



FOR PLANNING COMMISSION USE ONLY

Rezoning No. _____

Date Filed: _____

WASHINGTON COUNTY PLANNING COMMISSION ZONING
ORDINANCE MAP AMENDMENT APPLICATION

JOHN HALTEMAN

Applicant

☒ Property Owner ☐ Contract Purchaser

☐ Attorney ☐ Consultant

☐ Other: _____

12635 FLYING DUCK LN, CLEAR SPRING MD 21722

Address

ED SCHREIBER

FSA

Primary Contact

301-791-3650

Phone Number

128 S. POTOMAC ST, HAGERSTOWN MD 21740

Address

ESCHREIBER@FSA-INC.COM

E-mail Address

Property Location: 12635 FLYING DUCK LANE, CLEAR SPRING, MD 21722

Tax Map: 35 Grid: 8 Parcel No.: 58 Acreage: 50.28

Tax Account ID: 23003414

Current Zoning: A(R) Requested Zoning: RB OVERLAY

Reason for the Request: ☐ Change in the character of the neighborhood

☐ Mistake in original zoning

☒ FLOATING ZONE

PLEASE NOTE: A Justification Statement is required for either reason.

[Signature]

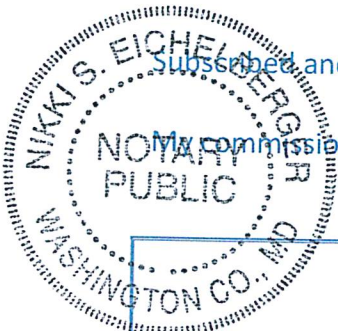
Applicant's Signature

Subscribed and sworn before me this 20 day of May, 20 24

My commission expires on 9/15/2024

Nikki S. Eichelberger

Notary Public



FOR PLANNING COMMISSION USE ONLY

☒ Application Form

☒ Fee Worksheet

☒ Application Fee

☒ Ownership Verification

☒ Boundary Plat (Including Metes
& Bounds)

☒ Names and Addresses of all Adjoining
& Confronting Property Owners

☒ Vicinity Map

☒ Justification Statement

☒ 30 copies of complete Application
Package



WASHINGTON COUNTY DEPARTMENT OF
PLANNING & ZONING FEE WORKSHEET

FOR PLANNING COMMISSION USE ONLY

Rezoning No. _____

Date Filed: _____

PLEASE COMPLETE ONLY THE
SECTION THAT APPLIES.

Applicant's Name: John Halteman

Date: July 2, 2024

Zoning Ordinance Map Amendment \$ 2,000.00
Number of Acres * 6.82 x \$20.00 [1 acre minimum]
per acre \$ 136.40

Engineering Review Fee \$ 150.00

Technology Fee \$ 15.00

TOTAL FEES DUE – MAP AMENDMENT \$ 2,301.40

*Minimum charge of \$20.00 [if less than one acre]

Text Amendment \$ 2,000.00
Choose One: ☐ Adequate Public Facilities Ordinance
☐ Forest Conservation Ordinance
☐ Solid Waste Plan
☐ Subdivision Ordinance
☐ Zoning Ordinance
☐ Other: _____

Technology Fee \$ 15.00

TOTAL FEES DUE – TEXT AMENDMENT \$ 2,015.00

Water and Sewer Plan Amendment \$ 2,000.00
Technology Fee \$ 15.00

TOTAL FEES DUE – WATER AND SEWER PLAN AMENDMENT \$ 2,015.00

Forest Conservation Exemption \$ 25.00
Technology Fee \$ 15.00

TOTAL FEES DUE – FOREST EXEMPTION \$ 40.00

Please make checks payable to "Washington County Treasurer".

Real Property Data Search ()
Search Result for WASHINGTON COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
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Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Account Identifier: District - 23 Account Number - 003414

Owner Information

Owner Name:	HALTEMAN JOHN & HALTEMAN LISA	Use: AGRICULTURAL Principal Residence: YES
Mailing Address:	12635 FLYING DUCK LN CLEAR SPRING MD 21722-1727	Deed Reference: /03800/ 00346

Location & Structure Information

Premises Address:	12635 FLYING DUCK LN CLEAR SPRING 21722-0000	Legal Description: LOT 1 50.28 ACRES 12635 & 12640 FLYING DUCK LANE N/S US RT 40
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Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0035	0008	0058	23010027.22	0000			1	2024	9728
									Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1900	5,393 SF		50.2800 AC	

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	YES	STANDARD UNIT	SIDING/	4	4 full		

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2024	07/01/2023	07/01/2024
Land:	128,100	148,100		
Improvements	411,700	635,500		
Total:	539,800	783,600	539,800	621,067
Preferential Land:	18,100	18,100		

Transfer Information

Seller: HALTEMAN STANLEY H	Date: 12/29/2009	Price: \$326,700
Type: ARMS LENGTH IMPROVED	Deed1: /03800/ 00346	Deed2:

Seller: HALTEMAN GERALD H &	Date: 06/21/2005	Price: \$702,500
Type: NON-ARMS LENGTH OTHER	Deed1: /02693/ 00127	Deed2:

Seller: HALTEMAN STANLEY H ET AL	Date: 06/21/2005	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /02693/ 00122	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Homestead Application Information

Homestead Application Status: Approved 09/21/2010

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

3800 0346

CLERK OF CIRCUIT COURT
WASHINGTON COUNTY

D E E D

THIS DEED, Made this 29 day of December, 2009, by
STANLEY H. HALTEMAN, (hereinafter "Grantor").

WITNESSETH: That for the Monetary Consideration of
THREE HUNDRED TWENTY-SIX THOUSAND SEVEN HUNDRED DOLLARS AND ZERO
CENTS (\$326,700.00) and other good and valuable consideration,
the receipt and sufficiency of which are hereby acknowledged,
the said Grantor, does hereby grant and convey unto JOHN
HALTEMAN and LISA HALTEMAN, his wife, their heirs, personal
representatives and assigns, all that lot or parcel of land,
together with the improvements thereon situate in Election
District No. 23 in Washington County, Maryland, containing 50.28
acres of land, more or less, and being graphically depicted as
"Lot 1" on a subdivision plat entitled "Preliminary/Final Plat
of Subdivision Parcel A for John Halteman situated along the
North side of National Pike (U.S. Route 40) Washington County,
Maryland," which subdivision plat is recorded among the plat
records of Washington County, Maryland at Plat Folio 9728, et
seq.

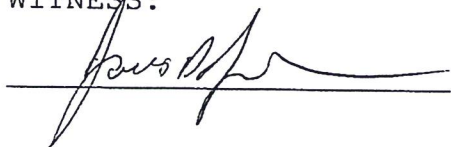
Being a part of the same parcel of land which by deed dated
June 21, 2005, and recorded among the land records of Washington
County, Maryland at Liber 2693, folio 127, was granted and
conveyed from Gerald H. Halteman to Stanley H. Halteman.

The above described property is hereby conveyed subject to
any and all applicable conditions, restrictions, covenants,
limitations, rights of way, streets, alleys, reservations,
easements, and appurtenances of record.

And the said Grantor does hereby covenant that he will
warrant specially the property hereby conveyed, except as to the
aforesaid conditions and restrictions, and that he will execute
such other and further assurances thereof as may be requisite.

WITNESS my hand and seal the day and year first above
written.

WITNESS:



 (SEAL)
STANLEY H. HALTEMAN

On 12/29/2009 Verified

CLERK OF CIRCUIT COURT
WASHINGTON COUNTY

STATE OF MARYLAND, WASHINGTON COUNTY, to-wit:

I HEREBY CERTIFY, that on this 29 day of December, 2009, before me a Notary Public in and for the State and County aforesaid, personally appeared STANLEY H. HALTEMAN personally known to me or proven to be the person whose name is subscribed to the foregoing Deed and who did acknowledge in due form of law that the foregoing Deed was his true and valid act, and he further acknowledges that he is a resident of the State of Maryland.

WITNESS my hand and Official Notarial Seal.

My Commission Expires: 5/23/13

Notary Public

James D. Johnson, Jr.
Notary Public
Washington County
Maryland

AFFIDAVIT

The undersigned each state under oath and penalties of perjury that the following is true to the best of their knowledge, information and belief.

1. The undersigned are Grantees of real property located and known as Lot 1, North Side National Pike, Clear Spring, Maryland and being part of a parcel with a Tax I.D. No. 23-003414, Washington County, Maryland.

2. The undersigned are first-time Maryland home buyers (defined as an individual who has never owned in the State residential real property that has been the individual's principal place of residence) who will occupy the property as her principal residence.

Lisa Halteman
LISA HALTEMAN

John Halteman
JOHN HALTEMAN

The above oath or affirmation was given under the penalties of perjury before me, a Notary Public in and for the State of Maryland, County, of Washington, this 29 day of December, 2009.

My Comm. Exp. 5/23/13

Notary Public

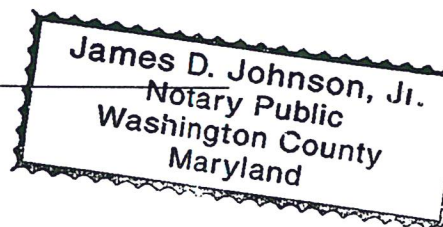
James D. Johnson, Jr.
Notary Public
Washington County
Maryland

CLERK OF CIRCUIT COURT
WASHINGTON COUNTYAFFIDAVIT CONCERNING
RECORDATION TAXES

The undersigned JOHN HALTEMAN and LISA HALTEMAN, hereby declare and affirm under the penalties of perjury as follows. They intend to use Lot 1, North Side of National Pike, Clear Spring, Washington County, Maryland, as their principal residence by actually occupying the residence for at least seven (7) months of a twelve (12) month period. They further state that under the Contract of Sale by which they are buying the within property, they are legally obligated and will pay all recordation taxes, if any, imposed by Title 12, Tax Property Article, Annotated Code of Maryland.

Lisa Halteman
LISA HALTEMAN

John Halteman
JOHN HALTEMAN



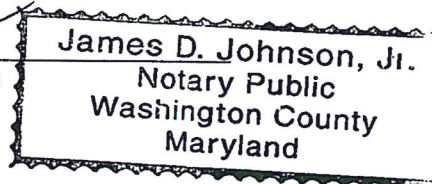
STATE OF MARYLAND, COUNTY OF WASHINGTON , to wit:

I hereby certify, that on this the 29 day of December, 2009 before the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared LISA HALTEMAN and JOHN HALTEMAN, known to me, or satisfactorily proven to be the persons whose names are subscribed to the within instrument, who acknowledged that they executed the Affidavit Concerning Recordation Taxes as their voluntary act and deed.

IN WITNESS WHEREOF, I hereunto set my hand and Official Notarial Seal.

My Comm. Expires: 5/23/13

James D. Johnson, Jr.
Notary Public



STATE OF MARYLAND, WASHINGTON COUNTY, to-wit:

I HEREBY CERTIFY, that on this 29 day of December, 2009, before me a Notary Public in and for the State and County aforesaid, personally appeared John Halteman and Lisa Halteman, personally known to me or proven to be the persons whose names are subscribed to the foregoing Deed and who did acknowledge in

3800 0349

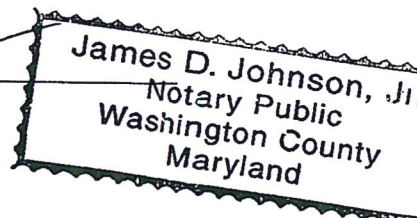
CLERK OF CIRCUIT COURT
WASHINGTON COUNTY

due form of law that the foregoing affidavit was their true and valid act.

WITNESS my hand and Official Notarial Seal.

My Commission Expires: 5/23/13

Notary Public



This is to certify that the within instrument was prepared by or under the supervision of the undersigned an attorney duly admitted to practice before the Court of Appeals of Maryland.

James D. Johnson, Jr.

