

Wayne K. Keefer Cort F. Meinelschmidt Randall E. Wagner

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 August 25, 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.

- 10:30 AM MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE CALL TO ORDER, President Jeffrey A. Cline
- **10:35 AM** APPROVAL OF MINUTES: August 11, 2020
- 10:40 AM COMMISSIONERS' REPORTS AND COMMENTS
- 10:45 AM STAFF COMMENTS
- 10:50 AM OLDEN RURAL LEGACY PROGRAM EASEMENT Chris Boggs, Land Preservation Planner, Planning & Zoning
- 10:55 AM CONSENSUS APPLICATION FOR ZONING MAP AMENDMENT RZ-20-001 Travis Allen, Comprehensive Planner, Planning & Zoning
- 11:00 AM PUBLIC HEARING: REQUESTS BY ORGANIZATIONS TO BE ADDED TO THE LIST OF NONPROFIT ORGANIZATIONS TO WHICH THE BOARD OF COUNTY COMMISSIONERS MAY CONTRIBUTE FUNDS, PURSUANT TO § 1-108 OF THE CODE OF THE PUBLIC LOCAL LAWS OF WASHINGTON COUNTY, MARYLAND—Kirk Downey, County Attorney
- 11:10 AM INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-20-0038) LEASE/PURCHASE ONE (1) USED D8T DOZER AND ONE (1) NEW EXCAVATOR FOR SOLID WASTE Rick Curry, Director, Purchasing; Dave Mason, Deputy Director, Solid Waste
- 11:15 AM STUDENT LEARNING CENTER Andrew Eshleman, Director, Public Works; Jaime Dick, Deputy Director, Parks & Recreation
- 11:25 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)
- 12:00 PM ADJOURNMENT



### Agenda Report Form

### **Open Session Item**

SUBJECT: Olden Rural Legacy Program (RLP) Easement

PRESENTATION DATE: August 25, 2020

PRESENTATION BY: Chris Boggs, Land Preservation Planner, Dept. of Planning & Zoning

**RECOMMENDED MOTION:** Move to approve the Drew S. Olden RLP Easement project, in the amount of \$546,360.00 for 184.12 easement acres, paid for 100% by the Maryland Department of Natural Resources, and to adopt an ordinance approving the easement purchase and to authorize the execution of the necessary documentation to finalize the easement purchase.

**REPORT-IN-BRIEF:** The Olden property is located at 3702 Rohrersville Rd., Rohrersville, and the easement will serve to permanently preserve a valuable scenic, environmental and historic property in the County. The parcel is mostly hay, cropland and woodland. It lies in a part of Washington County that was heavily trafficked during the Civil War and the Battle of Antietam. It borders DNR's historic Rails to Trails line and is within the viewshed of Elk Ridge and the Battle of South Mountain.

The farm is contiguous to other preserved farmland near Antietam Battlefield and will aid in expanding the current block of protected lands. Fourteen (14) development rights will be extinguished with this easement.

**DISCUSSION:** Since 1998, Washington County has been awarded more than \$23 million to purchase Rural Legacy easements on more than 7,000 acres near Antietam Battlefield in the Rural Legacy Area. RLP is a sister program to the Maryland Agricultural Land Preservation Program (MALPP) and includes the protection of environmental and historic features in addition to agricultural parameters. RLP uses an easement valuation system (points) to establish easement value rather than appraisals used by MALPP. For FY 2020, Washington County was awarded RLP grants totaling \$1,502,982. The Olden RLP Easement will use part those funds. Easement applicants were previously ranked based on four main categories: the number of development rights available, the quality of the land/land management (agricultural component), natural resources (environmental), and the historic value.

**FISCAL IMPACT:** RLP funds are 100% State dollars, mainly from DNR Open Space funds. In addition to the easement funds, we receive up to 3% of the easement value for administrative costs, a mandatory 1.5% for compliance/monitoring costs, and funds to cover all of our legal/settlement costs.

