



Maryland DEPARTMENT OF PLANNING

September 27, 2023

Clint Wiley, Planning Commission Chair
Washington County
747 Northern Ave
Hagerstown, MD 21742

Dear Mr. Wiley:

Thank you for the opportunity to comment on the Draft 2040 Washington County Comprehensive Plan (Draft Plan). The Maryland Department of Planning (MDP) believes that good planning is important for efficient and responsible development that adequately addresses resource protection, adequate public facilities, housing, community character, and economic development. Please keep in mind that MDP's attached review comments reflect the agency's thoughts on ways to strengthen the Draft Plan, as well as satisfy the requirements of Maryland's Land Use Article.

The Department forwarded a copy of the Draft Plan to several State agencies for review, including: the Maryland Historical Trust and the Departments of Transportation, Environment, Natural Resources, Commerce, and Housing & Community Development. To date, we have received comments from the Maryland Historical Trust and the Departments of Natural Resources, Environment, and Housing & Community Development. These comments have been included with this letter. Any plan review comments received after the date of this letter will be forwarded upon receipt.

MDP respectfully requests that this letter and accompanying review comments be made part of the county's public hearing record. Furthermore, MDP also asks that the county consider state agency comments as revisions are made to the Draft Plan, and to any future plans, ordinances, and policy documents that are developed.

Please feel free to contact me at chuck.boyd@maryland.gov or Joe Rogers, Western Maryland Regional Planner at joseph.rogers@maryland.gov.

Sincerely,

A handwritten signature in blue ink that reads "Charles W. Boyd".

Charles W. Boyd, AICP,
Director, Planning Coordination

Enclosures: Comments on the draft 2040 Washington County Comprehensive Plan.

cc: Jill Baker, Washington County Planning Director
Joseph Griffiths, Manager, Local Assistance and Training
David Cotton, Director, Western MD Regional Office



Maryland Department of Planning Review Comments
September 27, 2023
Draft 2040 Washington County Comprehensive Plan

The Maryland Department of Planning (MDP) has reviewed the Draft 2040 Washington County Comprehensive Plan (Draft Plan) and offers the following comments for your consideration. These comments are offered as suggestions to improve the draft comprehensive plan and better address the statutory requirements of the Land Use Article. Other state agencies as noted have contributed comments. Still others may have comments submitted under separate cover. If comments from other agencies are subsequently received by MDP, they will be forwarded to the county in a timely manner.

Summary of the Draft Comprehensive Plan

This is a complete update to the 2002 Washington County Comprehensive Plan, last amended in 2011. Washington County encompasses approximately 468 square miles of land located in the western part of the state between Allegany County, which lies to the west, and Frederick County which lies to the east. The rest of the County borders Pennsylvania to the north and West Virginia and Virginia to the south.

The Draft Plan is needed as an update to the 2011 amended plan for the county and helps tie together a variety of planning documents that exist within the region. Comprehensive plans follow laws and guidance set forth by the state and share a direct relationship with the Zoning Ordinance, Subdivision Ordinance, Forest Conservation Ordinance, Capital Improvement Program, Stormwater Management and Erosion and Sediment Control Ordinance, Floodplain Management Ordinance, Adequate Public Facilities Ordinance, Water and Sewerage Plan, Land Preservation, Parks and Recreation Plan, Solid Waste Management and Recycling Plan, Building and Housing Codes, Hazard Mitigation Plan, County Watershed Improvement Plans, and comprehensive plans of incorporated municipalities. The Draft Plan provides a much-needed update to the previous plan as a response to development and other changes have taken shape around the region and in Washington County specifically.

Many legislative updates have taken place since the 2002 plan was adopted. The Draft Plan addresses the expanded 12 visions of the state as well as the other required elements, which include a Housing Element resulting from HB 1045. This element and the 12 state visions are expanded upon in the corresponding sections of this Draft Plan review. The Draft Plan follows a similar organizational structure compared to the previous plan with the addition of the required elements.

Plan Implementation Progress

The Draft Plan updates past implementation goals and sets new benchmarks in the “Implementation Element” located in chapter 15. The element clearly details how this planning document overlaps with other county land and development ordinances and stresses the importance of measuring success in each plan elements, which are examined in detail with delineated success measures. As part of this review, MDP commends the county on the submission of the five-year implementation reports as required by Land Use Article [Section 1-207\(c\)\(6\)](#) and encourages the county to continue to submit these implementation reports to update the status of the Draft Plan’s goals and objectives.

Maryland State Visions

Land Use Article Section 1-201 requires Maryland jurisdictions with planning & zoning authority to implement the state's twelve planning visions (visions) through a comprehensive plan. The visions reflect the state's ongoing aspiration to develop and implement sound growth and development policy. The visions address: quality of life and sustainability; public participation; growth areas; community design; infrastructure; transportation; housing; economic development; environmental protection; resource conservation; stewardship; and implementation approaches.

Plan Analysis

Washington County lists the state visions and describes their role within the Draft Plan in chapter 3, which focuses on the "Visions, Goals, and Objectives". This chapter describes the Draft Plan's goals and their relationship to its overall objectives. This chapter also illustrates how the state visions play into desired Draft Plan objectives.

The Draft Plan is centered around eight overarching goals, which could also be described as visions/objectives for the county. These eight goals are:

1. Provide a diverse range of housing for citizens that promote sustainable, livable and affordable housing opportunities.
2. Promote a balanced and diversified economy.
3. Provide a safe, efficient, and interconnected multi-modal transportation system.
4. Maintain policies and strategies that direct growth to areas where the County can provide adequate infrastructure and community resources for existing and future development.
5. Provide residents with a high quality of life through the impactful planning and delivery of fundamental community facilities and services.
6. Enhance the County's rich historic and cultural heritage through land preservation and historic preservation efforts.
7. Provide adequate protections for, and enhanced stewardship of, environmental resources and sensitive areas.
8. Encourage infill development and revitalization of existing communities using context sensitive development strategies to maintain and enhance community character.

The following is an analysis of each of the 12 Visions and comments relating to the Draft Plan's relationship to each vision.

(1) Quality of life and sustainability: a high quality of life is achieved through universal stewardship of the land, water, and air resulting in sustainable communities and protection of the environment;

The Draft Plan contains many references for providing a continued quality of life for all residents. Plan goal and objective one states the county wishes to "Provide a diverse range of housing for citizens that promote sustainable, livable and affordable housing opportunities." This goal and how to attain it feature prominently within the Draft Plan's housing element, located on Pg. 64. The county will explore innovative development strategies and the incorporation of overlay zones to achieve a wide variety of housing types for diverse individuals when considering future growth and expansion of existing housing.

(2) Public participation: citizens are active partners in the planning and implementation of community initiatives and are sensitive to their responsibilities in achieving community goals;

Washington County hosts an interactive website that posts information about the Draft Plan and allows for public interaction. The county also hosts a Facebook page where Draft Plan updates and current information are shared. A series of public information hearings have also been held pertaining to the comprehensive plan. These hearings are hosted by the county and take place at various locations within Washington County. Public hearings have taken place in Williamsport, Smithsburg, Hagerstown, Hancock, Clear Spring, and Boonsboro. Public input was gathered from the comprehensive plan website, Facebook page, and the public hearings. These comments were then integrated into the Draft Plan.

(3) Growth areas: growth is concentrated in existing population and business centers, growth areas adjacent to these centers, or strategically selected new centers;

A municipal growth element is not required since this is a county plan. Goal two notes the county wishes to “Promote a balanced and diversified economy.” This goal and vision are detailed in the economic development chapter on Pg. 180. In this chapter development trends and industrial use locations are discussed, with an emphasis placed on existing businesses and their economic impact on the county. The Draft Plan references strategically placing new industries within the county and identifies recent employment additions, such as Amazon Fulfillment centers, that have opened within Washington County providing economic opportunities and creating of over 500 new jobs for the region.

(4) Community design: compact, mixed-use, walkable design consistent with existing community character and located near available or planned transit options is encouraged to ensure efficient use of land and transportation resources and preservation and enhancement of natural systems, open spaces, recreational areas, and historical, cultural, and archaeological resources;

The Draft Plan mentions mixed-use development and mixed-use corridors to offer a wide variety of housing and commercial activities in the land use chapter on Pg. 355. The community facility, historic, and transportation chapters highlight the existing facilities, historically significant sites, and transportation routes in and around Washington County. These chapters help guide community design in the county and shape future land use patterns.

(5) Infrastructure: growth areas have the water resources and infrastructure to accommodate population and business expansion in an orderly, efficient, and environmentally sustainable manner;

The county delineates its infrastructure limitations by calculating the available water and sewer in their water resource chapter on Pg. 291. The Draft Plan also matches population trends with census data from the 2020 census and compares that growth to available water and sewer capacity. This aligns with existing infrastructure and denotes how and where expansion can occur in the county.