MAIL TO:
James D. Johnson, Jr., Esquire
Post Office Box 529
Hagerstown, MD 21741-0529

MP FD SURE 2	20.00
RECORDING FEE	20.00
RECORDATION T	965.20
TR TAX STATE	816.75
TOTAL	17821.95
Rest NAB1	Receipt # 74529
DJW SB	Blk # 1205
Dec 29, 2009	12:07 PM

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Washington County

By R Dub 12.29.09
Date

TODD L. HERSHEY, TREASURER
TAXES PAID December 29, 2009
RJB

AGRICULTURE TAX \$ No Ag Tax Due
ACREAGE 184.92
CLERK R Dub 12.29.09

20-00
20-00
965.20
816.75
17821.95

Validation No Ag Tax Due
12.29.09

(Type or Print in Black Ink Only—All Copies Must Be Legible)

Space Reserved for Circuit Court Clerk Recording Validation

Space Reserved for County Validation

Distribution: White - Clerk's Office
Canary - SDAT
Pink - Office of Finance

July 8, 2024

Description of lands for the business overlay zone for John Halteman

Beginning at a point at the end of the N 83°50'40" W 374.24 feet line of the remaining lands of Halteman as shown on a Preliminary / Final Plat of Subdivision for Lot 1 and Parcel A for John Halteman and recorded at Plat folio 9728, thence running in a clockwise direction and with bearings and distances to define the limits of the rural business overlay zone, N 82°29'51" W 16.34 feet to a point, thence N 20°53'49" W 143.26 feet to a point, thence N 21°56'46" E 151.17 feet to a point, thence N 61°03'48" W 131.24 feet to a point, thence S 21°29'48" W 101.69 feet to a point, thence N 37°01'22" W 249.21 feet to a point, thence N 31°32'10" E 357.75 feet to a point, thence N 24°30'00" E 126.51 feet to a point, thence N 18°51'20" E 155.88 feet to a point, thence N 45°12'09" W 49.43 feet to a point, thence N 23°49'15" E 42.54 feet to a point, thence S 71°25'40" E 347.07 feet to a point, thence S 23°58'01" W 506.53 feet to a point, thence S 64°47'41" E 133.01 feet to a point, thence S 21°28'41" W 491.76 feet to a point, thence N 84°07'12" W 22.74 feet to the place of beginning;

Covering 6.82 acres of land more or less;

Said business overlay zoning laying within the boundary of the lands conveyed by Stanley H. Halteman to John Halteman and Lisa Halteman by deed dated December 29, 2009 and recorded at Deed Book 3800, page 346 among the Land Records of Washington County, Maryland.

FMF/vab.5687 business overlay desc



July 8, 2024

Maryland Department of Transportation

Zoning Ordinance Map Amendment

12635 Flying Duck Lane, Clear Spring MD 21722

Applicant: John & Lisa Halteman

Adjoining Property Owners

Tax Account Number: 23-009838

Tax Map/Parcel: 35/60

Property Address: 12614 Flying Duck Lane

Owner(s): Cropland LLC

Mailing Address: 12640 Flying Duck Lane, Clear Spring, MD 21722

Tax Account Number: 23-017482

Tax Map/Parcel: 35/438

Property Address: 14234 National Pike

Owner(s): St Pauls United Church of Christ c/o Mike Hull

Mailing Address: 13254 Gruber Road, Clear Spring, MD 21722

Tax Account Number: 23-010348

Tax Map/Parcel: 35/359

Property Address: 12620 Flying Duck Lane

Owner(s): Robert & Pamela Starliper

Mailing Address: 12620 Flying Duck Lane, Clear Spring, MD 21722

Tax Account Number: 23-017512

Tax Map/Parcel: 35/59

Property Address: National Pike

Owner(s): St Pauls Cemetery Co of Washington County

Mailing Address: PO Box 582, Clear Spring, MD 21722

Tax Account Number: 23-004038

Tax Map/Parcel: 35/410

Property Address: 12715 St Paul Road

Owner(s): Vincent John Jr & Tami Gesiskie

Mailing Address: 6 Glenhurst Ct, North Potomac, MD 20878

Tax Account Number: 23-003406

Tax Map/Parcel: 35/57

Property Address: National Pike

Owner(s): Cropland LLC

Mailing Address: 12640 Flying Duck Lane, Clear Spring, MD 21722

Tax Account Number: 23-0022680

Tax Map/Parcel: 35/550

Property Address: National Pike

Owner(s): Cropland LLC

Mailing Address: 12640 Flying Duck Lane, Clear Spring, MD 21722

Tax Account Number: 23-009900

Tax Map/Parcel: 35/61

Property Address: Flying Duck lane

Owner(s): Cropland LLC

Mailing Address: 12640 Flying Duck Lane, Clear Spring, MD 21722

Tax Account Number: 23-002124

Tax Map/Parcel: 35/229

Property Address: 14245 National Pike

Owner(s): Clear Spring Farm LLC

Mailing Address: 278 Hawthorn Ave, Glencoe, IL 60022-1707

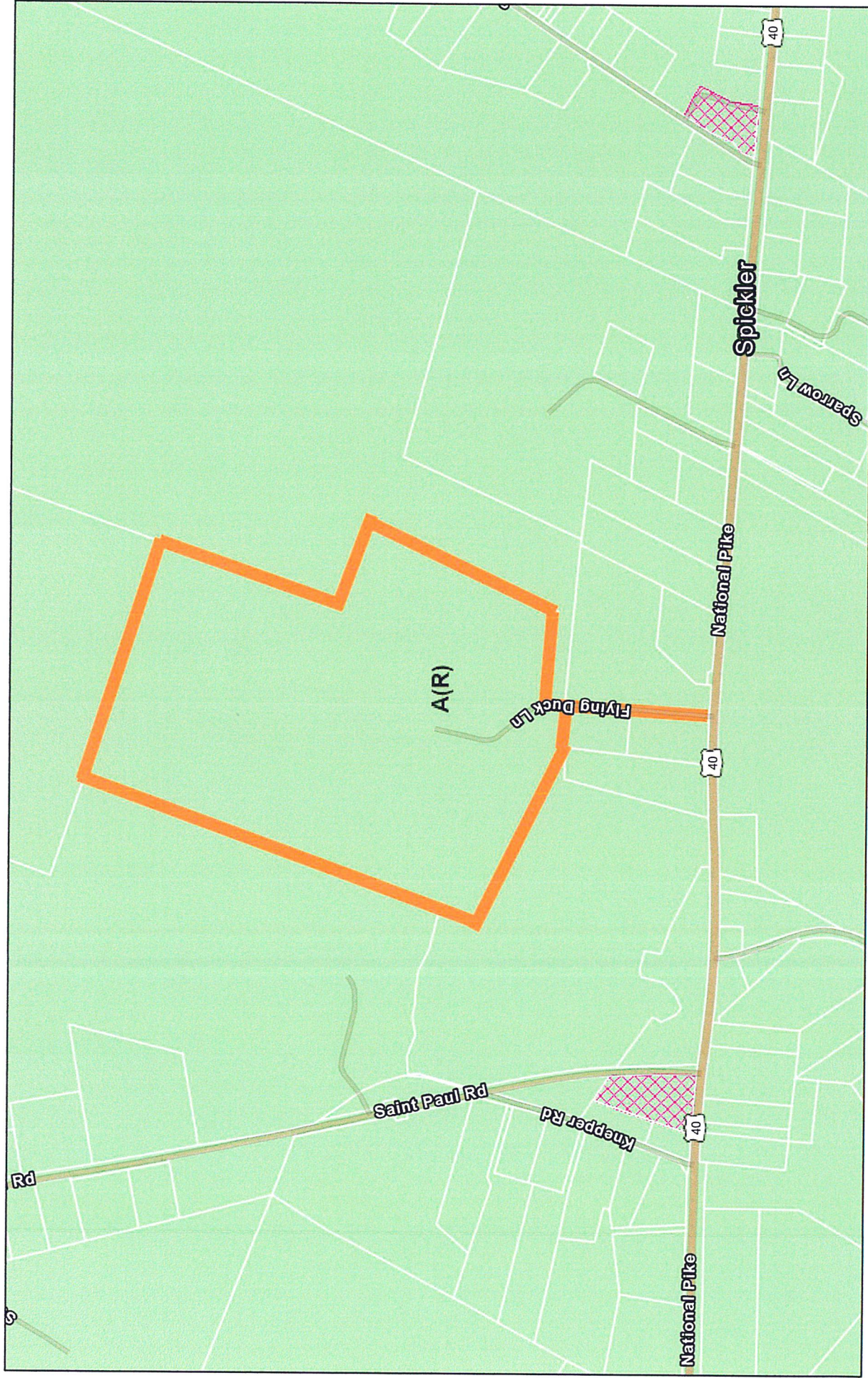
Tax Account Number:

Tax Map/Parcel:

Property Address:

Owner(s):

Mailing Address:



5/24/2024, 8:10:30 AM

VICINITY MAP
WITH ZONING

1:9,028

World Transportation Parcels Washington County Zoning Overlay

MD_SixInchImagery Zoning

 Rural Business

 Agricultural (Rural)

Esri Community Maps Contributors, WashCo MD, West Virginia GIS, ©
OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph,

July 2, 2024

Board of County Commissioners
Planning Commission
Washington County, Maryland
100 West Washington St
Hagerstown, MD 21740

RE: Zoning Map Amendment Application for 12635 Flying Duck Lane
Request for Rural Business (RB) Overlay Zone

Honorable County Commissioners and Planning Commission:

On behalf of our client John & Lisa Halteman (Applicant), owners of the 50.28 acres located on the north side of US 40 west of Hagerstown, 12635 Flying Duck Lane, Clear Spring, 21722, Tax Map 35, Grid 8, Parcel 58, Tax ID# 23-003414, we offer the following justification statement in support of our request for application of the Rural Business District (RB) Overlay/Floating Zone to the property. The area associated with this rezoning request is 6.82 acres and is more specifically designated on the Preliminary Site Plan Rezoning Exhibit.

The property is currently zoned A(R) Agriculture (Rural) and is improved with two (2) dwellings, numerous Ag buildings and outbuildings with the farming complex existing since the late 1800's. Like many farms in Washington County, various Ag related uses evolved on the property over the years. While in the Halteman family, the primary use has been agriculture on the subject property and surrounding properties owned by the Applicant. Other businesses such as a wood planer shop, agricultural equipment rental, outdoor woodstove sales and produce sales have developed. Most recently sales of cemetery monuments has become a potential revenue source. The Applicant operates all of these businesses with three (3) employees who are not family members. Not all businesses are extremely busy throughout the year which allows the employees to work different facets of each business as needed. With the exception of produce sales all existing businesses are wholesale or customer by appointment. The produce store has a paved parking lot with handicapped accessible parking spaces. The Applicant would like to convert a portion of the produce store into a sales/display area for cemetery monuments. This business would serve the needs of the community and adjacent St Paul's Cemetery. The Applicant would continue operate these businesses with no additional employees in the foreseeable future.

Granting the request would allow the Applicant to continue to provide the goods and services to the agricultural community that they have over the years plus sales of cemetery monuments. There would be no adverse impacts on surrounding properties related to noise, traffic, dust or fumes that would not otherwise be typical in a rural/agricultural setting. As mentioned in the Purpose statement of the RB District, the existing uses would "support the agricultural industry and farming community along with serving the needs of the rural residential population".

Below in bold type are the relevant provisions from the Washington County Zoning Ordinance with responses following each provision:

ARTICLE 5E- "RB" RURAL BUSINESS DISTRICT

Section 5E.4 Criteria

(b) The RB Floating Zone District may be newly established at a particular location if the following criteria are met.

- 1. The proposed RB District is not within any designated growth area identified in the Washington County Comprehensive Plan.**

RESPONSE: The property is NOT within any designated growth area identified in the Washington County Comprehensive Plan.

