

**WASHINGTON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
March 4, 2024**

The Washington County Planning Commission held a public input meeting and its regular monthly meeting on Monday, March 4, 2024 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 Vice-Chairman called the meeting to order at 6:00 p.m.

Planning Commission members present were: David Kline, Denny Reeder, Terrie Shank, BJ Goetz 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; Misty Wagner-Grillo, Planner; and Debra Eckard, Administrative Assistant.

**PUBLIC INPUT MEETING**

**RZ-24-001 – Text Amendment**

Ms. Baker presented a proposed text amendment to amend Section 23.4(a) of the Washington County Zoning Ordinance. The purpose of this amendment is to remove exemptions for height restrictions on high-density warehouse structures. Currently warehouses are permitted in the IR (Industrial, Restricted), PI (Planned Industrial), and HI (Highway Interchange) zoning districts. In these districts, structures are limited to a 75-foot height. Section 23.4 lists certain exemptions from this height limitation, however, these are mostly for accessory uses such as silos, windmills on farms, etc. Most warehouses located in the County are about 40 feet in height. Concerns have been raised regarding the height of warehouses that exceed 75 feet.

Ms. Baker noted there is currently no definition of high-density warehouses in the Zoning Ordinance. After an extensive search on-line, staff has not revealed a singular, definitive definition for high-density warehouses. The general definition found requires aisles to be as narrow as possible and part of the operation to be automated. Ms. Baker noted there are a few structures around the county that exceed the 75 foot height limitation, such as Purina.

Ms. Baker explained that the Department of Emergency Services also has concerns regarding public safety. Currently, the largest ladder truck in the County can reach a height of 100-feet; however, when the ladder is fully set, the maximum height is 75 to 80 feet.

**Public Comment:** Mr. Jason Divelbiss, 11525 Bemisderfer Road, Greencastle, and Mr. Rick Bake of NewCold, 6449 North Glenwood, Chicago, Illinois, were present at the meeting. Mr. Divelbiss explained that the developer, NewCold, is considering the purchase of property in Washington County for a warehouse which would significantly exceed the 75-foot height limitation (approximately 120 to 130 feet). Mr. Divelbiss noted that this would be a cold storage facility and in order to achieve maximum efficiency, the warehouse would require the extra height. He stated that the entire building would not exceed the 75 foot height limitation, only a portion of it. He believes a high-density warehouse should be narrowly defined so that every warehouse does not meet the definition. With regard to the concerns of Emergency Services, the number one criteria should be that portion of the building which is uninhabited and unoccupied.

Mr. Rick Bake stated that an AS/RS system (automated storage and retrieval system) would be used in the high-bank portion of the facility which would be uninhabited. With regard to fire prevention, there is access to the roof from inside the high-bank. Rather than installing a sprinkler system in the freezer, NewCold uses a low oxygen environment, which uses nitrogen to suppress the oxygen within the facility. The approval for this type of fire prevention method would need to be obtained from the State of Maryland. NewCold currently has three facilities in operation in the US using this method of fire prevention.

Mr. Divelbiss then provided his recommendation for the definition of a high-density warehouse as follows: "High Density Warehousing shall mean an uninhabitable, rack-supported building intended for an automated storage and retrieval system (AS/RS) and having a ratio between gross building volume vs. net storage volume greater than or equal to 0.5".

**Discussion and Comments:** Ms. Shank asked how many employees would work at this facility. Mr. Bake stated they would employ approximately 100 to 125 people. He noted that both the dock and freezer are cold environments.

Mr. Kline asked what the impact would be in changing the definition vs. obtaining an appeal. Ms. Baker explained that staff was hesitant to create a definition because most warehouses are defined as high-density; there is no aspect of occupied or unoccupied facilities and they do not discuss any type of fire suppression/prevention methods. Narrowly creating a definition as suggested by Mr. Divelbiss would favor one developer over another. Ms. Baker noted that going before the Board of Zoning Appeals would allow the public to comment and would allow the applicant to present their case for a specific property and why it would be appropriate for that type of use.

Mr. Kline expressed his opinion that a definition shouldn't be created and each application for a structure more than 75 feet in height should be considered by the Board of Zoning Appeals on a case-by-case basis.