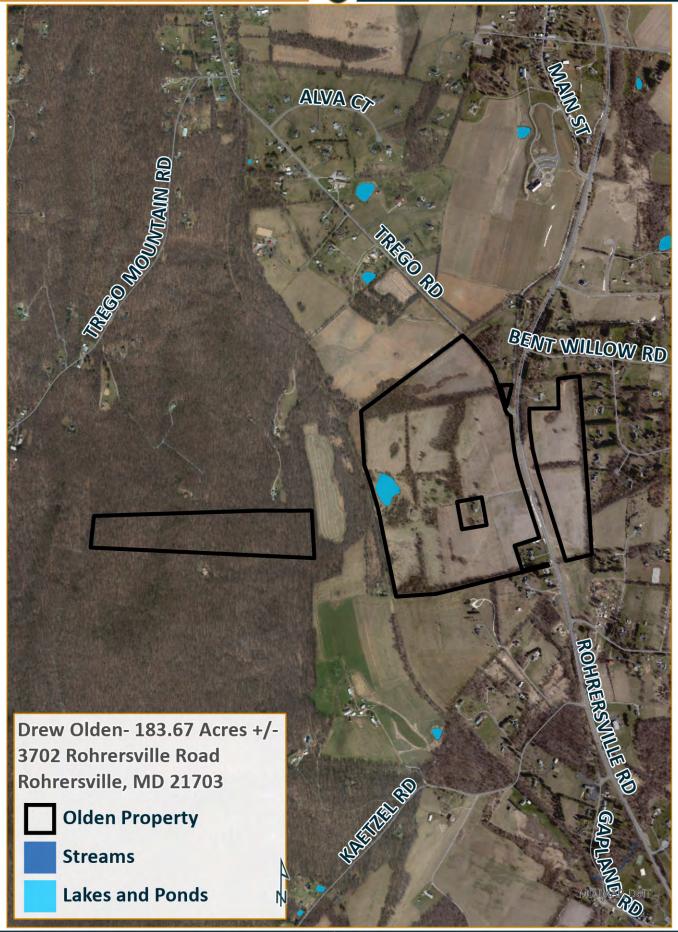
**CONCURRENCES:** Both the State RLP Board and the State Department of Natural Resources (DNR) staff have approved and support our program. A final money allocation will be approved by the State Board of Public Works.

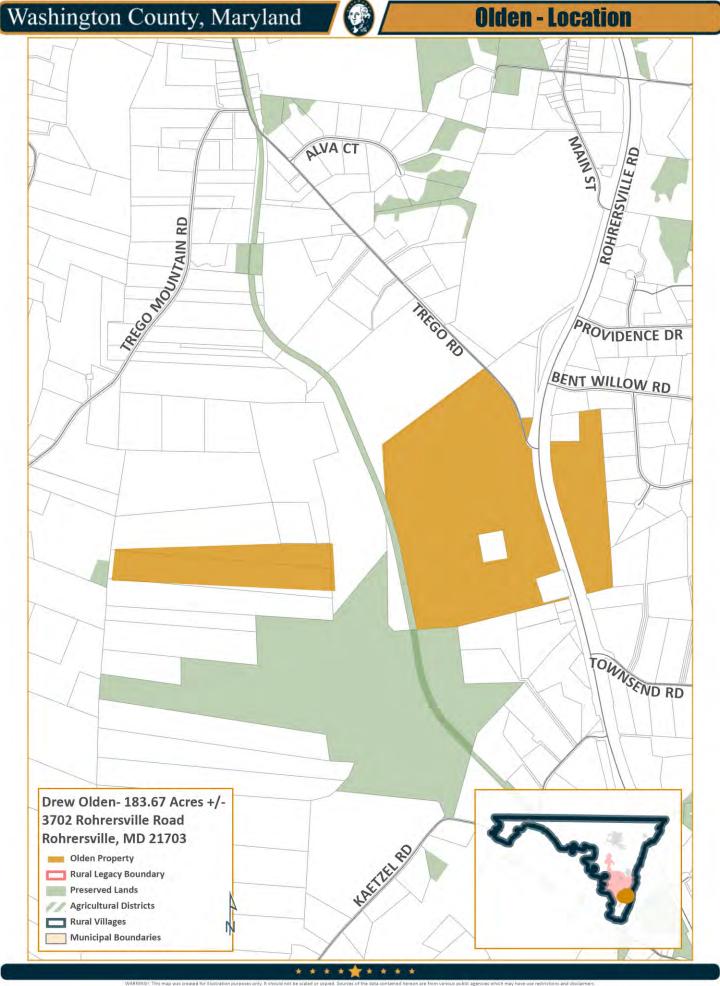
**ALTERNATIVES:** If Washington County rejects State funds for RLP, the funds will be allocated to other counties in Maryland.

