

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING AND
PUBLIC INFORMATION MEETING
September 9, 2019**

The Washington County Planning Commission held a public information meeting and its regular monthly meeting on Monday, September 9, 2019 at 6:30 p.m. at the Washington County Administration Building, 100 W. Washington Street, Room 2000, Hagerstown, MD.

Commission members present at the meeting were: Clint Wiley, Denny Reeder, David Kline, Jeremiah Weddle and Ex-officio County Commissioner Randall Wagner. Staff members present were: Washington County Department of Planning & Zoning: Stephen Goodrich, Director; Jill Baker, Deputy Director; Travis Allen, Comprehensive Planner; and Debra Eckard, Administrative Assistant; Washington County Department of Plan Review & Permitting: Ashley Holloway, Director; and Lisa Kelly, Senior Planner.

CALL TO ORDER

The Chairman called the meeting to order at 6:30 p.m.

-NEW BUSINESS

MINUTES

Motion and Vote: Mr. Reeder made a motion to approve the minutes of the August 5, 2019 meeting as presented. The motion was seconded by Mr. Weddle and unanimously approved.

Mr. Holloway requested that a shared parking request for Beaver Creek Event Center be added to the agenda.

PRELIMINARY CONSULTATION

Bowman Parcels 148 and 149 [PC-19-003]

Ms. Kelly presented for review a concept plan for Bowman Parcels 148 and 149 located along the northwest side of Spielman Road and the west side of Maryland Route 68. The property is currently zoned HI (Highway Interchange). In July 2017, the Planning Commission reviewed a site plan for Bowman Cornfield [Parcel 148] which proposed the same uses as the current concept plan; however, at that time there were diesel pumps and 4 tractor trailer parking spaces on this site. The Commission's approval was appealed and has been going through the court system. A judge determined that if the diesel pumps were removed, the site would not be considered a truck stop. The Judge's decision has been appealed and will be heard by the Court of Special Appeals in February 2020.

The new concept plan proposes a mixed use of sales, retail offices and fuel sales on Parcel 148, which contains 9.6 acres of land, as well as 72 tractor trailer parking spaces. Proposed on Parcel 149 is 286 tractor trailer parking spaces on 63 acres. Both parcels can stand on their own and site plans would be required for both parcels, either separately or together. A zoning certificate is currently needed for Parcel 149 where the Quality Distribution facility is located. All Zoning Ordinance requirements for the HI zoning district must be met including signage, buffers, height requirements, buffer yards, screening, etc. The proposed cul-de-sac will be privately owned.

The Washington County Engineering Department submitted comments regarding design and storm water management requirements. A new Forest Stand Delineation would be required for Parcel 149. The Soil Conservation District and the City of Hagerstown Utilities Department reviewed the concept plan and had no comments at this time. The State Highway Administration issued a letter stating a new updated traffic study will not be required.

Discussion and Comments: Mr. Kline asked if the tractor trailer parking would accommodate truck drivers who need a place to sleep when they've reached their allotted driving time. Mr. Rob Ferree of Bowman Development stated that Bowman is looking at several different options, but that is the original intent. Due to Federal law mandates being implemented on truck drivers, there is a growing need for these types of facilities. He noted that Parcel 148 may be used for additional trailer parking for the Bowman Leasing Company.

No action is required.

DEVELOPMENT PLANS

Emerald Pointe [DP-19-001]

Ms. Kelly presented for review a request to determine if the proposed change to the Emerald Pointe PUD Development Plan would be considered a major or minor change. Emerald Pointe PUD is located north of Maryland Route 60 and east of Marsh Pike. The developer is proposing to revise future Phase IV from 24 single family lots to 48 semi-detached lots which will create a slight increase in the overall development density from 3.0 units/acre to 3.2 units/acre. Public water and sewer service is available. Road improvements and sidewalks are already being constructed.

Motion and Vote: Mr. Kline made a motion to designate this request as a minor change. The motion was seconded by Mr. Weddle and unanimously approved.

OTHER BUSINESS

Update of Staff Approvals

Mr. Holloway presented the following update for July: Land Development Approvals – 12 inspection and maintenance agreements, 5 site plans; 3 preliminary/final plats; 2 County storm water management concept plans, 2 improvement plans for the Town of Boonsboro; 1 subdivision replat, 1 storm water standard plan; and 1 site specific grading plan; Permit Approvals – 6 grading permits, 7 entrance permits, 1 non-residential construction permit, and 3 utility permits.