Planning Commission members briefly discussed the proposed amendment; however, they were not comfortable with making a decision at this evening's meeting. Therefore, the public hearing scheduled with the Board of County Commissioners on March 12<sup>th</sup> will be cancelled.

The Vice-Chairman adjourned the public input meeting at 6:30 pm and called the regular meeting to order.

## **REGULAR MEETING**

### **NEW BUSINESS**

#### **MINUTES**

**Motion and Vote:** Mr. Reeder made a motion to approve the minutes of the February 5, 2024 regular meeting and the February 12, 2024 workshop meeting as presented. The motion was seconded by Ms. Shank and unanimously approved.

#### **SITE PLANS**

##### **Kieffer Funk Solar [SP-23-037]**

Ms. Wagner-Grillo presented for review and approval a proposed solar array consisting of 376 rows of solar panels on 167 acres to be located at 11609 Kieffer Funk Road. The property is currently zoned RT (Residential, Transition) and A(R) (Agricultural, Rural). In 2019, the Board of Zoning Appeals granted a special exception to establish the solar energy generating system (SEGS). Estimated site visits for maintenance and landscaping will be 10 to 12 visits per year which will require 4 to 6 employees. Security fencing is proposed around the system. No lighting is proposed; the only signage proposed will be the required warning signs posted at the gates. A 25 foot buffer yard along all adjacent residential properties is required. There is an existing forest line along one side of the property. There is a section of the SEGS situated along property owned by Nathan and Rebecca Martin where a buffer cannot be installed due to a storm water management feature. This is the where the natural run-off pattern to leave the site runs onto the Martin property; therefore, an energy dissipation system to reduce the velocity of run-off and channel flow before leaving the site will be installed. Forest Conservation requirements are being met by on-site forest retention and regeneration area. Total area of forest conservation is 11.2 acres. The developer is requesting that 1.1 acres of forest be allowed to regenerate over time. The Washington County Engineering Department reviewed the site plan for road adequacy. The Highway Adequacy Policy would require the developer to widen Kieffer Funk Road to a minimum of 18 feet along the 2,200-foot route to White Hall Road. Due to the limited number of trips based on the proposed use, the developer has offered mitigation by installing a 50 foot long passing area adjacent to the access. The Engineering Department does not object to the alternate mitigation to address road adequacy for this project. Approvals are pending from the Engineering Department, Planning & Zoning and the Soil Conservation District.

**Motion and Vote:** Mr. Reeder made a motion to approve the site plan contingent upon receiving all agency approvals; to approve the developer's proposed alternate mitigation of a 50 foot long passing area to address road adequacy; to approve the 1.11 acres of forest regeneration to be used toward meeting the developer's forest conservation requirements; and to approve the exemption of the residential 25 foot buffer yard requirement along the section of the neighboring property of Nathan and Rebecca Martin due to the storm water management feature. The motion was seconded by Mr. Goetz and unanimously approved.

**FOREST CONSERVATION**

**Cross Creek Commercial [GP-23-010]**

Mr. Allen presented for review and approval a request to use the payment-in-lieu of planting option to meet Forest Conservation requirements for a commercial pad site located at the intersection of Poffenberger Road and Sharpsburg Pike. The developer is also requesting approval to remove two specimen trees from the site. The property is currently zoned HI (Highway Interchange). There is a 3.96 acre total planting requirement as a result of disturbance of 11.95 acres for grading.

**Motion and Vote:** Mr. Reeder made a motion to approve both requests as presented. The motion was seconded by Ms. Shank and unanimously approved.

**OTHER BUSINESS**

**Update of Projects Initialized**

Ms. Kinzer provided a written report for land development plan review projects initialized during the month of January (a total of 42 projects) which included two site plans.

**UPCOMING MEETINGS**

1. Washington County Planning Commission workshop meeting March 11, 2024, 4:30 pm
2. Washington County Planning Commission regular meeting, April 1, 2024 at 6 p.m.

**ADJOURNMENT**

Mr. Goetz made a motion to adjourn the meeting at 6:45 pm The motion was seconded by Ms. Shank and so ordered by the Vice-Chairman.

Respectfully submitted,

  
\_\_\_\_\_  
David Kline, Vice-Chairman