**ATTACHMENTS:** Aerial Map, Location Map, Ordinance

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









### Board of County Commissioners of Washington County, Maryland

### Agenda Report Form

### **Open Session Item**

**SUBJECT**: Consensus - Application for Zoning Map Amendment RZ-20-001

PRESENTATION DATE: August 25, 2020

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

**RECOMMENDED MOTION:** The purpose of this agenda item is to reach a consensus to either approve or deny the applicant's request to rezone property.

**REPORT-IN-BRIEF:** Application is being made to rezone four properties totaling 11.64 acres along Hopewell Road from the current Highway Interchange (HI) to Residential Transition (RT).

**DISCUSSION:** The applicant Jone L. Bowman Residuary Trust and Linda Lou Ebersole Family Irrevocable Trust seek a map amendment for four properties located at 11107, 11111, 11115 and 11119 Hopewell Rd. The factors to be considered in a request for a map amendment are listed in Article 27.3 of the Washington County Zoning Ordinance. Primarily, the applicant must demonstrate that there has been a change in the character of the neighborhood since the time of the last comprehensive zoning plan, or a mistake made in the zoning designation placed on the property at that same time. For these two properties, the Comprehensive Rezoning of the Urban Growth Area in 2012 is the point from which "Change or Mistake" should be evaluated. The applicant is claiming a "Mistake" was made in 2012 in their request to rezone the property to HI.

This item was presented to the Washington County Planning Commission at a Public Information Meeting held on May 18, 2020. It was then brought back for recommendation at the June 1, 2020 meeting, where the members unanimously recommended for approval of the proposed map amendment.

Thus far, one written public comment has been received in favor of the proposed rezoning. No public comments were made during the Public Information Meeting.

The Public Hearing for this item was presented to the Board of County Commissioners on August 11, 2020. No action was taken by Commissioners on the request at that time.

**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

**AUDIO/VISUAL NEEDS:** none



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

June 8, 2020

RZ-20-001

### APPLICATION FOR MAP AMENDMENT PLANNING COMMISSION RECOMMENDATION

Property Owner(s) :

Donald M. Bowman Trustee

Applicant(s) :

Jone L. Bowman Residuary Trust, Linda Lou Ebersole

Family Irrevocable Trust

Location :

S/S Hopewell Rd, 1/3 mile south I-70 underpass

Election District

#26 - Halfway

Comprehensive Plan

Designation :

Low Density Residential

48

Parcel(s) :

P. 246

Acreage :

11.64 acres (4 lots) HI – Highway Interchange

Existing Zoning Requested Zoning

RT – Residential, Transition

Date of Meeting

Zoning Map

May 18, 2020

### RECOMMENDATION

The Washington County Planning Commission took action at its regular meeting held on Monday, June 1, 2020 to recommend approval of Map Amendment RZ-20-001 to the Board of County Commissioners. The Commission considered the applicant's claim that a mistake was made in the property's original zoning, the application, supporting documentation, the applicant's presentation, and the Staff Report and Analysis.

Copies of the application packet, justification letter, Staff Report and Analysis, minutes of the May 18, 2020 public rezoning meeting and the minutes of the June 1, 2020 regular meeting are attached.

Respectfully submitted,

Jill L. Baker, Director

Washington County Department of

Planning & Zoning

JLB/TMA/dse Attachments

cc:

Kirk Downey

Thomas Britner

100 West Washington Street, Suite 2600 | Hagerstown, MD 21740 | P: 240.313.2430 | F: 240.313.2431 | TDD: 7-1-1



FOR PLANNING COMMISSION USE ONLY Rezoning No. <u>H2 - 20 -00</u> Date Filed: <u>1-20-2020</u>

