

MEETING SUMMARY
Carroll County Planning and Zoning Commission

April 6 2016

Location: Carroll County Office Building

Members Present: Matthew S. Helminiak, Chair
Richard J. Soisson, Vice Chair
Alec Yeo
Eugene A. Canale
Jeffrey A. Wothers
Cynthia L. Cheatwood
C. Richard Weaver, Ex-Officio
Doug Howard, Commissioner
Daniel E. Hoff, Alternate

Present with the Commission were the following persons: Philip R. Hager, Mary Lane, and Lynda Eisenberg, Department of Planning, Stephen Wantz, Richard Weaver, Dennis Frazier, Richard Rothschild, County Commissioners, and Roberta Windham, County Administrator.

CALL TO ORDER/WELCOME

Chairman Helminiak called the meeting to order at 6:00 p.m.

ESTABLISHMENT OF QUORUM

Pamela Hare took the attendance of the Commission, noting that seven members were present, and there was a quorum.

PLEDGE OF ALLEGIANCE

OPENING REMARKS

Secretary Hager welcomed the members of the Planning Commission, the County Commissioners, and the County Administrator, Roberta Windham, to the meeting. Secretary Hager stated that Mary Lane had distributed chapter 8 to the Planning Commission members and that they would have the task of looking at them a second time.

Secretary Hager stated that while this was part of a regularly scheduled Planning Commission meeting it would be having a joint work session with the Board of County Commissioners and that they were welcome to add to the agenda if they so desired. Secretary Hager suggested switching the two items on the agenda to allow ample time for Lynda Eisenberg to speak on the Freedom Community Comprehensive Plan.

REVIEW AND APPROVAL OF AGENDA

The Commission, on motion of Mr. Soisson seconded by Mr. Wothers, and carried, approved the meeting agenda as distributed.

INTRODUCTORY COMMENTS FROM THE BOARD OF COMMISSIONERS

Commissioner Wantz stated that he and his colleagues were pleased to be here tonight and felt that this format and the transparency it offered would be beneficial. Commissioner Wantz thanked the members of the Planning Commission for their service and efforts.

Commissioner Weaver stated that he hoped the Planning Commission would get feedback from the County Commissioners regarding Medical Cannabis.

PUBLIC COMMENTS

There were no public comments.

Secretary Hager stated that it had been over a year since the last Board of County Commissioners/Planning Commission work session and that the staff and Planning Commission appreciate the time the County Commissioners were giving as it had been mentioned numerous times in the past year that the feedback and dialogue provided by the last joint meeting had been very valuable.

Mr. Hager noted that it is always important to have the Commissioners as part of the overall planning process but even more important, since this is the first plan, that will be considered for Adoption by Carroll County since the adoption of the new process that came out of the General Assembly last year. The way the process worked before was that once the Planning Commission completes their action and Approves a plan it is forwarded to the Board of County Commissioners and the Board of County commissioners could then Adopt that plan, as is, or refer it back to the Planning Commission if they were dissatisfied with the product. Under the new process that was adopted by the Legislature last year the Board of County Commissioners has the latitude to make changes to the plan but if changes are made there must be a public hearing prior to consideration of adoption.

All of which underscore the need to know what it is in the plan and be comfortable with the direction in which the plan is progressing.

FREEDOM COMMUNITY COMPREHENSIVE PLAN

Secretary Hager indicated to the Board of County Commissioners that this would not be a briefing but hopefully a dialogue.

Secretary Hager began by commending the staff and Planning Commission on the work and progress they had made with the Freedom Community Comprehensive Plan in the past nine months. He indicated that the process had required a high level of intensity with staff being reallocated in order to meet the timeframe as direct by the Board. Secretary Hager noted that it was at the request of the Board of County Commissioners that the plan draft be ready for the Acceptance process by the end of the calendar year.

Lynda Eisenberg greeted the County Commissioners and Planning Commission, stating that they all should have received a notebook, which included all the endorsed elements of the Freedom Community Comprehensive Plan, in time for them to prepare for tonight's discussion. Ms. Eisenberg then reviewed the list of topics for discussion.

