

# Chapter 2

## Introduction

**Comprehensive Plan 2040**  
Your County. Your Vision. Your Future.

# INTRODUCTION

## Organization of Washington County Government

The County is a body corporate and politic, which performs all local governmental functions in Washington County except those performed by the nine incorporated municipalities within Washington County. The administrative offices of the County are in Downtown Hagerstown. The County follows a commissioner structure of government whereby both the executive and legislative functions of the County are vested in the elected, five-member Board of County Commissioners of Washington County (the "Board"). The Board may only exercise such powers as are conferred upon it by the General Assembly of Maryland, including authorization to issue debt to finance its capital projects. Commissioners are elected on a county-wide basis and serve four-year terms.

Under the direction of the County Commissioners, an appointed County Administrator is responsible for the day-to-day operations of the County government in conformity with applicable laws. This individual is also charged with the supervision of County departments and agencies.

County financial matters are administered in part through the office of the Treasurer of Washington County. The County Code establishes the elected office of County Treasurer. The County Treasurer is constituted the collector of County and State taxes, charges and assessments and is charged with the enforcement of collection of taxes in the manner provided by law. The Board also appoints the Chief Financial Officer (CFO). The CFO is charged with assisting the Board in the preparation and administration of County budgets and other accounting and fiscal matters as the Board deems necessary. In addition, the CFO is responsible for the fiscal methods and procedures of each office, department, board, commission, institution, and agency of County government. The CFO reports to the County Commissioners.

An organizational chart of Washington County Government is shown on the following page.

Washington County Administration Building located in downtown Hagerstown.

