

**WASHINGTON COUNTY PLANNING COMMISSION
WORKSHOP MEETING
May 24, 2010**

The Washington County Planning Commission held a workshop meeting on Monday, May 24, 2010, in the Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown.

Members present were: Chairman George Anikis, Terry Reiber, Clint Wiley and Ex-Officio James F. Kercheval (arrived at 3:30; left at 4:45). Staff members present were: Planning Director Michael C. Thompson, Chief Planner Stephen T. Goodrich, Senior Planner Jill Baker, Planner Fred Nugent and Administrative Assistant Debra Eckard.

CALL TO ORDER

Chairman George Anikis called the workshop meeting to order at 3:00 p.m.

DISCUSSION

- Review of the Proposed Text Changes for the Urban Growth Area Rezoning

Commission members began a review of the changes to the proposed text of the Urban Growth Area rezoning. Mr. Goodrich noted that the changes are based on discussions and recommendations of the Planning Commission at workshops during the past several months. He explained that the recommendations of the Urban Growth Area Committee have been incorporated in the text unless the Planning Commission specifically requested a change.

The Commission began its review of the RT (Residential Transition) zone. The Planning Commission recommended that all development in the UGA have public water and sewer. However, following discussions the Commission realized that it may not be possible for all development to have public water and sewer. Mr. Goodrich stated that a list of criteria has been created for the Planning Commission to consider when the use of public utilities would not be required. He further explained that the Planning Commission would be able to grant waivers on a case by case basis where public water and sewer does not have to be required. Mr. Goodrich reviewed these situations, which include the need to protect the environmental resources from pollution, the availability and proximity of existing water and sewer, the status of any plans for utility extensions in the area, etc. Any waiver to allow the use of a private on-site well or septic system is conditioned upon the agreement to abandon it when public facilities become available.

Mr. Anikis expressed his concern regarding the reduction of minimum lot sizes and allowing more than one dwelling on the lot. He believes this could create a community-wide failure of septic systems. There was a brief discussion regarding the minimum lot sizes in the RT zone with private well and septic systems. Mr. Wiley expressed his concern regarding larger lot sizes within the RT zone where more density should be located. There was a brief discussion with regard to requiring citizens to connect to public water and sewer lines when they become available.

- **Consensus:** The Planning Commission recommends no changes to the proposed text of the RT zone as presented.

The Commission continued with its review of the RS (Residential Suburban) zone. Mr. Goodrich explained that the public water and sewer service language is the same as in the RT zone. He noted that the proximity to public water and sewer is greater in a denser district so the likelihood of getting public water and sewer is more. Therefore, there is less of a need to have the Planning Commission waiver as proposed in the RT zone.

- **Consensus:** The Planning Commission recommends no changes to the proposed language of the RS and RU (Residential Urban) zones as presented.

Mr. Goodrich continued with the BL (Business Local) zoning district. He verified that the changes previously discussed have been made, which included the elimination of size limitations and language was added regarding refuse collection. There was a brief discussion regarding permeable areas. Mr. Goodrich noted that the same paragraph was modified in another zone that says, "not including pervious pavement".

- **Consensus:** The Planning Commission recommends excluding "permeable pavement" from the landscaping requirement in all zones.

Mr. Goodrich noted that the criteria for a waiver from the public water and sewer service requirements are also in the BL zone. This was done because the businesses in this district are directed toward small neighborhoods, located on small lots, and could be in areas where public water and sewer are not available.

- **Consensus:** The Planning Commission recommends including the waiver from the public water and sewer service requirements in the BL zone.

Mr. Goodrich stated that the appropriate sections with regard to lighting, parking, landscaping, etc. were added in the text of the IR (Industrial Restricted) zone. He also noted that recycling facilities as a

permitted use was added. Mr. Goodrich noted that public water and sewer service shall be required in the IR zone without the possibility of waiver by the Planning Commission.

Mr. Anikis asked if the 10 x 10-foot required pads for bus stops [RM zoning district] should be covered. Mr. Kercheval stated that he has talked to the Board of Education regarding this issue. They [BOE representatives] do not recommend covering the pads because the bus stops can change frequently based on need.

The Commission continued its review with the Mixed Use Floating zone. Mr. Goodrich reviewed all the changes previously discussed. There was a brief discussion regarding the time limitation for the BOCC to render a decision on a Mixed Use Floating zone application (Page 7).

- **Consensus:** The Planning Commission recommends that within 60 days after the BOCC's public hearing **and** after receiving the Planning Commission's recommendation, the BOCC shall render its decision on a Mixed Use Floating zone application. [Clarification: both requirements must be met before the 60 day time period begins.]

Mr. Goodrich briefly reviewed the "Dedication of School Sites" requirements on page 17 of the Mixed Use Floating zone that now reflect the Planning Commission's recommended changes. Mr. Anikis began a brief discussion regarding buffer requirements (page 13, F.1) for developments located adjacent to the interstate. He expressed his opinion that landscaping and forest conservation areas do not adequately buffer the noise along interstate highways. Mr. Anikis expressed his concern for residential development against an interstate and questioned if the Planning Commission could deny a plan that includes the residential development against the interstate. Mr. Goodrich noted that placing residential development against a highway is not ideal; however, there are cases when it seems that it should be there because of other development around the parcel. Members discussed alternatives to the landscaping and forest conservation areas, such as noise barrier walls, building orientation, additional insulation, specific types of windows, etc. They also discussed noise standards required in other zoning districts and using the same standards in areas of residential development. Some members expressed their opinions that the proposed language allows the Planning Commission the ability to make recommendations and requirements to protect residential areas from the noise associated with major highways.

