

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING
May 5, 2025**

The Washington County Planning Commission held its regular monthly meeting on Monday, May 5, 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 Vice-Chairman called meeting to order at 6:00 p.m.

Planning Commission members present were: Jeff Semler, Vice-Chairman, Denny Reeder, Jay Miller, Terrie Shank, 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.

OLD BUSINESS

Halfway Houses and Group Homes Text Amendment [RZ-25-002]

Ms. Shingleton presented a proposed text amendment regarding halfway houses and group homes. She reminded members that during the last meeting, there was a discussion regarding the inclusion of foster homes and women's shelters in this text amendment. The proposed definition of a group home will state specifically that minor foster homes are not included and the proposed definition of halfway houses will state specifically that women's shelters are not included. This is because women's shelters and foster care homes are organized by different agencies and have no zoning associated with them per Maryland state law. Both foster care homes and women's shelters are pre-empted by the State law.

Ms. Baker noted that a public input meeting was held on April 7th. Staff has made the proposed changes and is now seeking a recommendation to take to the Board of County Commissioners for a public hearing.

Ms. Shingleton presented the proposed definition language as follows: Group Home – "a residence that provides for the care, supervision, and protection of persons with mental or developmental disabilities on a 24/7 hour/day basis and does not include assisted living facilities, comprehensive care facilities or minor foster care homes". Halfway Houses – "also includes temporary residences for formerly institutionalized individuals that is designed to facilitate the readjustment to private lives but does not include women's shelters."

Motion and Vote: Mr. Miller made a motion to support the proposed language as presented and to recommend approval to the Board of County Commissioners. The motion was seconded by Ms. Shank and unanimously approved with Commissioner Wagner abstaining from the vote.

Accessory Dwelling Units Text Amendment [RZ-25-005]

Mr. Allen presented a proposed text amendment to amend several sections of the Zoning Ordinance to allow a new housing type - accessory dwelling units (ADUs). Accessory dwelling units would be permitted in both the rural and urban areas of the County. Ms. Baker noted that during the public input meeting, staff proposed a limitation of 75% of the gross floor area of the principal structure or a maximum of 1,000 sq. ft., whichever is less. Members discussed a larger maximum square footage limitation. Staff expressed concern with the larger square footage limitation, especially in the commercial areas. These limitations would also serve to provide smaller and more affordable housing options. The units are proposed to be exempt from excise tax.

Discussion and Comments: Members discussed various size limitations ranging from 1,000 sq. ft. to 1500 sq. ft. Staff highly encouraged members to put a maximum square footage limitation on ADUs to ensure these units remain affordable. Ms. Baker explained that the amendment would not prevent homeowners from creating a two-family or duplex unit; however, they would be required to pay excise tax. Mr. Allen noted that the two-family or duplex unit could be subdivided in the future; however, the ADU cannot be subdivided from the principal dwelling unit.

Ms. Baker stated the proposed changes to the text amendment as follows: An accessory dwelling unit is defined as a new dwelling unit that must be subordinate to the existing home, cannot be sold separately

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in the future, and is a maximum size of 75% of the existing home or 1,500 sq. feet, whichever is less. ADUs would be exempt from excise tax.

Motion and Vote: Ms. Shank made a motion to recommend approval of the text amendment including changes as stated above to the Board of County Commissioners. The motion was seconded by Mr. Miller and unanimously approved with Commissioner Wagner abstaining from the vote.

NEW BUSINESS

MINUTES

Motion and Vote: Ms. Shank made a motion to approve the minutes of the April 7, 2025 Planning Commission public input meeting and regular meeting as presented. The motion was seconded by Mr. Miller and unanimously approved.

OTHER BUSINESS

Forest Conservation Ordinance Annual Report

Mr. Allen presented a summary of the FY 2024 Forest Conservation Ordinance Annual Report. The State requires specific data that must be reported each year. He noted that development review for the forest conservation program decreased slightly in 2024 as compared to 2023. There were no new forest banks created during FY 2024 and 3.82 acres were debited from existing forest banks during the same period. Mr. Allen stated there was no levying of non-compliance and/or violation fees during this reporting period.

Proposed Outpatient Substance Abuse Center Text Amendment

Ms. Baker explained there was a recent Board of Zoning Appeals case that dealt with the location of a medical clinic in a somewhat residential area. As part of the hearing, the question was raised as to whether there would be the dispensing of addiction treatment drugs. The decision by the BZA stipulated that there would not be the dispensing of addiction treatment drugs. The BZA requested that their concerns be forwarded to the Planning Commission to potentially address the issue in the Zoning Ordinance as a specialized use. Currently, the Zoning Ordinance treats these types of facilities as a medical clinic.

Ms. Shingleton introduced potential changes to the Ordinance regarding the outpatient substance abuse centers. She reviewed the definition of an outpatient substance abuse center. These facilities are Federally licensed and certified by the Substance Abuse Mental Health Administration and Behavioral Health Administration of Maryland. The certification and licensing are for daily operations; there is no applicable zoning regulations. Outpatient Substance Abuse Centers would be permitted in the Rural Business and Special Economic Development districts, special exception uses in the residential zoning districts and would not be permitted in any other zoning district in the County.