Beaver Creek School Event Center

Mr. Holloway presented a request for shared parking for the Beaver Creek School Event Center. Parking would be shared with a nearby church that has already agreed to the request. Mr. Holloway stated that he has requested additional lighting and a crosswalk from the main entrance of the event center to the church parking lot. The developer has complied with both requests.

Mr. Fred Frederick of Frederick, Seibert & Associates, the consultant, stated that agreements with the church have been approved and signed. The Board of Zoning Appeals granted a special exception for this facility. A sign for additional parking has also been installed to direct visitors to the church parking lot. Mr. Holloway stated that the developer has agreed not to hold event at the same time the church will be holding its services and other functions. He also noted that the Board of Zoning Appeals determined the event center could not hold events later than 10 p.m.

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

PUBLIC INFORMATION MEETING

The Chairman called the public rezoning information meeting to order at 7:05 p.m.

RZ-19-004 – JPK Properties, LLC

Staff Presentation

Ms. Baker presented a proposed map amendment for 2.86 acres of property located at 18423 Breathedsville Road. The property is currently zoned A(R) – Agricultural Rural. The request is to apply an RB (Rural Business) floating zone to the land. The parcel is currently improved with an accessory building used for storage. It is located in the Rural Area of the County as designated by the Comprehensive Plan. Ms. Baker briefly reviewed the criteria that must be met to receive the RB floating zone designation. Staff has outlined and analyzed each of these criteria and, based on information provided by the applicant, adequate evidence has been presented to meet the criteria to support the request. Ms. Baker noted that the proposed business is the storage of contractor's equipment and an office.

Applicant's Presentation

Mr. Zachary Kieffer, 19405 Emerald Square, Suite 2100, Office 202, Hagerstown, MD, legal counsel for JPK Properties, LLC, and Jared Keplinger, owner, were present at the meeting. Mr. Kieffer distributed a photograph showing the current building on the site and a drawing showing the proposed storage barn [Applicant's Exhibit 1]. The applicant's intent is to move his existing business from Sharpsburg Pike to Breathedsville Road. Excavation equipment as well as farm equipment would be stored inside the buildings. The excavation equipment would be stored in the buildings during the off-season. Hours of operation would be Monday thru Friday, 7 a.m. to 5 p.m.; no employees would be present at the site.

Mr. Kieffer stated that the property is outside the County's growth area and he believes that the use meets the definition of the RB overlay. It permits a business facility in an area not otherwise permitted in the rural area of the county and permits the continuation and development of business that supports the ag industry. The applicant believes that roads are adequate for this business and that existing trees would buffer neighboring properties. The scale, intensity and character of the proposed use is not incompatible with the existing land uses. The property owner intends to eventually build his home on the property.

Public Comment

- Joe Lane, 12030 Hippan Hill Lane, Smithsburg – Mr. Lane expressed his concern that, if approved, repairs may be performed on the equipment that could affect the well and septic for the future proposed house.

Discussion and Comments

Mr. Kline expressed his opinion that the proposed use is not much different from an agricultural use that would repair its equipment on-site. He commended the owner for going through the proper channels to establish the use on this site.

RZ-19-003 Downsville Pike Land LLC

Staff Presentation

Mr. Allen presented a map amendment application for 1.6 acres of property located at 10656 and 10662 Downsville Pike. The property is currently zoned RS (Residential Suburban). The applicant is requesting a change in zoning to HI (Highway Interchange). Mr. Allen briefly reviewed the criteria identified in Article 27.3 of the Zoning Ordinance that should be followed when considering a piecemeal rezoning request. He addressed each of these criteria individually.

