

**WASHINGTON COUNTY PLANNING COMMISSION
WORKSHOP MEETING – May 30, 2007**

The Washington County Planning Commission and Planning Staff held a workshop meeting on Wednesday, May 30, 2007 at 4:00 p.m. in the Washington County Administrative Annex, Conference Room #1, 80 West Baltimore Street, Hagerstown, Maryland.

Planning Commission members present were: Chairman George Anikis, Bernard Moser, Linda Parrish, Sam Ecker, Clint Wiley and Ex-Officio, James F. Kercheval. Staff members present were: Planning Director Michael C. Thompson, Chief Planners Stephen Goodrich and Timothy A. Lung, Planner Chris Cochrane and Administrative Assistant Debra S. Eckard.

CALL TO ORDER

Chairman George Anikis called the meeting to order at 4:10 p.m.

DISCUSSION

Urban Growth Area Update

Mr. Thompson announced that the Board of County Commissioners has selected a committee for the Urban Growth Area Comprehensive Rezoning. There will be a total of 13 members plus a non-voting chairman. The Committee will implement specific sections of the Comprehensive Plan dealing with the Growth Area zoning; however, the intent is **not** to redefine the Urban Growth Area boundaries. Staff believes it would be more appropriate to re-evaluate the boundaries during the update of the Comprehensive Plan next year. Mr. Anikis asked if the City's plans for their Growth Area would be the starting point for the County's updated growth area. Mr. Thompson noted that Staff plans to update as much as possible the overall plan in order to incorporate the urban growth area update. He also noted that piecemeal rezoning should be incorporated into the periodic update process. There was a discussion regarding the Planning Commission's request to the Board of County Commissioners to temporarily "put on hold" rezoning requests until the UGA Update is complete. Mr. Thompson stated that the UGA committee would be responsible for the following tasks: review the recommendations of the Staff regarding proposed changes to the Zoning Ordinance and the designations of properties within the Growth Area, review of subdivision zoning, the APFO Ordinance and other Ordinances to identify the land use related obstacles to affordable housing, identifying opportunities to streamline the regulations as incentives for development within the Growth Area and to potentially review the TDR program (depending upon decisions made by the Board of County Commissioners). Mr. Anikis requested that senior housing development should be reviewed by the committee. There was a discussion regarding potential problems with regard to senior housing, collection of the excise tax and enforcement issues. Meetings dates and times are being discussed and will be made available to the Planning Commission members. There was a brief discussion regarding the media that would be used to inform the public of the meetings and the areas that would be affected. Mr. Moser asked how the growth areas around the municipalities would be handled. Mr. Thompson stated that better coordination between the County's Plan and the municipalities' plans would be required and updates are going to be needed to the municipalities' plans. Ms. Parrish asked what the BOCC's expectations are for the Committee. Mr. Kercheval stated that his expectation for the Committee is to gather more community input and put it into a more regimented setting. Each Committee member would be assigned a specific group and should actively gather information from that group and would be the contact person for citizens having concerns regarding specific issues (i.e. Fire & Emergency Services). Some of the UGA boundaries could be redefined based on the limited sewer in the Hagerstown Urban Area. At this time, there is a deficit, as far as taps, that you could build out and it is minimal; however, if there are certain areas that could be pulled out to help close the gap in available taps versus maximum density, suggestions could be made to adjust the boundary line. The EDC is trying to identify the types of businesses for the long-term future of the community and land conducive to such businesses might be inside the Urban Growth Area. Areas such as those could possibly be "pulled out" to help with this type of development. Mr. Thompson stated that Staff's goal for the Committee is to work on zoning recommendations and establishing zoning within the growth areas. Ms. Parrish and Mr. Anikis expressed their opinion that the Committee needs to have a defined set of guidelines and information that is expected. Mr. Goodrich stated that a recommended list of tasks were included when the list of candidates was submitted to the BOCC. Specific goals and deadlines will be given to the Committee. Mr. Kercheval stated that the following candidates were chosen for the UGA Committee, as follows: Dick Phoebus, Chairman (non-voting); Dennis Miller, City Planning; Mike Armel, Water & Sewer Board; Donovan Corum, Planning; Henryetta Livelsberger, education; Jerry Ditto; John Shank; Harry Reynolds, business and engineering; Jeff Cline, Williamsport councilman; Ron Leggett, Farm Bureau; Nancy Allen, realtors; Bob Garver, business; Linda Irvin-Craig, non-profit; and Debi Turpin, Home Builders Association. Mr. Kercheval gave a generalized description on the criteria used to choose each member. Updates will be given to the Planning Commission on a regular basis.

