

## **SUMMARY**

### **URBAN GROWTH AREA ADVISORY COMMITTEE February 7, 2008**

The Urban Growth Area Advisory Committee held a meeting on Thursday, February 7, 2008 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 9:07 a.m.

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

- Richard Phoebus
- Hank Livelsberger
- Mike Armel
- Jerry Ditto
- Linda Irvin-Craig
- John Shank
- Steve Goodrich
- Jill Baker
- Chris Cochrane
- Debra Eckard

#### **MINUTES**

Due to lack of a quorum, the minutes of the January 10, 2008 meeting and the Summary of the January 23, 2008 field trip were not approved. However, comments were discussed.

Mr. Ditto began a discussion pertaining to Site #1 discussed during the January 24<sup>th</sup> field trip. He expressed his opinion that this location would be more appropriate for residential development. There is a creek present in the area that could be affected by runoff from businesses. He also believes that it is unlikely that the road will be widened and businesses could cause a significant increase in traffic related issues. Mr. Ditto expressed his opinion that there are better areas for commercial development. He also stated, "It is presumptuous to assume that the County and City are right all the time." Mr. Phoebus clarified that during the committee's discussion following the field trip, the committee did not believe that the City and County's view of the area are materially different.

#### **NEW BUSINESS**

Mr. Phoebus stated he would develop a draft report and distribute it before the next meeting. All members should review the draft and make their comments during the February 21<sup>st</sup> meeting.

Mr. Goodrich stated that the final TDR Report will be available on the County's website by the end of the week. There are currently a few copies available on CD at the Washington County Planning Department. The consultant will make a presentation of the Report to the County Commissioners on Tuesday, February 19, 2008.

Mr. Goodrich distributed several excerpts from the County's Zoning Ordinance. The first excerpt (Article 6) was the old Agricultural zoning district requirements that are currently being used inside the Urban Growth Area. Mr. Goodrich noted there are 26 permitted uses in the old Agricultural zone and another 26 special exceptions. Uses are varied and include residential, limited commercial, institutional, etc.

Conflicts arise when you have many permitted uses in the same area and the same zoning district. For these reasons, the County has made changes to the district requirements and uses during the rural area rezoning. Mr. Goodrich noted that the lot size requirement for a single-family home is 40,000-square feet.

The second excerpt describes the new Agricultural (Rural) zoning district that is currently being used in the rural areas. The uses permitted in this zoning district are more agriculturally related. Animal husbandry and traditional farming activities are principal permitted uses in the Agricultural Rural zoning district. The maximum density in this zoning district is 1 dwelling unit per 5 acres of land. Mr. Goodrich clarified that a single-family dwelling unit is permitted on a 1-acre lot; however, the additional 4-acres must be in the remaining parcel. He noted that within the Airport Overlay zone outside the UGA, the density requirement is 1 dwelling unit per 50-acres of land.

The third excerpt was Division IX – Animal Husbandry Facilities. This section provides guidelines for the management of waste produced by the animals present on site. It creates a threshold of 6,000 tons of manure and the way it is treated above and below this level. There are also different guidelines inside and outside of the growth area. If the waste generated is more than 6,000 tons, an additional review by the County is required prior to receiving permits. Greater setbacks are also required. Waste management and nutrient management plans as well as setback requirements for buildings are required when dealing with animal husbandry facilities. Mr. Goodrich noted that the guidelines for maintaining nutrient management levels are described in the Agricultural Waste Management Field Handbook, published by the US Department of Agriculture and the Soil Conservation Service. Mr. Ditto stated that the nutrient management plan requires that waste be disposed of in an appropriate manner based on the crops grown. The facility owner must also have access to, through renting or owning, the appropriate number of acres to dispose of the waste. Waste may be trucked out to any place in the County where there is available land to dispose of the waste.

Mr. Phoebus began a discussion with regard to the “grandfathering” of properties and their current uses. He expressed his opinion that the present use of an agricultural property should be permitted as long as there is no break in that particular use. Ms. Irvin-Craig believes that a parcel-by-parcel review of each property would be required.