- 2. The proposed RB District has safe and useable road access on a road that meets the standards under the "Policy for Determining Adequacy of Existing Roads." In addition a traffic study may be required where the proposed business, activity or facility generates 25 or more peak hour trips or where 40% of the estimated vehicle trips are anticipated to be commercial truck traffic;**

RESPONSE: The property has a safe and useable access onto US Route 40 otherwise known as National Pike. The County Comp plan designates this road as a Minor Arterial and is maintained by the MD SHA. Several of the businesses currently on the property use the existing access and combined peak hour trips will not exceed the reference policy document.

- 3. Onsite issues related to sewerage disposal, water supply, stormwater management, floodplains, etc. can be adequately addressed; and**

RESPONSE: The site is currently improved with several uses such as agriculture and associated buildings, rental of agricultural equipment, a wood planer shop and other small retail sales offices that are by appointment only. Some of the agricultural buildings have been there for over 100 years. More recent construction of pole buildings etc have gone through the permitting process, including Stormwater Management review. The uses are seasonal and there are only 3 employees for all of the operations. With the exception of the produce stand, customers are by appointment only. With limited use, the existing well and septic systems are in good condition. Floodplain does exist on the property however it is not near the uses.

- 4. The location of an RB District would not be incompatible with existing land uses, cultural or historic resources, or agricultural preservation efforts in the vicinity of the proposed district.**

RESPONSE: As stated previously, several of the uses have been on the site for decades and have served the community well. Several of the uses serve the agricultural community as well as the general public. The proposed use of Monument Sales will complement the adjacent St. Paul's Cemetery. The uses are compatible with the surrounding uses and complement one another.

Section 27.3 Factors to be considered in a request for a map amendment.

In order for an amendment, modification, repeal, or reclassification of such district as herein provided, the local legislative body shall make findings of fact in each specific case including , but not limited to, the following matters:

- (a) The report and recommendation of the Planning Commission.**

RESPONSE: Acknowledged

- (b) Population change in the area of the proposed change.**

RESPONSE: According to census.gov, April 1, 2010 population in Washington County was 147,430 and estimate for July 1, 2022 was 155,590. An increase of 8,160 persons or 5.5%

- (c) Availability of public facilities in the area.**

RESPONSE: The property is served by US route 40 (National Pike) a MD SHA maintained road with private water & septic systems.

- (d) Present and future transportation patterns in the area.**

RESPONSE: As the National Pike is considered a Minor Arterial in the County Comp plan, in 2022 the MDSHA published a 3,360 ADT count just east of Clear Spring. The road has been designed and improved to accommodate more than 10,000 ADT. National Pike is used by local residents traveling east and west from Hancock to points east of Hagerstown.

- (e) Compatibility with existing and proposed development of the area including indication of neighboring sites identified by the Washington County Historic Sites Survey and subsequent revisions or updates.**

RESPONSE: The current uses are synonymous with agricultural and agricultural related activities. The property does contain historic resource WA-V-115 known as the Halteman Farm found on the Maryland Inventory of Historic Properties.

(f) The relationship of the proposed change to the Adopted Plan for the County, Development Analysis Plan Map and Policies.

RESPONSE: The uses would be consistent with the Adopted Plan maps and policies, as the RB Zoning District is specifically meant for rural areas of the County.

(g) Whether there was a substantial change in the character of the neighborhood where the property is located.

RESPONSE: Not Applicable, as the RB Zoning District is a floating overlay zone.

(h) Whether there was a mistake in the existing zoning classification.

RESPONSE: Not Applicable, as the RB Zoning District is a floating overlay zone.

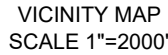
For the aforementioned reasons, and supported by the accompanying application materials, the Applicant submits that the requested zoning meets the requirements and we request your approval of the application. The Applicant will provide additional information, submissions and testimony as may be required.

Respectfully,



Ed Schreiber

Frederick, Seibert & Associates



S 1034.65' 71°05'04" E

Lands of
John Halteman and Lisa Halteman
Liber 3800, folio 346
Lot 1, Plat folio 9728

S 26°10'20" W

N/F
CROPLAND LLC
L.7164 F.264
RESIDENTIAL USE

N/F
ROBERT A STARLIPER
PAMELA T STARLIPER
L.619 F.320
RESIDENTIAL USE

N/F
ST PAULS UNITED
CHURCH
L.634 F.675
CHURCH USE

An aerial photograph of a road intersection. A white diagonal overlay is placed over the road, containing the text "NATIONAL PIKE" in large, bold, black capital letters, and "US Route 40" in smaller, black capital letters below it. The background shows a dirt road and some vegetation.

**KEY TO BUILDINGS AND USES
SUBJECT TO REZONING**

1. Produce Sales
2. Monument Sales
3. Farm Greenhouse
4. Sales Office For
 - Farm Rental Equipment
 - Outdoor Wood Stoves
5. 50X80 Pole Building of Storage of Farm Rental Equipment
6. Farm Shop and Repair Building
7. Farm Produce Storage
8. Wood Planer Shop and Storage
9. Farm Equipment Building

NOT SUBJECT TO REZONING

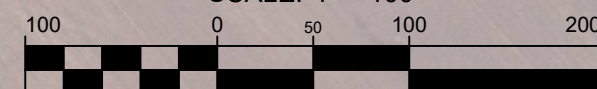
10. Farm Bank Barn
11. Dwelling
12. Dwelling
13. Moderate Volume Mineral Extraction
(GP-20-009)
(AP2020-015)

N/F
VINCENT JOHN GESISKIE JR.
TAMI F. GESISKI
L.5722 F.111
RESIDENTIAL/ AGRICULTURAL USE

N/F
COMPANY OF ST
PAULS CEMETERY
L.4429 F.360
CEMETERY USE

LINE	BEARING	DISTANCE
L3	N 82°29'51" W	16.34'
L4	N 45°12'09" W	49.43'
L5	N 23°49'15" E	42.54'
L6	N 84°07'12" W	22.74'

SCALE: 1" = 100'



Site Data

Overall Parcel Area	50.28 Ac
Requested RB Area	6.82 Ac

Existing Use(s)

- Produce Sales
- Agricultural rental Equipment
- Sale of Outdoor Wood Stoves
- Wood Planer Shop
- Agriculture
- Monument Sales

Existing Zoning: A
Requesting: RB Overlay

Number of Employees- 3
 11-15750-10-10

John and Lisa Halterman
12635 Flying Duck Lane
Clear Spring MD 21722
301-991-8452

Professional Certification:
I hereby certify that these documents were prepared
or approved by me, and that I am a duly licensed
professional under the laws of the State of:
State _____, License # XXXXX _____,
Expiration Date XX-XX-XXXX _____.

fsa-inc.com

© 2024

FSA
FREDERICK, SEIBERT & ASSOCIATES, INC.

[illegible]

RB ZONING EXHIBIT

SITUATE AT THE END OF FLYING DUCK LANE

12635 FLYING DUCK LANE
CLEAR SPRING
WASHINGTON COUNTY, MARYLAND

JOHN AND LISA HALTERMAN

PROJECT NO. 5007

DWN BY	DATE
CTE	06-30-2024

011	00-20-2024
PROJECT MANAGER: EJS	

EMAIL: EScheiber@fsa-inc.com

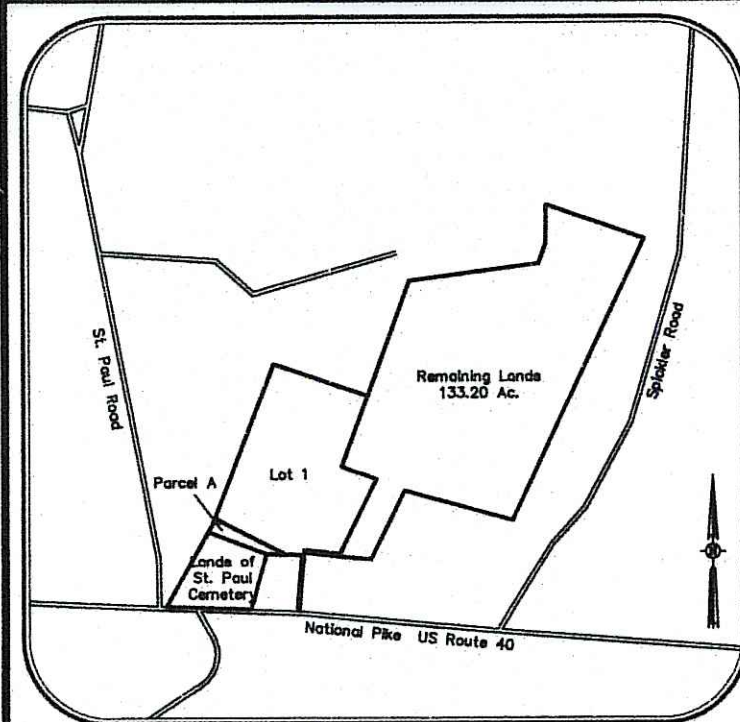
35-8-58 23-003414

SCALE
1" = 100'

PRELIMINARY SITE PLAN

C-101
SHEET 01 OF 01

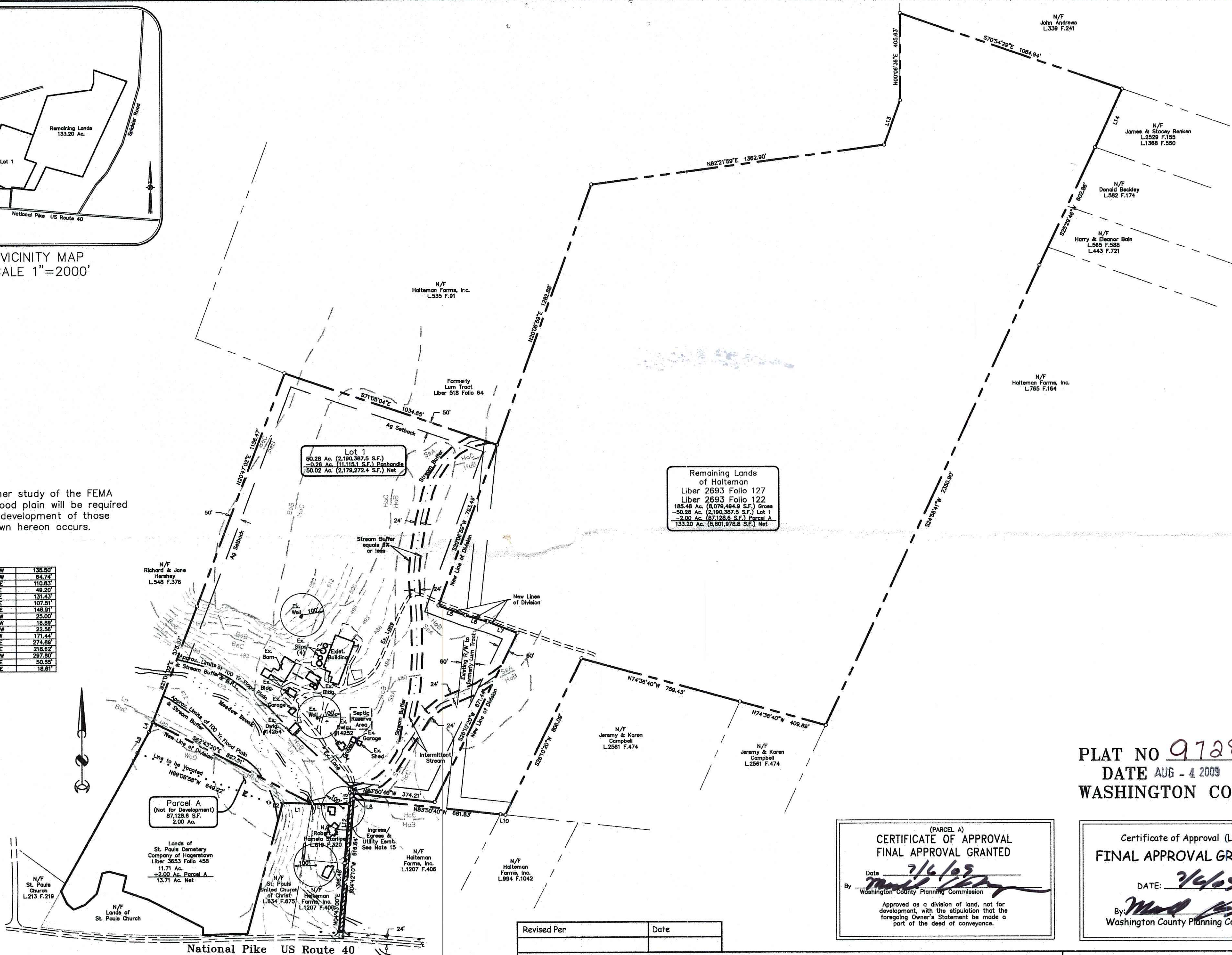
SP- -



VICINITY MAP
SCALE 1"=2000'

NOTE: Further study of the FEMA 100-year flood plain will be required before any development of those parcels shown hereon occurs.

