

PLANNING COMMISSION POLICIES AND RESOLUTIONS

NAME OF POLICY: POLICY FOR ADMINISTRATIVE APPROVAL OF PLATS

1. The Executive Director shall have the authority to review and approve all Simplified Plats for Preliminary Approval, provided all subdivision requirements have been met, as the Commission's representative in accordance with the provisions of Article 66B.
2. The Executive Director shall have the authority to approve one (1) and two (2) lot, single-family residential plats for development when all subdivision requirements have been met, as the Commission's representative in accordance with the provisions of Article 66B.
3. The Executive Director shall have the authority to review and approve any and all replats having any number of lots for which there is no additional subdivision of land, in accordance with the Subdivision Ordinance and in accord with Article 66B of the Annotated Code.
4. The Executive Director shall have the authority to review and approve all Final Plats for which previous approval has been granted to the Preliminary Plat by the Planning Commission, provided the Final Plat meets all subdivision requirements and represents no substantial change from the approved Preliminary Plat.
5. The Executive Director shall have authority to grant a variance to the requirements of the Washington County Subdivision Ordinance for subdivision plats in the following instances:
 - a) Where it is impractical to dedicate the full right-of-way required by the Washington County Highway Plan and where the County Engineer or State Highway Administration are satisfied with the acquired platted right-of-way.
 - b) Where an existing structure, septic system, or other appurtenance is within the right-of-way to be dedicated and for which the relocation of same may create a future hardship.
6. Authority is granted for the Executive Director to administratively approve plats:
 - a) Where a municipal boundary divides a subdivision lot, and where the prohibition of such a division would create a hardship with no appreciable advantage served by the prohibition.
 - b) Where driveway entrances for lots fronting on a public road are proposed to coincide with the right-of-way for a future public road and where the strict enforcement of the provisions of the Ordinance would be of no practical advantage.
7. The agenda for the regular meeting of the Commission shall be mailed by no later than two Thursdays preceding the regular meeting. Approvals from agencies for all matters to be considered by the Commission must be received by the Planning Commission Office by no later than 9:00 A.M. two Mondays prior to the Commission meeting. All variance requests must be received at least two Fridays prior to the Commission meeting. All matters not received by the times indicated will be deferred until the Commission's regular meeting the following month.

- ~~8. The Director shall have the authority to recertify all non-recorded one or two single family residential lot subdivision plats with the understanding that each plat would be reviewed to assure that the original site conditions are unchanged and also that the said plat be recorded within a 30 day period.~~
9. An applicant for a subdivision or development who intends to phase a development over a period of years is permitted to submit a phasing plan at the preliminary plat approval stage and will be allowed to submit detailed construction plans for only that phase which the developer intends to immediately request final approval plus any regional or total site related type facility.
10. The Planning staff shall have the authority to approve a Forest Conservation Plan when no plan implementation is required.
11. The Director shall have the authority to grant a variance to the requirements of the Washington County Subdivision Ordinance pertaining to property access or driveway spacing; when the property access or driveway intersects with a State maintained road and the access permit issued by the State requires the property access or driveway to be located such that it fails to meet the Subdivision Ordinance spacing requirements.
12. The Planning Director shall have the ability to waive the requirement for a Preliminary Consultation where no significant information above that which would be provided with a preliminary plat is anticipated to be submitted. The waiver shall be limited to developments in which no new road construction shall occur.
13. The Planning Director shall have the authority to grant administratively the following variances from Subdivision Ordinance requirements:
- a) Panhandle Length – Up to 50% from current maximum length of 400 feet based upon the following criteria:
 - 1. A physical hardship must be identified.
 - 2. No negative impact on neighboring properties is apparent.
 - 3. Local fire department concurrent for servicing.
 - b) Access Spacing – Up to 25% from current appropriate road spacing standard based upon the following criteria:
 - 1. A physical hardship or safety condition must be identified.
 - 2. Granting of variance shall not create an access spacing condition which allows creation of more lots than would be allowed if the variance was not granted.
 - 3. Location must be approved by the County Engineer and/or State Highway Administration as appropriate.
 - 4. No negative impact on neighboring properties is apparent.
 - c) Public Road Frontage Requirement – Up to 25% from the current standard of 25 feet based upon the following criteria:
 - 1. A physical hardship, safety condition, or an existing condition of less than 25 foot of frontage is identified.
 - 2. Granting of variance shall not create a condition which allows creation of more lots than would be allowed if the variance was not granted.

