

MINUTES

URBAN GROWTH AREA ADVISORY COMMITTEE August 14, 2008

The Urban Growth Area Advisory Committee held a meeting on Thursday, August 14, 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 8:00 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
- Jeff Cline
- Dennis Miller
- Linda Irvin-Craig
- Nancy Allen
- Donovan Corum
- Steve Goodrich
- Debra Eckard

MINUTES

Mr. Miller made a motion to approve the minutes of the July 24, 2008 meeting as presented. Seconded by Ms. Livelsberger. Unanimously approved.

OLD BUSINESS

Continued Review of Draft Final Report

Ms. Eckard began a review of the "Draft" Final Report pointing out the changes made per discussions during the last meeting. On page 17 (the Housing Subcommittee's Report), Mr. Ditto suggested that a brief explanation of the "House Keys for Employees" program be given. After a brief discussion, it was decided that Ms. Irvin-Craig will provide a brief explanation of the program.

On page 15 (the TDR Subcommittee Report), Mr. Ditto suggested changes to the third paragraph under the subheading *Issue – Buying – Selling TDRs*.

- **Consensus:** The subcommittee agreed on the following change: "...it could be set at given intervals (5, 10, or other numbers of years)".

On page 14 (the TDR Subcommittee Report), Mr. Ditto suggested changing the last line in the last paragraph to read: "We would suggest, at minimum, the same credit....."

- **Consensus:** The Committee agreed on the suggested change.

Also on page 14, Mr. Ditto questioned the language of the last sentence following Table 3 which states, "All parties would then be compensated equally for similarly sized land parcels."

- **Consensus:** After a brief discussion, Ms. Livelsberger suggested the following change which was accepted by the Committee. The sentence will be changed to read: "All parties would then be compensated equally for similar land parcels."

On page 11, (the TDR Subcommittee Report), Mr. Ditto expressed his opinion that an explanation should be given explaining "why" the TDR subcommittee recommends the adoption of a TDR program. The committee explored various reasons that a TDR program should be implemented in the County including the reduction or slowing of development in the rural areas, preserving open space, agricultural preservation, and to direct growth to desired areas. Mr. Ditto believes that the report does not make the point "very forcefully" that if EDUs are not linked to a TDR transferred to the Urban Growth Area, the UGA will not have sufficient sewer capacity to absorb growth. Mr. Goodrich noted that TDR programs can move the development rights from a certain area and keep them so they will not be used anywhere.

- **Consensus:** The committee agreed on the following change: "The TDR (Transferable Development Rights) subcommittee recommends the adoption of a TDR program in Washington County to preserve agricultural and other open space and direct development to other areas designated for higher density development."

Mr. Ditto expressed his opinion that the second paragraph under the heading "Other Relevant Issues" needs to be inserted under the subheading Urban Growth Area, Town Growth Area and Rural Villages as the second paragraph. There was a brief discussion regarding this change.

Motion and Vote: Mr. Ditto made a motion to make the change as suggested above.

Discussion: Members discussed the reason for moving the paragraph to "Other Relevant Issues". It was the committee's belief that this paragraph discussed areas outside the UGA and led discussions away from the issues relative to the UGA. It also discussed fringe areas around the Rural Villages and did not relate to the first paragraph under this subheading. Members also noted that Rural Villages were outside the scope of the Committee's assigned tasks, however, these discussions were relevant to other issues.

Motion and Vote: Mr. Ditto's motion was seconded by Mr. Reynolds.

Discussion: Mr. Armel expressed his opinion that the paragraphs that focus on Rural Villages and does not focus on other urban growth areas should remain in the "Other Relevant Issues" section of the report.

Mr. Phoebus suggested incorporating all paragraphs in "Other Relevant Issues" into the main body of the Report under the subheading Urban Growth Area, Town Growth Area and Rural Villages. He also suggested combining some of the information in the paragraphs. He will rewrite the paragraphs to be inserted before the next meeting.

- **Consensus:** By consensus, the committee agreed to incorporate all paragraphs from "Other Relevant Issues" into the main body of the Report as proposed by Mr. Phoebus.