(6) Transportation: a well-maintained, multimodal transportation system facilitates the safe, convenient, affordable, and efficient movement of people, goods, and services within and between population and business centers;

The Draft Plan covers different transportation strategies in the transportation chapter on Pg. 96. A complete street design criteria is noted and ensures sidewalks, bike lanes, green spaces, and other site considerations are planned for when developing new roads and subdivisions. The county also identifies complete street locations and recommended design standards. Interstates 70 and 81 are major routes for intra-county movement but are also major freight corridors for the transport of goods and services.

(7) Housing: a range of housing densities, types, and sizes provides residential options for citizens of all ages and incomes;

The Draft Plan highlights several policies that address the county's current housing market. The housing section also details future needs for both workforce and affordable housing. Different housing providers, lenders, and state agencies that assist with affordable housing in the county, their specific programs, and developments are referenced in the housing section in chapter 6 on Pg. 64.

(8) Economic development: economic development and natural resource-based businesses that promote employment opportunities for all income levels within the capacity of the State's natural resources, public services, and public facilities are encouraged;

The economic development chapter on Pg. 180 notes the various types of industry in Washington County. Major employers in the healthcare, packaging, and manufacturing industries offer a wide variety of jobs to people at all socioeconomic levels. The Draft Plan also notes that workers travel to Pennsylvania, West Virginia, Virginia, and to other counties in Maryland to work, as the county's location affords for lower travel times for commuters who take advantage of the geographic location of Washington County.

(9) Environmental protection: land and water resources, including the Chesapeake and coastal bays, are carefully managed to restore and maintain healthy air and water, natural systems, and living resources;

The sensitive area chapter on Pg. 261 examines the natural resources and waterways that exist in the county. This chapter focuses on protecting the county's natural resources and the Chesapeake Bay, and details what measures are being taken to grow while simultaneously protecting these natural features. Wildlife corridors, greenways, and stream protection are key goals the Draft Plan detailed in this chapter, as well as how to ensure the protection of water, air, and animal species that currently exist in Washington County.

(10) Resource conservation: waterways, forests, agricultural areas, open space, natural systems, and scenic areas are conserved;

The Draft Plan discusses issues relating to environmental sustainability in the Sustainable Environment chapter, addressing the visions of "protection of the environment" and "resource conservation". Protection of the natural environment is one of the main visions reiterated throughout the Draft Plan. This vision is clear and decisive in this section, which lists environmental highlights and describes goals and future plans for each. Protecting the environment is key and integral to sustaining future generations in the county since it will be tied to all aspects of community and economic development.

(11) Stewardship: government, business entities, and residents are responsible for the creation of sustainable communities by collaborating to balance efficient growth with resource protection; and

The Draft Plan discusses wildlife corridors and greenways on Pg. 280. These areas expand on DNR's "GreenPrint" tool that is used for proactive land conservation planning. Maps and figures help explain how the county is protecting its land and where areas of concern lie within the county. Two areas that have come from this effort are "Hubs" and "Corridors." Hubs are large, ecologically significant, natural areas that provide habitat for native plants and wildlife. They may include protected areas such as county, state, or national parks that are managed for preservation purposes as well as private lands where natural features and ecological processes are protected or restored. Corridors are linear features that tie the hubs together and serve as biological conduits for native plants and wildlife. They often follow streams and

their adjacent upland areas, which provide cross watershed connections. Greenway is a term often used interchangeably with corridors, within this model of ecological preservation. These lands represent contiguous areas in the county worth considering for new or additional sensitive resource protection in the future.

(12) Implementation: strategies, policies, programs, and funding for growth and development, resource conservation, infrastructure, and transportation are integrated across the local, regional, State, and interstate levels to achieve these visions.

The implementation chapter on Pg. 361 notes policies for growth and expansion and helps address local, regional, and state concerns pertaining to growth. This chapter is very detailed and lays out a roadmap of how to accomplish the goals listed throughout the Draft Plan. This chapter also notes how this document ties into existing ordinances and programs the county has in place. This section notes the eight goals of the plan which come out of the visions and provides implementation priorities of short, medium, and long timeframes for completion. Along with the timelines, this chapter references how existing plans overlap with the Draft Plan, establishing coordinated pathways for future success.

MDP finds that all 12 of the visions have been integrated into the Draft Plan, making it clear that the county has considered each. However, MDP recommends highlighting each of the 12 visions where they are referenced throughout the Draft Plan as the eight county goals combine some of the visions and may make them difficult for the reader to distinguish.

Minimum Planning Requirements

Land Use Article Section 3-102 describes the required and optional elements for non-charter county and municipal comprehensive plans but does not mandate how they are to be addressed. As such, local governments have addressed these required elements in a manner that fits the needs of their community and the resources available to respond to the issues explored during the planning process. The following checklist summarizes an assessment as to whether each required local plan element is addressed in the Draft 2040 Washington County Comprehensive Plan.

Checklist of Maryland Code (Land Use Article) Element Requirements for Non-Charter Counties and Municipalities			
Comprehensive Plan Requirements	MD Code Reference	Additional MD Code Reference	Draft 2040 Washington County Comprehensive Plan Reference
(1) A comprehensive plan for a non-charter county or municipality must include:	L.U. § 3-102(a)		
(a) a community facilities element	L.U. § 3-102(a)(1)(i)	L.U. § 3-108 -- Community facilities element.	144-179
(b) an area of critical state concern element	L.U. § 3-102(a)(1)(ii)	L.U. § 3-109 -- Areas of critical State concern element	261-290
(c) a goals and objectives element	L.U. § 3-102(a)(1)(iii)	L.U. § 3-110 -- Goals and objectives element	19-22
(d) a housing element	L.U. § 3-102(a)(1)(iv)	L.U. § 3-114 -- Housing element SB-687(2021)	64-95
(d) a land use element	L.U. § 3-102(a)(1)(v)	L.U. § 3-111 -- Land use element	330-360

Checklist of Maryland Code (Land Use Article) Element Requirements for Non-Charter Counties and Municipalities			
Comprehensive Plan Requirements	MD Code Reference	Additional MD Code Reference	Draft 2040 Washington County Comprehensive Plan Reference
(e) a development regulations element	L.U. § 3-102(a)(1)(vi)	L.U. § 3-103 -- Development regulations element	330-360
(f) a sensitive areas element	L.U. § 3-102(a)(1)(vii)	L.U. § 3-104 -- Sensitive areas element	261-290
(g) a transportation element	L.U. § 3-102(a)(1)(viii)	L.U. § 3-105 -- Transportation element	380-392
(h) a water resources element	L.U. § 3-102(a)(1)(ix)	L.U. § 3-106 -- Water resources element	291-329
(i) a mineral resources element, IF current geological information is available	L.U. § 3-102(a)(2)	L.U. § 3-107 -- Mineral resources element	214-225
(j) for municipalities only, a municipal growth element	L.U. § 3-102(a)(3)	L.U. § 3-112 -- Municipal growth element	N/A
(k) for counties only if located on tidal waters, a fisheries element	L.U. § 3-102(a)(4)	L.U. § 3-113 -- Fisheries element	N/A
Optional: (2) A comprehensive plan for a non-charter county or municipality MAY include: (a) a community renewal element; (b) a conservation element; (c) a flood control element; (d) a natural resources element; (e) a pollution control element; (f) information concerning the general location and extent of public utilities; and (f) a priority preservation area (PPA) element	L.U. § 3-102(b)	L.U. § 3-102(b)(2)(i)	N/A
(3) Visions -- A local jurisdiction SHALL through the comprehensive plan implement the 12 planning visions established in L.U. § 1-201	L.U. § 3-201(c)	L.U. § 1-201 -- The 12 Planning Visions	19-22
Optional: (4) Growth Tiers -- If the local jurisdiction has adopted growth tiers in accordance with L.U. § 1-502, the growth tiers must be incorporated into the jurisdiction's comprehensive plan	L.U. § 1-509		N/A but a growth management section is on Pg. 393

As shown in the above checklist, the Draft Plan includes the required elements as identified in §3-102 of the Land Use Article of the Maryland Annotated Code.

Washington County has not adopted growth tiers, but they do have a Growth Management section listed at the end of the document. Many of the county's municipalities have adopted tier maps and the county defers to their tier maps when considering growth and expansion during the annexation process.

Since this is a county plan, they do not address the municipal growth element. They note that other municipalities have included this element in their plans, and they also use population statistics from the 2020 census data that are linked on MDP's website for their projections and future trends. Trends in their land use, housing, and goals section help prepare for projected growth and development that the county feels will arise over the next decade.

Conformance with Section 3-102 of the Land Use Article

The following analyzes whether the Draft Plan meets the requirements of Non-Charter County comprehensive plan elements, in accordance with the Land Use Article.

1. Development Regulations Element– Synopsis

The element is required to include the planning commission's recommendations for land development regulations to implement the plan. Regulations are required to be flexible to promote innovative and cost saving site design, protect the environment and identify areas of growth. The areas identified for growth are required to encourage flexible regulations, which should further promote economic development using innovative techniques, streamlining the review of applications, including permit review and subdivision processing.

