

**WASHINGTON COUNTY PLANNING COMMISSION
WORKSHOP MEETING
August 16, 2010**

The Washington County Planning Commission held a workshop meeting on Monday, August 16, 2010 at 3:00 p.m. in the Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown, Maryland.

Members present were: Chairman George Anikis, Terry Reiber, Clint Wiley, Andrew Bowen, and Ex-Officio James F. Kercheval (arrived at 3:30 p.m.). Staff members present were: Planning Director Michael C. Thompson, Chief Planner Stephen Goodrich, Planner Fred Nugent and Administrative Assistant Debra Eckard.

CALL TO ORDER

Chairman Anikis called the meeting to order at 3:15 p.m.

DISCUSSIONS

Mr. Anikis stated that the purpose of this workshop meeting is to further discuss the issues relative to the proposed text regarding animal husbandry in conjunction with the comprehensive UGA rezoning. He read a portion of the UGA Advisory Committee's minutes from February 12, 2009, in which the Committee reached the following consensus, "The Committee wants to permit existing animal husbandry operations to expand; however, they do not want new animal husbandry operations where none existed before." He also referred to the Committee's minutes of March 5, 2009 in which the Committee reached the following consensus, "The UGA Committee recommends that agricultural uses will not be a permitted use in the ORT and proposed ORI zoning districts; however, existing agricultural uses will be grandfathered in to both zoning districts." Mr. Anikis noted that 3 members of the UGA Committee represented the farming community and 2 of those members were present at both referenced meetings.

Mr. Anikis stated that the Planning Commission discussed the recommendations of the UGA Committee and followed these recommendations when making its decisions regarding agriculture. However, he believes that the Planning Commission broadened the requirements of the agricultural areas. Where the UGA Committee recommended that agricultural / animal husbandry be grandfathered in, the Planning Commission recommended that the existing use should be a principal permitted use so there could be new agricultural activities in the UGA. Following the public information meetings and hearing input from the farming community, the Planning Commission received a letter from the Washington County Farm Bureau stating that during its October 2009 full membership meeting, a policy was adopted supporting full agricultural rights including animal husbandry in the UGA.

Mr. Anikis then asked each member of the Planning Commission to express their opinions and views. Mr. Reiber began by clarifying the amount of acreage in the UGA currently zoned for agriculture and the districts where agriculture would be a principal permitted use. He noted that the proposed zoning in many areas of the UGA where agriculture is currently permitted would be changed to allow residential and commercial uses, thereby depleting the agricultural land area over time. Mr. Goodrich clarified that during the public information meetings, members of the general public expressed their concerns that new animal husbandry facilities [structures that house animals and/or their waste] would not be permitted and would limit their intentions in the future. He noted that the agricultural zone is being eliminated in the UGA; however, agriculture will be a principal permitted use in many of the zones that are proposed to replace the agricultural zone but new animal husbandry facilities would not be permitted. Members discussed various scenarios where animals would be permitted and structures could be considered accessory uses.

Mr. Wiley expressed his opinion, based on the letter received from the Washington County Farm Bureau, that the agricultural land on the perimeter of the UGA should be moved outside the UGA boundary. He also expressed his opinion that the Planning Commission is "trying to address the issue too soon, we have not heard from enough people to say we are doing it justice". Mr. Goodrich stated there would be several issues that would need to be addressed including: 1) would there be enough land available for future development and 2) would there be enough water and sewer capacity for development to continue in the future. He also noted that there was a lot of time and discussion during the adoption of the County's Comprehensive Plan when the UGA boundary was adopted. In fact, more land was placed in the boundary than was originally proposed due to requests by landowners to be included in the UGA.

Mr. Bowen expressed his opinion that Mr. Wiley has a logical idea. He asked if the limitations on animal husbandry was the biggest topic of concern during the public meetings or was it the fact that the agricultural zone was being eliminated. Mr. Wiley expressed his perception of the first meeting. He believes that people generally did not understand the entire concept and they believe that the County is trying to do away with agriculture and put them out of business in the UGA. Mr. Anikis expressed his opinion that people were generally upset over the proposed language dealing with animal husbandry and that new animal husbandry would not be permitted.

Mr. Kercheval expressed his opinion that Staff's last proposal to handle animal husbandry as it is handled today would alleviate the issue. He does not recommend changing the UGA boundary. He believes that there is value in having land inside the UGA that has the ability to be developed at a higher level of residential or commercial density. Land that is currently being used for agriculture is a viable use for the good of the community and will be preserved for other development as the market changes over time. Mr. Kercheval expressed his opinion that "the benefit far outweighs the very infrequent and small amount

of incompatibility issues that occur.” He recommends that the Planning Commission adopt Staff’s last proposal to allow agriculture as it is currently regulated in the UGA.

