

Morgan County Planning Commission
Meeting Minutes
September 28, 2010

II. CALL TO ORDER

Members present: Mary Ellen Largent, Carl Cowgill, Jim Hoyt, Scott Swaim, Wayne Omps, Amy Lane, Thomas Swaim.

Members Absent: Thomas Stinebaugh, Brad Close, Susan Parker, Jack Soronen.

Meeting was opened at 7:00 p.m.

III. MEETING MINUTES

On a Mary Ellen Largent/Jim Hoyt motion, the minutes from the August 24, 2010 meeting were unanimously approved.

III. WAIVER REQUEST

- A. Property owned by Bruce and June Qualls
Huntington Farms Subdivision
Property Located: Winchester Grade Road, 0.9 miles south of Unger Store.
Requesting waiver of the placement of asphalt on the road surface that is required upon completion of the subdivision development.
Asphalt was proposed and approved on the Preliminary Plat for this subdivision.

Mr. and Mrs. Qualls met with the Planning Commission to request a waiver of the asphalt requirement for Huntington Farms Subdivision, as required and approved on the preliminary plat. Due to the bankruptcy of the developer, Quail Farms, LLC., the original owners have resumed ownership of the property. Phase I consisting of 22 lots received final plat approval in December of 2007 and the remaining land has not been developed to date.

The Planning Commission inquired as to whether the Qualls had intentions of moving forward with the development of the remaining 34 lots and the current use of the property as a whole. Two of the lots located within Phase I of the development, both with residences on them, have been sold. The Qualls have fenced in the remaining acreage including Phase I and is now utilizing it as pasture land for their cattle. The cattle also have access to the stormwater management pond located along the front portion of the property that was constructed for Phase I.

Mr. and Mrs. Qualls stated that they will keep Phase I of the development in tact and hope to sell these lots at a later date and also stated that they had no intentions of further developing the remaining 34 lots of the proposed subdivision. Due to financial reasons, the owners are now requesting a waiver of the placement for asphalt as required and approved by the Planning Commission on the preliminary plat in March, 2006.

Staff had stated that in December 2007, a temporary waiver of asphalt placement for Phase I was granted with the requirement that before the Planning Commission will consider final plat approval for the final section of the development, asphalt will be required throughout the entire subdivision as depicted and approved on their preliminary plat. The 5 year vested property right for this development expires in March, 2011.

Staff had provided the Planning Commission members the following information on the subdivision for their review and consideration.

Huntington Farms Subdivision Historical Facts and Items for Consideration

Preliminary Plat and Final Plat Approvals and Extensions:

- March, 2006 Preliminary Plat approved for 56 lots totaling 90.14 acres to expire March 2007

- July, 2006 Preliminary Plat Extension request for one year to expire March, 2008

- December, 2007 Final Plat approved for 22 lots totaling 32.7 acres

- December, 2007 Preliminary Plat Extension request for remaining 34 lots totaling 57.44 acres to expire March, 2009

- March, 2009 Preliminary Plat Extension Request for remaining 34 lots totaling 57.44 acres to expire March, 2010

- February, 2010 Preliminary Plat Extension request for remaining 34 lots totaling 57.44 acres to expire March, 2011

Current Use of Property:

Mr. Qualls has fenced in the entire property and now utilizes the property as grazing area for his cattle. The cattle have access to the stormwater management pond as well as all the road surfaces and ditch lines except for the main entrance up to the two residences that have been sold.

Additional Information and Items for Consideration:

- Five year vested property right for this development expires March 2011.
- Single Family developments do not require asphalt pavement as a road surface, however, the original preliminary plat was approved with asphalt surface roads being proposed.
- Current road condition does meet the requirements for gravel road construction as depicted in our Subdivision Regulations (Depth of crusher run, compaction and width of road surface and shoulders).
- A Stormwater Management Maintenance Agreement has not been signed for the single pond located in the front of the property. This maintenance agreement should be signed.
- Septic permits for the 20 lots in Phase One have been renewed and updated.
- Septic permits for remaining 34 lots have expired.
- All well permits have expired (for entire subdivision).