Ms. Eisenberg discussed past plan outreach stating that in 2007, when the plan had been started under the old Planning legislation, the County planning staff held a series of public workshops in the Eldersburg area as well as meeting with other County agencies directly involved in the long-term growth of Eldersburg. Ms. Eisenberg stated that the update began again in 2010 with a series of community-based meetings and continued through 2013 when the then current Board of County Commissioners redirected the staff focus to the County Master Plan.

Ms. Eisenberg stated that there has been a lot of public outreach and that the Freedom Area Community Comprehensive Plan has been a very public process. In 2015 there were two public outreach sessions involving the stakeholders; asking them for their input and if they wanted to see any Land Use changes made; another public outreach is scheduled for April 27th. Ms. Eisenberg discussed the email delivery system and the multiple Freedom Website features.

Secretary Hager discussed the more informal methods of public outreach and public participation. Secretary Hager stated that this is important in ensuring transparency of the process.

Secretary Hager explained the process, beginning with the planner's draft, that an element goes through before it is considered a final draft. These steps are as follows:

- Distribution - After planners draft the Element it is distributed to the members of the Planning and Zoning Commission for their review. Also, prior to finalizing the Element for Planning Commission review, the draft is forwarded to allow applicable staff both within as well as outside the Planning Department. Comments from associated agencies are integrated into the Planning Commission draft for Planning Commission distribution.
- Checkpoint – Around 30 days after the Planning and Zoning Commission has reviewed the draft plan there is a check in, at a regularly scheduled meeting. This provides Commission members the opportunity to ask questions or voice concerns and seek clarification.
- Discussion – About two weeks after the Checkpoint a discussion is held at a regularly scheduled meeting. This is another opportunity for further concerns, questions, or suggestions to be heard. Any changes made are incorporated into the draft.
- Concurrence – After all changes have been made and reviewed the Commission takes a final vote for Concurrence. This is a symbolic gesture indicating that they are satisfied and in support of the document.
- Endorsement – Approximately a month later, the Planning Commission takes a formal vote to endorse the document. This endorsement indicates the document is ready to be added to the plan. At this time it is posted to the Freedom website for the public.

Secretary Hager stated that each of these steps is done in a public setting where there are multiple opportunities for public comment.

Commissioner Wantz asked how much of this process went over and above what is required. Secretary Hager responded 100%. Commissioner Wantz then explained that his question was an attempt to demonstrate the level of opportunity the public has had to participate in this plan.

Secretary Hager stated that he hopes that by going beyond what is required it will give the public the feeling that they have had the opportunity to participate and feel better about the plan.

Ms. Eisenberg continued with Plan Progress and how much of the plan has been completed to date and noted that there are twelve elements in the plan, six have been endorsed, four are in progress (Transportation, Water Resources, Public Facilities, and Natural Resources/Sensitive Areas), one has been distributed (Tourism, Cultural & Historic Resources), and one (Land Use) is in Concurrence.

Ms. Eisenberg then addressed the binders that had been distributed amongst the Planning Commission and County Commissioners. Ms. Eisenberg stated that she felt the binders would be a good tool for keeping everyone up to date on the plan as it progresses. Ms. Eisenberg then asked if the County Commissioners had anything they wanted to discuss or questions they wanted to ask regarding Element 1.

Commissioner Rothschild wanted to make everyone aware that the capacity of the Freedom Plans ability to produce clean water exceeds the contractual rights to draw the water.

Ms. Eisenberg continued to discuss the Elements and stated that there had been communication with the Town of Sykesville and the County has reached out to them regarding the Freedom Plan, how it may impact them, and coordinating efforts with the Town of Sykesville.

Alec Yeo commented that in this section, as the process is outlined, we may have talked about something that sounded a little more final than what it really was. Mr. Yeo clarified that the endorsement of the elements were endorsement of the *draft*. Ms. Eisenberg confirmed that he was correct and further expounded on that process.

Commissioner Frazier asked how they would implement goal 9 of Element 3 (*Promote expanding economic development opportunities that support the local skilled workforce, entrepreneurs, and which leverage the Freedom Designated Growth Area's natural, cultural and heritage assets*). Ms. Eisenberg stated that from a Land Use perspective we make more land available to facilitate the expansion for economic development opportunities.

