

**WASHINGTON COUNTY PLANNING COMMISSION
PUBLIC REZONING INFORMATION MEETING AND REGULAR MEETING
June 7, 2021**

Due to current social meeting restrictions put in place by the Governor of Maryland because of the COVID-19 pandemic, the Washington County Planning Commission held its public rezoning information meeting and regular monthly meeting on Monday, June 7, 2021 at 7:00 p.m. virtually using Zoom software. No physical meeting took place.

Planning Commission members present were: Clint Wiley, Robert Goetz, Denny Reeder, Jeff Semler, David Kline, Jeremiah Weddle and Ex-officio County Commissioner Randall Wagner. Staff members present were: Washington County Department of Planning & Zoning: Jill Baker, Director; Jennifer Kinzer, Deputy Director; Travis Allen, Comprehensive Planner; Meghan Jenkins, GIS Coordinator; Wyatt Stitely, Comprehensive Planner; and Debra Eckard, Administrative Assistant; Washington County Department of Plan Review & Permitting: Ashley Holloway, Director; Rebecca Calimer, Chief of Plan Review; Lisa Kelly, Senior Planner; and Scott Stotelmeyer, Planner.

Also present were: Dave Trostle, Adam Hager and Brady Blair of Frederick, Seibert & Associates; Bill Ernstice and Jackson Gardner, Triad Engineering; and Gordon Poffenberger, Fox & Associates, Inc.

CALL TO ORDER

The Chairman called the public rezoning information meeting to order at 7:00 p.m.

PUBLIC REZONING INFORMATION MEETING

RZ-21-004 – Washington County Planning Commission

Staff Presentation

Ms. Baker presented a proposed text amendment to Section 4.26 of the Washington County Zoning Ordinance. The amendment is being proposed due to concerns of the Planning Commission relating to commercial solar energy generating systems (SEGS) being placed on prime agricultural soils. Currently, SEGS are prohibited within targeted land preservation areas including Rural Legacy and Priority Preservation Areas. This amendment expands upon that regulation by requiring that applicants take into consideration the soils on the property; and, if there are Class 1 and/or Class 2 prime agricultural soils, to the extent practicable, avoid disturbance with such uses.

Ms. Baker noted that several public comments have been received including proposed language submitted by Calvert Energy LLC who is also currently requesting a proposed text amendment to Section 4.26 of the Zoning Ordinance. Comments were recently received from the Washington County Farm Bureau regarding the concept of solar energy and prohibiting them from being located on prime agricultural soils; these comments were not directly related to this proposed amendment.

Public Comment

No public comments were received during the meeting.

The public rezoning information meeting ended at 7:05 p.m.

REGULAR MEETING

MINUTES

Motion and Vote: Mr. Kline made a motion to approve the minutes of the May 3, 2021 Planning Commission public rezoning information meeting and regular meeting as presented. The motion was seconded by Mr. Semler and unanimously approved.

OLD BUSINESS

RZ-21-001 – Calvert Energy LLC - Recommendation

Staff Presentation

Mr. Allen reminded members that a public rezoning information meeting was held on May 3, 2021 for a proposed text amendment to Section 4.26 of the Washington County Zoning Ordinance. The proposed amendment seeks to permit, as a special exception, Solar Energy Generating Systems (SEGS) on lands that fall both within the County's designated Priority Preservation Areas (PPA) and inside an Industrial Mineral

(IM) zoning district. This text amendment is narrowly tailored to be specific to the lands encompassed by the Boonsboro Quarry located on Benevola Church Road. Mr. Allen reiterated that the proposed amendment would not change any other regulations for SEGS within the PPAs or mining operations within the County. He stated that the solar array would be less than 2 megawatts and would encompass no more than 16 or 17 acres. No public comments have been received.

Discussion and Comment: Mr. Kline stated that he is opposed to creating a new rule that allows this use anywhere in the County. He believes that such requests should be considered on a case-by-case basis. Ms. Baker reiterated that this is an extremely isolated case in the County and staff believes it was a mapping error. The applicant cannot move forward with the SEGS without this amendment because a solar energy generating system less than 2 megawatts in size is outside the Public Service Commission's purview, and therefore, is subject to County to regulations. The Zoning Ordinance is very explicit that SEGS are not permitted in the PPAs.

Mr. Goetz noted that the portion of the property where the SEGS is proposed could be disturbed by the mining operation without any further approvals by the County. He believes the SEGS would create less disturbance than the mining operation, which would strip the land of its mineral resources. He pointed out that the solar arrays could be removed and the land put back into agricultural use in the future; however, once the land is stripped, the mineral resources are gone. Mr. Goetz expressed his opinion that mining operations have a more negative impact on surrounding properties and can be destructive to neighborhoods.

Mr. Semler stated that he researched the parcel that is being proposed for the SEGS and found that 66% of that parcel is Class 1 and/or Class 2 soils. He expressed his opinion that by approving this text amendment, the Commission would be violating its goal to preserve prime agricultural soils.