### WASHINGTON COUNTY PLANNING COMMISSION ZONING ORDINANCE MAP AMENDMENT APPLICATION

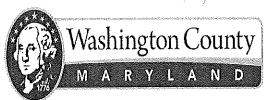
	■Property Owner □Contract Purchases □Attorney □Consultant □Other: □				
Applicant  10228 Governor Lane Blvd #3004 Williamsport MD 21795					
Address					
Thomas O. Britner, Esquire	(301) 223 1076				
Primary Contact	Phone Number				
10228 Governor Lane Blve #3004 Williamsport MD 21795	TBritner@DMBowman.com				
Address	E-mail Address				
Property Location:11115, 11111, & 11107 Hop	ewell Road Hagerstown, Maryland 21740				
Tax Map: 48 Grid: 22	Parcel No.: 246 Acreage: 8.0251				
Current Zoning:	Requested Zoning: RT (Rural, Transition)				
PLEASE NOTE: A Justification State  THOMAS OLIVER BRITNER NOTARY PUBLIC WASHINGTON COUNTY	rement is required for either reason.				
MARYLAND MY COMMISSION EXPIRES NOVEMBER 8, 2021	Applicant's Signature				
MARYLAND					
MARYLAND MY COMMISSION EXPIRES NOVEMBER 8, 2021  Subscribed and sworn before me this 2/3/					
MARYLAND MY COMMISSION EXPIRES NOVEMBER 8, 2021  Subscribed and sworn before me this 2/3/  My commission expires on 1/8/502/	Thomas O Brillian				



FOR PLANNING COMMISSION USE ONLY

### WASHINGTON COUNTY PLANNING COMMISSION ZONING ORDINANCE MAP AMENDMENT APPLICATION

Linda Lou Ebersole Family Irrevocable Trust	■Property Owner	□Contract Purchaser
Applicant	□Attorney	□Consultant
11119 Hopewell Road, Hagerstown, Maryland 21795	□Other:	
Address		
Thomas O. Britner, Esquire	(301) 223 1	076
Primary Contact	Phon	e Number
10228 Governor Lane Blvd #3004 Williamsport, MD 21795	TBritner@DN	/IBowman.com
Address	E-ma	il Address
Property Location: 11119 Hopewell R	oad, Hagerstown,	Maryland 21795
Tax Map: 48 Grid: 22		
	Requested Zoning: RT	
■ Mistake in origi  PLEASE NOTE: A Justification State		her reason.
THOMAS OLIVER BRITNER NOTARY PUBLIC WASHINGTON COUNTY MARYLAND MY COMMISSION EXPIRES NOVEMBER 8, 2021	Londa Ky Applica	Ebeusolo nt's Signature
Subscribed and sworn before me this 20th	day of January	_, 20 <u>20</u>
My commission expires on ///8/802	Thomas B. Nota	ry Public
FOR PLANNING COI	MMISSION USE ONLY	
□ Application Form	□ Names and Addres	sses of all Adjoining
	□ Names and Addres	sses of all Adjoining Property Owners
<ul><li>□ Application Form</li><li>□ Fee Worksheet</li><li>□ Application Fee</li></ul>	<ul><li>□ Names and Addrest</li><li>&amp; Confronting P</li><li>□ Vicinity Map</li></ul>	Property Owners
□ Fee Worksheet	<ul><li>□ Names and Addrest</li><li>&amp; Confronting P</li><li>□ Vicinity Map</li><li>□ Justification States</li></ul>	Property Owners ment
□ Application Fee	<ul><li>□ Names and Addrest</li><li>&amp; Confronting P</li><li>□ Vicinity Map</li></ul>	Property Owners ment



WASHINGTON COUNTY DEPARTMENT OF PLANNING & ZONING FEE WORKSHEET

FOR PLANNING COMMISSION USE ONLY
Rezoning No. <u>R2-20-001</u>
Date Filed: <u>/- 20-2020</u>

PLEASE COMPLETE ONLY THE SECTION THAT APPLIES.

Applicant's Name: The Jone L. Bowman Residuary Trust & Linda Lou Ebersole Family Irrevocable Trust Date: 1/20/2020
Zoning Ordinance Map Amendment
Number of Acres * 11.64 x \$20.00 [1 acre minimum]  per acre\$ 232.80
Engineering Review Fee
Technology Fee
TOTAL FEES DUE – MAP AMENDMENT , \$ 2397.80
*Minimum charge of \$20.00 [if less than one acre]
<u>Text Amendment</u> \$ 2,000.00
Choose One:   Adequate Public Facilities Ordinance
□ Forest Conservation Ordinance
□ Solid Waste Plan
□ Subdivision Ordinance
□ Water and Sewer Plan
□ Zoning Ordinance
□ Other:
Technology Fee
TOTAL FEES DUE - TEXT AMENDMENT \$ 2,015.00
Forest Conservation Exemption
Technology Fee



WASHINGTON COUNTY PLANNING COMMISSION ZONING ORDINANCE MAP AMENDMENT

### REQUIRED APPLICATION MATERIALS CHECKLIST

All materials must be clearly labeled (Original plus 30 copies of all materials are required)

2,325.51 for Lot2,3,4 2,237.36 for Lot 1

Xd

1. **Application Form**: A completed and signed application form.

