

WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING
February 3, 2025

The Washington County Planning Commission held its regular monthly meeting on Monday, February 3, 2025 at 6:00 p.m. at the Washington County Administrative Complex, 100 W. Washington Street, Room 2000, Hagerstown, MD.

CALL TO ORDER AND ROLL CALL

The Chairman called the meeting to order at 6:00 p.m.

Planning Commission members present were: David Kline, BJ Goetz, Jeff Semler, Denny Reeder, Terrie Shank, Jay Miller, and Ex-officio County Commissioner Randy Wagner. Staff members present were: Washington County Department of Planning & Zoning: Jill, Baker, Director; Jennifer Kinzer, Deputy Director; Travis Allen, Senior Planner; Kyla Shingleton, Comprehensive Planner; and Debra Eckard, Office Manager.

NEW BUSINESS

MINUTES

Motion and Vote: Ms. Shank made a motion to approve the minutes of the December 2, 2024 Planning Commission regular meeting as presented. The motion was seconded by Mr. Semler and unanimously approved.

Motion and Vote: Mr. Semler made a motion to approve the minutes of the January 13, 2025 Planning Commission Public Hearing as presented. The motion was seconded by Ms. Shank and unanimously approved.

PRELIMINARY CONSULTATION

Triple Y LLC, Federal Lookout [PC-24-006]

Ms. Kinzer, on behalf of Mr. Scott Stotelmyer, presented a preliminary consultation that was held on December 10, 2024 for a 13-lot subdivision located along Federal Lookout Road in Smithsburg. The property is currently zoned RT (Residential Transition). Water and sewer services will be provided by the Town of Smithsburg. The preliminary/final plat for this subdivision must meet all County ordinances including, but not limited to, the Adequate Public Facilities Ordinance, Subdivision Ordinance, Zoning Ordinance and Storm Water Management Ordinance.

FOREST CONSERVATION

Campus Avenue Realignment [TWN-24-001]

Mr. Allen presented two requests for the Campus Avenue Realignment project in the Town of Boonsboro. The developer is requesting the use of the payment-in-lieu of option to meet the .66 acre planting requirement and the removal of one specimen tree from the site. Specimen trees are greater than 30-inches in diameter and are prioritized for retention under Article 8 of the Forest Conservation Ordinance. Campus Avenue is being relocated to join Chase Six Boulevard. There will be a new traffic signal at the intersection to provide safe travel for vehicles as well as pedestrians. Mr. Allen noted that for road projects such as this, there is no on-site mitigation options. He also noted that in the justification statement provided, the specimen tree's critical root system is directly in alignment with the proposed storm water management drain outfall. The road realignment, natural drainage pattern and the need to provide storm water management precluded any alternatives to save the tree.

Motion and Vote: Ms. Shank made a motion to approve the two requests as presented. The motion was seconded by Mr. Semler and unanimously approved.

OTHER BUSINESS

Discussion of proposed text amendments

Ms. Baker explained that staff is working on potential text amendments related to halfway houses and group homes. Halfway houses and group homes have received a protected status under State

and Federal law; therefore, staff is proposing a text amendment to mirror the State and Federal regulations. Ms. Shingleton presented the proposed changes as follows. Currently, halfway houses and group homes are not listed in the County's adopted Zoning Ordinance. Transitional homes are listed in the Ordinance; however, this is not in conformance with State regulations. Halfway houses and group homes will be a permitted use in any residential zoning district. There are two sizes of halfway houses and group homes – small and large. Small group homes will be permitted in the A(R), EC, P, RV, RT, RS, RU and SED zoning districts where single-family homes are allowed. Large group homes are equivalent to multi-family homes and will be permitted in the RM and SED zoning districts. Ms. Shingleton noted that the definition of transitional homes will be removed from the Ordinance.

Discussion and Comments: Mr. Miller expressed his concern that these types of facilities will need to be very clearly defined. Ms. Baker stated that the proposed definition mimics the State law. The definition could be expanded; however, these facilities will be licensed and regulated by the State.

Ms. Baker noted that staff is currently working on a proposed text amendment for accessory dwelling units. An internal work group has been meeting to determine how large the dwelling units can be, where they can be located, and to ensure that building codes are being met per State law. This proposed amendment will be presented in the next few months.

Update of Projects Initialized

Ms. Kinzer provided a written report for land development plan review projects initialized during the months of November and December.

Ms. Baker announced that Hitachi Rail, a global company diverse in many different types of technology, is currently constructing a testing facility in the County. This is a big economic boost for Washington County. Ms. Baker also noted that Halfway Boulevard is being extended to connect to Greencastle Pike, which will be used to access the Hitachi site. A second phase of construction on Halfway Boulevard will connect from the Hitachi site to Newgate Boulevard in the future.

Discussion of Comprehensive Plan Public Hearing

Ms. Baker reminded members that a public hearing was held on January 13th for the Draft Comprehensive Plan to gather public input. The public record remained open until January 31st. All public comments received have been forwarded to the Planning Commission members for review and consideration. Staff laid out a plan to address the comments received. Individual requests will be discussed later after staff has had the time to map the requests and can brief members on why decisions were made in the first place. By doing this, staff believes members will be able to make more informed decisions.