Plan Analysis

The Draft Plan addresses its regulatory mechanisms in several area – housing regulation assessment can be found on pages 87-89 of the document and proposed housing regulation recommendations are on pages 91 to 95, while land use and growth recommendations are listed on page 360.

2. Land Use Element– Synopsis

The land use element is required to reasonably project into the future the most appropriate and desirable patterns for the general location, character, extent, and interrelationship of the uses of public and private land.

Plan Analysis

The Draft Plan does not have a stand-alone development regulation element. Development regulations and land use patterns are discussed in the "Growth Management and Land Use Element" of the plan located on Pg. 330. For that reason, MDP is commenting on both chapters at the same time. Existing conditions and land use patterns are analyzed throughout this chapter and the county notes creative development strategies to align with future growth trends in Washington County.

- In reference to Table 14-3, Pg. 25, MDP feels it would be helpful to see the sum total of the available residential units in the Urban and Town Growth area (35,144 units) and Rural area (27,471 units) (Total 62,615) mentioned in the conclusions of development capacity analysis. Since this is for the growth areas before they are retracted, it would be helpful to label the table accordingly.

- It is confusing that there are two development capacity sections. Please consider combining the tables to show the old area to the new area in one table.
- The Growth Areas text under Table 14-9, Pg. 351 describes “retracting a significant amount of delineated residential land use areas and some commercial and employment areas”. A table showing the new acreage of each growth area would be helpful.
- The colors on the Map 14-1: Land Use & Land Cover map, Pg. 332, are not very distinct. Consider using a different color for urban/built-up land.
- Map 14-6: Future Land Use, Pg. 348, appears to show the growth areas discussed in Table 14-3, Pg. 344, but the growth area boundary color in the map is hard to see against the roads. MDP recommends using a lighter color of the roads so that the growth boundaries can be seen. It would also be helpful to label all the growth areas that are listed in the table. MDP also suggests adding the Priority Funding Area (PFA) boundary to the map.
- The standard PFA residential density criterion is 3.5 dwelling units per acre, a lot size of 12,446 sq. ft. (Reference: [MDP’s Local Government Planning FAQs](#)). Please make corrections on Pg. 360.

3. Housing Element - Synopsis

The housing element is required to address the need for housing within the jurisdiction that is affordable to low-income and workforce households. It is also required to assess fair housing and ensure that a jurisdiction is affirmatively furthering fair housing through its housing and urban development programs.

Plan Analysis

The Draft Plan has a housing element in chapter 6, starting on Pg. 64. This element addresses population trends and housing strategies to accommodate future growth in Washington County. The Draft Plan also notes that additional partners and strategies are listed in the “Growth Management and Land Use” appendix on Pg. 393.

- On Pgs. 72-73, the housing element includes an analysis of Area Median Income (AMI) for Washington County using the U.S. Department of Housing and Community Development’s 2020 AMI data. Using a 2020 AMI of \$79,800 for the county and American Community Survey (ACS) data, the housing element calculates the number of households that fall within the extremely low income (0% - 31% AMI), low income (31.3% to 62.6% AMI), and moderate income (62.6% to 125% AMI) ranges. The housing element notes, and MDP acknowledges, that AMI and ACS income ranges do not align. MDP appreciates that the county combined the two data sets to establish the need for affordable housing, by households. However, the housing element requirements outlined in Land Use Article section 3-114, which reference definitions in Housing and Community Development Article section 4-1801, set the AMI income ranges for which affordable housing must be addressed in a housing element as 60% or less for low income, 60% - 120% for workforce ownership, and 50% - 100% for workforce rental. MDP encourages the county to consider updating the analysis on Pgs. 72-73 to calculate households within these ranges. More information can be found on MDP’s [Housing Data Dashboard](#).
- Though fair housing is defined in this element, a more detailed fair housing assessment as required by [LUA 3-114 \(d\)\(2\)](#), could be added to breakdown racial, financial, and geographic details that would better support the housing element in this plan.
- While MDP notes that LUA 3-114 does not define the requirements for a fair housing assessment in comprehensive plans, a traditional US HUD assessment of fair housing includes an analysis of the following four housing issues in a community.

1. Patterns of segregation/integration: Areas within the jurisdiction that are residentially segregated by protected class.
2. Racially or Ethnically Concentrated Areas of Poverty (R/ECAPS): US HUD defines r/ecaps in metropolitan areas as census tracts with a non-white population of 50 percent or more and a poverty rate of 40 percent or more (or a poverty rate that is three or more times the average tract poverty rate for the metropolitan area, whichever threshold is lower). For rural areas, HUD lowers the non-white percentage threshold to 20 percent.
3. Disparities in access to opportunity: Areas within the community/jurisdiction that provide access to opportunity, such as good schools, medical facilities, employment centers, positive public health outcomes, and low crime rates. A fair housing assessment would consider if protected classes have less access to such areas.
4. Disproportionate housing needs: An analysis considering whether certain areas or populations within a community, particularly protected classes, have disproportionate housing needs than other areas or populations.
 - The Draft Plan lists partners and strategies with some mentioned in the appendix. MDP suggests that incorporating these partnerships and strategies into the housing element chapter itself could better support this element within. A full list of partners, non-profits, or others would be helpful for Draft Plan readers. This could even be used by future developers as a tool to use for possible partnerships in future housing developments.
 - Housing strategies, such as infill or overlay zones, are referenced and defined, but the exact location or preferred location for these types of zones is not clearly labeled. A more detailed location map of the primary areas primed for development that could benefit from overlay zones could be created to help show where housing strategies may be applied.
 - DHCD has developed an “Affirmatively Furthering Fair Housing” survey that can help counties address fair housing in their communities. [AFFH survey](#). MDP recommends taking part in this survey and incorporating the results into the housing element.

4. Sensitive Areas Element, Agriculture and Forestry Element, Areas of Critical Concern Element - Synopsis

The critical state concern element is required to include planning commission recommendations to determine, identify, and designate areas that are of critical state concern.

The sensitive areas element is required to include the goals, objectives, principles, policies, and standards designed to protect sensitive areas from the adverse effects of development (more recently referred to as climate change impacts). The LUA also assigns sensitive areas element data provision and review responsibilities to the Maryland Departments of the Environment and Natural Resources.

Plan Analysis

The “Sensitive Areas Element” can be found in chapter 12 on Pg. 261 in the Draft Plan. MDP is combining comments for this element with the Agriculture and Forestry Element found in chapter 11 on Pg. 226 and with the Areas of Critical State Concern element, which is not listed as a specific element in the Draft Plan. Areas of Critical State Concern and special planning areas are discussed in the sensitive area’s element. This chapter is broad and covers future planning efforts for stream buffers, forest buffers, floodplain management, and wildlife/endangered species. Special planning areas that host significant environmental features are also mapped and discussed as part of this chapter. Forest and agriculture land is a special consideration for Washington County, which has adopted a “right to farm” initiative to assist with agricultural land uses.

MDP encourages Washington County to review the list of designated areas, plans, studies, and programs in the State Development Plan, [A Better Maryland](#), and address areas of critical state concern that should be considered in their comprehensive/master plan and its implementation.

- Continue to update and expand on state and local programs geared towards preservation and the protection of land and wildlife. [DNR's GreenPrint](#) program has detailed areas of special state concerns and enabled the county to help identify what areas it should protect and why. This analysis should be expanded in future planning cycles.
- Preservation efforts such as the Rural Legacy program can continue to be successful if used and planned for by the county. Expansion of this program and others may help the county achieve its sensitive areas objectives and goals.
- Federal and state level programs “Environmental Site Assessments (ESA’s), and Rural Legacy Program (RLP)” exist to protect wildlife and land and should be incorporated and referenced by the county to achieve sensitive areas objectives.
- Tourism programs centered around the GAP trail have been used successfully in surrounding areas of the state. Consider adopting similar trail programs or incentives to increase trail usage as this also helps with preservation efforts of wildlife and woodland areas.
- Ensure land development and similar ordinances align with the goals of this chapter, especially when considering site design in wetlands or areas with steep slope issues.
- Prime soil makes up over 80 percent of the county according to the soils map 11-1 listed on Pg. 228. This abundance aligns with the goal of allowing agricultural uses to continue and expand. Incentivizing farms and agricultural uses will encourage development of agriculture and uses accessory to farming operations.
- Solar and wind farms are becoming popular land uses throughout the state. The county should consider adopting or referencing green regulations in the Draft Plan so that readers can gauge how newer technologies are being adopted and accepted in the county.
- The section on Alternative Energy and Other Non-Agricultural Uses (Pgs. 247 – 248) should include information on Washington County’s policy regarding solar panels on farmland, if it has one. Also, the Draft Plan could say more about agriculture that is compatible with solar panels that are vertical or elevated.
- A section heading on Pg. 246 states, “De Facto Farmland Through Agricultural Stewardship.” Should the word “Preservation” be inserted after “Farmland”?
- The county should continue to pursue incentives for tourism centered around agriculture. Uses such as wineries and breweries have become local economic and agricultural development tools in Western Maryland. MDP recommends that the Draft Plan consider and describe if and how the county intends to promote such uses.
- The discussion of Priority Preservation Areas (PPAs) on Pg. 244 should mention that PPAs and a PPA plan element are required for counties whose farmland preservation program is certified by MALPF and MDP, and that certification allows the county to retain 75% rather than 33% of locally generated agricultural land transfer tax.
- The county has a countywide land preservation goal of 50,000 acres, which was created before the advent of PPAs. However, it’s MDP’s understanding that when the 80% acreage preservation goal inside the PPA is achieved and combined with preserved acreage outside the PPA, the total will exceed 50,000. If this is the county’s conclusion as well, it should be stated within the Draft Plan.

