

**WASHINGTON COUNTY PLANNING COMMISSION  
WORKSHOP MEETING – April 19, 2010**

The Washington County Planning Commission held a workshop meeting on Monday, April 5, 2010, in the Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown.

Members present were: Chairman George Anikis, Linda Parrish, Sam Ecker, Terry Reiber, Clint Wiley and Ex-Officio James F. Kercheval. Staff members present were: Planning Director Michael C. Thompson, Chief Planner Stephen T. Goodrich, and Administrative Assistant Debra Eckard.

**CALL TO ORDER**

Chairman George Anikis called the workshop meeting to order at 4:05 p.m.

**MINUTES**

Mr. Reiber made a motion to approve the minutes of the April 5, 2010 Workshop meeting as presented. Seconded by Mr. Wiley. Unanimously approved. Mr. Bowen abstained due to absence from the meeting.

**Continued Discussions of the Proposed Urban Growth Area Rezoning**

**- “Alternative Proposal” for the Airport Hazardous Wildlife Attractant Management Zone**

Mr. Anikis gave a brief overview of the April 5<sup>th</sup> Workshop and a presentation given by Mr. Jerry Ditto regarding his “Alternative Proposal” for the Airport Hazardous Wildlife Attractant Management Zone. Mr. Anikis referenced several goals and objectives from the County’s adopted Comprehensive Plan, which includes “the promotion and balance of a diversified economy including agriculture.” One objective of the Plan is “to maintain 50,000-acres of land in agricultural production with an emphasis on preserving farming as a way of life and promoting the agricultural support industry.” Another goal of the Comprehensive Plan is “to maximize opportunity for using the Airport to promote economic development. He expressed his concern with regard to the proposed language for the Airport district, which he believes creates a conflict between protecting the ag district and promoting the Airport. Mr. Anikis noted that the Comprehensive Plan for the County supports agriculture as a viable industry for Washington County.

Mr. Anikis expressed his concern that the proposed language references the FAA Advisory Circular, which does not contain supporting criteria by which the Airport Manager can base decisions for approval or recommend changes. He went on to discuss wildlife assessment areas and practices being used by other jurisdictions for controlling wildlife at airports. Mr. Anikis expressed his opinion that the BOCC should direct the Airport Director to create a wildlife hazardous team that would work with the FAA to create a set of criteria for reviewing plans.

Mr. Ecker pointed out that until an assessment is done, nobody knows what kind of wildlife or attractants are present at the Airport.

Mr. Reiber believes that a joint study would be beneficial; however, consideration needs to be given to the growth of the Airport and the many benefits it has brought to the County [employment opportunities, the attraction of several carriers, the attraction of private investment]. He believes that a reasonable compromise is needed in order for the Airport and the agricultural community to co-exist. Mr. Reiber pointed out that Washington County has no control over the portion of the 5-mile radius that is located in Pennsylvania or the City of Hagerstown.

Mr. Bowen suggested removing the word “review” from the proposed language and inserting the word “notified”. He believes a study is needed prior to changing the Zoning Ordinance regulations. The Commission members discussed their interpretation of the word “review” and found they had varying opinions.

Mr. Wiley questioned amending the words as suggested by Mr. Bowen. He expressed concern that changes such as that could jeopardize FAA funding for the Airport. There was a brief discussion regarding the Airport Advisory Board and its membership. Mr. Wiley suggested that a representative of the agricultural community should be appointed to serve on the wildlife hazardous team.

Mr. Bowen expressed his concern that according to the FAA Advisory Circular, “nothing” is allowed, including storm water management ponds, wetlands, waste water plants, recycling centers, golf courses, etc. He noted that the Circular specifically targets agriculture. Discussions focused on the location of airports and development that has occurred around them. Mr. Wiley questioned if the Airport should be included in the UGA. Mr. Goodrich stated that ideally airports should be located outside the urban areas; however, airports provide urban services and therefore need to be close by.

Mr. Thompson suggested that the zoning district that deals with wildlife management could be put on hold until a study has been completed and criteria have been developed. Mr. Reiber suggested that the district could be amended at a future date following the completion of the study. Commission members debated removing the proposed language for the AP/HW district. Mr. Reiber recommended discussing this issue with the BOCC to inform them of concerns with regard to the AP/HW district.

Members reviewed the map containing all of the Airport zones and discussed the function of each zone. Mr. Goodrich described the “blue area” depicted on the map and explained that this is the area most often over flown by airplanes coming and going from the airport. There are restrictions for this zone. In the rural area, residential density is restricted to one dwelling unit per 50 acres. In the urban area, there is prohibition on mixed use development within this zone. Members agreed that the AP, AP/O and AP/C zones are reasonable and appropriate.

Mr. Goodrich explained that it is not the intent of the AP/HW zone to be an absolute restriction on any use, but rather as a notification area. He further noted that the Airport needs to know what is happening in this area because it can affect incoming and outgoing flights and it gives them the opportunity to comment on any adverse effects caused by activities or development in the 5-mile radius area. Mr. Goodrich believes that the language of the Advisory Circular is being interpreted differently by each person. He stated that the proposed language, if adopted, would become effective at that point and would be used to monitor future development. It would not be retroactive and affect any current uses in the area. Mr. Thompson pointed out that the FAA clearly states that the County controls the land use. Mr. Anikis noted that the FAA also states that if their regulations are not followed, funding can be taken away. The Advisory Circular is not regulation.

