

## Annual Report

per Section 3.09 of Article 66B  
enacted by SB 280/HB/295, effective June 1, 2009

### WASHINGTON COUNTY

Prepared by the Washington County Planning Commission  
For the period January 2008 through December 2008  
Submitted on November 12, 2009

1. **Development Patterns** – Development investment in 2008 continued at a pace equaling 61.9% of that in 2007. This decrease is largely attributable to the decline in residential development which has been experienced nationwide, and continues to date. Expenditures in commercial development increased during the same period by 8.9%; with the largest portion (48.24%) spent by existing county businesses which were investing in expansion or facility upgrades.

Geographically, the pace of development has been slightly higher outside of the Growth Areas. While the significant down-zoning enacted in 2005, as a result of the 2002 Comprehensive Plan, has predictably reduced the pressure for the creation of rural subdivisions, much of the development in 2008 was planned in earlier years.

The revision and/or creation of zoning classifications in the Growth Areas is currently under review by the Urban Growth Area Advisory Committee ~~for possible~~ with approval anticipated by the planning commission and the Board of County Commissioners in 2010. When adopted, new development will continue to be directed into the Urban Growth Area in a continuation of the goals of the Comprehensive Plan.

(a) New subdivisions created

In 2008; four major (six or more lots) residential subdivisions and one small commercial subdivision were approved, for a total of 103 new residential lots. 179 new residential lots were created in minor subdivisions. 47% of these newly created lots occurred in the growth areas, with 52.8% occurring in the rural area.

This contrasts with the 84% of new lots approved in 2007 which were in the growth areas. This apparent deviation from planned growth patterns is another effect of the regional and nationwide decline in residential development; 103 of the lots approved within the growth areas were originally proposed in 2006 and early 2007, with approvals sought in 2008 in anticipation of the beginnings of economic recovery anticipated in 2009.

Another factor in rural area development has been the changes created by the rural rezoning conducted in 2005 as a result of the 2002 Comprehensive Plan. 15 family exemption lots were created, 4 duplex lots, 5 commercial or institutional lots, with the balance taken by single family residences. 102 of these projects were approved by the end of the first quarter of 2008 which indicates that much of the planning and investment for these projects had occurred in 2007 or earlier, primarily in subdivisions which were approved prior to the rezoning.

Distribution of New Subdivisions approved in 2008 by Size

# Units	1	2	3	4	5	6	7 -10	10+
# of Developments	34	20	5	7	3	6	1	3
# Inside Growth Areas	7	3			1			3
# Outside Growth Areas	27	17	5	7	2	6	1	

(b) New building permits issued in 2008;

Permit Type	# of Permits
2 Family Dwellings	8
Semi-Detached Homes	2
Town Homes	29
Site Built Homes	87
Farm Structures	2
Garages	80
Mobile Homes	18
Modular Homes	7
Other Improvements	6
Porches, Decks, Slabs	5
Pools	81
Storage Facilities	66
Total Residential Permits	392
Total Residential Units	171

As noted above, the number of permits for the construction of residential properties has continued to decline. The majority of the permits issued in 2008 were for improvements to existing homes.

(c) Zoning map amendments

Two map amendments; RZ-07-004, in which 29.53 acres were rezoned from HI 2- HI -1; and RZ-07-008, which rezoned 17.40 acres from IR to HI-1, were approved to correct mistakes made in the application of zoning to the parcels in question. In each case, the subject parcel is located within the Urban Growth Area with zoning that was not in compliance with the general goals of the 2002 Comprehensive Plan. The subsequent rezoning brought the parcels into compliance.

(d) Zoning text amendments that resulted in changes in development patterns

RZ-07-006, enacted in January, 2008, clarified the procedure for application for map amendments by detailing the information required and the process to be followed. It also provided additional opportunities for public input by requiring separate hearings for the Planning Commission and the Board of County Commissioners.

While this text amendment did not, by itself, result in changes in development patterns; the act of dividing the county into regions, and limiting the presentation of zoning changes in each region to specific times, allows for planners and elected officials to view the requests comprehensively within each region. It also provided clarification of the information needed and the process to be followed to facilitate the filing and decision making process.

(e) New Comprehensive Plan or plan elements adopted

In 2002, the Board of County Commissioners of Washington County (BOCC) adopted an updated Comprehensive Plan (Comp Plan) for future development of the County. In 2005 comprehensive rezoning of the Rural Area as designated on the 2002 Comp Plan was passed by the BOCC. This comprehensive rezoning significantly shortened the time period that could be utilized for zoning changes based on the criteria. for determining change or mistake.

