

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING
December 5, 2022**

The Washington County Planning Commission held its regular monthly meeting on Monday, December 5, 2022 at 7:00 p.m. at the Washington County Administrative Complex, 100 W. Washington Street, Room 2000, Hagerstown, MD.

Planning Commission members present were: Clint Wiley, Chairman, David Kline, Denny Reeder, BJ Goetz, Jeff Semler, and Ex-officio Randy Wagner. Staff members present were: Washington County Department of Planning & Zoning: Jill Baker, Director; Jennifer Kinzer, Deputy Director; and Debra Eckard, Administrative Assistant.

CALL TO ORDER

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

PUBLIC INPUT MEETING

RZ-22-004 – Text Amendment

Mr. Wiley explained that the normal procedure for a text amendment, as outlined in Article 27 of the County's Zoning Ordinance, has not been followed. He noted that Commissioner Wagner is present at the meeting; however, he will abstain from any discussion and/or votes taken regarding this particular agenda item.

Ms. Baker stated that this meeting is being held to follow the appropriate procedures set forth in the Zoning Ordinance. Public comment will be taken during the meeting; however, it will not be part of the official record since the record has already been closed. She presented a proposed text amendment submitted by the Washington County Board of County Commissioners to remove truck stops as a special exception use in the Highway Interchange district and to require warehouses with gross building areas greater than or equal to 1,000,000 square feet to be special exception uses in all districts where warehouses are currently permitted.

Discussion and Comment: Mr. Goetz asked Ms. Baker to review the normal procedures and timeline for a text amendment. Ms. Baker gave a brief overview of the procedures and stated that a typical text amendment would take between 3 to 5 months to get to the County Commissioners for their decision. Commission members discussed the timeline for this specific amendment from the date the majority of County Commissioners voted to move forward with the proposal (October 25th) to the date of their public hearing (November 29th). Ms. Baker noted that the Planning Commission was unable to hold a special meeting within the timeframe given because a quorum of its members could not be present. This fact was relayed to the County Commissioners before their public hearing along with a request to postpone the public hearing until after December 5th when the Planning Commission could hold its public input meeting. Mr. Goetz expressed his opinion that the County Commissioners "willfully violated" the Ordinance and had no intention of allowing the Planning Commission to hear the proposed amendment, deliberate, and make its recommendation thereby circumventing the adopted process. Mr. Kline agreed with Mr. Goetz's comments and believes this was an unethical act by the County Commissioners. Mr. Goetz stated, as part of the record, "I will only be a part of this commission if we do things by the Ordinance and the way they are supposed to be done." Mr. Kline stated "the process that occurred was probably illegal and certainly unethical and I clearly disagree with it". Mr. Goetz believes it is the Planning Commission's duty and responsibility to hear the proposed amendment, take public comment and make a recommendation to the County Commissioners regardless of the fact the Commissioners have already held their public hearing.

Mr. Kline asked Ms. Baker to clarify if this text amendment is part of the Bowman truck stop project. Ms. Baker stated this text amendment is not specific to the Bowman truck stop although the project was mentioned numerous times during the County Commissioners' public hearing. She explained that the Board of Appeals granted a Special Exception for a truck stop proposed by Bowman Development along Spielman Road. The opposition to that truck stop have filed an appeal in Circuit Court; a court date is pending. Mr. Semler asked if the Bowman truck stop would be grandfathered in. Ms. Baker stated that would be up to a judge to decide as this point in time.

Ms. Baker continued her presentation addressing the warehouses/distribution centers of 1,000,000 square feet or more. Records dated through September of 2022 show the County has a total of 22 proposed buildings and 4 currently under roof, for a total of 3.1 million square feet. The City of Hagerstown currently has 7 buildings proposed and 4 currently under roof, for a total of 2.2 million square feet. Concerns have been raised that the County is losing too much farmland too quickly and there is no plan for protecting local road networks or environmental resources.

Ms. Baker noted that the proposed removal of truck stops was based on safety concerns from County citizens citing human trafficking, traffic congestion and vehicular accidents. Also of concern are the existing deficiencies in interstate capacity, specifically I-81. Ms. Baker explained that the only evidence to support these claims were from several unsourced newspaper articles pertaining to human trafficking and traffic related accidents. Staff questions why truck stops are more of a safety concern than truck terminals or convenience stores or a warehouse. As evidenced by statistics nationwide, human trafficking is more apt to occur at hotels or motels. Staff noted that when looking at the Comp Plan, there are multiple sections that talk about the movement of freight and goods within the County. The Comp Plan recognizes these types of uses to be compatible and should be expected in our area. In accordance with recommendations provided in the Comp Plan, the County implemented a new land use category called Industrial Flex which is a hybrid policy area of comparable and different types of economic development and associated land uses. These uses should be located near the interchanges and should support the businesses associated with highway traffic.

