

MINUTES

URBAN GROWTH AREA ADVISORY COMMITTEE August 9, 2007

The Urban Growth Area Advisory Committee held a meeting on Thursday, August 9, 2007 at 9:00 a.m. in the offices of the Washington County Planning Commission, Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown, Maryland.

CALL TO ORDER

Chairman Richard Phoebus called the meeting to order at 9:03 a.m.

The following members and Washington County Staff were present:

- Richard (Dick) Phoebus, Chairman,
- Jeff Cline
- Mike Armel
- John Shank
- Gerald (Jerry) Ditto
- Nancy Allen
- Dennis Miller
- Donovan Corum
- Harry Reynolds
- Chris Cochrane
- Steve Goodrich
- Debra Eckard
- Jennifer Kinzer
- Kathy Kroboth

MINUTES

Mr. Miller made a motion to approve the minutes of the July 26, 2007 meeting as presented. Seconded by Mr. Armel. Unanimously approved.

OLD BUSINESS

- Information

Mr. Goodrich distributed copies of the final report of the Washington County Water and Sewer Infrastructure Commission, a Preliminary TDR Framework Report from the consultant, Background Information for the Washington County TDR Program, a Synopsis of House Bill 1141, Key Planning Legislation from the 2006 Session which is a summary from 2006 that affects Planning and Zoning in Comprehensive Plans, a power point presentation and Executive Summary for the City of Hagerstown's Comprehensive Plan.

- Subcommittee Updates

1. Housing/Affordable Housing - To date, this committee has not met. Mr. Donovan Corum has volunteered for this committee.

2. **TDR Subcommittee**

Jeff Cline reported that this committee met on August 6th. Committee members present at the meeting were: Jerry Ditto, John Shank, Jeff Cline and Ron Leggett. The committee discussed TDR's and the following are points they would like to highlight:

- a) Define how TDR's will be used with commercial and residential developments
- b) Zoning classifications coordinated with the County and municipalities that about these TDR's
- c) Consideration of a minimum value placed on TDR's and attach a value as the TDR's age they would increase in value to help the landowner to recoup their losses
- d) Use TDR's in rural to rural areas outside the UGA
- e) Encourage economic development with commercial TDR's inside the municipalities

Mr. Phoebus explained that the charge of the committee is to identify Transferable Development Rights receiving areas in the UGA if a decision is made by the BOCC to create a TDR program. State law allows the County to adopt TDR's. Howard, Cecil, Montgomery and Calvert counties currently have TDR programs in Maryland. Mr. Goodrich stated that Montgomery and Calvert counties have some of the most successful TDR programs in the country.

3. **Incentives Subcommittee** – To date, this committee has not met.

Mr. Phoebus stated he would contact members of the Incentives and Housing Subcommittees in order to help these committees organize.

NEW BUSINESS

- Hagerstown Draft Comprehensive Plan

Ms. Kathy Maher and Mr. Stuart Bass provided a presentation of the City of Hagerstown's Draft Comprehensive Plan. Mr. Bass stated that the Plan is the City of Hagerstown's official statement of policies directing the physical, social and economic development and water and sewer utilities for the next 20 years. Major concerns in Hagerstown 10 years ago included: minimal growth; revitalization of a deteriorating urban core in the face of steady growth outside the corporate boundaries; and the competition with new residential and economic development investment occurring outside of the City. Ms. Maher stated that the City's growth between 1950 and 2000 increased by only 1-percent; however, the suburbs quadrupled in size.

Mr. Bass continued by noting that in 2000, Hagerstown realized a turning point and benefited from: the Maryland Smart Growth legislation; the building moratorium in Frederick County; low interest rates; the scarcity of affordable land to the east of Washington County, and the 2002 Annexation Policy of the City of Hagerstown. These forces combined to attract a new wave of development in the City and Washington County. As a result of the increased development, the City experienced a growth on infill parcels and new annexed land. Between 2000 and 2005, the City's population increased by 4.6-percent.

Under the Moderate Growth Scenario as defined in the Plan, the City's population could increase by as much as 39-percent by 2027. Ms. Maher stated the population increase is contingent upon growth and residential development resuming again. When looking at expressed interest in development and developments that have been approved, there is the potential for more than 6,800 new housing units in the City which would equate to approximately 15,000 new residents. Mr. Bass stated that the focus of the Plan was growth management in order to assure that the City grows in a fiscally and environmentally sound manner. The Plan outlines strategies to address the relationship between planned growth and the infrastructure needed to accommodate that growth. Specific items were addressed as required by House Bill 1141 and included the medium growth boundary.