Commissioner Frazier indicated he felt that the goal was good but may be difficult to accomplish.

Ms. Eisenberg continued with Element 4 and Demographic Trends. Commissioner Frazier expressed his surprise at the level of data included.

Ms. Eisenberg reviewed the Housing Element and what it included; she stated there were not a lot of amendments or corrections to be made to the Housing Element of the Freedom Plan.

Mr. Yeo expressed his wish to discuss the Housing Element further based on the hopes of expanding the area of developments that have various types of living styles within the same area. Mr. Yeo stated that from a zoning standpoint the Planning Commission may need help from the County Commissioners achieving this. As the County's principal growth area, additional development at greater intensity is expected. It is important to have support of all policy makers.

Secretary Hager stated that there is a discernable nationwide trend taking place for some time now and one of the difficulties with the Freedom Area is that there are things at play that do not allow for the type and flexibility and size of developments that have been taking place that facilitate a situation where you have on-site amenities that are desired by some individuals. Secretary Hager noted that while the County cannot dictate what goes into the development they can facilitate the ability to have the desired amenities.

Ms. Eisenberg continued with Element 6 Economic Development and the efforts that have been made to facilitate opportunities. Ms. Eisenberg stated that sometimes with economic development we look at it in short term but even if that particular property is not available right away, because of lack of roads of infrastructure, we want to be able to hold on to that land so that another purpose does not come along causing us to lose the opportunity.

Ms. Eisenberg moved on to Land Use Element, explaining that the same definitions were being used for the Freedom Plan as were utilized for the Master Plan and presented a map for the Freedom Area Future Land Use.

Secretary Hager stated that the end product was the result of hundreds of hours or staff time and dozens of hours of parcel-by-parcel analysis by the Planning Commission, where they looked at parcel boundaries, existing zoning, natural resource constraints, past land use designation, how the property had been assessed by SDAT, and many other considerations.

Ms. Eisenberg continued to explain what factors were considered in creating the draft Land Use map; she indicated that there had been a great deal of focus on the Rt. 26/32 corridor. Ms. Eisenberg stated that there had been Future Land Use requests from 19 to 20 landowners representing 37 different parcels that had requested a Land Use change from something to Commercial. Ms. Eisenberg noted that when the research was done it was found that these parcels were already being used in a commercial capacity and that staff had opted to continue

with that trend and keep a lot of that corridor Commercial and Industrial in the interest of expanding opportunities for employment.

Ms. Eisenberg noted that several potential designations had come out of the EDLENS study such as the Streaker Rd/White Rock candidate.

Commissioner Rothschild stated that to locate an Employment Campus in a residential area would create problems which started a discussion of pros and cons.

Secretary Hager stated that these discussions are welcomed and then suggested that, if they felt these designations were not appropriate for the future (30+ years out) designation, what do they feel is?

Members of the Planning Commission and the County Commissioners continued to discuss their views over the Employment Campus. Commissioner Wantz stated that if it was planned correctly the public may be more receptive to an Employment Campus. Mr. Yeo suggested pictures of what they had in mind would be helpful as well and asked if large setbacks and berms might help. Commissioner Rothschild replied that he keep that in his back pocket as a bargaining chip for when the riots start.

Secretary Hager asked the Planning Commission and the County Commissioners to keep in mind one of the difficulties of long range planning is that, in the government, one doesn't have the ability to select a piece of property and "reserve" it for the future. He noted there are those who resist the change and those that question why it had not been planned better. Secretary Hager pointed out the difficulty of how to balance opposing opinions.

The discussion concerning pros and cons of an employment campus continued.

Mr. Hoff expressed his feelings regarding the Taylorsville plan and recalled feeling like the attempt would backfire. Mr. Hoff indicated that, ultimately the Mt. Airy plan failed because the opposition and failure of Taylorsville.

Commissioner Rothschild stated that currently there is an attempt to build a 200 acre office park in the County and that Jack Lyburn expressed the desire to expand to 400 acres if possible. Commissioner Rothschild indicated that the trick to getting something like this to succeed is to not go too big. Don't overreach.

