

# MINUTES

## URBAN GROWTH AREA ADVISORY COMMITTEE November 15, 2007

The Urban Growth Area Advisory Committee held a meeting on Thursday, November 15, 2007 at 9:00 a.m. at the Washington County Administrative Annex Building, Conference Room 1A, 80 West Baltimore Street, Hagerstown.

### CALL TO ORDER

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

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

- Richard Phoebus
- Dennis Miller
- Harry Reynolds
- Hank Livelsberger
- Mike Armel
- Linda Irvin-Craig
- John Shank
- Nancy Allen
- Jeff Cline
- Donovan Corum
- Jerry Ditto
- Robert Garver
- Steve Goodrich
- Misti Brandenburg

### MINUTES

Following a brief discussion, and with a quorum present, Mr. Miller made a motion to approve the minutes of the November 1, 2007 meeting. Seconded by Mr. Shank. Unanimously approved.

Mr. Phoebus explained that due to a lack of a quorum at the last meeting, the minutes of the October 18, 2007 meeting had not been approved. Therefore, since those minutes had been previewed and no changes were necessary, Mr. Miller made a motion to approve the minutes from the October 18, 2007 meeting. Seconded by Ms. Irvin-Craig. Unanimously approved

### OLD BUSINESS

#### -Subcommittee Updates

- TDR's

There was no report from this subcommittee.

- **Housing**

**Approval of Changes to Recommendations**

Ms. Irvin-Craig stated that the Housing Subcommittee met again and previewed the changes made to the Housing subcommittee recommendations. These changes were electronically sent to each of the members of the Urban Growth Area committee. Ms. Irvin-Craig reviewed these changes and stated that all bracketed material was deleted and the boldly printed material was added. The changes were approved without objection.

The second task assigned to the subcommittee was to review the eleven recommendations of the Workforce Housing Taskforce. The committee believes, that with what they have submitted, they have already dealt with numbers four, five, eight and eleven. Numbers one, two, three, seven, nine and ten will take 'Political Will', which will determine the time frame for completion of the tasks. Therefore, it is difficult for the committee to determine priority and timetable for each of the items. However, the first few items are easy to bring into the Urban Growth Area boundaries.

Mr. Phoebus clarified that the committee has dealt with the items in the Housing Taskforce's recommendations that they feel could be dealt with in the current process for the Urban Growth Area; the other issues are more long term. Therefore, the question is, does the committee want to make recommendations on those or do they want to focus on those things that they feel are most critical and achievable in this current process?

Some of these issues have sizable fiscal implications and would need time to phase into the budget process. However, this is where 'political will' to place them in the budget process becomes the deciding factor. Following discussion Mr. Phoebus summarized that the committee should accomplish its assigned tasks of recommendations to be included with the implementation of the zoning in the growth area, first. However, if there are other long-term tasks discovered, they want to address those with recommendations as well. Recommendations should contain priority and time frames. Ms. Irvin-Craig stated that all of the members agreed that inclusionary zoning needed to be first priority.

**Discussion of Recommendations on Manufactured Housing**

Ms. Irvin-Craig stated that as the committee understands it, the Workforce Housing Taskforce was clearly indicating mobile homes, not modular homes, when referring to manufactured housing. Ms. Irvin-Craig went on to say that Washington County, by virtue of state and federal law, can't control the code regarding how they are constructed; however, zoning can decide where they can or can't be placed. Additionally, we can institute design guidelines for exterior appearance without undermining the HUD code to which they are constructed. The county could demand that the structures be placed on a permanent masonry foundation.

Mr. Corum stated that the subcommittee concluded that it would be best to limit the zoning not to include mobile homes within the Urban Growth Area.

Mr. Phoebus asked Mr. Goodrich to explain the zoning chart that he e-mailed to the members of the committee the previous day. The chart showed the current zoning categories down the left-hand side and various types of dwelling units across the top. Mr. Goodrich stated that this chart was meant to be informational and he proceeded to review its contents with the committee.