1. **Population:** The Halfway election district grew more slowly from 1980 to 2010 than the county as a whole.
2. **Water and Sewer:** Public water and sewer are available on the site.
3. **Emergency Services:** The nearest emergency services provider to the site is the Volunteer Fire Company of Halfway located approximately 1 mile from the site.
4. **Schools:** There would be no school mitigation requirements because the applicant is requesting a commercial zoning classification.
5. **Traffic:** According to data from the State Highway Administration, traffic volumes have remained relatively consistent at the Downsville Pike/Halfway Boulevard intersection during the past 10 to 15 years and haven't exceeded the highest total average daily traffic achieved in 1990 at that location.
6. **Public Transportation:** The area is not served by public transit.
7. **Roadways and Access:** There have been some minor intersection improvements just northeast of the site connected to the construction of Sheetz. The existing driveways on the site would need to be improved and would most likely not meet sight distance requirements for future use. Downsville Pike has a median running north and south of its intersection with Halfway Boulevard which limits left hand turns into the site. Halfway Boulevard, travelling eastbound, has dual turn lanes with a middle lane to access Marty L. Snook Park going westbound. Marty L. Snook Park abuts the western property line of one of the two parcels that are subject of this rezoning application.
The Washington County Engineering Plan Review Department reviewed the application and submitted the following comments: 1) a new access location onto Halfway Boulevard may be required; 2) a traffic study for impact on the intersection may also be required; and because Halfway Boulevard is a minor arterial road, there is a 500 foot minimum spacing requirement, that when measured from the corner of Downsville Pike and Halfway Boulevard would be at the Marty L. Snook Park access road or south of the site at the Park and Ride. Both of these access locations would be problematic for an access due to the conflicts of the different users that would be going in and out of these places.
8. **Compatibility with Surrounding Area:** There are existing neighborhoods to the north and west of the site, as well as the Park and Ride and the I-70 interchange which are in close proximity. There is one remaining residential structure on the parcel that sits on the corner; this property is in fair to poor condition. There are 5 historic sites within ½ mile of the subject site. A sixth site (Anita Rice house), which previously sat on one of these parcels, was demolished in 2018 after many years of neglect.
9. **Relationship to Comprehensive Plan:** The 2002 Comprehensive Plan designated the area as Low Density Residential in its Land Use Plan.

Mr. Allen stated that the applicant is claiming both a mistake in the zoning of the property and a change in the neighborhood. He explained criteria that must be met in order to prove either of these claims. In the applicant's justification statement, he claims that the governing body failed to fully consider that the residential usage of the subject properties would continue to be viable despite the effects on livability from the adjacent road and the geographic separation of these properties from the adjacent residential neighborhoods. They also failed to consider that the similarly situated interchange parcel was rezoned to HI while the subject parcels were not. Staff explained that these parcels have a long history of residential usage going back more than 100 years in some cases. While staff agrees that traffic related impacts have had a detrimental impact on the long-term viability of residential usage at the site, it should be noted that long-term neglect of these properties also plays a large role in the continued viability for residential use. Mr. Allen pointed out that there is both traffic and safety issues from a commercial or light industrial use that could be put on the property if it is rezoned.

Mr. Allen believes that the exhibit presented by the applicant showing all the uses within a one mile radius of the subject site provides a fair and accurate description of the neighborhood. However, within the text of the justification statement, the applicant minimizes the similarity of the site to the residential neighborhoods while emphasizing the commercial uses in the immediate vicinity. He noted that the Sheetz store which was recently constructed is in an area that has been zoned for a commercial use for a long period of time. There have been no piecemeal rezonings approved in the vicinity since 2000 which shows the stable character of the neighborhood. Mr. Allen emphasized that the Comprehensive Rezoning of the Urban Growth Area in 2012 is not evidence of a change in the character of the neighborhood. He displayed a map showing the original zoning of the area and the changes that occurred in 2012.

In conclusion, Staff believes there has been limited change in the neighborhood or that a mistake was made during the Comprehensive Rezoning in 2012. Four written comments were received prior to this meeting citing safety concerns for motorists as well as pedestrians. The Department of Planning & Zoning mailed 318 letters to neighboring and affected property owners notifying them about this rezoning and the public information meeting.

Discussion and Comments: Mr. Reeder asked if the 500 foot sight distance requirement is negotiable and what options the developer would have if the required distance could not be maintained. Mr. Allen stated that a traffic study would be required to determine what the impact would be at this intersection and on both the Downsville Pike and Halfway Boulevard. Ms. Baker stated that the State Highway Administration would dictate improvements and access from Downsville Pike because it is a state road. Halfway Boulevard is a county owned road and variances could be requested to reduce the access spacing. If the rezoning application is approved, a site plan would be required before development occurs on the site and the County's Engineering Department would review the plan to determine any safety issues.

