

Morgan County Planning Commission  
Meeting Minutes  
January 26, 2010

I. CALL TO ORDER

Members Present: Mary Ellen Largent, Jack Soronen, Jim Hoyt, Wayne Omps, Brad Close, Amy Lane, Susan Parker, Scott Swaim, Thomas Swaim.

Members Absent: Thomas Stinebaugh, Carl Cowgill.

Meeting was opened at 7:01 p.m.

II. ELECTION OF OFFICERS

On a Wayne Omps/Brad Close motion, the Planning Commission nominated Jack Soronen as its President for 2010. Motion carried.

On a Mary Ellen Largent/Susan Parker motion, the Planning Commission nominated Scott Swaim as its Vice President for 2010. Motion carried.

III. MEETING MINUTES

On a Scott Swaim/Brad Close motion, the Planning Commission unanimously approved the December 8, 2009 meeting minutes.

On a Mary Ellen Largent/Susan Parker motion, the Planning Commission unanimously approved the January 7, 2010 meeting minutes.

IV. PRESENTATION

A. Warm Springs Watershed Association  
Watershed Assessment

Kate Lehman, President of the Warm Springs Watershed Association made a power point presentation to the group regarding an upcoming watershed assessment that will be conducted on the Warm Springs Run. This assessment will identify problems areas, create a comprehensive management plan to aid in securing grants for improvement opportunities. The assessment will be done in February or March of this year. Ms. Lehman also handed out informational flyers about the organization and a survey.

V. PHASED PRELIMINARY PLAT PUBLIC HEARING

A. Michael Farm Subdivision

Developer: J. Philip Kesecker & Doris Kesecker

Located on west side of Theodore Hawvermale Road, 0.6 miles north of New Hope Road

3 Phases total

40 lots totaling 121.41 acres, Average lot size: 3.00 acres

Waiver request: Waiver of scale from 1"=100' to 1"=200'

(Morgan County Subdivision Regulations Article 13, Section 13.1(d))

*Engineer Report – January 11, 2010*

*Arro Consulting Inc. – Richard Parks, P.E.*

*Phased Preliminary Plat – Michael Farm*

*Single Family Subdivision*

*39 lots on Theodore Hawvermale Road – 2 acre minimum*

*We have reviewed the above referenced plan submitted and find the plan meets the technical requirements of the subdivision ordinance with the following conditions:*

- 1. The vicinity map needs to be 1"=1000' or smaller.*
- 2. Wells must be 50' from any lot line. It is unclear where the wells are located for the existing lots contiguous to the proposed subdivision.*
- 3. Class I roads must have a minimum radius of 200 feet. In order to achieve this minimum radius, the existing 40' road right of way in Phase 3 may need additional right of way at the northeast corner of lot 39.*
- 4. An existing 40' right of way is shown to serve lot 10. If this is to be a public road and not a private driveway, a turnaround is needed at the terminus.*
- 5. There appears to be a road extended to serve lot 29. If this is a common driveway for lots 29 and 28, it should be noted on the plat as such to be built by developer with a shared driveway easement needed. The same may apply to lots 9 and 10.*
- 6. Add a note to the plan that a minimum of 150 feet of lot width is needed at the building line and that all wells should be a minimum of 50' from property lines.*

*Engineer Report – January 22, 2010*

*Arro Consulting Inc. –Richard Parks, P.E.*

*Phased Preliminary Plat – Michael Farm*

*2<sup>nd</sup> Submittal*

*We have reviewed the above referenced plan submitted and find the plan meets the technical requirements of the subdivision ordinance with the following conditions:*

- 1. A waiver is necessary to alter the required maximum scale of 1"=100' to 1"=200'.*
- 2. The Planning Commission should be aware that the applicant intends to request a waiver of minimum road geometry requirements at the time a preliminary plat*

*submission is made. If the waiver is not granted, the applicant intends to alter the plan to meet the minimum road geometry requirements.*

Robert Bartley, who owns property adjacent to this parcel, posed a question regarding the stream which runs through this property (Yellow Spring Run) and the possibility of additional runoff into the stream. He also stated that the road access would go through this stream. He feels that the addition of 40 houses will create a problem for the stream and that this property is currently a working farm.

On a Scott Swaim/Brad Close motion, the Planning Commission approved to grant the waiver requesting the reduction in the scale size from 1"=200' to 1"=100'. Motion carried.

