

MINUTES

URBAN GROWTH AREA ADVISORY COMMITTEE October 4, 2007

The Urban Growth Area Advisory Committee held a meeting on Thursday, October 4, 2007 at 9:00 a.m. at the Washington County Administrative Annex, 80 West Baltimore Street, Conference Room 1, Hagerstown, Maryland.

CALL TO ORDER

Chairman Richard Phoebus called the meeting to order at 9:05 a.m.

The following members of the Advisory Committee and Washington County Staff were present:

- Richard Phoebus
- Nancy Allen
- Dennis Miller
- Harry Reynolds
- Donovan Corum
- Jerry Ditto
- Ron Leggett
- Hank Livelsberger
- Mike Armel
- Bob Garver
- Linda Irvin-Craig
- John Shank
- Steve Goodrich
- Chris Cochran
- Debra Eckard
- Mike Thompson
- Kathy Kroboth

MINUTES

Mr. Armel made a motion to approve the minutes of the September 20, 2007 meeting as amended. Seconded by Ms. Irvin-Craig. Unanimously approved.

INTRODUCTIONS

Mr. Goodrich introduced Mr. Jim Castle, Town Clerk for the Town of Williamsport, and Mr. George Stumbaugh of the Williamsport Planning Commission.

OLD BUSINESS

Mr. Goodrich began a discussion with regard to discrepancies between the City of Hagerstown's Comprehensive Plan and the County's Comprehensive Plan. He stated that the City of Hagerstown's Comprehensive Plan extends into the County. The City has created a medium range growth area boundary in the County that includes properties that have the potential for being annexed into the City. The City has assigned land use designations to those properties in the County so that if an annexation were to occur property owners as well as the general public would know the intended use for those parcels. When overlaying the City and County's plans,

there were initially 42 parcels found that have two different land use designations. Staff presented these findings to the Board of County Commissioners and met with City Staff to discuss these issues.

During annexation, if the City and County land use designations are significantly different the BOCC must give its "express approval" in order that the land can be developed according to the city designation that will be assigned when the annexation is approved. In these situations, without express approval, the annexation can still occur but development must follow the County designation for 5 years. Approximately 20 parcels remain without clear resolution but may be the subject of additional restudy in the future.

Mr. Goodrich provided a map that was used in discussions with the BOCC. Different categories were shown to delineate the areas that the County should study, areas that the City has agreed to restudy, and the areas that the City assigned land use designations to fulfill its Comprehensive Plan goals.

- Subcommittee Updates

- **TDR's**

Mr. Phoebus gave a brief update for this committee. He noted that their charge is the appropriateness of zoning within the UGA if TDRs are adopted. At their last meeting, members discussed the suitability of zoning to accommodate the receipt of TDRs. There were several items of importance discussed by the subcommittee such as border issues, major exchange issues where there are major road crossings or interchanges especially on or close to the border of the city, and the purchase of TDRs without the assurance of a priority EDU.

- **Incentives**

Mr. Armel discussed the extent of area wide pre-development multi-parcel planning projections. It is evident that a parcel by parcel or development by development strategy would be easier to work with. For example, the Hopewell Valley development area has a master plan for storm water management that in essence eliminated the need for each property owner to deal with the issue separately. A second area of concern is traffic issues with regard to entrance access to parcels. The committee also believes that defining the requirements at the beginning of the development process, without changes, would provide consistency. Timely responses by agencies that are not part of the County government would be very beneficial. The committee also discussed revenues from associated fees for the assignment of EDUs and user fees. Currently, at the onset of a project, a developer may be told there is allocation available for his development; however, it is not guaranteed. In the interim, certain circumstances may arise that slow down the development and allocation that was available may no longer exist because the EDU is not reserved until the fees are paid which usually occurs when the house is built. The committee believes if you create a situation where EDUs become a currency that doesn't really get paid for, then the utility cannot properly plan for its growth and revenue stream. This creates a system of banking because growth is what mitigates against unreasonable or shocking increases in user rates. The committee recommends that EDUs should not be used as a mechanism to encourage the purchase of TDR's or the mechanism should guarantee the fiscal liability of the utility.

There was a brief discussion with regard to TDRs and the availability of EDUs. Mr. Phoebus believes a better understanding of the process to get EDUs would be beneficial to the committee.

Mr. Armel announced that the Incentives Subcommittee will be meeting with Delegate LeRoy Myers on Wednesday, October 17th at 8:00 a.m.

- **Housing**

Ms. Linda Irvin-Craig distributed copies of a written report from the Housing Subcommittee. The subcommittee has discussed land use obstacles to affordable housing. Several issues that were discussed included: very low density; specific size houses required in developments; impact fees and APFO requirements; the issues of “not in my backyard” because people do not want high density neighborhoods in close proximity to their properties. The subcommittee discussed recommendations from the Workforce Housing Task Force that they felt could be implemented in a timely manner. They recommend that MPDU regulations should be adopted and should be incentivized in some way. The group also recommends that other recommendations offered by the Workforce Housing Task Force should be phased in with a completion date of 2010. Ms. Irvin-Craig stated that the subcommittee recommends that the BOCC accept the definitions set by the Federal government for Affordable and Workforce Housing for County application.

