

## **VI. Text Amendment**

As the next item of business, the Planning Commission reviewed a proposed text amendment application associated with §ZS 1-318 Campgrounds, requesting a modification of the occupancy provisions for campground subdivisions only. Present for the review were Hugh Cropper, IV, Esquire, Susan Napachowski and Sally Connolly. Mr. Cropper stated that he represents a group of concerned citizens in White Horse Park, led by Ms. Napachowski and Ms. Connolly. Mr. Cropper referenced the staff report, noting that staff found that affordable, small scale housing was needed in Worcester County, but that the campground subdivision regulations shouldn't be

modified. Mr. Cropper claimed that he's tried to do affordable housing in many forms but has been denied as it takes too long to go through Residential Planned Community process - 1 year 3 months – and the sewer rates are astronomical, so projects are no longer affordable. He stated that the Diakonia text amendment took so long that they ran out of steam.

Generally, Mr. Cropper stated that he would eliminate the age limitation if that causes staff heartburn. He reiterated the requested language for the Planning Commission. Mr. Cropper noted that there were only two campground subdivisions in Worcester County, White Horse Park and Assateague Point, and the Zoning Code says no new campground subdivisions are allowed, therefore this amendment won't set a precedent. Mr. Cropper wanted to remind the Planning Commission that they can ensure that the special exception is particular only to the occupants, so that if they leave or sell their homes, then the approval is no longer applicable. Mr. Cropper said that many of these residents have lived in White Horse Park for more than 30 years and have nowhere else to go. There are limitations on the size of the units, and he referenced Frank Adkins' comments that state if the roads work on 4<sup>th</sup> of July weekend, it will work in the off-season. Mr. Cropper said that there are plenty of sub-standard roadways throughout Worcester County that support residential development. Mr. Cropper referenced Mr. Mitchell's comments regarding the potential to overload the sanitary sewer system, and called it a bunch of bull, as he claimed 116 people in White Horse Park are not going to overload the entire Ocean Pines Sanitary Sewer System.

Mr. Cropper introduced Ms. Napachowski, who purchased a unit in 2001 then moved to White Horse Park full-time in 2009. She took the job as park manager at that time and was in the position for five years. Allegedly, the park board told Ms. Napachowski that in order to take the job, she had to live there full-time. She claimed that no one from the county told her that she couldn't live there full-time when she moved in. Mr. Bill Gibson has lived in White Horse Park full-time since 1989. He replaced his home in 2005, and a building permit was issued for a 750 square foot unit. Mr. Gibson stated that if he was not allowed to live there in the winter any longer, he has no place to go. Mr. Bob Raymond said he has also lived there year-round since 2004. Mr. Gibson said that he purchased his lot in 2001, and in 2004 he replaced the unit with a park model and a Florida room. Mr. Raymond said that the park office provided advice on how to permit the replacement, and recommended Lee Williams and Dave Howard. Mr. Raymond allegedly asked Mr. Williams whether he could live there year-round, and said he was told he could. Additionally, he claimed that Mr. Williams told him that the restriction on year-round occupancy was long gone, and that he himself was a resident. He too said he had nowhere to go if the County were to enforce this requirement. Ms. Patricia Reagan is a recent full-time resident. She moved to White Horse Park in 2015, full-time after she retired as a school teacher. She stated that she was on a fixed income, and claimed that the notice from the county was the first time that the residents were told they couldn't live there year round. She noted several disabilities that she had and that she felt secure in a gated community like White Horse Park. She spent her entire pension to purchase the unit outright without a mortgage. Overall, it was noted that the majority of the residents present at the meeting live in White Horse Park full-time and they cannot find another home if they were told to leave. Ms. Betsy Metsger stated that she

recently moved in to White Horse Park full-time at end of 2016. Her home consists of 726 square feet. She guessed that there were about 50 full-time residents at this point.

The main concerns that were voiced were a lack of anywhere else to go if the current regulations were enforced and security issues for unoccupied structures from vandalism and similar destruction. Mr. Cropper said that his clients understood that they would still have to go before the Board of Zoning Appeals for approval of this use for these individuals, and the sewer issues would need to be figured out. He said that if Assateague Point can't get sewer, the proposed amendment wouldn't even affect them. He believes that the language is so narrowly tailored that it will not tear apart the fabric of our society, nor will the world come to an end if these individuals are allowed to live there year-round.

Mr. Diffendal asked if there was anyone in the room that was opposed to it. Mr. Troy Purnell was present on behalf of the Board of Directors for Assateague Point and stated that they were opposed to the text amendment. The reasons were that the owners bought lots in a vacation community, their dues and other fees would go up for maintenance purposes. Mr. Purnell noted that there are a few people who reside there year-round, but the Board of Directors is diligent about sending those lot owner's letters and enforcing the law.

Mr. Diffendal asked staff how this issue came to a head. Mrs. Wimbrow stated that the County has dealt with the issues relative to year-round occupancy in White Horse Park for many years. Mr. Tudor said that the law says that notes relative to limited occupancy must be in the transfer documents, so if these residents were selling or buying property without that clause, it would be in violation of the law. Ms. Howarth stated that most recently, the County Commissioners received a complaint regarding year-round occupancy, they discussed it, and took action. She stated that White Horse Park was able to self-regulate through this past winter and current summer season, and then the County Commissioners would go from there. Mr. Diffendal asked if the costs for all of the bills (sewer, water, electric, etc.) would be subsidized by those who do not live there year round since they only have one meter. Would they be required to get individual meters? John Ross, Deputy Director of the Department of Public Works stated that the County doesn't own infrastructure within the park, just up to the property line. There is a master bill, and the park pays it. He is unsure how the park determines who pays for what services. Mr. Mitchell stated that he addressed this issue in his comments and he noted other concerns.

Mrs. Wimbrow stated that her concerns were that opening a campground to year round occupancy will lead to other campgrounds seeking the same provision. She doesn't think that developing regulations to retrofit an existing campground is appropriate. Mrs. Wimbrow also stated that she received several emails from individuals who were opposed to the request, but wishing to be anonymous for fear of retribution.

Mr. Barbierrri asked whether the limited occupancy restriction was currently in the Homeowners Association documents, which staff and Mr. Cropper confirmed was the case. Mr. Knerr asked how these regulations would be enforced in the future, since they couldn't enforce the law currently? Mr. Cropper said that is an enforcement issue that the Planning Commission would

have to consider. Ms. Smith asked if the people on the fixed income could afford the additional metering cost if individual meters were required. A resident stated that they pay the same tax rate as anyone else in the County. Another resident said they had more issues with short term rentals, not year-round occupancy.

Mrs. Wimbrow said that rather than amend or retrofit the campground subdivision regulations, perhaps consideration should be given to another type of residential planned community that lent itself to more affordable housing with the use of reduced lot requirements and smaller residential units.

Following the discussion, a motion was made by Mr. Barbierrri, seconded by Mr. Knerr, and carried unanimously to postpone a recommendation on this matter and present further discussion at an upcoming meeting.