

MINUTES

URBAN GROWTH AREA ADVISORY COMMITTEE July 10, 2008

The Urban Growth Area Advisory Committee held a meeting on Thursday, July 10, 2008 at 8:00 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 8:05 a.m.

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

- Richard Phoebus
- Hank Livelsberger
- Jerry Ditto
- John Shank
- Harry Reynolds
- Mike Armel (arrived at 8:10 a.m.)
- Jeff Cline (arrived at 9:20 a.m.)
- Donovan Corum
- Dennis Miller
- Nancy Allen (arrived at 8:10 a.m.)
- Linda Irvin-Craig
- Ronald Leggett
- Steve Goodrich
- Debra Eckard
- Jill Baker
- Chris Cochran
- Mike Thompson

MINUTES

Ms. Livelsberger made a motion to attach Mr. Armel's "A Point of Discussion" to the minutes of the June 26, 2008 meeting per his request. Seconded by Ms. Irvin-Craig.

Discussion: Mr. Ditto stated he is opposed to the motion for the following reasons: Mr. Armel's comments do not reflect his (Mr. Ditto's) opinion and he does not agree with several of the points as outlined in the "Discussion". Mr. Ditto does not believe these comments are a consensus of the members of the committee.

The motion was amended by Ms. Livelsberger to add the following statement, "The attached document reflects the personal opinion of a member of the committee that they wish to have added to the minutes". Seconded by Ms. Irvin-Craig. The motion passed with 8 members voting "Aye" and 1 member voting "Nay".

Mr. Miller made a motion to approve the minutes of the June 26, 2008 meeting as presented. Seconded by Ms. Irvin-Craig. Unanimously approved.

OLD BUSINESS

Continued review of the Draft Final Report

Mr. Phoebus began the meeting by reviewing the revised Draft of the Final Report. Ms. Eckard reviewed each change that was made based on comments from the previous meeting. The following changes were discussed and a consensus was reached to make these changes before the next meeting:

TDR Subcommittee Final Report

- Page 2, Table 1 – use the revised date only on the table
- Page 3, 1st paragraph, line 7, change “was not implemented...” to read “**is** not implemented...”
- Page 3, Table 2 – add Jerry’s name and the date – change font size to match other font in table
- Page 4, Table 3 – add Jerry’s name and the date

The committee began a discussion with regard to the second paragraph on Page 5 of the TDR Subcommittee Final Report under the subheading **F) PRESENT AGRICULTURAL ZONING IN THE UGA’S**. Mr. Phoebus gave a brief recollection of the discussion from the previous meeting. Discussions were focused on properties with agricultural uses and some properties that are remotely removed from the UGA boundary. Mr. Ditto suggested changing the word “remote” to “distantly removed”. Other members concurred. The committee felt that development in these remote areas would take many years and should they be precluded from the full range of agricultural activities. Members discussed creating a mechanism that would allow for a transition period for these remote areas. Members expressed their concern for the viability of the economics of farming. Mr. Goodrich stated that staff has had the same discussions regarding a transitional zoning in the same area currently being discussed; however, Staff concluded that it would be better to rezone the property now so that everyone, including the property owners, could plan for the future. Ms. Livelsberger and Mr. Miller expressed their opinions that the rezoning of the property should not be delayed. They recommended rezoning the properties because the agricultural use would be allowed to continue as a non-conforming use. Ms. Irvin-Craig expressed her opinion that a transitional zoning should be considered to eliminate residential development, but will not interfere with the farming operation. Mr. Armel suggested an overlay zone that would establish a mechanism to allow the agricultural use to continue and change in order to remain viable. Mr. Goodrich expressed his opinion that an overlay may not be the proper technique because “the allowance of uses must be consistent around the entire zone”. He does not believe the County wants to encourage the intensification of a use in an area where it is really not appropriate. The UGA is being designated to encourage growth of commercial and industrial activities. Ms. Irvin-Craig expressed her opinion that a farming operation should be allowed to expand in order to sustain a viable operation. Mr. Reynolds concurred with Ms. Irvin-Craig’s comments. There was an extensive discussion with regard to expanding the use of a property using current and proposed zoning regulations.

After an extensive discussion, the majority of the committee believes that a transition zone should be created in order to allow the agricultural use to continue and expand as necessary to remain a viable use.

Mr. Armel suggested the following changes: Keep the first sentence of the second paragraph. Replace the second sentence with the following sentence, “The committee felt that it may be wise to consider adding “PI – Transitional” and “IR – Transitional” zones that allow agricultural uses to continue and change to remain viable and does not allow residential development.”

Motion: Ms. Irvin-Craig made a motion to accept the Mr. Armel’s language for the second sentence. Seconded by Mr. Ditto.

Mr. Reynolds suggested changing the word “wise” to “prudent”.

Amendment to the Motion: Ms. Irvin-Craig amended the motion to replace the word “wise” with “prudent”. Seconded by Mr. Ditto. The motion passed.