Applicant's Presentation

Mr. Christopher Smith, 10306 Remington Drive, Hagerstown, is one of the owners of the property. He began by giving a brief history of the property and previous attempts to rezone it. He stated that he and his partner purchased the property approximately 3 years ago at an estate sale. He explained that the previous owner was older and none of her children wanted the property and he believes that is why it fell into disrepair. At the time of purchase, the properties were abandoned and blighted and there were two active zoning violations on the property. The Anita Rice house was condemned and a demolition permit was issued for that residence as well as a concrete block garage. Mr. Smith also noted that a third property adjacent to the two parcels that are subject of this request is owned by others and is also abandoned.

Mr. Smith expressed his opinion that there was a mistake made in the zoning of this property because it is located on one of the four corners of the interchange, which changed this neighborhood. He believes that the neighborhood should be defined as those three properties on the corner because they have been isolated from all the other residential structures in the vicinity. All three structures are abandoned and have fallen into disrepair, they are adjacent to a Park and Ride, and a highway off-ramp. He stated that no one has shown any interest in renting or living on these properties.

Mr. Smith began a question and answer exchange with Gordon Poffenberger of Fox & Associates, Inc., 981 Mt. Aetna Road, Hagerstown. Following is a summary of that exchange. Mr. Poffenberger stated that these properties have direct access onto Downsville Pike whereas most of the residential properties in the area front on local subdivision streets. He stated that the properties have been zoned RS (Residential Suburban) since 2005; however, the 2012 Comprehensive Rezoning changed some of the parcels in the area, including the interstate parcel which was originally zoned RM, to HI. There was a brief discussion regarding the Friendship Technology Park, which contains 140 acres. Mr. Poffenberger stated there is a developer out of Towson that is marketing that acreage for a regional shopping center, which would be a

substantial change to the neighborhood. He does not believe that rezoning the subject site would have a substantial impact on the neighborhood since it is only 1.6 acres in size. Due to limited access on the site, the development potential is minimal. In his professional opinion, Mr. Poffenberger believes there has been a change in the neighborhood citing commercial uses along the Downsville Pike. Mr. Smith questioned Mr. Poffenberger about the SHA easements granted in front of the property when the interchange was constructed. Mr. Poffenberger stated that when the interchange was constructed and Downsville Pike was widened, there were right-of-way plats prepared by SHA which significantly impacted these properties and reduced their potential for future residential use. A substantial change in the neighborhood occurred with the construction of the Sheetz convenience store on the opposite corner of the interchange as well as the traffic signals at the interchange and at Venture Boulevard. Mr. Poffenberger expressed his opinion that the health, safety and welfare of the neighborhood would not be significantly impacted by changing the zoning on these properties. He believes the access will be the most challenging issue when developing this property and several options are being considered. The proposed use of the property is an ice cream shop. There would be a right in/right out access off Halfway Boulevard. The developer is working with SHA to gain joint use of the existing access for the Park and Ride. Mr. Poffenberger expressed his opinion there is a lot of commercial uses along this corridor and continuing to use these parcels for residential purposes is not viable with the traffic volumes in this area.

In summary, Mr. Smith stated that these properties are currently blighted and will continue to be blighted and a safety concern for the park if they are left in their current zoning. There is not an economically feasible way to develop these properties in their current state.