On a Wayne Omps/Carl Cowgill motion, the Morgan County Planning Commission approved to grant the waiver of requiring the placement of asphalt for Phase I, conditioned upon the current owners of Huntington Farms, being Bruce and June Qualls, agreeing to:

- a). Abandon the preliminary plat concept of Phase Two and signing a Letter of Understanding referencing such;
- b). Agree to abide by the Morgan County Stormwater Management provisions applicable to Phase I by signing a Morgan County Stormwater Maintenance Agreement.

Upon the Planning Commission's receipt of the two above referenced documents, as signed by Bruce and June Qualls, the Morgan County Planning Commission will issue a letter confirming its approval of the waiver requirement for asphalt road placement in Phase I of Huntington Farms Subdivision. Motion carried. (T. Swaim abstained due to his late arrival).

Staff will prepare a Letter of Understanding and forward this to Mr. and Mrs. Qualls along with a blank Stormwater Management Maintenance Agreement for their review.

IV. DISCUSSION

- A. Alana Hartman, West Virginia Department of Environmental Protection
Potomac Basin Coordinator, Water and Wastewater Management Division

Discussion relating to the Chesapeake Bay Mandates and Stormwater Management Regulations

Ms. Hartman met with the Planning Commission members to discuss the West Virginia Potomac Tributary Strategy Implementation Plan which focuses on point and non-point sources, specifically nitrogen, phosphorous and sediment runoff into the streams. Point sources are typically sewage treatment facilities and non-point sources include urban areas of development, agriculture and forest.

The draft Plan will propose a TMDL (Total Daily Maximum Load) pollutant load along with Best Management Practices (BMP) for local jurisdictions to consider and implement in an attempt to reduce the level of pollutants being discharged into streams.

The draft Plan can be reviewed on their website at www.wvca.us/bay or on the Environmental Protection Agency website at www.epa.gov/chesapeakebaytmdl.

There is a public comment period on the Plan through November 8, 2010 along with a series of public meetings where citizens can learn more about the plan and submit comments. The public meeting schedule is as follows:

November 3, 2010 6:00-8:00p.m.
Comfort Inn, Martinsburg, WV

November 4, 2010 6:00 – 8:00 p.m.
South Branch Inn, Romney, WV

The goal of the Implementation Plan for non-point sources is to control the first one inch of rainfall for any event. Work is currently underway to draft a model stormwater management ordinance for each of the three counties to consider and review upon completion. Region IX Planning and Development Counsel has hired a consultant, Delta Development Group, along with representatives from all three counties (planners, attorneys, engineers, etc.) to assist in drafting the model ordinance for each county to consider. This model will attempt to meet the mandates of the Chesapeake Bay initiative.

Ms. Hartman also met with the Morgan County Commission a few weeks ago to update them as well.

B. Floodplain Reviews – Town of Bath

Staff had reported that a member of the Town Council for the Town of Bath had contacted her regarding the possibility of having planning staff review all of the Town of Bath's floodplain applications. Staff had indicated that the additional workload would not be a problem and that Richard Parks of Arro Group, Morgan County Planning Commission consultant engineer who performs all reviews for the Planning Commission, also had no reservations regarding the additional workload. The Town of Bath would be billed for all engineering costs incurred by the county.

County Planner, Alma Gorse, stated that she had been notified by the West Virginia Homeland Security Hazard Mitigation Office NFIP Representative Robert Perry who indicated that the Town's current Floodplain Ordinance is not in compliance with state and FEMA standards. She had expressed a concern that floodplain applications for the

Town would be reviewed for compliance with an ordinance (Town of Bath Floodplain Ordinance) that does not meet state and federal mandates. She had reminded the members that Morgan County updated their Floodplain Ordinance last year to ensure its compliance with all the state and federal mandates.

The Planning Commission members agreed that they would approve the additional work load for staff as long as the work is being reviewed for compliance with the Morgan County Floodplain Ordinance. (The Morgan County Floodplain Ordinance has been approved by both the West Virginia Homeland Security/Hazard Mitigation Office and FEMA).

Staff will forward this information to the Town Counsel and Mayor of the Town of Bath.

V. ADJOURNMENT

The meeting adjourned at 8:40 p.m.