



100 West Washington Street, Suite 1101 | Hagerstown, MD 21740-4735 | P: 240.313.2200 | F: 240.313.2201  
WWW.WASHCO-MD.NET

**BOARD OF COUNTY COMMISSIONERS**  
**June 16, 2020**  
**OPEN SESSION AGENDA**

*The meeting of the Board of County Commissioners of Washington County will be held at 100 West Washington Street, Suite 1113, Hagerstown. Due to Governor Hogan's Executive Order and gathering restrictions, Board members will be practicing social distancing. County buildings remain closed to public access except by appointment. Therefore, there will be no public attendance in the meeting chambers. The meeting will be live streamed on the County's YouTube and Facebook sites.*

- 10:00 AM**     **MOMENT OF SILENCE AND PLEDGE ALLEGIANCE**  
**CALL TO ORDER**, *President Jeffrey A. Cline*
- 10:05 AM**     **APPROVAL OF MINUTES: May 26, 2020**
- 10:10 AM**     **COMMISSIONERS' REPORTS AND COMMENTS**
- 10:20 AM**     **STAFF COMMENTS**
- 10:25 AM**     **FY21 SCHOOL BASED HEALTH CENTER GRANT** – *Allison Hartshorn, Grant Manager, Office of Grant Management*
- 10:30 AM**     **PUBLIC HEARING: Agricultural Preservation Easement Rankings FY2021** – *Chris Boggs, Land Preservation Planner, Planning & Zoning*
- 11:00 AM**     **PUBLIC HEARING: Application for Zoning Map Amendment RZ-19-007** – *Travis Allen, Comprehensive Planner, Planning & Zoning*
- 11:15 AM**     **2020–2021 PROPERTY AND CASUALTY INSURANCE RENEWALS** – *Tracy McCammon, Risk Management Coordinator, Human Resources; Anthony Davis, Aon Risk Solutions (via phone)*
- 11:20 AM**     **SUPPLEMENTAL RESOLUTION REALLOCATING A PORTION OF PROCEEDS OF THE PUBLIC IMPROVEMENT BONDS OF 2016** – *Sara Greaves, CFO; Lindsey Rader, Bond Counsel*
- 11:25 AM**     **FY2021 PROGRAM OPEN SPACE ANNUAL PROGRAM** – *Andrew Eshleman, Director, Public Works*
- 11:30 AM**     **EMS MOU AND HEALTH INSURANCE UPDATE** – *Dave Hays, Director, EMS; Dave Chisholm, Assistant Director, EMS; Dale Fishack, President, Washington County Volunteer Fire and Rescue Association (WCVFRA); Robert Buck, EMS Committee Chair (WCVFRA)*
- 11:35 AM**     **SOLE SOURCE PROCUREMENT AWARD (PUR1473) – WESTERN MD CONSORTIUM DISCONNECTED YOUTH SERVICES IN WASHINGTON COUNTY** – *Rick Curry, Director, Purchasing; Allison Hartshorn, Grant Manager, Office of Grant Management*

**11:40 AM      CLOSED SESSION**

*(To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals; to consult with counsel to obtain legal advice; to discuss public security, if the public body determines that public discussion would constitute a risk to the public or to the public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans; to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.)*

**11:50 AM      RECONVENE IN OPEN SESSION**

**11:55 AM      ADJOURNMENT**



## Agenda Report Form

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### Open Session Item

**SUBJECT:** FY21 School Based Health Center Grant – Approval to Submit Application

**PRESENTATION DATE:** June 16, 2020

**PRESENTATION BY:** Allison Hartshorn, Grant Manager, Office of Grant Management

**RECOMMENDED MOTION:** Move to approve the submission of the grant application for the FY21 School Based Health Center Grant Program to the Maryland State Department of Education in the amount of \$200,384 and accept awarded funding.

**REPORT-IN-BRIEF:** The Washington County Office of Grant Management, on behalf of and at the direction of the Local Management Board is seeking approval to submit an application to the Maryland State Department of Education requesting funding for School Based Health Centers in Washington County.

**DISCUSSION:** Currently there are two School Based Health Centers in Washington County which are located at South Hagerstown High School and Western Heights Middle School. The Centers provide exams, prescriptions, immunizations, nutritional assessments, orders lab work and assists in the management of chronic conditions such as asthma and diabetes, etc. Meritus Health is the vendor contracted to provide these services. Funding in the amount of \$10,019 is included in the award for County administrative support.

**FISCAL IMPACT:** Provides \$10,019 for County administrative expenses.

**CONCURRENCES:** The Local Management Board approves the submission of the proposal and recommends the acceptance of this award.

**ALTERNATIVES:** Deny approval for submission of this request

**ATTACHMENTS:** N/A

**AUDIO/VISUAL NEEDS:** N/A



## Agenda Report Form

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### Open Session Item

**SUBJECT:** PUBLIC HEARING - Agricultural Preservation Easement Rankings FY 2021

**PRESENTATION DATE:** June 16, 2020 at 10:30 a.m.

**PRESENTATION BY:** Chris Boggs, Land Preservation Planner, Department of Planning & Zoning

**RECOMMENDED MOTION:** Move to approve the priority ranking of Agricultural Land Preservation Easement applications as recommended by the Agricultural Land Preservation Advisory Board and to forward the top 12 applications to the Maryland Agricultural Land Preservation Foundation (MALPF).

**REPORT-IN-BRIEF:** The purchase of permanent land preservation easements through the Maryland Agricultural Land Preservation Program (MALPP) is the largest part of Washington County's rural preservation strategy. All applications are ranked by the local Agricultural Land Preservation Advisory Board using the adopted Priority Ranking Formula which assigns points for such things as quality of soils, proximity to other preserved lands, agricultural status, economic viability, and relationship to other land use areas in the County.

**DISCUSSION:** Following review and consideration of public comment from this public hearing, Commissioners are requested to approve the top 12 applications to be forwarded to the MALPF Board. Easements are purchased in order from the priority list until funds are exhausted.

Maryland law requires MALPF and the County to maintain confidentiality of financial information and rankings for our easement applicants until the end of an annual easement acquisition cycle. Therefore, only the County Commissioners have the Excel spreadsheet of rankings by the Ag Board. The public copy lists only the names of applicants.

**FISCAL IMPACT:** No impact to County General Fund. The County will have an opportunity to contribute locally collected Agricultural Transfer Taxes and Real Estate Transfer Taxes in the Fall 2020. Local and State funds are combined (60% State and 40% County) to fund the matching portion of the program.

**CONCURRENCES:** The Agricultural Land Preservation Advisory Board has approved the rankings of these applications and the limit of 12 applications being forwarded to MALPF.

**ALTERNATIVES:** Change ranking and/or number of applicants submitted.

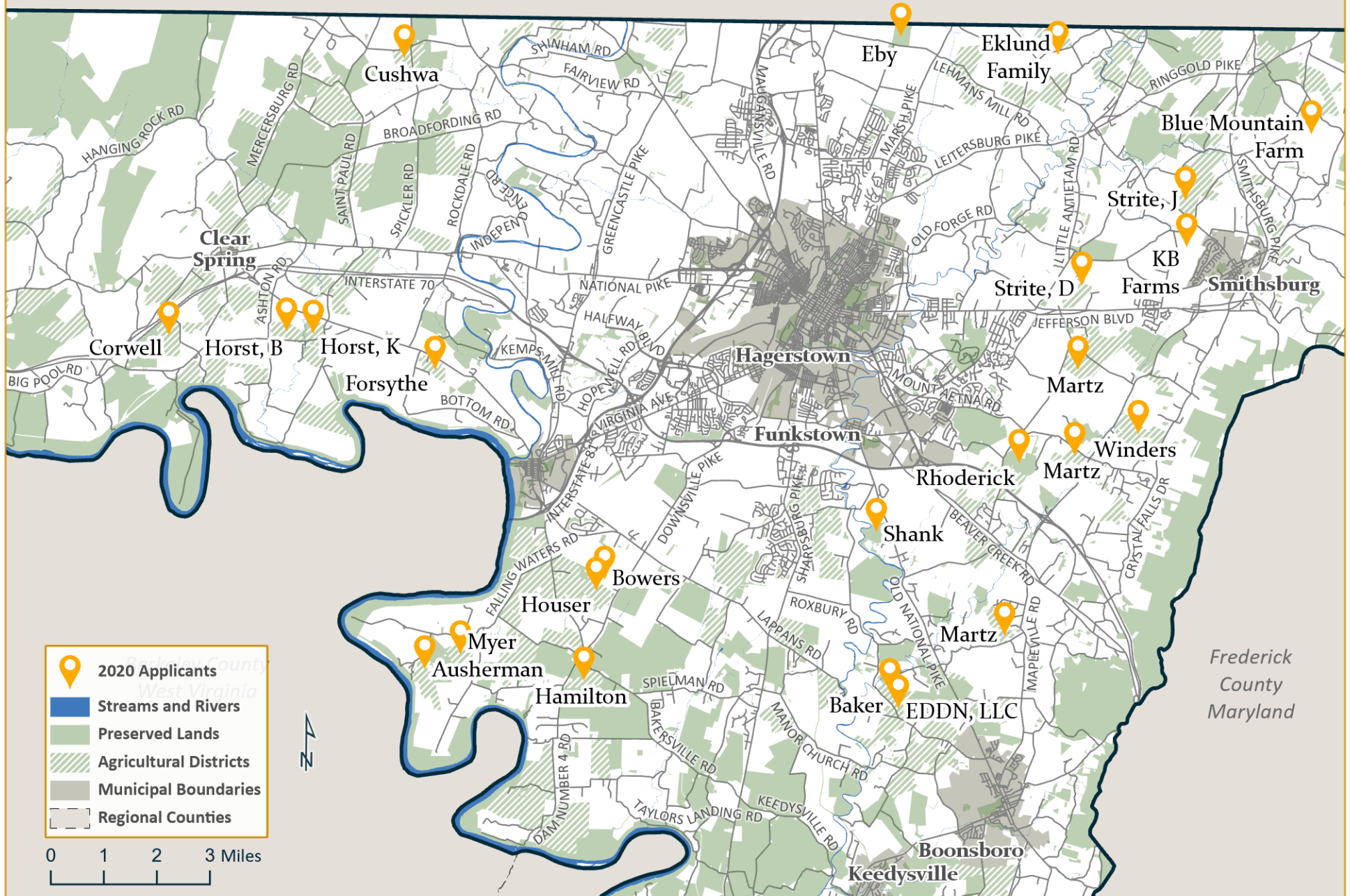
**ATTACHMENTS:** Priority Ranking List, Ranking Checklist

**AUDIO/VISUAL NEEDS:** PDF County Map of Applicants





Franklin County  
Pennsylvania





## Agenda Report Form

### Open Session Item

**SUBJECT:** PUBLIC HEARING - Application for Zoning Map Amendment RZ-19-007

**PRESENTATION DATE:** June 16, 2020

**PRESENTATION BY:** Travis Allen, Comprehensive Planner, Department of Planning and Zoning

**RECOMMENDED MOTION:** The purpose of this public hearing is to take public comment on the rezoning application. The Commissioners have the option to reach a consensus to either approve or deny the request after the public hearing closes or deliberate on the issue at a later date.

**REPORT-IN-BRIEF:** Application is being made to extend an existing Rural Business floating zone over an adjacent .88-acre property through a rezoning map amendment.

**DISCUSSION:** The applicant WALZC, LLC seeks a map amendment for a property adjacent to the site of Mt. Tabor Builders at 14624 National Pike near the Rural Village of Wilson. An existing RB floating zone was established over the parcel containing Mt. Tabor Builders in 2015. The current proposal seeks to extend the RB zone to accommodate use of an accessory structure related to business operations that would not be permitted under its current zoning designation.

The factors to be considered in a request for the creation of a new RB zoning district are listed in Article 5E of the Washington County Zoning Ordinance. RB districts must designate a specific type of land use and demonstrate that the proposed use will be compatible with the existing neighborhood which surrounds it. The purpose of the RB zoning district is 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.

This item was presented to the Washington County Planning Commission at a Public Information Meeting held during their regular meeting on February 3, 2020. It was then brought back for recommendation at the March 2, 2020 meeting, where the members unanimously recommended in favor of the proposed map amendment.

Thus far, one public comment in favor of the proposal was received during the Public Information Meeting. This is the only public comment received to date either for or against the proposed rezoning.

**FISCAL IMPACT:** N/A

**CONCURRENCES:** Washington County Planning Commission

**ALTERNATIVES:** N/A

**ATTACHMENTS:** Application, staff report, Planning Commission recommendation, approved Planning Commission minutes and written public comments



WASHINGTON COUNTY PLANNING COMMISSION  
ZONING ORDINANCE MAP AMENDMENT APPLICATION

FOR PLANNING COMMISSION USE ONLY

Rezoning No. R3-19-007

Date Filed: 11-26-19

WALZC, LLC

Applicant

Property Owner ☒ Contract Purchaser

☐ Attorney

☐ Consultant

☐ Other: \_\_\_\_\_

13830 LEISHER COURT, CLEAR SPRING, MD 21722

Address

Zachary J. Kieffer, Esq.

240-513-4332

Primary Contact

19405 Emerald Sq. Ste. 2100 Ofc. 202  
Hagerstown, MD 21742

Address

Phone Number

zach@zkiefferlaw.com

E-mail Address

Property Location: 14624 NATIONAL PIKE, CLEAR SPRING, MD 21722

Tax Map: 0035

Grid: 0015

Parcel No.: 0073

Acreage: 0.88/1.5 (Post-APPLICATION)

Current Zoning: AGRICULTURE (RURAL)

Requested Zoning: RURAL BUSINESS

Reason for the Request:

☐ Change in the character of the neighborhood

☐ Mistake in original zoning

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

JEAN C. STRITE

Notary Public - State of Maryland

Washington County

My Commission Expires Apr 26, 2021

Applicant's Signature

Subscribed and sworn before me this 12 day of November, 20 19.

My commission expires on April 26, 2021

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

FOR PLANNING COMMISSION USE ONLY

Rezoning No. \_\_\_\_\_

Date Filed: \_\_\_\_\_



CLERK OF CIRCUIT COURT  
WASHINGTON COUNTY

Tri-State Signature Settlements, LLC  
File No. TE-7601M  
Tax ID # 23-002450

**This Deed**, made this 10th day of February, 2012, by and between Valley Group, LLC, GRANTOR, and WALZC LLC, GRANTEE.

- Witnesseth -

**That in consideration** of the sum of ONE HUNDRED FIFTY THOUSAND DOLLARS 00/100 (\$150,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantor does grant and convey to the said WALZC LLC, in fee simple, all that lot of ground situate in the County of Washington, State of Maryland, and described as follows, that is to say:

All that lot or parcel of land, together with the improvements thereon, situate along the North side of National Pike in Election District No. 23, Washington County, Maryland and being more particularly shown and designated as Lot 1 on the Subdivision plat entitled "Preliminary/Final Plat of Subdivision of Lots 1 and 2 for Matthew & Eileen Eby", recorded among Plat Records of Washington County, Maryland, at Plat folio 8126.

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

Being the same property described and conveyed from Matthew D. Eby and Eileen S. Eby, his wife to Valley Group LLC, a Maryland Limited Liability Company, by deed dated February 17, 2005 and recorded on February 17, 2005 in the Liber 2575 at folio 441 in the Land Records of Washington County, Maryland.

**Together** with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

**To Have and To Hold** the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said WALZC LLC, in fee simple.

**And** the Grantor hereby covenants that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that it will warrant specially the property hereby granted; and that it will execute such further assurances of the same as may be requisite.

4230 0162

CLERK OF CIRCUIT COURT  
WASHINGTON COUNTY

In Witness Whereof, Grantor has caused this Deed to be properly executed and sealed the day and year first above written.

VALLEY GROUP, LLC

By: Sandra M. Fields  
Sandra M. Fields, Member

By: Timothy E. Fields  
Timothy E. Fields, Member

STATE OF MARYLAND  
COUNTY OF WASHINGTON

} ss

I hereby certify that on this 10th day of February, 2012 before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Sandra M. Fields and Timothy E. Fields, who acknowledged himself/herself to be the Member of the Grantor corporation, and that as such officer, being authorized to do so, executed the foregoing Deed for the purposes therein contained, by signing the name of the Corporation, by himself/herself as such officer and further, did certify that this conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer or all, or substantially all, of the property and assets of the Corporation, giving oath under penalties of perjury that the consideration recited herein is correct.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Embossed Hereon Is My  
Frederick County, Maryland Notary Public Seal  
My Commission Expires October 19, 2014  
OLIVIA MOORE

Olivia Moore  
Notary Public  
My commission expires: \_\_\_\_\_

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of one of the parties named within.

Sandra M. Fields  
Sandra M. Fields, Grantor

AFTER RECORDING, PLEASE RETURN TO:  
Tri-State Signature Settlements, LLC  
1185 Mt. Aetna Road  
Hagerstown, MD 21740

DENNIS J. MEYER  
CLERK OF CIRCUIT COURT  
RECORDING FEE 40  
RECORDING FEE 30  
RECORDING FEE 1,140  
RECORDING FEE 300  
RECORDING FEE 750  
TOTAL 2,450

IMP FD SURE 4 40.00  
RECORDING FEE 20.00  
RECORDATION T 1,140.00  
TR TAX COUNTY 500.00  
TR TAX STATE 750.00  
TOTAL 2,450.00  
Res# WA01 Rcpt # 98881  
DJH MAH Blk # 528  
Feb 13, 2012 02:33 PM

PAID BY THE GRANTOR  
TAXES PAID 2-13-12 pm

2011

MARYLAND  
FORM

4230 0163

Certification of Exemption from Withholding Upon  
Disposition of Maryland Real Estate  
Affidavit of Residence or Principal Residence

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor

Valley Group, LLC

2. Reasons for Exemption

Resident  
Status



I, Transferor, am a resident of the State of Maryland.



Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR) 03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

Principal  
Residence



Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 and is recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness

Name

Signature

3b. Entity Transferors

Witness/Attest

VALLEY GROUP, LLC

Name of Entity

By

Sandra M. Fields

Name

Member

Title

**2011**MARYLAND  
FORM

# Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

**1. Transferor Information**

Name of Transferor

Valley Group, LLC

**2. Reasons for Exemption****Resident  
Status**

- ☒ I, Transferor, am a resident of the State of Maryland.  
☐ Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR) 03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

**Principal  
Residence**

- ☐ Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 and is recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

**3a. Individual Transferors**

Witness

Name

Signature

**3b. Entity Transferors**

Witness/Attest

VALLEY GROUP, LLC

Name of Entity

By

Timothy E. Fields

Name

Member

Title



4230 0165

CLERK OF CIRCUIT COURT  
WASHINGTON COUNTY  
**State of Maryland Land Instrument Intake Sheet**

| | Baltimore City | X | County: Washington  
Information provided is for the use of the Clerk's Office and State Department of  
Assessments and Taxation, and the County Finance Office only.  
(Type or Print in Black Ink Only All Copies Must Be Legible)

1	<b>Type(s) of Instruments</b>	(   Check Box if Addendum Intake Form is Attached.)																																																																							
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2	<b>Conveyance</b>	<input checked="" type="checkbox"/> Improved Sale	<input type="checkbox"/> Unimproved Sale	<input type="checkbox"/> Multiple	<input type="checkbox"/> Not an Arms- Length Sale [9]																																																																				
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WASHINGTON COUNTY CIRCUIT COURT (Land Records) DJW 4230, p. 0165, MSA\_CE18-4180. Date available 02/16/2012. Printed 11/25/2019

TE-7601M

November 25, 2019

**MEMORANDUM OF SALE AND CONSENT TO REZONING APPLICATION**

Washington County Department of Planning and Zoning  
100 W. Washington Street  
Hagerstown, Maryland 21740

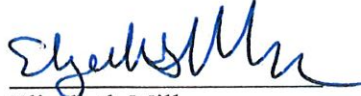
We, the undersigned David W. Miller and Elizabeth A. Miller ("We" or "Seller"), do hereby state and acknowledge the following with regard to our parcel of real property located at 14506 National Pike, Clear Spring, MD 21722.

1. We are the owners of certain real property located at 14506 National Pike, Clear Spring, MD 21722 (Tax Map. 0035, Parcel 0071) (the "Property").
2. By virtue of an oral/handshake agreement between ourselves and Willie Eby, we agreed to convey +/- 0.88 acres of the Property to WALZC, LLC, of which Mr. Eby is a member (the "WALZC Parcel").
3. Seller hereby acknowledges that they are aware of Mr. Eby's plans for the WALZC Parcel, in that application will be made to the Washington County Department of Planning and Zoning for a Map Amendment to rezone the WALZC Parcel with the Rural Business District Overlay.
4. Seller hereby consents to said application for Map Amendment.
5. Upon approval of said Map Amendment, we intend to consummate the sale of the WALZC Parcel to Mr. Eby and memorialize said transaction with the execution of a special warranty deed conveying good and clear title to WALZC, LLC in fee simple.

Respectfully Submitted,

Seller:

  
David Miller

  
Elizabeth Miller

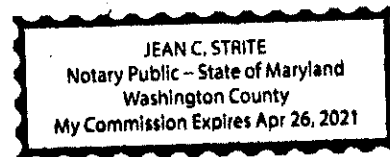
STATE OF MARYLAND, WASHINGTON COUNTY, to-wit:

I HEREBY CERTIFY, That on this 25 day of November, 2019, before me, the subscriber, a Notary Public, in and for the State and County aforesaid, personally appeared David W. Miller and Elizabeth A. Miller and acknowledged the foregoing deed to be their act and deed and further made oath in due form of law the above is true and bona fide as set forth therein.

WITNESS my hand and Official Notarial Seal.

Jean C. Strite  
Notary Public

My Commission Expires: Apr. 26, 2021





02  
B POSTAGE  
IMPRFE 5.00  
DEED 15.00  
RECTAX 135.00  
TRTAX 875.00  
B SUB 2248-50  
08 3256 11-24 P234  
1992

01068 00917

CLERK OF THE CIRCUIT COURT  
WASHINGTON COUNTY

Received for Record  
at \_\_\_\_\_ o'clock \_\_\_\_\_ .M.  
Recorded in Liber \_\_\_\_\_

THIS DEED, made this 17<sup>th</sup> day of November, A.D., 1992, by  
VIOLA G. BLOYER of Washington County, Maryland, GRANTOR.

WITNESSETH: That for and in consideration of the sum of  
TWO HUNDRED FIVE THOUSAND DOLLARS (\$205,000.00) and other good  
and valuable consideration, the receipt and sufficiency of which  
is acknowledged, GRANTOR does hereby grant and convey unto DAVID  
W. MILLER and ELIZABETH A. MILLER, his wife, as tenants by the  
entireties, all the following lot or parcel of land, together  
with any improvements thereon and all rights, ways, privileges,  
waters, alleys, easements and appurtenances thereunto belonging  
or in anywise appertaining, situate at the northeast corner of  
the intersection of Spickler Road and U.S. Route 40 in Election  
District No. 23, Washington County, Maryland, and more  
particularly described as "Remaining Lands of William Boyer and  
Viola G. Boyer in accordance with a recent survey by Frederick,  
Seibert and Associates, Inc. dated December, 1991, as follows:

Beginning for the outline hereof at the intersection of the  
north margin of U.S. Route 40 and east margin of Spickler Road as  
depicted on the Washington County Roadway Right of Way Plat No.  
100-10-80, running thence with said margin of Spickler Road North  
29° 17' 21" East 101.17 feet to a point, thence North 61° 10' 20"  
East 27.73 feet to a point, thence North 44° 37' 17" East 25.32  
feet to a point, thence North 35° 31' 52" East 25.00 feet to a  
point, thence North 25° 19' 38" East 101.61 feet to a point,  
thence North 35° 31' 52" East 75.00 feet, thence North 37° 49'  
18" East 75.06 feet to a point, thence North 32° 05' 51" East  
50.09 feet to a point, thence North 30° 28' 45" East 39.75 feet  
to a point in the southern line of lands of Leo H. Hornbaker  
(Liber 453, folio 468), thence with said lands, passing through  
an iron pin at 0.77 feet, South 55° 19' 00" East 166.36 feet to  
an iron pin found, thence North 36° 58' 00" East 425.00 feet to a  
point at the northeast corner of lands of T.L. Burleson (Liber  
611, folio 342), thence with lands of R.F. Grams (Liber 489,  
folio 116) passing through an iron pin at 1.08 feet, South 55°  
19' 00" East 298.40 feet to an iron pin and cap set in place of a  
recovered hub and tack, thence North 20° 52' 00" East 141.50 feet  
to an iron pin and cap set, thence North 22° 24' 14" East 80.97  
feet to a recovered iron pin, thence along lands of F.W. Robinson  
(Liber 533, folio 25) North 20° 14' 42" East 300.00 feet to a  
fence post, thence along lands of S.P. Bowers (Liber 756, folio  
807) North 20° 36' 42" East 63.09 feet to an iron pin and cap  
set, thence along lands of Leroy E. Myers (Liber 414, folio 578)  
South 65° 52' 22" East 1561.54 feet to a corner fence line tree,  
thence along lands of S. A. Barnhart (Liber 845, folio 700) South  
37° 23' 08" West 600.41 feet to an iron pin and cap set, thence  
along lands of J.W. Cameron (Liber 327, folio 601) and others  
North 82° 26' 28" West 1422.61 feet to an iron pin and cap set at  
the end of the second or North 85° West 48.71 feet line of lands  
of William C. Reed, Jr. (Liber 397, folio 61), running thence  
with part of third line of said lands South 20° 18' 32" West  
37.48 feet to an iron pin and cap set at the end of the third  
line of lands of Gary L. Wigfield (Liber 910, folio 296), thence  
with said third line reversed and with the northern line of lands  
of J. Martin (Liber 257, folio 343), North 74° 58' 32" West

WASHINGTON COUNTY CIRCUIT COURT (Land Records) DJW 1068, p. 0917, MSA\_CE18\_1018. Date available 09/28/2005. Printed 11/25/2019.

LAW OFFICES  
RITE & SCHILDT  
PROFESSIONAL ASSOCIATION  
38 WEST WASHINGTON STREET  
HAGERSTOWN, MD 21740

David W. Miller (SEAL)  
David W. Miller

01068 00919

CLERK OF THE CIRCUIT COURT  
WASHINGTON COUNTY

Janice S. Dickinson

Elizabeth A. Miller (SEAL)  
Elizabeth A. Miller

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.

STRITE AND SCHILDT,  
A Professional Association

BY: James P. Johnson, Jr.

MAILED DEC 7 1992

MAIL TO:  
Robert B. Stone, Esquire  
120 North Potomac Street  
Hagerstown, Maryland 21740

AGRICULTURE TAX \$1,100.00  
ACREAGE 2.0  
CLERK M. L. Myers

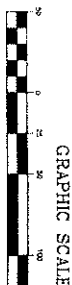
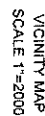
TAXES PAID November 24, 1992  
TODD L. HERRICK

RECEIVED FOR TRANSFER  
State Department of  
Assessments & Taxation  
for Washington County  
Nadine P. Myers  
11-24-92



4819

Rec. 10-15-19



**OWNER'S STATUTORY AFFIDAVIT**

I, \_\_\_\_\_, owner of the above described premises, do hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.

Dated: 7/18/14 at \_\_\_\_\_

Signed: \_\_\_\_\_

\_\_\_\_\_  
PERSONAL REPRESENTATIVE

**CERTIFICATE OF APPROVAL**

This document was reviewed by me, \_\_\_\_\_, County Clerk, and I am satisfied that it complies with the provisions of Chapter 106, Article 1, Section 10 of the Constitution of the State of Florida, and I hereby approve its execution.

Dated: 7/19/14 at \_\_\_\_\_

Signed: \_\_\_\_\_

\_\_\_\_\_  
COUNTY CLERK

CERTIFICATE OF APPROVAL  
FINAL APPROVAL GRANTED

$$\frac{d}{dt} \left( \frac{1}{\omega^2} \right) = -\frac{2}{\omega^3} \frac{d\omega}{dt}$$

1000

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GENERAL NOTES

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a distressed area, which is a disallowed

Should be consulted in accordance with  
Article

ON SECTION 318 of the VAWINGLO

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for all the connections with the Web.

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## Simplified Sur

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WALZ,

(MARYLAND) RO  
WASHINGTON COIN

31.10.07

**Simplified Subdivision**

Parcel A

WALZC, LLC

WASHINGTON COUNTY, MARYLAND

PLAT NO 11015  
DATE 11-1-78  
WASHINGTON COUNTY

51-10-01

ADJACENT AND ADJOINING PROPERTIES  
To  
14624 National Pike, Clear Spring, MD 21722  
Information derived from SDAT property information

- 1) Map: 0035; Parcel: 0073  
Record Owner: Matthew & Eileen Eby  
Premises Address: 14626 National Pike, Clear Spring, MD 21722  
Mailing Address: 16212 Broadfording Road, Hagerstown, MD 21740
- 2) Map: 0035; Parcel 0351  
Record Owner: Leroy E. Myers, Jr.  
Premises Address: 14627 National Pike, Clear Spring, MD 21722  
Mailing Address: Same as Premises
- 3) Map: 0035; Parcel 0351  
Record Owner: Gerard & Vickie Wagner  
Premises Address: 14621 National Pike, Clear Spring, MD 21722  
Mailing Address: Same as Premises
- 4) Map: 0035; Parcel 0360  
Record Owner: Herman Chaney  
Premises Address: 14617 National Pike, Clear Spring, MD 21722  
Mailing Address: Same as Premises
- 5) Map: 0035; Parcel: 0072  
Record Owner: WALZC, LLC (Applicant)  
Premises Address: 14616 National Pike, Clear Spring, MD 21722  
Mailing Address: 13830 Leisher Court, Clear Spring, MD 21722
- 6) Map: 0035; Parcel: 0071  
Record Owner: David and Elizabeth Miller  
Premises Address: 14506 National Pike, Clear Spring, MD 21722  
Mailing Address: Same as Premises

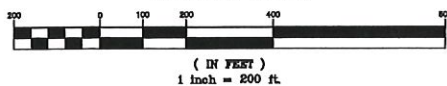




### Site Data

TAX MAP 35-15-73  
 ELECTION DISTRICT 23  
 ZONING A(R) - AGRICULTURAL RURAL  
 PROPOSED ZONING A(R) - WITH RB OVERLAY  
 FUNCTIONAL DESCRIPTION CONTRACTOR OFFICE AND STORAGE  
 NUMBER OF EMPLOYEES 3  
 HOURS OF OPERATION 8AM - 4PM MON. - THURS.  
 PARCEL AREA 1.51 Acre  
 PROPOSED BUILDING AREA 4,200 S.F.  
 TRIP GENERATION FEWER THAN 10 TRIPS PER DAY  
 OWNER  
 WALZC, LLC  
 13930 LEISHEAR COURT  
 CLEAR SPRING, MD 21722

### GRAPHIC SCALE



TAX MAP 35-15-73 DISTRICT 23

DRAWING NUMBER 1 OF 1

DRAWN BY:

DATE:

CHECKED BY:

DATE:

SCALE:

1" = 200'

**FREDERICK  
 SEIBERT &  
 ASSOCIATES, INC.** ©2019

CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS  
 128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740  
 20 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225  
 505 SOUTH HANOVER STREET, CARLISLE, PENNSYLVANIA 17013  
 5201 SPRING ROAD, SUITE 3, SHERMANSVILLE, PENNSYLVANIA 17090

(301) 761-3600

(717) 548-1327

(717) 761-8111

FAX (301) 779-4228

Rezoning Exhibit

for  
**WALZC, LLC**

situate at 14624 National Pike US Route 40

WASHINGTON COUNTY, MARYLAND



**WASHINGTON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
February 3, 2020**

The Washington County Planning Commission held its regular monthly meeting on Monday, February 3, 2020 at 7:00 p.m. at the Washington County Administration Building, 100 W. Washington Street, Room 2000, Hagerstown, MD.

Commission members present at the meeting were: Clint Wiley, Denny Reeder, Drew Bowen, BJ Goetz, David Kline, and Ex-officio County Commissioner Randall Wagner. Staff members present were: Washington County Department of Planning & Zoning: Jill Baker, Director; Travis Allen, Comprehensive Planner; and Debra Eckard, Administrative Assistant; Washington County Department of Plan Review & Permitting: Ashley Holloway, Director; Rebecca Calimer, Chief of Plan Review; and Lisa Kelly, Senior Planner.

**CALL TO ORDER**

The Chairman called the meeting to order at 7:00 p.m.

**REZONING PUBLIC MEETING**

**RZ-19-007 – WALCZ, LLC**

**Staff Presentation**

Mr. Allen presented a map amendment application for property located at 14624 National Pike in Clear Spring. The applicant is requesting the extension of a Rural Business floating zone onto an adjacent parcel of land which is .88 acres in size. The property is currently zoned Agricultural Rural – A(R). The purpose of the Rural Business zoning district is to permit the continuation and development of businesses that support the agricultural industry and farming community, serve the needs of rural residents, provide for recreation and tourism opportunities, and to establish locations for businesses and facilities not otherwise permitted in the rural areas of the county. The floating zone, in general, delineates conditions which must be met before the zoning district can be applied to an existing piece of land.

Mr. Allen stated there are certain criteria described in Section 5E.4 of the County's Zoning Ordinance that must be met in order to establish a new Rural Business zoning district. He briefly reviewed these criteria. Section 5E.6c further describes the basis for which the Planning Commission should base its approval or denial recommendation to the Board of County Commissioners.

The RB district shall only be applied to the area identified on the application and shall only be for the use identified in the application. Any changes to the use, intensity or area covered by an approved RB district shall be reviewed by the Planning Commission. Mr. Allen noted that if the rezoning request is approved, a site plan will be required, which will be reviewed by the Planning Commission at a later date.

The map amendment application was routed to several reviewing agencies for comment. The only agency to provide comment was the Washington County Health Department regarding sewer on the property. Because this property is not in an area planned for public sewer, the location and method of sewage disposal on the property is administered by the Health Department. The Health Department stated that the septic reserve area has been compromised and any expansion of the business or change of the land use in the area would require that issue to be addressed.

**Applicant's Presentation**

Mr. Zachary Kieffer, 19405 Emerald Square, Suite 2100, Ofc. 202, Hagerstown, legal counsel for the applicant, and Mr. Will Eby, WALCZ, LLC, 13830 Leisher Court, Clear Spring, the applicant, were present at the meeting. Mr. Kieffer distributed, for the record, Applicant's Exhibit #1 (vicinity map), Exhibit #2 (letters supporting the rezoning request), and Exhibit #3 (deed showing the applicant is the owner of the property). He explained that the applicant wants to add .88 acres of land [currently zoned A(R)] to another property owned by Mr. Eby [Mt. Taber Builders] at 14624 National Pike in Clear Spring [zoned RB (Rural Business)]. Mr. Eby is planning to construct an accessory storage building for his business. The hours of operation will remain the same [Monday thru Friday, 8 a.m. to 4 p.m.].

The Mt. Taber Builders site is adjacent to other RB floating districts along Route 40 which makes it compatible with the surrounding area. There will be no increase in trips to and from the site and no increase in employees.

Mr. Eby stated that the expansion would provide additional parking for his employees, the accessory structure would allow for storage and maintenance of equipment on-site and it would ease the flow of traffic by allowing him to drive around the office building rather than turning around in front of the office which fronts Route 40. Mr. Eby noted that the preliminary site plan has been submitted to the County and the septic reserve issue mentioned earlier has been addressed.

**Discussion and Comments:** Commissioner Wagner asked if the applicant owns the property to the west and has a good relationship with the property owner to the East. Mr. Eby responded that he does own the property to the west and has a good relationship with the neighbor to the east.

#### **Public Comment**

Mr. John Barr, 12404 Rocky Fountain Lane, Clear Spring – Mr. Barr stated that he lives across the road from Mr. Eby’s business. He noted that Mr. Eby operates a very good business with acceptable hours and all neighbors are pleased with the proposed plan. Mr. Barr stated that the .88 acres was purchased from Miller’s Farmstead, which operates a business on weekends. He believes that the proposed expansion will help with traffic issues and ingress and egress from the site.

The public rezoning meeting concluded at 7:18 p.m.

#### **REGULAR MEETING**

The Chairman announced that the Black Rock PUD Development Plan was removed from the agenda at the request of the consultant.

#### **MINUTES**

**Motion and Vote:** Mr. Goetz made a motion to approve the minutes of the January 6, 2020 meeting as presented. The motion was seconded by Mr. Reeder and unanimously approved.

#### **-NEW BUSINESS**

#### **SUBDIVISIONS**

##### **Paradise Heights, Section B [PP-17-002]**

Ms. Kelly presented for review and approval a preliminary plat for Paradise Heights, Section B, Lots 56 thru 77. The subdivision is located along the north side of Longmeadow Road and is currently zoned Residential Suburban (RS). The developer is proposing to create 22 single family lots on a total of 12.76 acres. Lot sizes will range from 0.3 to 0.5 acres. The new lots will be served by new public streets, Pulaski Drive (extended) and Amesbury Road; there will be no sidewalks. All lots will be served by existing public water and sewer. Forestation requirements are being met by retaining 3.82 acres of existing forest in an approved off-site forestation bank. All reviewing agency approvals have been received.

**Discussion and Comments:** Mr. Bowen asked if the streets will have interconnections to North Village. Ms. Kelly stated the streets would connect to North Village and will eventually connect with the Harper Park subdivision.

**Motion and Vote:** Mr. Bowen made a motion to approve the preliminary plat as presented. The motion was seconded by Mr. Kline and unanimously approved.