Citizen Comment

- Barbara Iseminger, 10837 Oak Valley Drive, Hagerstown – Ms. Iseminger stated she is adamantly opposed to rezoning this property to a commercial use. She expressed concern for pedestrian safety when crossing Halfway Boulevard to enter Marty L. Snook Park. There is a crosswalk at the intersection of Halfway Boulevard and Downsville Pike; however, there is no signal for pedestrians to cross and there are no sidewalks on either side of the street to gain access to the crosswalk. Speed is also a concern in this area. Ms. Iseminger also expressed her opinion that there is not enough space for access onto this site. She believes that sharing an entrance with the Park would create another safety hazard.
- Harold Iseminger, 10837 Oak Valley Drive, Hagerstown – Mr. Iseminger stated he is opposed to this property being rezoned for a commercial use. He expressed his opinion that the volume of traffic at this intersection is extremely heavy and it is very difficult to enter Halfway Boulevard from any of the side streets. He believes that sharing an entrance with the Park is not feasible and a right in/right out on Downsville Pike would create additional traffic issues. Mr. Iseminger expressed his opinion that the property would better serve the community by being donated to the Park or to extend the Park and Ride.
- Neil Becker, 10811 Wyncote Drive, Hagerstown – Mr. Becker stated that he is opposed to this rezoning request as he was in 2017. He cited concerns with regard to traffic, drivers' safety, pedestrian safety, light pollution, noise pollution, and environmental pollution. He noted that the current owners purchased the properties knowing that they were zoned for residential use. These properties have fallen into greater disrepair since the applicant obtained ownership. Mr. Becker noted that since the demolition of structures last fall, the owners have not performed any further maintenance on the properties (grass has not been cut, trees and shrubs have not been trimmed) and people are dumping piles of trash on the property. He contends that neglect of the properties has contributed to the marketability of using these properties for residential purposes. He believes there are already challenges with traffic at this intersection. Mr. Becker cited several passages from the Staff Report and Analysis in his presentation. He expressed his opinion that the applicant has not proven that a mistake was made in the zoning of the property or that a substantial change has occurred in the neighborhood since the 2012 Comprehensive Rezoning. He noted that if the property is rezoned to HI, all uses permitted in the BL, BG, PB and ORT zoning districts would be allowed on this site. Therefore, the owners would be allowed to develop the property with a use other than the ice cream parlor that is currently proposed. Written comments were submitted by Mr. Becker prior to the meeting and made a part of the official record.
- Brandon Brereton, 10806 Gaywood Drive, Hagerstown – Mr. Brereton is opposed to the rezoning of this property. He expressed his opinion that traffic is already problematic on Halfway Boulevard. There are no turn lanes to access the residential neighborhoods. Pedestrian safety is also a concern. He expressed his opinion that a traffic study should be completed and improvements made in this area.

- Lorna Bock, 10811 Brentwood Terrace, Hagerstown – Ms. Bock is opposed to the rezoning as she was in 2017. She expressed concern with regard to traffic on Halfway Boulevard, the safety of the residents of Woodmoor and Oak Ridge developments, the visitors to Marty Snook Park and anyone travelling on Halfway Boulevard. She believes that the property owners have been neglectful in the maintenance of the property and they are hoping that the change in County Commissioners since 2017 will get this rezoning approved. Ms. Bock expressed her opinion that this property would be a nice addition to the Park and the owner and the County should re-visit the option of the County purchasing the property for that use.
- Joe Powell, 10811 Brentwood Terrace, Hagerstown – Mr. Powell submitted written comments for the record. He is opposed to the rezoning request as he was in 2017. He expressed his concern with regard to traffic issues on Halfway Boulevard and safety of drivers and pedestrians. Mr. Powell expressed his opinion that Downsville Pike is a definite separation between the RS and HI zoning districts. He noted that the Sheetz store is accessed via a dead-end road not from Downsville Pike like the subject parcels.
- Greg Nearchos, 10928 Holly Terrace, Hagerstown – Mr. Nearchos expressed his opinion that a mistake was not made in the zoning of this property and believes that the intent of the County Commissioners was to envelop Marty Snook Park with residential uses. In his opinion, the applicant has not proven that a mistake was made. Mr. Nearchos believes that Downsville Pike has been used as a division for the HI and RS zoning districts.

Applicant's Rebuttal

Mr. Smith stated that a traffic impact study will be required as part of the development process. The site does have a number of access challenges, which will be resolved or the property will not be developed. As part of the commercial use of the property, it will be surrounded by sidewalks thereby providing a pedestrian pathway from Marty L. Snook Park and allow for better pedestrian traffic for the neighborhood. The Park and Ride is not a residential facility, but a highway facility designed for vehicular parking; therefore, Marty L. Snook Park is not enveloped by residential properties. Mr. Smith believes that much of the testimony given this evening shows there has been a change in the volume of traffic in this area that is creating a more desired commercial use for this property than it was 20 years ago. The highway interchange also changed the definition of the use of this property and what is the best and highest use of the property for the County and its citizens.

The public information meeting concluded at 8:30 p.m.