Mr. Weddle believes that the property was put in the PPA in order to preserve the land from development except for the mining operation. He expressed his opinion that this was not a mistake because the parcel lies within one of the County's best preservation areas.

Consensus: The Planning Commission recommends to the Board of County Commissioners that the proposed text amendment application be denied. [Mr. Kline, Mr. Weddle, Mr. Reeder and Mr. Semler voted against the amendment; Mr. Goetz voted in favor of the amendment; Commissioner Wagner abstained from the vote]

NEW BUSINESS

MODIFICATIONS

OM-21-005 – Emerald Pointe PUD

Ms. Callimer introduced a modification request for Lot 242, Section 1, Phase 4 of the Emerald Pointe PUD. Mr. Poffenberger of Fox & Associates, Inc., the consultant, presented the modification request to reduce the front yard setback from 20 feet to 10.4 feet and 16.3 feet along the secondary frontage of this corner lot. He explained there was an error on the approved preliminary plat, which was provided to the developer to assist in the sale of duplexes that are 42 feet and 48 feet. Lot 242 has been sold to a buyer wishing to construct the larger duplex unit, which due to the platting error, will encroach into the front yard setback for the side street.

Motion and Vote: Mr. Kline made a motion to approve the modification as presented. The motion was seconded by Mr. Goetz and unanimously approved.

SITE PLANS

SP-20-021 – BFS Foods

Mr. Holloway presented for review and approval a site plan for the proposed construction of a service station with 6 petroleum gasoline pumps and 3 diesel pumps, a convenience store and restaurant, a detached fast-food restaurant with drive-thru, and 43 semi-truck parking spaces. The property is located at 436 East Main Street, Hancock and is currently zoned BG (Business General). Public water and sewer will be provided by the Town of Hancock. An administrative adjustment was granted on May 5, 2021 for a freestanding sign to be located 20 feet from the right-of-way. A large portion of the property is in the floodplain; however, no building construction will take place in the floodplain. The site is exempt from Forest Conservation requirements because there will not be an increase in the impervious surface. Approval from the State Highway Administration is pending; all other agency approvals have been received.

Mr. Jackson Gardner of BFS Foods was present at the meeting. He stated there will be 68 parking spaces provided for the convenience store and 48 spaces for the fast-food restaurant. Storm water management will be handled via a bio-retention pond.

Motion and Vote: Mr. Semler made a motion to grant staff the authority to approve the site plan contingent upon approval from the State Highway Administration. The motion was seconded by Mr. Reeder and unanimously approved.

SP-20-016 – Bowman Sunfish

Ms. Kelly presented for review and approval a site plan for the proposed construction of a 480,000 square foot warehouse that includes a 48,000 square foot office on a 55 acre parcel. The property is located at 12000 Greencastle Pike and is currently zoned HI (Highway Interchange). The site will be served by public water and public sewer. The hours of operation will be 24 hours per day, 7 days per week. There will be approximately 130 employees for the warehouse and 30 employees for the office. Solid waste will be collected in a roll-off trash compactor in the bay. The Board of Zoning Appeals granted a modification request in March 2021 for a reduction in the required number of parking spaces from 426 spaces to 275 spaces. Total trailer parking will be 199 spaces. Lighting will be pole and building mounted and signs will be building mounted. Landscaping will be provided in front of the building and along the border of the adjacent single-family home. Forest Conservation requirements will be met by on-site and off-site forest retention for a total of 22.24 acres. Approval from the Health Department is pending; all other agency approvals have been received.

Motion and Vote: Mr. Kline made a motion to grant staff the authority to approve the site plan contingent upon approval from the Health Department. The motion was seconded by Mr. Goetz and unanimously approved.

SP-21-002 – Bowman Showalter Warehouse

Ms. Kelly presented for review and approval a site plan for the proposed construction of an 801,000 square foot warehouse that includes a 48,000 square foot office on an 86 acre parcel. The property is located at 13850 Crayton Boulevard and is currently zoned HI (Highway Interchange). There will be two access points onto Crayton Boulevard. The site will be served by public water and public sewer. The hours of operation will be 24 hours per day, 7 days per week. There will be approximately 130 employees for the warehouse and 30 employees for the office. Solid waste will be collected in a roll-off trash compactor in the bay. Required parking is 640 spaces; 667 spaces will be provided. Total trailer parking will be 188 spaces. Lighting will be pole and building mounted; signage will be building mounted. Landscaping will be provided in front of the building and along the drive lanes. Forest Conservation requirements will be met by off-site forest retention for a total of 18 acres. Approvals are pending from the Health Department and the Engineering Department; all other agency approvals have been received.

Motion and Vote: Mr. Kline made a motion to grant staff the authority to approve the site plan contingent upon approval from the Health Department and the Engineering Department. The motion was seconded by Mr. Semler and unanimously approved.

SP-21-004 – Bowman Ryder Trailer Parking

Ms. Kelly presented for review and approval a site plan for the proposed construction of 109 tractor trailer parking spaces on 5.2 acres of land. The property is located along the west side of Governor Lane Boulevard and is currently zoned PI (Planned Industrial). There will be no employees. The trailer parking area will be used 7 days per week, 24 hours per day. There will be one paved access onto Governor Lane Boulevard; the trailer parking area will be gravel. There will be no lighting or signage. Forest Conservation requirements will be met by retaining forest off-site for a total of 1.80 acres. All agency approvals have been received.