5. Transportation Element - Synopsis

The transportation element is required to reasonably project into the future the most appropriate and desirable location, character, and extent of transportation facilities to move individuals and goods, provide for bicycle and pedestrian access and travelways, and estimate the use of proposed improvements.

Plan Analysis

The Draft Plan addresses all applicable modes of transportation. Overall, the transportation goals and recommendations presented and discussed in the Plan are consistent with the Maryland Economic Growth, Resources Protection, and Planning Policy, known as the 12 Visions in Subtitle 5-7A of the State Finance and Procurement Article.

- The Infrastructure Investment and Jobs Act (IIJA) provides unprecedented federal funding for various transportation programs and projects. The county should investigate IIJA funding opportunities to help implement the Draft Plan. For more information regarding federal transportation grant opportunities, visit MDOT's website [here](#).
- MDP staff suggests that the Draft Plan include a recommendation to monitor and address the teleworking (working from home) trend and its effects on transportation and economic development. The mode share of "Worked from home" among "Commuting To Work" in Washington County has been increasing (see [the ACS 5-year data for 2016-2020 and 2017-2021](#)) since 2020, as it is elsewhere in other Maryland counties and many places of the nation. Teleworking may have positive effects such as helping reduce peak-hour traffic congestion; however, in many urban areas and employment centers, teleworking drives up commercial building vacancy rates resulting negative ripple effects on surrounding businesses. It is unclear if and how remote work has affected the county, but monitoring the trend would help the county prepare for and address the matter.
- The Draft Plan should include a recommendation(s) to support the building of electric vehicle (EV)/alternative fuel vehicle charging infrastructure in the county. Interstate-70 and Interstate-81 are two of the designated [Alternative Fuel Corridors \(AFCs\) in Maryland](#), which are targeted for federal EV charging station investments. Since the county has a robust e-commerce sector, there will be a need to provide electric heavy-duty vehicle (HDV) charging infrastructure in the county. The 2023 Maryland General Assembly passed legislation to require new construction of homes to include EV charging stations or electric pre-wiring for EV charging (Reference: [2023 HB 830](#)). Since providing EV charging stations for multifamily housing is more challenging than installing EV charging for single-family housing, the county should consider support for EV charging for multifamily housing. For more information local EV and EV infrastructure programs and efforts, visit Maryland EV Website [here](#).
- Map 7-7 Highways Plan on Pg. 116: The Draft Plan should include the projects in the MDOT SHA's [Highway Needs Inventory](#) if they are not included.
- Table 7-6 Highways Plan Detail on Pg. 117: It would be helpful to add a column indicating the source plan or program for each project.
- In reference to "Rail Freight" on Pg. 135: The Draft Plan should include the information about if, what, and how business sectors in the county are served by the active railroad companies. It is unclear if CSX and Norfolk Southern are just passing by the county or they serve certain businesses in the county. What businesses do Winchester & Western serve in Hagerstown? Is there any ongoing partnership or coordination between the county and these railroad companies to address freight rail related matters?
- The Draft Plan should also discuss if there are any railroad crossing safety and incompatible land use issues along the railroads in the county. To preserve railroad operations and industrial lands as valuable economic development resources, MDP suggests that the Draft Plan address freight rail safety and compatible land use and designs along the railroad corridors. The 2012 Transportation Research Board's [National Cooperative Freight Research Program Report 16 – Preserving and Protecting Freight Infrastructure and Routes](#), provides useful guidance on how to avoid conflicting land use and mitigate existing uses to achieve rail-compatible development, e.g.,

compatible zoning, minimum setback standards, and designs on lots and building layouts. In addition, MDOT also provides technical assistance to help local jurisdictions to address freight safety and freight-related land use planning issues as part of MDOT's efforts to implement [the Maryland State Freight Plan](#) and [the Maryland State Rail Plan](#).

- In reference to “Roads” Pg. 138 and 139: MDP suggests the county include a recommendation calling for evaluating the county's Adequate Public Facilities Ordinance (APFO) for roads to provide less stringent Level of Service (LOS) roadway standards for Urban and/or Town Growth Areas that would help build context sensitive roadway infrastructure and encourage walkable and transit supportive land uses.
- In reference to “Transportation Recommendations” on page 138: Add the MPO's current “TIP” to the first Recommendation under “Roads.”
- In reference to the second Recommendation under “Roads” on Pg. 138: Suggest editing and adding (in **bold**) “.....with an emphasis on adequate right of way, ~~and~~ access spacing needs, **and compatible to adjacent land use.**”
- In reference to the Recommendation, “Consider formally adopting a Complete Streets Policy for **County roads**.....” on Pg. 138: Suggest deleting “for County roads.” A complete streets policy should also address multi-modal issues on state roads in the county although the county may not be responsible for maintaining and improving state routes. The county can proactively work with the State/MDOT as well as municipalities to address complete streets issue on non-county roads to help implement the county's complete streets policy. As a reference, [Howard County's Complete Streets Policy](#), recognized as the “Best Complete Streets Policy in 2023” by Smart Growth America, includes a complete streets network approach that involves state routes and non-county roads in neighboring communities and counties.
- In reference to “Transit” on Pg. 139: Consider adding “TDM” in the title as “Transit and TDM” since some recommendation here are Transportation Demand Management (TDM) related such as working with employers to promote non-single occupancy vehicle (SOV) travel and supporting park & ride facilities.
- In reference to “Transit” on Pgs. 139-140: The Draft Plan should include a recommendation calling for the implementation of the county's Transit Development Plan and Human services transportation Plan beginning on Pg. 121.
- In reference to “Transit” on Pg. 139-140: Suggest the county consider a recommendation calling for exploring micro-transit options to address transit needs and gaps in certain areas of the county. Here are some reference sources on Micro-Transit: (1) [MDOT MTA's Share Mobility Work Plan](#); (2) [APTA's Micro-transit resources](#); (3) [FTA's How Can Micro-transit Help Rural Mobility](#) ; and (4) [How Do We Move Older Citizens in Rural Areas Using New Technologies?](#)
- In reference to the Recommendation on Pg. 143, “Consider creating, with input from transportation planning partners, a Bicycle and Pedestrian Plan specifically **for County roadways.**” It is good that the county plans to develop a countywide Bicycle and Pedestrian Plan. MDP suggests deleting “for County roadways” from the language. The county should address pedestrian and bicycle travel needs on state roadways even though the county may not be responsible for maintaining and improving them. Proposed improvements on state roads in a local transportation plan can help the state to identify priority projects and allocate funding to support local needs. The county should also ensure the proposed pedestrian and bicycle facility improvements to support the types of existing and future land uses that they serve.
- Travel safety for vulnerable roadway users (e.g., pedestrians and bicyclists) could become a major issue along the proposed Mixed-Use Corridors on Pg. 348, Map 14-6: Future Land Use and on Pg. 355 when developments build up on both sides of the roadways. If there were no changes to the nature of high vehicle traffic volumes and speed on these arterial roadways, pedestrian and bicycle crossing over these roadways could be extremely challenging and unsafe. A complete streets approach to provide safe and convenient travel for all users including pedestrians, bicycles, and transit should be considered along and across the highways in Mixed Use Corridors.

MDP suggests the Draft Plan include a recommendation(s) calling for building complete streets for these roadways and integrating transportation and land use planning to build walkable and transit supportive communities along the Mixed-Use Corridors.

6. Water Resource Element - Synopsis

The water resource element (WRE) is required to consider available data provided by the Maryland Department of the Environment (MDE) to identify drinking water that will be adequate for the needs of existing and future development proposed in the plan, as well as suitable receiving waters and land areas to meet stormwater management and wastewater treatment and disposal needs. MDE and MDP are available to provide technical assistance to prepare the water resources element, ensuring consistency with MDE programs and goals. MDE and MDP jointly developed WRE guidance to demonstrate how local governments can ensure compliance with the WRE requirements. Local jurisdictions are expected to implement the most important aspects of the MDE/MDP WRE guidance (please see attached checklist).

Plan Analysis

The WRE concludes with 19 recommendations regarding water resources, wastewater resources, and nonpoint sources. The recommendations address upgrading the Hagerstown water treatment facility to serve the UGA; supplementing the UGA water supply through potential ground water treatment facilities; conducting Source Water Assessments with MDE and adopting a wellhead protection ordinance; incorporating information from this comprehensive plan into the next water and sewer plan update; implementing a water conservation education program; continuing to map well failures; coordinating with Hagerstown to upgrade the WWTP and explore inter-county connection if needed; continuing inflow and infiltration mitigation; continuing abatement of failing septic systems; working with MDE to receive nutrient credits; working with MDE to identify land application areas; promoting water reuse opportunities; mapping septic failures; continuing environmental site design to the maximum extent feasible; identifying locations for stormwater retrofits to address hotspots and environmentally sensitive areas; promoting funding of retrofit program; updating local stormwater management ordinances; and encouraging the use of rain barrels.