REGULAR MEETING

OLD BUSINESS

WS-19-002 Town of Smithsburg

Mr. Goodrich reminded Commission members that a Water and Sewerage Plan amendment submitted by the Town of Smithsburg was presented during a public information meeting held on August 5th. The request from the Town of Smithsburg is to expand the service area boundary to include 12 parcels of land located at the intersection of MD Route 64 and MD Route 77. Three of those parcels were recently annexed into the Town; the remaining 9 parcels are outside of the Town but they are within the Town's growth area boundary and the County's growth area boundary. The application also requested a change [to the three parcels] in the priority service designation from S-7 to S-1. Staff recommended an alternative to assign the S-3, Programmed service priority designation. Staff recommends that the remaining 9 parcels, should be assigned the S-5, Planned service priority designation. The Staff Report indicates that none of the parcels meet the requirements outlined in the County's Water and Sewerage Plan for the S-1, Existing Service priority designation.

Motion and Vote: Mr. Kline made a motion to recommend approval that the service area boundary be expanded to include the 12 parcels noted in the application and for the assignment of the S-3 and S-5 priority service designations as recommended by staff to the Board of County Commissioners. The motion was seconded by Mr. Weddle and unanimously approved with Commissioner Wagner abstaining from the vote.

RZ-19-005 Alcohol Production Facilities

Ms. Baker reminded Commission members that a text amendment to the Washington County Zoning Ordinance was presented at the August 5th public information meeting. Proposed amendments include Articles 3, 11, 12, 13, 14 and 28A for Alcohol Production Facilities.

Discussion and Comments: Mr. Wiley expressed his opinion that the alcohol production facilities should be allowed in residential areas as a special exception use. Other commission members agreed. Ms. Baker asked if the Commission would like to establish bulk requirements [i.e. setbacks, lot sizes, lot widths, etc.] for these facilities. If specific bulk requirements are not established, there is a category within the Zoning Ordinance that would apply to these types of facilities. Commission members were not inclined to add specific bulk requirements.

Motion and Vote: Mr. Reeder made a motion to recommend approval to the Board of County Commissioners of the staff's draft text amendments with the inclusion of the residential districts as a special exception. The motion was seconded by Mr. Kline and unanimously approved with Commissioner Wagner abstaining from the vote.

Discussion of Solar Energy Generating Systems [SEGS]

Ms. Baker reminded Commission members that during the August 5th meeting, discussions were held regarding SEGS, legislation for SEGS, and a recent court case by the County which went to the highest court in the State of Maryland.

Mr. Goodrich gave a brief update from the Maryland Association of Counties [MaCo] planners affiliate meeting held last week. SEGS was the major topic of discussions and will be a major topic during the new legislative session in 2020. It is anticipated there will be new legislation affirming the PSC's authority for solar energy generating systems and possibly affirming local government's opportunity to participate in those processes. Also discussed were ways that the counties can participate in the process to establish SEGS. One opportunity would be to participate in the PSC's local public hearings. Washington County already has a process in place by making SEGS a special exception use.

Ms. Baker announced that the Department of Planning & Zoning will be discussing SEGS issues with the County Commissioners in the near future. She began a discussion with Commission members to gather input relative to what the Commission would like to see as part of the County's process for dealing with SEGS.

- **Consumption of prime agricultural land** – Currently the County does not allow SEGS in the priority preservation areas (PPA), Rural Legacy areas, and Antietam Overlay areas.

Discussion and Comment: Mr. Wiley suggested incentivizing areas where SEGS should be developed. Commission members liked the idea of establishing a percentage of land usage for SEGS when using prime agricultural lands.

- **Recommendation:** Incentivizing to keep SEGS out of the PPAs, Rural Legacy and Antietam Overlay areas – financial, tax break, low interest loans, abbreviated permitting times, etc.
- **Location and Method of connecting to the grid** – Ms. Baker noted that Alleghany County requires interconnections to be placed underground.

Discussion and Comments: Mr. Reeder expressed his opinion that the interconnections should be placed underground. Mr. Kline suggested that line extensions that may be necessary should also be included. These costs would be the responsibility of the solar companies. Commission members agreed.

