

# MINUTES

## URBAN GROWTH AREA ADVISORY COMMITTEE September 18, 2008

The Urban Growth Area Advisory Committee held a meeting on Thursday, September 18, 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 9:10 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
- Linda Irvin-Craig
- Nancy Allen
- Donovan Corum
- Steve Goodrich
- Mike Thompson
- Debra Eckard

### MINUTES

Mr. Ditto made a motion to approve the minutes of the August 14, 2008, August 21, 2008 and September 4, 2008 meetings as presented. Seconded by Mr. Corum. Unanimously approved.

### OLD BUSINESS

#### Review of the Final Draft of the Report

Mr. Phoebus began the review of the final draft of the Committee's report with the Executive Summary Preface, 4<sup>th</sup> paragraph, 4<sup>th</sup> sentence that begins, "The Committee recommends that the Board of County Commissioners should not allow.....". Mr. Phoebus expressed his opinion that the last two sentences of this paragraph should be moved elsewhere in the Executive Summary. Ms. Irvin-Craig expressed her opinion that the sentences should stand alone as a separate paragraph to give the recommendation more emphasis.

- **Consensus:** Make the last two sentences of the 4<sup>th</sup> paragraph the last paragraph of the Executive Summary Preface.

Mr. Phoebus began a discussion regarding the **TDR** section of the Executive Summary, the 4<sup>th</sup> paragraph. He expressed his opinion that the 2<sup>nd</sup> sentence in that paragraph is not properly written to express the views of the Committee. After a brief discussion, the following was agreed upon by the Committee.

- **Consensus:** “The committee recommends that a method to allocate waste water capacity (EDUs) must be developed for TDR purchases without endangering the viability of the waste water system.”

Mr. Ditto noted that he contacted Ms. Eckard with several minor changes for the final report. He reviewed these changes with the Committee. Mr. Ditto suggested that the Table of Contents include the title and page numbers of each subcommittee’s report. There were no objections from the Committee. Mr. Ditto expressed his opinion that the word “on” was left out on page 16, 1<sup>st</sup> sentence as follows: “.... In preserving agricultural land based **on** easement purchases.”

- **Consensus:** After a brief discussion, the Committee agreed that the sentence was correct as written without the word “on” being inserted.

Mr. Ditto expressed his opinion that on page 16, where it states, “(reference Table 3 below)” the word “below” should be changed to “on the next page”. Ms. Eckard noted that she changed the word “below” to “on page 17). There were no objections from the Committee. Mr. Ditto noted there was an error on Table 3 on the heading of the last column of the chart. He stated it should read “TDRs/Acre Preserved”. Ms. Eckard stated she has made the change.

Mr. Ditto expressed his opinion that the headings of each section of the report (i.e. Report of the Incentives Subcommittee, etc.) gives a false impression of the full Committee’s preparation of each subcommittee’s report. He distributed copies of a paragraph he would like to have inserted on page 7 following the three subcommittees and their participants. Mr. Reynolds expressed his opinion that the total of 30 committee meetings is a misleading statement because there were are several meetings of each subcommittee. The Committee agreed to the following change with regard to the 3<sup>rd</sup> paragraph on page 7.

- **Consensus:** “More than 30 UGA Advisory Committee meetings and numerous subcommittee meetings were held.”

Mr. Phoebus suggested that the title of each section of the Report (i.e. Report of the Incentives Subcommittee, etc.) should be changed to “Report on Incentives”, etc. There were no objections from the Committee.

The committee agreed to insert the following paragraph as submitted by Mr. Ditto with minor changes:

- **Consensus:** “The subcommittees researched their assigned tasks and issues surrounding their tasks to compile a report, which was presented to the total membership of the UGA Advisory Committee. The UGA Advisory Committee then discussed the subcommittee’s reports and provided additional input of the assigned tasks and associated issues. The reports included herein on each task assigned represent the culmination of discussion and input from the appointed members of the UGA Advisory Committee (reference meeting minutes for discussions).”

Ms. Eckard noted that Mr. Armel requested the following sentence be inserted on page 6 under the heading **Urban Growth Area Rezoning**, “Committee recommendations to be issued following presentation of the zoning plan by the County Planning Department”. Members expressed their opinion that the statement is not accurate since the Committee has already begun their review of Staff’s zoning proposal and agreed upon the following statement.

- **Consensus:** “The Committee has preliminarily reviewed the initial proposal of the Planning Staff including site visits. Recommendations of the Committee will follow upon completion of their final review of Staff’s proposal.”

## **Review of Staff's Zoning Proposal**

Mr. Phoebus introduced Steve Bockmiller from the City of Hagerstown. He is attending today's meeting to observe the County's proposal and to offer information or answer questions with regard to the City's zoning.

Mr. Goodrich began a discussion with the Committee to determine a date and time that would be convenient for as many members as possible to present the UGA Report to the BOCC. Committee members agreed that Mr. Goodrich should try to schedule time with the BOCC on Tuesday, October 28<sup>th</sup> or Tuesday, October 7<sup>th</sup> with preference for a morning time slot. Mr. Phoebus stated he would like as many members of the Committee as possible to attend the presentation.