Discussion and Comments: Ms. Baker explained that a special exception is a permitted use, that by zoning standards, is not permitted if there is something unique about the location that is different than any other parcel in the same zoning district. She further explained that a special exception cannot be denied on the basis of public testimony that the use is not wanted in the neighborhood.

Consensus: The Outpatient Substance Abuse Centers would be a special exception use in all residential zoning districts, a permitted use in the RB, SED, ORI and ORT zoning districts, and would not be permitted in the BL, BG, HI, IR, PI, IG, PB, and AP zoning districts.

Proposed Backyard Fowl Text Amendment

Ms. Shingleton introduced a proposed text amendment regarding backyard fowl in a low intensity operation that includes raising or providing care for 24 or less fowl; no roosters would be permitted. Limitations would include the following: the first ½ acre or less a maximum of six hens would be allowed; an additional six hens would be permitted for each ½ acre up to a total of 24 hens. More than 24 hens will be considered a high-intensity operation and must meet all standards and regulations set forth by the Animal Husbandry Ordinance. Structures for a low-intensity operation must be set back a minimum of 25 feet from any neighboring dwelling, school, church or institution for human care and at no time shall a structure be located closer than 10 feet from any side or rear property lines. Structures shall not be permitted in front yards, drainage swales or mapped floodplain (sensitive) areas. There will be no selling of products for commercial uses. Free range hens will not be permitted; all structures and roaming areas must be fenced. Structures must be

properly constructed, maintained and cleaned on a regular basis to prevent odors and waste from building up. Feed must be stored in contained areas and must be cleaned regularly to prevent scavengers, insects and parasites that may harm humans. Manure may be composted and added to gardens or yards if done so without creating malicious smells or other hazards. Waste that is not composted must be collected in a sealed dry container and must be stored at a minimum of 10 feet from all side and rear yard property lines. A Waste Management Plan and Nutrient Management Plan will be required when housing more than 24 fowl. Outdoor slaughtering or butchering is prohibited. A zoning permit will be required for any structures housing chickens.

Staff will finalize the proposed text amendment and bring it back to the Commission at a future date.

Update of Projects Initialized

Ms. Kinzer provided a written report for land development plan review projects initialized during the month of March including four minor preliminary/final plats.

Director's Report

Solar Energy Generating Systems [SEGS]

Ms. Baker briefly discussed new solar energy generating systems legislation that was recently adopted by the State of Maryland. She noted that any SEGS that is one megawatt or greater, will be permitted without County approvals in accordance with State law.

Black Rock PUD

Ms. Baker explained that she will be sending Commission members a copy of the 84-page Circuit Court opinion for the Black Rock PUD. This case has been remanded back to the Planning Commission for review. She briefly reviewed the history of the Black Rock PUD clustering plan whereby the Planning Commission determined that the clustering plan was a minor change which would not have to go through the public hearing process. The Black Rock HOA appealed the decision to the Board of Zoning Appeals that upheld the Planning Commission's decision. The HOA then appealed that decision to the Circuit Court where it was remanded back to the Board of Zoning Appeals. In the meantime, the Circuit Court decision was appealed to the Maryland Court of Appeals. Late last year, the court case was voluntarily dismissed; therefore, the Circuit Court's decision remains in force. In April, the case was again looked at by the Board of Zoning Appeals, at which time it was remanded back to the Planning Commission. Four questions were posed by the Black Rock HOA that need to be addressed:

1. Has the Black Rock PUD expired?
2. Is the Black Rock PUD valid or invalid?
3. Was there a violation of the Zoning Ordinance dealing with the wait period in between applications for rezonings?
4. Is the Black Rock third proposal to the approved PUD a minor change?

Ms. Baker strongly encourages members to read the documents in order to be able to respond to the questions above. She noted that the Court's opinion [on question #2] is that the PUD should have been invalidated because it did not follow all of the criteria in terms of procedures of steps outlined in the County's Zoning Ordinance.

Comprehensive Plan Update

Ms. Baker announced that the Board of County Commissioners will hold a public hearing on Tuesday, June 3rd at 6 pm at the Public Safety Training Center. Staff will be available beginning at 5:30 pm to answer questions.

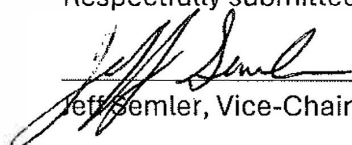
UPCOMING MEETINGS

1. June 2, 2025, 6:00 p.m. – Washington County Planning Commission regular meeting

ADJOURNMENT

Mr. Reeder made a motion to adjourn the meeting at 7:30 p.m. The motion was seconded by Ms. Shank and so ordered by the Vice-Chairman.

Respectfully submitted,



Jeff Semler, Vice-Chairman