Joint Meeting with the City of Hagerstown

Mr. Thompson stated that the joint meeting with the City of Hagerstown will be held at 7:00 p.m. this evening at City Hall. He distributed information provided by the City for the Agenda. The City will present their 2007 Comprehensive Plan Update. Mr. Thompson reported that a public hearing has been set for July 25th and the document has been sent to the State of Maryland for their review and approval. The City has incorporated the new Water Resources Element that is required by the State.

There was a discussion regarding the City and County's growth areas and how they may work together. The extension of water and sewer issues and annexation issues were discussed.

The second item on the City's Agenda is APFO issues. The City expressed concern regarding school capacity testing that they believe the Board of Education is not administering enrollment projections according to APFO guidelines. Mr. Thompson believes this issue should be discussed with the Board of County Commissioners. Mr. Kercheval also noted the County and Board of Education are working on this issue in their 2+2 meetings. He expressed his opinion that the joint meetings are a good idea; however, the Agenda should be established prior to the day of the meetings.

Planning Commission Goals

Mr. Thompson stated that Staff has been working to set goals for the Department as a whole and individually for the upcoming fiscal year. He requested input from the Commission for goals and priority issues they would like to address during the upcoming year. Mr. Anikis stated he would like recommendations from Staff for approval or denial of plans, where practical, that come before the Planning Commission and the reasons for their recommendation. Mr. Thompson stated that he has discussed several issues with the County Attorney's office. The County Attorney's office is currently reviewing the public hearings and amendment application processes. Mr. Kercheval expressed his concern for decisions being legally challenged in rezoning cases. He believes that Staff could point out the developer's arguments for or against their case. Findings of fact are pointed out by the County Attorney's office for the BOCC to consider when making their decisions. There was further discussion regarding Staff's presentation of materials and facts and the role that the County Attorney's Office assumes in presenting findings of facts to the BOCC. Mr. Moser stated he believes one of the goals for the Commission and Staff should be to review the whole rezoning process. He expressed his concern that rezoning requests are made each quarter and it is difficult to make long-range plans for the County. Mr. Kercheval stated he would like more structured guidelines and specific criteria to prove a change or mistake. He believes there is too much room for interpretation to determine if the proposed request would be suitable for the area in question. Mr. Anikis stated his opinion that the applicant should be presenting publicly the documentation that he has submitted with his application. There was a discussion regarding public testimony and the rebuttal process. Ms. Parrish stated that she would like Staff to summarize their presentations during the Planning Commission meetings rather than stating, "everything is in the report and I have no further comments". She also stated when plans have been changed after the Agenda packets have been mailed, a new plan should be mailed prior to the meeting. Mr. Anikis noted there are occasional grammar and spelling errors on the Staff Reports that are sent with site plans, subdivision plats and variances. He also noted that some plans are missing the vicinity map and suggested that Staff should make sure that the vicinity map is included for each project. Mr. Lung stated that some plans contain multiple sheets, some of which are not pertinent for the Planning Commission's decision on that particular project. Therefore, Staff determines the appropriate sheets to send in the Agenda packets. The vicinity map might be on a sheet that Staff believes is not pertinent and was simply overlooked. Mr. Thompson stated that Staff is working with consultants and agencies to have approvals of projects prior to bringing them before the Planning Commission. "Fast-Track" projects are being routed to approving agencies more quickly to receive their comments in a more timely manner.

Mr. Thompson stated the following are departmental goals for FY 2008: the Urban Growth Area rezoning, finalize the Water and Sewer Plan Update, Excise Tax update, and updates to the Subdivision Ordinance.

OTHER BUSINESS

Mr. Anikis expressed his concern regarding cell towers approved by the Board of Zoning Appeals. He noted that the applicant, under FCC guidelines, is responsible for contacting the Maryland Historical Trust to determine the impact on historical structures. According to Mr. Martirano of the County Attorney's office, the Trust has 30 days to comment on the project and if a response is not received within the 30-day time period, the assumption is made that the Trust does not have an issue with the request. Mr. Anikis expressed his concern that the MHT has not received and reviewed the request and believes that someone from the BZA should be responsible for confirming that the information has been received. He also has concerns that the Historic District Commission is not receiving these requests. Mr. Thompson stated he would check into this issue.

Mr. Kercheval noted that there seems to be a new trend to start churches in storefront spaces until they can establish themselves and obtain the funds to build a permanent structure. There is a church located in a small shopping center in Maugansville that has been there for several years. Recently the shopping center was sold and the new owner discovered that churches are not a "permitted use" for storefronts in accordance with the current Zoning Ordinance. Mr. Kercheval stated his opinion that churches should be a "permitted use" in a retail/commercial zoning designation. Mr. Thompson stated he is currently working with the Church to resolve this issue.

ADJOURNMENT

The Chairman adjourned the meeting at 6:10 p.m.

Respectfully submitted,

George Anikis, Chairman