

**WASHINGTON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
October 5, 2020**

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 regular monthly meeting on Monday, October 5, 2020 at 7:00 p.m. virtually using Zoom software. No physical meeting took place.

Planning Commission members present were: Clint Wiley, Dennis Reeder, Robert Goetz, 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 Analyst; and Debra Eckard, Administrative Assistant; Washington County Department of Plan Review & Permitting: Rebecca Calimer, Chief of Plan Review.

Other attendees included: Ed Schreiber, Frederick, Selbert & Associates; Elmer Weibley, Washington County Soil Conservation District; Britt Rife, Theresa Thoms and Patti Reynolds [17165 Black Stallion Lane]; and William Wantz.

**CALL TO ORDER**

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

**MINUTES**

**Motion and Vote:** Mr. Reeder made a motion to approve the minutes of the August 31, 2020 regular meeting as presented. The motion was seconded by Mr. Weddle and unanimously approved.

**PUBLIC INPUT MEETING**

**Solid Waste Management & Recycling Plan Amendment [SW-20-001]**

Ms. Baker presented a proposed amendment to the Washington County Solid Waste Management and Recycling Plan to include Office Building Recycling. She explained that during the last General Assembly, legislation was passed for Office Building Recycling Plans. The definition in the legislation applies to office buildings that have 150,000 square feet or more of office space. Currently, Washington County only has three buildings that meet that definition. Typically, those businesses already have recycling plans in place. The proposed amendment has been reviewed and approved by the Maryland Department of the Environment. No written comments have been received and no citizens requested time to make comments during this evening's meeting.

**Discussion and Comments:** Mr. Reeder asked who would monitor compliance with the recycling plans. Ms. Baker stated that monitoring would be achieved through end-of-the-year reporting to MDE. Washington County will not be responsible to inspect the businesses.

**Motion and Vote:** Mr. Weddle made a motion to recommend approval to the Board of County Commissioners of the proposed amendment as presented. The motion was seconded by Mr. Goetz and unanimously approved with Commissioner Wagner abstaining from the vote.

**-NEW BUSINESS**

**FOREST CONSERVATION**

**Jone L. Bowman Subdivision [S-20-025]**

Mr. Allen presented a request to relocate a 1.44 acre forest easement from its current location at 11107, 11111 and 11115 Hopewell Road. These properties were part of a recent rezoning from H1 (Highway Interchange) to RT (Residential Transition) approved by the Board of County Commissioners. The applicant wishes to move the 1.44 acre forest easement area to an off-site location owned by Mr. Don Bowman near Porters Lane and Exline Road. In 2000, a 2.69-acre forest easement was created as part of the approval of a 4 lot subdivision. At that time, 1.25 acres of forest was retained and 1.44 acres was to be planted to meet mitigation requirements. The planting of the 1.44 acres was never completed.

As part of the applicant's justification for moving the easement, a letter was provided from a qualified professional, Shannon Stotler of Frederick, Seibert & Associates. Mr. Stotler expressed his opinion that there is a greater environmental effect achieved by adding to an existing established off-site forest easement. It was noted there are invasive plants in the easement area that would adversely impact the ability to establish new forest. He believes that it would be burdensome for the applicant to obtain a forest bond and maintain a planting area for two years.

Mr. Allen stated that as part of the request, the applicant should demonstrate two key elements for relocating the easement: 1) why the current plan is not feasible, and 2) why the other techniques outlined in Article 10 of the Forest Conservation Ordinance's "Preferred Sequence of Mitigation" are not possible for this site. Mr. Allen noted that by moving the easement off-site, the applicant would not be creating any new forest. The loss of on-site forest or the opportunity for creating new forest can lead to lost ecosystem services provided to the area that are no longer available, such as storm water management, water quality, air quality, etc.