#### **SITE PLANS**

##### **Fairplay Dollar General Store [SP-19-026]**

Ms. Kelly presented for review and approval a site plan for the Fairplay General Dollar Store to be located at the northeast corner of the intersection of Sharpsburg Pike and Lappans Road near Fairplay. The property is currently zoned Rural Village (RV). The developer is proposing to construct a 9,000 square foot store on a 1.56 acre parcel. The proposed building height will be 20 feet. Access will be off of Lappans Road. The Board of Appeals granted a Special Exception in May 2019 to allow for the creation of a retail sales facility at this location. The site will be served by individual well and septic. Hours of operation will be from 9 a.m. to 10 p.m., 7 days per week. Projected number of employees is 6 to 10. Total parking

spaces required is 36 spaces and 37 spaces will be provided. Proposed lighting will be building and pole mounted. Signage will be building mounted with a pole mounted sign at the southwest corner. Solid waste disposal will be provided by a screened dumpster along the side of the building. Landscaping will be located throughout the parking lot and in the bio retention ponds. Forestation for this parcel was addressed by way of a subdivision approval in 2006. All agency approvals have been received except for the Health Department. Well testing is being performed and will be completed as weather conditions allow.

**Motion and Vote:** Mr. Goetz made a motion to grant staff the authority to approve the site plan pending Health Department approval. The motion was seconded by Mr. Bowen and unanimously approved.

## **OTHER BUSINESS**

### **Update of Staff Approvals**

Mr. Holloway distributed a written report to Commission members and noted the following Land Development projects: 3 inspection and maintenance agreements; 2 simplified plats; 11 standard grading plans; 6 standard stormwater plans; 2 subdivision replats; and 2 traffic impact studies.

### **Demolition Permit [2019-04949]**

Ms. Baker presented a demolition permit application for property located at 55 West Oak Ridge Drive (former Review & Herald Publishing Company property). She explained that anytime a demolition permit is submitted for an historic resource, the application is reviewed by the Historic District Commission. Various criteria are used in analyzing the property and in making their recommendation. The demolition permit does not cover the main building, only the existing farmhouse and barn located on the property. The applicant is proposing a commercial development on the property. The applicant appeared before the Historic District Commission (HDC) at its January 8<sup>th</sup> meeting (copies of minutes provided to the Planning Commission members) stating reasons why the demolition is necessary. The HDC reviewed the application and pertinent information and ultimately opposed the demolition permit. Because the HDC opposed the application, the Planning Commission must review it and make a recommendation. The County does not currently have a mechanism in place to stop the demolition. Ms. Baker then introduced Mr. Tom Clemens, Chairman of the HDC.

Mr. Clemens stated that the HDC was not given a specific reason for the demolition. Ultimately, the applicant admitted that the space was needed for parking. Mr. Clemens noted that the applicant would not reveal the plans for the property and the Commission felt it was being asked to make its decision without having all the facts. HDC members asked to sign a NDA (non-disclosure agreement); however, the developer stated that was not within their timeline.

Mr. Clemens stated that the house is very old and was owned and lived in by several prominent families in the County. He expressed his opinion that the barn is in excellent condition and could be used for storage. The developer has expressed interest in selling the salvageable materials from the site. The HDC also suggested subdividing and selling the two structures along with a couple of acres of land for someone to rehabilitate the structures. The developer was not interested in this approach because it did not fit into their plans.

**Discussion and Comments:** Mr. Bowen expressed his opinion that there are numerous farmhouses like this around the County, but there is nothing special about this one. While he is in favor of preserving historic structures, he does not believe that every historic structure needs to be saved.

Mr. Clemens expressed his opinion that many of the structures that are over 100 years old are gone. He noted that one of the largest industries in the County is heritage tourism, which contributes to the economics of our area. Mr. Clemens expressed his belief that there is a finite number of historic structures left in the County and once they are gone, the business will go away as well.

Mr. Kline asked what the zoning is on this property. It is currently zoned HI (Highway Interchange).

Ms. Baker explained that the developer has a multi-million dollar project that is facing some large hurdles to make development work on this particular piece of property. There are extra storm water management regulations that must be met because there will be a large impervious surface and forest conservation requirements that will need to be met.

Mr. Kline expressed his opinion that property owners have the right to do what they want with their property. If the property owner wants to demolish the structures, he should have a right to do that.

Members of the Planning Commission expressed their belief that historic resources should be preserved in some instances; however, not every historic structure needs to be preserved. Members also believe that property owners have the right to develop their property in an appropriate and acceptable manner. All members agree that heritage tourism is a large economic boost for Washington County.

**Motion and Vote:** Mr. Kline made a motion to recommend approval of the demolition permit application as presented. The motion was seconded by Mr. Bowen and unanimously approved with Commissioner Wagner abstaining from the vote.

### **Discussion of Demolition Permit Process**

Ms. Baker introduced Mr. Ralph Young and Ms. Linda Irvin-Craig, co-chairs of the Historical Advisory Commission. She explained that the HDC and the Historical Advisory Commission have been working together to develop some changes to the current Demolition Permit Process. Ms. Baker noted that the County currently has 3,720 individual historic resources. These resources are broken down into five categories, which include: buildings, districts, objects, sites and structures. This does not include all of the contributing resources in the various historic districts. Of the 3,720 historic resources, 342 have a status of demolished, deteriorated or in ruins. Between January 1, 2015 and December 31, 2019, Washington County issued 244 demolition permits; 28 were flagged as having an historic resource somewhere on the property. Twenty of the 28 permits were issued on resources listed in the County's Historic Inventory.

The two commissions are proposing a delay in issuing a building permit when a demolition permit for a historic structure was not properly obtained. Ms. Baker provided a flowchart of the process. The 90-day alternative exploration period would begin immediately after the HDC's review. This period would allow the Commission to discuss alternatives to demolition of the resource. The second proposal is to increase the fines for demolition of historic resources **without** a permit. Currently the fee is \$100; the proposal is to increase the fee to \$1,000. These proposals have been presented to the Board of County Commissioners; however, the Commissioners asked that the Planning Commission review these policies and provide comment.

Mr. Clemens explained that the current fee to obtain a demolition permit is \$50.00; the violation fee is \$100.00. It is believed that more people would follow the process if the fee violation is increased and a one year waiting period for a construction permit is enforced.

**Discussion and Comments:** Mr. Bowen asked if there is currently a process to deny a demolition permit. Ms. Baker stated there is not a process to deny a demolition permit.

Commissioner Wagner asked for clarification of the one-year waiting period. Ms. Baker stated that the permit would only be withheld if an historic structure is demolished on the property without a demolition permit.

Mr. Wiley expressed his concern regarding the alternative exploration period being proposed. He pointed out that the developer is investing in the property and taking all the risks of the investment. Ms. Irvin-Craig noted that the Commissions are trying to find ways to educate property owners/developers in rehabilitation and/or re-use of historic structures. She stated that it takes time to find the resources to help people save historic resources. There are people willing to demolish a structure if they are able to salvage the materials, such as wood beams, windows, etc. but it takes time to discuss these alternatives with the property owners/developers and contact the parties interested in salvaging these types of materials.

There was a brief discussion regarding tax credits that people can get for restoration of historic resources. The Historic Advisory Commission is in the process of developing a brochure explaining the various credits available. The Commission intends to provide this brochure to various organizations around the County, such as realtors, visitor's bureaus, County offices, etc.

Mr. Kline is opposed to both the one-year waiting period for demolition of an historic resource without a permit and the \$1,000 violation fee for demolition without a permit. He gave some examples where there could be unintended consequences for both of these situations.

Planning Commission members would like more time to consider the proposals. It was decided that these proposals should be reconsidered by the HDC and the HAC and new proposals brought back to the Planning Commission at a later date.

**-ADJOURNMENT**

Mr. Goetz made a motion to adjourn the meeting at 8:45 p.m. The motion was seconded by Mr. Kline and so ordered by the Chairman.

**-UPCOMING MEETINGS**

1. Monday, March 2, 2020, 7:00 p.m., Washington County Planning Commission regular meeting, Washington County Administration Building, 100 W. Washington Street, Room 2000, Hagerstown, MD 21740

Respectfully submitted,

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Clint Wiley, Chairman

**WASHINGTON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
March 2, 2020**

The Washington County Planning Commission held its regular monthly meeting on Monday, March 2, 2020 at 7:00 p.m. at the Washington County Administration Building, 100 W. Washington Street, Room 2000, Hagerstown, MD.

Commission members present at the meeting were: Clint Wiley, Denny Reeder, Drew Bowen, BJ Goetz, David Kline, Jeremiah Weddle and Ex-officio County Commissioner Randall Wagner. Staff members present were: Washington County Department of Planning & Zoning: Jill Baker, Director; Travis Allen, Comprehensive Planner; and Debra Eckard, Administrative Assistant; Washington County Department of Plan Review & Permitting: Ashley Holloway, Director; Rebecca Calimer, Chief of Plan Review; and Lisa Kelly, Senior Planner.

**CALL TO ORDER**

The Chairman called the meeting to order at 7:00 p.m.

**MINUTES**

**Motion and Vote:** Mr. Bowen made a motion to approve the minutes of the February 3, 2020 meeting as presented. The motion was seconded by Mr. Kline and unanimously approved.

**OLD BUSINESS**

**RZ-19-007 – WALCZ, LLC Recommendation**

Mr. Allen reminded Commission members that a public information meeting was held on February 3<sup>rd</sup> for a proposed map amendment application for property located at 14624 National Pike in Clear Spring. The applicant is requesting the extension of a Rural Business floating zone onto an adjacent parcel of land which is .88 acres in size. The property is currently zoned Agricultural Rural – A(R). Mr. Allen noted that only one person, Mr. John Barr, spoke during the public information meeting and he was in favor of the proposed amendment. No other verbal or written comments have been received.

**Motion and Vote:** Mr. Goetz made a motion to recommend approval of the proposed map amendment to the Board of County Commissioners. The motion was seconded by Mr. Kline and unanimously approved with Commissioner Wagner abstaining from the vote.

Mr. Wiley announced that two additional items have been added to the evening's agenda under Other Business: Adkins Automotive (change to a site plan) and a discussion regarding the Workshop with the Historic District Commission regarding the Demolition Permit Process.

**-NEW BUSINESS**

**MODIFICATIONS**

**PR Valley Anchor-S LLC [OM-20-002]**

Ms. Kelly presented for review and approval a modification request to create a lot with existing businesses (BJ's Brewhouse, Sleep Number, and Verizon retail store) that have road frontage but ingress/egress is not public and a request for approval of off-site parking. The lot would be 1.44 acres in size. The off-site parking would across Valley Mall Road.

**Discussion and Comment:** Mr. Steve Cvijanovich of Fox & Associates, Inc., the consultant, gave a brief history of the property and changes previously made at the Valley Mall. He spoke briefly about the off-site parking and noted that there are pedestrian crossing areas across Valley Mall Road.

**Motion and Vote:** Mr. Kline made a motion to approve the modification request as presented and to grant staff the authority to approve the final plat. The motion was seconded by Mr. Goetz and unanimously approved.

## **SITE PLANS**

### **St. James School – Turner Athletic Center [SP-19-020]**

Ms. Kelly presented for review and approval a site plan for the St. James School Turner Athletic Center located along the east side of College Road. The developer is proposing to construct a 44,436 square foot addition to the Alumni Hall Field House for athletic and other special events. The addition would house the new basketball arena with spectator seating, locker rooms, offices and meeting space for athletes. It will connect to Alumni Hall via a breezeway. The hours of operation will be 8 a.m. to 10 p.m. A total of 88 parking spaces and one existing loading area will be provided for use. The Washington County Department of Water Quality provides water and sewer to the site. There is an existing sign with new building mounted signs proposed. Lighting will be wall mounted and pole mounted within the parking lot. There will be two to three delivery trucks per week. Solid waste will be collected inside and moved to existing screened dumpsters. Sidewalks are proposed in the front and along the side of the building to serve parking lots. Landscaping is proposed along the front of the building adjacent to the new patio and in the bio-retention ponds. Forestation requirements are being met by paying the fee-in-lieu in the amount of \$914.76. All agency approvals have been received.

**Motion and Vote:** Mr. Kline made a motion to approve the site plan as presented. The motion was seconded by Mr. Weddle and unanimously approved.

### **Delivery Station Program DBA7 [SP-19-036]**

Ms. Kelly presented for review and approval a site plan for a proposed warehouse and package distribution center for Amazon Distribution in an existing 167,298 square foot building located at 16604 Industrial Lane (the former Lenox site). The property is currently zoned PI – Planned Industrial and is 15.37 acres in size. An overhead canopy with concrete pad will be added. There will be four entrances off Industrial Lane: one for employee parking, two for delivery vans arrival/departure, and one for truck deliveries. Van arrivals and departures will be daily from 8 a.m. to 7 p.m. Hours of operation will be 24 hours a day, 7 days a week with 100 employees each shift. Total parking spaces will be 204 spaces. Public water will be provided by the City of Hagerstown and public sewer will be provided by the County. Lighting will be building mounted and pole mounted throughout the parking area. Signage will be building mounted as well as a monument sign along Industrial Lane. Landscaping will be installed around the building and throughout the parking lot. There will be a dumpster for trash collection. Forestation requirements will be addressed by paying the fee-in-lieu in the amount of \$6,403.32. Approvals from the Engineering Department, Soil Conservation District and City of Hagerstown Water Department are pending; all other agencies approvals have been received.

**Motion and Vote:** Mr. Reeder made a motion to approve the site plan as presented and to grant staff the authority for final approval contingent upon receiving final approval from the Engineering Department, Soil Conservation District and City of Hagerstown Water Department. The motion was seconded by Mr. Bowen and unanimously approved.

## **OTHER BUSINESS**

### **Black Rock PUD [DP-13-001]**

Ms. Calimer presented for review an amendment to the approved development plan for Black Rock PUD. Staff is seeking the Commission's determination if the change is a minor or major change to the final development plan. The development is located north of Mt. Aetna Road and east of Robinwood Drive. The developer is also requesting a modification for an additional panhandle lot. A request was granted in 2013 to allow three panhandle lots. The developer is proposing to consolidate the forest easement in one area. The previously platted open space will be relocated and an additional lot will be placed in that location.

Mr. Gordon Poffenberger of Fox & Associates, Inc., the consultant, gave a brief description of the proposal. He noted the previously recorded forest easements across the back of several lots have been eliminated. There was a brief discussion regarding the shared access and maintenance of that access by the property owners. This will be noted on the plat.

**Motion and Vote:** Mr. Kline made a motion to consider this a minor change to the final development plan. The motion was seconded by Mr. Weddle and unanimously approved.



**Motion and Vote:** Mr. Reeder made a motion to approve the additional panhandle as presented and requested that Staff confirm there is a note on the final plat regarding the maintenance of the shared access. The motion was seconded by Mr. Goetz.

Mr. Reeder amended his motion to grant staff the authority to approve the final subdivision plat. That motion was seconded by Mr. Weddle and both motions were unanimously approved.

#### **Proposed Text Amendment**

Ms. Baker presented for review a proposed text amendment for short-term residential rentals (Airbnb, VRBO). She noted that the short-term residential rentals would be a permitted use in the A(R) – Agricultural Rural, EC – Environmental Conservation, and P – Preservation zoning districts. It would be a special exception use in the RV – Rural Village, RT – Residential Transition, RS – Residential Suburban, RU – Residential Urban, and RM – Residential Multi-Family zoning districts. Short-term residential rentals would be a permitted use in the BL – Business Local, BG – Business General, and SED – Special Economic Development zoning districts. Also included in the text amendment is a definition for a short-term residential rental. No site plan will be required; however, off-street parking must be provided.

There was a brief discussion regarding the length of time for a rental. By consensus, the Commission decided to change the language to 30 days.

#### **Update of Staff Approvals**

Mr. Holloway distributed a written report to Commission members and noted the following for Land Development projects: 8 inspection and maintenance agreements; 5 site plans; 3 standard grading plans; 3 public works agreements; and 1 traffic impact study.

#### **Adkins Automotive**

Mr. Holloway presented a proposed change to the site plan for Adkins Automotive located at 9920 Crystal Falls Drive. The property was granted the RB (Rural Business) floating zone in 2014. Variances were granted in October 2015 for the first commercial building [AP-2015-031] for side yard and front yard setbacks and a setback for placement of a free-standing sign. The owner is now proposing to construct a 4,200 square foot commercial building for fire engine truck repair. If the site plan is approved, Mr. Adkins will be required to go before the Board of Zoning Appeals for side yard variances for the second commercial building.

**Discussion and Comments:** Mr. Kline expressed his opinion that the applicant should not be required to plant trees because the property is in a wooded area. Ms. Baker clarified that the previously planted trees were not for forest conservation but to provide a landscaping buffer for the neighboring residential areas. Mr. Holloway stated that his department would review the need for additional landscaping once the site plan has been submitted.

**Motion and Vote:** Mr. Kline made a motion to approve the change to the site plan as presented. The motion was seconded by Commissioner Wagner and unanimously approved.

#### **Discussion of Workshop with HDC**

Mr. Kline expressed his opinion that the Historic District Commission is a special interest group. He believes that developers and builders should have the opportunity to present their side of the proposed demolition permit process. Mr. Kline is opposed to having a “private workshop meeting with a special interest group to come in and promote their agenda”. He believes the Commission is being used and manipulated and pushed to advance a process without hearing all sides of the story.

Mr. Wiley expressed his opinion that the process is being “politicized” by the newspaper and Preservation Maryland. Mr. Kline agreed.

Mr. Goetz expressed his opinion that there is a difference between a special interest group and a Commission that has influence as to whether something moves on in the process or has to go down a different path in the process.

There was a brief discussion concerning the intent of the workshop and what is to be accomplished. Commissioner Wagner believes the HDC is looking for recommendations to present to the County Commissioners to tighten the demolition permit process. Mr. Kline stated he is generally opposed to more government regulation because the regulation can be “weaponized” by somebody with an agenda.

Mr. Wiley noted that the historic sites inventory is more than 30 years old and suggested it should be updated before any decisions or recommendations are made.

Mr. Weddle expressed his opinion that historic preservation should follow ag land preservation seeking funding to preserve the historic resources.

**Motion and Vote:** Mr. Weddle made a motion that the workshop should be canceled until the Historic District Commission has its data up to date. The motion was seconded by Mr. Kline and unanimously approved with Commissioner Wagner abstaining from the vote.

**-ADJOURNMENT**

Mr. Bowen made a motion to adjourn the meeting at 8:15 p.m. The motion was seconded by Mr. Goetz and so ordered by the Chairman.