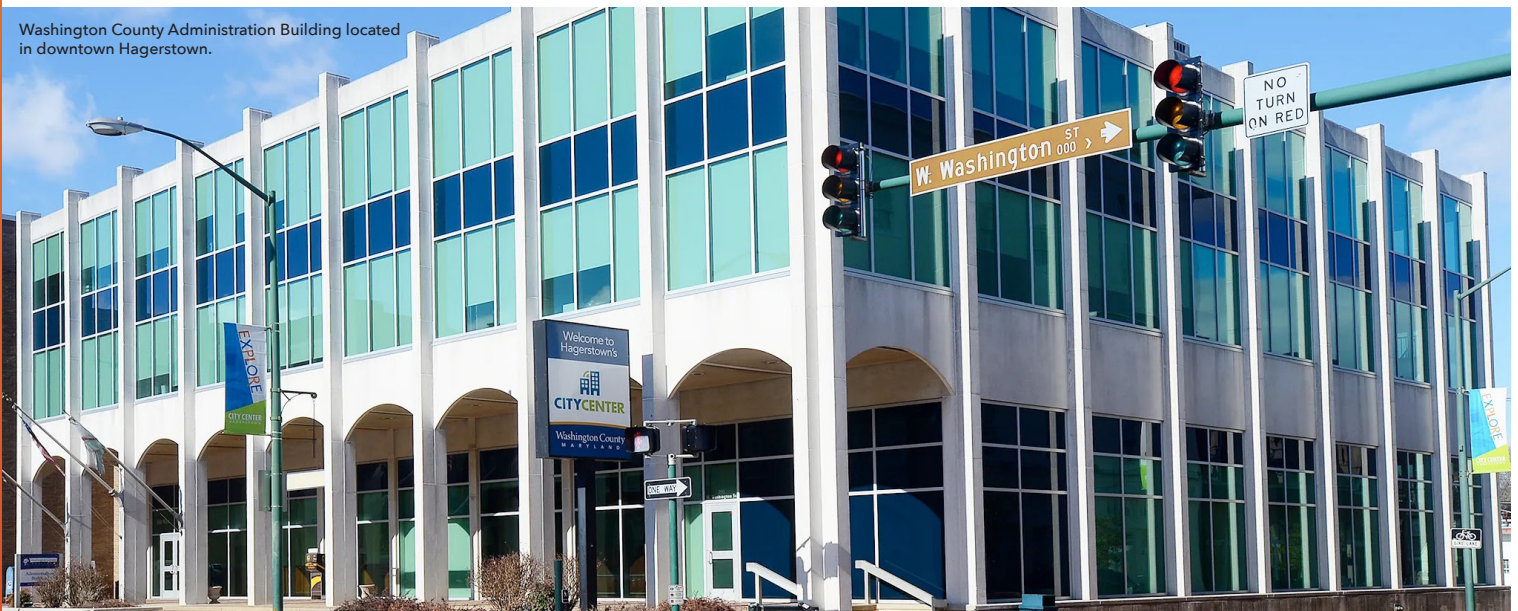


Figure 2-1: Washington County Government Organizational Chart



# INTRODUCTION cont.

## Overview

Local governments are required to prepare a comprehensive plan by the Annotated Code of Maryland's Land Use Article in most jurisdictions. The comprehensive plan is intended to create policies which promote growth and development according to desired land use patterns over a ten-to-twenty-year time period. This policy document in turn serves as the foundational basis for implementing various land use regulations such as zoning which carries out the plan's recommendations across rural and urban areas alike. Comprehensive plans must be adopted in order for local governments to apply for numerous state and federal grant programs, such as Community Development Block Grants, housing grants, and Federal Highway funding. When paired with local funding, these grants contribute substantially to the realization of the Plan's goals and objectives.

Above all, a comprehensive plan offers the opportunity for the communities to develop a shared vision for their future. The task in achieving this vision, however, is to ensure that the adopted document is flexible enough to adapt to changing conditions, but strong enough to plot a firm course to a desired future.

## Purpose

The purpose of this Plan, in accordance with the Maryland Annotated Code, Land Use Article is:

- To carefully study and survey the present conditions and projections of future growth;
- Guide and accomplish the coordinated, adjusted, and harmonious development of the local jurisdictions and their environs;
- To promote good civic design and arrangement; a healthy and convenient distribution of population; the health, safety, and general welfare of the local jurisdiction; and efficiency and economy in the development process;
- To evaluate and provide for transportation needs; the promotion of public safety; light and air; the conservation of natural resources; the prevention of environmental pollution; the wise and efficient expenditure of public funds; adequate public utilities; and an adequate supply of other public requirements; and
- To act as a guide in the formation of other functional plans.

## Legal Basis for the Comprehensive Plan

The State of Maryland entrusts local jurisdictions with land use planning authority to guide growth and development through the Land Use Article of the Maryland Annotated Code. The Land Use Article delegates planning and land use regulatory authority to all non-charter counties and all incorporated municipalities, except for Montgomery and Prince George's counties and some of their jurisdictions.

The statute outlines the responsibilities, roles, and functions of the planning commission and sets the ground rules for planning and zoning powers. In 2012, the Maryland General Assembly repealed Article 66B and Article 28 and replaced it with the Land Use Article. The Board of County Commissioners of Washington County designates the Planning Commission and the Department of Planning and Zoning to prepare and periodically update the comprehensive plan to guide growth and development. This Plan has been developed in accordance with said State statutes and regulations.

## LAND USE PLANNING HIERARCHY

The Comprehensive Plan serves as the foundational document of the County's land use planning program. The policies and recommendations formulated in the Plan provide the overall foundation for growth and development policy in the County. It is implemented using a variety of tools and mechanisms, including other planning documents.

General policies developed as part of the Comprehensive Plan inform more specific functional and facilities plans and ultimately assist the Washington County Commissioners in budgetary and regulatory decision making. The Comprehensive Plan provides consistency throughout the planning framework and implementation of local land use policies. The following is a summary of the County's planning framework.

**Comprehensive Plan** - establishes policies and recommendations that guide future decisions about growth and development, land preservation, resource protection, and the provision of infrastructure and services;

