

MINUTES

URBAN GROWTH AREA ADVISORY COMMITTEE April 17, 2008

The Urban Growth Area Advisory Committee held a meeting on Thursday, April 17, 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 9:00 a.m.

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

- Richard Phoebus
- Hank Livelsberger
- Jerry Ditto
- John Shank
- Linda Irvin-Craig
- Harry Reynolds
- Nancy Allen
- Mike Armel
- Mike Thompson
- Steve Goodrich
- Debra Eckard

MINUTES

Mr. Reynolds made a motion to approve the minutes of the April 3, 2008 meeting as presented. Seconded by Ms. Irvin-Craig. Unanimously approved.

OLD BUSINESS

- TDR Subcommittee Report

Mr. Phoebus began a discussion with regard to the 4th draft report of the TDR Subcommittee. Mr. Ditto sent his revised version to all members of the Advisory Committee prior to this meeting. Mr. Armel began a discussion with regard to the last sentence in the first paragraph dealing with public water or sewer. He noted that if a small "pocket" area is serviced that is not fiscally sound, based on recent and current county practice and policy, all other users of the system are charged for the installation of the sewer system to that "pocket" area. Mr. Armel objects to "pocket" areas being created in the rural area with the clear suggestion that public water and/or sewer systems will be extended to those areas in the future. He recommended deleting the last sentence of the first paragraph.

Mr. Armel believes that recommending the expansion of water and sewer services in the rural areas would serve to contribute to the problems. Mr. Ditto stated the County has already designated Priority Funding Areas (PFA) in the rural areas where Federal, State and/or County funds will be used. Mr. Armel does not believe these areas are shown in the Water and Sewer Plan for having planned services. Mr. Goodrich explained that using the Rural Villages as targets for more growth is not consistent with the County's Comprehensive Plan. Mr. Thompson stated that the State has guidelines for Rural Villages that dictate how much re-subdivision of lots is allowed, how much infill can be developed, etc. Mr. Goodrich also noted that even though there is a concentration of development in a specific area where a PFA is

located, it does not necessarily mean that additional development would be included in the PFA and the State would correct any problems with regard to sewer issues.

Mr. Goodrich reiterated that the Rural Villages and the PFAs are designed to protect the village that currently exists and, in some ways, not to encourage development in these areas. Mr. Ditto expressed his belief that the County continues to encourage development in and around these areas.

Mr. Phoebus asked the committee to consider a statement that recommends limited use of TDRs in fringe areas around the rural villages. Members expressed their views that there are other issues that need to be addressed, which goes beyond the task given to this Committee. Mr. Armel stated his opinion that a lot of Mr. Ditto's revisions focus on the Rural Villages. He would recommend that the Committee's report should first deal with the issues involving the UGA and the other information should be addressed in a separate section to demonstrate there were discussions that focused on other related issues in the County.

- **Consensus:** The majority of the members agreed to delete the last sentence in the first paragraph.

The Committee continued reviewing the 4th draft as revised by Mr. Ditto. Mr. Phoebus suggested switching the second paragraph and third paragraphs. Mr. Armel suggested moving the paragraph rewritten by Mr. Ditto to another section dealing only with Rural Villages. The fourth paragraph should also be moved to a Rural Village section.

- **Consensus:** On page 1, the third paragraph (as written by Mr. Phoebus) will become the second paragraph. The second and fourth paragraphs (as written by Mr. Ditto) will be moved to a section on Rural Villages.

The committee began a review of page 2. Ms. Livelsberger expressed her opinion that the Rural Villages are being promoted as a development area rather than the UGA. Ms. Allen suggested that a separate section should be written stating the other issues that the committee has discussed but have not resolved. She believes the committee is becoming too specific and creating problems; however, she believes it is important to show that these issues have been discussed as they relate to the overall process.

Ms. Livelsberger stated her opinion that one of the first sentences in the report should state, "The TDR Subcommittee has studied the consultant's TDR report and strongly recommends that a TDR Program be adopted," if that is the belief of the subcommittee.