**-UPCOMING MEETINGS**

1. Monday, April 6, 2020, 7:00 p.m., Washington County Planning Commission rezoning public information and regular meeting, Washington County Administration Building, 100 W. Washington Street, Room 2000, Hagerstown, MD 21740

Respectfully submitted,

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Clint Wiley, Chairman



THE LAW OFFICE OF  
**ZACHARY J. KIEFFER, LLC**

November 26, 2019

***Re: Justification Statement: 14624 National Pike, Clear Spring, MD 21722 (the "Property"); Rural Business (RB) District Application***

REQUEST

Application is made by WALZC, LLC (the "Applicant") for a Map Amendment to the current Washington County Zoning Map amending the Property (Tax Map 0035, Parcel 0073) to expand the existing RB District "floating zone", incorporating Applicant's contemplated addition thereto. The RB District overlay will allow Willie Eby, owner of Mt. Tabor Builders, Inc. and member of the Applicant, to expand the footprint of his business, and improve the property by adding an accessory storage building, as a permitted use in the RB District, as indicated in Article 3, Table 3.3(1) of the Washington County Zoning Ordinance (the "Ordinance").

BACKGROUND

The Property is located at 14624 National Pike, Clear Spring, Maryland. The Applicant claims title to the Property by virtue of a Deed dated February 13, 2012 and recorded among the Land Records of Washington County at Liber 4230, folio 0161. The Property is more particularly shown on the Preliminary/Final Plat of Subdivision Lots 1 and 2 for Matthew and Eileen Eby recorded at Plat No. 8126, among the Plat Records of Washington County, Maryland. The Property is zoned A(R) Agricultural Rural and overlaid with the RB District floating zone. Improvements to the Property consist of an existing office building, garages and blacktop drive and parking area.

The Applicant has contracted with David and Elizabeth Miller, the owners of certain adjacent real property, for the acquisition of +/- 0.88 acres of their adjacent parcel (the "Miller Property"). The Property, combined with the Miller Property is more particularly shown on the plat entitled "Simplified Subdivision of Parcel A for WALZC, LLC", dated October 15, 2019, prepared by Frederick Seibert and Associates, Inc. and recorded among the Plat Records of Washington County, Maryland at Plat No. 11015. Plat No. 11015 is attached hereto as "Exhibit A".

19405 Emerald Square, Suite 2100 Office 202, Hagerstown, MD 21742

Office: 240-513-4332

Email: [zach@zkiefferlaw.com](mailto:zach@zkiefferlaw.com)

[www.zkiefferlaw.com](http://www.zkiefferlaw.com)

## JUSTIFICATION

The purpose of the RB District is "...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."

(Ordinance, Article 5E-"RB" Rural Business District) Enlarging the existing RB District to include the Miller Property and permitting the proposed use, as shown on the "Rezoning Exhibit for WALZC, LLC" created by Frederick Seibert & Associates, Inc., dated November 14, 2019, and attached hereto and incorporated herein as "Exhibit B", will allow the expansion of Mr. Eby's business and the construction of a permitted accessory equipment storage building (the "Storage Building"). Without the extension of the RB District, construction of the Storage Building, as an accessory to Mt. Tabor Builder's business office, would otherwise be prohibited on a parcel zoned Agricultural Rural.

The proposed Map Amendment sought by the Applicant satisfies the Bulk Regulations required by the Ordinance for an RB District overlay as more specifically shown on Exhibit A:

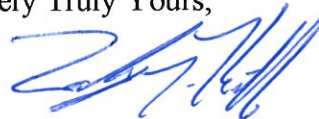
- a. Lot Size: Minimum 40,000 sf – the Property contains +/- 1.51 acres or +/- 65,775.6 sf.
  - b. Front Yard Building Setback: 40 feet from a Minor Collector or Local Public Road Right of Way or 50 feet from a Major Collector or Arterial Public Road Right of Way- shown on Exhibit B.
  - c. Side and Rear Yard Building Setbacks: 50 feet from a property zoned for or occupied by a Residential Land Use; 25 feet from a property zoned for or occupied by a Non-Residential Land Use-as shown on Exhibit B.
  - d. Height: No proposed or existing structure is or shall be greater than 35 feet.
  - e. Lot Coverage: Maximum 65%. The footprint of the Buildings is less than 65% of the area of the Property.
  - f. Parking: No additional parking is contemplated in connection with this application. All off-street parking facilities shall be in accordance with Article 22, Division I of the Ordinance.
  - g. Signage: Though additional signage is proposed at this time, any subsequent signage shall conform to the requirements set forth in Section 22.23 of the Ordinance.
  - h. Lighting: Any and all building mounted or freestanding lighting shall be constructed so that light and glare are directed toward the ground.
  - i. As shown on Exhibit B, outside storage of materials is not contemplated. Future outside storage, if intended, will be part of the final site plan submission.
  - j. Screening: Trash, refuse or recycling receptacles shall be screened from public view.
2. The proposed RB District is not within any designated growth area identified in the Washington County Comprehensive Plan.

3. The drive-way on the Property will remain the ingress/egress point to access National Pike. National Pike is classified as a State Road with adequate site lines for ingress and egress to the Property. No improvements to the existing drive-ways are contemplated at this time, as the addition of the Miller Property to the Property is not anticipated to create additional trips to and from the Property. The surface area around the Storage Building will be gravel. Any improvements to the existing drive will be done in accordance with all applicable statutes, rules and regulations.
4. A septic area for the Property was platted on Plat No. 8126. Further, the Applicant does not intend to expand the septic reserve area. Any change in the Applicant's plans will be addressed as part of Applicant's final site plan submission. The Property is not in the 100-year flood plain.
5. The location of the proposed RB Overlay would comport with existing land uses. The Property is zoned A(R) with the RB Overlay and this application merely contemplates an extension of that RB Overlay to adjacent land. Directly adjacent to the Property, on the south side of National Pike, sits another parcel with the RB Overlay. A third parcel with the RB Overlay sits approximately 1,000 feet to the west of the Property.

Expanding the RB Overlay to the Miller Property will not burden the community with an incompatible use. The end result of this application will be the construction of the Storage Building, as an accessory structure to Mr. Eby's business, which is a permitted use. The Storage Building is not expected to increase the daily number of trips to and from the Property. Nor will the addition of the Storage Building intensify the existing use on the Property. Further, the Storage Building will likely be in the style of any number of ordinary detached buildings found on commercial properties throughout the County.

The Applicant's proposed RB District and contemplated use is compatible with the existing land uses on the adjacent and nearby parcels surrounding the Property. The relative low intensity of the use of the Storage Building further points to the proposed RB District's compatibility with existing land uses. Applicant's proposed use will be consistent with the purpose of the RB District and satisfies the elements and criteria necessary to approve the RB District overlay on the Property. Applicant respectfully requests that this application be granted and allowed to proceed to final site plan approval.

Very Truly Yours,



Zachary J. Kieffer  
*Attorney at Law*



4819

THIS IS THE ONE TO USE

Rec. 10.15.19

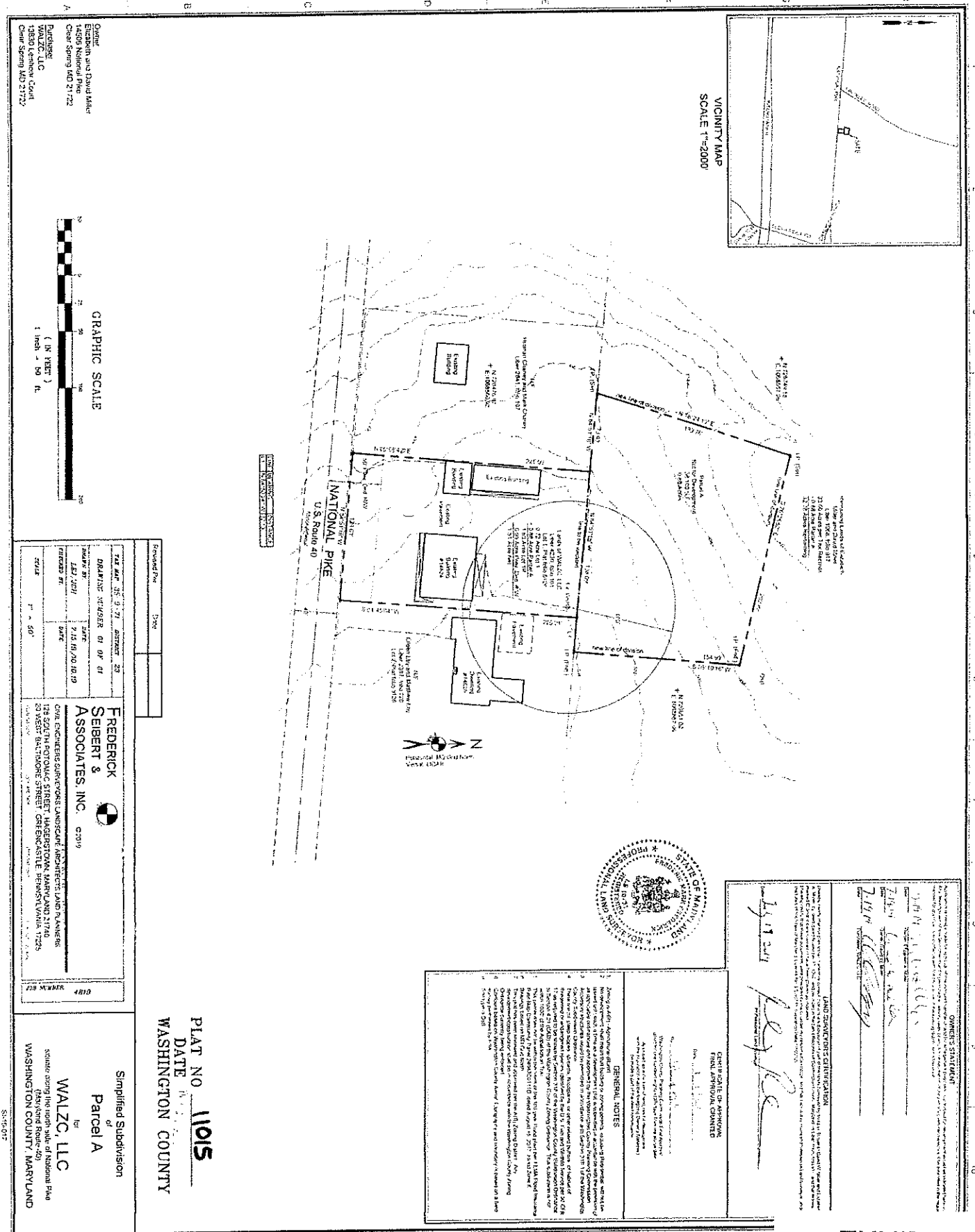
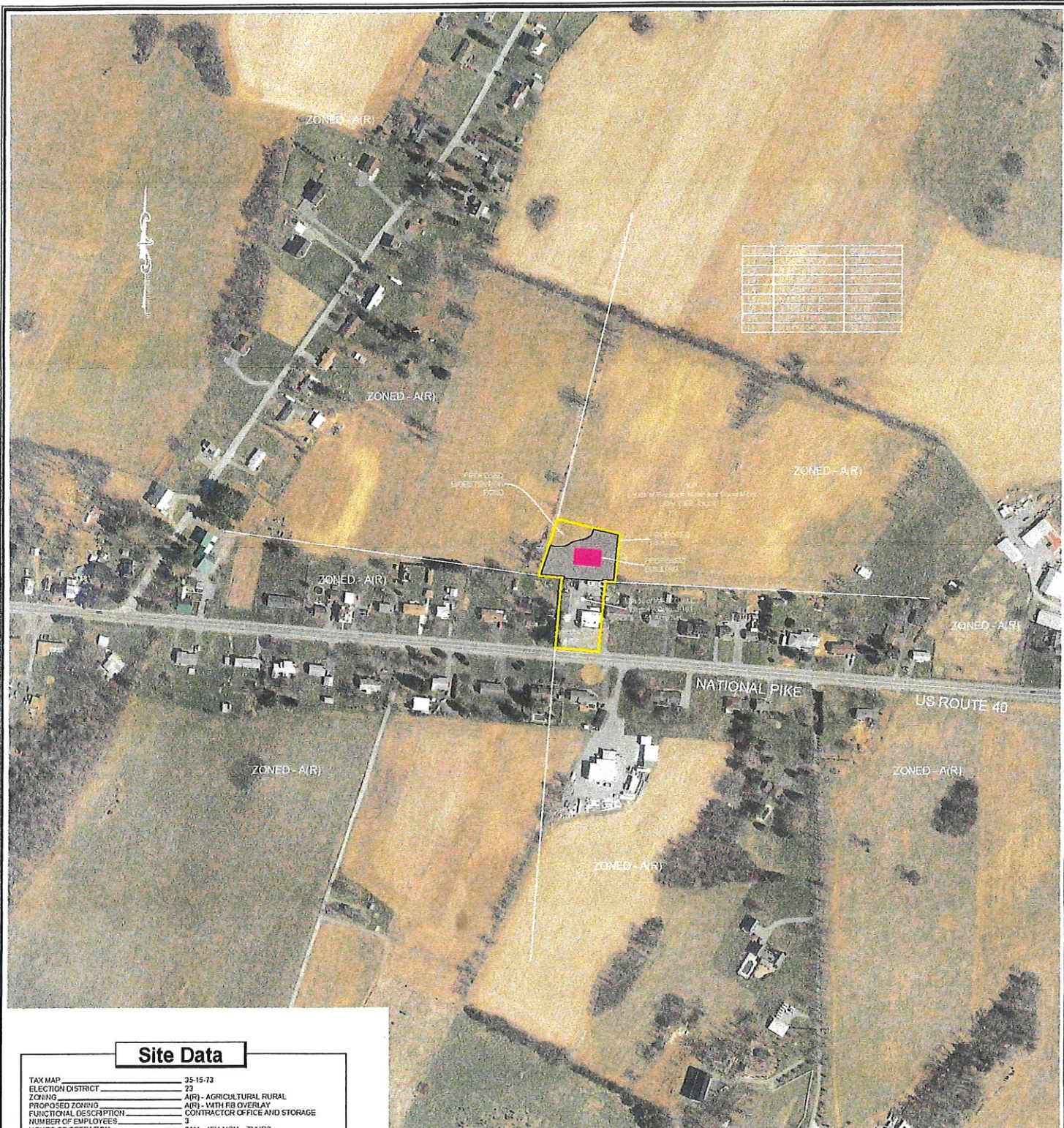


EXHIBIT A

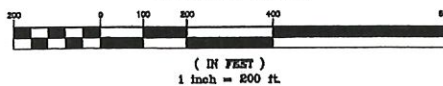




### Site Data

TAX MAP 35-15-73  
 ELECTION DISTRICT 23  
 ZONING A(R) - AGRICULTURAL RURAL  
 PROPOSED ZONING A(R) - WITH RB OVERLAY  
 FUNCTIONAL DESCRIPTION CONTRACTOR OFFICE AND STORAGE  
 NUMBER OF EMPLOYEES 3  
 HOURS OF OPERATION 8AM - 4PM MON. - THURS.  
 PARCEL AREA 1.51 Acre  
 PROPOSED BUILDING AREA 4,200 S.F.  
 TRIP GENERATION FEWER THAN 10 TRIPS PER DAY  
 OWNER  
 WALZC, LLC  
 13930 LEISHEAR COURT  
 CLEAR SPRING, MD 21722

### GRAPHIC SCALE



TAX MAP 35-15-73 DISTRICT 23	
DRAWING NUMBER 1 OF 1	
DRAWN BY DWH	DATE 11/14/2019
CHECKED BY	DATE
SCALE: 1" = 200'	

**FREDERICK SEIBERT & ASSOCIATES, INC.** ©2019  
 CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS  
 128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740  
 20 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225  
 505 SOUTH HANOVER STREET, CARLSLE, PENNSYLVANIA 17013  
 5201 SPRING ROAD, SUITE 3, SHERMANSVILLE, PENNSYLVANIA 17090  
 (301) 741-2653 (717) 527-1327 (717) 761-8111 FAX (717) 725-4629

Rezoning Exhibit  
 for  
**WALZC, LLC**  
 situate at 14624 National Pike US Route 40  
 WASHINGTON COUNTY, MARYLAND





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

January 3, 2020

Case #: RZ-19-007

## Application for Map Amendment Staff Report and Analysis

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Property Owner(s)	:	David and Elizabeth Miller
Applicant(s)	:	WALZC, LLC (Contract purchaser)
Location	:	North side of U.S. 40, ¼ mi east of Spickler Rd
Election District	:	#23 – Wilson
Comprehensive Plan	:	
Designation	:	Agriculture
Zoning Map	:	35
Parcel(s)	:	P. 73
Acreage	:	.88 acres (Parcel A extension of RB overlay)
Existing Zoning	:	Agricultural, Rural
Requested Zoning	:	Agricultural, Rural with Rural Business (RB) overlay
Date of Hearing	:	February 3, 2020

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### I. Background Information

#### a. Location and Description of Subject Properties



The subject parcel is located on the north side of National Pike (U.S. 40) between Spickler Rd and Rocky Fountain Lane west of the Rural Village of Wilson. The property subject to this rezoning encompasses .88 acres of land (Parcel A) on Parcel 71 (.88 acres) and is under contract purchase from current property owners David and Elizabeth Miller ("Miller Property"). An existing Rural Business Overlay District currently extends over adjoining parcel 73, which consist of Lot 1 (.72 acres) and Lot 2 (.57 acres). Lots 1 & 2 serve as the location for Mt. Tabor Builders. These properties are improved by an office building, garages and paved driveway and parking area.

**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 this application represents simply extending the existing RB District on Lot 1 that was approved in 2015, it stands to reason that the accessory use which would be covered by the enlarged RB District would also accomplish the state purpose of floating zone. The proposed storage facility would otherwise not be a permitted land use in the underlying Agricultural Rural Zoning District.

### **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 in the Rural Area of Washington County outside of any growth areas designated by the Comprehensive Plan.

### **3. Road and Traffic Considerations**

#### **a. Traffic Generation**

As an accessory use to the principal structure located on adjacent Lot 1, the extension of the current RB District onto the adjacent Miller property is estimated by the Applicant in their Exhibit B to generate less than ten trips per day resulting from the creating of the storage building. Additionally, as an office storage facility, the proposed use is unlikely to generate commercial truck traffic to the site. This trip generation estimate falls below the requirements of the RB District which necessitate a traffic study when the proposed business, activity or facility generates 25 or more peak hour trips or where 40,00 of the estimated vehicle trips are anticipated to be commercial truck traffic.



Traffic counts on County and State roads in the vicinity of the rezoning site provide limited information 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 both 2008 and 2016 on Spickler Road near its intersection with U.S. 40. Slightly more than 700 vehicles were recorded at this location in both years. SHA does not maintain a permanent traffic counter in the immediate vicinity of the site. The closest is located 1 mile away on St. Paul Road where annual average daily traffic (AADT) has grown at a rate of less than 1% per year since 2000 from approximately 2,300 AADT to roughly 2,600 AADT in 2018.

#### **b. Road and Site Circulation Improvements**

The existing driveway in its current state on Lot 1 is anticipated by the applicant to continue serving as the point of ingress and egress for access to Mt. Tabor Builders. The business is located on U.S. 40, which is classified as a minor arterial in the Transportation Element of the County's 2002 Comprehensive Plan. Minor arterials serve a mean ADT of 2,000-5,000 vehicles in rural areas such as this. The storage building on the Miller property will be surrounded by a gravel parking lot.