There are five major themes in the Plan: growth and annexation, the revitalization of existing land, water and sewer limits, improvements to the transportation network, and enhancement of parks and recreation. Ms. Maher stated that the City's goal is to channel growth to strengthen the City's role as the urban services provider for the Urban Growth Area and as the economic and institutional center of the County. Mr. Bass noted that the Plan analyzes land capacity within the City and within the entire Urban Growth Area and tried to identify the growth for the next 20 years. Ms. Maher noted that the City's identified medium range growth area includes a large portion of existing development, many properties that have pre-annexation agreements with the City because they wanted to receive City water and sewer, and vacant parcels within close proximity to the City. Mr. Bass noted that the Plan recommends annexation incentives for areas of existing development that are currently receiving services and also recommends strategies to ensure adequacy of water and sewer services to accommodate the needs of new growth. Another focus was analyzing the adequacy of existing land uses to serve modern commercial and industrial development needs and to protect the quality of life in the City's residential neighborhoods.

Future land use recommendations include: new rezoning districts and incentives to provide the necessary flexibility and guidance to attract economic development and investment in the City's aging buildings and scattered infill properties. New land use and zoning districts include business employment and mixed use. Special planning areas would warrant special attention and a more detailed study. Ms. Maher noted that the mixed use zone is to allow for innovative development and redevelopment of vacant and underutilized properties in the City. The special planning areas, after further study, may be areas recommended to locate a mixed use. These areas include: the east end around the Municipal Stadium south of the Dual Highway and east of the downtown and Hospital areas; the Lee and Sycamore Streets area that has been studied by the American Institute of Architects; the Jonathan Street area where there seems to be a desire to allow a limited amount of commercial; the former Pangborn Corporation building, a large industrial complex recommended to be studied for a mixed use; North Locust/Mulberry Street is an area of interest where approximately 90% rental occupancy tends to bring a lot social issues into the community; Jefferson and Cleveland could use a more structured plan.

Business Employment is a non-retail commercial business area generating a significant amount of employment. Mr. Bass stated that the Plan also recommends strategies to improve existing employment center and develop new centers, to aid the City's business recruitment and retention efforts, and to revitalize older retail centers. Ms. Maher noted that the goal is to recruit service sector, high-tech and other highway businesses for good employment to strength the financial base.

The Plan emphasizes revitalization of the downtown area through the attraction of educational opportunities and market rate housing and new business, heritage tourism and arts and entertainment enterprises. Mr. Bass noted that a great deal of time was spent on water and sewer services. The Plan recognizes the need to obtain additional supply and the City's limited sewer treatment capacity. The Plan also recommends and establishes policies to guide the future extension of these services. Ms. Maher noted that the analysis focused on finding a deficit between the potential demand for sewer and the capacity projected to be available for the City, County and Funkstown treatment plants. In the UGA, the City found they are approximately 19,424 EDU's short of serving potential build-out of the entire area. The potential UGA demand based on the land capacity analysis was 52,884 EDU's and between the three treatment plants, there are approximately 33,460 EDU's. Mr. Bass stated that the Plan identifies water and sewer service boundaries that would allow the City's utilities to serve projected future demand and ensure that vacant and under-utilized lands within the existing corporate boundaries will have adequate infrastructure for future development. Ms. Maher stated that with the Medium Growth Range Boundary under the moderate growth scenario of the Comprehensive Plan, the area could be served over the next 20 years by the City plant alone. Under a rapid growth scenario, the flow transfer agreement would be utilized with the County's Conococheague plant. A potential full build-out would require all available capacity at the City and County's plants; however, this scenario is not anticipated over the next 20 years.

Discussion: A brief question and answer period took place between members of the Advisory Committee and the City's representatives.

- Question:** If you projected a medium growth rate into the total Urban Growth Area, would there be enough capacity over the next 20 years based on your new zoning classifications projected, residential as well as a mixed use?
Answer: The original land capacity analysis was based on the land use today.
- Question:** What is the EDU count based on existing capacity for facilities? Did you take into consideration that more EDU's would be needed at one plant than another?
Answer: We took into consideration what the ultimate capacity was at each plant based on existing State law because of nutrient loading issues for the Chesapeake Bay. We also looked at what the County would be allowed to build according to the State law.
- Comment:** Mr. Goodrich stated that there has been a significant change in philosophy and regulations regarding the provision of public sewer service for new development. We've gone from adding capacity at existing plants to building new ones to strict limitations due to TMDL's.
- Question:** Is new technology the answer to removing more nutrients?
Answer: The City recommended other strategies as a way to adjust the problem since existing technology has already maximized capacity, such as: septic credits, which costs a great deal of money to convert septic to public sewer but the State gives you credits and more capacity in your sewer plant; the County and City continues to make I & I repairs, which is to get all groundwater and rainwater out of the pipes so it is not being treated at a plant; proof treatment capacity techniques and capacity trades; policy strategies such as reducing densities outside the MRGA and shrinking the UGA line, reversing assumptions about growth, and lower demands from economic development projects.
- Question:** What is an EDU?
Answer: An EDU is 200 gallons per housing unit.

Ms. Maher presented a map showing the priority areas for sewer that the City's Plan is recommending. The first priority is the City of Hagerstown. The second priority is inside the Medium Range Growth Area boundary. The area outside the MRGA is not a priority service area for the next 20 years. The Airport is located in this area. If the County would have an important economic development project the City could consider service to that area sooner.