Ms. Baker stated there were two notable areas of concern discussed at the public hearing. One was the environmental conservation land use policy area. She noted there is a difference between land use policy areas and zoning. Most people believe that the properties shown on the land use map that are to be included in the environmental conservation policy area means the land will also be zoned environmental conservation. While this may be true in some instances, it is not true for all. Land use policy areas may influence future zoning; but it does not require the policy areas and zoning to match. Ms. Baker cited examples from the 2002 Comprehensive Plan and the 2005 Comprehensive Rezoning. The intent of the policy areas is to set policies in place to limit areas of development, limit the impacts on our resources and to focus on ways to enhance and protect the resources.

The second notable concern is the preservation land use policy area. Ms. Baker noted that the majority of comments received were referring to this as "historic preservation zoning"; this is inaccurate. The preservation land use policy area was created for land preservation purposes. Historic preservation is for the protection of contextual historic sites. Ms. Baker stated that the County is trying to enhance historic preservation efforts in the County. She explained that staff is proposing the elimination of the preservation policy area because it gives a false intimation that these are the only areas where we are focusing our preservation efforts. The preservation policy area currently encompasses the original Rural Legacy area, which is around the Antietam Battlefield. Staff is proposing the use of the Priority Preservation Areas (PPAs) to focus land preservation efforts and not just the area around the Battlefield. The Preservation zoning district (1 dwelling unit per 30 acres) was associated with the preservation policy area. Staff is no longer advocating for the Preservation zoning district because targeting one area is unfair when we are trying to preserve other areas in the County such as areas around Clear Spring, Smithsburg, etc. The downside to eliminating the preservation policy area is the Battlefield, where we do not want development to occur because the Battlefield is an important historic resource for our County and promotes tourism.

Discussion and Comments: Members discussed the retraction of the growth area and how this will help preserve land. Ms. Shank asked what would be the long-term impact if the preservation land use policy area is not removed. Ms. Baker explained that the boundary is currently associated with the old Rural Legacy boundary which has been expanded by approximately 6000 acres. Do we continue to follow the old Rural Legacy boundary or follow the new boundary? She noted that the Planning Commission has recommended the down zoning of the Agricultural Rural zoning district from 1 dwelling unit per five acres to 1 dwelling unit per 10 acres [keeping exemption lots] if the Preservation zoning district is eliminated. By doing this, it would balance out the overall potential for development in the rural areas. Another consideration is the Septic Tiers bill. The County has not adopted a Septic Tiers map and therefore, nobody can develop more than seven lots in the rural area according to State law.

Consensus: Leave the preservation policy land use area as it currently is shown in the 2002 Comprehensive Plan and recommend the A(R) zoning district to increase from 1 du/5 acres to 1 du/10 acres and keep exemption lots.

The next topic Ms. Baker discussed with members was the environmental conservation land use policy areas along the streams. Members asked how the 500-foot buffer was established. Ms. Baker explained that the 2002 Comprehensive Plan used the floodplain boundaries. In the update, staff used areas where several different sensitive areas (such as steep slopes, floodplain, stream buffers, habitat, endangered species, etc.) were located to create a heat map. This identified areas where we should focus protection efforts. The heat map varies depending on the specific needs in a particular area. The 500-foot buffer on either side stems from all resources being located in one location. Staff's decision was based on the same buffer that has been established around the Appalachian Trail.

Ms. Baker stated that the current Comp Plan uses the limits of the 100-year floodplain to delineate the environmental conservation area. Staff was looking for larger areas to put policies in place specifically to focus environmental conservation efforts in those areas. She explained that larger sized resource areas are needed in order to achieve maximum benefits. Members believe that using the limits of the 100-year flood plain is defensible; however, the 500-foot buffer is arbitrary. Members asked what would be prohibited within the buffer. Ms. Baker explained that nothing would be prohibited; however, there is the potential that a regulation could be created in the future to prohibit building within the 500-foot buffer. She further explained that this is a policy area that staff is seeking to protect resources. She acknowledges that one impact would be guidance of future zoning that would expand the areas where we would like environmental conservation to occur. Ms. Baker reiterated there are several locations on the current Comp Plan land use map that show an environmental conservation policy area that does not contain an environmental conservation zoning. The reason for that is to provide continuity in the policy area. The Comp Plan is not intended to be viewed on a parcel-by-parcel basis. Members asked if the buffer area could still be used for farming. Ms. Baker stated it can still be farmed. Mr. Semler stated there are restrictions how close you can get to a stream buffer, some of which depend on the slope of the area. Ms. Baker again reiterated that the environmental conservation land use policy area is not intended to prohibit construction or farming within the buffer area. It is intended to prevent excessive growth and development in the rural areas.

Members continued to discuss a fair and defensible environmental conservation land use policy area boundary. One member suggested using the 100-year floodplain boundary plus 100-feet. Ms. Baker suggested that if the Commission is looking for a number that would be more defensible, they could consider using the US Department of Forest Service's riparian forest buffer depicting a stream side forest buffer that usually starts at the bank and goes back 95 to 100 feet. This information is shown as a figure within the Sensitive Areas element of the Comp Plan. Members believe that is a more defensible proposal. Ms. Baker asked members to review the Greater Hagerstown Committee's comments and the City of Hagerstown's comments before the next meeting.

Staff is requesting a workshop meeting with the Commission to review Forest Conservation policies. Staff will be in contact with members to schedule the meeting.

UPCOMING MEETINGS

1. March 3, 2025, 6:00 p.m. – Washington County Planning Commission regular meeting

ADJOURNMENT

Mr. Semler made a motion to adjourn the meeting at 8:30 p.m. The motion was seconded by Mr. Wagner and so ordered by the Chairman.

Respectfully submitted,



David Kline, Chairman