The fourth excerpt was a list of definitions found in the County’s Zoning Ordinance. Mr. Goodrich noted that the definition for “agriculture” is very broad. He also noted that a building permit is not needed for “agricultural structures”. However, an “intent to build” must be submitted to the County.

The last excerpt was Article 4 – General Provisions. Mr. Goodrich noted that Section 4.3 – Nonconforming Uses states, “Any building, structure or premises lawfully existing at the time of the adoption of this Ordinance, or lawfully existing at the time this Ordinance is subsequently amended, may continue to be used without further impositions of use, dimensional, buffer or other Ordinance requirements.....”. Section 4.4 – Agricultural Uses Permitted Generally states, “Except for compliance with distance requirements set forth in Section 4.9, 4.13, 28A, and requirements for animal husbandry facilities set forth in Article 22, Division IX, nothing in this Ordinance shall prohibit the use of land for agricultural purposes or the construction or use of the buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located.” These sections of the Zoning Ordinance allow agricultural uses that are currently in operation to continue.

There was a brief discussion with regard to the establishment of new agricultural uses, including animal husbandry within the UGA. Members discussed the continued use of agricultural land within the Urban Growth Area for crop production. Mr. Ditto expressed his opinion that both crop production and animal husbandry have negative impacts. Members concurred that present agricultural uses are not particularly harmful to the UGA.

There was a brief discussion with regard to eliminating the current agricultural zoning district, but continue to allow the residual use under the current use concept. Mr. Ditto asked for clarification of the RB-E (Rural Business – Existing) zoning district. Mr. Goodrich explained that the zoning was created because there were various commercial activities in the rural areas that the County wanted to allow to continue.

The County also created a system of thresholds if the businesses wanted to expand. The existing RB-E zone has the ability to allow expansion and limited ability to change the use. If the use intensity is changed, a review is required. Members agreed by consensus to concur with the recommendation that the agricultural areas within the UGA be allowed to continue in agricultural production similar to that which was in existence at the time of the rezoning. Ms. Irvin-Craig believes that a "blanket statement" is not appropriate. Mr. Phoebus expressed his opinion that the "present actual use" should be "grandfathered" for agricultural properties. The use should be limited to the nature of the business not the amount of the business as long all restrictions are met for the expansion. Mr. Shank expressed his opinion that you should not limit property owner's expansion of their agricultural business. By consensus, members agreed that the "present actual use" should be "grandfathered" or allowed for agricultural properties.

Mr. Goodrich reminded members that Section 4.3 - Nonconforming Uses and Section 4.4 - Agricultural Uses Permitted Generally applies to the entire County. He recommended that if and when changes are made to the agricultural areas, precise documentation of the changes should be kept in case there are questions in the future.

Mr. Phoebus expressed his concern with regard to the various zoning designations on property owned by the Hagerstown Community College. The College has expressed their interest in obtaining a special zoning designation that is generally considered for academic or college or university uses. With a special zoning designation, the College would not be required to request a zoning change each time they want to expand. One suggestion from the College would be the ORT – Office/Research/Technology zoning designation, which seems to meet most of the College's needs. Mr. Goodrich stated that some communities have special zoning designations for colleges. He noted that the ORT zone was originally designed for a very specific purpose at Allegheny Energy and the Friendship Technology Park. Some believe that the zone is too restrictive and want to have the uses expanded to make the property more marketable. Mr. Phoebus asked if the Committee should comment on the college zoning in the UGA and would it be helpful to support a zoning designation similar to the ORT. Members expressed their support for a special zoning designation to help the college.

Ms. Irvin-Craig reported that her committee met recently and she distributed copies of their final report and recommendations with regard to housing issues.

#### **NEXT MEETING**

The next meeting is scheduled for Thursday, February 21, 2008 at 9:00 a.m. at the Washington County Administrative Annex, 80 West Baltimore Street, Room 1A.

#### **ADJOURNMENT**

Mr. Phoebus adjourned the meeting at 10:45 a.m.