Mr. Phoebus began a discussion with the members to recommend the "ED" Education zoning designation on the Hagerstown Community College site. During the last meeting, Mr. Goodrich distributed a memo from HCC President Altieri that detailed the uses that the college may need in the future. Mr. Thompson expanded on several of the uses requested by the college such as government offices, banking (ATM machines), restaurants (dining facilities for students and faculty, catering for special events and culinary training), and cell towers (antennas on top of existing buildings). He noted that all uses would be related to the college campus and programs that would be offered at the college. Members believe that the language of the zoning designation needs to be very specific detailing the relationship between the facility and teaching or job training. Mr. Goodrich stated the proposed text for the zoning district for the most part, is a duplicate of Dr. Altieri's original proposal. He expressed his concern regarding cell towers on the campus due to its affect on the surrounding community. Mr. Goodrich provided two options: 1) to include cell towers as part of the communication facilities allowed on the campus or 2) as a special exception, for the tower only, that may be granted by the Board of Zoning appeals. He noted that if the cell tower is a principal permitted use on the campus, specific setbacks from the perimeter of the college property would be a requirement of the use. Ms. Livelsberger suggested that if cell towers are permitted, the County should require the use of stealth towers. Mr. Phoebus suggested placing a height restriction for the towers to be a principally permitted use. If the tower exceeds the restriction, they would be considered a special exception. Staff will consider both suggestions.

Mr. Goodrich also noted that Dr. Altieri's list of uses included high-tech research and light manufacturing. He stated that he will suggest eliminating the light manufacturing and substituted "proto-type and product development". There is a provision in the definition that would allow the manufacture of those type of products in limited quantities.

Mr. Shank suggested that consideration should be given to wind generating towers. Mr. Thompson stated that he has begun the task of drafting language to allow these towers in certain zoning districts as accessory uses.

Mr. Goodrich began a discussion regarding the proposed areas to be zoned "ORT" (Office, Research and Technology). He displayed a map showing all areas that are proposed for the ORT and Industrial zoning designations. Among the many variables used to determine proposed locations for the "ORT" district is visibility from major highways and the impression resulting development will give to the travelling public.

Members began their review of the proposed "ORT" zoned areas beginning with the Review and Herald and a vacant parcel beside the Review and Herald.

The next area reviewed for the "ORT" zoning was the area at the I-81/Maryland Route 68 interchange. One parcel is currently owned by Bowman where a proposed truck stop has been discussed and has been opposed by the surrounding community for several years.

The next area reviewed for the “ORT” zoning was the area at the western quadrant of I-81 and I-70, known as Hopewell Farms. Mr. Goodrich stated these areas would provide a good location for professional type buildings that would create a “good face for Washington County”.

**Discussion:** Mr. Reynolds expressed his opinion that he would object to an ORT zoning at this site if he were the landowner of the property. He believes there is not enough flexibility for allowed uses. Mr. Shank noted there are poor soils in this area, which would make construction of buildings difficult. Mr. Ditto expressed his opinion that all the properties with interstate access are being used for one particular use.

The next area reviewed for the “ORT” zoning was the interchange at I-81 and US Route 40 where First Data and Parkway Neurosciences are currently located. The property is currently zoned HI-1 (Highway Interchange 1), which allows commercial development.

Mr. Goodrich then reviewed the area along I-81 south of Martin Road where Hub Labels is currently located. The Comp Plan designation for this area is Industrial Flex. Mr. Bockmiller stated the City’s Comp Plan has the same designation for this area.

The last area reviewed is along I-81 where Citicorp is currently located. Ms. Phoebus stated that CHIEF owns land in this area and they would not have any objection to the “ORT” zoning.

- **Consensus:** The Committee had no objection to Staff’s proposal for the areas proposed for “ORT” zoning.

Mr. Goodrich gave a brief summary of the uses allowed in the HI-1 zoning district. He noted that the HI-1 zoning district allows light industrial, all commercial activities, professional offices, etc. The “ORT” zoning would limit the uses allowed.

Ms. Irvin-Craig began a discussion to allow some residential within the “ORT” zoning districts to provide for the idea of “living where you work”. Mr. Donovan expressed his opinion that mixed uses should be allowed; however, it needs to be controlled. Mr. Phoebus suggested that recommendations from the Committee could be made in their Report of Staff’s proposal for zoning in the UGA.

There was a brief discussion regarding the City and County’s proposed zoning for the area known as Mt. Aetna Farms. The draft zoning proposal suggests residential zoning in conformance with the Comprehensive Plan although the committee has recommended it be ORT. The City of Hagerstown has proposed a Medium Density Residential land use for this property. Mr. Bockmiller stated that if the property were annexed into the City at some point in the future, the property would be rezoned as part of the annexation process if developed under ORT. The property would be annexed with a land use that is not consistent with the City’s Land Use Plan. If development has not occurred before it is annexed, the City would either annex the property with a zoning district that is consistent with the “ORT” zoning or the City would need to obtain “express permission” from the BOCC to revert the property to the zoning recommended by the City’s Comprehensive Plan, which is residential.

There was a brief discussion regarding the property known as the Doubs Farm located at the interchange of I-70 and US Route 40. Mr. Thompson suggested zoning this property “ORT”. Mr. Bockmiller stated that the City’s Comp Plan indicates land use designations that are consistent with the pending annexation of this property. Mr. Bockmiller expressed his opinion that a well-designed shopping complex using the City’s design standards may be more acceptable than office buildings constructed without design standards. Mr. Goodrich stated that the “ORT” zoning district is designed to be more sensitive to adjacent land uses than traditional industrial zones. Additional design guidelines will be developed during the zoning process.

- **Consensus:** The Committee recommends the "ORT" zoning district for the Doubs Farm property, which would provide more consistency throughout the County with regard to visibility from the interstate and ease of access.

#### **NEXT MEETING**

The next meeting will be held on Thursday, October 2, 2008 at 9:00 a.m. in the Washington County Administrative Annex, 80 West Baltimore Street, Room 1. Discussions during this meeting will focus on a review of the areas currently zoned Agricultural within the UGA.

#### **ADJOURNMENT**

Mr. Phoebus adjourned the meeting at 11:10 a.m.

Respectfully submitted,

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Richard Phoebus, Chairman