2. <u>Fee Worksheet and Application Fee</u>: A completed Fee Worksheet and the Application Fee must be submitted at the time application is made. Checks must be made payable to the "Washington County Treasurer".

3. <u>Ownership Verification</u>: Proof of ownership interest in the subject property, including a copy of the current deed to the property; OR, if the application is made by a contract purchaser, a copy of the fully-executed Contract of Sale.

4. Boundary Plat: A boundary description, including metes and bounds, prepared and sealed by a land surveyor registered in the State of Maryland.

5. <u>List of the Names and Addresses for all Adjoining and Confronting Property Owners</u>: A list of the names and addresses, obtained from the latest property tax assessment record, of owners of adjoining or confronting properties, improved or unimproved, including properties separated by streets, railroads, or other rights-of-ways. (Must have house numbers or P.O. box numbers.)

Exhibit 2

6. <u>Vicinity Map</u>: An  $8 \frac{1}{2}$ " x 11" page size map showing the zoning of all property within 1,000 feet of the site.

7. <u>Justification Statement:</u> A written explanation of the reasons why the map amendment is being sought, setting forth in sufficient detail to properly advise County officials as to the justifications for the rezoning change. Applications for floating zones shall include such information as required by the respective Articles of the Ordinance. Other applications must address the following information:

- a. A statement as to whether or not there is evidence of mistake in the current zoning, and, if so, the nature of the mistake and the facts to support the allegation.
- b. A statement as to whether or not there is evidence of a substantial change to the character of the neighborhood subsequent to the most recent comprehensive rezoning including the nature of the change, all facts to support the allegations, and a description of the neighborhood.

### Search Result for WASHINGTON COUNTY

View Map	View GroundRen	t Redemption	View Grour	ndRent Registration
Special Tax Recapt	ure: None		•	
Account Identifier:	District - 2	6 Account Number - 00	)4535	
- maintenance		Owner Informati		
Owner Name:		E LINDA LOU TRUSTEI	Use: Principal Residenc	RESIDENTIAL
	& MERING D	ONALD R TRUSTEE	rinicipal Nesidenc	e: YE\$
Mailing Address:		PEWELL RD	Deed Reference:	/01702/ 00896
	HAGERST	OWN MD 21740-2104		
		Location & Structure In		
Premises Address:		PEWELL RD OWN 21740-0000	Legal Description:	LOT 1 3.6176 ACRES 11119 HOPEWELL RD
•	•			ment Year: Plat No: 6462
0048 0022 0246	26020527.22 0	000	1 2020	Plat Ref:
Special Tax Areas:	Non <b>e</b>		Town:	<b>Non</b> e
			Ad Valorem:	None
			Tax Class:	None
Primary Structure B		ving Area Finished E	-	rty Land Area County Use
1820	3,660 SF	•	3.6100	AC
Stories Basement	Type Ex	terior Quality Full/H Bath		st Notice of Major provements
2 YE\$		RICK/ 5 3 full/ : DING		<b>F</b>
		Value Information	on	
	Base Va	lue Value	Phase-in As	ssessments
		As of	As of	As of
1	00.400	01/01/202	0 07/01/2019	07/01/2020
Land: Improvements	86,100	86,100		
Total:	303,600 389,700	311,100 397,200	389,700	392,200
Preferential Land:	0	337,200	303,700	0
		Transfer Informat	ion	
Seller: BOWMAN JO	NE L ET AL	Date: 10/04/2001		Price: \$0
Type: NON-ARMS L		Deed1: /01702/ 00		Deed2:
Seller: BOWMAN JO		Date: 12/28/2000		Price: \$0
Type: NON-ARMS L		Deed1: /01620/ 00		Deed2:
Seller: CHAPMAN JA	and the second second	Date: 03/28/1996		Price: \$280,000
Type: ARMS LENGT		Deed1: /01618/ 00		Price: \$280,000 Deed2:
		Exemption Informa		
Partial Exempt Assessments:	Class		07/01/2019	07/01/2020
County:	000		0.00	
State:	000		0.00	
Municipal:	000		0.00 0.00	0.00 0.00
Special Tax Recaptu	ıre: None			
	F	lomestead Application I	nformation	