In June 2007, the BOCC created the Urban Growth Area Advisory Committee, (UGAAC), which was assigned a number of tasks, including that it *“Review and make recommendations on Planning Commission and staff’s final proposal for the rezoning in the Urban Growth Area, that is, the proposed changes to the applicable text of the Zoning Ordinance and the application of zoning designations to properties in the growth area.”* This committee has written a report which is the culmination of their deliberations and recommendations developed in weekly and bi-weekly meetings over a two year period.

The UGAAC reviewed all new zoning districts and text changes in the surviving districts as well as map changes in the UGA which were proposed by the County’s Planning staff.

The current boundaries of the UGA include more than 9700 acres of land that is currently zoned either Conservation (1 dwelling unit per 3 acres) or Agricultural (1 dwelling unit per 40,000 sq. ft.). This acreage was not rezoned during the 2005 rural rezoning process. The proposed rezoning of this acreage will enable agricultural uses to continue during the transition to “more intense uses”, by the assignment of more appropriate urban designations in accordance with the Comprehensive Plan.

A previous report of the UGAAC (Sept. 2008) included recommendations on several issues including the use of Transferable Development Rights (TDR). The UGAAC strongly recommended that the BOCC consider the adoption of TDR and require TDR be used when allowing for “more intense use” within the UGA. The Committee recommended that a definition of “more intense use” within all zoning districts should include increases in the housing density or greater infrastructure demands required by any development allowed by the UGA rezoning process.

The UGAAC did not address the issues related to the town growth areas. It was suggested that this issue that needed careful attention and that it be addressed through a citizen input process similar to the deliberations of the UGAAC.

(f) New roads or substantial changes in roads or other transportation facilities;

Transportation improvements have concentrated on meeting the goals as described in the 2002 Comprehensive Plan for the County namely;

- i) Maintain and improve the quality of the transportation system.
- ii) Increase the efficiency of the existing transportation system.
- iii) Promote desirable social and economic impacts from the transportation system.
- iv) Minimize the costs to improve the quality and efficiency of the transportation system.
- v) Minimize undesirable impacts of the transportation system.

Substantially improved roads completed in late 2008 include:

1. Maugans Avenue – This project involved the improvement of a two lane road to a four lane road with center left turn lane from the Interstate 81 Southbound Ramp to approximately 400 feet east of US RT 11. The western section of this portion of Maugans Avenue is in transition from residential and neighborhood commercial to destination and travel related commercial uses. Properties closest to the interstate intersection now include a travel plaza, fast food and other restaurants, and a motel. The eastern portion has had increased commercial development.

As detailed in the Transportation Element Goals, this project both improves the quality and efficiency of the transportation system within the county. It directly addressed traffic congestion in the northwest portion of the Urban Growth Area. During recent years, large residential subdivisions have located in this region due to the availability of public utilities, and access to the interstates. These improvements improve traffic flow, safety, storm water control, and access to commercial facilities along with access to the interstate system.

2. Mt. Aetna Road – This project involved the Installation of a through lane on southbound Mt. Aetna from US RT 40 to Yale Drive; a right turn lane on westbound US RT 40 to southbound Mt. Aetna; Improved left turn and U-turn from eastbound US RT 40 to southbound Mt. Aetna; and extended right turn lane from northbound Mt. Aetna to US RT 40 westbound.

Mount Aetna Road provides an alternative access to the Robinwood Drive corridor. Hagerstown Community College, Robinwood Medical Campus, Black Rock Golf Course, and many established and new residential subdivisions are located along this corridor, soon to be joined by a new regional medical facility. This intersection, along with the Robinwood Drive/Edgewood Drive/US 40 intersection to the southeast, provides the key access points to the facilities in the area; this improvement alleviates some of the congestion in this region of the Urban Growth Area and will complement future efforts in the corridor.

It would be appropriate, for the purposes of this report, to include those roads which are currently in various stages of design for substantial improvement in 2009 and 2010

