

MINUTES

URBAN GROWTH AREA ADVISORY COMMITTEE March 26, 2009

The Urban Growth Area Advisory Committee held a meeting on Thursday, March 26, 2009 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 9:05 a.m.

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

- Richard Phoebus
- Linda Irvin-Craig
- Harry Reynolds
- John Shank
- Hank Livelsberger
- Michael Armel (arrived at 9:10 a.m.)
- Jeff Cline
- Donovan Corum
- Debra Eckard
- Mike Thompson
- Fred Nugent
- Bob Mandley, EDC
- Carolyn Motz, Director of the Hagerstown Regional Airport

MINUTES

Mr. Armel made a motion to approve the minutes of the February 19, 2009 meeting. Seconded by Ms. Irvin-Craig. Unanimously approved.

NEW BUSINESS

Review of AP zoning district

Mr. Phoebus introduced Ms. Carolyn Motz, Director of the Hagerstown Regional Airport. Mr. Thompson stated that Mr. Goodrich has been working with Ms. Motz on revisions to the text of the Airport zoning district. He noted there are FAA requirements that need to be met that pertain to land uses that attract hazardous wildlife on or near the airport. Mr. Goodrich distributed, via e-mail on March 25th, revisions to the Airport zoning district text. Mr. Thompson stated that Staff is in agreement with the revisions to the text, but they are still working out all of the details.

Ms. Carolyn Motz distributed copies of the FAA's Advisory Circular that deals with hazardous wildlife attractants on or near airports. The Airport receives Federal grant money each year that require compliance with certain conditions called grant assurances. The FAA sends out several advisory circulars each year dealing with safety issues on or near the airports. Ms. Motz briefly reviewed the Advisory Circular with the Committee. In July 2003 a Memorandum of Agreement was signed between the FAA, U.S. Air Force, U.S. Army Corps of Engineers, and U.S. Department of Agriculture – Wildlife Services. The MOA established procedures necessary to coordinate the respective missions of the agencies in

protecting aviation from wildlife hazards. These efforts are intended to minimize wildlife risks to aviation and human safety while protecting the Nation's valuable environmental resources.

The Advisory Circular states, "When considering proposed land uses, airport operators, local planners and developers must take into account whether the proposed land uses, including new development projects, will increase wildlife hazards". The FAA checks for the following criteria: airports serving piston-powered aircraft; airports serving turbine-powered aircraft; and protection of approach, departure and circling airspace. The Hagerstown Regional Airport (HRA) meets all of these criteria; therefore, all three perimeters must be met. One of the most critical is Perimeter C, which is the 5-mile range to protect the approach, departure and circling airspace.

The Advisory Circular outlines land use practices that potentially attract hazardous wildlife, such as waste disposal operations, water management facilities, dredge soil containment areas, agricultural activities, golf courses, and landscaping. The Airport Staff must remain vigilant of activities around the Airport that attract birds, especially during certain times of the year.

The Advisory Circular discusses the cooperation of the airport community when new projects are considered. Airport operators should work with local and regional planning and zoning boards so as to be aware of proposed land use changes or modification of existing land uses that could create hazardous wildlife attractants within the separations identified in Section 1-2 through 1-4 of the Circular. At the very least, airport operators must ensure they are on the notification list of the local planning board for all communities located within 5 miles of the airports, so they will receive notification of any proposed project and have the opportunity to review it for attractiveness to hazardous wildlife. Ms. Motz noted that she has recently met with officials in Franklin County, Pennsylvania to ask for their cooperation.

The Advisory Circular also discusses waste management facilities and other land use practice changes. Ms. Motz emphasized the importance of following the guidelines set forth by the FAA and the impacts to the County if these regulations and guidelines are not followed.

Ms. Motz explained that airports that have received Federal grant-in-aid assistance are required by their grant assurances to take appropriate actions to restrict the use of land next to or near the airport to uses that are compatible with normal airport operations. Failure to do so may lead to noncompliance with applicable grant assurances. The FAA will not approve the placement of airport development projects pertaining to aircraft movement in the vicinity of hazardous wildlife attractants without appropriate mitigating measures. Increasing the intensity of wildlife control efforts is not a substitute for eliminating or reducing a proposed wildlife hazard. Airport operators should identify hazardous wildlife attractants and any associated wildlife hazards during any planning process for new airport development projects.

Ms. Motz discussed changes she recommends to the AP (Airport District). She stated that the recommended changes are specifically related to the Advisory Circular. There was a brief discussion regarding other forms of wildlife that can cause dangerous situations at the Airport, such as deer and groundhogs. Ms. Motz noted that the Airport has a Wildlife Mitigation Plan, which is part of the Airport Certification Manual. The Plan details how wildlife will be addressed on the field, the equipment that is used, and license and permits issued to the Airport for the control of wildlife.

There was a brief discussion to include language requiring notification to the purchasers of homes within the Airport Overlay area. Mr. Thompson stated that language has been added to the text of the AP district. Currently, notes are placed on the plats and within the deeds; however, members believe that more needs to be done. The Committee discussed the role of the realtor to inform purchasers if the property being sold is located within the AP or AP overlay zones. Mr. Thompson stated that proposed language recommends insulation and other sound deadening measures for residences to help with noise factors. He also noted that high density residential areas will not be permitted in the Airport areas.