- Pg. 292 states that there are ten 8-digit watersheds located in whole or in part in Washington County, and that they are shown on Map 13-1 on Pg. 293; however, only 9 watersheds appear to be shown on the map. MDP recommends that this discrepancy between the text and Map 13-1 be addressed.
- The text on Pg. 299 before Table 13-3 states that “[u]nder a moderate growth scenario, there are two facilities that may exceed their current permitted allocation”; however, only one facility (Boonsboro/Keedysville) is depicted in the table with “Projected Available Capacity 2040” in the red (insufficient). MDP recommends that this discrepancy between the text and Table 13-3 be addressed so it is clear which second facility is projected to exceed permitted capacity under the moderate growth scenario.
- Pg. 306 notes that there are 59,600 septic systems in the county. This seems to be a typo and MDP recommends this be corrected. The most recent figure MDP has seen for septic systems in Washington County is closer to 19,000.
- Table 13-4 on Pg. 307 shows the five county-owned/operated wastewater treatment plants (WWTPs) and two locally-managed plants that are included in county-designated growth areas. MDP assumes that the three other WWTPs described on Pg. 305 are not included in Table 13-4 because they are not included in county-designated growth areas, but MDP recommends adding a statement in the text before Table 13-4 to clarify this detail. In addition, a textual summary of the

Table 13-4 findings is not included. MDP recommends that a similar summary of the table as the one provided for Table 13-3 be added.

- There seem to be some discrepancies between the impairments listed for the UGA watersheds between Table 13-6 on Pg. 308 and Tables 13-10 through 13-13 on Pgs. 318-319. MDP recommends these discrepancies be corrected and/or explained.
- Pg. 323 notes “[t]he determination was made through the analyses of this element as well as the Land Use Element, that the UGA would need to be significantly reduced to limit sprawl and potential pollution issues.” However, it is unclear whether the proposed UGA in the Draft Plan is the same as the reduced UGA developed in response to the pollution risk assessment. If not, MDP recommends that the UGA in the Draft Plan be updated to reflect the pollution risk assessment finding.
- Denitrification at the top of Pg. 326 appears to be misspelled.
- A checklist of best practices to identify and plan for suitable receiving waters is within the 2022 WRE Guidance at <https://planning.maryland.gov/Pages/OurWork/envr-planning/water-resources-mg/2022/02/framework-checklist.aspx>. The state requests that local governments meet the best practices in this WRE Guidance Update as best as they can within the limitations of cost and time. The county has done an excellent job of addressing many of these elements in its WRE, such as discussing water quality standards; describing in detail the assessment status of their waters and the annual water quality monitoring results; conducting a pollution risk assessment and determining that the UGA would need to be reduced and evaluating what the resulting TN and TP would be under the reduced UGA; describing how the county’s Tier II water and other sensitive waterbodies are being protected through county programs and public and private land conservation efforts; and detailing the county’s Clean County Initiative’s actions toward managing water quality restoration efforts. Some examples of best practices from the checklist that the town should consider implementing include load reduction tracking; strategies for ensuring a higher-than-minimum-requirements-level of water quality restoration and protection; and identification of recurrent flooding areas and evaluation of whether climate change and planned development will worsen those conditions, along with changes to the land use plan where warranted.
- All local jurisdictions in Maryland are and will continue to experience climate change impacts on water resources and water infrastructure (water, sewer, and stormwater), as well as water impacts on communities. The WRE should be adjusted to include strategies focused on improving local understanding of current or expected water-related climate change impacts at the local level, and if sufficient information exists, the chapter should add strategies to address these impacts. Best practices for integrating water-related climate change adaptation into the comprehensive plan are listed at <https://planning.maryland.gov/Pages/OurWork/envr-planning/water-resources-mg/2022/03/climatechange-checklist.aspx>.
- If the land use changes in the Draft Plan are planned in a watershed(s) prone to riverine or urban flooding, then the WRE should be adjusted to incorporate the flooding-related components of the 2022 WRE guidance. See <https://planning.maryland.gov/Pages/OurWork/envr-planning/water-resources-mg/2022/02/framework-cwa-wqfloodmgmt.aspx>. At a minimum, the WRE should indicate the extent of current local knowledge concerning flood-prone areas and should discuss whether implementation of the land use plan will increase, decrease, or have no effect on those flood-prone areas. If the local government does not know what type of impact implementation of the land use plan will have on flood-prone areas, then at a minimum, the WRE should call for a study to determine this. MDP acknowledges that the county comprehensive plan discusses

flooding and mitigation policies; however, there does not seem to be a specific evaluation of how the growth scenarios would affect flood-prone areas.

7. Goals and Objectives Element - Synopsis

This element requires that comprehensive plan goals, objectives, principles, policies, and standards guide the development, economic growth, and social well-being of the community.

Plan Analysis

Goals and objectives are listed early in the plan on Pg. 19 in chapter 3. An implementation element is listed at the end of the document on Pg. 361 in chapter 15. The goals and objectives are discussed throughout the document and the final chapter performs a chapter-by-chapter breakdown of how implementation of these goals and objectives will occur. This design should set the county up for success in measuring benchmarks and success in future planning cycles.

- Referring to “Economic Growth, Resource Protection, and Planning Act of 1992” on Pg. 15: Please add the following information in the paragraph: The 1992 Planning Act established the State Planning Policy, which through subsequent legislation has evolved to and is currently known as the 12 Visions.
- On Pg. 20, change “Eight Visions” to “Seven Visions” in the first paragraph. The Maryland General Assembly added an eight vision in 2000.
- On Pg. 22, there are only eight goal statements and no objective statements. Should the Draft Plan delete or add “objectives” to avoid confusion?
- Supporting documents and ordinances referenced in this chapter should be updated to reflect the goals and objectives of the Draft Plan so that all planning documents align with each other.
- Short, mid-range, and long-range goals should be reported to MDP in the five-year reporting requirements. This is an ideal time to highlight the goals that are referenced in the plan that have been accomplished.
- The county should continue to work with local municipalities who will be updating and completing comprehensive plan amendments soon. Two municipalities who are about to undertake comprehensive plan updates are Hancock and Williamsport. Partnerships during the initial planning stages will ensure the documents align and have similar attainable goals and outcomes.

8. Community Facilities Element - Synopsis

The community facilities element is required to propose, as far into the future as is reasonable, the most appropriate and desirable patterns for the general location, character, and extent of public and semipublic buildings, land, and facilities. These facilities may include, but are not limited to fire stations, libraries, cultural facilities, hospitals, places of worship, school and education facilities, and parks.

Plan Analysis

The “Community Facilities and Services” element is in chapter 8 starting on Pg. 144 in the Draft Plan. This element does a great job highlighting the facilities and resources Washington County has to offer residents and visitors. A capital improvement plan is also discussed as part of this chapter and the Draft Plan accounts for capital projects that are targeted to support the goals of the comprehensive plan and other county functional plans. The chapter includes an APFO, that ensures that public facilities and

services needed to support new development shall be available concurrently with the impacts of such new developments.

- MDP is encouraged to see a wide variety of plans, Solid Waste Management, Land Preservation, Water and Sewer, Public Schools and more incorporated into this element and encourages the county to update any necessary plans with new information or goals that arise from the adopted version of the Draft Plan.
- Technical and vocational schools are referenced in this chapter and specialized job training has become popular around the state. Expanding these programs and offering new innovative job skills training may help with both development and population growth in the county. The Appalachian Regional Commission (ARC) has funding available for job creation and may be a suitable partner to develop and maintain these types of schools and programs. ARC is focused on creating jobs and workforce development. Partnering with Washington County and including this funding source in the Draft Plan could be a win for both the county and the ARC Western Maryland office.
- ARC also has funding available for broadband projects and can assist with connectivity in the region. A partnership could be added to the plan that explains the impact of high-speed internet and its availability or lack of availability within the county. This can help in the education sector and may also boost the chances of attracting new teleworking residents to the county. Teleworking and high-speed internet have become more of a focal point for development and growth because of the pandemic and its physical limitations.
- The Draft Plan explains that Meritus Health is in the process of partnering with ARC for grant funding related to their new 78-million-dollar facility to help create jobs and to provide adequate medical care to surrounding residents. Specific programs and job training/opportunities may be something the county highlights in this chapter of the Draft Plan.

9. Mineral Resources Element - Synopsis

If current geological information is available, a comprehensive plan is required to include a mineral resources element. It should identify land that remains undeveloped to provide a continuous supply of minerals, which are defined in the Environment Article. They include clay, diatomaceous earth, gravel, marl, metallic ores, sand, shell, soil, and stone. The element is required to further identify post excavation land uses and incorporate strategies that balance resource extraction with other land uses and prevent, as much as possible, preempting mineral extraction in the jurisdiction.