Mr. Soission stated that Commissioner Rothschild brought up a good point. Commissioner Rothschild expressed his opinion that the bigger they tried to go the more community resistance there would be.

Mr. Yeo stated the purpose of using more acreage is to have larger setbacks and more buffering. Commissioner Rothschild stated that might be part of the solution. Mr. Yeo then asked for the Community's opinions on how to ensure the process continues smoothly.

Commissioner Rothschild stated the Lehigh example gives us a model on how to get difficult things done. One of the things Lehigh has done is to have open houses with map stations to answer questions from the public.

Mr. Yeo stated that it would be helpful to have an end user at one of these suggested meetings to answer the questions that the Planning Commission cannot.

Secretary Hager indicated that the public outreach meeting scheduled for April 27th would probably generate a lot of comments which would be brought back to the Planning Commission. Secretary Hager suggested there be another joint work session with the County Commissioners in late May or early June in order to specifically discuss the Land Use element.

Ms. Eisenberg brought the discussion back around to the Freedom Area and indicated on the map, the areas where the County could exercise some level of planning discretion. For example, some portions of the Freedom area are owned by the state, the City of Baltimore or in some other way controlled by someone other than the County. Ms. Eisenberg reviewed the potential changes in Land Use from the 2001 Plan to the current Master Plan. Ms. Eisenberg referred back to Commissioner Rothschild's statement about surgical land use changes and stated that this was probably the largest land use change that was made in the Freedom Area.

Commissioner Rothschild asked Ms. Eisenberg to go back to Warfield and stated while it was not under our control, it was clearly a sweet spot for development but that the town of Sykesville didn't have the muscle to move it forward. Ms. Eisenberg stated that she was talking about Land Use perspective.

Mr. Yeo stated that the grey area (on the map) was not under their control and that the Planning Commission had absolutely zero to say or anything to do with the grey area (on the map.) Mr. Hoff said he understood what was being said but we should keep in mind that there is a huge opportunity there and that could impact our plan later on.

Commissioner Rothschild stated he would need to talk to Commissioner Howard to see just how much of that area was developed but thought efforts might be better spent if the Commissioners engaged Sykesville and take some of that land back if we could provide infrastructure.

Roberta Windham stated that there was infrastructure there. Ms. Eisenberg stated Carroll County provided water and sewer to Warfield.

Ms. Eisenberg continued presenting the potential Land Use map and stated that because this was a designated growth area they tried to limit the amount of agriculturally designated land and kept the Resource Conservation because it made sense.

Ms. Eisenberg concluded her presentation on Land Use in the Freedom area and went on to "Next Steps" where she pointed out that staff's thoughts were to keep moving along with the plan, keep bringing the elements to the Planning Commission and filtering them up to the Board of County Commissioners, and going out into the community. Ms. Eisenberg stated that this was a good opportunity for the County Commissioners to express what other steps they may like to see.

Commissioner Frazier stated that it would be good to get the interactive map onto the website, and let everyone know that it is available, so that everyone can utilize it.

Ms. Eisenberg stated that they had reached out to the office of PIA to discuss avenues, such as social media, for getting information out to the community.

Secretary Hager reiterated that after the community outreach, the staff and Planning Commission would reach out to hold another joint work session with the County Commissioners.

Ms. Eisenberg concluded her presentation on the Freedom Area.

MEDICAL CANNABIS

Secretary Hager stated that this was intended as an update and an opportunity to make sure everyone is comfortable with the direction things were going.

Secretary Hager proceeded with the briefing on Medical Cannabis. Secretary Hager stated that there was an interdepartmental committee formed and met on October 26, 2015 to gather background. Secretary Hager stated that the state's approach had been very comprehensive and far reaching but the one area they did not cover was zoning – which is the County's purview.

Secretary Hager mentioned that there has been a very clear confirmation that the idea of zoning this use out of existence would not be acceptable to the Attorney General.

Secretary Hager stated the committee met again on November 26th to look at how the County might go about regulating this use and it became clear that there are three distinct uses; those being the growing, processing, and dispensing. Secretary Hager noted that staff met with and briefed the Planning Commission on December 15 and again on January 19.