- **Recommendation:** Interconnections and line extensions should be placed underground.
- **Impacts on environmentally sensitive areas and animal habitats** – Ms. Baker stated that most counties specifically limit or prohibit generating systems in environmentally sensitive areas. Anne Arundel county requires mitigation for wildlife corridors.

Discussion and Comments: Commissioner Wagner recommends following Anne Arundel county's guidelines. Mr. Reeder believes the wildlife corridors should be considered. Mr. Weddle expressed his concern that the corridors would take up more agricultural land.

- **Recommendation:** Require wildlife corridors for sites larger than 15 acres.
- Impacts on historic and cultural resources – Ms. Baker noted that nearly all counties reference impacts on historic or cultural resources. Some counties prohibit SEGS within the viewshed of these resources.
 - **Recommendation:** Provide a general concept of protecting significant historic resources from solar generating systems.
- Decommissioning of Facilities – Ms. Baker stated that all counties have regulations for decommissioning /reclamation of facilities. There are regulations existing in our Zoning Ordinance now; however, other counties are requiring bonds posted prior to construction of the system.

Discussion and Comments: Commissioner Wagner stated that the County is requiring bonds on the PILOTs already. Mr. Weddle asked if there would be any requirements to return the land to a usable state. Mr. Baker stated that Anne Arundel county requires decommissioning plans to include a requirement for a grading permit or standard grading plan and that all on-site equipment associated with the facility be removed within 12 months of cessation of operations. Mr. Weddle expressed his opinion that this is a very important part of the process. There was a brief discussion regarding the removal of prime soils. Ms. Baker cited Anne Arundel county's regulations which state: "Upon installation, to the degree practicable, avoid disturbing prime ag soils and provide an analysis on how the developer will avoid that. The development may not result in more than 50% of prime ag soils on the site being removed from existing or potential ag production".

- **Recommendation:** Recommend bonding for the installation of SEGS and also a requirement for decommissioning plans to include a requirement for a grading permit or a standard grading plan to return the ground to a usable state. Also, recommend something similar to Anne Arundel county's regulations regarding the removal of prime ag soils.
- Impact on Forest Conservation Act – Ms. Baker explained that the County has been requiring compliance with Forest Conservation requirements when there is a new facility. The PSC has supported this requirement in several cases. She suggested that the County could add mitigate for tree removal when placing a SEGS. Anne Arundel county has a penalty for tree removal at a ratio of 3-to-1.

Discussion and Comments: Mr. Kline expressed his opinion that is a reasonable requirement; however, Mr. Wiley expressed his concern that it is too restrictive and would impede property owner's right.

- **Recommendation:** Do not include a mitigation of 3:1 for tree removal.
- Buffers, Landscaping and Fencing – Ms. Baker stated that some counties are requiring a buffering around solar panels with landscaping and fencing. She believes that the solar companies will install a fence without the County requiring it because it will protect their equipment.

Discussion and Comments: Mr. Kline expressed his opinion that landscaping should not be part of the requirements. The SEGS could be located in an area where trees would not survive.

- **Recommendation:** The Commission does not recommend landscaping around the solar arrays.
- Community vs. Utility Scale facilities – Ms. Baker stated that many of the counties differentiate between small scale and large scale solar facilities. The cut-off is the 2 megawatt threshold that the CPCN has established as the breaking point between small and large scale facilities. She explained that the County will continue to regulate SEGS smaller than 2 megawatts by requiring special exceptions, site plans, etc.

A discussion with the Board of County Commissioners regarding SEGS has been scheduled for September 24th. Mr. Les Knapp from MaCo will be in attendance also to discuss the State's perspective on this issue.

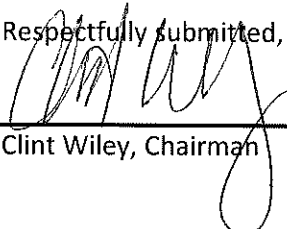
-ADJOURNMENT

Mr. Kline made a motion to adjourn the meeting at 9:30 p.m. The motion was seconded by Mr. Weddle and so ordered by the Chairman.

-UPCOMING MEETINGS

1. Monday, October 7, 2019, 7:00 p.m., Washington County Planning Commission regular meeting, Washington County Administration Building, 100 W. Washington Street, Room 2000, Hagerstown, MD 21740

Respectfully submitted,



Clint Wiley, Chairman