

**WASHINGTON COUNTY PLANNING COMMISSION  
WORKSHOP MEETING – October 15, 2007**

The Washington County Planning Commission and Planning Staff held a workshop meeting on Monday, October 15, 2007 at 1:00 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, Clint Wiley and Ex-Officio, James F. Kercheval. Staff members present from the Planning Department were: Planning Director Michael C. Thompson, Chief Planners Stephen Goodrich and Timothy A. Lung, Senior Planner Jill Baker, Planner Chris Cochrane, and Administrative Assistant Debra S. Eckard. Staff members present from the County Attorney's Office were: Kirk Downey, John Martirano and Andrew Wilkinson.

**CALL TO ORDER**

Chairman George Anikis called the meeting to order at 1:05 p.m.

**DISCUSSION**

**- Proposed Changes to the Rezoning Procedures**

Mr. Anikis began a discussion regarding the proposed changes to the rezoning procedures that would be the result of a proposed Text Amendment to Article 27 of the Washington County Zoning Ordinance. The Text Amendment was heard during a joint public hearing with the Board of County Commissioners on September 17, 2007 and discussed by Planning Commission members during their regular meeting held on October 1, 2007. The proposed rezoning process would be as follows: the Planning Commission would hold a public hearing for public comment, a recommendation would be made by the Planning Commission to the BOCC, the recommendation would be accompanied by the Staff's report and supplemental material received during the Planning Commission's public hearing, (the public comment period would remain open from the time the application is submitted until the end of the BOCC's public hearing).

Mr. Anikis expressed his opinion with regard to the following issues: the proposed changes would increase the workload on Staff, it is inconvenient for the public to attend two public hearings, it would cost the public more money if they choose to be represented by an attorney, and it would increase the developer's attorney fees. He does not believe that the proposed changes would solve the problem of citizen stating their complaints with the County Commissioners after the record is closed. Mr. Kirk Downey stated that it might not deter citizens from making comments during a BOCC meeting; however, he believes that the time between public hearings and the County Commissioners making their decision would be decreased significantly.

Mr. Downey stated that many citizens have expressed their concern that they do not have the opportunity to participate in the process because they do not learn about the rezoning until the public hearing is over. He believes the proposed changes would allow the public a greater opportunity to participate. Another concern expressed by citizens is that they do not know what use is being proposed for the property until the public hearing. There is no opportunity for a response or a rebuttal. By holding two separate public hearings, the public would have the opportunity to hear the developer's proposal and would be allowed time to draft their response.

Mr. Wiley expressed his opinion that the proposed changes would make the process longer. He believes there needs to be a solution with regard to those who are in opposition of a proposed rezoning to voice their opposition; however, he is not sure that the proposed changes are the right solution.

Mr. Downey stated that in terms of Staff's workload, it is the intention of the proposed changes that by requiring additional information at the time of application, it would allow Staff the ability to provide a more thorough evaluation of the proposed request in their Staff Report. He noted that only one Staff Report would be prepared for both the Planning Commission and the Board of County Commissioners. Mr. Downey stated that as a result of the Planning Commission's hearing, he believes that their recommendation to the BOCC would be stronger and the comments from the Planning Commission would provide a better understanding of concerns and issues relative to the proposed rezoning.

Ms. Parrish arrived at 1:15 p.m.

Mr. Thompson stated that the Staff Report would evaluate all the pertinent information submitted with the application and would include Staff's recommendation for the proposed rezoning. Another Staff Report would not be necessary because the information would not change since all information is provided up front. Mr. Thompson further explained that a summary of the Planning Commission hearing would not be necessary since the BOCC would hold their own hearing. Mr. Wiley asked what would happen if information changes between the two hearings and how would the Planning Commission's recommendation be weighted if plans change. Mr. Thompson stated that the BOCC could ask the Planning Commission to review the new information or changes and reconsider their previous recommendation.

Mr. Moser expressed his concern regarding the time frame between the hearings and the BOCC making their recommendation. Mr. Martirano stated that a time frame has not been established at this time. He noted that with the current procedures, once the joint public hearing closes, the County Commissioners continue to receive e-mails and phone calls that are not to be considered when they make their final decision, which has become a problem.

Ms. Parrish expressed her opinion that currently the case could change based on questions asked by the Planning Commission and the BOCC during the public hearing. She believes that the same circumstances would prevail from the Planning Commission's hearing until the BOCC's hearing with citizens continuing to submit rebuttal testimony.

Mr. Anikis expressed his opinion that it would be better for the County Commissioners to make their decision on the night of their public hearing. He suggested that the Planning Commission holds their public hearing and make their recommendation, Staff would provide a written summary of the meeting and the Planning Commission recommendation, the BOCC would have their public hearing and Staff would present their report and the developer's case and finally provide the Planning Commission's recommendation. At the same meeting after the record is closed, the County Commissioners would make their decision. If they did not make their recommendation that night, then Mr. Anikis suggested that the decision should be made at the next meeting of the BOCC. He believes this could stop the e-mails and phone calls received by the County Commissioners.

Mr. Wilkinson stated the County Commissioners would be informed of why the changes are being made and what is expected of them after the public hearing. He believes that compressing the time between the public hearing and the County Commissioner's final decision is a good idea. However, it may be difficult to make their decision on the night of the public hearing. By changing the procedures to include two public hearings, the public has been given their opportunity to make their concerns and comments known.