Commissioner Frazier asked if the state required indoor use for the growing and Secretary Hager answered that he did not believe they did.

Secretary Hager stated that the consensus of the Planning Commission, on the January 19th meeting, was to look at this as a Conditional Use for growing in the Industrial Zones, treat it, as a Conditional Use in the Agricultural Zone, and for processing, the Planning Commission wanted to limit it to the two Industrial Zones as a Conditional Use. Finally, the Planning Commission wanted to look at Dispensing as an Accessory Use in the Industrial Zone.

Secretary Hager stated that, based on the feedback from the last meeting with the Planning Commission, we are to come back with some legislation that includes definitions and making this use a Conditional Use under Industrial zoning districts and under the conditions that he had explained earlier, with one additional provision and that would be to also look at allowing processing in the Agricultural Zone.

Secretary Hager stated that the Agricultural community was very vocal in the several counties where this has been considered and one of the points they made was that this may be seen as a competing use with agricultural activities and that it was not seen as something that was consistent with nor, a natural part, of historical agricultural activities. Secretary Hager stated that the Board should be prepared for potential negative feedback in that area.

Cynthia Cheatwood, Planning Commission member, asked if the state was going to audit these facilities or would that be the responsibility of the County.

Mary Lane answered that it was up to the state unless the County imposed additional requirements. Secretary Hager said that the County had concerns regarding the possibility of the state changing their policy at some point and the County would be in a challenging position.

Commissioner Wantz stated that he couldn't imagine the state changing their policy within the first ten years or so as there had been so much done in preparation. Commissioner Wantz stated that he had recently sat in on presentations (two of the firms are in District 1) and has seen what has been put in place security-wise. He also said that he talked to a group in Taneytown - where it has been proposed – and while the community there has concerns, one could drive by the proposed facility six times a day and not know what was going on inside. Commissioner Wantz stated that the main concern was in the dispensing.

Mr. Canale asked what the concern with dispensing was, as it was his understanding that one would need a prescription to obtain the product.

Commissioner Wantz answered that he felt that the mindset of the community is that they seem to think that there will be people sitting around the dispensaries on park benches “lighting up a reefer;” they have similar concerns over methadone clinics. Commissioner Wantz stated that having worked in close proximity to a methadone clinic for several years, it wasn't obvious the clinic was there.

Commissioner Wantz readdressed the statement regarding the County adding requirements that went above and beyond those of the state. He stated that if they could see what these “applicants” had proposed they would see there was no need to add anything further.

Roberta Windham indicated they keep in mind that these would be state regulations, not statutes, and regulations are easier to change.

Commissioner Frazier suggested putting something in that stated they would maintain the same requirements even if the state changed theirs.

Mr. Soisson stated that the number wouldn't be large as there was a limit to the number of growers, processors, and dispensers.

Commissioner Frazier asked if there could be enough concerns from the citizens over it being Conditional Use that it may not be allowed. The consensus of the Planning Commission was "yes."

Commissioner Frazier stated he thought that went against what the state was trying to do since the state said it can't be zoned in such a way that it isn't allowed so perhaps Conditional Use wasn't the answer.

Mr. Hoff answered that it was correct because it gave the County more control and that is within your right as a BZA Conditional Use is presumptive use so – yes people will come out and protest it however a BZA member cannot simply say 'Oh – I don't want it here.'

Commissioner Frazier asked, if the entire City of Westminster came to the BZA meeting to oppose it, wouldn't that be enough to be able to say NO? Mr. Hoff answered that it depends on the make-up of the BZA but if they're doing their job, NO, it depends on the situation.

Commissioner Frazier stated that the way the state has handed this down, the County can't say that it can't happen.

Secretary Hager stated that if you have a Conditional Use and there are certain conditions that you meet, unless it is established that you're having a disproportionate impact at the particular location where you are choosing to site this, relative to another location somewhere else that is similar in the County then hypothetically, you should still grant it even if you are personally opposed to it and even if there is a whole room full of people threatening to hang you when you leave the meeting. But I can't say that you aren't going to be moved by passionate pleas or a roomful of people.

