

Morgan County Planning Commission
Meeting Minutes
February 23, 2010

I. CALL TO ORDER

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

Members absent: Thomas Stinebaugh.

Others present: Alma E. Gorse, Richard Parks.

Meeting was opened at 7:02 p.m.

II. MEETING MINUTES

On a Mary Ellen Largent/Thomas Swaim motion, the Planning Commission unanimously approved the minutes from the January 26, 2010 meeting.

III. PRELIMINARY PLAT EXTENSION REQUEST – 4th Request

- A. Huntington Farms Subdivision
Developed by Quail Farms, LLC
Timber Ridge District, 0.9 miles south of intersection of Winchester Grade Road and Huntington Farms Circle
- Preliminary Plat approved March, 2006 for 56 lots totaling 90.14 acres;
 - Preliminary Plat Extension Request approved July 25, 2006 for a one year extension;
 - Phase I Final Plat approved December 2007 for 22 lots totaling 32.7 acres;
 - Preliminary Plat Extension Request approved December 2007 for a one year extension;
 - Preliminary Plat Extension Request for one year approved March 2009 for remainder;

Requesting an additional one year extension of the Preliminary Plat approval for the remaining acreage of 57.44 acres consisting of 34 lots.

Staff had updated the Commission with the history of the subdivision and that the development was approved under the 2003 Subdivision Regulations. These regulations depict requirements for the first two extension requests only. Staff had also stated that the new West Virginia Land Use Code Chapter 8A was adopted in 2004 and this Code

incorporated a section about vested property rights for developers and/or property owners. This vested property right provides assurance for developers that their approvals from a planning commission are vested for 5 years. This was taken into consideration when considering this extension request.

There was also some discussion regarding the stormwater management pond and the outstanding issue regarding the leak in the outfall pipe. Staff had indicated that there has not been a recent site inspection due to all the snow and the inability to get to the site. Staff also indicated that when Phase One Final Plat was approved, there was a contingency placed upon the developer that no further final plats would be approved for this development until the issue with the pond was addressed.

On a Susan Parker/Scott Swaim motion the Planning Commission approved the Preliminary Plat approval for Huntington Farms Subdivision for one year and will expire March, 2011. This motion carried.

IV. OTHER BUSINESS

- A. Commercial and Industrial Improvement Location Permit Ordinance Review and possible approval of revisions to ordinance after legal review
 - Stormwater Management – E. Pritchard response

Staff reviewed the proposed changes to the Commercial and Industrial Improvement Location Permit Ordinance with the members recommending a few additional minor changes to the document. See attached ordinance.

Staff then discussed the matter of requiring a review to be conducted by the West Virginia Fire Marshall's Office for all commercial applications. This recommendation came from local fire department heads who requested that the Planning Commission consider some type of process to ensure that site fire protection measures are being incorporated into commercial building designs if applicable. Staff had recommended that a Fire Marshall Review requirement be incorporated in the checklist that is now in place for commercial and subdivision applications.

After some discussion regarding the Planning Commissions authority to require such a process, the Planning Commission suggested that staff work with planning member Susan Parker to research this issue further.

The discussion then focused on the recommendation posed by Eric Pritchard regarding the legality of the Exemption Section of the stormwater management plan, specifically items 1 and 2 relating to the exemption of agricultural structures and single family residential structures. Mr. Pritchard had submitted a recommendation that eliminates the Exemption and possibly requires some type of engineered plat that proves there will be no impact on neighboring properties and allow applicants to utilize the waiver process that is already incorporated within the plan.

The primary concerns with the Commission members are:

- potential for polluting the streams;
- fairness;
- eliminate runoff issues;

Some of the possible solutions for amending the plan would be to reduce the percentage already required in the waiver section of the plan (10 percent) and/or increasing the square footage requirement which is now 3,000 square feet. (Any project this size or larger must address the stormwater management requirement).

Planning Commission members Scott Swaim and Wayne Omps, along with staff will research possible solutions to present to the group at the next meeting.

B. Discussion and possible action regarding building permits for residential additions vs. septic system capacity

Staff was approached by contractor Alan Truax regarding residential permits that are issued for additions (that are not for bedrooms) and the potential for the addition to be used as a bedroom upon completion. Staff had stated that when a permit is issued for an addition, the question is asked as to the additions' use. If it is for a bedroom, then a copy of a septic permit is required to ensure that the system is adequate to support the total number of bedrooms in the residence. If the addition is not a bedroom, then septic information is not required to obtain the permit. According to Mr. Truax, there is a problem with individuals turning additions into bedrooms therefore jeopardizing the function of the septic system that is installed at the site should it be inadequate for the size of the residence. It appears that this situation becomes a particular issue during a real estate settlement process.

Staff had met with representatives from the Morgan County Health Department to discuss the matter in detail to research possible solutions. It appears that the building inspection process is the only adequate solution to ensure that proposed construction is being built as depicted on the permit. At this time, Planning Commission members and staff agreed that there are far too many projects that are in need of completion prior to the Planning Commission considering the development of some type of building inspection process.

C. Update on the Land Use Subcommittee work

Commission President Jack Soronen, who is the Chairman of the Land Use Subcommittee, updated the members on the progress of the committee. Mr. Soronen stated that the group along with the consultants is working on the Land Use Matrix which consists of allowable uses for the residential districts. Preliminary mapping should be available by the beginning of next month. The group will meet again on March 2, 2010, 7:00 p.m. and March 16, 2010, 7:00 p.m. at the County Commission meeting office.

The Paw Paw public hearing, to receive comments on the draft Zoning Study, has been rescheduled for March 4, 2010, 7:00 p.m. at the Paw Paw Senior Center. The public hearing scheduled for February 9th was cancelled due to snow.

V. ADJOURNMENT

The meeting adjourned at 9:45 p.m.