

MINUTES

URBAN GROWTH AREA ADVISORY COMMITTEE February 12, 2009

The Urban Growth Area Advisory Committee held a meeting on Thursday, February 12, 2009 at 9:00 a.m. at the Washington County Administrative Annex, 80 West Baltimore Street, Conference Room 1, Hagerstown.

CALL TO ORDER

In the absence of the Chairman, Ms. Irvin-Craig called the meeting to order at 9:00 a.m.

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

- John Shank
- Harry Reynolds
- Linda Irvin-Craig
- Gerald Ditto
- Hank Livelsberger
- Nancy Allen
- Donovan Corum
- Steve Goodrich
- Fred Nugent
- Debra Eckard
- Mike Thompson
- Meghan Hammond
- Jennifer Kinzer
- Greg Murray, County Administrator
- Julie Pippel, Director of Department of Environmental Management
- Bob Mandley, EDC

MINUTES

Due to the lack of a quorum of Committee members at the meeting, no minutes could be approved.

OLD BUSINESS

The Committee began a discussion regarding the RT (Residential Transitional) zoning district. Mr. Ditto expressed his concern regarding language in *Section 7.1 Principal Permitted Uses* dealing with animal husbandry facilities. He noted that the Committee has, on several occasions, discussed the continuation and expansion of existing agricultural uses within the UGA in order for them to remain a viable use. He questioned the interpretation of "new animal husbandry facilities" and the addition of new structures for an agricultural use to expand. Mr. Goodrich stated that the intention of the language is to not permit new facilities where there is not already one operating. The County should discourage new animal husbandry establishments in the UGA. Mr. Goodrich questioned the encouragement of the expansion of an animal husbandry facility as an interim use. Mr. Ditto stated that the current agricultural land areas may not be developed for many years depending upon economic conditions and the intended rezoning use of the land. During the interim, he believes that agriculture should remain viable and should be permitted to expand. The Committee believes that the language needs to be clarified and/or expanded. Mr. Ditto noted that agricultural operations have expanded and become more "user-friendly" and people should be permitted to update their facilities as necessary.

- **Consensus:** The Committee wants to permit existing animal husbandry operations to expand; however, they do not want new animal husbandry operations where none existed before.

Mr. Goodrich continued the discussion of the RT zoning district. He briefly noted that *Section 7.0 Purpose* has been revised. Public water and sewer facilities will be required in the RT district. Mr. Goodrich also noted that the minimum lot size requirements have been adjusted. Currently, the Zoning Ordinance differentiates lot size requirements for sites with public water and/or public sewer and lots without public water and sewer available. He briefly reviewed the lot size requirement changes and changes to *Section 7.2 Special Exceptions*.

- **Consensus:** The Committee accepts the changes as presented for the RT zoning district, with the exception of the language dealing with animal husbandry as previously discussed.

Ms. Linda Irvin-Craig began a discussion regarding the zoning of the former Garden State Tannery property (site 33). During the February 5th meeting, Mr. Cline requested that the Committee reconsider their zoning recommendation of IG (Industrial General) to PI (Planned Industrial) for this site. There was a brief discussion regarding the transfer of capacity from the existing sewer treatment plant on the site and floodplain issues that the Committee wanted clarified. Therefore, the Committee requested that their discussion be tabled until additional information was available. Mr. Greg Murray, County Administrator, and Ms. Julie Pippel, Director of Environmental Management, were present to clarify sewer capacity issues..

Mr. Murray stated that, “the former plant had a permit that allowed 2 to 3 million gallons worth of waste water flow per day to be discharged into the Potomac River. The permit has expired; therefore, any allocation from the permit goes back to the State to allow them to close the gap between the nutrient load they are allowed to put into the Bay by 2010 and the nutrient load that they reduced all treatment plants and other initiatives down to.” Ms. Pippel noted that the permit expired one year ago. Mr. Murray stated that the County has amended their water and sewer plan that states, “Any large industrial loadings available in the County that has a State loading associated with and the permit has expired, the Water and Sewer Plan allows the loading to be combined with other loadings that were currently allocated to be used to facilitate long-term growth management in the urban growth area.” Mr. Murray stated that a letter was recently received by the County from MDE stating that the State would take 5% of the allocation. The County will use 95% of the capacity throughout the growth area to facilitate approved growth management initiatives as identified in the County’s Comprehensive Plan and Water and Sewer Plan. The approval was granted by the State with the following conditions: (1) the allocation would be included in the Water and Sewer Plan as an allowable use and, (2) that the property would be located inside the County’s growth area and would be zoned in such a way that another intensive use could not be located on the property. In other words, the State wants the property down-zoned for a less intensive use.

Ms. Irvin-Craig asked if the PI zoning would be appropriate for the conditions that the State has issued. Mr. Goodrich stated that the PI zoning district allows most industrial uses that could be considered as intense as the tannery. Mr. Murray noted that the State expressed concern regarding the environmental issues (soil contamination) on the property. He stated that there are some buildings currently on the property that could be used for warehouses or offices. A Phase I environmental assessment has been completed on the site, which shows “that all open issues have been resolved and closed and there are no open violations with MDE. There is no migration off-site in the surrounding monitoring wells or ground water supplies, or the canal or river.” Garden State Tannery would not allow a phase 2 study to be completed.