The review of the proposed text moved on to the PB (Planned Business) zoning district. In response to the Planning Commission's previous recommendation to require a market analysis, Mr. Goodrich pointed out that concept plans in this district shall be accompanied by an analysis of the market and region to be served by the proposed development (page 4). He noted that the analysis is also required as part of the zoning application request (page 7).

Mr. Anikis requested that Commission members consider adding language to Section 17.2.3.M (page 4) to address historic inventory sites on adjacent properties. Mr. Reiber and Mr. Wiley agreed to adding the language proposed by Mr. Anikis.

- **Consensus:** The Planning Commission recommends the following text in Section 17.2.3.M, "The location of historic inventory sites on the property and adjacent to the property".

Mr. Goodrich briefly reviewed the changes to the PI (Planned Industrial) zone, which included removing the requirement to disallow the outside storage of processed lumber at a sawmill, the addition of text (page 4, paragraph 1) to require a preliminary consultation on a subdivision of 4 or more lots, the addition of text to require screening at all times (page 12, item # 6), and the addition of noise standards (page 16). He noted that a change will be made to the text (page 16, item # 2) to clarify from where the maximum sound pressure level will be measured.

Mr. Thompson reviewed the height requirements for buildings and signs in Section 19A.6 of the HC (Highway Commercial) zone. For example, a logo or emblem (35-feet in height) erected on top of a hotel that is 60-feet high. There was a brief discussion with regard to the type of sign, the square footage of the sign, and what the sign is advertising. Mr. Goodrich stated that the current text for the 35-foot limit does not apply to a sign located on the building; however, the building height limit should include the sign on top of a building. Also, the sign on the building can only advertise the use on the site.

- **Consensus:** The Planning Commission recommends the addition of language to clarify that a sign will be allowed on a building or on top of the building; however, the total height of the building and the sign shall not exceed the building height requirement. (Section 19A.6)

Mr. Goodrich informed Commission members that the BOCC will begin its review on Tuesday, May 25th with the Airport zone. He noted that a change was made on page 7, Section 21.46 – Design Standards with the first paragraph being replaced and all design standards being specified in this section rather than being referred to as in another section of the Ordinance.

Mr. Goodrich noted that the previously discussed changes in the ORT (Office, Research & Technology) zone have been made beginning on page 3, which deals with accessory uses in a multi-use, multi-story structure. Language was added for communications facilities, equipment and structures including satellite dishes on page 4, to address Planning Commission member's concerns.

Mr. Anikis questioned the language on page 9 of the ORT zone dealing with detonable materials. After reviewing the proposed language in this section, it appears to be contradictory as currently written. Mr. Goodrich stated that most of the language was copied from another County's Ordinance and he would need to review and correct it as needed.

Mr. Goodrich pointed out that the Building Appearance Guidelines from the PI zoning district have been added to the ORI zone as recommended by the Commission.

Mr. Goodrich stated that only minor changes were made to the ERT (Education, Research & Technology) zone as previously discussed. He noted that in Article 22, Division 10 – Lighting, language was added on page 3, # 4 as recommended by the Commission. Mr. Goodrich briefly reviewed the other changes as discussed. On page 9, Section 22.106 – Exempt Lighting, item # 1, Mr. Goodrich asked Commission members for clarification of their position with regard to deleting “single and two family (duplex) dwellings” as recommended by the UGA Advisory Committee. Members reviewed the minutes of the UGAAC meeting and Mr. Goodrich explained the reasoning of the UGAAC to delete the phrase. If deleted, exterior lighting could be regulated and enforcement would be complaint-driven.

- **Consensus:** The Planning Commission recommends that the phrase “single and two family (duplex) dwellings” should be taken out, which removes it as an exemption from regulation.

Members reviewed the recommended changes of Article 22, Division 11 as previously discussed, which included adding the phrase on page 5, “The design standards noted herein are deemed to be minimum standards.”

[The Planning Commission took a five minute break.]

Mr. Goodrich stated that the adopted Comprehensive Plan recommends that agriculture in the Urban Growth Area should be replaced with zoning that encourages urban development. Efforts have been made in the rural areas to encourage and preserve agriculture and its development. He stated that currently agricultural zoning is proposed to be eliminated in the UGA; however, agricultural uses will be allowed to continue on a small scale temporarily. A definition for “small scale agriculture” or “urban agriculture” has been discussed.

Mr. Goodrich reviewed the initial proposed language dealing with agriculture in the UGA. He noted that during meetings with the UGAAC, discussions focused on the need to allow agriculture to continue and new animal husbandry facilities to expand or be established. Staff is now proposing that instead of past amendment proposals, the language in the current Ordinance dealing with agriculture should not be changed and should include animal husbandry facilities. Agriculture is currently allowed in the RR (Rural Residential) zone, but not in the RS (Residential Suburban), RU (Residential Urban) or the RM (Residential Multi-family) zones. Staff recommends that agriculture be permitted in all residential zones where it is not currently permitted. This would include animal husbandry facilities if they meet all requirements currently set forth in the Zoning Ordinance.

Mr. Goodrich distributed copies of the existing language that permits agriculture as well as animal husbandry facilities. He briefly reviewed some of the procedures and guidelines currently used. One significant change that Staff recommends is a minimum lot area requirement of 1-acre for any animal husbandry facility. The members present at the meeting concurred with Staff’s recommendation for addressing agriculture. However, they would like to discuss the issue with more members present before making their final recommendation. Mr. Anikis suggested that an e-mail and the proposed language be sent to the members not present at today’s meeting.

ADJOURNMENT

The Chairman adjourned the meeting at 5:47 p.m.

Respectfully submitted,

George Anikis, Chairman