

## PLANNING COMMISSION POLICIES AND RESOLUTIONS

### NAME OF POLICY: POLICY FOR ADMINISTRATIVE APPROVAL OF PLATS

1. The Executive Director shall have the authority to review and approve all Simplified Plats for Preliminary Approval, provided all subdivision requirements have been met, as the Commission's representative in accordance with the provisions of Article 66B.
2. The Executive Director shall have the authority to approve one (1) and two (2) lot, single-family residential plats for development when all subdivision requirements have been met, as the Commission's representative in accordance with the provisions of Article 66B.
3. The Executive Director shall have the authority to review and approve any and all replats having any number of lots for which there is no additional subdivision of land, in accordance with the Subdivision Ordinance and in accord with Article 66B of the Annotated Code.
4. The Executive Director shall have the authority to review and approve all Final Plats for which previous approval has been granted to the Preliminary Plat by the Planning Commission, provided the Final Plat meets all subdivision requirements and represents no substantial change from the approved Preliminary Plat.
5. The Executive Director shall have authority to grant a variance to the requirements of the Washington County Subdivision Ordinance for subdivision plats in the following instances:
  - a) Where it is impractical to dedicate the full right-of-way required by the Washington County Highway Plan and where the County Engineer or State Highway Administration are satisfied with the acquired platted right-of-way.
  - b) Where an existing structure, septic system, or other appurtenance is within the right-of-way to be dedicated and for which the relocation of same may create a future hardship.
6. Authority is granted for the Executive Director to administratively approve plats:
  - a) Where a municipal boundary divides a subdivision lot, and where the prohibition of such a division would create a hardship with no appreciable advantage served by the prohibition.
  - b) Where driveway entrances for lots fronting on a public road are proposed to coincide with the right-of-way for a future public road and where the strict enforcement of the provisions of the Ordinance would be of no practical advantage.
7. The agenda for the regular meeting of the Commission shall be mailed by no later than two Thursdays preceding the regular meeting. Approvals from agencies for all matters to be considered by the Commission must be received by the Planning Commission Office by no later than 9:00 A.M. two Mondays prior to the Commission meeting. All variance requests must be received at least two Fridays prior to the Commission meeting. All matters not received by the times indicated will be deferred until the Commission's regular meeting the following month.

- ~~8. The Director shall have the authority to recertify all non recorded one or two single family residential lot subdivision plats with the understanding that each plat would be reviewed to assure that the original site conditions are unchanged and also that the said plat be recorded within a 30 day period.~~
9. An applicant for a subdivision or development who intends to phase a development over a period of years is permitted to submit a phasing plan at the preliminary plat approval stage and will be allowed to submit detailed construction plans for only that phase which the developer intends to immediately request final approval plus any regional or total site related type facility.
10. The Planning staff shall have the authority to approve a Forest Conservation Plan when no plan implementation is required.
11. The Director shall have the authority to grant a variance to the requirements of the Washington County Subdivision Ordinance pertaining to property access or driveway spacing; when the property access or driveway intersects with a State maintained road and the access permit issued by the State requires the property access or driveway to be located such that it fails to meet the Subdivision Ordinance spacing requirements.
12. The Planning Director shall have the ability to waive the requirement for a Preliminary Consultation where no significant information above that which would be provided with a preliminary plat is anticipated to be submitted. The waiver shall be limited to developments in which no new road construction shall occur.
13. The Planning Director shall have the authority to grant administratively the following variances from Subdivision Ordinance requirements:
- a) Panhandle Length – Up to 50% from current maximum length of 400 feet based upon the following criteria:
    - 1. A physical hardship must be identified.
    - 2. No negative impact on neighboring properties is apparent.
    - 3. Local fire department concurrent for servicing.
  - b) Access Spacing – Up to 25% from current appropriate road spacing standard based upon the following criteria:
    - 1. A physical hardship or safety condition must be identified.
    - 2. Granting of variance shall not create an access spacing condition which allows creation of more lots than would be allowed if the variance was not granted.
    - 3. Location must be approved by the County Engineer and/or State Highway Administration as appropriate.
    - 4. No negative impact on neighboring properties is apparent.
  - c) Public Road Frontage Requirement – Up to 25% from the current standard of 25 feet based upon the following criteria:
    - 1. A physical hardship, safety condition, or an existing condition of less than 25 foot of frontage is identified.
    - 2. Granting of variance shall not create a condition which allows creation of more lots than would be allowed if the variance was not granted.