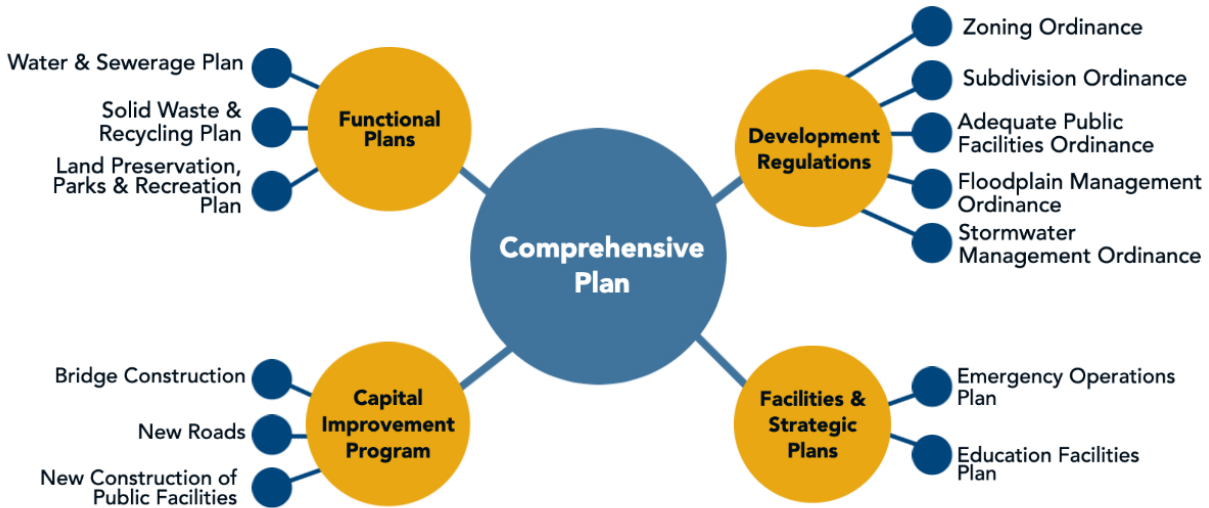
**Functional Plans** - focus on specific functions of the County government, such as the provision of services and development and location of infrastructure.

**Facilities and Strategic Plans** - developed by specific County agencies or service providers for strategic and capital budget planning purposes. They focus more directly on capital and operational needs and are typically updated on an annual, bi-annual, or tri-annual basis.

**Development Regulations** - used as a primary mechanism to implement the County's land use planning program.

**Capital Improvement Program** - implements land use policies established in the Comprehensive Plan in tandem with development regulations. The growth and development forecasts analyzed as part of the Comprehensive Plan enable the local legislative body to plan for capital infrastructure and public facilities that are needed for growth and development.

Figure 2-2: Comprehensive Plan Framework



## Relationship and Consistency with Municipal Plans

As part of the update of this Plan, the County has coordinated with each of the nine incorporated municipalities to establish consistency with adopted municipal plans. State law requires municipal jurisdictions to develop a Municipal Growth Element (MGE) as part of their Comprehensive Plan. The MGE must identify a municipality's future growth areas outside of existing corporate limits and be submitted to the County for review and comment. Proposed annexations must be consistent with those outlined in the MGE. Currently, all of the municipalities, with the exception of Clear Spring and Funkstown, have adopted Comprehensive Plans with a Municipal Growth Element.

## Consistency of the County Comprehensive Plan

The concept of consistency as described in the Maryland Annotated Code Land Use Article § 1-303 states that "...when a provision in a statute listed under §1-302 of this subtitle requires an action to be "consistent with" or have "consistency with" a comprehensive plan, the term shall mean an action taken that will further, and not be contrary to, the following items in the plan: (1) policies; (2) timing of the implementation of the plan; (3) timing of development; (4) timing of rezoning; (5) development patterns; (6) land uses; and (7) densities or intensities."

The issue of consistency relative to comprehensive planning in Maryland is multi-faceted. There are many types of consistency that are considered, related to local and state construction projects, local government land use regulation, local plan accord with state planning visions, intra-jurisdictional plans (within county), local development decisions, and inter-jurisdictional planning (outside county).

According to the Maryland Office of Planning Models and Guidelines publication "Achieving Consistency Under the Planning Act of 1992" (Consistency Report), the method of examining consistency varies with the specific type of consistency being considered. However, some universal concepts are provided. These are related to: "1) clearly identifying what is supposed to be consistent with what; 2) identifying shared characteristics and looking for conflict, support, or neutrality; and 3) applying principles of logical coherence and reasonableness."



