beaver Dam Subdivision known. Questions about noise control were raised along with a request for the site plan waiver to not be granted.

Jack Soronen made reference to the Morgan County Noise Ordinance which states that lawful use of firearms is exempt from the regulations.

On a L. Hansroth/S. Parker motion, the Morgan County Planning Commission approved the waiver of the Morgan County Commercial & Industrial Improvement Location Permit Ordinance Section 3.1: Site Plan, which has the same format and requirements as the Morgan County Subdivision Regulations Section 13.2, Motion Carried.

On a S. Parker/L. Hansroth motion, the Morgan County Planning Commission approved the waiver of the requirements of the Morgan County Stormwater Management Ordinance for commercial sites, as adopted by the authority of the West Virginia Code 8A-1-1 to 8A-11-2 seq. (Morgan County Subdivision Regulations Section 6.0- Waivers). Motion Carried.

On a S. Parker/S. Swaim motion, the commercial building permit was approved.

IV. OPEN GOVERNMENT MEETING ACT.

1. Ken Reed lead a discussion of the Open Government Meeting Act.
 - a. Discussed the basics of the Sunshine Law.
 - b. Plans to included Open Government Meeting Act pamphlet in all onboarding packets for all government position/committees.

V. DEFINITIONS

The Morgan County Planning Commission agreed on working definitions of “Permanent Structure” and “Agricultural Building”. A memorandum of understanding is to be drafted for review and official approval.

V. ADJOURNMENT

On a S. Parker/G. Didawick motion, the meeting adjourned at 8: 56 p.m.