L1	N88°09'32"W	135.50'
L2	N89°08'43"W	64.74'
L3	N29°00'02"E	110.83'
L4	N21°01'02"E	48.20'
L5	S69°20'18"E	131.43'
L6	S73°31'59"E	107.51'
L7	S89°07'40"E	148.91'
L8	S04°42'10"W	25.00'
L9	N84°37'41"W	18.89'
L10	N83°49'54"W	22.56'
L11	N89°14'11"W	171.44'
L12	N04°44'19"E	274.89'
L13	N19°38'59"E	218.82'
L14	S24°38'53"W	297.80'
L15	N04°44'19"E	50.55'
L16	S83°50'40"E	18.61'



PLAT NO 9728
DATE AUG - 4 2009
WASHINGTON COUNTY

(PARCEL A)
CERTIFICATE OF APPROVAL
FINAL APPROVAL GRANTED

Date 7/6/09
By [Signature]
Washington County Planning Commission
Approved as a division of land, not for development, with the stipulation that the foregoing Owner's Statement be made a part of the deed of conveyance.

Certificate of Approval (LOT 1)
FINAL APPROVAL GRANTED

DATE: 7/6/09
By [Signature]
Washington County Planning Commission

Revised Per	Date

TAX MAP 35-8-58 DISTRICT 23

DRAWING NUMBER 1 OF 2

DRAWN BY: JLA DATE: 2-9-09

CHECKED BY: DATE:

SCALE: 1" = 300'

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SEIBERT &
ASSOCIATES, INC. ©2009

CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS
128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740
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(301) 791-3650 (301) 416-7478 (717) 597-1007 FAX (301) 739-4956

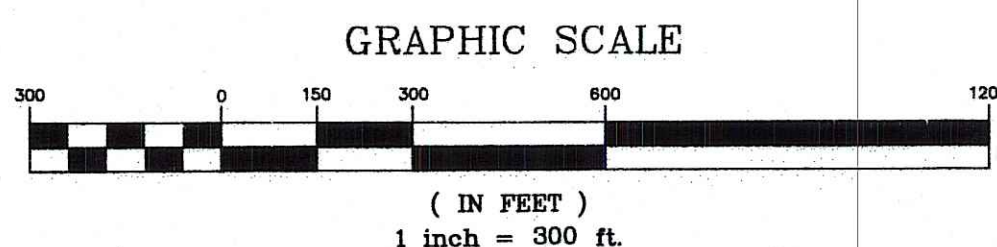
JOB NUMBER: 5687

Preliminary / Final Plat of Subdivision
Lot 1
Simplified Plat of Subdivision
Parcel A
for

John Halteman

situate along the North side of National Pike (US Route 40)
WASHINGTON COUNTY, MARYLAND

Owner:
Stanley H. Halteman
14254 National Pike
Clear Spring, MD 21722



Note:

This development must comply with the new Stormwater Management Regulations. Stormwater Management will be provided at the time of permit application. Washington County Engineering Department review fees will be determined and due prior to the approval of building and entrance permits.

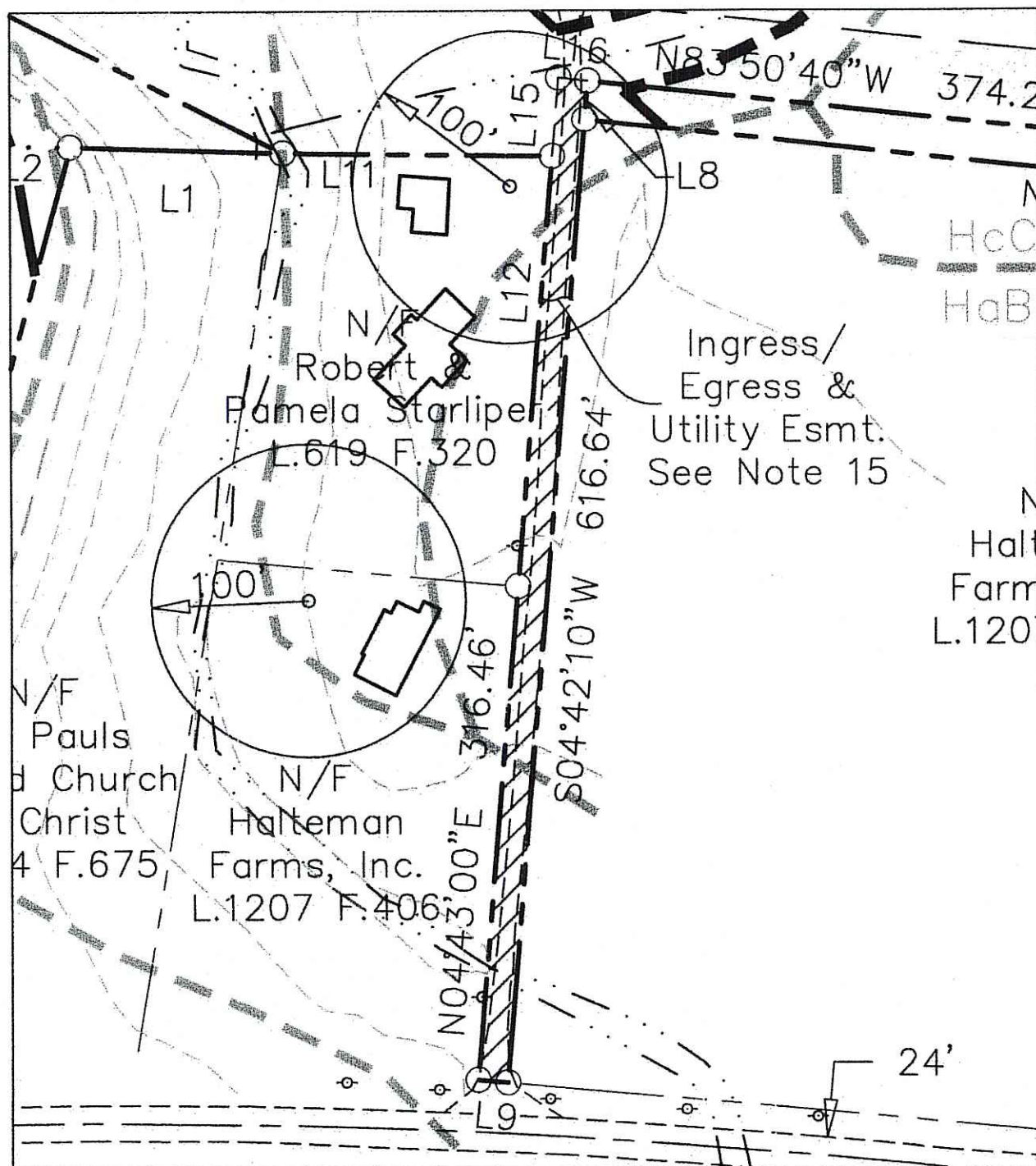
Note:

Lot 1 as shown on this subdivision plat has been determined to be an exemption lot per section 5B.4 of the Washington County Zoning Ordinance. Lot 1 does not meet density requirements per section 5B.3 of the Zoning Ordinance, thus cannot be further subdivided.

SENSITIVE AREA NOTICE

The stream buffers shown hereon are established pursuant to the requirements of the Washington County Subdivision Ordinance Article IV, Section 409. In an effort to preserve or improve water quality, the property owner is required to establish and thereafter maintain in perpetuity vegetative ground cover in accordance with urban best management practices recommended by the Washington County Soil Conservation District. No permanent structures or construction are permitted within the stream buffer except those designed to improve water quality or flow as approved by the Washington County Planning Commission in accordance with all applicable regulations, laws, and policies. No septic systems shall be constructed within the buffer nor shall any reserve area be established within the buffer.

Soil	Area (Ac.)	%
BeB	7.06	13.58
BeC	2.60	5.00
HaB	11.67	22.44
HaC	11.90	22.88
HbC	0.73	1.40
HcC	1.57	3.02
Ln	5.51	10.60
SsA	10.06	19.35
WeD	0.90	1.73



Detail Scale: 1"=100'

Owner:
Stanley H. Halteman
14254 National Pike
Clear Spring, MD 21722

Dedication for Individuals (LOT 1)

I/we do hereby certify, for ourselves and our personal representatives, heirs and assigns, that I/we are the legal and true owner(s) of the property shown and described on this plat and that I/we hereby adopt the plan of subdivision shown hereon, hereby establish the minimum building restriction lines shown hereon, hereby dedicate to public use all utility and drainage easement areas and all alley, street, and road rights of way designated on this plat, hereby agree to keep open all spaces and recreation areas shown hereon and hereby agree that said dedication shall not impose and responsibility on the Board of County Commissioners of Washington County regarding the subjects of such dedications until legal acceptance thereof by said Board, and I/we hereby reserve the fee simple title to the land underlying said easements, rights of way, open spaces and recreation areas and with regard to said easements and rights of way, hereby agree to convey the same to said Board for the use of said Washington County, without consideration, upon the legal acceptance of said easements and/or rights of way by said Board.

This deed and agreement of dedication shall be binding upon my/our grantees, assigns, successors, heirs, and personal representatives. There are no suites, actions at law, leases, liens, mortgages, trusts, easements, or rights of way affecting the property included on this plan of subdivision except the following:

NONE

and all parties having an interest therein have here unto affixed their signatures, indicating their assent to this plan of subdivision. I/we do hereby assent to this plan of subdivision.

Witness our hands and seals this 11 day of May, 2009.

Stanley H. Halteman (Seal)
Owner: Stanley H. Halteman
Witness: [Signature]

Interim Facilities Provision Certification (LOT 1)

In compliance with C.O.M.A.R. 26.03.01.05 B.(1) and (2), the individual water supply and individual sewer systems are hereby permitted on a temporary interim basis. Future lot owners are advised that the individual systems serving the lot(s) indicated on this plat are of a temporary interim nature and that connection to a future community system shall be made within one (1) year or less after the system become available.

Stanley H. Halteman (Seal)
Owner: Stanley H. Halteman

Certificate of Approval of Individual Water Supply and Individual Sewage System (LOT 1)

I hereby certify that the minimum ownership area complies with the minimum width and minimum area requirements specified in C.O.M.A.R. 26.04.03.03. Such minimum ownership shall remain equal to the minimum width and minimum area set forth in C.O.M.A.R. 26.04.03.03 (2) until community sewerage and water have been made available. Not more than one principle building may be erected or constructed on a lot or lots contained in the minimum ownership areas established by C.O.M.A.R. 26.04.03.03 (2) until community sewerage has been made available.

