

MINUTES

URBAN GROWTH AREA ADVISORY COMMITTEE April 3, 2008

The Urban Growth Area Advisory Committee held a meeting on Thursday, April 3, 2008 at 9:00 a.m. at the Washington County Administrative Building, 100 West Washington Street, 2nd Floor, Conference Room 255, Hagerstown.

CALL TO ORDER

Chairman Richard Phoebus called the meeting to order at 9:00 a.m.

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

- Richard Phoebus
- Hank Livelsberger
- Donovan Corum
- Jerry Ditto
- John Shank
- Linda Irvin-Craig
- Harry Reynolds
- Nancy Allen
- Dennis Miller
- Mike Thompson
- Steve Goodrich
- Chris Cochrane
- Debra Eckard

MINUTES

Mr. Shank made a motion to approve the minutes of the March 6, 2008 meeting as presented. Seconded by Mr. Reynolds. Unanimously approved.

OLD BUSINESS

- TDR Subcommittee Report

Mr. Phoebus began a discussion with regard to changes discussed at the previous meeting and incorporated into the TDR Subcommittee's report. The first change to the 3rd Draft is reflected in paragraph 3 and highlighted in red as follows: "zoned rural villages with completed historic inventories". Mr. Ditto asked if the County has a list of rural villages that have completed historic inventories and requested a copy of that list, if available. Ms. Eckard stated that Mr. Goodrich has the list. Mr. Phoebus asked that a copy of the list be e-mailed to the members of the committee. Mr. Phoebus noted that the above language was taken from the consultant's TDR Report.

Mr. Ditto distributed copies of the first page of the revised TDR Subcommittee's 3rd Draft with changes (in blue) that he believes should be incorporated. He expressed his opinion that the report should explain the committee's rationale of thinking.

Mr. Reynolds began a discussion relative to the criteria that was used for establishing rural villages. Ms. Irvin-Craig stated that the County was given the task (by the State) to identify rural areas that might need

funding for infrastructure for water and sewer in the future. Mr. Ditto noted that many of the rural villages or priority funding areas lie within the highest zoning densities. He noted that there are also priority funding areas. Members discussed the ¼ mile fringe area suggested by the TDR consultant's report. Some members believe that the fringe area may need to be adjusted in some areas based on individual circumstances.

Mr. Phoebus continued reviewing the 3rd draft of the TDR subcommittee's report. He noted that Mr. Ditto's "Comparison of Values" chart presented at the previous meeting would be attached to the final report. Mr. Phoebus requested a written narrative from Mr. Ditto that would accompany the chart.

Mr. Phoebus noted that on page 2 a paragraph was added relative to discussions that TDRs should have a blanket value regardless of the property's zoning designation. Mr. Phoebus began a discussion based on a theoretical parcel of 30 acres. Based on 1 TDR per 5 acres, the property owner would have 6 TDRs to sell. Taking no other assumptions into account, the property owner sells one TDR. Mr. Phoebus' question: "When the first TDR is sold, has he now given up his right to build on that parcel, but still has his right to sell the other five TDRs? Several members believe the owner has given up the right to build on the property; however, the remaining TDRs could be sold. Other members did not totally agree with that belief.

Mr. Phoebus continued the draft review. The following phrase as suggested by Mr. Armel at the previous meeting was added to the 2nd paragraph under the heading *EDUs-Nutrient Loading*, "consistent with such County policies and procedures that are or may be established to assure fiscal viability of the sewer utility". Mr. Ditto expressed his opinion that the committee should reiterate "that without transferring some kind of sewer capacity from the rural areas to the urban areas, the areas will not be developed to the capacity wanted". Mr. Phoebus restated Mr. Ditto's belief that EDUs could be achieved by a developer by not building on a lot in the rural area. He believes that the developers who purchase TDRs should have the first opportunity to receive EDUs. Mr. Ditto and Mr. Shank concurred. Mr. Reynolds suggested that public water availability should be included. Mr. Phoebus suggested the following statement, "It was felt that a developer would be reluctant to purchase any significant number of TDRs unless available public sewer and water is assured". Mr. Miller noted that the City refers to "sewer" as "wastewater treatment" and the term is referenced as such in the City's updated Comprehensive Plan.