- **Consensus:** The first sentence of the TDR Subcommittee's report shall read, "The TDR Subcommittee recommends the adoption of a TDR Program."
- **Consensus:** On page 2, the first paragraph should be moved to a section on Rural Villages.

Mr. Phoebus continued the review of page 2. A correction was made to the number of rural villages from 30 to 55. Other changes were made in the 2nd paragraph (e.g. related to "omissions") as noted in Ms. Eckard's copy of the 4th Draft.

- **Consensus:** The majority of the members concurred with the changes in paragraph 2 as suggested during discussions.

Members continued their review of page 2, the 3rd paragraph. Mr. Shank expressed his opinion that this paragraph was not appropriate and the Committee was not given the task of critiquing the consultant's TDR Report. Mr. Ditto noted that the information that was not included in the TDR Report may have affected the consultant's analysis either positively or negatively. He also noted that throughout his revisions he used a lot of the information from the consultant's report. Mr. Phoebus stated that the information was only used as an example, not actual fact. Mr. Goodrich noted that the consultant

requested specific information, which staff supplied to them. Ms. Irvin-Craig suggested omitting part of the paragraph (e.g. related to “omissions”) and revising a few words in the remaining portion. It was also suggested that the remaining portion of the paragraph should be moved to the Rural Village section.

- **Consensus:** The majority of the members concurred with the changes in paragraph 3 as suggested by Mr. Irvin-Craig.

The members continued their review on the last paragraph on page 2. Mr. Armel suggested deleting a portion of the first sentence from the word “divided” to “sensitive”. Mr. Phoebus suggested moving the paragraph to the Rural Village section. Members discussed the phrase “without undue regulatory review on new construction” and the Historic District Commission’s review authority. Mr. Armel suggested replacing the previously stated phrase to read, “that engenders the utilization of TDRs”.

- **Consensus:** The majority of the members concurred with the changes in paragraph 4 as suggested by Mr. Armel.
- **Consensus:** Discussion moved on to page 3 with the first two paragraphs remaining unchanged. The 3rd paragraph (as written by Mr. Ditto) was unchanged. The 4th paragraph had minor changes (as noted in Ms. Eckard’s notes) and the final sentence was changed to read, “The UGA Advisory Committee will address this task when information is available.”

Members began discussions under the heading “Rural Area Considerations”. Minor changes in the 1st paragraph under this heading were suggested. At this point in time, Mr. Phoebus suggested that discussions of the TDR Subcommittee’s report should continue at the next meeting.

Mr. Phoebus then began a brief discussion with regard to the Incentives Subcommittee’s final draft report. Mr. Armel noted there is a page attached to his report citing revisions that have been made and a brief explanation of the changes. Mr. Reynolds expressed his concern with regard to item # 7, assuming the Fire Marshall under County government jurisdiction. There was a brief discussion with regard to regulations.

- **Consensus:** Members agreed to leave this statement in the report since it is only a suggestion.

Mr. Armel began a discussion with regard to # 8. Paragraph 1 deals with the availability of EDUs in the UGA. He further explained that to have fiscal viability you must have existing EDU availability at the treatment plant. There is infrastructure in place, which is owned and paid for by the customers of the system. Mr. Armel believes that it is not on the market to engender another goal; however, it is there to meet the sewer needs of the County. Mr. Ditto expressed his opinion that the first paragraph should be removed. Mr. Armel will continue to work on # 8 and will present it to the committee for review at the next meeting.

Item # 10 has been revised to incorporate support from the Comprehensive Plan. Mr. Armel asked for clarification for Item #11; the revised phrase will be “...of underutilized properties with existing structures...”

NEXT MEETING

After a brief discussion, it was decided that the likelihood of a quorum for a meeting on May 1st was questionable. Therefore, the meeting on May 1st has been canceled. The next meeting is scheduled for May 15th at 9:00 a.m. at the Washington County Administrative Annex, 80 West Washington Street.

ADJOURNMENT

Mr. Phoebus adjourned the meeting at 11:18 a.m.

Respectfully submitted,

Richard Phoebus, Chairman