Date: 7/8/09

County Health Officer

Land Surveyor's Certification

I hereby certify that the plan shown hereon is correct: that it is a subdivision of part of the lands conveyed by Gerald H. Halteman to Stanley H. Halteman by deed dated June 21, 2005 and recorded in Liber 2693, folio 127 and of the lands conveyed by Alice M. Halteman, Personal Representative of the Estate of Ernest Hedrick Halteman, and Alice M. Halteman to Gerald H. Halteman and Stanley H. Halteman by deed dated June 21, 2005 and recorded in Liber 2693, folio 122, both deeds being recorded among the Land Records of Washington County, Maryland and that same marked land/parcels marked above have been placed as indicated.

Date: 5/21/09

Professional Land Surveyor

General Notes

- 10,000 square feet is hereby reserved for sewage disposal. No permanent physical objects are permitted in this area.
- There is a 10 ft. wide drainage and utilities easement along all front lot lines and an 8 ft. wide drainage and utilities easement along all side and rear lot lines hereby reserved unless otherwise shown hereon.
- Bearings based on dead North.
- Soil types are as shown hereon.
- Minimum Building Setbacks: front yard-40'; side yard-50' (due to 50+ Acre lot size); rear yard-50'. Minimum Building Setback Lines are based on the current Washington County Zoning Ordinance. Accessory structures may be constructed in accordance with Section 4.10 and Section 23.5 (b). Accessory Structures are not permitted without the placement of the principal permitted structure. Zoned A(R)-Agricultural Rural.
- Total upstream watershed affecting this subdivision: is less than 400 Acres.
- A portion of this parcel does lie in the 100 year flood plain per FEMA Flood Insurance Rate Map, Community Panel No. 240070 0060A and Panel No. 240070 0070A dated May 1, 1978, Flood Zone A.
- Contours based on field survey and assumed elevation.
- There are no steep slopes or habitat of threatened or endangered species identified by the U.S. Fish and Wildlife Service per 50 CFR 17 as required to be shown by Sections 306, 307 and 314 of the Washington County Subdivision Ordinance and section 4.21 (C&D) of the Washington County Zoning Ordinance. This subdivision is not within 1000' of the Appalachian Trail.
- An additional right of way 40 feet in width as measured from the centerline of National Pike is hereby dedicated for the purpose of future road widening of said road.
- No other wells or septic lines within 100 feet of the Lot Lines.
- All grading on each lot, done either before or after the construction of a dwelling or their appurtenances, shall be the full responsibility of the lot owner.
- No permanent structures (fences, sheds, play equipment, retaining walls, etc.) shall be permitted within any storm drainage easement, either shown or described, on the Final Plat of Subdivision.
- Stream buffer and M.B.S.L. in the vicinity of the flood plain are shown larger than required due to the 100 year flood plain.
- An Ingress/Egress & Utilities Easement is hereby created over the existing lane for the Remaining Lands. This easement runs over the existing lane from its Northernmost location South to US Route 40.
- This is an historic site located on this property (National Historic Site: WA-V-115).

Additional Owner's Statement (Remaining Lands)

We hereby certify that our interest is to transfer this land only to a member of the immediate family. No conveyance of this lot will be made to anyone not a member of the immediate family for a period of ten (10) years without approval of the Planning Commission except as may be required to satisfy a mortgagee in case of loan foreclosure. We also acknowledge that the County is not responsible for acceptance or maintenance of the private road or right of way.

5-11-09
Date

Stanley H. Halteman
Owner: Stanley H. Halteman

5-11-09
Date

Stanley H. Halteman
Recipient: Stanley H. Halteman

INTRAFAMILY TRANSFER DECLARATION OF INTENT FOR FOREST CONSERVATION EXEMPTION

Account #003414 District 23 Map 35 Grid B Parcel 58
Property Owner(s) Name(s): Stanley H. Halteman
Permanent Mailing Address: 14254 National Pike Clear Spring, MD 21722
Recipients Name(s): Stanley H. Halteman
Recipients Relationship to Owner(s): Self
Property Location: Along the North side of National Pike
Current deed reference(s): Liber 2693 folio 127, Liber 2693 folio 122

I (We), Stanley H. Halteman, the owner(s) of the real property located along the North side of National Pike and described in the above referenced deed(s) hereby declare my (our) intention to invoke the intrafamily transfer exemption for the above property, in accordance with the provisions of the Washington County Forest Conservation Program and COMAR 08.19.01.04, for a period of at least ten (10) consecutive full taxable years following this date.

This declaration grants an exemption for the purpose of constructing a dwelling house intended for the use of the owner, or an immediate family member of the owner based on the Washington County Forest Conservation Program. If the lands does not remain in the possession of an immediate family member for a period of ten (10) years the Owner must notify the Washington County Planning Commission and may lose this exemption. If the Owner makes application for an activity regulated under the Forest Conservation Program, clears more than 40,000 square feet of forest, or violates the requirements of a previous Forest Conservation Plan all or part of the lot within the ten (10) year period, Washington County may require the owner to meet the forest conservation threshold established in the Forest Conservation Program and COMAR 08.19.03, and may also assess a noncompliance fee for forested areas cut in violation of this exemption.

I (we) declare, under the penalties of law, that this declaration, including any accompanying forms and statements, has been examined by me (us) and the information contained herein, to the best of my (our) knowledge, information and belief, is true, correct and complete.

Signature(s): Stanley H. Halteman
Stanley H. Halteman Date: 5-11-09

OWNER'S STATEMENT (PARCEL A)

Application is hereby made for approval of the indicated transfer of land for enlargement purposes only and not for development except as indicated hereon. Any development of this land other than for permitted accessory uses or any future separation of the parcels combined hereon will be submitted in the regular manner for approval in accordance with the provisions of the existing Subdivision Ordinance.

5-11-09
Date

Stanley H. Halteman
Owner: Stanley H. Halteman

4/21/09
Date

Stanley H. Halteman
Purchaser: St. Paul Cemetery Company of Washington County

PLAT NO 9729
DATE AUG - 4 2009
WASHINGTON COUNTY

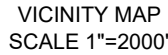
Revised Per	Date

TAX MAP 35-8-58 DISTRICT 23	
DRAWING NUMBER 2 OF 2	
DRAWN BY: JLA	DATE: 2-9-09
CHECKED BY:	DATE:
SCALE: NTS	

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CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS
128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740
20 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225
(301) 791-3650 (301) 416-7478 (717) 597-1007 FAX (301) 739-4956

JOB NUMBER: 5687

Preliminary / Final Plat of Subdivision
Lot 1
Simplified Plat of Subdivision
Parcel A
for
John Halteman
situate along the North side of National Pike (US Route 40)
WASHINGTON COUNTY, MARYLAND



S 1034.65' 71°05'04" E

793.49'
S 20°06'59" W

5 69.2

S 26°10'20" W

N 04°44'19"

N/F
ROBERT A STARLIPER
PAMELA T STARLIPER
L.619 F.320
RESIDENTIAL USE

N/F
ST PAULS UNITED
CHURCH
L.634 F.675
CHURCH USE

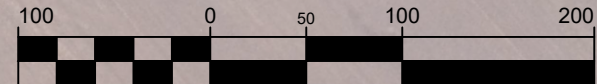
N 827.51
6243.20

NOT SUBJECT TO REZONING

10. Farm Bank Barn
11. Dwelling
12. Dwelling
13. Moderate Volume Mineral Extraction
(GP-20-009)
(AP2020-015)

LINE	BEARING	DISTANCE
L3	N 82°29'51" W	16.34'
L4	N 45°12'09" W	49.43'
L5	N 23°49'15" E	42.54'
L6	N 84°07'12" W	22.74'

SCALE: 1" = 100'



Overall Parcel Area	50.28 Ac
Requested RB Area	6.82 Ac

Existing Use(s)

- Produce Sales
- Agricultural rental Equipment
- Sale of Outdoor Wood Stoves
- Wood Planer Shop
- Agriculture
- Monument Sales

Existing Zoning: A
Requesting: RB Overlay

Number of Employees- 3
Hours M-F 7-5 Sat 8-12

John and Lisa Halterman
12635 Flying Duck Lane
Clear Spring MD 21722
301-991-8452

Professional Certification:
I hereby certify that these documents were prepared
or approved by me, and that I am a duly licensed
professional under the laws of the State of:
State _____, License # _____,
Expiration Date _____.



FSA

FREDERICK, SIEBERT & ASSOCIATES, INC.

GENEALOGISTS • EDITORS • MANUSCRIPT ARCHIVISTS • LAND PLANNERS

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tsa@comcast.net

135 SOUTH POTOMAC STREET

HAGERSTOWN, MD 20639

410.326.4700

201 WEST BALTIMORE STREET

CROFTSVILLE, PA 17025

717.326.8171

805 SOUTH HANOVER STREET

CONOWING, PA 17013

717.326.8171

11-1455 MARK STREET

NORFOLK, VA 23502

757.252.2360

[illegible]