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 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.

### **4. Site Planning Considerations**

#### **a. Water**

The proposed rezoning site is designated as W-7 in the 2009 Water and Sewer Plan with no planned connected to public water. Therefore, the wells depicted on Washington County Plat 8126 on Lots 1 & 2 would continue to serve the proposed rezoning site. As a building anticipated to be used for storage purposes, water use from the new building on the Miller property would likely be minimal. 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 connected to public sewer. Therefore, the site would continue to utilize the on-site septic system found on Washington County Plat 8126 for sewage disposal. Expansion of the existing septic reserve area is not presently anticipated, according to the applicant.

The Washington County Health Department is responsible for approving the location and method of sewage disposal on individual properties in the County. Upon reviewing the application, the Health Department has offered the following comment on the proposed

rezoning: ***"The septic reserve area has been compromised. Any expansion of the business or change in (land) use (would) require this to be addressed."***

**c. Stormwater Management**

A bioretention pond is proposed in the northwest corner of the Miller Property on the preliminary site plan to capture stormwater from the storage facility. A gravel parking lot will surround the building.

**d. Floodplain**

The proposed rezoning site does not contain floodplain.

**e. Bulk Regulations**

The proposed use is anticipated to comply with all bulk regulations outlined in the RB Zoning District, including lot size, setbacks, height limitations, lot coverage, parking, signage, lighting, material storage and screening. Further detail about each of these individual items can be found in the applicant's Justification Statement.

**5. Compatibility with Adjacent Land Uses**

**a. Land Use in the Vicinity**

Zoning in the vicinity of this proposed rezoning is heavily agricultural and the surrounding lands constitute some of the better farm land in the County. Land use along National Pike in the immediate area is comprised mostly of small residential lots fronting the highway. Scattered commercial uses can be found in the vicinity, particularly in the Rural Village of Wilson where there is a General Store and Sweetsies Eats and Treats. The Hagerstown Speedway is across Conococheague Creek, along with Zach Greenlee's restaurant. Myers Building Systems is found directly across U.S. 40 from the site.

The Rural Business Overlay Zone has been applied to a number of properties in the vicinity. As mentioned, Mt. Tabor Builders, which presently occupies parcel 73, already has the RB designation. This is also the case for Miller's Farmstead, a wedding and events reception facility located at Spickler Road and U.S. 40; Myers Building Systems, Sweetsies and the Wilson General Store. All properties mentioned are within 1 mile of the proposed rezoning site.

**b. Historic Resources**

There are 8 existing historic sites in the vicinity of this proposed rezoning that should be considered in evaluating. Three of the eight are located within approximately ¼ mile west of the site near the intersection of U.S. 40 and Spickler Road. Three others are located approximately ½ mile south of the site across U.S. 40 near I-70 West. These six sites are documented on the Maryland Historic Sites Inventory by the Maryland Historical Trust but were not recommended for listing as National Historic Register Properties. They are described in the inventory as follows:

- WA-V-065: "Rocky Fountain Farm"

Early 19<sup>th</sup> century vernacular farm complex including large stone dwelling built in two sections, a log house sheathed with German Siding, a stone spring house and large stone end bank barn.

- WA-V-098: "Bloyer House"

Mid-19<sup>th</sup> century small farmstead including large, 2-story brick home that may have served as an inn or Tavern along the historic National Pike, small frame bank barn and wagon shed.

- WA-V-099: "Carriage Factory"

Late-19<sup>th</sup> century vernacular farm complex including German sided frame house, large frame barn and numerous outbuildings. Reported to have been a production place for horse drawn carriages.

- WA-V-112: "Mid-19<sup>th</sup> Century House"

Mid-19<sup>th</sup> century vernacular 2-story brick house.

- WA-V-114: "Brick Farmhouse"

Mid-19<sup>th</sup> century farm complex including 2-story brick home, log smoke house, frame out kitchen and other outbuildings. Evidence of old road predating U.S. 40 that served several area farms.

- WA-V-192: "Brick House"

Late-19<sup>th</sup> century 2-story brick home.

Two other historic sites are located approximately ¾ mile east in the Rural Village of Wilson. These two sites are **National Historic Register Properties** described as:

- WA-V-007: "Wilson School"

Mid-19<sup>th</sup> century school house built by local merchant Rufus Wilson that was incorporated into County's public education system in 1890s. Remained in use until 1950 and was the last operating one-room school house in the County.

- WA-V-074 "Rufus Wilson Complex"

Mid-Late 19<sup>th</sup> century rural commercial complex which comprised the small rural settlement of Conococheague on National Pike. The buildings include a general store with attached feed room, post office, 2 ½ story limestone dwelling, carriage house, bank barn and small corn crib. The rural commercial complex served the local community and travelers on the National Road in the latter half of the 19<sup>th</sup> century.

### **c. Agricultural Land Preservation**

The proposed rezoning site does fall within the County's Priority Preservation Area (PPA). Properties within a PPA are considered as potential targets for State or local agricultural land preservation programs to ensure the continued viability of this industry in Washington County.

Immediately adjacent to the Miller property is the Myers Charolais Ag District (AD-96-004). The Ag District program encourages landowners to voluntarily enter into an Ag District in which it is agreed that the land will not be developed for a period of five years. In return for the restrictions, the landowner receives protections from nuisance complaints, becomes eligible to sell development rights easements through the Maryland Agricultural Land Preservation Program and receives a tax credit on all County property taxes associated with agricultural land and buildings, as well as up to \$711 toward property taxes on dwellings.

While numerous Ag Districts are located in the vicinity of the proposed rezoning site, particularly to the north, AD-96-004 is the only one which lies immediately adjacent to the site. The removal of less than 1 acre from the agricultural land comprising the Miller property wouldn't necessarily remove the remaining acres on that property from consideration for agricultural land preservation in the future. Therefore, the proposed rezoning wouldn't be incompatible with this broader land use objective for the rural area.

## **6. Additional Considerations**

### **a. Emergency Services**

The Clear Spring Volunteer Fire Company is the nearest emergency services provider to this site, located approximately 3.5 miles west on U.S. 40 in the Town of Clear Spring.

### **b. Comprehensive Plan**

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 the Great Hagerstown Valley and includes the best soils for agricultural production. Rural businesses in this policy area are limited but a permitted land use through the RB floating zone application process.

### **c. Hours of Operation, Employees**

The anticipated hours of operation for the proposed use are Monday through Thursday, 8 am to 4 pm with three onsite employees.

### **III. Recommendation**

Based on the analysis provided above, Staff believes that there is sufficient evidence to meet the criteria outlined in Article 5E in support of the application of a Rural Business floating zone to the subject area.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Travis Allen", written in a cursive style.

Travis Allen  
Comprehensive Planner





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

March 19, 2020

RZ-19-007

APPLICATION FOR ZONING MAP AMENDMENT  
PLANNING COMMISSION RECOMMENDATION

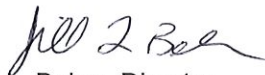
Property Owner(s)	David and Elizabeth Miller
Applicant(s)	WALZC, LLC (Contract purchaser)
Location	North side of US 40, ¼ mi. east of Spickler Road
Election District	#23 - Wilson
Comprehensive Plan Designation	Agriculture
Zoning Map	35
Parcel(s)	P. 73
Acreage	.88 acres (Parcel A extension of RB overlay)
Existing Zoning	Agriculture Rural
Requested Zoning	Agriculture Rural with Rural Business (RB) floating zone
Date of Meeting	February 3, 2020

**RECOMMENDATION**

The Washington County Planning Commission took action at its regular meeting held on Monday, March 2, 2020 to recommend approval of Map Amendment RZ-19-007 to the Board of County Commissioners. The Commission considered the application, the supporting documentation submitted with the application, and the applicant's presentation during the public rezoning information meeting. The Commission also considered the Staff Report and Analysis, comments of interested parties received by the Planning Commission and the specific items for consideration of Section 5E.6.c in the Zoning Ordinance. Based upon this information, the Planning Commission finds that the application can meet criteria set forth in Section 5E4.b of the County's Zoning Ordinance to establish the RB district in this location; and, therefore, recommend approval of the application.

Copies of the application, Staff Report and Analysis, and minutes of the Planning Commission's February 3, 2020 public rezoning meeting and the March 2, 2020 regular meeting are attached.

Respectfully submitted,

  
Jill L. Baker, Director  
Washington County Department of  
Planning & Zoning

JLB/TMA/dse

Attachments

cc: Zachary Kieffer  
Kirk Downey, County Attorney



## Agenda Report Form

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### Open Session Item

**SUBJECT:** 2020-2021 Property and Casualty Insurance Renewals

**PRESENTATION DATE:** June 16, 2020

**PRESENTATION BY:** Tracy McCammon, Risk Management Coordinator and Anthony Davis, Aon Risk Solutions

**RECOMMENDED MOTION:** Move to renew the liability policies with Travelers Insurance Company, the property and equipment policies with Local Government Insurance Trust and the airport liability policy with Global Aerospace.

**REPORT-IN-BRIEF:** Renewal quotes from insurance carriers are reflected on the attached premium comparison. The premiums are slightly above the projected FY 2021 budget.

**DISCUSSION:** The casualty marketplace is continuing to harden. Carriers are looking for rate increases as well as pulling back in capacity. Large fleet programs with losses are seeing the largest rate increase and many are receiving non-renewal notices. Also, COVID-19 has had an impact on the marketplace, creating uncertainty. Our cyber and automobile premiums have seen a significant change in premium.

**FISCAL IMPACT:** Premiums for FY 2021 are \$1,337,986

**CONCURRENCES:** Rachel Brown, Human Resources Director and Sara Greaves, CFO

**ALTERNATIVES:** Lapse of insurance policies

**ATTACHMENTS:** Premium comparison

**AUDIO/VISUAL NEEDS:** None

<b>Line of Coverage</b>	<b>FY2020</b>	<b>FY2021 Option 1</b>	<b>\$Change</b>	<b>% Change</b>	<b>Option 2</b>	<b>% Change</b>
Travelers						
Pkg – Auto Liability (Incl. Buses)	\$381,507	\$445,818	\$64,311	16.9%		
Pkg - Auto PD (Incl. Buses)	\$78,841	\$97,020	\$18,179	23.1%	\$ 79,097	0.3%
Pkg – GL, Liquor, Products, EBL	\$135,094	\$141,495	\$6,401	4.7%		
Pkg – Law (Incl. Dispatch E&O)	\$193,940	\$199,300	\$5,360	2.8%		
Pkg - Excess Liability	\$81,943	\$86,209	\$4,266	5.2%		
Pkg – Management Liability	\$34,857	\$35,698	\$841	2.4%		
Pkg – Employment Practice Liability (EPL)	\$54,912	\$55,472	\$560	1.0%		
Pkg – Crime	\$6,044	\$6,115	\$71	1.2%		
Pkg - CyberFirst	\$18,266	\$22,484	\$4,218	23.1%		
<b>Sub Total – Travelers</b>	<b>\$985,404</b>	<b>\$1,089,611</b>	<b>\$104,207</b>	<b>10.6%</b>	<b>\$1,071,688</b>	<b>8.8%</b>
<b>Other July 1 Renewal Policies</b>						
Airport Liability	\$13,995	\$18,194	\$4,199	30.0%		
Property	\$190,676	\$209,743	\$19,067	10.0%		
Inland Marine	\$9,710	\$10,681	\$971	10.0%		
Boiler & Machinery	\$8,870	\$9,757	\$887	10.0%		
<b>Sub Total – Other July 1 Renewal Policies</b>	<b>\$223,251</b>	<b>\$248,375</b>	<b>\$25,124</b>	<b>11.3%</b>	<b>\$ 248,375</b>	<b>11.3%</b>
<b>Grand Total – July 1 Renewal Policies</b>	<b>\$1,208,655</b>	<b>\$1,337,986</b>	<b>\$129,331</b>	<b>10.7%</b>	<b>\$1,320,063</b>	<b>9.2%</b>

## **OPTION 2**

**\*\*Increasing the deductible to \$2,500 for physical damage coverage to keep premiums down; however**

Average physical damage claims = 20 per year

Deductible with \$2,500 and premium of \$79,097 – total cost \$129,097

Deductible with \$1,000 and premium of \$97,020 – total cost \$117,020

The average claim count may not be all at-fault accidents. In this case the claim would be subrogated and deductible would be reimbursed



## Agenda Report Form

### Open Session Item

**SUBJECT:** Supplemental Resolution Reallocating a Portion of the Proceeds of the Public Improvement Bonds of 2016

**PRESENTATION DATE:** June 16, 2020

**PRESENTATION BY:** Sara L. Greaves, Chief Financial Officer, and Lindsey A. Rader, Bond Counsel

**RECOMMENDED MOTION:** Move to approve the Resolution authorizing a reallocation of a \$316,618 portion of the proceeds of the County Commissioners of Washington County (the “County”) Public Improvement Bonds of 2016 from a project identified as the “Conococheague WwTP – ENR Upgrades” project to a project identified as the “Capacity Management Project”.

**REPORT-IN-BRIEF:** On May 17, 2016, the County issued its County Commissioners of Washington County Public Improvement Bonds of 2016 in the original aggregate principal amount of \$20,635,000 (the “2016 PIBs”). Pursuant to Resolution No. RS-2016-05, adopted by the Board of County Commissioners (the “Board”) on April 12, 2016 (the “2016 Resolution”), and materials that accompanied the 2016 Resolution (the “2016 Accompanying Materials”), \$6,054,000 of the proceeds of the 2016 PIBs were originally allocated to a project identified as the “Conococheague WwTP – ENR Upgrades” project. Unanticipated grant funds became available for such project, and the Board approved a budget adjustment on May 5, 2020 reallocating \$316,618 of the proceeds of the 2016 PIBs originally allocated to the “Conococheague WwTP – ENR Upgrades” project to a project not contemplated by the 2016 Resolution or the 2016 Accompanying Materials that is generally known as the “Capacity Management Project”. Such approved budget adjustment recognized that a supplemental resolution would be required.

**DISCUSSION:** The Resolution supplements the 2016 Resolution and the 2016 Accompanying Materials to provide for the reallocation of a \$316,618 portion of the proceeds of the 2016 PIBs from the “Conococheague WwTP – ENR Upgrades” project to the “Capacity Management Project” as authorized by the May 5, 2020 approved budget adjustment. The Resolution also authorizes County officials to supplement the Tax Certificate and Compliance Agreement executed and delivered in connection with the issuance of the 2016 PIBs to reflect such reallocation and to take other appropriate actions in connection with such reallocation. The Resolution further recognizes that in accordance with the 2016 Resolution, additional reallocations of proceeds of the 2016 PIBs may be made among the projects identified in the 2016 Resolution and the 2016 Accompanying Materials, as supplemented, in accordance with applicable budgetary procedures or applicable law (without further supplementing the 2016 Resolution or the 2016 Accompanying Materials), but that if the County desires to further reallocate proceeds of the 2016 PIBs to projects not contemplated by the 2016 Resolution or the 2016

Accompanying Materials (as supplemented by the Resolution), the County will need to comply with applicable law, which likely will include adopting further supplemental resolutions.

**FISCAL IMPACT:** The County already holds the \$316,618 proceeds of the 2016 PIBs to be reallocated in accordance with the Resolution and the May 5, 2020 approved budget adjustment. Resolution No. RS-2020-09, adopted by the Board on May 19, 2020 authorizing the issuance of the contemplated Public Improvement Bonds of 2020 (the “2020 PIBs”), reduced the authorized original aggregate par amount of the 2020 PIBs in anticipation of such reallocation.

**CONCURRENCES:** Interim County Administrator and County Attorney

**ALTERNATIVES:** If the Resolution is not approved, the proceeds of the 2016 PIBs may not be reallocated as contemplated by the May 5, 2020 approved budget adjustment and it will be necessary to reduce the scope of the Capacity Management Project or find additional funding sources.

**ATTACHMENTS:** Resolution

**AUDIO/VISUAL NEEDS:** N/A



## **RESOLUTION NO. RS-2020-**

A RESOLUTION SUPPLEMENTING RESOLUTION NO. RS-2016-05 ADOPTED ON APRIL 12, 2016 (THE “2016 RESOLUTION”) AND THE 2016 ACCOMPANYING MATERIALS IDENTIFIED HEREIN, IN ORDER TO PROVIDE THAT A PORTION OF THE PROCEEDS OF THE \$20,635,000 COUNTY COMMISSIONERS OF WASHINGTON COUNTY PUBLIC IMPROVEMENT BONDS OF 2016 (THE “2016 PUBLIC IMPROVEMENT BONDS”) ARE REALLOCATED AND MAY BE APPLIED TO A PROJECT NOT ORIGINALLY CONTEMPLATED BY THE 2016 RESOLUTION AND THE 2016 ACCOMPANYING MATERIALS THAT IS IDENTIFIED HEREIN AS THE “CAPACITY MANAGEMENT PROJECT”; PROVIDING THAT THE BOARD OF COUNTY COMMISSIONERS MAY MAKE ANY NECESSARY OR DESIRABLE FUTURE REALLOCATION OF PROCEEDS OF THE 2016 PUBLIC IMPROVEMENT BONDS AMONG THE PROJECTS CONTEMPLATED BY THE 2016 RESOLUTION AND THE 2016 ACCOMPANYING MATERIALS, AS SUPPLEMENTED HEREBY, BY APPLICABLE COUNTY BUDGETARY PROCEDURES OR APPLICABLE LAW; AUTHORIZING CERTAIN OFFICIALS TO SUPPLEMENT AND AMEND THE TAX CERTIFICATE AND COMPLIANCE AGREEMENT OF THE COUNTY DATED MAY 17, 2016 IN CONNECTION WITH THE MATTERS CONTEMPLATED BY THIS RESOLUTION; AND GENERALLY PROVIDING FOR THE APPLICATION OF THE PROCEEDS OF THE 2016 PUBLIC IMPROVEMENT BONDS.

## **RECITALS**

Pursuant to the authority of Resolution No. RS-2016-05, adopted by the Board of County Commissioners of Washington County (the “Board”) on April 12, 2016 (the “2016 Resolution”), County Commissioners of Washington County (the “County”) on May 17, 2016 issued two separate series of its general obligation bonds as follows: (i) “County Commissioners of Washington County Public Improvement Bonds of 2016” issued in the aggregate principal amount of \$20,635,000 (the “2016 Public Improvement Bonds”) and (ii) “County Commissioners of Washington County Refunding Bonds of 2016” issued in the aggregate principal amount of \$9,455,000. The 2016 Public Improvement Bonds were also issued under the authority of Chapter 60 of the Laws of Maryland of 2013 (the “2013 Act”) and Title 6 of the Code of Public Local Laws of Washington County, Maryland (2007), as amended, as applicable (the “Water and Sewer Act”).

Capitalized terms used in these Recitals and not otherwise defined in the following Sections of this Resolution shall have the meanings given to such terms in these Recitals. All capitalized terms used herein but not defined herein shall have the meanings given to such terms in the 2016 Resolution.