3. The driveway geometry associated with the new frontage/access configuration shall be approved by the County Engineer and/or State Highway Administration as appropriate.
 4. No negative impact on neighboring properties is apparent.
 - d) The Planning Director shall have the ability to grant the creation of a lot without road frontage in those cases where the proposed subdivided lot(s) contain existing structures and an attempt is being made to comply with the Zoning Ordinance provision of one principle use on one zoning lot. No new building lots may be created through this action.
14. The Planning Director may grant a waiver of the immediate family member subdivision ten (10) year resale restriction provision for the following circumstances:
 - a) bankruptcy,
 - b) death of owner or health/illness considerations,
 - c) divorce, and
 - d) foreclosure
 15. In accordance with Section 315 "Final Plat Approval" the Planning Director may grant extension of a preliminary plat approval for one (1) twelve (12) month period.
 - ~~16. "Remaining land", shall be that portion of a subdivision for which no improvements shall have been identified at the time of subdivision except for existing dwellings, structures or appurtenances. Only one area or parcel on a subdivision plat may be identified as remaining land. Land which cannot be subdivided any further because of zoning lot size requirements or other development limitations such as on lot sewage system locations, shall be treated as a zoning lot not remaining land and shall be subject to all development regulations.~~
 17. Granting Planning Director/Staff the ability to approve the use of the Express Procedure under the Forest Conservation Ordinance beyond the first subdivision of a parcel of property and up to a total maximum of four (4) lots.
 18. Granting the Planning Director/Staff the ability to grant a variance to approve the use of the simplified plat process to create lots that are less than three acres in size and are not being proposed for agricultural purposes.
 19. Amending Policy Two by granting the Planning Director/Executive Director the ability to approve residential subdivisions up to five (5) lots instead of two (2) as previously provided for under Policy Two, when there is no significant infrastructure improvement required (i.e. building roads, major water or sanitary sewer line extensions, etc.)

- 20.** Granting the Planning Director/Staff the ability to approve minor site plans which are: site plans that have been approved by the Zoning Board of Appeals and/or where the revisions or modifications to an existing site plan or building or lot will not significantly change the developed area of the site or building footprint, substantially increase traffic volumes, warrant substantial traffic flow improvements, require substantial public infrastructure improvements, is not in any sensitive area as defined in the Comprehensive Plan, and where the site has not been identified on County historical inventory records.
- 21.** The Planning Director shall have the authority to grant administratively the following projections into established yards and modifications to minimum building setbacks established as part of an approved PUD Development Plan.
- a)** Projection into Yards – Up to 40% of the established rear yard setback for the purpose of constructing a one story open deck without a roof, that is attached to a dwelling.
 - b)** Projection into Yards – Bay windows, chimneys, entrances, vestibules, balconies, eaves, and leaders extending into any required yard not more than 4 feet; provided, that such projections (excepting eaves) are not over ten (10) feet in length.
 - c)** Setback Modification – Up to a maximum of two (2) feet of the established setback to address minor building infringements as a result of surveying or stake out errors.
- 22.** The Planning Director (or designee) shall have the authority to approve site plans for development on the Hagerstown Regional Airport property when the plans are consistent with the current and approved Airport Layout Plan (a.k.a. ALP).
- a)** The Planning Director (or designee) shall notify the Planning Commission in writing of site plans approved by the Department.
 - b)** An applicant shall have the right to appeal staff's decision to the Planning Commission.
 - c)** The Airport Manager (or designee) shall present a bi-annual update on the Airport Layout Plan to the Planning Commission.
- 23.** Cul-de-sac streets permanently designed as such are not to service more than twenty-five (25) dwelling units and should not exceed eight hundred (800) feet in length measured from the intersection of the street rights-of-way and the center of the cul-de-sac where public water is not available. The Planning Commission will consider lengths in excess of 800 feet upon their determination that the proposal results in a better design of the subdivision and a determination that adequate emergency services can be provided to the dwellings.

Policy 1-6 - added February 2, 1981
Policy 7 - amended July 1, 1991
Policy 8
Policy 9 - added July 13, 1992
Policy 10 - added October 4, 1993
Policy 11 - added April 11, 1994
Policy 12-16 - added July 7, 1997
Policy 17 - added July 12, 1999
Policy 18 - added September 13, 1999
Policy 19 - added October 2, 2000
Policy 20 - added January 8, 2001
Policy 21 - added June 3, 2002
Policy 22 - added May 9, 2005
Policy 23 - added December 5, 2005
Policy 16 - deleted and added to Section 208.48.1 "Remaining Lands" of the Subdivision Ordinance on Oct. 31, 2006
Policy 8 - deleted December 1, 2008