The committee began discussions on the subheading *Septic Tank Issues*. Mr. Ditto suggested adding a brief statement with regard to credits for failing septic systems. It was suggested that the subheading should be "Septic System Issues" not "Septic Tank Issues".

The committee reviewed the final subheading *Present Agricultural Zoning in UGAs*. Mr. Phoebus noted that the final paragraph that he added is from language found in the City of Hagerstown's current adopted zoning code as an accepted use. Mr. Ditto noted that the statement should only apply to land within the City limits, not in the entire UGA. He stated that agricultural uses in the UGA could not be expanded or altered if the statement is included. Mr. Shank pointed out that the UGA boundary line sometimes splits farms wherein part of the property is included in the UGA and part of the property is outside the UGA.

- **Consensus: The second paragraph under the subheading *Present Agricultural Zoning in the UGAs* should be eliminated.**

There was a brief discussion with regard to changing the boundary of the UGA area. At this time, Staff has made a determination that a change to the growth area boundary is not needed. The boundary will be reviewed every six years to determine if a change is needed.

NEW BUSINESS

Mr. Goodrich distributed copies of the "Table of Land Use Regulations" and "Existing Washington County Zoning Designations and 2002 Comprehensive Plan Recommendations", which is a statement of purpose of each zoning district within the UGA (as described in the current Comprehensive Plan) and be recommendations from the current Comprehensive Plan regarding the action that should be taken by the County. This summary will act as a guide for staff. Staff will prepare a document of proposed changes,

which will be reviewed by the UGA Advisory Committee and the County Planning Commission. The Advisory Committee will make their recommendations, which will also be reviewed by the Planning Commission.

Mr. Goodrich gave a brief explanation of the "Table of Land Use Regulations". He noted that agriculture and animal husbandry are permitted uses in other zoning designations without limitations on expansion. Members discussed several uses and the zoning designations where they are permitted. Mr. Goodrich noted that a few of the zoning designations will be eliminated during the update of the Comp Plan, such as: BT (Business Transition), IT (Industrial Transition), and HI-2 (Highway Interchange 2). A new zoning designation will be created for the community college to address its needs and protections for surrounding communities. Mr. Shank expressed his concern with regard to products that are being sold from agriculturally zoned properties, which is not a permitted use in the agriculture zoning designation. He also noted that the University of Maryland and the Maryland Ag Department are actively helping with the start-up of a winery in an area where it is not a permitted use. Mr. Shank stated that the University of Maryland is acting as an advocate to market products that are made from resources on farms. Mr. Goodrich stated that the agricultural zoning district allows the sale of farm products produced on the farm as an accessory use.

UPCOMING MEETINGS

The next meeting has been scheduled for Thursday, April 17, 2008 at 9:00 a.m. at the Washington County Administrative Annex, 80 West Baltimore Street, Conference Room 1, Hagerstown.

Members discussed future meetings in May and the following dates were scheduled: Thursday, May 1st, 9:00 a.m.; Thursday, May 15th, 9:00 a.m., and Thursday, May 29th, 9:00 a.m. All meetings will be held at the Washington County Administration Annex. Mr. Phoebus and Mr. Reynolds will not be available on May 1st.

Ms. Eckard will contact Mr. Armel to ask for his updated draft of the Incentives Subcommittee Report to forward to members as soon as possible. She will also forward a list of the Rural Villages with completed historic inventories to members as soon as possible.

ADJOURNMENT

Chairman Phoebus adjourned the meeting at 10:40 a.m.

Respectfully submitted,

Richard Phoebus, Chairman