### Search Result for WASHINGTON COUNTY

View Map	View GroundF	ent Redemp	tion	NOTE AND ADDRESS NAME OF THE PARTY OF THE PA	ν	iew GroundF	Rent Registration	
Special Tax Recaptu	ıre: None							
Account Identifier:		- 26 Accoun	t Number - 0	41597				
		Ow	ner Informati	on				
Owner Name:	BOWM	AN DONALD I	M TRUSTEE		se: rincipa	al Residence:	COMMERCIAL NO	
Mailing Address:		OVERNOR L MSPORT MD		02 D	eed R	eference:	/05210/ 00033	
		Location 8	Structure In	format	ion			
Premises Address:		OPEWELL R STOWN 2174		L	egal D	escription:	LOT 4 1.8975 AC 11107 H <b>O</b> PEWEL	
Map: Grid: Parcel:	: Neighborhood:	Subdivision	: Section:	Block	c. Lot	: Assessme	nt Year: Plat No:	6462
0048 0022 0246	30000.22	0000			4	2018	Plat Ref:	
Special Tax Areas: N	None			Town Ad Va Tax C	alorem	:	None None None	
Primary Structure Bo	uilt Above Grade	Living Area	Finished B	asem	ent Are	ea Property 1.8900 A		-
Stories Basement	Type Exterior	Quality Fo	ull/Half Bath	Gar	age	Last Notice o	of Major Improveme	nts
		Va	lue Informatio	on				
	Base	Value	Value		Р	hase-in Asse	essments	
			As of 01/01/201	8		s of 7/01/2019	As of 07/01/2020	
Land:	66,100	)	66,100					
Improvements	0		0					
Total:	66,100	)	66,100		6	3,100	66,100	
Preferential Land:	0						0	
		***************************************	sfer Informat	ion				
Seller: BOWMAN JOI			04/25/2016				Price: \$0	
Type: NON-ARMS LE	NGTH OTHER	Deed	<b>1:</b> /05210/ 00	033			Deed2:	
Seller:		Date:					Price: \$0	
Type:		Deed	<b>1:</b> /01618/ 00	1183			Deed2:	
Seller:		Date:					Price:	
Type:		Deed	1:				Deed2:	
		Exem	ption Informa	ition				
Partial Exempt Asses					7/01/20	19	07/01/2020	
County:	000				00			
State:	000				.00	•		
Municipal:	000			0.	00 0.0	J	0.00 0.00	
Special Tax Recaptu	re: None							
FI 4			Application I	n <b>fo</b> rma	tion			
Homestead Application	the second second second	icati <b>on</b> eowners' Tax	Credit Applic	ation I	nforma	tion		,
Homeowners' Tax Cre					nforma ate:	tion		

