

Douglas S. Wright, Jr., chair, called the meeting to order at 7:00 p.m., on Wednesday, August 26, 2015, in the Council Chamber, Second Floor, City Hall. Also present were commission members M. Brubaker, R. Campbell, and R. Thomas. The following staff members were present: K. Maher, Planning Director; S. Bockmiller, Development Planner/Zoning Administrator; A. Rohrbaugh, Planner; and D. Calhoun, Secretary.

PUBLIC REVIEW MEETING

Text Amendment: Indoor Plant Cultivation and Processing Facilities, Case No. ZT-2015-01.

The public review meeting format for text amendments was explained by Mr. Wright.

Staff Report: (See PowerPoint slides and staff memorandum in the meeting file.) Planning and Economic Development staff presented a proposal to the Mayor and City Council on August 4, 2015, to amend the Land Management Code to allow Indoor Plant Cultivation and Processing Facilities in the city. The Mayor and City Council recommended moving forward with the amendment. Economic Development and Planning staff members see a benefit to modifying the City's zoning regulations to allow this type of enterprise in areas of the city that are not traditionally viewed as likely locations for nursery/greenhouse operations. Examples of this type of use include hydroponic growing, aeroponics, indoor vertical farming, and urban agriculture. Such enterprises have the potential to find new uses and jobs for commercial and industrial buildings which have resisted reoccupation over the years. Another side benefit is the availability of fresh produce closer to city residents.

As written, the City's Land Management Code anticipates that these uses would be in outdoor agricultural settings or in traditional greenhouses or nurseries. The Land Management Code as written also does not allow for the combination of growing plants and processing/refining the plant material in one enterprise. The proposed indoor growing operations would include growing, processing, packaging, and selling herbs, teas, potpourri, preserves, salsas, among other items.

The proposed amendment would allow indoor plant cultivation and processing facilities in the same manner as Light Manufacturing (see chart in PowerPoint handout in meeting file for district designations); identify Breweries and Distilleries as being permitted only in the IG (Industrial General) zoning district; identify certain processing uses that would not be included in this new use; and add definitions for Indoor Plant Cultivation and Processing Facility, Brewery, and Distillery.

These amendments will be advertised for a public hearing with the Mayor and City Council on Tuesday, September 15. Ms. Maher entered into the record the Certificate of Advertisement and the Planning Commission’s file by reference.

Public Testimony:

In Favor:

Warren Lemley, President, Peak Relief, 9609 Crystal Falls Drive, Hagerstown, Maryland.

Peak Relief is a medical cannabis company. This is a successful business and the plan is to bring a large number of paying jobs with good benefits to the city. Mr. Wright asked if there are any odors associated with this type of use. Mr. Lemley stated that measures are taken to control odors so there should be none emanating from his business location. Mr. Wright also wanted to know if the effluent from this type of business contains high levels of nitrogen that would cause problems at the wastewater treatment plant. Mr. Lemley stated that they do not anticipate a large effluent. Mr. Thomas asked how they will ensure that the product does not get onto the street illegally. Mr. Lemley stated they have advanced security measures in place. Mr. Brubaker questioned what permissions are needed from the State of Maryland. Mr. Lemley stated that the state’s application process is a vigorous one and includes the aforementioned security measures. Their license will be considered a growers license. Mr. Thomas asked if they have facilities in other states. Mr. Lemley said no, however, members of their team that have been working (legally) in the industry in Colorado. Their goal is to be a shining example of what people in this industry can be. Mr. Brubaker cautioned that Mr. Lemley’s business would need to be a legal, licensed operation in Maryland.

There was no testimony in opposition to the proposed text amendment.

The public review meeting was closed.

- MOTION:** (Campbell/Thomas) I move to keep the record open for ten days.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

**JOINT MEETING WITH WASHINGTON COUNTY PLANNING
COMMISSION**

Terry Reiber, Washington County Planning Commission chair introduced members of the County Planning Commission who were in attendance: David Kline, and Dennis Reeder.

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Stephen Goodrich, Director, and Jill Baker, Chief Planner were present on behalf of Washington County .Planning staff.

Ms. Baker explained the County Planning staff's process for updating their plan. They have been meeting with all the municipalities in Washington County to get public input on the plan. Their goal is to have a consistent plan throughout the County. Overall, the policies will not change. Ms. Baker handed out a packet of graphs depicting state, county, and Comprehensive Plan projections on population, housing units, employment/jobs, and land use change (see meeting file).

The County's update is in the early stages and staff and commission members are looking for input before proceeding to the development phase of the document. County staff have been in contact with City Planning staff members Kathleen Maher and Alex Rohrbaugh. As a group, the County Planning Commission has not had a chance to discuss the City's Future Land Use Plan Update to the City's Comprehensive Plan. Ms. Baker asked for the City Planning Commission's input as to broader issues that have been occurring that need to be added to the County's Comprehensive Plan.

Hagerstown Planning Commission members had the following comments and suggestions:

Mr. Wright had concerns about the population and housing projections. He and Mr. Brubaker served on the Water and Sewer Task Force which looked at water and wastewater capacities and projections. It became pretty evident to them that there is a problem handling wastewater with the nutrient requirements. These requirements will probably become more stringent. Mr. Wright urged the County Planning Commission and staff to take into consideration whether there will be capacity to treat the increase. Mr. Wright is concerned that some of the growth rates will not be sustainable and whether the community will be able to afford to build to sustain that growth.