RB ZONING EXHIBIT

SITUATE AT THE END OF FLYING DUCK LANE
CLEAR SPRING

12635 FLYING DUCK LANE
WASHINGTON COUNTY MARYI AND

JOHN AND LISA HALTERMAN

PROJECT NO. 5687

DWN BY	DATE
CTF	06-20-2024

PROJECT MANAGER: EJS
EMAIL: ESchreiber@frc-inc.com

PROPERTY INFORMATION

35-8-58 23-003414

SCALE

SCALE $1'' = 100'$

SHEET TITLE

PRELIMINARY

PRELIMINARY SITE PLAN

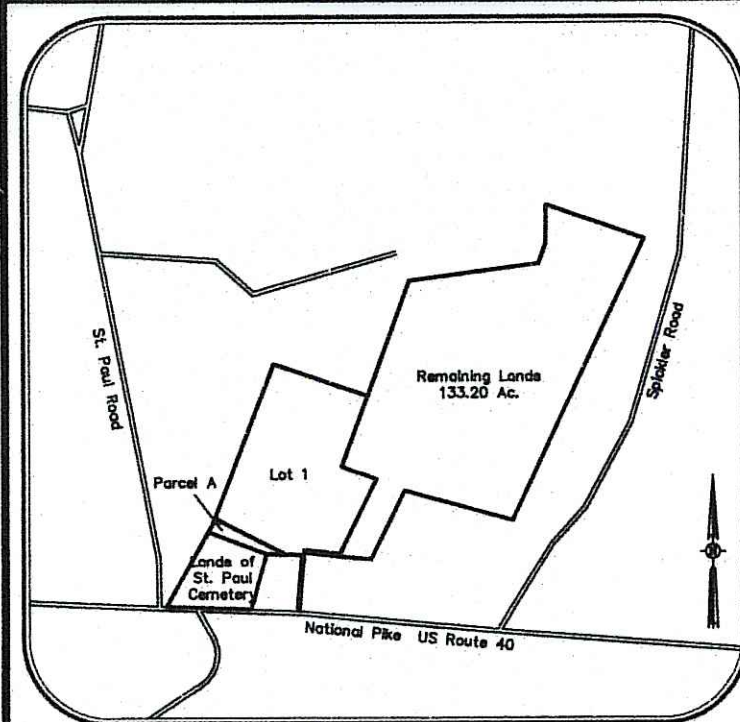
SITE PLAN

C 101

C-101

SHEET 01 OF 01

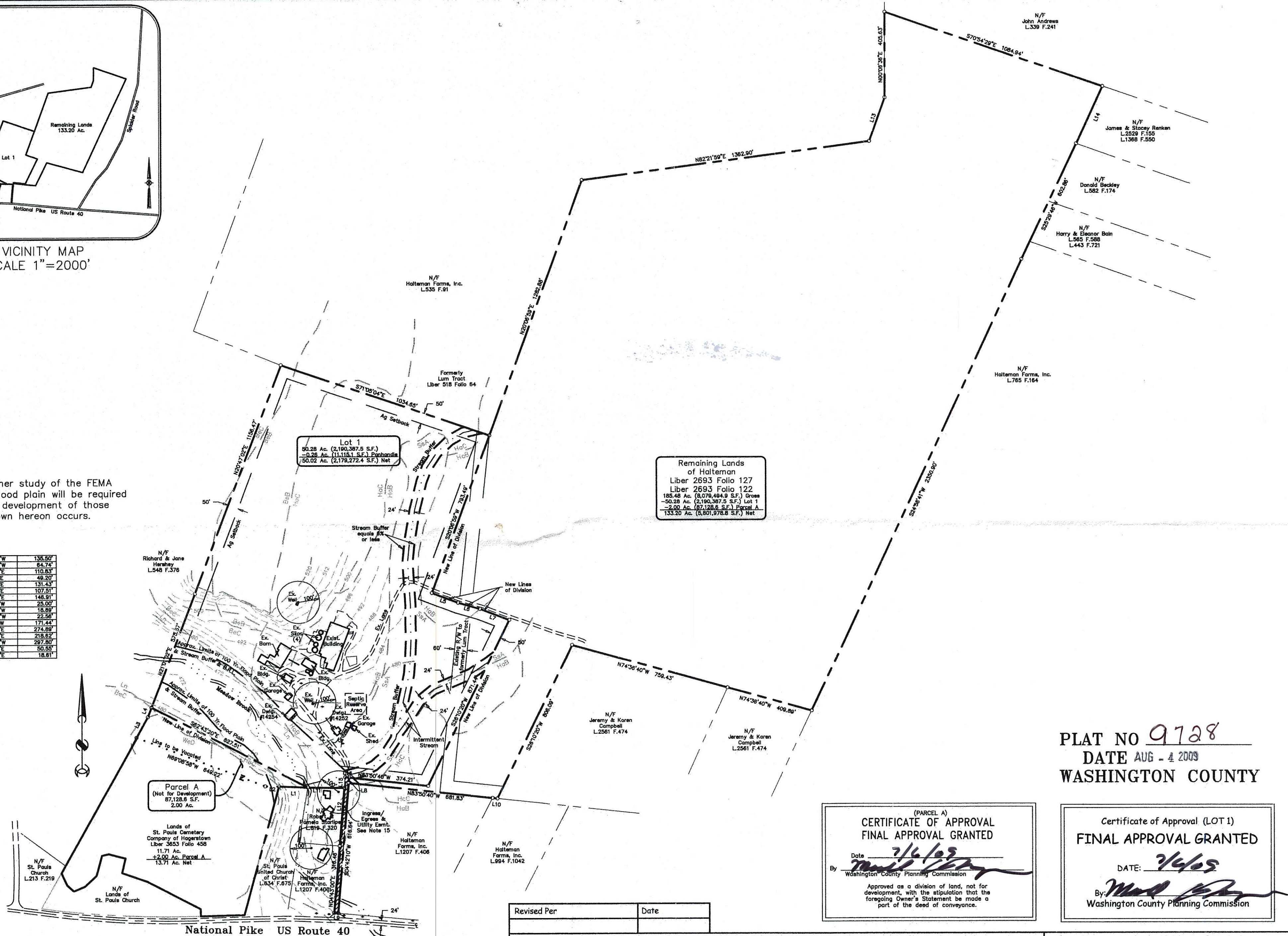
SP- -



VICINITY MAP
SCALE 1"=2000'

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PLAT NO 9728
DATE AUG - 4 2009
WASHINGTON COUNTY

(PARCEL A)
CERTIFICATE OF APPROVAL
FINAL APPROVAL GRANTED
Date 7/6/09
By [Signature]
Washington County Planning Commission
Approved as a division of land, not for development, with the stipulation that the foregoing Owner's Statement be made a part of the deed of conveyance.

Certificate of Approval (LOT 1)
FINAL APPROVAL GRANTED
DATE: 7/6/09
By [Signature]
Washington County Planning Commission

Revised Per	Date

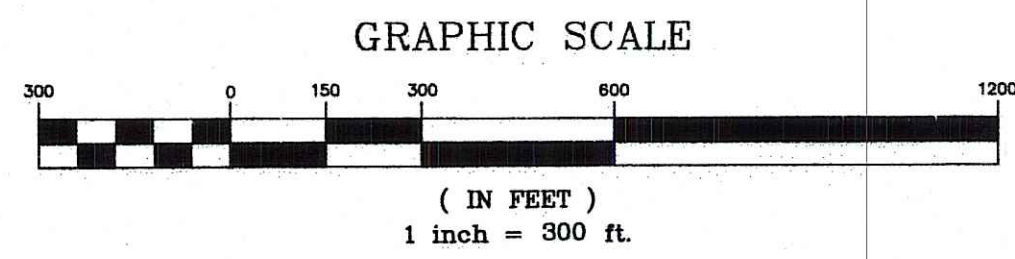
TAX MAP 35-8-58 DISTRICT 23	
DRAWING NUMBER 1 OF 2	
DRAWN BY: JLA	DATE: 2-9-09
CHECKED BY:	DATE:
SCALE: 1" = 300'	

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JOB NUMBER: 5687

Preliminary / Final Plat of Subdivision
Lot 1
Simplified Plat of Subdivision
Parcel A
for
John Halteman
situate along the North side of National Pike (US Route 40)
WASHINGTON COUNTY, MARYLAND

Owner:
Stanley H. Halteman
14254 National Pike
Clear Spring, MD 21722



Note:

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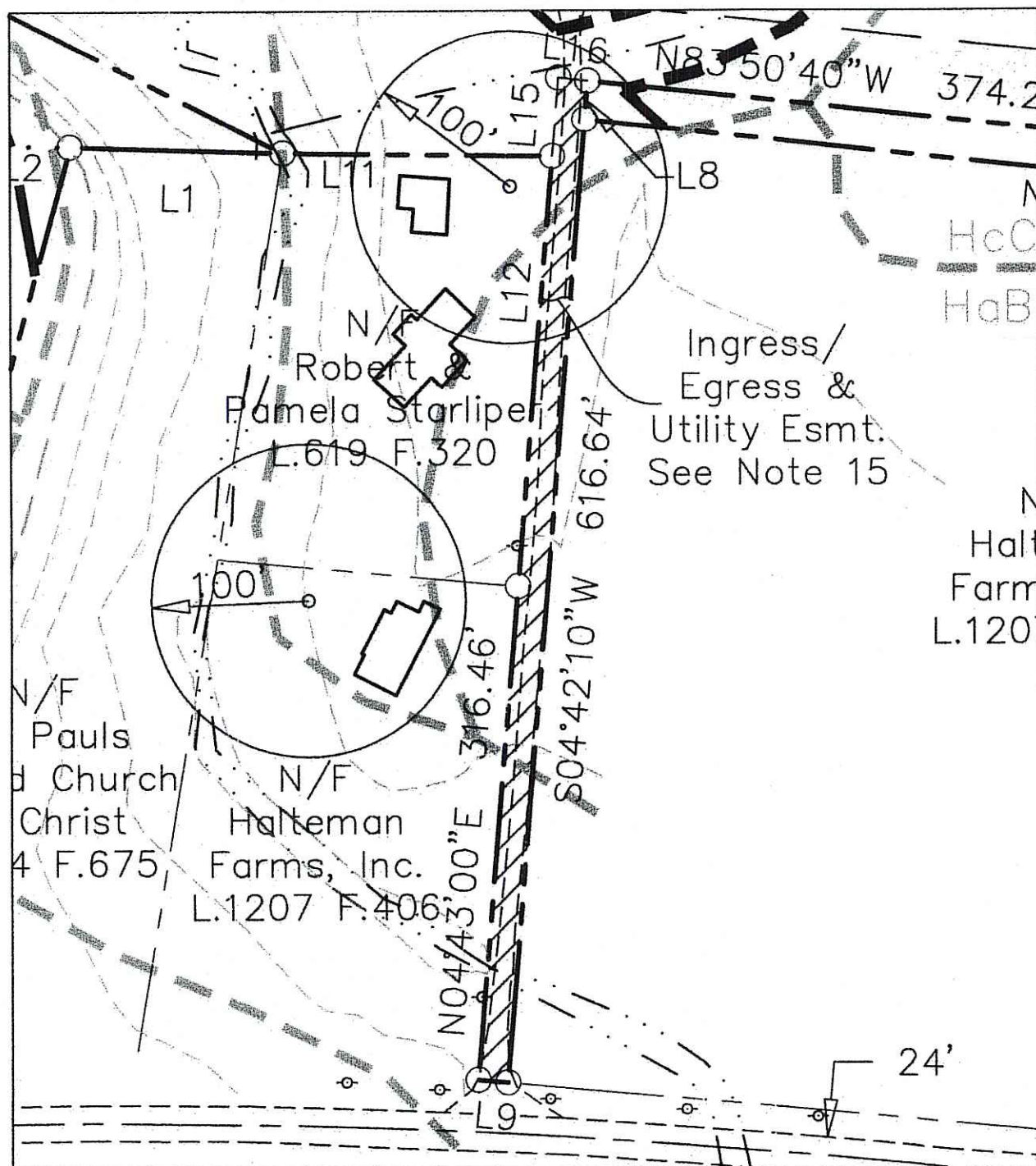
Note:

Lot 1 as shown on this subdivision plat has been determined to be an exemption lot per section 5B.4 of the Washington County Zoning Ordinance. Lot 1 does not meet density requirements per section 5B.3 of the Zoning Ordinance, thus cannot be further subdivided.

SENSITIVE AREA NOTICE

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Soil	Area (Ac.)	%
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Detail Scale: 1"=100'

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14254 National Pike
Clear Spring, MD 21722

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This deed and agreement of dedication shall be binding upon my/our grantees, assigns, successors, heirs, and personal representatives. There are no suites, actions at law, leases, liens, mortgages, trusts, easements, or rights of way affecting the property included on this plan of subdivision except the following:
NONE

and all parties having an interest therein have here unto affixed their signatures, indicating their assent to this plan of subdivision.
I/We do hereby assent to this plan of subdivision.

Witness our hands and seals this 11 day of May, 2009.

Stanley H. Halteman (Seal)
Owner: Stanley H. Halteman
Witness

Interim Facilities Provision Certification (LOT 1)

In compliance with C.O.M.A.R. 26.03.01.05 B.(1) and (2), the individual water supply and individual sewer systems are hereby permitted on a temporary interim basis. Future lot owners are advised that the individual systems serving the lot(s) indicated on this plat are of a temporary interim nature and that connection to a future community system shall be made within one (1) year or less after the system become available.

Stanley H. Halteman (Seal)
Owner: Stanley H. Halteman

Certificate of Approval of Individual Water Supply and Individual Sewage System (LOT 1)

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Date: 7/8/09

County Health Officer

Land Surveyor's Certification

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Date: 5/21/09

Professional Land Surveyor

General Notes

- 10,000 square feet is hereby reserved for sewage disposal. No permanent physical objects are permitted in this area.
- There is a 10 ft. wide drainage and utilities easement along all front lot lines and an 8 ft. wide drainage and utilities easement along all side and rear lot lines hereby reserved unless otherwise shown hereon.
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- Total upstream watershed affecting this subdivision: is less than 400 Acres.
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- Contours based on field survey and assumed elevation.
- There are no steep slopes or habitat of threatened or endangered species identified by the U.S. Fish and Wildlife Service per 50 CFR 17 as required to be shown by Sections 306, 307 and 314 of the Washington County Subdivision Ordinance and section 4.21 (C&D) of the Washington County Zoning Ordinance. This subdivision is not within 1000' of the Appalachian Trail.
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- An Ingress/Egress & Utilities Easement is hereby created over the existing lane for the Remaining Lands. This easement runs over the existing lane from its Northernmost location South to US Route 40.
- This is an historic site located on this property (National Historic Site: WA-V-115).

Additional Owner's Statement (Remaining Lands)

We hereby certify that our interest is to transfer this land only to a member of the immediate family. No conveyance of this lot will be made to anyone not a member of the immediate family for a period of ten (10) years without approval of the Planning Commission except as may be required to satisfy a mortgagee in case of loan foreclosure. We also acknowledge that the County is not responsible for acceptance or maintenance of the private road or right of way.