3. The driveway geometry associated with the new frontage/access configuration shall be approved by the County Engineer and/or State Highway Administration as appropriate.
  4. No negative impact on neighboring properties is apparent.
  - d) The Planning Director shall have the ability to grant the creation of a lot without road frontage in those cases where the proposed subdivided lot(s) contain existing structures and an attempt is being made to comply with the Zoning Ordinance provision of one principle use on one zoning lot. No new building lots may be created through this action.
14. The Planning Director may grant a waiver of the immediate family member subdivision ten (10) year resale restriction provision for the following circumstances:
    - a) bankruptcy,
    - b) death of owner or health/illness considerations,
    - c) divorce, and
    - d) foreclosure
  15. In accordance with Section 315 "Final Plat Approval" the Planning Director may grant extension of a preliminary plat approval for one (1) twelve (12) month period.
  - ~~16. "Remaining land", shall be that portion of a subdivision for which no improvements shall have been identified at the time of subdivision except for existing dwellings, structures or appurtenances. Only one area or parcel on a subdivision plat may be identified as remaining land. Land which cannot be subdivided any further because of zoning lot size requirements or other development limitations such as on lot sewage system locations, shall be treated as a zoning lot not remaining land and shall be subject to all development regulations.~~
  17. Granting Planning Director/Staff the ability to approve the use of the Express Procedure under the Forest Conservation Ordinance beyond the first subdivision of a parcel of property and up to a total maximum of four (4) lots.
  18. Granting the Planning Director/Staff the ability to grant a variance to approve the use of the simplified plat process to create lots that are less than three acres in size and are not being proposed for agricultural purposes.
  19. Amending Policy Two by granting the Planning Director/Executive Director the ability to approve residential subdivisions up to five (5) lots instead of two (2) as previously provided for under Policy Two, when there is no significant infrastructure improvement required (i.e. building roads, major water or sanitary sewer line extensions, etc.)

- 20.** Granting the Planning Director/Staff the ability to approve minor site plans which are: site plans that have been approved by the Zoning Board of Appeals and/or where the revisions or modifications to an existing site plan or building or lot will not significantly change the developed area of the site or building footprint, substantially increase traffic volumes, warrant substantial traffic flow improvements, require substantial public infrastructure improvements, is not in any sensitive area as defined in the Comprehensive Plan, and where the site has not been identified on County historical inventory records.
- 21.** The Planning Director shall have the authority to grant administratively the following projections into established yards and modifications to minimum building setbacks established as part of an approved PUD Development Plan.
- a)** Projection into Yards – Up to 40% of the established rear yard setback for the purpose of constructing a one story open deck without a roof, that is attached to a dwelling.
  - b)** Projection into Yards – Bay windows, chimneys, entrances, vestibules, balconies, eaves, and leaders extending into any required yard not more than 4 feet; provided, that such projections (excepting eaves) are not over ten (10) feet in length.
  - c)** Setback Modification – Up to a maximum of two (2) feet of the established setback to address minor building infringements as a result of surveying or stake out errors.
- 22.** The Planning Director (or designee) shall have the authority to approve site plans for development on the Hagerstown Regional Airport property when the plans are consistent with the current and approved Airport Layout Plan (a.k.a. ALP).
- a)** The Planning Director (or designee) shall notify the Planning Commission in writing of site plans approved by the Department.
  - b)** An applicant shall have the right to appeal staff's decision to the Planning Commission.
  - c)** The Airport Manager (or designee) shall present a bi-annual update on the Airport Layout Plan to the Planning Commission.
- 23.** Cul-de-sac streets permanently designed as such are not to service more than twenty-five (25) dwelling units and should not exceed eight hundred (800) feet in length measured from the intersection of the street rights-of-way and the center of the cul-de-sac where public water is not available. The Planning Commission will consider lengths in excess of 800 feet upon their determination that the proposal results in a better design of the subdivision and a determination that adequate emergency services can be provided to the dwellings.
- 24.** Amending Policy 19 by granting the Executive Director the ability to approve residential subdivisions up to seven (7) lots instead of five (5) as previously provided for under Policy 19, when there is no significant infrastructure improvement required (i.e. building roads, major water or sanitary sewer line extensions, etc.).