Mr. Phoebus inquired as to whether there were a significant number of farms or agriculturally zoned acreage, in the Urban Growth Area. Mr. Goodrich responded that there were. Mr. Ditto commented that for those people who want to maintain the agricultural zoning in the Urban Growth Area there should be two options considered. The first one being an Agricultural Overlay and the second one being the requirement to accept the rural five-acre zoning that exists outside of the Urban Growth Area if they intend for it to remain as a farm. Mr. Goodrich stated that

agriculture would not be disallowed on those properties even if zoning categories were changed for residential development. Current farming activities won't be disallowed.

Referring to his chart Mr. Goodrich pointed out that singlewide and doublewide mobile homes are treated differently when permits are issued. Singlewide mobile homes come to the site as a complete unit. Doublewides come in two pieces and are hooked together. Therefore, doublewides are determined to be modular homes. This allows them to be placed in the same location where single-family dwellings are specified.

Following discussion on the definition, size and construction of both the mobile and modular homes, Mr. Reynolds stated that if we are truly interested in providing workforce housing we have to allow mobile homes in some form in the Urban Growth Area. If we want to improve the appearance we can require a block foundation and landscaping. Although many do not want mobile homes in their neighborhood, we want to enable our workers to live in our community rather than in surrounding areas.

Ms. Allen stated her belief that there are other ways to achieve the same goal. She believes that with the changes in the Excise Tax and the availability of land to be used to create workforce housing this could be accomplished without the use of mobile homes in the Growth Area. She is concerned that if we open this up to mobile homes we might have a strong influx of that and nothing else.

Mr. Corum suggested the idea of placing the mobile homes on targeted properties within the Urban Growth Area, such as those wanting to retain their Agricultural or Conservation zoning. Mobile home subdivisions and mobile home parks are now only permitted as a special exception in the old Agricultural zoning area and they have to have a forty thousand square foot lot like the regular stick built house. That change took place approximately fifteen years ago.

Mr. Phoebus presented the question to the committee as to whether or not they wanted to make some specific reference to this area of low cost housing with its political, perception and reality problems? Additionally, do we want to allow this on individual lots or consider it in mobile home subdivisions? Ms. Irvin-Craig stated that the word 'subdivision' might solve the problem because it refers to ownership and being in a concentrated area.

Discussion ensued regarding the allowance of singlewide mobile homes on agriculturally zoned land within the Urban Growth Area, once the new zoning takes place. Mr. Goodrich summarized by stating that he didn't know if the mobile homes would be disallowed. However, he suggested that some might be considered as a principle use on that property while others might be considered as an accessory use. Since only one dwelling unit per parcel is allowed, maybe some of these extra ones for parents and employees would be allowed by way of special exception. He stated that just because the zone is going to be changed doesn't mean the current use would be disallowed. It would be helpful to have a recommendation regarding this situation.

Mr. Phoebus asked if the committee should recommend to the County Commissioners that they provide the ability to use singlewide mobile homes within the Urban Growth Area? Mr. Armel suggested it should be stated, in mobile home subdivisions and Residential Urban Growth Multi-Family zoning. Mr. Phoebus clarified that the committee was saying that it was necessary to recommend to the County Commissioners that they find a way to utilize singlewide mobile homes to provide for workforce and affordable housing within the Urban Growth Area. We would suggest that they look at the use of mobile home subdivisions and the use of Residential Urban, Residential Multi-Family and PUD.

Ms. Irvin-Craig raised the question as to whether mobile homes were treated the same way regarding the Excise Tax and square footage. Currently, the Excise Tax does apply to mobile homes and it is a dollar per square foot no matter what the size of the mobile home. There are no proposed exemptions from the changes to the Excise Tax; therefore it would be three dollars per

square foot if those proposed changes are instituted. Ms. Irvin-Craig then asked if multi-family housing would be excluded from the Excise Tax changes. Mr. Goodrich stated that he didn't think that anything had been excluded from the changes. Therefore, multi-family housing would also be \$3 per square foot as well.