1. US 40/Edgewood Drive – While this intersection lies within the City of Hagerstown; it is a vital segment in the transportation linkage between the eastern and southern portions of the Urban Growth Area. The cure for this failed intersection is intricate due to the amount of development located there; the resolution has progressed to the design stage through cooperation between three levels of government; The City of Hagerstown, Washington County, and the State of Maryland. Planned improvements include the addition of turn lanes, and changes to the signalization.
2. Robinwood Drive - This two lane road improvement to four lane road with center median from Medical Campus Drive to Academic Boulevard will improve access and safety to this busiest portion of the Robinwood Drive Corridor. It includes improvement to the signals at Medical Campus Drive and Academic Boulevard; along with signal installation at varsity lane.
2. Eastern Boulevard Widening Phase I – This involves a two lane road improvement to a four lane road with center median from MD 64 to Security Road. This roadway is a joint Washington County/City of Hagerstown travel corridor which provides an alternative route for traffic from the east to access routes north of the city, bypassing city streets and congestion. The portion within the City of Hagerstown from MD 64 to US 40 (The Dual Highway) has recently been improved to four lanes with center turn lanes.
3. Southern Boulevard – The installation of a new two lane road from Oak Ridge Drive west of Oakmont Drive to US ALT RT 40 is specifically designed to divert traffic from the streets of Funkstown, and facilitate the development of other areas within the Urban Growth Area which have access to public water and sewer. Funkstown, which is listed on the National Register of Historic Places, would thereby be protected from the extensive east-west through traffic it has experienced due to the development of nearby areas. (This project coordinates with a planned north-south connector road which will be constructed as the remaining lands to the east of Funkstown are developed.)
4. Marsh Pike and Longmeadow Road Intersection Improvement – This project will install an additional through lane on the eastbound and westbound approaches of Longmeadow Road as it approaches the Marsh Pike, install right and left turn lanes on eastbound Longmeadow Road to Marsh Pike, a designated right turn lane from northbound Marsh Pike to eastbound Longmeadow Road; and two left turn lanes from Marsh Pike to westbound Longmeadow Road. Southbound Marsh Pike will have dedicated right and left turn lanes onto Longmeadow Road. The traffic signal will be enhanced to support these additional lanes. These improvements will address the most common movements through this area; which

connects the northeast portion of the Urban Growth Area to the commercial and employment areas of the northwest corner of the UGA.

5. Halfway Boulevard and Massey Boulevard Intersection Improvement – The installation of additional through lanes on northbound and southbound Massey Boulevard, adding two left turn lanes on each approach, and installing dedicated right turn lanes on each approach will alleviate the severe congestion that has historically occurred in this key intersection in this densely commercially developed area in the southeast portion of the Urban Growth Area. It follows and supports the improvements completed at the Halfway Boulevard and Interstate 81 interchange in the last few years.

Washington County recognizes its responsibility for maintenance of a transportation system that meets the needs of its citizenry; In addition, it has a fiduciary responsibility to minimize the costs related to road construction. The dedication of contractor built streets which are built to county specifications meets both of these goals.

In 2008, the following new roads were added into the County owned and maintained roads designation:

Street Name	Subdivision/Location Reference	Road LF	R/W Width
Grand Oak Drive	South Pointe PUD Phase 5 Block A	566	60'
Grand Legacy Drive	South Pointe PUD Phase 5 Block A	550	60'
Peppercorn Drive	South Pointe PUD Phase 5 Block A	450	50'
Firebush Drive	South Pointe PUD Phase 5 Block A	360	50'
Pennyhill Lane	George B. King Subdivision	1,446	50'
Pembroke Drive	Pemberton	823	50'
Trout Drive	Pemberton	856	60'/50'
Stars Lane	Freedom Hills Phase II	950	50'
Eastern Portion Patriot Way	Freedom Hills Phase II	900	50'
Western Portion Patriot Way	Freedom Hills Phase II	312	50'
Constitution Circle	Freedom Hills Phase II	1,550	50'
Ellen Lane	Black Rock Section C	370	50'
Sasha Blvd. Extended	Black Rock Section C	293	60'
Sasson Lane	Black Rock Section C	2,510	50'
Shaheen Lane	Black Rock Section C	293	50'
Tehrani Lane	Black Rock Section C	355	50'
Kyle Terrace (Part of)	Westfields School Site	15	50'
Rockland Drive (Part of)	Westfields School Site	127	60'
Alloway Drive (Part of)	Westfields School Site	482	60'
Dumbarton Drive (Part of)	Westfields School Site	386	60'
Cambeltown Drive (Part of)	Westfields School Site	348	60'
Rockland Drive (Part of)	Westfields Section 3A	477	60'
Shetland Way (Part of)	Westfields Section 3A	451	50'
Coatbridge Lane (Part of)	Westfields Section 3A	506	50'
Misty Acres Drive (Part of)	Westfields Section 3A	743	50'
Lager Drive	Sheetz, Huyetts Crossroads	145	60'
Waneta Drive	Monroe Manor	1,100	50'
Dogstreet Road Additional R/W ranging from 6' wide to 30' wide	Cannon Ridge East	1,310	18'
Paradise Manor Drive	Paradise Manor	2,458	60'
Sharon Drive	Paradise Manor	716	50'
Exeter Court	Paradise Manor	991	50'
Kialani Drive	Paradise Manor	1,269	50'
Emerson Drive South	Paradise Manor	1,378	50'
Emerson Drive North	Paradise Manor	321	50'
West Stone Court	West Stone Estates	1,330	50'
Buckskin Court	Appletown Estates	871	50'
Angela Court	Whitetail Subdivision	1,200	50'
Nursery Road additional R/W	Woodberry Commons	166	25'
Easterday Court	Mt. Aetna Subdivision	2,500	50'
Marsh Pike Additional R/W Width varies from 18.24 to 18.62	Emerald Pointe	1,961	18.5'
Emerald Pointe Drive	Emerald Pointe	742	60'
	TOTAL LF:	34,575	
	TOTAL MILES:	6.55	