As stated in the Consistency Report, "The fundamental concept of "consistency" under the new Planning Act is that "land use regulations and land use decisions should agree with and implement what the Plan recommends and advocates. A consistent regulation or decision may show clear support for the Plan. It may also be neutral – but it should never undermine the Plan."<sup>1</sup>

"There will often be ambiguities when judging consistency. When faced with an area of difficult judgment, emphasis should be placed on clear contradictions, illogical connections, and notable disagreements. In the end, determining consistency with the comprehensive plan should not be a forum for reversing adopted policies, but rather should support development that results in an implementation, over time, of the comprehensive plan's vision for the future. Additionally, consistency may not be binary. Sometimes development may possess both consistent and inconsistent aspects relative to the comprehensive plan. This may make the issue of consistency a question of degree. If the comprehensive plan were interpreted as a 'literal, exact translation from Plan to land use law over the entire jurisdiction, undesirable results might occur.'"

The future Land Use Map is the central tool in making decisions of consistency. Generalized land use designations have been applied across the county based upon the analysis and recommendations of the overall plan. In determining issues of consistency, careful consideration must be given to both the land use plan as well as the relevant mitigating factors outlined in other chapters of the plan.

## Plan Structure and Organization

The Washington County Comprehensive Plan contains topic specific chapters as follows: Land Use, Water Resources, Housing, Transportation, Economic Development, Community Facilities, Historic and Cultural Resources, Agricultural and Forestry Resources, Sensitive Areas, Mineral Resources and an Implementation Plan. Each chapter includes introductory or purpose statements, provides an existing conditions baseline and analyzes key issues or trends that warrant further consideration for their effect on county-wide land use policy. The analysis then translates into a series of chapter specific recommendations that are further elaborated on in the Implementation Plan.

## State and Local Planning Context

In addition to the Land Use Article of the Annotated Code of Maryland, which delegates planning and land use regulatory powers to local jurisdictions, several other key pieces of State legislation heavily inform modern land use planning in Maryland. These legislative milestones are described in brief on the following page.

<sup>1</sup> Managing Maryland's Growth: Models and Guidelines - Achieving "Consistency" Under The Planning Act of 1992; Maryland Office of Planning; April, 1994; Publication #94-03; page 2.

## State Planning Legislation

### Economic Growth, Resource Protection and Planning Act (1992)

In its 1992 session, the General Assembly passed the Economic Growth, Resource Protection, and Planning Act of 1992. One of the key provisions of this Act is the implementation of 7 Visions for future development in the State of Maryland. These Visions relate not only to new urban development, but also to conservation of resources, protection of sensitive areas, and stewardship of the Chesapeake Bay and its drainage basin. An 8th vision, regarding funding mechanisms to achieve the seven primary visions, was added later.

### Smart Growth and Neighborhood Conservation Act (1997)

The Maryland General Assembly passed the Neighborhood Conservation and Smart Growth initiatives in 1997. This legislation enhances the Planning Act passed in 1992 that established the seven visions to guide growth and development throughout the State. The Smart Growth initiatives go much further by establishing a variety of State programs and fiscal tools in an effort to protect sensitive areas, plan for better growth, and direct resources. The State's Smart Growth toolbox includes a wide range of policies and programs that address land preservation, economic development, neighborhood revitalization, transportation, environmental protection, historic preservation and other initiatives. Some of the more significant initiatives affecting Washington County are described below.

#### Priority Funding Areas

Priority Funding Areas (PFA) define geographical areas within each county where the State wants to target its programmatic efforts and infrastructure funding to support economic development and new growth. Existing or new developments located outside of a State certified PFA would not be eligible to receive state funding for infrastructure improvements such as roads, water, or sewer. Generally, the PFA criteria require a property to be within a designated growth area, have appropriate zoning, and be classified in a 10-year water/sewer service area.



#### Rural Legacy Program

This program provides funding to identify and protect the State's most valuable farmland and natural resource areas. The funding is used to either purchase development easements on property through a voluntary application process from the property owner or in fee-simple of land by the State. The funding can only be used in State designated Rural Legacy Areas.



### House Bills 1141 and 2 (2006)

The 2006 Maryland Legislative session produced several planning related requirements that affect the way Maryland's counties and municipalities exercise planning and zoning authority. The specific legislation, resulting in several new comprehensive plan elements, came out of House Bill 1141 and House Bill 2. Key provisions of the legislation are described on the following page.



