

MINUTES

URBAN GROWTH AREA ADVISORY COMMITTEE December 13, 2007

The Urban Growth Area Advisory Committee held a meeting on Thursday, December 13, 2007 at 9:00 a.m. at the Washington County Administrative Annex, 80 West Baltimore Street, Conference Room 1, Hagerstown.

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
- Dennis Miller
- Hank Livelsberger
- Mike Armel
- Nancy Allen
- Donovan Corum
- Jeff Cline
- Jerry Ditto
- Bob Garver
- Linda Irvin-Craig
- John Shank
- Steve Goodrich
- Chris Cochrane
- Debra Eckard

MINUTES

Mr. Miller made a motion to approve the minutes of the November 29, 2007 meeting as presented. Seconded by Mr. Shank. Unanimously approved.

OLD BUSINESS

Mr. Armel continued the *Points of Discussion* presented by the Incentives subcommittee.

- Bring focus to, plan for and implement quality of life aspects of development in our community; e.g. greenways and usable open space. Mr. Armel noted that the subcommittee is trying to determine ways to enhance developments and create continuity in greenways.

Mr. Phoebus asked if there are specific requirements for green space. Mr. Goodrich stated that there can be specific requirements. Currently, there is a required minimum amount of green space required in the overall development plan for a PUD. Usually, these spaces consist of playgrounds, pedestrian walking paths, etc. Forest conservation requirements also apply to developments. Forest conservation requirements are sometimes met by the developer planting trees off-site or by making a payment-in-lieu, money that is put into an account to do forest plantings in another area.

Mr. Armel noted that the County's Comprehensive Plan states, "Interconnectivity, accessibility and safety should be foremost among the guiding principles for the detailed study necessary to establish specific greenway trail locations"; however, it is not the intention of the Plan to be the detailed study. Ms. Irvin-Craig suggested that "density trade-offs" may encourage the creation of greenways. Mr. Phoebus suggested an "increased value" from greenway space. For example, if a developer would grant a perpetual easement or deed property for greenway space, the developer could receive increased density in their development. Mr. Goodrich stated that some counties require dedication of a specific amount of green space.

Mr. Goodrich stated there is a Special Programs map within the Comprehensive Plan that shows greenways and other special designated areas. He also noted that jurisdictions are required to prepare a preservation/open space plan for the State every 3 to 5 years. The State has set a goal of 15 acres per 1,000 residents for park and open space land. Within the 15 acres, the land is broken down into different types of parkland, such as neighborhood and regional parkland. Up to this point, the County has had more parks and open space land than required by the State's goal; however, we are getting close to that goal. Mr. Miller stated that the City has the same goal. In the past, the County purchased land with funds from the State and more recently used the funds to develop the parkland.

Ms. Livelsberger believes that open space should be required in developments. Mr. Goodrich stated that the County regards single-family lots as having their own open space. He noted that multi-family and townhouse developments are required to provide open space areas such as playgrounds.

Mr. Armel began a discussion with regard to minimum lot sizes. Members also discussed where greenways should be located and maintenance issues.

In summary, the Advisory Committee recommends that the BOCC should encourage developers to follow the recommendations set forth in the County's Comprehensive Plan and should consider incentives for green space and open space use by developers within the UGA.

- Fiscal incentives, e.g. tax credit for a specific period of time (assumed also to be an EDC function). Mr. Garver believes that investment tax credits would be an incentive for developers to renovate and refurbish buildings that are dormant. He noted that tax credits do not require money to be taken from public coffers to incentivize the project. Enterprise zones would be included; however, they are more difficult to get because the economy is too good at this time.

Following a brief discussion, members made the following recommendation: there should be fiscal incentives (ex. tax credits for a specific period of time) to encourage the re-use or re-development of underutilized properties to encourage development within the UGA.

- Gray-water (wastewater) systems utilization and storm water management and erosion and sediment aspects: rain gardens, cisterns, porous paving applications, infiltration beds. Mr. Armel began a discussion that suggested the County should consider innovative, new technology and apply it. Mr. Phoebus expressed his concern with regard to maintenance of the storm water management ponds. Mr. Goodrich noted that currently the developers of commercial and industrial development maintain their own storm water management ponds and the county maintains the residential storm water management ponds. He believes that the County will begin to encourage all developers (commercial/industrial/residential) to maintain their own ponds. There is often not an appropriate mechanism or entity in residential development.

The best sustainable growth technology should be used (for example, gray-water management systems). Mr. Ditto gave an example of a storm water management pond area that the developer built to look like a park with a pavilion and walkways; however, after it was finished, the developer installed a chain link fence around the area. Mr. Corum noted there is another county in the State that encourages such uses for storm water management ponds. The depth of the pond determines if a chain link fence is needed around the pond.