There was a brief discussion regarding Forest Conservation Ordinance requirements and addressing those issues in and around the Airport area. Mr. Phoebus expressed his opinion that the Airport is a valuable asset to the County and everything needs to be done to protect to it. Ms. Motz expressed her

opinion that there are a lot of resources that can be supported around the Airport to promote economic development.

Mr. Armel recommended a change in the text in Section 21.41 (b) the 5th paragraph. The Committee agreed and the following is their recommendation.

- **Consensus:** The Committee recommended adding “transportation security personnel and law enforcement personnel” so that the 5th paragraph would read as follows: “Schools for the training of pilots, navigators, air traffic controllers, **transportation security personnel, law enforcement personnel**, flight attendants, travel agents.....”

Mr. Shank began a discussion regarding animal husbandry activities. He expressed his concern regarding limitations and prohibition of animal husbandry activities. Mr. Thompson explained that animal husbandry uses would be prohibited only in the AP district and, using a map, showed the Committee the area zoned AP. There was a brief discussion regarding the Airport Overlay zone. The Committee requested that when the boundaries for the overlay have been established, they would like to see a map with the boundaries.

Ms. Motz explained that the Airport needs notification of animal husbandry facilities and where they are located. The Advisory Circular states, “Any livestock operation within these separations should have a program developed to reduce the attractiveness of the site to species that are hazardous to aviation safety”. In other words, if there are facilities related to the operations that have a lot of manure around the area that attract birds, the Airport needs to know in order to be prepared to handle these issues as they relate to the safety operations of the Airport.

Mr. Shank expressed his concern with the zoning, which allows only 1 house per 50 acres. He questions how the acreage would be used and noted that horse farms could be a possible use for the property. He believes horse farms are relatively clean and do not cause a lot of obnoxious odors. Mr. Shank expressed his desire to see the land utilized so it will not be burdensome to the property owners. Mr. Thompson stated that the County is trying to allow agriculture to take place without creating a hazard in the area of the airport. Ms. Motz expressed that the Airport is not opposed to agriculture, she simply needs to be aware of the uses of the land around the Airport.

Mr. Phoebus reiterated his opinion that realtors should disclose information regarding property located within the Airport and Airport overlay zones. Mr. Cline believes there is a disclosure statement used by realtors in other jurisdictions and he will try to provide a copy to the members of the Committee.

Mr. Reynolds recommended adding language to Section 21.5, paragraph 2. The Committee concurred on this recommendation.

- **Consensus:** The Committee recommends adding “current and possible future” so that Section 21.5, paragraph 2 would read as follows: “.....and may provide input to the Planning Commission as to the effects of the development on **current and possible future** airport operations.”

Review of ERT “Education, Research and Technology” District

Mr. Thompson began discussions of the ERT zoning district by stating that Staff has met with Dr. Altieri and Board members of Hagerstown Community College. They discussed future plans and expansion for the college and zoning issues relating to the college’s plans. Mr. Thompson stated that Staff is proposing uses in the ERT zoning district that directly relate to the activities of the College. Dr. Altieri and the Board have reviewed the proposed text and made a few recommendations and comments. A copy of their comments were sent to the UGA members via e-mail prior to this discussion.

Mr. Phoebus stated that one concern of the College is the limitation on the day care center that might make the center financially unfeasible to operate if the public is not permitted to use the facility. Another

concern is telecommunications towers on the site. Mr. Thompson stated there have been towers proposed on other sites near the campus in the past. He noted that the City is looking at sites between Eastern Boulevard and Robinwood Drive to locate a tower to help with communication problems on the campus. Ms. Livelsberger suggested that communication towers be special exceptions in the ERT zoning district. Mr. Thompson believes that if a tower is put on top of the new hospital on Robinwood Drive, it could help resolve the problem.

OTHER BUSINESS

Mr. Armel began a discussion regarding the manufacturing uses in the ORI zoning district. He asked for clarification that the Committee is recommending criteria for Performance Standards, criteria for manufacturing at 60% of the floor space and storage at 20% of the floor space (either in the same building or an attached building). Further clarification was discussed that any of the enumerated permitted uses would be subject to all three criteria. The specified criteria separates the ORI zoning district from other industrial zoning districts.

NEXT MEETING

The UGA Committee will hold their next meeting on Thursday, April 2, 2009 at 9:00 a.m. in the Washington County Administrative Annex. The Committee plans to finalize their review of the "AP", "ERT", "BL" and "HC" zoning districts during the next meeting.

There was a brief discussion regarding a final report to the Board of County Commissioners. Mr. Phoebus envisions a matrix delineating the areas that were reviewed, and any discrepancies between the Committee's recommendations and Staff's recommendations. Members expressed their opinions that the final report should be kept simple.

ADJOURNMENT

Chairman Phoebus adjourned the meeting at 10:30 a.m.

Respectfully submitted,

Richard Phoebus, Chairman