## Water Resource Plan Element (WRE)

Addresses the relationship between water and wastewater capacities with planned growth. The three components of the WRE include: drinking water supply; wastewater treatment and disposal; and non-point source and stormwater management.

## Municipal Growth Element

Required of municipalities to identify areas for future growth consistent with a long-range vision. This element also requires coordination with the County and recommends the use of joint planning agreements between the municipality and the County.

## Priority Preservation Element

This element came out of HB 2 and is required for counties with certified agricultural land preservation programs. Priority Preservation Areas may designate several connected or unconnected parcels of land with the goal of creating larger contiguous blocks of parcels in agricultural preservation.

## Work Force Housing Element

House Bill 1160 established a Work Force Housing Grant Program, which can be used by local jurisdictions that have a Work Force Housing element in its comprehensive plan. This element would assess workforce housing needs and goals to address the needs.

## Smart, Green and Growing-House Bill 294 (2009)

The Smart, Green, and Growing Legislation, passed in 2009, included three significant planning Bills designed to update existing planning legislation and further enhance state and local implementation. These Bills include the Planning Visions Bill; the Smart and Sustainable Growth Act of 2009; and the Smart Growth Goals, Measures, and Indicators and Implementation of Planning Visions Bill. These bills strengthened local government comprehensive plans; directed local jurisdictions and the State to collect smart growth measures and establish a statewide land use goal; and updated the planning process to include 12 new planning visions.

## Sustainable Growth & Agricultural Preservation Act - Senate Bill 236 (2012)

The State of Maryland enacted Senate Bill 236 in April 2012. The goal of this new legislation is to reduce the number of septic systems statewide in an effort to reduce nitrogen load to the Chesapeake Bay and to support development in and around existing public infrastructure.

## House Bill 1045 (2019)

This legislation requires the inclusion of a Housing Element into any new Plan adopted after June 1, 2020. In addition to mandating the inclusion of specific criteria within the Housing Element, the legislation requires local jurisdictions to address the need for workforce and low-income housing within its boundaries.

## HB 90 (2021): Affirmatively Furthering Fair Housing


As of January 1, 2023, HB 90 (2021) requires all housing elements for municipalities and non-charter counties to "affirmatively further fair housing."

HB 90 defines affirmatively furthering fair housing as, "taking meaningful actions... to:

- Overcome patterns of segregation;
- Foster inclusive communities free from barriers that restrict access to housing and opportunity based on protected characteristics;
- Address significant disparities in housing needs and access to opportunity;
- Replace segregated living patterns with truly integrated and balanced living patterns; and
- Foster and maintain compliance with civil rights and fair housing laws."

## Washington County Land Use Planning Milestones

The evolution of land use planning in Washington County reflects both local concerns related to the effects of urbanization on a traditionally rural county, and our response to the statewide legislation described above. County planning milestones are described in brief below.