Motion and Vote: Mr. Kline made a motion to approve the site plan as presented. The motion was seconded by Mr. Weddle and unanimously approved.

FOREST CONSERVATION

SP-20-016 – Bowman Sunfish

Mr. Allen presented for review and approval a proposed on-site and off-site Forest Conservation mitigation request and a variance for the removal of a specimen tree on property being developed at 12000 Greencastle Pike. The developer is proposing the retention of 8.76 acres of forest on-site and an

off-site forest easement of 12.10 acres on lands owned by Mr. Bowman on Exline Road. The developer also proposes the removal of a specimen tree on the westernmost portion of the property citing the 20 foot proposed change in elevation that would make it impossible to save the tree. Water quality for the site will not be reduced due to the removal of this tree.

Motion and Vote: Mr. Semler made a motion to approve the on-site and off-site mitigation as proposed as well as the removal of the specimen tree. The motion was seconded by Mr. Weddle and unanimously approved.

SP-20-014 – Creekside Logistics

Mr. Allen presented for review and approval a variance request for the removal of a specimen tree on property located at 12524 Greencastle Pike. He noted that the Planning Commission previously approved the removal of six specimen trees on this property. The tree proposed for removal is in very poor condition and the location of the tree is just north of the outlet for the storm water management facility. Alternate locations for the storm water management facility would require the removal of several healthy trees instead of the removal of one tree that is in poor condition. Removal of this tree would not adversely affect water quality. The developer is proposing to establish 1.25 acres of palustrine wetlands and the restoration of 400 linear feet of riparian zone as well as 1 acre of pollinator habitat on site as a buffer replacement.

Motion and Vote: Mr. Reeder made a motion to approve the removal of the specimen tree as proposed. The motion was seconded by Mr. Semler and unanimously approved.

OTHER BUSINESS

SP-21-003 – Fix N' Go

Ms. Kelly presented a waiver request from Section 19.9(i) of the Washington County Zoning Ordinance which requires all new development in the HI (Highway Interchange) district to be served by public water and public sewer facilities. The developer is proposing a Fix 'N Go tractor trailer repair shop on the south side of Lappans Road east of the Western Maryland Railroad where there is no public water or public sewer. A private well and septic, which has been approved by the Health Department, will serve the site.

Motion and Vote: Mr. Kline made a motion to approve the request as presented. The motion was seconded by Mr. Semler and unanimously approved.

SP-20-008 – Fix N' Go

Ms. Calimer presented a waiver request from Section 19.9(i) of the Washington County Zoning Ordinance which requires all new development in the HI (Highway Interchange) district to be served by public water and public sewer facilities. The developer is proposing a Fix 'N Go tractor trailer repair shop on the south side of Bentwood Drive east of the CSX Railroad where there is no public water; however, public sewer facilities are available and will serve the site. A private well is proposed to serve the site.

Motion and Vote: Mr. Reeder made a motion to approve the request as presented. The motion was seconded by Mr. Goetz and unanimously approved.

Annual Report

Ms. Baker presented the Annual Report which is required by the State of Maryland on an annual basis. This report is based on data and information retrieved from the County's Accela Automation system and covers calendar year 2020.

Consensus: By consensus, the Planning Commission gave its approval to submit the Annual Report, as presented, to Maryland Department of Planning.

Staff Approvals

Mr. Holloway presented the following information for the month of May for Plan Review – Land Use: 2 site plans, 4 standard grading plans, 3 storm water standard plans, and 2 administrative zoning adjustments; for Permitting: 8 entrance permits, 6 grading permits and 2 flood plain permits.

Comprehensive Plan Update

Ms. Baker reported that staff has completed most of the chapters of the Comprehensive Plan and will be bringing those to the Planning Commission beginning in July. It is Staff's intent to have a complete draft document ready for public review and comment by the end of December or the beginning of January. A proposed schedule of meeting dates and chapters to be reviewed on each date was distributed to the Planning Commission prior to the meeting.

UPCOMING MEETINGS

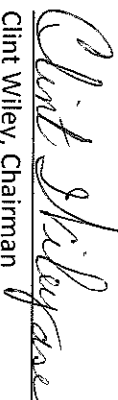
1. Monday, June 14, 2021, 6:30 p.m. – Washington County Planning Commission public information meeting
2. Monday, July 12, 2021, 7:00 p.m. – Washington County Planning Commission public information meeting and regular meeting

Before the adjournment of the meeting, members discussed the July 12th regular meeting date. Because several members will not be available to attend, it was decided to re-schedule the regular meeting on July 19th.

ADJOURNMENT

Mr. Weddle made a motion to adjourn the meeting at 8:15 p.m. The motion was seconded by Mr. Semler and so ordered by the Chairman.

Respectfully submitted,



Clint Wiley, Chairman