Mr. Ditto asked if a business came in that could utilize the existing structures or build above ground structures, could they get a portion of the loading back and be able to use the pre-treatment and discharge on the site. Mr. Murray stated that the County could negotiate to reallocate the loading back to a treatment facility that had a direct discharge; however, being in the urban growth area, the assumption is made that a public facility will be used. Mr. Ditto asked if a bio-diesel or ethanol plant could be located on this site. Mr. Murray noted that this type of use has been considered; however, it would be a liability on this site.

The Committee began a discussion regarding the appropriate zoning district for the site. Mr. Goodrich stated that the IR (Industrial Restricted) would be the most limiting district and the PI (Planned Industrial) would be the most permissive zoning district. The Committee was reminded that if a use is not permitted on the property, a rezoning request could be filed with the Planning Department and special exception uses would require approval by the Board of Zoning Appeals. The Committee discussed allowing parking lots within the IR district as this would be a good use for this site.

- **Consensus:** The Committee recommends the IR (Industrial Restricted) zoning district for Site 33. The Committee also recommends that parking lots be allowed within the IR district.

Mr. Reynolds expressed his concern that some members of the committee have not been attending the meetings on a regular basis or have not participated in any meetings for several months. These individuals are counted as part of the Committee, which increases the number of members that must be present to form a quorum. He believes that those members not being present hampers the Committee's ability to vote on specific issues because a quorum is not present. There was a brief discussion to determine how this issue should be handled. Members believe it is probably too far into the process to bring the issue before the BOCC; however, it may be appropriate to contact the organizations that the non-active members were chosen to represent.

The Committee began their review of the RM (Residential Multi-Family) zoning district. Mr. Goodrich stated that most of the text shown in **BOLD** is references to other sections within the Ordinance. He noted that the maximum density has been changed from 16 to 12 units per acre. Mr. Goodrich stated that the reference to agriculture as an interim use will be written as previously discussed in the RT zoning district. Mr. Ditto asked if a total acreage for each zoning district could be determined. Mr. Goodrich stated that he has already calculated the acreage. He will forward that information as well as the acreage for the current zoning and Staff's proposed zoning.

Mr. Goodrich continued the review of the RM zoning district noting that research and development facilities will not be permitted. He also noted that the height regulations have been amended. Mr. Corum asked for clarification of retirement homes and nursing homes under the Special Exception Uses. He also made an inquiry with regard to the classification (special exception or principal permitted use) of an active adult community. Mr. Goodrich stated it would depend upon the layout and design of the community. He stated that more definitions are needed as part of the amendments to the Zoning Ordinance. Mr. Corum asked for clarification of the lot area requirements in the RU zoning district. Mr. Goodrich stated that lot area requirements for single family units are 7,500 square feet and 5,000 square feet for semi-detached units.

Mr. Reynolds asked for height clarification of 2 ½ stories. Mr. Nugent provided a copy of The Dictionary of Real Estate Appraisal, which states "a story and a half is defined as the designation of a building in which the second story rooms have low head room at the eaves". Mr. Goodrich stated that 1 ½ stories is not defined in the Zoning Ordinance.

Mr. Goodrich stated that the Comprehensive Plan recommends several ways to improve the growth area through zoning and includes improvements to the design standards. He noted that the Design Standards with regard to sidewalks and pedestrian walkways, landscaping and lighting has been enhanced. The Committee has been given a copy of the proposed design standards and will be reviewing them at a later time.

Ms. Irvin-Craig began a review of the BL (Business Local) zoning district. Mr. Goodrich stated that the BL zoning district was intended to be a neighborhood commercial classification. However, it allowed too many non-neighborhood type uses. He noted that changes are proposed to the Purpose Section and the list of Principal Permitted Uses of the BL zoning district. Mr. Goodrich stated that a size limitation has been proposed for some of the permitted uses in order to keep them from intruding on the neighborhood. Ms. Irvin-Craig made an inquiry with regard to the 16,000 square foot limitation on a neighborhood shopping center. Mr. Goodrich stated that the 16,000 square foot limitation is leasable floor space and is currently part of the definition for a neighborhood shopping center in the Zoning Ordinance.

There was a discussion regarding the proposed size limitation for restaurants and lunch rooms, which is 3,000-square feet. Mr. Corum suggested that 4,500 square feet may be more appropriate. Mr. Ditto expressed his concern that parking and access to these small shopping centers is inadequate. Mr. Goodrich stated that parking requirement amendments are currently proposed and will be going to public hearing in the near future. He noted that these amendments, if passed, would give Staff more flexibility for parking and access on sites.

NEXT MEETING

The next meeting of the UGA Advisory Committee is scheduled for Thursday, February 19, 2006 at 9:00 a.m.

ADJOURNMENT

Ms. Irvin-Craig adjourned the meeting at 11:05 a.m.

Respectfully submitted,

Richard Phoebus, Chairman