The MPDU regulations should mirror closely those of nearby jurisdictions for several reasons, which include: if you make regulations too easy you invite growth and if you make it too hard it hurts the developers that need assistance and encouragement; target the people who live and/or work in this County; the people who benefit from the workforce/affordable housing should be required to attend the Housing Counseling program for eligibility; and allow waivers and/or exemptions for 501(c)(3) charitable organizations that build/develop housing for low income families and individuals.

The Housing subcommittee also recommends the adoption of provisions for senior housing for ages 60 and over with deed restrictions and income requirements, with waivers and/or exemptions for 501(c)(3) builders/developers and senior care facilities.

There was a brief discussion with regard to affordable and workforce housing and the importance of citizens being able to work **and** live in Washington County.

NEW BUSINESS

Williamsport and Funkstown representatives were invited to the meeting to discuss their concerns and issues regarding growth in and around their towns. Mr. James Castle, Town Clerk of the Town of Williamsport, began by stating that the Town of Williamsport is limited in the amount of building lots available at this time. He does not believe that the Town would be interested in being a recipient of TDRs. Mr. Castle stated that the Mayor and Planning Commission would like to define their growth area and the growth limits of the Town. This would help government officials know what to plan for and the improvements to infrastructure that are needed. He noted that Williamsport is unique because water is provided by the City of Hagerstown and their sewer is treated by Washington County; therefore, these entities are the controlling sources for any growth in Williamsport. When the sewer agreement was signed with Washington County, 50 EDUs were allocated to the Town.

Mr. Goodrich distributed copies of a portion of the Town of Williamsport’s Comprehensive Plan and the Town of Funkstown’s Comprehensive Plan. Mr. Goodrich explained that when the growth area boundaries were originally established in the 1980’s, the committee was comprised of representatives from the Towns of Funkstown and Williamsport, the City of Hagerstown and the County. During the update of the boundaries, a committee was not established and the Towns were not as involved; however, the Town of Williamsport is included in the UGA because they do not have their own water and sewer facilities.

Mr. Goodrich stated that the Town of Funkstown's Comprehensive Plan comments specifically on being a part of the growth area, being against the City of Hagerstown's boundary and getting cooperation among all entities and consistency of development on their boundaries in the growth area. The Town of Williamsport's Comprehensive Plan as well as Funkstown's Plan comments on growth and maintaining the Town's identity even though they are part of a larger urban area. Williamsport's Plan does not make specific comments about being in the growth area and how that affects them.

Mr. Goodrich stated that in talking to a representative from Funkstown, it is their point of view, they want to work cooperatively with the County and City of Hagerstown to address growth area issues. Funkstown has expressed their concern with regard to traffic issues.

Mr. Castle stated that the Town of Williamsport wants to be in constant contact and work with the County and other entities during the UGA rezoning process. He also stated that the Town has no plans for annexation of any properties.

Mr. Goodrich stated that the main purpose of a growth area boundary is to have the opportunity for official participation when planning for the future.

Mr. Castle noted that all municipalities are faced with an update of the Comprehensive Plans to be in compliance with House Bill 1141. Williamsport has established a subcommittee to work on their plan and grant money has been received through the ARC to hire a consultant to help with their Plan update.

Ms. Livelsberger stated that in all of her experiences at public hearings and meeting relative to development around the Williamsport area, citizens seem most concerned about density in those areas because roads are inadequate. She asked if a road plan for that area would facilitate the use of land for development. Mr. Castle stated that roads are a legitimate concern and residents should have input with regard to development in that area.

Ms. Allen asked if a State grant has been received for revitalization of the downtown area as referenced in the Town's Comprehensive Plan. Mr. Castle stated that Williamsport has a severe water and sewer infrastructure problem with aging lines and outdated pumping stations that have received no maintenance in 40 years of use. Estimated costs to upgrade the infrastructure range from \$5 million to \$6 million. Money has been received through funding from MDE and the Department of Agriculture Rural Utility Service to address some of the necessary upgrades. Since 2004, there have not been any grants for the downtown area. Representatives from the Town have met with DBED and MDE and were encouraged to apply for funding for an economic study of the downtown area to identify challenges and recommend solutions. An application has been submitted. Mr. Castle stated that a lot of State programs do not apply to Williamsport due to its size and population.

Mr. Armel asked what position the Town of Williamsport took during the most recent update of the UGA boundaries in the County's Comprehensive Plan. Mr. Castle stated that he was not employed by the Town at that time; however, Mayor McCleaf's position is that the Town wants to be cooperative and involved in these types of processes. Mr. Goodrich stated that the concept of the growth area did not change and the boundary changed very little. He stated that more time was spent on the boundary near Williamsport than any other area because there were very strong opinions shared by the residents on some very sensitive areas.

NEXT MEETING

The next meeting will be held on Thursday, October 18, 2007 at 9:00 a.m. at the Washington County Administrative Annex, 80 West Baltimore Street.

Mr. Phoebus stated that representatives from the Washington County Economic Development Commission will be present to discuss industrial park issues. Another topic for discussion is EDU issues.

OTHER BUSINESS

The meetings for November have been scheduled for November 1st, 15th, and 29th. A conference room is not available at the Administrative Annex building for the November 1st meeting. Mr. Phoebus suggested the EDC conference room at 100 West Washington Street and Mr. Miller suggested City Hall. The location will be determined and members will be notified.

ADJOURNMENT

Chairman Phoebus ordered the meeting adjourned at 10:45 a.m.

Respectfully submitted,

Richard Phoebus, Chairman