On a Susan Parker/Scott Swaim motion, the Planning Commission approved the Phased Preliminary Plat submittal for Michael Farm as presented. Motion carried.

- B. Kesecker Knoll Subdivision  
Developer: Doris Kesecker  
Located on Johnson Mill Road, 0.28 miles north of Henry O. Michael Rd  
6 Phases total: Phase One completed;  
Phase Two – Preliminary Plat approved  
74 lots totaling 204.81 acres, average lot size 2.77 acres

*Engineer Report – October 27, 2009  
Arro Consulting Inc. – Richard Parks, P.E.  
Phased Preliminary Plat – Kesecker Knoll  
First Review*

*We have reviewed the phased preliminary plat for Kesecker Knoll and offer the following comments for the applicant to address.*

1. *Provide summary of number of lots in each phase on sheet 1.*
2. *Show any 100-year flood plain associated with the streams through the subdivision.*
3. *Show existing streets within 1,000 feet of the subdivision.*
4. *Show width of existing and proposed roads (18' road width with 2' shoulder as minimum).*
5. *Assure that 150' minimum lot width exists on all lots at the building line.*
6. *Assure that road grades have maximum slope of 12%.*

*Engineer Report – January 11, 2010  
Arro Consulting Inc. – Richard Parks, P.E.  
Phased Preliminary Plat – Kesecker Knoll  
Second Submission*

*We have reviewed the plans submitted for the project mentioned above and find the plans meet the technical requirements of the subdivision ordinance with the following conditions.*

1. *We would caution the developer that wells must be 50 feet minimum from the property line. In at least two (2) cases, the 50' well buffer appears to cross property lines.*
2. *Two lots at the end of the road in section 5 do not appear to have 150' minimum lot width at the building line.*

*Engineer Report – January 22, 2010  
Arro Consulting Inc. – Richard Parks, P.E.  
Phased Preliminary Plat – Kesecker Knoll  
Third Submission*

*We have reviewed the plans submitted for the project mentioned above and find the plans meet the technical requirements of the subdivision ordinance.*

On a Mary Ellen Largent/Wayne Omphs motion, the Planning Commission approved the Phased Preliminary Plat for Kesecker Knoll Subdivision. Motion Carried.

## VI. OTHER BUSINESS

### A. Staff Report

- Commercial Applications issued (under 2,000 square feet)
- Building Permit Statistics

Staff had reported that there have been a few permits issued in the past two months for commercial projects. Two co-location antenna permits were issued for T-mobile and Sprint antennas on existing towers located in the north eastern portion of the county; an addition is being added to the existing Rosanna's Bar located along Route 9 east and a floodplain application was approved for a 1700 square foot commercial building to be located on lot 1 in the Berkeley Springs/Southridge Business Park.

Staff also briefly reviewed the building permit statistics for calendar year 2009 and indicated that residential permits were down compared to 2008.

### B. Commercial and Industrial Improvement Location Permit Ordinance Discussion and review of comments received from legal counsel

Staff discussed the legal review submittal from Attorney Richard Gay regarding proposed changes to the Commercial and Industrial Improvement Location Permit Ordinance and Stormwater Management requirements. (See attached review). Staff will prepared

proposed changes to the ordinance as recommended and resubmit to the Planning Commission at their February meeting. Also discussed was the question posed by Eric Pritchard regarding the legality of allowing for exemptions within the stormwater management requirements. At the meeting, Mr. Pritchard had recommended that the Planning Commission omit the exemption section and simply utilize the ability to issue waivers, which is currently in our regulations, for projects that do not cause more than a 10 percent increase peak discharge rate. Planning Commission President Jack Soronen requested that Mr. Pritchard submit a proposal for the Planning Commission to consider.

#### C. Update on Land Use Subcommittee work

Planning Commission President Jack Soronen informed the members that a consultant was selected to assist with the zoning ordinance and mapping. Mr. Soronen also discussed the process for reviewing and incorporating public comments into the study. He also reminded the group of the two public hearings that were scheduled to receive public comments on the draft Zoning Study. They are scheduled for February 2, 2010, 7:00 p.m. at the Warm Springs Middle School cafeteria and February 9, 2010, 7:00 p.m. at the Paw Paw Senior Center in Paw Paw. The next Land Use Subcommittee meeting is scheduled for February 4, 2010 at the Planning Commission office.

### VII. ADJOURNMENT

Meeting adjourned at 8:45 p.m.