(g) New schools or additions to schools

In 2008, the Washington County Board of Education opened three new school buildings for student use. Rockland Woods Elementary School serves the Westfields residential development. Its construction provided an additional state rated capacity of 745 students; provided opportunities to relieve enrollment pressures from nearby districts and included significant developer financial contributions. Pangborn and Maugansville Elementary Schools are newly constructed schools which replaced older, smaller facilities on the same sites, increasing enrollment capacity by 681 students. All three schools are located within the Urban Growth Area.

In addition, the Board of Education placed a total of seven portable classrooms at four different locations throughout the county to meet the enrollment needs in those areas.

(h) Other changes in development patterns

The limited development in 2008 has followed existing patterns.

2. **Map** – Attached maps show the above changes in development patterns and identify new subdivisions, zoning map changes, etc.
3. **Consistency** – Determine and state whether all of the changes in development patterns listed are or are not consistent with:
  - (a) each other; There have been no discernable changes in development patterns.
  - (b) the recommendations of the last annual report; The development which has occurred has been consistent with the last annual report.
  - (c) the adopted plans of the local jurisdiction; The development which has occurred has been consistent with the current Comprehensive Plan.
  - (d) The adopted plans of all adjoining jurisdictions; The development which has occurred has been consistent with the adopted plans of all adjoining jurisdictions.
  - (e) The adopted plans of State and local jurisdictions that have responsibility for financing or constructing public improvements necessary to implement the local jurisdiction's plan; The development which has occurred has been consistent with the plans of State and local jurisdictions that have responsibility for financing or constructing public improvements necessary to implement the local jurisdiction's plan;
4. **Process Improvements** – What are your jurisdiction's plans for improving the local planning and development process? In 2008, the groundwork was completed for procedural changes within the permits, inspections, engineering, planning and other departments which would establish the Planning Department as the key coordinator for all new proposals for planning and development and provide one point for plan submittal and fee payments thereby streamlining the development review process.
5. **Ordinances and/or Regulations** – List zoning ordinances or regulations that have been adopted or changed to implement the planning visions in 1.01 of Article 66B.

While there were no ordinances adopted or changed with regard to the implementation of the planning visions in 1.01 of Article 66B; progress has continued (UGAAC) in the implementation of the goals of the Comprehensive Plan which emphasized the planning visions, and in RS-08-015, the County designated Priority

Preservation Areas to further refine and maximize the focus and impact of preservation funding.

## **6. The Effects of Adequate Public Facilities Ordinances**

Washington County has had an Adequate Public Facilities Ordinance (APFO) since 1991 and has periodically updated the ordinance over the years. The purpose of the ordinance is to provide for public facilities and services to be available concurrent with the impacts from new development. Roads, schools, water, and sewer are the facilities that are required to be adequate in conjunction with development.

Road, water and sewer facilities are required as part of the development process and do not appear to be a large impediment to development as the costs for necessary improvements can be included in the business plan for the project. School capacity is the main item that can potentially impact the ability of a development to proceed. Presently, any development with more than five lots within the county is subject to the provisions of the APFO and therefore, based on current capacities, almost every proposed development will have to satisfy the APFO requirements as one level of school is over capacity in every district except Hancock.

The Board of County Commissioners recognized this situation and has provided in the ordinance for developers to propose a mitigation plan to the Board for approval, at the point which the development would cause the school to be over the state rated capacity; or, in the case of elementary schools, 90% of state rated capacity. These plans usually include a phasing schedule for the development as well as a financial contribution over and above the current excise tax to be used for school construction. So while there is an issue with schools, there is the potential to overcome this issue. The Board of County Commissioners' has received a number of such requests in recent years; the majority of which have been granted.

While the school situation is countywide, it needs to be pointed out that in 2005 the county adopted an excise tax that is used for schools, roads, library, parks and emergency services. As part of the enabling legislation, municipalities are permitted to retain approximately twenty-five percent of the money for roads within their jurisdictions, if they have adopted an APFO similar to that of the county. All of the municipalities within Washington County have done this.

In 2008, The Washington County Planning Department held nine preliminary consultations for proposed projects within the county, eight of which were for residential developments. All of the proposed projects are located within designated growth areas. None of the projects have proceeded to the platting stage to date, which we believe is due to the economic conditions and not stopped by the APFO.