Mr. Kercheval arrived at 1:25 p.m.

Mr. Kercheval expressed his opinion that the County Commissioners might not be able to make their decision within a one-week time frame depending upon other items on their agenda. He also expressed his opinion that public comment is not an issue on most cases. Mr. Martirano stated that whether a time frame is set or not, the Commissioners need to realize that the longer the case is open the more difficult it is going to be to ignore public comment. Mr. Kercheval is not opposed to a reasonable time frame, but he does not believe one-week is feasible.

Ms. Parrish expressed her opinion that too much information is being handed out at the public hearings that should be distributed prior to the hearings. Mr. Wilkinson stated that the new procedures would require all pertinent information to be submitted with the application. He also stated that Staff should have the authority to refuse submittals that do not contain all required information. Mr. Anikis believes that Staff should set a date when all information is required and if not received, the application should be held until the next series of rezonings are scheduled. Mr. Martirano believes that the deadlines should be strictly followed.

Ms. Baker stated that the Maryland Department of Planning requires a certain amount of time for review prior to the public hearing on rezoning cases. She asked for clarification with regard to Staff Reports and meeting summaries of the Planning Commission's public hearing and timelines for preparing these documents. Mr. Downey stated that the Staff would prepare one Staff Report after the application is received and prior to the Planning Commission's public hearing. Staff would not prepare a summary of the Planning Commission's public hearing or write another Staff Report. Mr. Martirano stated that a more detailed explanation with regard to the Planning Commission's recommendation would be prepared for the BOCC. There was a brief discussion to determine how additional, pertinent information should be relayed between the Planning Commission's public hearing and the BOCC. Some suggestions included continuing the public hearing for a specific issue or leave the comment period open for a certain length of time for additional information or comment regarding the specific issue in question.

Mr. Anikis asked for clarification from Mr. Downey with regard to the recommendations from the Planning Commission and what kind of information should be provided to the BOCC. Mr. Downey suggested including discussions with regard to compatibility or other significant factors that the Commission used in making their recommendation. Mr. Thompson stated that the Planning Commission's recommendations are accompanied by minutes of the Planning Commission's meeting that serve to support their decisions when forwarded to the County Attorney's office. Mr. Martirano stated that currently, the County Attorney's office makes the Planning Commission's minutes part of the file; however, they do not provide this information to the County Commissioners.

Mr. Anikis strongly urges the Board of County Commissioners to make their decisions regarding rezoning cases as close to the final public hearing as possible.

There was a brief discussion with regard to the number of rezoning hearings that would be held during the year and if they would be divided among different regions throughout the County. Staff is hopeful that when the comprehensive rezoning is completed, the number of rezoning cases will decrease.

### **Update on the Urban Growth Area rezoning**

Mr. Goodrich stated that the UGA Advisory Committee was appointed by the Board of County Commissioners and met for the first time on July 26, 2007. There are 13 members on the committee with a non-voting chairman. Mr. Goodrich distributed a list of the committee members including phone numbers and addresses and a list of the assigned tasks for the committee to complete. During their first meeting, subcommittees were formed to address the assigned tasks that were segregated into separate categories. The subcommittees include Housing, Incentives and Transferable Development Rights. The subcommittees are holding separate meetings from the Advisory Committee and they are focusing on their assigned issues and developing recommendations. The Advisory Committee is meeting every two weeks and focusing on educating themselves on related issues. Presentations by guest speakers have included topics such as: the Draft Comprehensive Plan for the City of Hagerstown, sewer capacity issues in the County, housing issues, and concerns from representatives of the municipalities with regard to growth and their involvement in the UGA rezoning process. Beginning in mid-November, the Advisory Committee will begin to review the recommendations of each subcommittee and putting together their recommendations for the BOCC. Staff will develop and present a map of all areas to be rezoned to the Advisory Committee for their review and recommendations.

Two public meetings were held, one in Williamsport and one at the Hagerstown Community College to receive comments and concerns from the public with regard to zoning in the Growth Area. The meetings were well attended by members of the Advisory Committee. Mr. Goodrich distributed copies of the committee's agendas and minutes from their previous meetings.

Mr. Goodrich stated that the City of Hagerstown will be presenting their Draft Comprehensive Plan to the Mayor and City Council in the near future. Washington County Staff compared the City's proposed Land Use Designation Map and the County's Land Use Designation Map. Initially more than 40 sites appeared to have inconsistent land use designations. Upon further review and consultation with City staff, the inconsistencies were reduced significantly. Staff presented the matter to the BOCC. The inconsistencies were a concern because they could cause complications in future annexations. The Hagerstown Mayor and Council will be informed and there will be opportunities for additional reviews in the future.

Staff is currently working on changing the text of the zoning designations that will be kept in the UGA, using the Comprehensive Plan as a guide. Staff will also review the Land Use Map and make recommended changes. The map and the Advisory Committee's recommendations will be presented to the Planning Commission prior to public hearings. The Planning Commission will also have the opportunity to make recommendations before the report is presented to the BOCC.

There was a brief discussion regarding sewer capacity in the County. Members expressed their concerns with regard to the limitations on sewer capacity and how this could impact the densities in the UGA.

### **ADJOURNMENT**

Mr. Anikis adjourned the meeting at 2:55 p.m.

Respectfully submitted,

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George Anikis, Chairman