Ms. Maher announced that the City Planning Commission has scheduled a special meeting in two weeks to review comments that have been received on the Comprehensive Plan. After the Plan has been finalized, the Mayor and City Council will hold a public hearing.

There was a brief discussion regarding a "take-back" clause. The City's current law allows the allocated sewer capacity to stay with the property indefinitely. Ms. Maher stated that the law should be changed since a shortage is inevitable.

- House Bill 1141

Mr. Goodrich stated that counties and towns in Maryland get their planning authority from the State. The type of government for each county, dictates the part of the Maryland Code from which you get your planning and zoning authority. Washington County is a non-chartered county and is governed by Article 66B. For most municipalities in the State and in Hagerstown, Article 25A governs their planning and zoning authority. Article 66B creates the Planning Commission for non-chartered counties and specifies the duties of the Planning Commissions. One duty of the Planning Commission is the creation of the Comprehensive Plan. Article 66B requires specific items that must be included in the Comprehensive Plan as follows: a Land Use Plan, a Transportation Plan, the Community Facilities element, the Mineral Resources element, Development Regulations to implement the Comprehensive Plan, and a Sensitive Area element which covers steep slopes, floodplain, etc. Article 66B also defines the procedures to adopt the Comprehensive Plan. Article 66B states, "It is the policy of the State of Maryland that orderly development and the use of land requires comprehensive regulation through the implementation of

planning and zoning controls.” Planning and Zoning controls “shall be implemented by the local government”. Article 66B also states, “The local legislative body (the County Commissioners) may divide the jurisdiction into districts to execute the purposes of the Comprehensive Plan and of 66B and within those districts it may regulate the use of buildings and the use of the land”. The zoning shall be adopted in accordance with the Plan. Article 66B also governs the authority and gives specific language for subdivision controls, historic area zoning, similar authority and encouragement for adequate public facilities ordinances, affordable housing, dedication of land for public purposes, mixed uses, planned unit development, clustering, transferable development rights, and inclusionary zoning.

Mr. Goodrich noted that the importance of House Bill 1141 is that it changes some of the requirements for Comprehensive Plans. HB 1141 requires four new elements in Comprehensive Plans as follows:

1. Water Resources Element – Identify drinking water resources. These resources must be adequate to serve the existing development and the planned future development. The Water Resources Element must also identify receiving water for wastewater treatment plants and storm water to make sure they are adequate for existing and future development.
2. Municipal Growth Element – Applies to incorporated municipalities. This element must identify areas for future growth, which will guide future annexations. The “five-year” rule has been changed. Currently, when property is annexed from the County into the City, there is a rule that says that if there is a drastic difference between the land use proposed in the County’s Comp Plan and the City’s zoning assignment, and a waiver is not granted to the City from the County, the land cannot be developed under the new zoning for a period of five years. The change in the “five-year” rule now says that there cannot be a drastic difference between the County’s zoning and the City’s zoning.
3. Preservation Priority Areas – Requires the County to have an element to designate Preservation Priority Areas if the County has a certified Ag Preservation program it wants to continue.
4. Workforce Housing Element – Required if the County wants to have a housing grant program. The housing programs in Washington County are currently handled by the Housing Authority, which is a non-profit organization and is not a County government program. Mr. Phoebus suggested that someone from the Workforce Housing Task Force should make a presentation during the educational session of the next UGA Advisory Committee meeting.

Mr. Goodrich stated that if the County does not complete each element by their deadlines, the County would not be able to change the zoning on any properties until the goals are accomplished.

OTHER BUSINESS

Mr. Phoebus recommended that members of the Advisory Committee should plan to attend at least one of the two upcoming public meetings scheduled on August 16, 2007 at 7:00 p.m. at the Hagerstown Community College and August 28, 2007 at 7:00 p.m. at the Williamsport High School. Mr. Goodrich stated he believes it would be beneficial for Committee members to hear the concerns of the citizens. The public meeting will be advertised in the Herald-Mail, on the County’s website, and through press releases.

NEXT MEETING

Mr. Ditto suggested the Committee should meet to discuss water and sewer capacity issues relative to the County. Members would like Greg Murray to make a presentation on August 23, 2007. Members also discussed having a presentation from Richard Wilson regarding the Workforce Housing Task Force Recommendations.

COMMENTS FROM UGA ADVISORY COMMITTEE MEMBERS

Mr. Cline stated he has contacted several of the municipalities to keep them advised of the activities of the UGA Task Force.

Mr. Shank announced the next TDR Subcommittee meeting is scheduled for August 27th at the Williamsport Town Hall at 7:00 p.m.

Ms. Allen stated she has updated the Pen Mar Association Realtors Political Action Committee regarding issues being discussed by the UGA Advisory Committee.

ADJOURNMENT

Chairman Phoebus adjourned the meeting at 11:03 a.m.

Respectfully submitted,

Richard Phoebus, Chairman