Mr. Reiber stated that Washington County's concern is that all their utilities, water/sewer, access and distribution of water, stormwater management and other infrastructure (road, schools) need to be planned out for normal growth. Their main concern is water and sewer in that order and how to access, process, and distribute it once it has been accessed. The County Commission shares Mr. Wright's concerns. Mr. Reeder noted that all of the towns they have met with share the same concern: water and sewer.

Mr. Thomas was concerned about the County's imposition of a moratorium on certain types of businesses. Washington County should take that into consideration as well when they do their projections. Mr. Thomas asked why Interstate 70 is not being widened to Frederick like Interstate 81. Ms. Baker stated that the County has been discussing Interstate 70. As they develop the new plan and review the HEPMPO (Hagerstown Eastern Panhandle Metropolitan Planning Organization) Plan for this area they will look more closely at the traffic values. It will definitely

be part of the process. Mr. Rohrbaugh added that the document is from the MPO's 2040 Long-Range Transportation Plan. City staff is also looking at that closely, and it will be identified in the City's plan.

Mr. Campbell asked about plans for mass transit. There needs to be fewer cars on the road. Bike travel needs to be promoted. Ms. Baker stated that she and Mr. Brubaker talked with the MPO about this issue today. The MPO is embarking on two bicycle-pedestrian studies: one is a regional study that will include all of Washington County as well as Berkeley, Jefferson, and potentially Morgan Counties in West Virginia and will look at recreational and dedicated bike lanes and pedestrian safety. The second study is an update of the Hagerstown Bicycle Study done in 2010. In the last five years, the City of Hagerstown has accomplished all of the major goals that were identified in its plan. Mass transit is a tougher nut to crack in this area because of topography in terms of linkages to Washington, D.C. and Baltimore. Mr. Campbell said his concern is inside the City. He takes a bus to work occasionally and the bus is very crowded. Ms. Baker stated the County has a transit development plan that is reviewed every five years in terms of routes, running times, etc. She noted there are funding issues involved with mass transit. Staff will pay special attention to that. Mr. Brubaker added that the heads of the transit agencies serve on the MPO and they have to approve the outside sources funds. With the density here, it is hard to make it work in our area.

Ms. Baker said they are continuing the policies of smart growth to move more growth to developed areas. Some municipalities are eager for it; others are not. The primary areas for higher density are Funkstown and Williamsport. The 2002 plan was able to reduce densities in rural areas. Smaller towns prefer the rural, small town uniqueness and do not want to lose that feel through all the methods of growth. If anything, they prefer moderate growth. The City of Hagerstown is more accepting of growth with the constraint of whatever infrastructure is available.

Ms. Baker noted that the County's plan will include more adaptive reuse issues pushing Brownfields and Grayfields rather than Greenfields. Mr. Brubaker stated that Mr. Reiber alluded to distribution of water/wastewater. If industry goes to Greenfields the City does not get the tax revenue. The City and the County need to share in commercial/industrial growth. At this time the specifics are not ready to be discussed, but the City and the County staff need to get together and work out issues before the document is kicked up to the elected officials. A rational rate of growth is affordable if there is a good ratio of commercial-industrial-retail to residential. The City of Hagerstown has many redevelopment areas and it does not want to lose incentives for the redevelopment areas, including water and sewer capacity. Ms. Baker stated that some of those discussions have started. The Washington County Economic Development Commission has been discussing finding commonalities about getting together with the City to find a happy medium be it technology, alternatives such as LEED certified buildings which would reduce the demands for

public water and sewer; or that governments pick and choose what types of developments come here.

Stephen Goodrich stated that besides making projections, identifying issues, and meeting with citizens, a large part of the plan is to make recommendations to solve the issues that are identified. The County will be making an effort to find solutions and recommendations to help solve problems with roads, etc.

Mr. Wright thanked members of the Washington County Planning Commission for attending the City Planning Commission's meeting and its request for input. The City Planning Commission would be happy to meet again and discuss it further and offered to meet during a County Planning Commission meeting.

Ms. Baker noted that the County Planning Commission will review City Planning staff's Future Land Use Plan in September and will get back to the Hagerstown Planning Commission after that. Ms. Maher asked if the County would like City staff at the County Planning Commission meeting. County commission members agreed City staff should attend on September 14. Mr. Reiber suggested that a work session with City staff should be included. It could be in early October and felt it might be better for a work session. Mr. Reiber encouraged the City Planning Commission to contact them with suggestions anytime. Ms. Baker stated that a website has been set up with surveys and other data and meeting summaries if anyone is interested.

REGULAR MEETING

Roll Call.

Commission members D. Miller, J. Stone, and J. Wheeler were absent.

Approval of Minutes:

August 12, 2015 – Workshop Meeting.

MOTION: (Thomas/Campbell) I move we accept the minutes as submitted.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

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Adjourn. It was moved and seconded that the meeting adjourn (8:30 p.m.)

9/9/2015

Approved



Debra C. Calhoun - Secretary