Plan Analysis

The mineral resource element is in chapter 10 on Pg. 214 of the Draft Plan. The county has a rich history of mineral extraction with coal pockets residing in this part of the state. The Draft Plan does a great job of referencing regulations from DNR and other agencies that govern how and where minerals/resources are extracted and used in Washington County. Strip mining in Washington County has become more prominent and visible in recent years and MDP recommends that the county continue to plan for it and consider regulations to lessen the impact. County zoning that focuses on the importance of safely extracting resources is vital for smart growth and industrial success.

- Pg. 223 mentions a floating zone that allows for mining and other accessory uses. A streamlined process for approval and review is discussed and MDP encourages safeguards to be in place to properly review floating zone uses as they pertain to mineral extraction.
- Since new innovative mining strategies have been developed, the county should consider adopting current regulations to address them. Guidance from the Department of Natural

Resources (DNR) or other regulatory agencies may offer support for ordinances and regulations in reference to new mineral extracting procedures.

- MDP recommends ensuring proper watershed protection measures are in place where mining activities occur. Buffers or other protective measures should be added to mining overlay zones that are created by the county.
- Continue to pursue reclamation incentives and programs offered by state agencies, such as DNR. Funding may be available to help reclaim these sites and can be used for site stabilization to help future development in and around reclaimed mining sites. These programs and the areas they have helped or can target in the future should be referenced or mapped in this element in the Draft Plan.

10. Growth Tiers - Synopsis

A growth tiers map is not considered adopted until it is incorporated into a comprehensive plan. Therefore, a growth tiers map is required to be included in a jurisdiction's comprehensive plan if the county or municipality wants to allow major residential subdivisions with on-site septic systems. Otherwise, if no growth tiers maps is included, a jurisdiction is only allowed to approve minor residential subdivisions with on-site septic systems.

Plan Analysis

- MDP acknowledges that Pg. 343 of the Draft Plan includes a draft growth tier map under the Sustainable Growth and Preservation Act of 2012 (SB 236). Under Section 1-504 of the Land Use Article, if Washington County adopts a comprehensive plan that includes a growth tier map, then the county must notify and provide MDP with all information necessary to allow for the department's detailed review required under Section 1-505 of the Land Use Article. If requested, MDP can complete a detailed review of the proposed tier map before the plan is adopted.
- Pg. 342 indicates "Diverging opinions between the State and County revolve around a clause in the laws that states, Tier 4 areas should include "areas dominated by agricultural lands, forest land or other natural areas. The state has strictly interpreted that clause to mean any land with an agricultural assessment or forested land use category." However, the areas [MDP identified as "dominated by agriculture and forest"](#) generally excluded dual residential/agricultural parcels within large-lot subdivisions (along with other urban land uses as defined in the [2010 land use land cover methodology](#)), as well as agricultural and forested areas less than 100 contiguous acres. MDP recommends correcting the above statement to clarify that the areas dominated by agriculture and forest include blocks of undeveloped agricultural, forested, or other natural land areas of at least 100 acres.
- SB236 requires growth areas planned for sewer either in the comprehensive plan or the water/sewer plan to be designated Tier 2. Pgs. 342-343 include helpful information about the sewer service categories used to map Tier 2 and clearly depict the proposed growth areas. Pg. 342 also indicates the sewer plan will need to be updated to reflect the new growth areas. Does this mean the growth areas are planned for sewer in the Draft Plan? MDP recommends stating the sewer policy for the growth areas within this discussion to clarify county-specific tier criteria.
- Pg. 342 also includes a helpful discussion about criteria underlying Tier 4 areas in the draft tier map. As noted on Pg. 341, SB236 requires areas planned or zoned for conservation to be designated Tier 4 if sewer is not planned. In addition to the statements about Rural Legacy Areas, Priority Preservation Areas, areas dominated by agriculture and forest, and land preservation easements, MDP recommends clarifying which areas are planned or zoned for conservation and, therefore, qualify for Tier IV where sewer is not planned. In particular, it would be helpful to understand the relationship between the proposed growth tiers and:

- 1) areas planned for Agriculture, Environmental Conservation, and Urban Open Space uses in Map 14-6 on Pg. 349 and
- 2) any areas zoned for conservation, such as certain rural zoning districts discussed on Pg. 344.

Having this clarity facilitates MDP's tier map reviews when jurisdictions clearly state sewer policies and other criteria used to develop the tier map. One option would be for the county to include a table that shows how the above areas relate to the tier designations along with any related notes to explain the county's reasoning.

**Maryland Department of Planning Review Comments
Draft Plan**

STATE AGENCY COMMENTS

The following are state agency comments in support of MDP's review of the draft plan. Comments not included here may be submitted under separate cover, or via the State Clearinghouse. If comments from other agencies are received by MDP, the department will forward them to Washington County as soon as possible.

Attachments

Page # 19: Maryland Department of the Environment

Page # 22: Maryland Department of Natural Resources

Page # 23 Maryland Department of Housing and Community Development

Page # 26: Maryland Historical Trust



Maryland

Department of the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Crumbles, Secretary
Horacio Tablada, Deputy Secretary

September 7, 2023

Mr. Joe Roger
Maryland Department of Planning
301 West Preston Street
Suite 1101
Baltimore, MD 21201

RE: Local Plan Review: Washington County, MD Comprehensive Plan 2040
MD202300726-0645

Dear Mr. Roger,

Below are the comments from the Maryland Department of the Environment regarding the above referenced project. Our response code is R1.

1. Any above ground or underground petroleum storage tanks, which may be utilized, must be installed and maintained in accordance with applicable State and federal laws and regulations. Underground storage tanks must be registered and the installation must be conducted and performed by a contractor certified to install underground storage tanks by the Land and Materials Administration in accordance with COMAR 26.10. Contact the Oil Control Program at (410) 537-3442 for additional information.
2. If the proposed project involves demolition – Any above ground or underground petroleum storage tanks that may be on site must have contents and tanks along with any contamination removed. Please contact the Oil Control Program at (410) 537-3442 for additional information.
3. Any solid waste including construction, demolition and land clearing debris, generated from the subject project, must be properly disposed of at a permitted solid waste acceptance facility, or recycled if possible. Contact the Solid Waste Program at (410) 537-3315 for additional information regarding solid waste activities and contact the Resource Management Program at (410) 537-3314 for additional information regarding recycling activities.
4. The Solid Waste Program should be contacted directly at (410) 537-3315 by those facilities which generate or propose to generate or handle hazardous wastes to ensure these activities are being conducted in compliance with applicable State and federal laws and regulations. The Program should also be contacted prior to construction activities to ensure that the treatment, storage or disposal of hazardous wastes and low-level radioactive wastes at the facility will be conducted in compliance with applicable State and federal laws and regulations.

5. Any contract specifying “lead paint abatement” must comply with Code of Maryland Regulations (COMAR) 26.16.01 - Accreditation and Training for Lead Paint Abatement Services. If a property was built before 1978 and will be used as rental housing, then compliance with COMAR 26.16.02 - Reduction of Lead Risk in Housing; and Environment Article Title 6, Subtitle 8, is required. Additional guidance regarding projects where lead paint may be encountered can be obtained by contacting the Environmental Lead Division at (410) 537-3825.

6. The proposed project may involve rehabilitation, redevelopment, revitalization, or property acquisition of commercial, industrial property. Accordingly, MDE’s Brownfields Site Assessment and Voluntary Cleanup Programs (VCP) may provide valuable assistance to you in this project. These programs involve environmental site assessment in accordance with accepted industry and financial institution standards for property transfer. For specific information about these programs and eligibility, please Land Restoration Program at (410) 537-3437.

7. The project may cause contaminated runoff from an animal feeding operation (AFO). Please contact the AFO Division at (410) 537-4423 to determine if this AFO will require registration under the General Discharge Permit for Animal Feeding Operations.

8. The project will result in increased numbers of confined animals at this animal feeding operation (AFO) and therefore necessitate registration under the General Discharge Permit for Animal Feeding Operations. Please contact the AFO Division at (410) 537-4423 to determine if this AFO will require registration under this permit.

9. Borrow areas used to provide clean earth back fill material may require a surface mine permit. Disposal of excess cut material at a surface mine may require site approval. Contact the Mining Program at (410) 537-3557 for further details.

10. Emissions from mobile sources are one of the primary contributors to both climate change and local air pollution, vehicles powered by electricity are one way to reduce the impacts of these emissions. A variety of funding initiatives are becoming available to allow for the faster adoption of electric vehicles, any funding opportunity that can help with this should be examined, especially for electric vehicle charging or refueling infrastructure.

11. The County’s Comprehensive Plan Water Resources Element chapter provides projected drinking water and sewer usages and capacities. The County’s 2009 Water and Sewerage Plan should be updated to incorporate this new information along with any improvements to provide drinking water or sewer.