In summary, the Advisory Committee recommends the use of sustainable development technique.

- Workforce housing; duplex units incorporated into single residence developments.

Mr. Phoebus began a discussion with regard to requiring a certain percentage of workforce housing within a development. Members discussed architecturally designing multi-family units to look like a single-family residential unit. Ms. Irvin-Craig expressed her opinion that as an incentive for developers building workforce housing there should be an automatic LEED green point to cut down on commuting. Mr. Corum stated that LEED has certain establishments with regard to commuting, which is tied to mass transit.

The Advisory Committee changed the word “duplex” to multi-family units with regard to this recommendation.

NEW BUSINESS

Mr. Phoebus began by asking the status of the TDR Report from the consultant. Mr. Goodrich stated that Staff has reviewed the final “draft” of the TDR Report and comments have been submitted to the consultant. Currently, Staff is waiting for the final report, which will be presented to the Board of County Commissioners. The presentation is tentatively scheduled for late in January 2008.

Mr. Cline began the discussion with regard to the Report of the TDR Subcommittee.

- Issue with Agriculture Land inside the UGA – Land presently zoned for agriculture and currently being used for agriculture in the UGA to be permitted to continue the existing farming operation or an approved agricultural practice even though it is rezoned for another appropriate zoning – commercial/residential. Should existing agricultural zoning remain or be assigned a new agricultural zoning?

Mr. Phoebus noted that during one of the subcommittee’s meetings, one citizen shared their concern with regard to the agriculture zone within the UGA being changed. Mr. Goodrich stated that it is the County’s plan to take the agricultural zone within the UGA and change it to a more urban type land use; however, the current use of the land as agriculture would be allowed to continue. To encourage and allow new investment in agricultural uses in an area where urban development should occur is contradictory. Mr. Shank stated that flexibility in agricultural uses for current residents and landowners of agricultural zoned property is necessary.

Mr. Ditto stated that the current agriculture zoning is the most liberal zoning in the County within the UGA for residential development. Because the zoning is so liberal, Mr. Ditto asked why the County would want to change the current agricultural zoning. Ms. Irvin-Craig noted that all agricultural zoning within the UGA may not be suitable for residential development. Some areas could be contiguous with other commercial or industrial development. Mr. Goodrich stated that the current agricultural zoning district is too liberal because the uses are too numerous and varied. If all of the uses are

allowed to take place at one time, there would be a conflict of uses. The County wants to create a better zone for the overall benefit of the community.

There was a brief discussion with regard to agricultural credits.

Mr. Armel expressed his opinion that the utilities should plan to service the UGA areas when it is developed; however, in the meantime if the land is zoned for agricultural uses, he believes they should be allowed to continue. Mr. Phoebus believes that the majority of the committee agrees that the current agriculture use should be allowed to continue. However, should the intensity of use be allowed to change? Mr. Goodrich stated that if the landowner tries to change the use, other requirements would need to be met such as setback requirements.

Members discussed several specific developments and areas that have been developed around the Airport. Mr. Goodrich stated there is an overlay clear zone that limits height and use and an additional overlay adopted with the rural area near the Airport. The rural area zoning applies only to properties outside the Growth Area. Residential zoning can be controlled by changing the zoning in the urban area, which is recommended by the Comp Plan.

In summary, Staff intends to rezone agricultural land to a more appropriate urban zoning. Members expressed their concerns about rezoning and some believe reasonable goals could be met using an overlay and/or rezoning. Decisions also need to be made with regard to nuisance uses. Members requested information with regard to the current number of properties and amount of acreage zoned agriculture within the UGA. Staff will work on an approximation of the requested information.

- Areas that border the city/municipalities to have compatible zoning. Mr. Cline noted that the Town of Williamsport has hired a consultant to match the borders between the Town and the County. The County recently worked with the City of Hagerstown to ensure compatible zoning districts within the UGA. Mr. Goodrich stated there are currently 8 or 9 properties where the proposed land use designations are different; however, changes are likely to occur over time and zoning will be reviewed if an annexation of these properties occurs.

The Advisory Committee acknowledges there are differences between the City and County zoning designations along the City/County border within the UGA and there will be opportunities in the future to resolve these differences.

FUTURE MEETINGS

After a brief discussion, the committee agreed to meet on Thursday, January 10, 2008 and Thursday, January 24, 2008 at 9:00 a.m. at the Washington County Administration Annex, 80 West Baltimore Street, Conference Room 1.

ADJOURNMENT

Mr. Ditto made a motion to adjourn the meeting at 11:00 a.m. Seconded by Mr. Garver. So ordered.

Respectfully submitted,

Richard Phoebus, Chairman