Citizen Input

- Rob Ferree, 16235 Shafer Road, Sharpsburg, employee of Bowman Development – Mr. Ferree expressed his opinion that the proposed text amendment has been introduced to stop the truck stop being proposed by Bowman. He believes that truck stops are important to highway safety in addition to deterring human trafficking because truckers have been trained to spot and report human trafficking. The proposed truck stop will include a Sheetz convenience store, 30 truck parking spaces and a few diesel fueling stations. The developer will be making more than \$1 million in road and intersection improvements as part of this project thereby making roadways safer in this area. Mr. Ferree suggested that members consider private property rights, the length of time a property has been zoned in a particular way, the tax revenue and employment opportunities when deliberating their decision on this particular amendment.
- Bill Erskine of Offitt Kurman, 8850 Stanford Boulevard, Suite 2900, Columbia, MD 21045, attorney representing the Bowman Group and Bowman Spielman LLC – Mr. Erskine concurred with the Planning Commissions' comments regarding the legality and ethical actions taken by the County Commissioners who "knowingly and intentionally disregarded the laws of the County and the State of Maryland". He noted that compliance with the Comprehensive Plan was never discussed by the County Commissioners. The Comprehensive Plan's Transportation element lists 5 policy goals for transportation: 1) maintain and improve the quality of the transportation system; 2) increase efficiency of the transportation system; 3) promote desirable social and economic impacts from the transportation system; 4) minimize the cost of improvements to the transportation system; and 5) minimize undesirable impacts of the transportation system. This particular location meets all of these goals; therefore, a truck stop would be an asset at this location.
- Mr. Erskine noted that a 211 page report by MDOT was provided to the County Commissioners, which reported that there are 2,902 designated truck parking spaces in the State of Maryland. Only 595 are publicly provided by MDOT and 2,307 are privately owned.
- Roger Worthington, 9775 Beaver Creek Church Road, Hagerstown, MD - Mr. Worthington expressed his concern with regard to the size of the warehouses being built in the County and believes the larger warehouses should be considered a special exception use. He noted that if they are a special exception, it gives the community a chance to express their concerns and the right to give their input. He believes that truck stops are necessary to ensure the safety of truckers and travelers but they should also be considered a special exception so citizens can give their input.
- Laura Wright, 9779 Beaver Creek Church Road, Hagerstown, MD – Ms. Wright expressed her opinion that large warehouses should be required to install solar arrays on the roof.

Discussion and Comment: Mr. Kline would like to pursue the definition of a truck stop.

The public information meeting was closed at 8:05 p.m.

NEW BUSINESS**ORDINANCE MODIFICATIONS****9318 Alloway Drive [OM-22-012]**

Ms. Baker presented for review and approval an ordinance modification request for Lot 758 of the Westfields cluster development plan. The applicant is requesting the reduction of the rear yard setback from the approved 40 feet to 35 feet.

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

OTHER BUSINESS**Update of Projects Initialized**

Ms. Kinzer presented a written summary of the projects submitted in October 2022 as follows: 35 permit applications, 57 land use projects including 3 site plans, 5 preliminary/final plats and 4 forest stand delineations.

Cybersecurity Incident

Ms. Baker gave a brief update on the Cybersecurity incident that occurred on Thanksgiving Day. The County's IT Department is making significant progress in recovering data. The Department of Planning & Zoning is accepting new submittals; however, the electronic plan review system is not currently being utilized.

ADJOURNMENT

Mr. Reeder made a motion to adjourn the meeting at 8:18 p.m. The motion was seconded by Mr. Goetz and so ordered by the Chairman.

WORKSHOP

The Chairman called the Workshop meeting to order at 8:18 p.m.

Comprehensive Plan Update

Ms. Baker reminded Commission members that during the last workshop, the land use plan was introduced. We are currently proposing two primary areas in the Rural area with an overlay for preservation areas. Staff is also proposing new mixed-use districts.

Members discussed the public comment process and where they would like to hold public input meetings. This will be decided at a later date.

ADJOURNMENT

Mr. Reeder made a motion to adjourn the Workshop meeting at 8:35 p.m. The motion was seconded by Mr. Semler and so ordered by the Chairman.

REGULAR MEETING RESUMED

The Chairman resumed the regular meeting at 8:53 p.m. to continue discussions regarding the proposed text amendment heard earlier in the evening.

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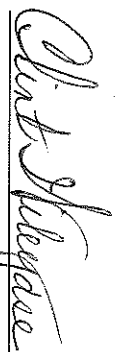
RZ-22-004 Text Amendment

Motion and Vote: Mr. Goetz made a motion to recommend to the County Commissioners, in consultation with the County Attorney, to repeal the text amendment that was approved on November 29, 2022 regarding warehouses and truck stops. He proposes and recommends that in January 2023, consistent with Article 27 of the Zoning Ordinance, an evaluation of the text amendment related to warehouses to be built in the community, solar on warehouse roofs, as well as truck stops begins. Mr. Goetz makes this recommendation and encourages the Planning Commission to support it because it is the opinion that based on the November 29th meeting of the County Commissioners and the December 5th meeting of the Planning Commission that there was not the appropriate level or opportunity for public comment around these issues. The motion was seconded by Ms. Shank and unanimously approved with Commissioner Wagner abstaining from the vote.

ADJOURNMENT

Mr. Kline made a motion to adjourn the meeting at 8:55 p.m. The motion was seconded by Mr. Reeder and so ordered by the Chairman.

Respectfully submitted,



Clint Wiley, Chairman