- 25. Initial Advice** - In order to provide improved service and guidance to the citizens of Washington County, streamline the development review process, improve the outcome of future land use and development projects, and accommodate requests of the development community for preliminary input during early stages of the design process, the Planning Commission adopts this policy to govern an additional category of Planning Commission meeting agenda items to be known as INITIAL ADVICE.

The purpose of the designated agenda time will be to provide a limited opportunity for those who expect to seek future Planning Commission approval an opportunity to seek early advice on certain aspects of a design proposal or on proposed methods of complying with regulations. The intention of this policy is to provide preliminary advice about subdivision plats, site plans, and other plans specified by ordinances that govern land development prior to a significant investment in detailed final designs.

Examples of items that may be appropriate for this agenda category include, but are not limited to:

- a) forest conservation mitigation proposals;
- b) panhandle arrangements
- c) the siting of buildings and other improvements;
- d) acceptability of proposed buffering;
- e) road alignments, connectivity, and other road design items not governed by minimum road design standards;
- f) acknowledgement of design standards that may dictate final designs;
- g) general design advice or acknowledgement of lot layouts and amenities locations.

The Planning Commission will make a reasonable effort to provide reliable remarks and advice based on the information provided and its knowledge of development review rules, policies and guidelines. However, future approval should not be inferred based on any preliminary advice the Commission may offer. The Commission is under no obligation to provide any preliminary advice if, in its sole discretion, it determines that there is insufficient information upon which It may render advice.

It is understood that any advice the Commission may provide as initial advice is based solely upon the information provided at the meeting and is given only by those Planning Commission members present and participating. Any additional information, changes in regulation or policy or the passage of time has the potential to change or negate remarks made as initial advice. Initial advice is not binding on the Planning Commission. Initial advice does not presume future plan approval.

#### **INITIAL ADVICE AGENDA**

The INITIAL ADVICE heading will appear on the Planning Commission's regular meeting agenda after OTHER BUSINESS

and will be allotted no more than a total of 30 minutes. A maximum of 4 applicants will be listed per meeting. The allotted time will be divided evenly among listed applicants. The Planning Commission has the option to increase or reduce the amount of time devoted to this agenda item and the amount of time allotted to each applicant. The time allowed for the agenda item may be further limited or eliminated at the Commission's discretion if the number of regular agenda items and predicted time requirements warrant.

Any site design items must be accompanied by a sketch or drawing from the applicant with enough copies for each Commission member. The applicant may submit other materials that further explain the matter. The materials shall be distributed prior to the discussion.

Applicants must contact the Planning and Zoning Department to request listing on the INITIAL ADVICE AGENDA. Plan Review and Permits staff may also request listing on the agenda on behalf of an applicant. The request for listing must be made **no later than noon on the Friday before the scheduled Planning Commission meeting.** Staff may reject a proposed agenda item if it determines that the item is more appropriately addressed by an existing review procedure. Sketches, drawings and other material shall not be submitted to staff. The applicant shall distribute required materials prior to the discussion at the meeting.

The agenda will be prepared by Planning and Zoning staff and distributed to the Planning Commission at the beginning of the regularly scheduled meeting.