Commissioner Wantz stated that there were only going to be certain physicians allowed to give the prescriptions so based on that, the number of people allowed, would be limited and in order to get a prescription there has to be a serious issue.

Secretary Hager stated that these were difficult issues and we need to remember that they need to be couched within the terms of zoning arguments.

The discussion centered on "traffic" around the dispensaries. Commissioner Wantz stated that he thought it was going to be very limited to where they could be and that it may take care of itself. He said he had spoken with one of the groups that had reached out to a shopping center in the Eldersburg area but the landlord would not lease to him. Someone asked if that was discrimination and the general consensus was that it is not.

Commissioner Wantz stated that it may police itself when it comes to Commercial versus Industrial.

Mr. Yeo stated that 'we' were thinking it may be best use, because they allow up to 3,000 square feet on an Industrial site, to have the dispensary there; which was plenty big enough to meet state requirements.

Commissioner Wantz stated that it wasn't going to be as easy as just walking up to a counter.

Mr. Yeo stated that we were heading towards not allowing it in Commercial because the Industrial zones had the ability to allow a commercial entrance for people to come in.

Commissioner Wantz agrees that would be the way to go because most people wouldn't want to see dispensary beside a Sweet Frog. Ms. Cheatwood stated that probably wouldn't be allowed for security purposes and Commissioner Weaver replied probably not but if you allowed it in a Commercial Zone it may happen.

Mr. Yeo stated that another area they struggled with was the Agricultural Zone. There was discussion comparing dairy barns to cannabis facilities and the large size of the barns. Mr. Yeo stated if that were OK then why not combine growing and processing.

Mr. Hoff asked how big these buildings were and Mary Lane answered they were 40,000 to 50,000 square feet.

Chairman Helminiak stated between fencing, the building size, water use, electric use, the 24 hour presence of security you're basically talking about Industrial character.

Mr. Soisson stated that he felt there was nothing wrong with it being in Agricultural.

Commissioner Wantz stated that the group in Taneytown had already put in their plan that they were going to recycle 70% of their water and that 45 to 50% of their electric was going to be solar.

Secretary Hager stated that the staff would go ahead with their last direction from the Planning Commission and put something together for the Board to react to and that will either produce more questions, in which case we'll do more research, or you'll be prepared to approve what it is that the staff put together, or you're going to want to change what the staff did. He stated that either way we were making progress and he would expect that is not going to occur in one meeting so I would think we are going to need April and May's business meeting before we are in the position to take something to the Board of Commissioners. He asked if that seemed reasonable?

Commissioner Wantz asked, if they knew where the municipalities were in the process. Mary Lane answered that the Planning liaison have been keeping up with it and no one is doing anything, with the exception of Westminster, as of yet.

Mr. Yeo stated that it would need to be done in an existing building because of the time constraint so the ones that were suitable would be the ones being looked at. Commissioner Wantz stated that the group in Taneytown had allocated five million dollars for improvements to the building.

OTHER TOPICS

PUBLIC COMMENTS

A citizen stated that there has been a lot of discussion on how much the public had been involved with the Freedom plan but, from her perspective, she was not aware of it. She then stated that if one were to speak to the average citizen in the Freedom Area, she didn't think that they know that there is a process being done to revise this plan and does not believe that they have any idea that they live in a designated growth area. She stated that having lived there prior to designated growth area's being put into effect, the other observation she had from the last town hall meeting was that there were very few (7) people there. This citizen felt that there may be more if the word was put out there and that there needed to be a lot more done in the way of outreach to the citizens.

Mr. Hoff stated that, no matter how hard you try, unless it's a very hot topic, most people just don't want to engage.

Chairman Helminiak asked how we were going to be advertising the April 27th meeting.

Several suggestions were made that included using local publications and blogs.

Commissioner Wantz said that as a Commissioner he appreciated her comments because they were always trying to find ways to do a better job at reaching out to folks. Commissioner Wantz stated that the answer he typically gets when asking how they can get the information out there is through social media.

Mr. Soisson motioned to adjourn. Mr. Hoff seconded. Following an affirmative vote, the meeting was adjourned.

Secretary

Approved