

Morgan County Planning Commission
Meeting Minutes
March 23, 2010

I. CALL TO ORDER

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

Members absent: Thomas Stinebaugh

Meeting was opened at 7:05 p.m.

II. MEETING MINUTES

On a Mary Ellen Largent/Thomas Swaim motion, the minutes from the February 23, 2010 meeting was unanimously approved.

III. DISCUSSION

- A. Earl Yost Exemption Plat
Submittal of Berkeley Springs Water Works letter for water approval
For lot on Golden Lane

Staff had provided a brief recap of the of the Planning Commission initial action that was taken at their December 8, 2009 meeting regarding Mr. Yost's request to subdivide his 1 acre lot into two parcels. There was an apparent misunderstanding between staff and Mr. Yost regarding the subdivision regulations for division of a one acre parcel. Both proposed half acre lots would be served by septic systems and possibly public water. Mr. Yost submitted to staff a letter from the Berkeley Springs Water Works stating that public water was available for the new lot being proposed but that a moratorium was in effect at the time. Mr. Yost was now requesting approval of the subdivision plat from the Planning Commission. Staff had also indicated that a phone call was placed to Mr. Terry Largent, Chief Water Operator of the Berkeley Springs Water Department and the question was posed as to whether or not a water tap and meter could be installed for the proposed new lot. Mr. Largent had stated that it could not be installed until after the moratorium was lifted.

Staff had then read the motion from the December 8, 2009 meeting when this item was originally discussed and the motion read as follows:

“The Planning Commission approved the request to waive the minimum lot size requirement for lots served by public water and septic systems contingent upon receiving approved water tap for the 0.53 acre lot and that the water service not come from the existing tap located at 138 Golden Lane where the existing house is located.”

The Planning Commission took the following action:

On a Scott Swaim/Brad Close motion, the Planning Commission upheld their decision from the December 8, 2009 meeting and that the Planning Commission's actions taken at that time remain in place. Motion carried.

IV. PRELIMINARY PLAT EXTENSION REQUEST

- A. Shadow Valley Farms
Developer: MDG Companies of WV
Original Preliminary Plat approved March 26, 2008
65 lots totaling 130.00 acres, Avg. lot size 2.00 acres
Waiver Request: Requesting a waiver of required 30% completion of project for second extension request for construction on this project has not begun.

Staff provided a brief recap of the location and parameters of this project; located on Spriggs Road, developer is proposing central sewage and individual wells for all lots. Justin Cowles, representing MDG Companies had indicated that due to the current market conditions, it has not been advantageous for his firm to begin development of this property.

On a Susan Parker/Jim Hoyt motion, the Planning Commission approved the one year extension request of the preliminary plat approval by granting the waiver of the 30 percent completion requirement. This motion carried.

The preliminary plat approval for this subdivision is valid until March, 2011.

V. OTHER BUSINESS

- A. Commercial and Industrial Improvement Location Permit Ordinance
Review of proposed changes to ordinance, stormwater management and checklist

Staff had reviewed with the Commission the few remaining changes to the ordinance. See attached review document.

Staff had proposed to the Commission that the Fire Marshall Review process be added to the checklist. This checklist is completed when an application is submitted to the Planning Office. It would serve as a reminder for project developers that the Fire Marshall's office does have fire code requirements for construction of commercial buildings and a review of the plans are often required.

Discussions then turned to the stormwater management regulations and the changes proposed by Mr. Eric Pritchard in regards to the Exemptions section of the regulations. Mr. Pritchard claims that the regulations are unfair because they exempt single family and farming structures. Planning member Scott Swaim had indicated that he was doing some research as to how the poultry buildings were handled by the Hampshire County officials (as to stormwater requirements) and talked about the upcoming regulations that will be imposed on farming activities due to the Chesapeake Bay initiative. Also discussed was the current news regarding a stormwater management model being proposed by Region 9 for the tri-county area. This stormwater management model ordinance will also include current regulations being imposed by EPA for the Chesapeake Bay cleanup effort.

Planning members had decided to give consideration to any stormwater management regulation changes at a later time when they will all have a better idea as to the possible upcoming changes that will be imposed and reconsider the fairness issue again at that time. Planning members did state that Mr. Pritchard brings up a legitimate concern that is unfortunately difficult to resolve. He brings up good points and the Planning Commission does not want to ignore those points. The Planning Commission will revisit this issue in the late fall of 2010 on all the additional State and Federal mandates have been completed.

At this time it is the desire of the Commission to move forward with the proposed changes to the Commercial Improvement Location Permit ordinance as proposed.

On a Jim Hoyt/Susan Parker motion, the Planning Commission approved the proposed changes to the Commercial and Industrial Improvement Location Permit ordinance as proposed and instructed staff to present to the County Commission for scheduling of a public hearing and recommend adoption as a completed document to include the stormwater management regulations. Motion carried.

B. Staff Administrative Procedure Clarification

Skyweb, Inc. owner Mr. Emmett Capper approached staff on March 22, 2010 regarding the installation of a communications/internet tower located on Short Mountain off of Route 9 east. Mr. Capper had requested to expedite the permit process by eliminating the Planning Commission review for this tower and have staff issue the permit directly. It is the Planning Commission's protocol to review all tower applications regardless of size and location. The Planning Commission instructed staff to relay to Mr. Capper that this application will need to be placed on the April 27, 2010 meeting agenda for review by the Commission.

C. Land Use Subcommittee Update

Planning Commission President Jack Soronen briefly updated the members on the progression of the subcommittee's work. He stated that all the public hearings have been completed for the draft Zoning Study and that there will be a meeting scheduled for April

6, 2010 at 7:00 p.m. for the subcommittee to review all the public comments received and make any recommendations for revisions to the study. He also stated that County Commission President Brenda Hutchinson had suggested that a representative from Hardy County attend the April 6th meeting at 6:00 to discuss their zoning ordinance adoption process. This meeting had not been scheduled as of yet.

VI. ADJOURNMENT

The meeting adjourned at 8:27 p.m.