5-11-09

Date

Stanley H. Halteman
Owner: Stanley H. Halteman

5-11-09

Date

Stanley H. Halteman
Recipient: Stanley H. Halteman

INTRAFAMILY TRANSFER DECLARATION OF INTENT FOR FOREST CONSERVATION EXEMPTION

Account #003414 District 23 Map 35 Grid B Parcel 58

Property Owner(s) Name(s): Stanley H. Halteman

Permanent Mailing Address: 14254 National Pike Clear Spring, MD 21722

Recipients Name(s): Stanley H. Halteman

Recipients Relationship to Owner(s): Self

Property Location: Along the North side of National Pike

Current deed reference(s): Liber 2693 folio 127, Liber 2693 folio 122

I (We), Stanley H. Halteman, the owner(s) of the real property located along the North side of National Pike and described in the above referenced deed(s) hereby declare my (our) intention to invoke the intrafamily transfer exemption for the above property, in accordance with the provisions of the Washington County Forest Conservation Program and COMAR 08.19.01.04, for a period of at least ten (10) consecutive full taxable years following this date.

This declaration grants an exemption for the purpose of constructing a dwelling house intended for the use of the owner, or an immediate family member of the owner based on the Washington County Forest Conservation Program. If the lands does not remain in the possession of an immediate family member for a period of ten (10) years the Owner must notify the Washington County Planning Commission and may lose this exemption. If the Owner makes application for an activity regulated under the Forest Conservation Program, clears more than 40,000 square feet of forest, or violates the requirements of a previous Forest Conservation Plan all or part of the lot within the ten (10) year period, Washington County may require the owner to meet the forest conservation threshold established in the Forest Conservation Program and COMAR 08.19.03, and may also assess a noncompliance fee for forested areas cut in violation of this exemption.

I (we) declare, under the penalties of law, that this declaration, including any accompanying forms and statements, has been examined by me (us) and the information contained herein, to the best of my (our) knowledge, information and belief, is true, correct and complete.

Signature(s): Stanley H. Halteman
Stanley H. Halteman Date: 5-11-09

OWNER'S STATEMENT (PARCEL A)

Application is hereby made for approval of the indicated transfer of land for enlargement purposes only and not for development except as indicated hereon. Any development of this land other than for permitted accessory uses or any future separation of the parcels combined hereon will be submitted in the regular manner for approval in accordance with the provisions of the existing Subdivision Ordinance.

5-11-09

Date

Stanley H. Halteman
Owner: Stanley H. Halteman

4/21/09

Date

Stanley H. Halteman
Purchaser: St. Paul Cemetery Company of Washington County

PLAT NO 9729
DATE AUG - 4 2009
WASHINGTON COUNTY

Revised Per	Date

TAX MAP 35-8-58 DISTRICT 23

DRAWING NUMBER 2 OF 2

DRAWN BY: JLA DATE: 2-9-09

CHECKED BY: DATE:

SCALE: NTS

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CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS
128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740
20 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225
(301) 791-3650 (301) 416-7478 (717) 597-1007 FAX (301) 739-4956

JOB NUMBER: 5687

Preliminary / Final Plat of Subdivision
Lot 1
Simplified Plat of Subdivision
Parcel A
for
John Halteman
situate along the North side of National Pike (US Route 40)
WASHINGTON COUNTY, MARYLAND



DEPARTMENT OF PLANNING & ZONING
COMPREHENSIVE PLANNING | LAND PRESERVATION | FOREST CONSERVATION | GIS

September 9, 2024

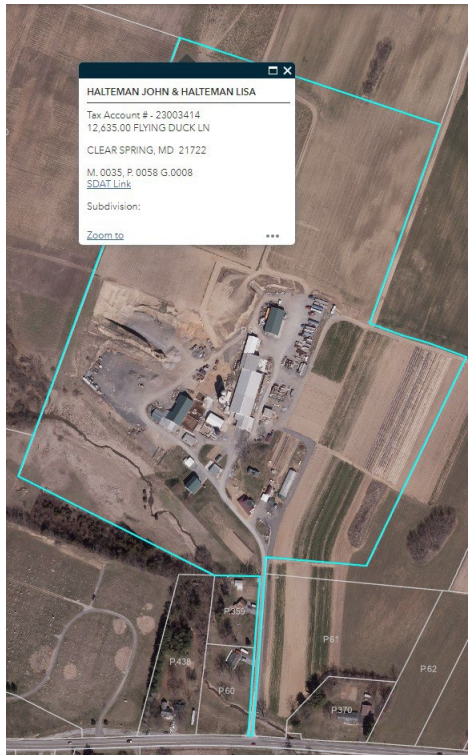
Case #: RZ-24-002

Application for Map Amendment Staff Report and Analysis

Property Owner(s)	:	John & Lisa Halteman
Applicant(s)	:	John Halteman
Location	:	12635 Flying Duck Lane
Election District	:	#23 – Wilson
Comprehensive Plan Designation	:	Agriculture
Zoning Map	:	35
Parcel(s)	:	P. 58
Acreage	:	50.28 acres (6.82 within RB Overlay)
Existing Zoning	:	Agricultural Rural (AR)
Requested Zoning	:	Agricultural Rural (AR) with Rural Business (RB) overlay
Date of Hearing	:	September 9, 2024

I. Background Information

a. Location and Description of Subject Properties



The subject parcel is located on a private lane on the north side of National Pike (U.S. 40) between St. Paul Rd (MD-57) and Spickler Rd, approximately 3 miles east of Clear Spring. The property subject to this rezoning encompasses 50.28 acres of agricultural land, 6.82 acres of which would be encumbered with the Rural Business floating zone.

Two existing single-family dwellings and an extensive series of agricultural support buildings make up the entirety of the farm complex which dates to the 1800s. These buildings support both the primary agricultural operation as well as related trades or services which have arisen over time such as a wood planer shop, agricultural equipment rental, produce sales and woodstove sales.

Along the western boundary of the property is a permitted moderate volume mineral extraction area used for shale mining. Moderate volume mineral operations are

areas in which the land area devoted to mineral extraction and mineral processing is between 1-5 acres.

A perennial stream, Meadow Brook, flows through the southwest corner of the property, resulting in a notable area of floodplain and wetlands on that part of the parcel.

b. Rural Business Floating Zone Purpose and Criteria

The Rural Business Zoning District (RB) is established to permit the continuation and development of businesses that support the agricultural industry and farming community, serve the needs of the rural residential population, provide for recreation and tourism opportunities, and to establish locations for businesses and facilities not otherwise permitted in the rural areas of the County. It is established as a “floating zone” which may be located on any parcel in an Agricultural, Environmental Conservation, Preservation or Rural Village Zoning District. A floating zone is a zoning district that delineates conditions which must be met before that zoning district can be approved for an existing piece of land.

Section 5E.4 of the Rural Business Zoning District describes the criteria that must be met for the establishment of a new Rural Business Zoning District. These criteria include:

1. The proposed RB District is not within any designated growth area identified in the Washington County Comprehensive Plan;
2. The proposed RB District has safe and usable road access on a road that meets the standards under the “Policy of Determining Adequacy of Existing Roads.” In addition, a traffic study may be required where the proposed business, activity or facility generates 25 or more peak hour trips or where 40% of the estimated vehicle trips are anticipated to be commercial truck traffic;
3. Onsite issues relating to sewage disposal, water supply, stormwater management, floodplains, etc. can be adequately addressed; and
4. The location of an RB District would not be incompatible with existing land uses, cultural or historic resources, or agricultural preservation efforts in the vicinity of the proposed district.

Section 5E.6c further expands upon the above noted criteria in describing the basis for which the Planning Commission should base its recommendation to the Board of County Commissioners upon after the Public Information Meeting including:

1. The proposed district will accomplish the purpose of the RB District;
2. The proposed site development meets criteria identified in Section 5E.4 of this Article;

3. The roads providing access to the site are appropriate for serving the business-related traffic generated by the proposed RB land use;
4. Adequate sight distance along roads can be provided at proposed points of access;
5. The proposed landscaped areas can provide adequate buffering of the proposed RB land use from existing land uses in the vicinity;
6. The proposed land use is not of a scale, intensity or character that would be incompatible with adjacent land uses or structures.

To be established, RB districts must also meet bulk requirements outlined in Article 5E.5. A preliminary site plan which addresses the elements noted above and other criteria in 5E.6.a(3) in greater detail is also a required part of the application process. Finally, approval of the application to create an RB District shall only be for the use identified on the application and preliminary site plan. An approved RB District covers only the portion of the parcel or lot identified in the application. Changes to the use, intensity or area covered by an approved RB District shall be reviewed by the Planning Commission. A new public hearing may be required to approve the changed use.

II. Staff Analysis

The staff analysis of the proposed rezoning will utilize the criteria outlined in the previous section of this report to determine the suitability of applying a newly created RB floating zone in the designated location.

1. The proposed district will accomplish the purpose of the RB District;

As defined above, one purpose of the floating zone is to “*establish locations for businesses and facilities not otherwise permitted in the rural areas of the County.*” This application notes several different land uses proposed for the property which should be individually considered in deliberating whether the proposed district will accomplish the intent of the Rural Business Zoning District overall.

Land uses on the property previously allowed by right or by special exception on the property include agriculture, moderate volume mineral extraction, and a greenhouse.

Land uses that fall within the proposed area of the parcel to receive the RB floating zone include the wood planer shop, agricultural equipment rental, produce sales, woodstove sales, and cemetery monument sales. The Commission and Board should consider the appropriateness of each of the uses noted above to fulfill the intent of the RB District. To that end, the Zoning Ordinance offers the following regulations for these uses under the following two definitions in the Article 3, Table 3.3:

Rural Area Table of Land Uses

Land Uses	A(R)	EC	P	RV	RB	IM	Intensity of Use
Produce Stands/Farmers Market	SE	SE	SE	SE	P	N	Moderate
Machinery dealerships and other businesses providing support for agricultural work	SE	SE	N	SE	P	N	Low

Note: P-Permitted SE-Special Exception N-Not Permitted

Under the current A(R) zoning, much of these uses would therefore be permitted with the approval of a special exception. Within an RB Zoning District, however, they would become principal permitted uses.

2. The proposed RB District is not within any designated growth area identified in the Washington County Comprehensive Plan;

The proposed site of this rezoning is located outside of the County's current Urban Growth Area boundary. This status is not proposed to change in the forthcoming Comprehensive Plan update.

3. Road and Traffic Considerations

a. Traffic Generation

Traffic counts on County and State roads in the vicinity of the rezoning site provide limited insight on traffic flow or congestion that might be impacted an expanded business at this location. Single day traffic counts were collected for one 24-hour period in 2022 at three local road intersections with National Pike in the immediate vicinity of the subject site. The counts for these three locations are noted below:

- Saint Paul Rd at National Pike (.25 miles west): 796 vehicles
- Knepper Rd at National Pike (.33 miles west): 78 vehicles
- Spickler Rd at National Pike (.50 miles east): 561 vehicles

The Maryland State Highway Administration (SHA) has also maintained a permanent traffic counter approximately 2.25 miles west of the site, just outside the town boundary of Clear Spring. These counts indicate a clear decline in traffic heading west on U.S. 40 during the last

twenty years. From a high of 4,450 vehicles in 2002, traffic heading west on U.S. 40 has dropped 24.4% in the last twenty years (or 1.2% annually). The traffic volume data shown in the table below is expressed in annual average daily traffic volumes (AADT).