Section 3 of the 2016 Resolution provides that, subject to net original issue discount, if any, and adjustments made in connection with the sale of the 2016 Public Improvement Bonds, the projects and purposes on account of which the 2016 Public Improvement Bonds were issued and the approximate amount of the par value of proceeds of the 2016 Public Improvement Bonds allocated to each class of projects were identified as follows:

<u>Proceeds</u>	<u>Use</u>
\$7,415,000	Infrastructure Projects – Public Improvement Bonds
482,000	Public Facilities Projects – Public Improvement Bonds
500,000	Public Safety Projects – Public Improvement Bonds
8,635,000	Environmental Projects – Public Improvement Bonds
3,506,000	Educational Projects – Public Improvement Bonds
97,000	Public Improvement Bonds Issuance Costs

As described in Exhibit II (“Exhibit II”) to the Tax Certificate and Compliance Agreement of the County dated May 17, 2016 relating to the Bonds (the “2016 Tax Certificate”), and in materials provided to the Board at the time of consideration and adoption of the 2016 Resolution (the “2016 Accompanying Materials”), the category of “Environmental Projects – Public Improvement Bonds” referred to in Section 3 of the 2016 Resolution included \$6,054,000 allocated to a project identified as “Conoccocheague WwTP – ENR Upgrades”.

Due to unanticipated grant funds becoming available for the “Conoccocheague WwTP – ENR Upgrades” project, the County has determined to use such grant funds to pay the costs of the “Conoccocheague WwTP – ENR Upgrades” project contemplated by the 2016 Resolution, Exhibit II and the 2016 Accompanying Materials and to reallocate a \$316,618 portion of the proceeds of the 2016 Public Improvement Bonds originally expected to be spent on the “Conoccocheague WwTP – ENR Upgrades” project to another County project that was not contemplated by the 2016 Resolution, Exhibit II and the 2016 Accompanying Materials.

Accordingly, in accordance with the provisions of the Water and Sewer Act (which served as authority for the “Conoccocheague WwTP – ENR Upgrades” project originally contemplated by the 2016 Resolution), the County desires to reallocate \$316,618 of the proceeds of the 2016 Public Improvement Bonds originally expected to be spent on the “Conoccocheague WwTP – ENR Upgrades” project to a project not contemplated by the 2016 Resolution, Exhibit II or the 2016 Accompanying Materials that (A) is generally known as the “Capacity Management Project” and (B) qualifies as a “project” for purposes of the Water and Sewer Act, subject to the further provisions of this Resolution. The Board approved a budget adjustment on May 5, 2020 authorizing such reallocation and recognizing that a resolution providing for the same would be required.

The Chief Financial Officer has advised that the reallocation of proceeds of the 2016 Public Improvement Bonds provided for in this Resolution shall not cause the County to violate the provisions of Income Tax Regulation Section 1.148-6(d)(1)(iii), which provides that “an issuer must account for the allocation of proceeds to expenditures not later than 18 months after the later of the date the expenditure is paid or the date the project, if any, that is financed by the issue is

placed in service. This allocation must be made in any event by the date 60 days after the fifth anniversary of the issue date or the date 60 days after the retirement of the issue, if earlier.”

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY:

Section 1. That (a) the 2016 Resolution and the 2016 Accompanying Materials are hereby supplemented to provide that (i) \$316,618 of the \$6,054,000 par amount of the 2016 Public Improvement Bonds originally allocated to the project identified in Exhibit II and the 2016 Accompanying Materials as the “Conoccocheague WwTP – ENR Upgrades” project is reallocated to the project identified in the Recitals to this Resolution as the “Capacity Management Project”, (ii) the project identified in the Recitals to this Resolution as the “Capacity Management Project” be added to and included among the “Environmental Projects – Public Improvement Bonds” to be funded from proceeds of the 2016 Public Improvement Bonds, and (iii) \$316,618 of the par amount of the proceeds of the 2016 Public Improvement Bonds originally allocated to the “Conoccocheague WwTP – ENR Upgrades” project pursuant to the 2016 Resolution and the 2016 Accompanying Materials be applied to the “Capacity Management Project” in accordance with the 2016 Resolution and the 2016 Accompanying Materials, as supplemented by this Resolution.

(b) In accordance with the last paragraph of Section 3 of the 2016 Resolution, the County may, to the extent necessary or desirable, make future reallocations of proceeds of the 2016 Public Improvement Bonds to the projects originally contemplated by Exhibit II and the 2016 Accompanying Materials (as supplemented hereby) and to the project identified herein as “Capacity Management Project” through customary budgetary procedures or applicable law rather than by further amending or supplementing the 2016 Resolution or the 2016 Accompanying Materials; provided that, no such further reallocation shall be made that shall cause the County to be in violation of its covenants and agreements set forth in the 2016 Tax Certificate. In the event the County wishes in the future to apply proceeds of the 2016 Public Improvement Bonds to projects not contemplated by the 2016 Resolution and the 2016 Accompanying Materials, as supplemented by this Resolution, the County will need to comply with the provisions of the 2013 Act or the Water and Sewer Act, as applicable.

Section 2. That the President or the Vice President of the Board and the Chief Financial Officer are hereby authorized and empowered to execute and deliver from time to time on behalf of the County any supplement or amendment to the 2016 Tax Certificate deemed necessary or desirable by bond counsel to the County in order to reflect the matters provided for in this Resolution. The appropriate official or officials of the County are hereby directed to make or change any written allocations of the proceeds of the 2016 Public Improvement Bonds (within the meaning of Income Tax Regulation Section 1.148-6(d)(1)(iii)) to reflect the matters provided for in this Resolution.

Section 3. That this Resolution supplements the 2016 Resolution and the 2016 Accompanying Materials as provided herein.

[CONTINUED ON FOLLOWING PAGE]

Section 4. That this Resolution shall take effect from the date of its adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

(SEAL)

ATTEST:

COUNTY COMMISSIONERS OF  
WASHINGTON COUNTY

\_\_\_\_\_  
Krista L. Hart, County Clerk

By: \_\_\_\_\_  
Jeffrey A. Cline, President  
Board of County Commissioners  
of Washington County

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Kirk C. Downey  
County Attorney

#217481;50052.001



## Agenda Report Form

### Open Session Item

**SUBJECT:** FY 2021 Program Open Space Annual Program

**PRESENTATION DATE:** June 16, 2020

**PRESENTATION BY:** Andrew Eshleman, P.E. Director of Public Works

**RECOMMENDED MOTION:** Move to approve the Annual FY 2021 Program Open Space (POS) project list as presented and recommended by the Washington County Recreation and Parks Advisory Board.

**REPORT-IN-BRIEF:** As per POS guidelines, each year the Board of County Commissioners is required to adopt the annual POS Program.

**DISCUSSION:** The various municipalities, Board of Education, Hagerstown Community College as well as the County submit projects for consideration for inclusion in the annual POS Program. Based upon anticipated funds available, a program is developed giving consideration to the priority ranking of the project given by its sponsor. The Recreation and Parks Advisory Board voted unanimously at its 6/4 meeting to recommend the proposed schedule to the Board of County Commissioners for adoption. After adoption by the Board of County Commissioners, notification is provided to the sponsors as to which projects have been included in the program along with approval letters. This then allows the sponsors to apply for funding after July 1.

The proposed FY21 State budget anticipated \$1,118,000 of POS funds for Washington County. However, due to the COVID-19 pandemic, receipt of the final allocation letter was delayed a month beyond when it is typically received, and the funding reduced. The allocation letter provided \$937,071 of the budgeted \$1,118,000 to Washington County. The difference is pending payback at a future date to the County and tied to HB 462.

**FISCAL IMPACT:** POS allocation for FY 2021 is \$937,071. A minimum of 25% of the funds must be for parkland acquisition projects. Parkland acquisition projects are eligible for 100% POS reimbursement, while development projects require a minimum 10% local funding match. As of May 6, the County has an unencumbered POS balance of \$1,168,995.

**CONCURRENCES:** Washington County Recreation and Parks Advisory Board

**ALTERNATIVES:** Adopt different projects than those recommended by the Washington County Recreation and Parks Advisory Board.

**ATTACHMENTS:** FY21 Annual POS Program and Map Book, FY21 requests received.



**WASHINGTON COUNTY**  
**FY 2021 POS PROGRAM SCHEDULE**  
**FINAL AS PROPOSED**

SPONSOR	PROJECT	TOTAL PROJECT COST	DEVELOPMENT POS REQUEST	ACQUISITION POS REQUEST	LOCAL DEV POS SHARE	STATE DEV POS SHARE	TOTAL POS	PROJECT NUMBER
BOONSBORO	Fence Demolition and Floodplain Restoration	\$ 24,000.00	\$ 24,000.00		\$ 2,400.00	\$ 21,600.00	\$ 21,600.00	1
		\$ 24,000.00	\$ 24,000.00	\$ -	\$ 2,400.00	\$ 21,600.00	\$ 21,600.00	
FUNKSTOWN	20 West Poplar Street - Antietam Trailer Park acquisition	\$ 264,500.00		\$ 264,500.00			\$ 264,500.00	2
		\$ 264,500.00	\$ -	\$ 264,500.00	\$ -	\$ -	\$ 264,500.00	
HAGERSTOWN	Fairgrounds Park - BMX Track Improvements	\$ 340,000.00	\$ 50,000.00		\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	3
	City Park - Train Hub Restrooms	\$ 150,000.00	\$ 150,000.00		\$ 15,000.00	\$ 135,000.00	\$ 135,000.00	4
	Various Parks - Park Play Equipment	\$ 59,000.00	\$ 59,000.00		\$ 5,900.00	\$ 53,100.00	\$ 53,100.00	5
	Antietam Creek Waterway Trail - Creek Access	\$ 50,000.00	\$ 50,000.00		\$ 5,000.00	\$ 45,000.00	\$ 45,000.00	6
		\$ 599,000.00	\$ 309,000.00	\$ -	\$ 75,900.00	\$ 283,100.00	\$ 283,100.00	
HANCOCK	Historic District Outdoor Revitalization - Western MD Rail Trail	\$ 114,000.00	\$ 114,000.00		\$ 14,000.00	\$ 100,000.00	\$ 100,000.00	7
	Kirkwood Park Excavation and Drainage Plan	\$ 80,000.00	\$ 80,000.00		\$ 10,000.00	\$ 70,000.00	\$ 70,000.00	8
	Kirkwood Park Septic System	\$ 50,000.00	\$ 50,000.00		\$ 10,000.00	\$ 40,000.00	\$ 40,000.00	9
		\$ 244,000.00	\$ 244,000.00	\$ -	\$ 34,000.00	\$ 210,000.00	\$ 210,000.00	
WASHINGTON COUNTY	Antietam Creek Water Trail - Security Road	\$ 15,000.00		\$ 15,000.00			\$ 15,000.00	10
	Bathroom/Drinking Fountain Upgrades (Marty Snook)	\$ 50,000.00	\$ 50,000.00		\$ 5,000.00	\$ 45,000.00	\$ 45,000.00	11
	Black Rock Golf Simulator	\$ 20,000.00	\$ 20,000.00		\$ 2,000.00	\$ 18,000.00	\$ 18,000.00	12
	Doubs Woods Equipment Storage Building	\$ 150,000.00	\$ 150,000.00		\$ 15,000.00	\$ 135,000.00	\$ 135,000.00	13
	MLK Gymnasium Upgrade, Phase 1	\$ 25,000.00	\$ 25,000.00		\$ 2,500.00	\$ 22,500.00	\$ 22,500.00	14
	Park Playground Equipment	\$ 46,000.00	\$ 46,000.00		\$ 4,600.00	\$ 41,400.00	\$ 41,400.00	15
	Parking Lot Repair/Overlay (Marty Snook)	\$ 50,000.00	\$ 50,000.00		\$ 5,000.00	\$ 45,000.00	\$ 45,000.00	16
	Woodland Way Sidewalks and Pathways	\$ 40,000.00	\$ 40,000.00		\$ 4,000.00	\$ 36,000.00	\$ 36,000.00	17
		\$ 396,000.00	\$ 381,000.00	\$ 15,000.00	\$ 38,100.00	\$ 342,900.00	\$ 357,900.00	
WCPS	Boonsboro Elementary Playground Upgrades	\$ 50,000.00	\$ 50,000.00		\$ 5,000.00	\$ 45,000.00	\$ 45,000.00	18
		\$ 50,000.00	\$ 50,000.00	\$ -	\$ 5,000.00	\$ 45,000.00	\$ 45,000.00	
TOTAL		\$ 1,577,500.00	\$ 1,008,000.00	\$ 279,500.00	\$ 155,400.00	\$ 902,600.00	\$ 1,182,100.00	

Total POS Program FY21 Allocation	\$	937,071.00	
Development Available 75%	\$	702,803.25	
Acquisition Available 25%	\$	234,267.75	
POS Acquisition Total	\$	279,500.00	
Difference	\$	(45,232.25)	To be covered from existing unencumbered funds
POS Development Total	\$	902,600.00	
Difference	\$	(199,796.75)	To be covered from existing unencumbered funds
Total POS Acquisition and Development	\$	1,182,100.00	

**WASHINGTON COUNTY**  
**FY 2021 POS PROGRAM REQUESTS**  
**ALL REQUESTS RECEIVED**

SPONSOR	PROJECT	TOTAL PROJECT COST	DEVELOPMENT POS REQUEST	ACQUISITION POS REQUEST	LOCAL DEV POS SHARE	STATE DEV POS SHARE	TOTAL POS
<b>BOONSBORO</b>	Fence Demolition and Floodplain Restoration	\$ 24,000.00	\$ 24,000.00	\$ -	\$ 2,400.00	\$ 21,600.00	\$ 21,600.00
		<b>\$ 24,000.00</b>	<b>\$ 24,000.00</b>	<b>\$ -</b>	<b>\$ 2,400.00</b>	<b>\$ 21,600.00</b>	<b>\$ 21,600.00</b>
<b>FUNKSTOWN</b>	20 West Poplar Street - trailer park acquisition	\$ 295,000.00		\$ 295,000.00			\$ 295,000.00
		<b>\$ 295,000.00</b>	<b>\$ -</b>	<b>\$ 295,000.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 295,000.00</b>
<b>HAGERSTOWN</b>	Fairgrounds Park - BMX Track Improvements	\$ 340,000.00	\$ 50,000.00		\$ 50,000.00	\$ 50,000.00	\$ 50,000.00
	City Park - Train Hub Restrooms	\$ 150,000.00	\$ 150,000.00		\$ 15,000.00	\$ 135,000.00	\$ 135,000.00
	Various Parks - Park Play Equipment	\$ 117,000.00	\$ 117,000.00		\$ 11,700.00	\$ 105,300.00	\$ 105,300.00
	Antietam Creek Waterway Trail - Creek Access	\$ 50,000.00	\$ 50,000.00		\$ 5,000.00	\$ 45,000.00	\$ 45,000.00
		<b>\$ 657,000.00</b>	<b>\$ 367,000.00</b>	<b>\$ -</b>	<b>\$ 81,700.00</b>	<b>\$ 335,300.00</b>	<b>\$ 335,300.00</b>
<b>HANCOCK</b>	Historic District Outdoor Revitalization - Western MD Rail Trail	\$ 114,000.00	\$ 114,000.00		\$ 14,000.00	\$ 100,000.00	\$ 100,000.00
	Kirkwood Park Excavation and Drainage Plan	\$ 80,000.00	\$ 80,000.00		\$ 10,000.00	\$ 70,000.00	\$ 70,000.00
	Kirkwood Park Little League Lighting	\$ 100,000.00	\$ 100,000.00		\$ 10,000.00	\$ 90,000.00	\$ 90,000.00
	Kirkwood Park Septic System	\$ 50,000.00	\$ 50,000.00		\$ 10,000.00	\$ 40,000.00	\$ 40,000.00
	Widmyer Park Recreation Upgrades	\$ 125,500.00	\$ 125,500.00		\$ 13,805.00	\$ 112,500.00	\$ 112,500.00
	Widmyer Park to Western MD Rail Trail & C&O Canal Trail Connection	\$ 77,000.00	\$ 77,000.00		\$ 12,000.00	\$ 65,000.00	\$ 65,000.00
		<b>\$ 546,500.00</b>	<b>\$ 546,500.00</b>	<b>\$ -</b>	<b>\$ 69,805.00</b>	<b>\$ 477,500.00</b>	<b>\$ 477,500.00</b>
<b>HCC</b>	ARCC Bleacher Replacement	\$ 241,500.00	\$ 241,500.00		\$ 24,150.00	\$ 217,350.00	\$ 217,350.00
	Baseball and Softball Irrigation - Part II	\$ 22,000.00	\$ 22,000.00		\$ 2,200.00	\$ 19,800.00	\$ 19,800.00
		<b>\$ 263,500.00</b>	<b>\$ 263,500.00</b>	<b>\$ -</b>	<b>\$ 26,350.00</b>	<b>\$ 237,150.00</b>	<b>\$ 237,150.00</b>
<b>SMITHSBURG</b>	Veterans Park Gazebo ADA Access and Parking	\$ 167,500.00	\$ 167,500.00		\$ 16,750.00	\$ 150,750.00	\$ 150,750.00
		<b>\$ 167,500.00</b>	<b>\$ 167,500.00</b>	<b>\$ -</b>	<b>\$ 16,750.00</b>	<b>\$ 150,750.00</b>	<b>\$ 150,750.00</b>
<b>WASHINGTON COUNTY</b>	Antietam Creek Water Trail - Security Road	\$ 15,000.00		\$ 15,000.00			\$ 15,000.00
	Bathroom/Drinking Fountain Upgrades (Marty Snook)	\$ 50,000.00	\$ 50,000.00		\$ 5,000.00	\$ 45,000.00	\$ 45,000.00
	Black Rock Golf Simulator	\$ 20,000.00	\$ 20,000.00		\$ 2,000.00	\$ 18,000.00	\$ 18,000.00
	Doubs Woods Equipment Storage Building	\$ 150,000.00	\$ 150,000.00		\$ 15,000.00	\$ 135,000.00	\$ 135,000.00
	MLK Gymnasium Upgrade, Phase 1	\$ 25,000.00	\$ 25,000.00		\$ 2,500.00	\$ 22,500.00	\$ 22,500.00
	Park Playground Equipment	\$ 150,000.00	\$ 150,000.00		\$ 15,000.00	\$ 135,000.00	\$ 135,000.00
	Parking Lot Repair/Overlay (Marty Snook)	\$ 50,000.00	\$ 50,000.00		\$ 5,000.00	\$ 45,000.00	\$ 45,000.00
	Woodland Way Sidewalks and Pathways	\$ 40,000.00	\$ 40,000.00		\$ 4,000.00	\$ 36,000.00	\$ 36,000.00
		<b>\$ 500,000.00</b>	<b>\$ 485,000.00</b>	<b>\$ 15,000.00</b>	<b>\$ 48,500.00</b>	<b>\$ 436,500.00</b>	<b>\$ 451,500.00</b>
<b>WCPS</b>	Boonsboro Elementary Playground Upgrades	\$ 50,000.00	\$ 50,000.00		\$ 5,000.00	\$ 45,000.00	\$ 45,000.00
		<b>\$ 50,000.00</b>	<b>\$ 50,000.00</b>	<b>\$ -</b>	<b>\$ 5,000.00</b>	<b>\$ 45,000.00</b>	<b>\$ 45,000.00</b>
<b>TOTAL</b>		<b>\$ 2,503,500.00</b>	<b>\$ 1,903,500.00</b>	<b>\$ 310,000.00</b>	<b>\$ 250,505.00</b>	<b>\$ 1,703,800.00</b>	<b>\$ 2,013,800.00</b>