Mr. Travis noted that typically the County does not encourage the establishment of on-site forest easements on lots owned by several different individuals due to size constraints of the lots. However, in this case, the easement is located in an area that would not be disturbed during construction and the lots are large enough to accommodate on-site plantings. The applicant did not address any other alternatives listed in the "Preferred Sequence of Mitigation". Staff believes that the Forest Conservation Plan that was previously approved is still feasible and that obtaining a forest bond would not pose an undo burden on the applicant.

**Motion and Vote:** Mr. Reeder made a motion to approve the request to move the forest easement off-site as proposed. The motion was seconded by Mr. Kline and unanimously approved.

#### **Soil Conservation Easement Candidates**

Mr. Weibly presented a request to use funds from the Forest Conservation program to purchase easements on three individual properties. The three properties are as follows:

- 1) Dirk and Nancy DeVault, 16315 & 16323 Shinham Road, 20.73 acres
- 2) Gary and Brenda Beachley, lots 1 and 2, Park Hall Road, 19.16 acres
- 3) Jeffery and Susan Lescalleet, 10701 Shanktown Road, 40.44 acres

**Motion and Vote:** Mr. Reeder made a motion to recommend approval to the Board of County Commissioners to use Forest Conservation funds to purchase the easements as presented. The motion was seconded by Mr. Kline and unanimously approved with Commissioner Wagner abstaining from the vote.

#### **OTHER BUSINESS**

##### **17165 Black Stallion Lane**

Ms. Calimer, on behalf of Mr. Holloway, presented a request for a change of use from an assisted living facility to a proposed transitional or shelter care facility located at 17165 Black Stallion Lane. The property is currently zoned A(R) with RB floating zone (Agricultural, Rural with Rural Business floating zone). There is no site plan on file for the assisted living facility.

Mr. Britt Rife, representing the contract purchaser, stated that the proposed use is permitted in the zoning district. The developer is proposing a residential addiction, counseling and support services facility. The applicant contends that this is not a significant change in the use of the property from an assisted living facility.

**Discussion and Comments:** Commissioner Wagner asked if public sewer serves this site. Mr. Reeder stated that a new state-of-the-art conventional septic system was recently installed on this property by CR Semler. Commissioner Wagner expressed his concern that the septic system might not be able to handle the proposed 72 bed facility. Mr. Rife stated that currently there are only 48 beds proposed for this facility and confirmed by Theresa Thoms. Mr. Reeder asked if the residential property behind the facility is also being purchased by the developer. Mr. Rife stated it is not being purchased as part of this project.

**Motion:** Mr. Reeder made a motion to approve the change in use as a 48 bed facility. The motion was seconded by Mr. Weddle.

**Clarification:** Ms. Baker stated that the request before the Commission is to determine if the change of use to a 48 bed residential addiction facility is a significant change from the 48 bed assisted living facility.

**Discussion and Comments before the Vote:** Mr. Kline expressed his opinion that this is a significant change in use and he believes public input is needed. He believes there are several issues that could lead to unintended consequences. Mr. Reeder and Mr. Weddle concurred with Mr. Kline and the previous motion was withdrawn. Mr. Kline clarified that he is not opposed to the proposed facility but he believes that the public should have the opportunity to comment on the proposed use.

**Motion and Vote:** Mr. Kline made a motion that the proposed change in use is significant and a public hearing should be required. The motion was seconded by Mr. Weddle and unanimously approved with Mr. Goetz and Commissioner Wagner abstaining from the vote.

#### Update of Staff Approvals

Mr. Holloway was not present at the meeting; however, he provided a copy of his report that was forwarded to members prior to the meeting.

#### CLOSED SESSION [7:50 p.m.]

*To discuss potential candidates to be recommended to the Board of County Commissioners for appointment to the Planning Commission to fill a current vacancy.*


#### ADJOURNMENT

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

#### UPCOMING MEETINGS

Monday, November 2, 2020, 7:00 p.m. – Washington County Planning Commission regular meeting.

Respectfully submitted,

  
 \_\_\_\_\_  
 Clint Wiley, Chairman