Mr. Phoebus directed the discussion back to whether a suggestion should be made to the County Commissioner that they look at providing the flexibility to use, either by special exception or other ways, mobile homes within the Urban Growth Area. At this point Mr. Phoebus suggested that a 'straw vote' be taken. The results of the vote were as follows: 7 people against and 4 people who are undecided or in favor. Mr. Phoebus stated that the consensus seems to be that the committee should 'leave well enough alone' on the singlewide mobile home issue.

Ms. Irvin-Craig stated that based on the fact that the committee was being asked to review the recommendations of the Workforce Housing Taskforce, they need to state that they disagree with that recommendation. Following discussion on this issue, and review of the report, it was determined that there has been some recent action on this issue. Therefore, the committee's comment should be that the committee has observed that some initiative has taken place, evidenced by the adoption of the policy allowing doublewide mobile homes. Additionally, the committee suggests that they continue to remove those issues that relate to the changes in manufactured housing.

- **INCENTIVES**

Mr. Phoebus stated that Mr. Armel's Incentive Committee had a report that they wanted to begin presenting this week. Mr. Armel stated that the committee chose to present this as points of discussion rather than as a recommendation due to the fact that they were looking for input and feedback. Mr. Armel clarified that the committee was asked to streamline the regulations to generate incentives as opposed to incentives that can be a plethora of courses of action. Mr. Armel proceeded to review the handout titled **1<sup>st</sup> DRAFT REPORT "INCENTIVES" SUBCOMMITTEE TO THE URBAN GROWTH AREA ADVISORY COMMITTEE - POINTS OF DISCUSSION.** (A copy of this document can be found attached to these minutes.)

As a result of the reference to tiered zoning Mr. Phoebus requested that Mr. Goodrich explain current mixed-use zoning. Mr. Goodrich responded that in the county we have the Rural Village zoning that allows mixture of uses. It is not so detailed that it dictates what is allowed on the first and second floors of a building or having two different things on the same floor, however, it does allow the mixture. The Office, Research and Technology zoning allows an office building with commercial on the first floor and other uses on other floors. That zone doesn't allow residential uses at all. In other zoning categories it doesn't say that you should or you can't mix uses in the same building as long as both of the uses are permitted in that district you could probably mix them. The Comprehensive Plan does encourage that mixture of Residential and Commercial under the term 'Neo-Traditional'. Therefore, the recommendation is not out of line with what the Comprehensive Plan already states. The City of Hagerstown currently has some mixed-use areas.

### **NEXT MEETING**

Mr. Phoebus stated that the committee now needed to take time to review the ideas presented by Mr. Armel and then develop the incentives more fully at the next meeting. Any suggestions relating to Mr. Armel's presentation need to be directed to him. An update presentation of the TDR committee and finalization of the housing issues will be addressed at the next meeting.

Mr. Goodrich raised the issue of the December meeting schedule. The normal schedule would be December 13<sup>th</sup> and 27<sup>th</sup>. Mr. Phoebus stated that the committee would not be meeting on December 27<sup>th</sup>. Mr. Goodrich stated that the next meeting would be on November 29<sup>th</sup>. Mr. Phoebus suggested that the committee meet on November 29<sup>th</sup> and December 13<sup>th</sup> and then

decide at that meeting when to meet again. Mr. Phoebus clarified that there were no Commissioner deadlines that need to be considered. Mr. Goodrich responded that the Commissioners have not set a date for the Urban Growth Area completion at this time. Therefore, it was decided that November 29<sup>th</sup> and December 13<sup>th</sup> are viable meeting dates, however, there will be no meeting on December 27<sup>th</sup>.

**ADJOURNMENT**

Mr. Phoebus adjourned the meeting at 11:05 a.m.

Respectfully submitted,

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Richard Phoebus, Chairman