Mr. Anikis allowed a few questions and comments from members of the audience that were present at the workshop (Mr. Ron Leggett and Mr. Jerry Ditto). There was a brief discussion regarding the minutes that were referenced at the beginning of the meeting and the members that were present at the UGA meetings on those particular days.

Mr. Bowen asked if Mr. Kercheval’s proposal to accept Staff’s proposed language would be acceptable to the farming community. Mr. Austin Abraham stated that Staff’s latest proposal to allow agriculture as it is now would address his concerns. Mr. Goodrich stated that allowing agriculture as a principal permitted use in the replacement zones would make agriculture a permitted use in more areas than currently allowed. Mr. Bowen expressed his opinion that allowing agriculture in more areas is not good planning. Mr. Wiley expressed his opinion that taking the agricultural land out of the UGA would be less complicated than allowing more agriculture in the UGA zones. There was a brief discussion and difference of opinions voiced among members of the Commission relative to allowing more agricultural uses in the UGA especially animal husbandry. Mr. Bowen expressed his opinion that the document, as currently written, should be the document that goes to public hearing and explain to the public that a different recommendation regarding agricultural uses may be forthcoming. He believes that changing the current document will cause a lot of confusion.

Mr. Anikis polled Commission members to determine where each member stands on the issue being addressed. Mr. Bowen and Mr. Wiley do not want to change the document before it goes to public hearing. Mr. Reiber and Mr. Anikis believe the document should be changed prior to public hearing to reflect Staff’s newest proposal to treat agriculture as it is currently being treated. There was a brief discussion regarding the time frame for public hearings.

There was a brief discussion regarding Section 4.4 of the Zoning Ordinance which states, “Except for compliance with distance requirements set forth inand requirements for animal husbandry facilities set forth in Article 2, nothing in this Ordinance shall prohibit the use of land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the on which said buildings or structures are located.” Mr. Goodrich stated that this section of the Zoning Ordinance would not be changed. There was a brief discussion regarding how the change would affect all areas of the UGA.

Motion and Vote: Mr. Reiber made a motion to make changes to the proposed UGA zoning text amendments so that agriculture, as it is currently defined and regulated in the Zoning Ordinance, be included as a permitted use in districts that will replace the agriculture district in the UGA rezoning, the effect being that agriculture will continue to be permitted where and how it is permitted today. Seconded by Mr. Kercheval. The motion passed on a 3-2 vote with Mr. Reiber, Mr. Kercheval and Mr. Anikis voting “Aye” and Mr. Bowen and Mr. Wiley voting “no”.

Mr. Anikis expressed his opinion that the public needs to be aware of the concerns presented by Mr. Wiley. He believes that this issue needs to be publicized. Mr. Jason Divelbiss expressed his opinion that the Land Use chart will be useful in clarifying and distinguishing the uses permitted in each zoning designation. Mr. Abraham expressed his opinion that Staff should be clear on what is not being changed and that the Zoning Ordinance as written now allows the same uses.

Mr. Anikis asked Commission members if they wanted to review the Airport overlay zone to determine if any changes are needed or wanted by the Commission. No discussion or action was taken on this issue. Mr. Thompson began a brief discussion regarding TDRs. Currently, TDRs are not included in the proposed changes; however, Mr. Murray [the County Administrator] has stated that TDRs will be discussed as part of the Water Resources Element. There was a brief discussion regarding the use of TDRs.

UPCOMING MEETINGS

There was a brief discussion regarding the agenda items for the August 30th meeting. There will be a joint public hearing with the Board of County Commissioners for the Rosewood PUD and the Water and Sewerage Plan Update. Following a brief discussion, the Commission has decided to begin its regular meeting at 6:00 p.m. with the public hearing following at 7:00 p.m.

Public Comment

Mr. Ditto thanked the Staff and the Planning Commission for taking the time to reconsider its recommendation on agricultural uses in the UGA. He was discouraged that the Commission did not further discuss the issues at the Airport because he believes there will be “a lot of unintended consequences there”. Mr. Ditto pointed out that the AP zone will grant approval or denial authority to the Planning Commission, which is not permitted in any other district except the Historic Preservation overlay zone. Mr. Leggett concurred with Mr. Ditto’s comments [on behalf of the Farm Bureau]. He stated that the limitations within the 5-mile radius will affect agriculture.

ADJOURNMENT

Mr. Reiber made a motion to adjourn the meeting at 5:05 p.m. Seconded by Mr. Wiley. So ordered.

Respectfully submitted,

George Anikis, Chairman