12. Page 326: Typo in the header of Septic Denitrification

Please let me know if you have any questions or concerns.

Mr. Joe Roger
Page 3

Sincerely,

Amanda R. Redmiles
Interdepartmental Information Liaison
Maryland Department of the Environment



*Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
David Goshorn, Deputy Secretary*

Maryland Department of Planning
301 West Preston Street
Suite 1101
Baltimore, MD 21201

August 22, 2023

Memo: Draft Washington County Comprehensive 2040 Plan

To: Joe Roger
cc: Rita Pritchett

The Draft Washington Comprehensive Plan was distributed to appropriate contacts at the Maryland Department of Natural Resources and reviewed. Maryland DNR found the overall plan to be well-researched and comprehensive.

As always, thank you for the opportunity to review the draft plan. If you have any questions or need further information, feel free to reach out to me 443-534-4151 or christine.burns1@maryland.gov.

Best,
Christine Burns

August 14, 2023

Joseph Griffiths
Manager of Local Assistance and Training
Maryland Department of Planning
301 West Preston Street, 11th Floor
Baltimore, MD 21201

Dear Mr. Griffiths,

Thank you for the opportunity to review and comment on the Washington County Comprehensive Plan 2040 (the “Plan”). When reviewing plans, the Maryland Department of Housing and Community Development (“DHCD”) comments on items for which political subdivisions can strategically leverage DHCD’s resources to accomplish their housing and community development goals. DHCD also reviews comprehensive plans for consistency with relevant statutes and, if appropriate, Sustainable Communities Action Plans.

Overall, DHCD staff were impressed with the quality of the Plan. Staff in the DHCD Division of Neighborhood Revitalization reviewed the plan and provided the following comments, which are meant to help realize the Plan’s goals. We present the following in no particular order:

1. Washington County has seven areas designated as Sustainable Communities by the State of Maryland: Hagerstown, Fort Ritchie-Cascade, Boonsboro, Hancock, Sharpsburg, Smithsburg, and Williamsport. The housing and economic development components of the Plan are consistent with and build upon the respective communities’ Action Plans.
2. The DHCD’s Community Legacy Program grants could assist with the Plan’s stated goals to revitalize municipal downtowns and mainstreets. Planning staff can learn more about Community Legacy online at <https://dhcd.maryland.gov/Communities/Pages/programs/CL.aspx> or contact Sara Jackson at (410) 209-5812 or sara.jackson@maryland.gov.
3. DHCD can assist with home repairs that improve comfort, livability, and accessibility for homeowners through its Special Loan Programs. Planning staff and residents can learn more about these programs at <https://dhcd.maryland.gov/Residents/Pages/SpecialLoans.aspx> or contact the program directly at 301-429-7409 or DHCD.SpecialLoans@maryland.gov.
4. The Plan identifies a need to encourage infill development for which DHCD’s Strategic Demolition Fund (SDF) grants could assist. Planning staff can learn more about SDF

online at <https://dhcd.maryland.gov/Communities/Pages/programs/SDF.aspx> or contact Sara Jackson at (410) 209-5812 or sara.jackson@maryland.gov.

5. The Plan does not show that Washington County has conducted a point-in-time count to identify the total number of people experiencing homelessness in Washington County, and the Plan does not identify goals or actions regarding services for people experiencing homelessness. For information on DHCD's programs addressing homelessness, please see more online at <https://dhcd.maryland.gov/HomelessServices/Pages/GrantFunding.aspx> or contact the Homelessness Solutions Program Manager, Suzanne Korff, at 410-209-5850 or Suzanne.Korff@maryland.gov. Persons experiencing homelessness who need assistance should contact 301-797-4161.
6. The Plan identifies the community's needs with respect to income and poverty. Washington County or non-profits active in Washington County may be eligible to apply for discretionary Community Services Block Grant (CSBG) funds administered by DHCD in order to provide services for low-income individuals and families at or below 125% of poverty. Planning staff can learn more about CSBG programs online at <https://dhcd.maryland.gov/Communities/Pages/programs/CSBG.aspx> or contact the Poverty Solutions Team at 301-429-7525 or csbg.dhcd@maryland.gov.
7. The Plan identifies a need for affordable housing, including workforce and low-income housing. Portions of Washington County are within HUD Qualified Low-Income Housing Tax Credit (LIHTC) Census Tracts. If planning staff want to support further affordable housing development with LIHTC or other DHCD programs, information is available online at <https://dhcd.maryland.gov/HousingDevelopment/Pages/lihtc/default.aspx> or contact Edward Barnett, Director of Rental Lending, at 301-429-7740 or edward.barnett@maryland.gov.
8. A portion of Washington County is within a Maryland Mortgage Program ("MMP") target area and residents therefore have enhanced eligibility for the state's homeownership incentives. Planning staff and residents may learn more about Maryland's homeownership programs at <https://mmp.maryland.gov/pages/default.aspx>.
9. There are two Maryland-designated Main Streets in Washington County: downtown Hagerstown and downtown Williamsport. More information on the revitalization benefits associated with this designation can be found online at <https://dhcd.maryland.gov/communities/pages/programs/mainstreet.aspx> or by contacting Keith Mainhart at 410-209-5851 or keith.mainhart@maryland.gov.
10. The Plan identifies a need to support businesses in the County's urban cores. Info on DHCD's support for businesses can be found online at <https://dhcd.maryland.gov/Business/Pages/SmallBusinesses.aspx> or by contacting Mike Haloskey, Director of Business Lending Programs, at 301-429-7523 or Michael.Haloskey@maryland.gov.



1. The Plan identifies a need for infrastructure improvements that increase the town's overall safety. DHCD's Community Safety Works program is a potential resource to support these projects. More information on the program can be found online at <https://dhcd.maryland.gov/Communities/Pages/csw/default.aspx> or by contacting Todd Scott, Program Director, at 410-209-5818 or todd.scott@maryland.gov.
11. The Plan identifies a need to increase energy efficiency for buildings, including single-family and multifamily homes. DHCD has several programs that support energy efficiency, and more information on those programs can be found online at <https://dhcd.maryland.gov/Pages/EnergyEfficiency/default.aspx>.
12. The Plan does not identify whether there is a need to fill vacant commercial properties in Washington County. DHCD's Project Restore can be leveraged to attract and retain businesses that occupy vacant properties. More information on the program can be found online at <https://dhcd.maryland.gov/Pages/ProjectRestore/default.aspx> or by contacting the Program Manager at 410-209-5851 keith.mainhart@maryland.gov.
13. The Plan acknowledges its requirement to describe how Washington County has affirmatively furthered fair housing under HB 90 (2023). On Page 92, the Plan notes that a few of the County's mixed-income developments have accomplished the objectives identified in HB 90, but it does not explain how those developments meet the requirements of HB 90. The Plan should provide more detail on how these developments overcome patterns of segregation, foster inclusive communities, address disparities in opportunities and housing, and comply with civil rights and fair housing laws. For technical assistance in development of the Plan's Housing Element, please contact staff at the Maryland Department of Planning.

We in the Division of Neighborhood Revitalization look forward to continuing our productive partnership with Washington County in its future initiatives. Again, thank you for the opportunity to comment on the Plan. If you have any questions regarding the comments above, please contact me at carter.reitman@maryland.gov or 410-209-5849.

Sincerely,

Carter Reitman
Program Manager, State Revitalization Programs

Cc: Joe Rogers, Maryland Department of Planning
Sara Jackson, DHCD Division of Neighborhood Revitalization
John Papagni, DHCD Division of Neighborhood Revitalization





Maryland
DEPARTMENT OF PLANNING
MARYLAND HISTORICAL TRUST

August 25, 2023

Mr. David V. Cotton
ARC Program Manager
Director, Western Maryland Regional Office
Maryland Department of Planning
113 Baltimore St., Suite 302
Cumberland, MD 21502

Dear Mr. Cotton:

Thank you for the opportunity to review the draft Washington County Comprehensive Plan 2040 and submit comments on behalf of the Maryland Historical Trust (MHT). Overall, we appreciate the depth of information provided in the Historic Element (pp. 30-63) and the recommendations listed on p. 63. The specific comments listed below suggest some ways this content could be streamlined and/or clarified, and we have pointed out a few inaccuracies.

As a general matter, we recommend adding hyperlinks as well as additional maps of historic property distribution to the document to help orient readers. We also appreciate the inclusion of historic preservation goals throughout the rest of the plan and encourage you to cross-reference any recommendations related to historic preservation in the Historic Element chapter (for example, p. 139: "Investigate the creation of an inventory and ranking system of Rural Roads with scenic, historic or environmentally significant resources").

The most critical substantive comment is that MHT's Maryland Inventory of Historic Properties (MIHP) is a repository of information that can inform planning, but it should not be used as a regulatory tool. It is our understanding that the County does have a local designation process, but in several parts of the Historic Element (noted below), it reads as though the County is using the MIHP to regulate properties, rather than going through a local designation process prior to regulatory review by the historic district commission. I would be happy to discuss this further, as well as provide any additional technical assistance for this section, as desired.

p. 30 Please clarify "Their stewardship of the land prior to colonization left the County largely open and full of resources" - does this refer to developed agricultural land? Crops? Etc.