### **INELIGIBLE MATTERS**

The INITIAL ADVICE AGENDA shall not be used to schedule plan reviews or approvals that have been determined, according to established guidelines, by Plan Review and Permitting staff as not being ready for inclusion on the regular meeting agenda, nor shall it be used as an appeal from any staff decision. The INITIAL ADVICE AGENDA is not a substitute for a Preliminary Consultation or discussion of the results of a Preliminary Consultation. The INITIAL ADVICE AGENDA is not a substitute for any other required Planning Commission review or approvals such as subdivisions, site plans, forest conservation mitigation approvals, modifications or variances, zoning amendments, etc. The Planning Commission is not required to permit spontaneous participation from the audience. The Commission may determine, after initial presentation or discussion, that a proposal is more appropriately addressed in a different manner or forum; it may then refrain from further entertainment of the matter.

### **INITIAL ADVICE**

The Planning Commission may express its initial advice in any manner it deems appropriate or representative. For example, the Commission may agree by consensus to provide a certain

comment, guidance or recommendation; the Commission may refrain from making any comments with or without a specified reason; or the Commission may express its opinion as a collection of each member's individual opinions on the matter (which may or may not represent a unified position of the Commission). The Commission will not approve or deny any request under the INITIAL ADVICE procedure.

The minutes of the meeting will reflect the Planning Commission's action or inaction and will be the full and complete record of the Commission's advice. The Planning Commission may modify or abrogate this policy at any time.

- 26.** Authority is granted for the Executive Director to administratively approve an extension of the time for approval or disapproval of the preliminary plat beyond the allowed two (2) years.
- 27.** Authority is granted for the Executive Director to administratively approve an extension of the preliminary plat approval effective period beyond the allowed two (2) years.
- 28.** Authority is granted for the Executive Director to administratively approve an extension of a preliminary consultation effective period beyond the allowed one (1) year.
- 29.** Amending Policy #13 by granting the Executive Director the authority to administratively approve a variance from the Subdivision Ordinance to panhandle length based upon the following criteria:
  - a)** A physical hardship must be identified.
  - b)** No negative impact on neighboring properties is apparent.
  - c)** Local fire department concurrent for servicing.
- 30.** Authority is granted for the Executive Director to administratively approve a variance from the Subdivision Ordinance to panhandle width based upon the following criteria:
  - a)** A physical hardship must be identified.
  - b)** No negative impact on neighboring properties is apparent.
  - c)** Local fire department concurrent for servicing.
- 31.** Authority is granted for the Executive Director to administratively approve a variance from the Subdivision Ordinance to number of panhandle lots allowed in a subdivision of an original tract of land based upon the following criteria:
  - a)** A physical hardship must be identified.
  - b)** No negative impact on neighboring properties is apparent.
  - c)** Local fire department concurrent for servicing.
- 32.** Authority is granted for the Executive Director to administratively approve a variance from the Subdivision Ordinance to number of

panhandle lots served by adjoining driveway entrances to a public right-of-way based upon the following criteria:

- a) A physical hardship must be identified.
- b) No negative impact on neighboring properties is apparent.
- c) Local fire department concurrent for servicing.

**33.** Authority is granted for the Executive Director to administratively approve a variance from the Subdivision Ordinance to the number of panhandle lots allowed to be stacked based upon the following criteria:

- a) A physical hardship must be identified.
- b) No negative impact on neighboring properties is apparent.
- c) Local fire department concurrent for servicing.

- Policy 1-6 - added February 2, 1981
- Policy 7 - amended July 1, 1991
- Policy 8
- Policy 9 - added July 13, 1992
- Policy 10 - added October 4, 1993
- Policy 11 - added April 11, 1994
- Policy 12-16 - added July 7, 1997
- Policy 17 - added July 12, 1999
- Policy 18 - added September 13, 1999
- Policy 19 - added October 2, 2000
- Policy 20 - added January 8, 2001
- Policy 21 - added June 3, 2002
- Policy 22 - added May 9, 2005
- Policy 23 - added December 5, 2005
- Policy 16 - deleted and added to Section 208.48.1 "Remaining Lands" of the Subdivision Ordinance on Oct. 31, 2006
- Policy 8 - deleted December 1, 2008
- Policy 24 - added February 4, 2013
- Policy 25 - added December 2, 2013
- Policy 26-33 – added November 4, 2013