# Program Open Space

*Fiscal Year 2021*

## Data Sources:

Washington County Department of Planning and Zoning

## Prepared By:

Washington County Department of Planning and Zoning  
Geographic Information Systems

## Legend

- Program Open Space
- Roads
- Parks
- Board of Education Properties
- Municipal Boundaries
- County Boundary



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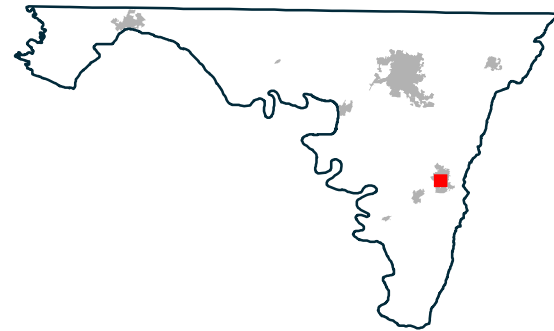


## #1

### SHAFER PARK - FENCE DEMOLITION AND FLOODPLAIN

#### Legend

-  Program Open Space
-  Parcels
-  Municipal Boundaries
-  County Boundary



1 inch = 100 feet



#### Data Sources:

Washington County Department of Planning and Zoning

#### Prepared By:

Washington County Department of Planning and Zoning  
Geographic Information Systems

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Fiscal Year: 2021



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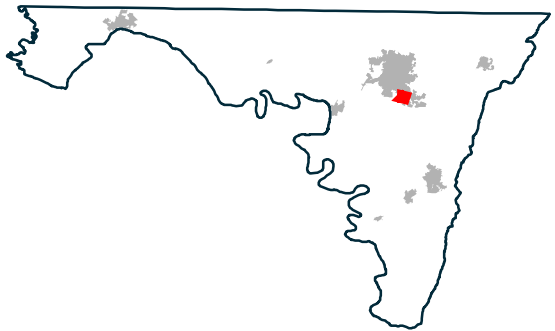


#2

20 WEST POPLAR STREET  
PROPERTY AQUISITION

Legend

- Roads
- Program Open Space
- Parcels
- Municipal Boundaries
- County Boundary



1 inch = 100 feet



Data Sources:

Washington County Department of Planning and Zoning

Prepared By:

Washington County Department of Planning and Zoning  
Geographic Information Systems

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Fiscal Year: 2021



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



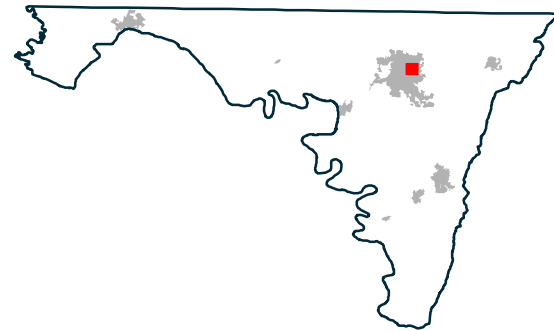


**#3**

## FAIRGROUNDS - BMX TRACK IMPROVEMENTS

### Legend

-  Roads
-  Program Open Space
-  Municipal Boundaries
-  County Boundary



1 inch = 70 feet



### Data Sources:

Washington County Department of Planning and Zoning

### Prepared By:

Washington County Department of Planning and Zoning  
Geographic Information Systems

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Fiscal Year: 2021



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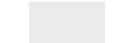



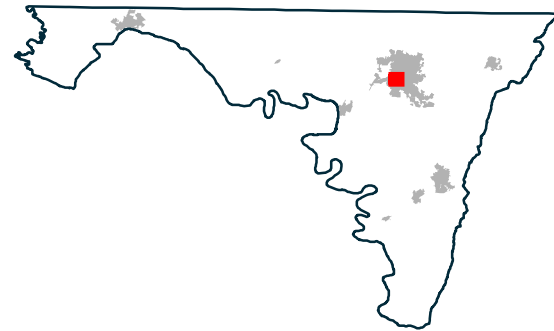


**#4**

## CITY PARK - PROPOSED TRAIN HUB RESTROOMS

### Legend

-  Trails
-  Roads
-  Program Open Space
-  Parcels
-  Municipal Boundaries
-  County Boundary



1 inch = 200 feet



### Data Sources:

Washington County Department of Planning and Zoning

### Prepared By:

Washington County Department of Planning and Zoning  
Geographic Information Systems

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Fiscal Year: 2021



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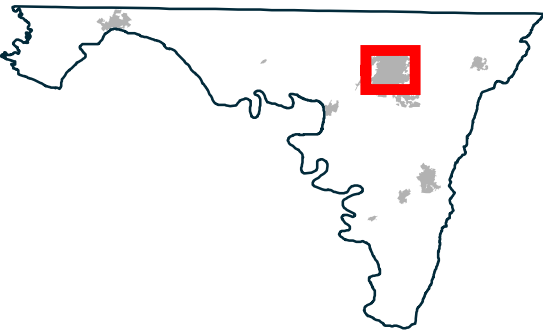


#5

PARK PLAY EQUIPMENT

Legend

- Trails
- Roads
- Program Open Space
- Municipal Boundaries
- County Boundary



1 inch = 2,000 feet



Data Sources:

Washington County Department of Planning and Zoning

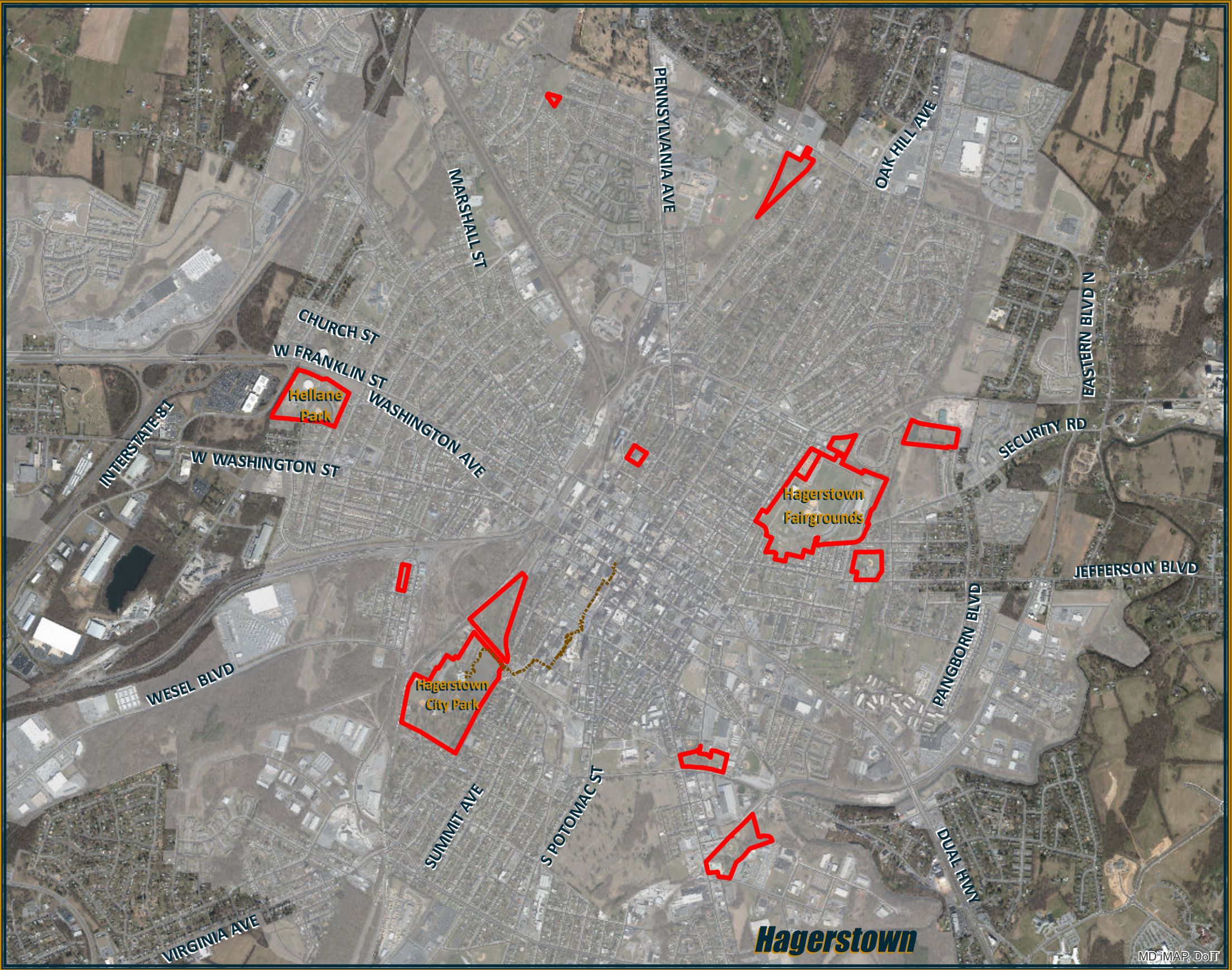
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Geographic Information Systems

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Fiscal Year: 2021










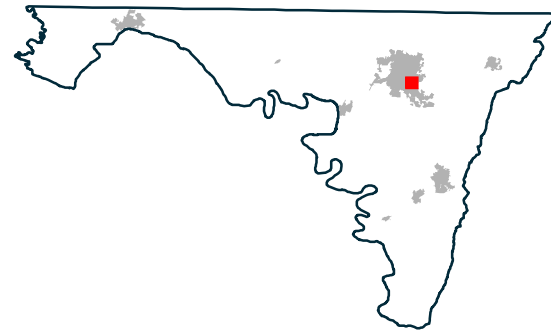


**#6**

## ANTIETAM CREEK WATERWAY TRAIL CREEK ACCESS

### Legend

-  Roads
-  Program Open Space
-  Parks
-  Municipal Boundaries
-  County Boundary



1 inch = 100 feet



### Data Sources:

Washington County Department of Planning and Zoning

### Prepared By:

Washington County Department of Planning and Zoning  
Geographic Information Systems

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Fiscal Year: 2021



MD iMAP, DoIT








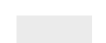



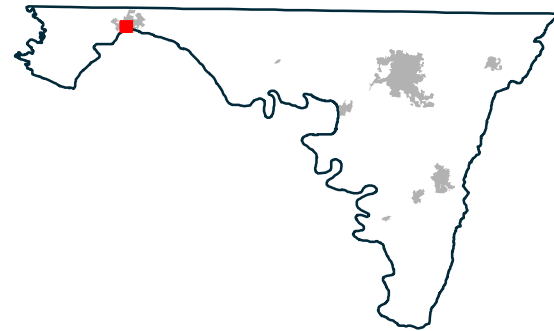


**#1**

## TOURIST AND HISTORIC DISTRICT OUTDOOR REVITALIZATION

### Legend

-  Trails
-  Roads
-  Program Open Space
-  Parks
-  Parcels
-  Municipal Boundaries
-  County Boundary



1 inch = 100 feet



### Data Sources:

Washington County Department of Planning and Zoning

### Prepared By:

Washington County Department of Planning and Zoning  
Geographic Information Systems

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Fiscal Year: 2021



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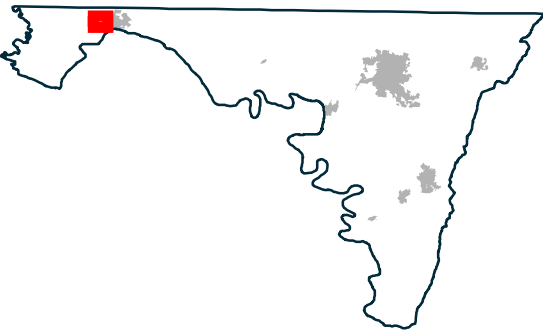


#8

Kirk Woods Excavation and Drainage Plan

Legend

- Roads
- Program Open Space
- Parks
- Board of Education Properties
- Parcels
- Municipal Boundaries
- County Boundary



1 inch = 600 feet



Data Sources:

Washington County Department of Planning and Zoning

Prepared By:

Washington County Department of Planning and Zoning  
Geographic Information Systems

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Fiscal Year: 2021





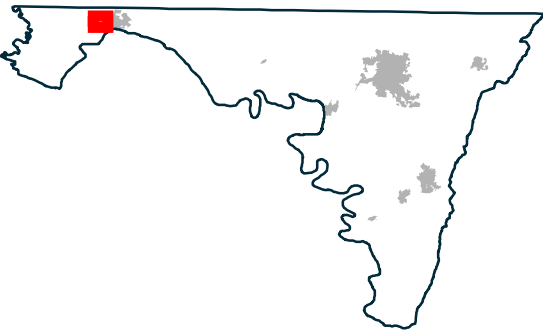


#9

KIRK WOODS SEPTIC SYSTEM

Legend

- Roads
- Program Open Space
- Parks
- Board of Education Properties
- Parcels
- Municipal Boundaries
- County Boundary



1 inch = 600 feet



Data Sources:

Washington County Department of Planning and Zoning

Prepared By:

Washington County Department of Planning and Zoning  
Geographic Information Systems

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Fiscal Year: 2021









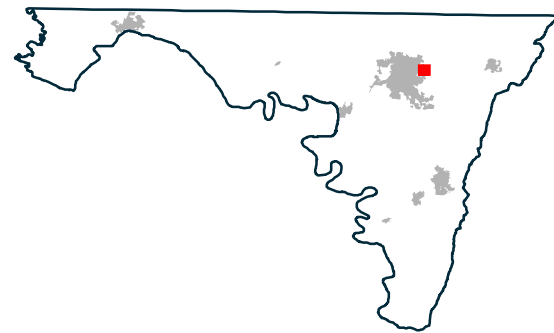


**# 10**

## ANTIETAM CREEK WATER TRAIL - PROPERTY ACQUISITION SECURITY ROAD

### Legend

-  Roads
-  Program Open Space
-  Parcels
-  County Boundary



**1 inch = 60 feet**



### Data Sources:

Washington County Department of Planning and Zoning

### Prepared By:

Washington County Department of Planning and Zoning  
Geographic Information Systems

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Fiscal Year: 2021





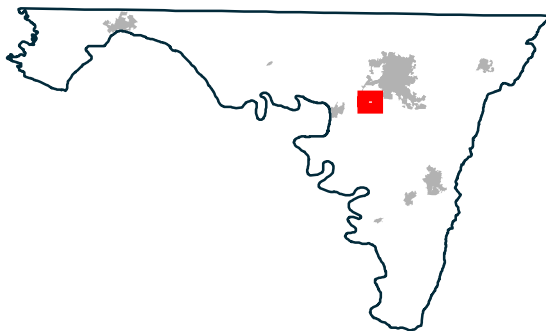


## # 11

### MARTY SNOOK BATHROOM/DRINKING FOUNTAIN UPGRADES

#### Legend

- Trails
- Roads
- Program Open Space
- Board of Education Properties
- Parcels
- County Boundary



1 inch = 600 feet



#### Data Sources:

Washington County Department of Planning and Zoning

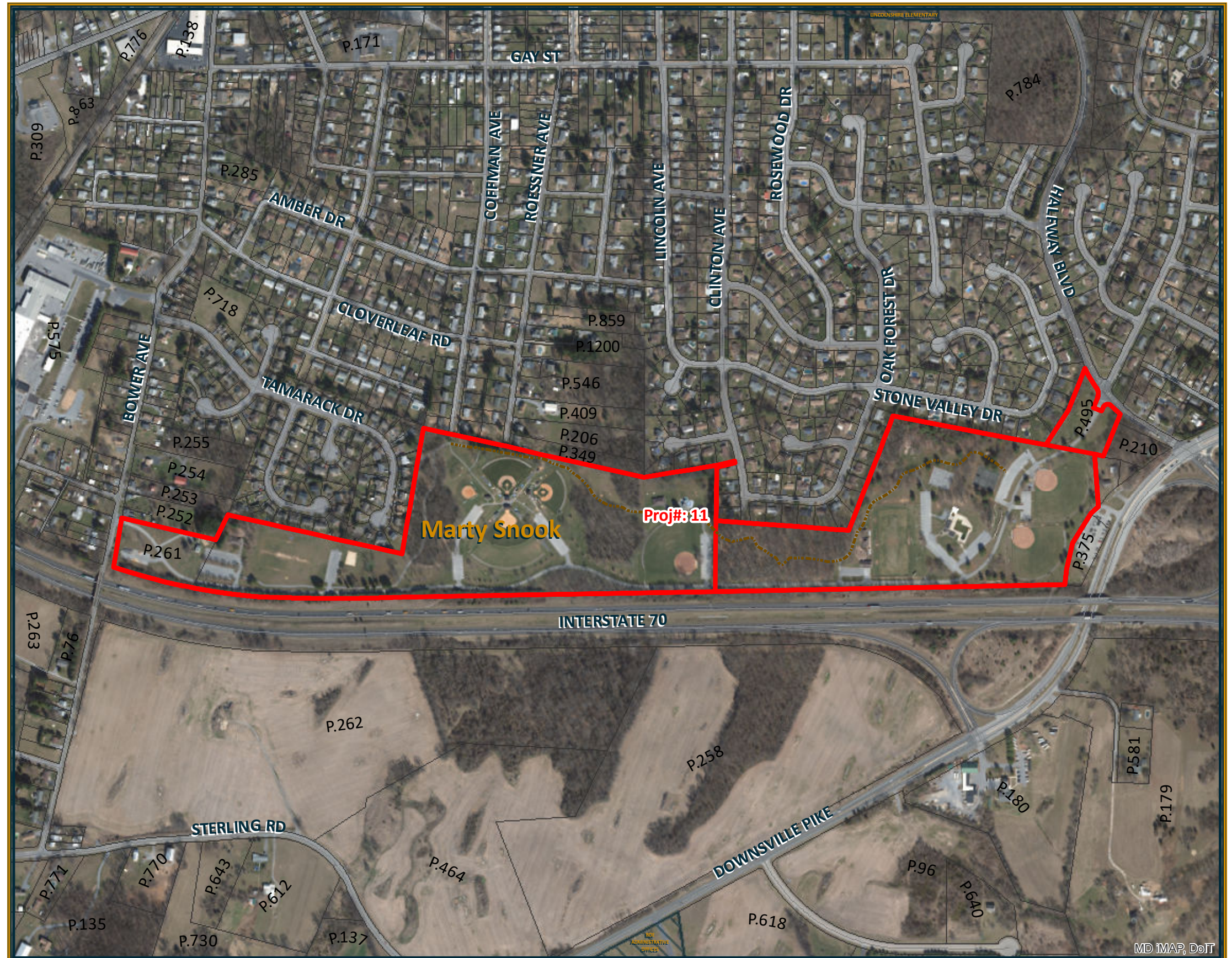
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Fiscal Year: 2021