Recommend adding some details, to the extent possible, about the types of archaeological and cultural resources in the county connected to indigenous populations. (For example, were Native trails used as the foundation for later colonial transportation routes?)

Recommend adding a bit more information about the background of European settlers in the region during this period.

- p. 31 Readers may not know about the land grant system – who was conveying grants and for whom?

Recommend blending the “Transportation Networks” subsection (pp. 33-34) into the time-based sections, since transportation has such a central role in development.

- p.35 The box “What Makes a Resource Historic?” may not be clear to people who are unfamiliar with cultural resources. We suggest clarifying that historic and cultural properties can be archaeological or architectural; they may be cultural and historic landscapes, objects like or structures like bridges and dams, etc. (similar to what you have laid out on pp. 36-37). Whether or not those properties are considered “historic” or “significant” is based on certain criteria, most commonly the criteria for the National Register of Historic Places. We recommend linking to the program and referencing the subsequent National Register section. Properties may also be determined “historic” or “significant” as part of designation and regulation by a local historic preservation commission, such as the Washington County Historic District Commission.

In the “Defining Preservation” subsection, the use of the word “object” is unusual – recommend instead using “historic site/place/property.” Under “Restoration,” we may be able to help you find a local example, if desired. If not, please use “National Trust for Historic Preservation” instead of “National Historic Trust.”

- p. 36 The “Historic Inventories” section contains some of what we suggested for the “What Makes a Resource Historic?” box. Wherever this content is addressed, we recommend including the information and distinctions listed in the comment for p. 35.

Of the inventory list, please remove “Maryland Register of Historic Properties” - this term appears in legislation for specific programs but simply refers to properties listed in or determined eligible for listing in the National Register; it is not a term we generally use for the public. (For example, there is no way to Google or search Medusa for properties listed in the “Maryland Register of Historic Properties.”)

On the inventory list, we recommend that you add who is responsible for maintaining each item. In particular, please make clear that the National Register and the list of National Historic Landmarks are maintained by the National Park Service, although properties are evaluated first by the state through MHT. It may be helpful to provide hyperlinks to these different programs. Readers may explore both the National Register and the MIHP, as well as properties determined eligible for the National Register and MHT easement properties, through a map-based application on our website called [Medusa](#).

Please also add that Washington County has -- per the comment for p. 35 -- locally designated properties as well.

Please strike the sentence “Each of these inventories represents a different evaluation level of historical significance.” Typically inventories like the MIHP are not actually evaluated for historic significance, while designations like the National Register or local landmarks go through an evaluation process. This is an important distinction, as designations carry a range of regulatory implications.

“It is the goal of both the County and State to document resources to determine eligibility for the National Register of Historic Places. Therefore, the definition of a historic resource used by both is derived from the National Register guidelines.” This statement suggests that the local commission uses the National Register criteria to designate properties for regulatory purposes. This is good information, but perhaps could be stated more directly, especially as National Register designation (generally honorific, but with implications for project review and compliance) and local designation (regulatory) have different processes and effects.

- p. 38 Similarly, the National Register subsection states that the goal of the county and state is to document all properties for National Register evaluation. While this is one goal, many culturally significant properties will not meet National Register criteria, and the documentation of these properties is still important. We recommend also striking the sentence about period of significance, as this is a challenging concept even for professionals. Otherwise, the first paragraph describing the National Register is helpful. We note that the rest of the subsection, while accurate, provides more information about the National Register than may be necessary for the purposes of this plan.
- p. 39 Please retain the list of National Register properties in the county but change “National Historic Registry” to “National Register.”
- p. 40 As per previous, recommend removing the section on the “Maryland Register” and simply noting in the National Register section that properties listed or determined eligible for listing are typically (not always) treated the same way by federal and state regulatory reviews and financial incentive programs.

Please change the subsection “National Historic Properties” to “National Historic Landmarks” (NHLs) and indicate that this list, like the National Register, is maintained by the National Park Service and evaluated according to federal criteria. There are typically no regulatory differences in treatment for NHLs compared to National Register-listed properties. However, some financial incentive programs may privilege sites designated as NHLs.

- p. 41 Please use “MIHP” not “the Inventory” as the shorthand for the Maryland Inventory of Historic Properties. Please make clear that the MIHP is separate from the National Register, although properties may be documented in both, and both sets of data are visible – and searchable – in Medusa. As noted previously, the primary distinction is that

properties in the MIHP have not been evaluated, unless they have a formal determination of eligibility or an additional National Register listing. Their inclusion in the MIHP is simply for informational and planning purposes and has no bearing on regulation or financial incentives.

It is very helpful to state that the County uses the MIHP as its local inventory. However, we note that the Washington County Historic District Commission web page refers to a “Historic Sites Survey” - is this the same as the MIHP? Or is that another catalogue of data that should be presented here?

- p. 43 Please add a section on Washington County locally designated historic sites (that is, sites that have been designated as historic by the local government) and what this designation means in terms of regulatory review.
- p. 44 Much of the “Policies, Programs and Regulations” subsection could probably be pared down, eliminated, and/or combined with other sections. At a minimum, we recommend removing the content related to the National Trust – which, as you note, has no properties in the County – as well as the Advisory Council, since most readers and users of the plan will never interact with this body. The section on State Historic Preservation Officers could be combined with the section on MHT (p. 45) and the section on the National Register and 106 review can be pared down and added to the National Register section (the state also reviews state projects for impacts to historic properties, based on the same criteria as federal projects).
- p. 45 Please use “MHT” as shorthand for the Maryland Historical Trust instead of “the Trust.” You do not need to list out these key programs of MHT, as you have already covered them previously. However, you might add that MHT administers financial incentives, including tax credits, grants, and loans for qualifying properties and projects. Recommend also adding information about MHT preservation easements, which can impact the treatment of historic properties.

Recommend creating a separate subsection for the Maryland Heritage Areas Authority (MHAA) and the content in the plan related to the Maryland Heritage Areas Program. MHAA is an entity distinct from MHT but administered by MHT staff.

- p. 48 Recommend adding a subsection on federal and state parks with historic and cultural properties.

Under the Certified Local Government (CLG) subsection, recommend changing “Eligibility to compete for funds to conduct projects that promote preservation, CLG sub-grant funds, ability to participate in the CLG Educations Set Aside Program” to “Eligibility to compete for funds to conduct projects that promote preservation” and (separately) “Eligibility to receive funds annually for commission training and education.”

Please note that CLG evaluations take place every four years, not annually. CLGs are required to submit an annual report on activities, but this does not necessarily need to be included in the plan.

- p. 49 Please explain the difference between the Historic Advisory Committee and the Historic District Commission.

Historic District Commission subsection: please see comment above for p. 43, regarding locally landmarked (designated) properties. Have these properties listed gone through a local landmarking process? Can other properties be put forward for designation? Etc.

“In addition, applications affecting properties on the Maryland Inventory of Historic Properties (MIHP) are also reviewed.” Please clarify how the commission uses the MIHP and that it does not use the MIHP as a basis for design review. If you have questions about this, please reach out to me to discuss.

See previous comments: are the “Washington County Historic Sites” the same as the Washington County sites listed in the MIHP?

- p. 50 Consider indicating which rural villages are Historic Rural Villages and which have Rural Village zoning on Map 5-2. Recommend explaining more about what the Rural Village zoning classification means.

Ditto comment above regarding the MIHP: it should not be used for regulatory purposes.

- p. 57 Economic Benefits subsection: recommend combining sections on tax credits into a single subsection, as well as sections on MHAA/heritage tourism, and eliminating this subsection.

- p. 59 The Challenges subsection mentions that there are 50 identified rural villages; it would be helpful to have those mapped in addition to the ones on Map 5-2.

Recommend changing the references to Table 3 and Table 4 to, respectively, 5-3 and 5-4.

Please clarify: does “Adoption of the resulting surveys” mean local designation by the historic district commission?

Please clarify: what does “properties listed individually” mean? Listed in the National Register?

Please use “MHT’s *Standards and Guidelines for Architectural and Historical Investigations in Maryland*” instead of “MHT Guidelines and Standards.”

“The MIHP is meant to catalog what exists that is older 50 years and examine it for National Register qualification.” This may have been true at one point, but the vision for

the MIHP has expanded over time. Recommend something closer to “The MIHP compiles information on historic and cultural properties sufficient to evaluate them for National Register eligibility.” That is not the only purpose of the MIHP, but it does affect what and how resources are recorded.

- p. 63 We would love to see one or more recommendations for an expansion in locally designated properties, if possible.

Thank you again for the opportunity to comment on the plan. If you have any questions, please contact me at (410) 697-9592 or by email at nell.ziehl@maryland.gov.

Sincerely,

A handwritten signature in cursive script that reads "Nell Ziehl".

Nell Ziehl
Chief, Office of Planning, Education and Outreach

cc: Joseph Griffiths, MDP
Rita Pritchett, MDP