Mr. Shank asked if agriculture is considered an industry. Mr. Goodrich noted that agriculture is considered an industry. In the Planned Industrial zone, agriculture would not be permitted; however, in the Industrial General zoning district agriculture for interim use is permitted. Mr. Phoebus noted that as the Urban Growth Area continues to grow, there may be other areas that will face the same issues with regard to the expansion of agriculture.

There was a brief discussion with regard to notifying property owners of changes in the zoning of their properties. Mr. Goodrich stated there will be notices in the newspaper, on the County website, and on television. Mr. Leggett expressed his opinion that the County should send personal letters to property owners in the area of the airport, which has been the focus of discussion during this meeting.

Review of the "Draft" Final Report continued. Ms. Eckard noted that Ms. Irvin-Craig added item **B) DEMOGRAPHICS AND CENSUS DATA**. In the first paragraph, second sentence, the word "Fox" was changed to "For". After a brief discussion, the committee agreed by consensus to change the phrase in the second paragraph, second line, "that accommodates changing demographics" to "accommodates rental properties".

The committee finished by reviewing "OTHER RELEVANT ISSUES". In the third paragraph, the statement in {} was deleted. In the fourth paragraph, first sentence, the phrase "of the oversight regulations" will be changed to "the historic review regulations". In the same paragraph, fourth line, replace the word "strangled" with "impaired". Last paragraph, first sentence, delete the word "Obviously". Mr. Ditto expressed his opinion that the "OTHER RELEVANT ISSUES" specifically relates to Section A of the TDR Subcommittee Final Report. He believes these comments should be moved to Section A. Ms. Irvin-Craig expressed her opinion that the committee was not assigned the task of reviewing Rural Villages, which are outside the UGA. She believes that including these comments within the main body of the report may discredit the committee's assignment. She also believes that keeping the issues discussed in "OTHER RELEVANT ISSUES" separate from the main report, brings greater attention to these issues. Other members concurred with Ms. Irvin-Craig's comments. By consensus, members agreed that a cross-reference between "OTHER RELEVANT ISSUES" and Section A) **URBAN GROWTH AND TOWN GROWTH AREAS** should be inserted.

Mr. Ditto expressed his opinion that the report does not strongly express the committee's view "that if sewage capacity is not increased by eliminating it in the rural areas, it is very unlikely, given current regulations, that we can fully develop the UGA. If the economic situation remains, with regard to gas prices, we may in the future have more demand for housing in the future than we do now." There was a brief discussion and other members concurred with Mr. Ditto's comments. The committee asked Mr. Miller to prepare a brief statement that can be inserted in the TDR Subcommittee's report.

Mr. Phoebus began a brief discussion regarding the appropriate time to present the "Final Report" to the County Commissioners. Members discussed presenting the Report separate from their rezoning recommendations. Mr. Goodrich stated there is a meeting scheduled on July 22nd to discuss zoning issues in the Growth Area in general. He suggested discussing this issue with the County Commissioners as well. Members will have a final review of the "Final Report" on July 24th.

Mr. Cline presented a comment that he would like to include in the "Final Report". He read the following comment that states, "TDRs should be used as a mechanism for bonus density as an incentive for more affordable/workforce housing within the UGA." Ms. Irvin-Craig suggested adding the comment as item C in the Housing Subcommittee's Final Report. By consensus, members agreed to add the comment to the Housing Subcommittee's Final Report.

Discussion of Staff's zoning proposal

Mr. Phoebus began discussions of Staff's zoning proposal. He began by briefly discussing the Mt. Aetna Farms area around the college. He informed the committee that he has received several comments from citizens that would prefer to have the property developed for institutional uses. He noted that the Staff's

current proposal for zoning of that area is "RT". Mr. Goodrich noted that he has received similar comments and Staff is re-evaluating that area and the proposed zoning.

The committee began reviewing staff's zoning proposals to determine if they would recommend changes. The committee recommended the following changes (a copy of the map used during discussions is available at the Planning Department):

- Site 1 – The area bordered by US Route 40, Greencastle Pike, Broadfording Road and McDade Road the committee proposed a transitional form of the Planned Industrial zoning designation.

Mr. Corum asked for clarification of the differences between the "Highway Commercial" and "Planned Business" zoning classifications. Mr. Goodrich explained that the "Planned Business" district would have an overall plan for the entire property and would require additional review by Staff. Mr. Corum suggested offering an incentive for the developer to use this zoning designation.

The committee began a discussion with regard to the area around Kendle Road and Sterling Road. Mr. Goodrich stated that Staff is continuing to review this area. The committee did not feel this was an appropriate transitional area and will not make any changes to Staff's current recommendation.

Mr. Ditto suggested that the committee consider "using TDR's in areas where there is upzoning, over and above what the current underlying zone is we're going to change it from".

NEXT MEETING

Mr. Phoebus suggested that the committee should focus on the area around the new hospital, Mt. Aetna Farms and the college. Members requested an enlarged map for those areas.

The next meeting will be held on Thursday, July 24, 2008 at 8:00 in the Washington County Administrative Annex, 80 West Baltimore Street.

ADJOURNMENT

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

Respectfully submitted,

Richard Phoebus, Chairman