NEW BUSINESS

Review of Executive Summary – TDR Subcommittee

Mr. Phoebus began reviewing the Draft Executive Summary that he prepared for the TDR and Incentives Subcommittees. He explained that he tried to focus on issues that the Committee felt was important. Ms. Irvin-Craig will prepare the Executive Summary for the Housing Subcommittee.

In the Executive Summary of the TDR Subcommittee, the following changes were agreed upon by the members of the Committee:

- Second paragraph –”to avoid upzoning of agricultural properties without requiring the developer to utilize TDRs. Upzoning would, to a large extent.....” will be changed to read, “...to avoid increasing residential density (upzoning) of agricultural land without requiring developers to utilize TDRs. Residential “upzoning” would, to a large extent,.....”

The word “upzoning” and its definition (a change in zoning that increases the intensity of a land use) will be added to the glossary.

There was a brief discussion regarding “down-zoning” (lowering density) because of the limited availability of sewer capacity. By lowering the density, more land would be used which would create the need to expand the Urban Growth Area boundary sooner. Lowering the density would also defeat the purpose of a TDR program.

- Fifth paragraph, last line – Replace the words “septic tank” with “on-lot sewage disposal systems”

Mr. Ditto expressed his opinion that without sewer capacity, the UGA cannot be developed to its maximum density. He believes that a brief statement regarding this issue should be made in the Executive Summary. A brief discussion followed.

- Fifth paragraph, first line – Remove the words “The committee also felt that”

The committee reviewed the sixth paragraph and several changes were suggested. The committee felt that the paragraph was too specific when discussing the process for buying and selling TDRs. The following changes were agreed upon by the members of the committee:

- Sixth paragraph, 1st sentence – insert the word “the” before success; 2nd sentence – replace the word “suggests” with “recommends”; add the word “eligible” before land owners; delete the 3rd, 4th, and 5th sentences; Add the following sentence at the end of the paragraph, “Simplicity and flexibility will enhance the success of a TDR program.”

The following changes were suggested and agreed upon by members of the committee:

- Fourth paragraph, 2nd sentence – replace the words “some system” with “a process” and add the words “allowing for the continued viability of the waste water system after the words “TDR purchasers”

There was a brief discussion regarding transitional zones when reviewing the last paragraph. The definition of agricultural uses was also discussed. The following changes were suggested and agreed upon by members of the committee:

- Last paragraph, 2nd sentence – replace the words “may be prudent” with “is recommended”; replace the words “Ag zones” with “agricultural uses” and delete the words “if farming continues thereon”. Due to the changes listed here, changes were necessary on page 15 of the Final Report under subheading F) Present Agricultural Zoning in the UGA’S as follows: 1st paragraph, 1st sentence change “felt strongly” to “recommends”; 2nd paragraph, 2nd sentence change “felt that it may be prudent to consider” to “recommends adding”.

Review of Executive Summary – Incentives Subcommittee

Mr. Phoebus began a review of the Executive Summary of the Incentives Subcommittee. The following changes were suggested and agreed upon by members of the committee:

- 1st paragraph – no changes

- 2nd paragraph – no changes
- 3rd paragraph – no changes
- 4th paragraph – no changes
- 5th paragraph, 1st sentence – change the word “sewer” to “waste water system”; change the word “deferring” to “directing”; delete the words “from the rural areas”; change the following phrase, “Urban Growth and Town Growth areas” to “Urban and Town Growth areas”
- 2nd sentence – change the words “the right” to “a process” ; change the phrase “purchased a TDR is essential” to “purchased TDRs is essential”.
- 3rd sentence – change the word “sewer” to “waste water capacity”
- 6th paragraph – no changes
- 7th paragraph – no changes
- 8th paragraph – no changes

NEXT MEETING

The next meeting will be held on Thursday, August 21st at 8:00 a.m. in the Washington County Administrative Annex.

ADJOURNMENT

Mr. Phoebus adjourned the meeting at 10:15 a.m.

Respectfully submitted,

Richard Phoebus, Chairman