Year	National Pike @ Clear Spring
2022	3,360
2017	3,751
2012	3,832
2007	4,030
2002	4,450

As noted previously, the requirements of the RB District require a traffic study when the proposed business, activity or facility generates “25 or more peak hour trips or where 40% of the estimated vehicle trips are anticipated to be commercial truck traffic.” The applicant’s justification statement asserts that “*peak hour trips will not exceed the reference policy document*” from various business operations occurring on the parcel.

b. Road and Site Circulation Improvements

The site is located at the end of Flying Duck Lane (a private road) and U.S. 40. The latter road is classified as a minor arterial in the Functional Road Classification portion of the Transportation Element in the County’s 2002 Comprehensive Plan. This classification accounts for mobility and access characteristics of the roadway in its categorization. Minor Arterial roads are designed to carry between 2,000 –5,000 Average Daily Traffic in rural areas. The County’s road classification system is based upon the Federal Highway Functional Classification System, but modified to reflect local road conditions.

A review of the County’s 10-Year CIP and the State Highway Administration’s Consolidated Transportation Plan did not note any road improvements in the vicinity of this proposed rezoning that would affect road capacity or traffic flow. The Highway Plan in the 2002 Comprehensive Plan and HEPMPO’s LRTP also did not indicate any immediate road improvements in the vicinity.

The Applicant’s preliminary site plan (Exhibit H) does not anticipate any access changes to the property from U.S.40.

SHA and the Washington County Department of Engineering had no comment when routed the application for review.

Site Planning Considerations

a. Water

The proposed rezoning site is designated as W-7 in the 2009 Water and Sewer Plan with no planned connection to public water. Two existing wells connected to the residential

uses on the property are depicted on Washington County Plat 9728 which has been included in as part of the application file. Regarding impacts to existing water and sewer usage from the proposed businesses, the Applicant's justification statement asserts that *"With limited use, the existing well and septic systems are in good condition."*

Well locations are approved by the Washington County Health Department. The Health Department is also responsible for monitoring wells for water quality issues.

b. Sewer

The proposed rezoning site is designated as S-7 in the 2009 Water and Sewer Plan with no planned connection to public sewer. An approximate location of the existing septic system is depicted on the recorded plat noted above. No additional information on sewage disposal was provided beyond the declaration noted above.

The Washington County Health Department is responsible for approving the location and method of sewage disposal on individual properties in the County. A copy of this rezoning application was routed for the Health Department for their review, and they offered the following comment:

"Our office has no issue concerning the rezoning; however, a 10,000 sq. ft. reserve area should be platted for each dwelling unit and if restrooms are to be provided for the employees."

c. Stormwater Management

As noted in the applicant's justification statement regarding recent (mostly agriculture related) development permitted on the property *"More recent construction of pole buildings, etc. have gone through the permitting process including stormwater management review."* Stormwater review and mitigation was also done for the moderate volume mineral extraction area on the western boundary on the property. Proposed stormwater management facilities are not shown on the preliminary site plan included with the application.

The Washington County Department of Engineering had no comment when routed the application for review.

d. Floodplain

As noted previously, the proposed rezoning site contains floodplain and wetland areas in the southwest corner of the property. These areas lie outside of the developed footprint of the property which is proposed inclusion within the Rural Business floating zone. Disturbance of such areas is generally prevented or limited by restrictions contained within the County's Floodplain Management Ordinance. Development review by various regulatory agencies would also likely account for continued protection of the area, should the site see additional construction in the future.

e. Bulk Regulations

The applicant's Justification Statement does not specifically address bulk requirements such as setbacks or lot coverage aside from noting the current existence of parking in connection with the produce stand. The lot does however contain ample acreage to meet zoning setbacks and other bulk requirements, and the boundaries of the developed footprint at the site have been largely established within a centralized location on the parcel over time.

In 2020, a variance to reduce the minimum required side yard setback on the western property boundary from 100 feet to 25 feet was granted by the Board of Zoning Appeals as a part of special exception AP-2020-015. This same decision also authorized the moderate volume mineral extraction operation discussed earlier, in this same area of the parcel.

4. Compatibility with Adjacent Land Uses

a. Land Use in the Vicinity



As seen above, nearly all surrounding lands are zoned Agricultural Rural A(R). The properties in the area shown on the image, between Saint Paul and Spickler Roads, are either large agricultural parcels or smaller residential lots. A notable exception being Saint Paul's Reformed Church and Cemetery located on the adjacent parcels to the southwest of the subject site.

There are four other existing RB Zoning Districts (hatched in pink above) in the immediate vicinity providing prior precedent for commercial uses along this stretch of U.S. 40. These adjacent rural businesses include (viewed left to right on the above image):

- National Pike Convenience Store (Saint Paul Rd & National Pike)
- Miller's Farmstead (wedding venue at Spickler Rd and National Pike)
- Mt. Tabor Builders (east of Spickler Rd and National Pike)
- Myers Building Systems (east of Spickler Rd and National Pike)

b. Historic Resources

As the property is located along the Historic National Road Maryland Scenic Byway (encompassing U.S. 40 from Baltimore to the Pennsylvania state line in Garrett County) there are 13 existing historic sites within ½ mile or less of this proposed rezoning that should be considered in evaluating its compatibility. The subject site itself contains a surveyed historic site, the Halteman Farm. The remaining 12 sites are found mostly along National Pike, along with a few also located on Saint Paul Rd. These 13 sites are described in the Maryland Historic Trust Inventory of State Historic Sites as follows:

➤ **Onsite**



- WA-V-115: "Halteman Farm"

Mid-19th century farm complex including 2 story farmhouse, stone smokehouse and bank barn along with numerous frame agricultural buildings.

➤ **Offsite Historic Properties within ½ mile of property**

- WA-V-155: "St. Paul's Church" (adjacent property to southwest)

18th century Gothic Revival Style limestone church.

- WA-V-028 & WA-V-028: St. Paul's Manor" (adjacent property to west)

Early 19th century farm complex including two farmhouses (one 2-story brick dwelling and one 2-story stone dwelling), bank barn and outbuildings.

- WA-V-025 & WA-V-026: "Dennis Farm" (adjacent property to south)

Mid-19th century farm complex including two farmhouses (one 2-story brick dwelling and one 2-story log and stone dwelling), bank barn and spring house.

- WA-V-156: "Sided Log House" (.20 miles west)

19th century 2 story log cabin with exterior stone and brick chimney.

- WA-V-143: "Firey Log Cabin" (.25 miles northwest)

Late 19th century farm complex with modified single-story log cabin.

- WA-V-024: "Snyder Farmhouse" (.5 miles northwest)

Late 18th century farm complex with 2 ½ story stone farmhouse, bank barn and outbuildings

- WA-V-118: "Litton Farm" (.25 miles north)

Late 19th century frame farmhouse and bank barn

- WA-V-192: "Brick House" (.33 miles east)

Late 19th century brick farmhouse

- WA-V-099: "Carriage Factory" (.5 miles east)

Late 19th century frame house, barn and numerous frame outbuildings said to have been a carriage factory during the turn of the century period

- WA-V-098: Bloyer House" (.5 miles east)

Mid-19th century brick farmhouse that served as an inn or hotel on the National Pike, bank barn and wagon shed. Currently operates as wedding reception venue (Miller's Farmstead).

➤ **Other Historic Structures within ½ mile of property**

Multiple other historic road infrastructural elements or mile markers associated with the historic National Pike or Saint Paul Road are found along the stretch of these roads that run in immediate vicinity of the site.

➤ Reviewing Agency Comments

Meghan Jenkins, who acts as the liaison between the Department of Planning and Zoning and the Historic District Commission, offered the following comment when outed a copy of the rezoning application:

“It appears the property has had significant alteration to the main house over time since the original survey which have deteriorated its character. The barn remains relatively intact compared to the survey documentation. The proposed rezoning excludes these 2 structures from the RB Overlay area which is recommended. The HDC does not comment on the use of the property, however, I noted that the structures and area proposed for the RB uses are not directly adjacent to the historic structures and would appear to have minimal impacts on them should this be approved.”

c. Agricultural Land Preservation



The proposed rezoning site is located within the heart of the County's designated Priority Preservation Area (PPA) shown in the image at left. The PPA defines areas that are targeted for future preservation in various agricultural land preservation programs. The PPA in this area of the County encompasses numerous parcels, mostly north of U.S. 40 and I-70, north and east of the Town of Clear Spring and west of Conococheague Creek.

The blue hatched area above denotes all parcels falling within this part of the County's PPA. Parcels in light green have enrolled in the County's Agricultural District program. This program is intended to be a precursor for lands to eventually a permanent agricultural land preservation easement, which are identified in dark green on the map.

The applicant is requesting to apply the RB floating zone atop 6.82 acres of 50.28 acres of total agricultural land on the parcel in question. The moderate volume mineral extraction

operation on the western property boundary also encompasses roughly another 3.5-4 acres of land on the parcel. Floodplain in the southwestern corner takes up approximately 4.5 acres. This leaves around 36 acres of agricultural land that would still be available onsite for permanent preservation in the future.

In addition to the property subject to this rezoning, the applicant appears to own several other agricultural parcels located adjacent or in the immediate vicinity of the site, some of which are even larger than the one under discussion. Thus, when considering all lands owned by the applicant, the possibility of achieving a commercial use on a portion of the subject site while also permanently preserving other agricultural lands in this area of the PPA seems entirely feasible.

5. Additional Considerations

a. Emergency Services

The Clear Spring Ambulance Club and Clear Spring Volunteer Fire Company are the nearest emergency services provider to this site, located approximately 2.75 miles west within the Town limits. The Division of Emergency Services had no comment when routed a copy of the application.

b. Comprehensive Plan Designation

The 2002 Comprehensive Plan designated this site as falling within the Agriculture Policy Area in its Land Use Plan. This Policy Area is primarily associated with various sections of the Great Hagerstown Valley, including the lands between Conococheage Creek and Fairview Mountain where the subject property is found. It's intended to encompass large blocks of the best soils for intensive agricultural production and, by extension, large blocks of preserved farmland. The text notes that rural businesses in this policy area are limited by right, but permitted with the establishment of an RB floating zone.

c. Hours of Operation, Employees

According to the preliminary site plan provided by the applicant, the anticipated hours of operation for the various proposed businesses are Monday through Friday, 7 am to 5 pm, Saturday 8-12 pm. The number of non-family employees would be three for all non-agricultural business being considered. The applicant's justification statement indicates that "*with the exception of the produce stand, customers are by appointment only.*"

III. Recommendation

As noted at the beginning of the Staff Analysis portion of this staff report, this rezoning application notes several different land uses proposed for the property which should be individually considered in deliberating whether the proposed district will accomplish the intent of the Rural Business Zoning District overall. These non-agricultural or resource extraction uses include a wood planer shop, agricultural equipment rental, produce sales and woodstove sales.

The Planning Commission and Board of County Commissioners should carefully consider the appropriateness of each of the uses noted above to fulfill the intent of the RB District.

Considerations that the Planning Commission and Board of County Commissioners may wish to investigate further during public meetings include the following:

- Anticipated daily vehicle traffic coming in and out of the site from the various businesses, particularly those with more public facing operations such as the produce stand, agricultural equipment rental and cemetery monument sales.
- The ability of the site to meet to meet modern site planning requirements in light of much of the property being developed historically before such regulations took effect.

Based on the analysis provided throughout this report and offered by the applicant in their justification statement, Staff believes that the establishment of the Rural Business floating zone would offer a path forward to comprehensively bring the various active or proposed businesses operating on this parcel into legal conformance with zoning regulations. Without the RB District in place, the owner would need to seek individual special exceptions for some of the land uses occurring, such as the agricultural equipment rental or produce stand, as not all of these land uses are allowed by right under the current AR zoning.

If the requested zoning were to be approved, it would then also allow site planning requirements to bring previously unregulated portions of the property into compliance with modern land use regulations, such as those pertaining to stormwater management.

The combined efforts of zoning change and site modernization would therefore cumulatively offer assurances to the landowner that they could continue serving the needs of the rural community with the goods and services that they offer, while also adhering to modern land use regulations that protect the health, safety and welfare of the general public.

Respectfully submitted,

Travis Allen
Senior Planner