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- 1971 FIRST COMPREHENSIVE PLAN**
- The focus of this plan was to address growth through the creation of new communities at several locations throughout the County and set the stage for growth management and adoption of the Washington County Zoning Ordinance in 1973.
- 1980 AGRICULTURAL LAND PRESERVATION**
- In 1980, Washington County began the Agricultural District Program, now one of many programs aimed at preserving the County's rural character. This program encourages landowners to voluntarily enter into an Agricultural Land Preservation District in which it is agreed that the land will not be developed for a period of ten years. In return for the restriction, the landowner receives protection from nuisance complaints through the Right to Farm Ordinance, becomes eligible to sell Development Rights Easements through MALPP, and receives a property tax credit. To date, nearly 39,000 acres of agriculture and resource lands have been preserved across Washington County under various land preservation programs.
- 1981 COMPREHENSIVE PLAN UPDATE**
- The concept of designating targeted growth areas around existing towns and cities in Washington County was introduced for the first time to protect rural character and channel growth to where infrastructure exists to serve it. Defined growth areas were officially adopted in 1983 and have remained as a vital part of county comprehensive planning since. Special Planning Areas were also initially identified in 1981, providing additional land use planning consideration for areas of unique local significance. These Areas included the Edgemont and Smithsburg Reservoir Watersheds, the Appalachian Trail corridor and the Upper Beaver Creek Basin.
- 1996 SENSITIVE AREAS**
- In response to Maryland's Economic Growth, Resource Protection, and Planning Act of 1992, Subdivision and Zoning Ordinance amendments were adopted in 1996 to implement sensitive area protection of streams and their buffers, 100-year floodplains, habitats of threatened and endangered species and steep slopes.
- 2002 COMPREHENSIVE PLAN UPDATE**
- The 2002 Plan provided a renewed focus of directing development to existing urbanized centers and designated growth areas. A new Land Use Plan proposing to reduce residential densities in the Rural Areas of the County was adopted. This new Plan spawned the first major comprehensive rezoning of the County. In a series of three major amendments to the Zoning Ordinance (2005, 2012 and 2016), regulations were adopted to reduce residential development densities, re-evaluate several urban zoning designations, develop new zoning districts to accommodate emerging technology, further efforts to preserve agricultural land, and expand efforts to conserve natural resources.
- In addition, amendments to the Adequate Public Facilities Ordinance stemming from Comprehensive Plan recommendations, in 2003, 2005 and 2013, enabled the County to better manage the impacts of new development on essential infrastructure. This included the creation of methodology to determine and mitigate for the impacts by new development on school capacity to ensure that necessary infrastructure is available to support growth in a timely manner.
- In support of targeted economic development in rural communities, the 2002 Plan also recommended the creation of the Rural Business Zoning District. This floating zone permits the development of businesses that support the agricultural industry and farming community, serve the needs of the rural residential population, provide for recreation and tourism opportunities, as well as establishing locations for businesses and facilities not otherwise permitted in the rural areas of the County.
- Finally, in response to House Bills 1141 and 2, Washington County amended the 2002 Plan to include Priority Preservation Areas (PPA) in 2008 and a Water Resources Element in 2011. The official PPA map was most recently updated in 2010, targeting 74,854 acres for land preservation efforts. A new Water Resources Element is included as part of this Comprehensive Plan update.



## Planning Process

Citizen participation is a vital component in the creation of a county-wide comprehensive plan. Accordingly, beginning in 2015, the Department of Planning and Zoning held six public input meetings in various locations of the County including: Boonsboro, Clear Spring, Hagerstown, Hancock, and Smithsburg. These meetings were advertised in local newspapers and on the County website and invited citizens to talk with planning staff about their ideas for local land use policies. Citizen comments consistently mentioned agricultural lands, rural community relationships, and an abundance of natural, historic and cultural resources as the County's most significant assets. Citizens were most concerned with growth and development related impacts on overall quality of life, rural character, transportation facilities, and school capacity.

In addition to soliciting feedback from these general public comment meetings, Planning Staff also initiated targeted stakeholder meetings with various groups impacted by land use regulations. Stakeholder meetings were divided into broad topics including agricultural resources, community facilities, economic development, environmental resources, historic resources, housing, parks and recreation, and transportation. Over 100 different government, non-profit, and local business organizations were invited to attend these specialized meetings and provide feedback on future land use policies. Attendees provided useful information which was incorporated into the applicable sections of this Plan.

The members of the Washington County Planning Commission met with eight other municipal planning commissions to discuss their efforts in land use planning and to seek input on future growth initiatives. Many of the same issues facing the County regarding growth impacts are being similarly felt in the municipal jurisdictions. However, they are typically felt on a more magnified scale given smart growth initiatives that direct high density growth into areas, such as the towns and municipalities, where existing infrastructure is available. Transportation, public water and sewer availability, and potential annexation plans were common topics during these meetings.

Using the information gathered from the above referenced meetings in tandem with input from the Planning Commission, a draft Plan was developed and made available for public comment through a variety of distribution methods on July 25, 2023. Final public comment opportunities were offered at a Public Information Meeting with the Washington County Planning Commission on \_\_\_\_\_ and a Public Hearing before the Board of Washington County Commissioners on \_\_\_\_\_. The Plan was adopted on \_\_\_\_\_.