The Commission reiterated their concerns regarding the AP/HW zone and requested that Staff share their concerns with the BOCC. Members discussed including the language for the AP/HW zone as part of the “blue box” or AP/C zone instead of the “yellow circle” or 5-mile radius. Members discussed presenting this idea during the public hearings to get public comment and possibly the FAA’s comments.

Mr. Reiber believes that the 5-mile radius should be shown on the proposed map during the public hearing process. He expressed his concern that the FAA could withhold future funding if the 5-mile radius is not included as part of the proposed text and map amendments. He does not want to jeopardize any future funding for the Airport. Mr. Bowen believes that the 5-mile radius should be shown in order to let the farmers in the area know what the FAA is requiring and what is being discussed. Mr. Wiley expressed his opinion that the Airport Director’s comments would be viewed like any other reviewing agency and that the Planning Commission would have the final approval. Mr. Anikis expressed his opinion that the Planning Commission should recommend that the BOCC appoint a wildlife hazardous team to develop the needed criteria. Mr. Reiber suggested that a formal request should be made during the next Planning Commission meeting.

Mr. Anikis suggested that the word “interim” be removed on page 5 in the phrase, “agriculture as an interim use”.

- **Consensus:** The Planning Commission recommends removing the word “interim”.
- **Consensus:** The Planning Commission recommends keeping Section 21.5 as currently written to be presented at the public hearings.

#### **- Proposed Text for Recycling Facilities**

Mr. Goodrich began with a review of the revisions being proposed for the text dealing with recycling facilities. He noted that he contacted Frederick County and made an inquiry with regard to any changes they would make as requested by Ms. Parrish at the April 5<sup>th</sup> workshop. Staff in Frederick County believe that their process is working well and would not recommend any changes at this time. However, one issue that needs to be addressed in the future is recycling of used oil in the production of biodiesel fuel. Mr. Goodrich stated that Frederick County does not permit the sorting of the collected waste stream for recycling. The sorting of collected waste can only happen at the landfill in a solid waste overlay zone.

Based on all the information collected, Mr. Goodrich proposed changes to the proposed text for recycling facilities. He briefly reviewed the proposed changes with Commission members with regard to this issue and other concerns related by the Commission at previous workshop meetings.

Mr. Goodrich stated that he has sent the proposed text to the Deputy Director, Cliff Engle, of Solid Waste for the County. He noted that several of the comments received from Mr. Engle should be included in the proposed text. Mr. Goodrich reviewed the recommendations with Commission members, which included: changing the term “sanitary landfill” to “permitted facility”; the reference to “consumer goods” should be changed to “product”; in the list of items typically recycled several items should be added such as electronics, construction materials, fabric, etc.; collection stations should be operated by government agencies; allow recycling facilities in the PI zoning district.

- **Consensus:** The Planning Commission recommends that recycling facilities be a permitted use in the PI zoning district.
- **Consensus:** The Planning Commission recommends that recycling collection stations be considered as an accessory use and may be located in any zoning district in conformance to specific guidelines [as outlined in the proposed text and proposed definition].

#### **- Review of Proposed Text Changes**

Mr. Goodrich distributed the final draft of proposed text changes for several of the zoning districts. Before beginning review of the text changes, Mr. Goodrich noted that there were two issues left to discuss in the

BL zone. He noted that Staff proposed a limitation on sizes for some uses in the BL zone; however, the UGAAC recommended that the size limitations should be eliminated. The Planning Commission briefly discussed the size limitations, uses permitted in the BL zone and areas of BL zoned properties in the UGA.

- **Consensus:** The Planning Commission recommends that there should not be any size limitations on uses in the BL zone.

The next issue Mr. Goodrich discussed with the Commission was funeral establishments as permitted uses in the BL zone. He noted that Staff recommended that funeral establishments should not be a permitted use and the UGAAC recommended that it should be a permitted use in the BL zone.

- **Consensus:** The Planning Commission recommends funeral establishments, schools for performing and visual arts, community meeting halls and self-storage mini-warehouses as permitted uses in the BL zone.

Mr. Bowen made an inquiry regarding the sidewalk and bicycle requirement within residential districts in the UGA. Mr. Goodrich stated that the language has not been added yet because the requirements could be affected by the road design guidelines that are still being developed. He believes that a companion amendment will be needed for the Subdivision Ordinance.

### **NEXT MEETING**

After a brief discussion, the Planning Commission decided to schedule its next workshop meeting immediately following the May 3<sup>rd</sup> regular meeting.

### **ADJOURNMENT**

Mr. Bowen made a motion to adjourn the workshop meeting at 6:05 p.m. Seconded by Mr. Ecker. So ordered.

Respectfully submitted,

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George Anikis, Chairman