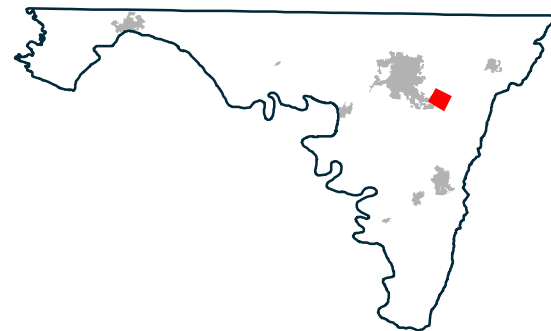


**#12**

## BLACK ROCK GOLF COURSE GOLF SIMULATOR

### Legend

-  Roads
-  Program Open Space
-  Parks
-  Parcels
-  County Boundary



1 inch = 300 feet



### Data Sources:

Washington County Department of Planning and Zoning

### Prepared By:

Washington County Department of Planning and Zoning  
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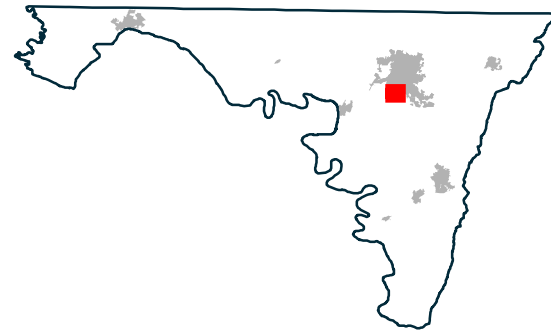


**#13**

## DOUBS WOODS EQUIPMENT STORAGE BUILDING

### Legend

- Trails
- Roads
- Program Open Space
- Board of Education Properties
- Parcels
- Municipal Boundaries
- County Boundary



1 inch = 400 feet



### Data Sources:

Washington County Department of Planning and Zoning

### Prepared By:

Washington County Department of Planning and Zoning  
Geographic Information Systems

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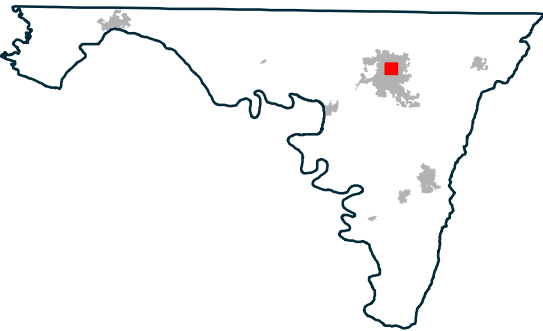




#14  
MARTIN LUTHER KING  
GYMNASIUM UPGRADE, PHASE 1

Legend

- Roads
- Program Open Space
- Parks
- Municipal Boundaries
- County Boundary



1 inch = 100 feet



Data Sources:

Washington County Department of Planning and Zoning

Prepared By:

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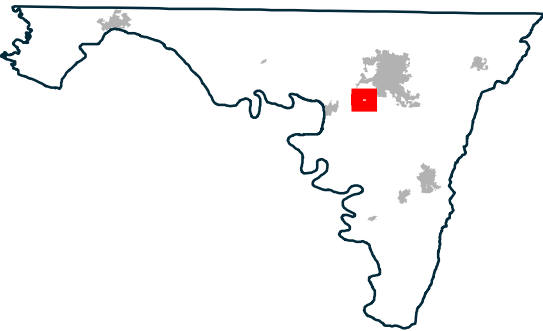


#15

MARTY SNOOK PARK  
PLAYGROUND EQUIPMENT

Legend

- Trails
- Roads
- Program Open Space
- Board of Education Properties
- Parcels
- County Boundary



1 inch = 600 feet



Data Sources:

Washington County Department of Planning and Zoning

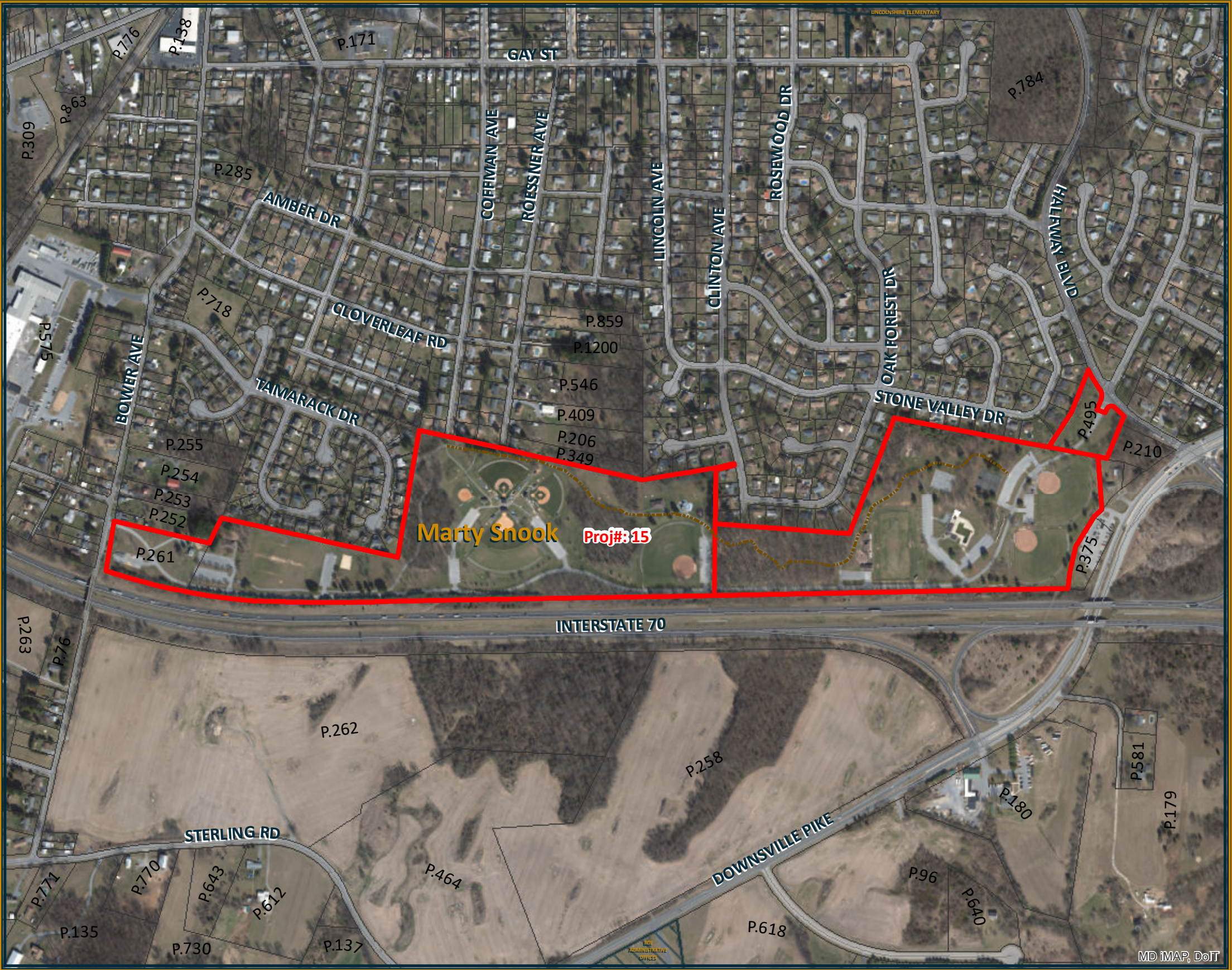
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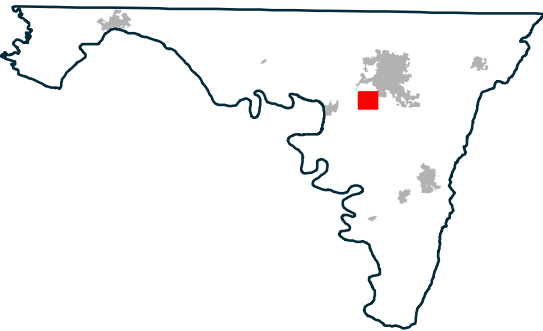


#16

MARTY SNOOK PARKING  
LOT REPAIR/OVERLAY

Legend

- Trails
- Roads
- Program Open Space
- Parcels
- County Boundary



1 inch = 400 feet



Data Sources:

Washington County Department of Planning and Zoning

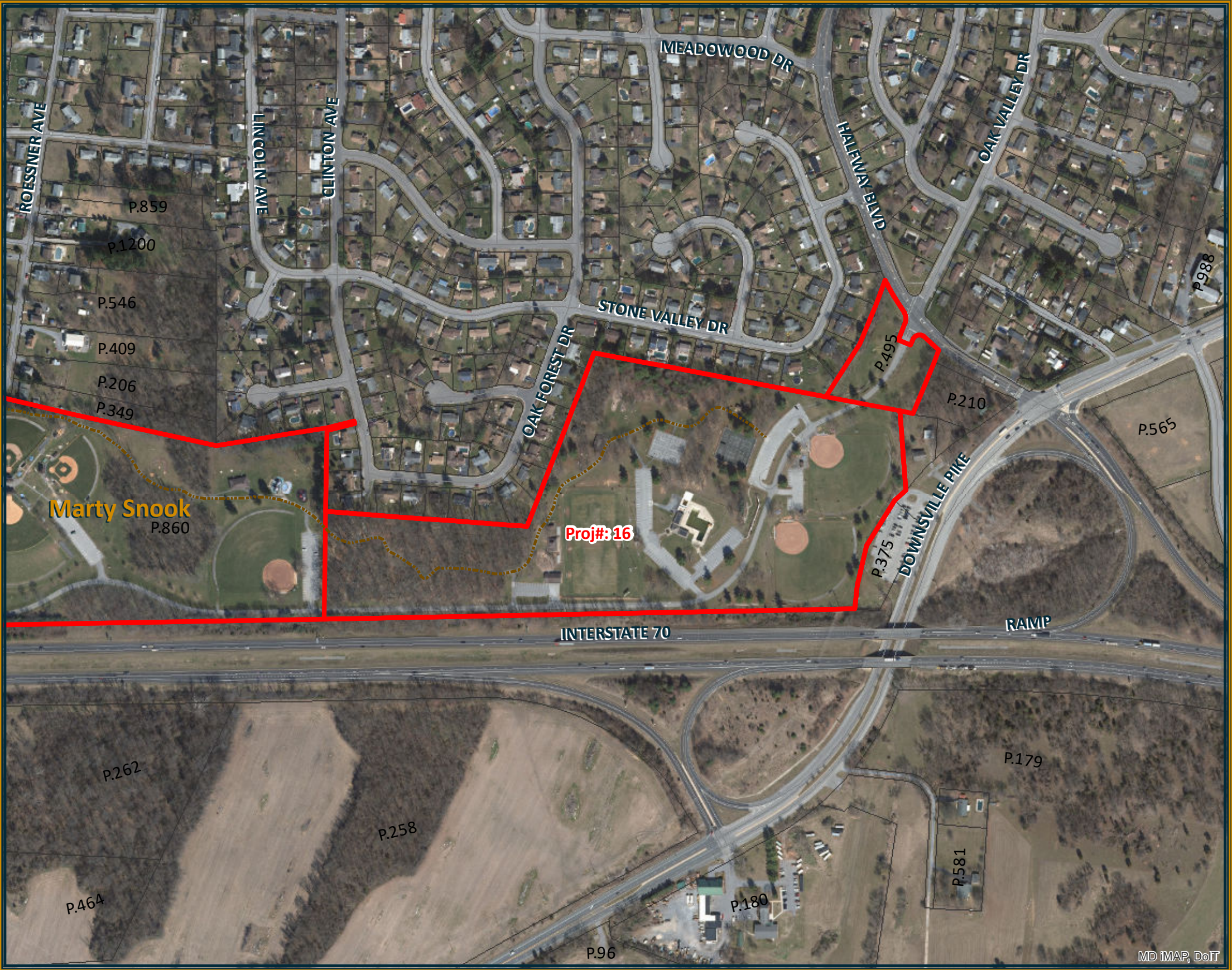
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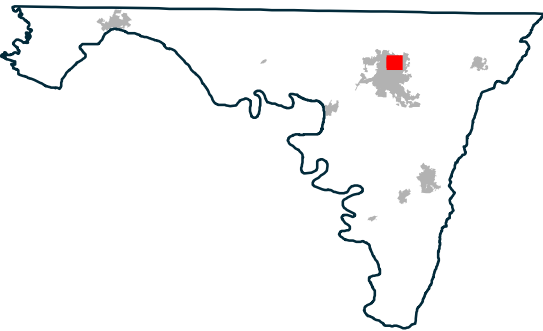


#17

WOODLAND WAY SIDEWALKS  
AND PATHWAYS

Legend

- Roads
- Program Open Space
- Board of Education Properties
- Municipal Boundaries
- County Boundary



1 inch = 200 feet



Data Sources:

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Prepared By:

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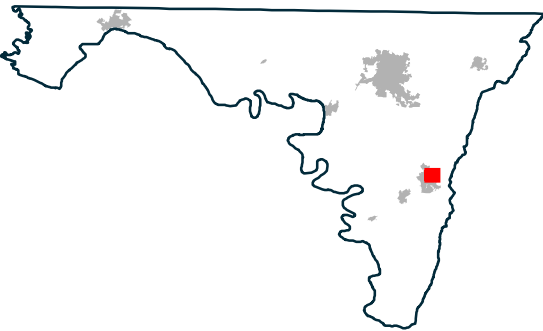




#18  
BOONSBORO ELEM PLAYGROUND  
UPGRADES

Legend

- Roads
- Program Open Space
- Parcels
- Municipal Boundaries
- County Boundary



1 inch = 200 feet



Data Sources:

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Prepared By:

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## Agenda Report Form

### Open Session Item

**SUBJECT:** Emergency Medical Services, Memorandum of Understanding and Health Insurance Update

**PRESENTATION DATE:** June 16, 2020

**PRESENTATION BY:** R. David Hays, Director, Emergency Services; David Chisholm, Assistant Director- EMS, Emergency Services; Dale Fishack, President, WCVFRA; Robert Buck, EMS Committee Chair (WCVFRA)

**RECOMMENDATION:** Motion to approve the proposal to begin reimbursing the EMS Companies full time health insurance cost under their existing plans, with this reimbursement being discontinued once the County has purchased health care plans for the companies to opt into.

**REPORT-IN-BRIEF:** The DES and the WCVFRA ALS Subsidy Workgroup continue to meet. Working to finalize a plan that will actionize the expense of the \$1,000,000.00 that is allocated in the FY21 Budget for EMS. The intended use of this new EMS funding has been to further improve the ability of the EMS corporations in providing consistent benefits to all of their full time EMS field providers (specific to this discussion, health).

**DISCUSSION:** At a recent meeting held on June 1<sup>st</sup>, 2020 the ALS Subsidy Group voted to endorse a plan that request the County to purchase health care plans utilizing the newly budgeted \$1,000,000.00 of EMS funding. Each EMS Company would be eligible to participate in the County purchased health care plans if desired. There is no requirement that a company must participate in a County purchased plan. Any EMS Company would have the option to purchase a health care plan using their own funding if desired.

While additional evaluation of the Counties ability to purchase health insurance plans is completed, it is the intent that the County will begin reimbursing EMS Companies for their current cost for health insurance for its full-time employees. This reimbursement will begin on July 1, 2020 and will remain in place until such time the County purchased health care plans can be secured and implemented. At the point where the County purchased health care plans are in place and ready for use, the respective health insurance reimbursements to all EMS companies will be discontinued.

The ALS Subsidy Group and County staff are currently working on a revised MOU that will replace the 2009 MOU that will also address items in this proposal.

**FISCAL IMPACT:** \$1,000,000.00

**CONCURRENCES:** Chief Financial Officer, Director of Emergency Services

**ALTERNATIVES:** Continue with previous funding allocations

**ATTACHMENTS:** None

## Agenda Report Form

### Open Session Item

**SUBJECT:** Sole Source Procurement Award (PUR-1473) for Western Maryland Consortium Disconnected Youth Services in Washington County, Maryland

**PRESENTATION DATE:** June 26, 2020

**PRESENTATION BY:** Rick F. Curry, Director of Purchasing and Allison Hartshorn, Grant Manager, Office of Grant Management

**RECOMMENDED MOTION:** Motion to approve a Sole Source procurement to the Western Maryland Consortium in the amount of \$67,687 for enhancements to existing programming offered to disconnected youth contingent upon approval of the funding award from the Maryland Governor's Office for Children and as approved by the Washington County Local Management Board at its meeting on Friday, January 17, 2020.

**REPORT-IN-BRIEF:** The purpose of the service to be provided is to fulfill the requirements contained in a Community Partnership Agreement to be entered into and dated on or about July 1, 2020, by and between the Board of County Commissioners of Washington County, Maryland and the State of Maryland acting through the Sub-Cabinet for Children, Youth and Families which, in turn, is acting through the Washington County Office of Grant Management (OGM). The contract is for a one-year period commencing on July 1, 2020 and ending June 30, 2021, with an option by the Board to renew for three (2) additional consecutive one (1) year periods through fiscal year 2023. It is the intent of the Local Management Board supported by the contract with the Governor's Office for Children to support the operations of the Western Maryland Consortium for enhancements to existing programming offered to disconnected youth. The funding provided will allow the Contractor to do the following:

- Expand the summer work experience to be year-round.
- Provide funding for outreach/marketing to reach more disconnected youth.
- Provide Soft Skills and Financial Workshops for participants.
- Provide transportation vouchers and documentation assistance.
- Fund driver's education for qualified youth to assist their ability to obtain employment.

**DISCUSSION:** The OGM wishes to apply Section 1-106.2(a)(1) to the Code of Local Public Laws of Washington County, Maryland, to the procurement requested. This section states that sole source procurements are authorized and permissible when: (1) only one source exists that meets the County's requirements.

This request requires the approval of four (4) out of the five (5) Commissioners in order to proceed with a sole source procurement. If approved, the following remaining steps of the process will occur as outlined by the law: 1) Not more than ten (10) days after the execution and approval of a contract under this section, the procurement agency shall publish a notice of award in a newspaper of general circulation in the County, and 2) An appropriate record of the sole source procurement shall be maintained as required.

**FISCAL IMPACT:** The total funding allocated is \$67,687. No County funds are requested.

**CONCURRENCES:** The Local Management Board approves the submission of the proposal and recommends the acceptance of the award. Director of Purchasing concurs as to the permitted use of the Sole Source procurement request.

**ALTERNATIVES:** Deny approval for submission of this request.