Search Res	ult for	WASHINGTON	COUNTY

View Map	View GroundRent Re	demption	View Ground	Rent Registration
Special Tax Recapture:	None			
Account Identifier:	District - 26 A	ccount Number - (	041600	
		Owner Informat	ion	
Owner Name:	BOWMAN DOI	NALD M TRUSTEE	Use: Principal Residence	COMMERCIAL :: NO
Mailing Address:		NOR LN BLVD #30 RT MD 21795-4064		/05210/ 00033
	Loc	ation & Structure In	nformation	
Premises Address:	11111 HOPEW HAGERSTOW		Legal Description:	LOT 3 2.9608 ACRES 11111 HOPEWELL RD
Map: Grid: Parcel: N	eighborhood: Subd	ivision: Section:	Block: Lot: Assessme	ent Year: Plat No: 6462
0048 0022 0246 30	0000.22 0000		3 2018	Plat Ref:
Special Tax Areas: None	·· •		Town:	None
oposiai raxii taasii tisiis	•		Ad Valorem:	None
			Tax Class:	None
Stories Basement Ty	/pe Exterior Quali /		n Garage Last Notice	of Major Improvements
		Value Informati		, <u>, , , , , , , , , , , , , , , , , , </u>
	Base Value	Value	Phase-in Ass	essments
		As of 01/01/20	As of 18 07/01/2019	As of 07/01/2020
Land:	97,000	97,000		
Improvements	0	0		
Total:	97,000	97,000	97,000	97,000
Preferential Land:	0			0
		Transfer Informa	ition	
Seller: BOWMAN JONE I		Date: 04/25/2016		Price: \$0
Type: NON-ARMS LENG				
Type: NON-ARMO ELINO	TH OTHER	Deed1: /05210/ 0	0033	Deed2:
Seller:	TH OTHER	Deed1: /05210/ 0 Date:	0033	
	TH OTHER			Deed2:
Seller:	TH OTHER	Date:		Deed2: Price: \$0
Seller: Type:	TH OTHER	Date: Deed1: /01618/ 0	• • •	Deed2: Price: \$0 Deed2:
Seller: Type: Seller: Type:		Date: Deed1: /01618/ 0 Date:	0183 ation	Deed2: Price: \$0 Deed2: Price: Deed2:
Seller: Type: Seller: Type: Partial Exempt Assessme	ents: Class	Date: Deed1: /01618/ 0 Date: Deed1:	0183 ation 07/01/2019	Deed2: Price: \$0 Deed2: Price:
Seller: Type: Seller: Type: Partial Exempt Assessme	ents: Class	Date: Deed1: /01618/ 0 Date: Deed1:	0183 ation 07/01/2019 0.00	Deed2: Price: \$0 Deed2: Price: Deed2:
Seller: Type: Seller: Type:  Partial Exempt Assessme County: State:	ents: Class 000 000	Date: Deed1: /01618/ 0 Date: Deed1:	0183  ation  07/01/2019  0.00  0.00	Deed2: Price: \$0 Deed2: Price: Deed2: 07/01/2020
Seller: Type: Seller: Type: Partial Exempt Assessme County: State: Municipal:	ents: Class 000 000 000	Date: Deed1: /01618/ 0 Date: Deed1:	0183 ation 07/01/2019 0.00	Deed2: Price: \$0 Deed2: Price: Deed2:
Seller: Type: Seller: Type: Partial Exempt Assessme County: State:	ents: Class 000 000 000 000 None	Date: Deed1: /01618/ 0 Date: Deed1: Exemption Inform	0183  ation  07/01/2019  0.00  0.00  0.00 0.00	Deed2: Price: \$0 Deed2: Price: Deed2: 07/01/2020
Seller: Type: Seller: Type: Partial Exempt Assessme County: State: Municipal: Special Tax Recapture:	ents: Class 000 000 000 None	Date: Deed1: /01618/ 0 Date: Deed1: Exemption Inform	0183  ation  07/01/2019  0.00  0.00  0.00 0.00	Deed2: Price: \$0 Deed2: Price: Deed2: 07/01/2020
Seller: Type: Seller: Type:  Partial Exempt Assessme County: State: Municipal:	ents: Class 000 000 000 None Hom	Date: Deed1: /01618/ 0 Date: Deed1: Exemption Inform	0183  ation  07/01/2019  0.00  0.00  0.00 0.00	Deed2: Price: \$0 Deed2: Price: Deed2: 07/01/2020

### Search Result for WASHINGTON COUNTY

View Map	View GroundRent F	Redemption	View Groun	dRent Registration
Special Tax Recapture	: None			
Account Identifier:		Account Number - (	)41619	
		Owner Informat	ion	
Owner Name:	BOWMAN D	ONALD M TRUSTEE	Use: Principal Residenc	COMMERCIAL ce: NO
Mailing Address:		RNOR LN BLVD #30 DRT MD 21795-4064		/05210/ 00033
	L	ocation & Structure Ir	nformation	
Premises Address:	11115 HOPE HAGER <b>S</b> TO	WELL RD WN 21740-0000	Legal Description:	LOT 2 3.1668 ACRES 11115 HOPEWELL RD
Map: Grid: Parcel:	Neighborhood: Sub	division: Section:	Block: Lot: Assessr	ment Year: Plat No: 6462
0048 0022 0246	30000.22 000	0	2 2018	Plat Ref:
Special Tax Areas: No	ne		Town:	None
•			Ad Valorem:	None
			Tax Class:	None
Primary Structure Buil	t Above Grade Livi	ng Area Finished I	Basement Area Proper	rty Land Area County Use AC 000000
Ct-t- D	Tona Futarian On	alita Call/Half Bath		
Stories Basement	lype Exterior Qu.	anty run/nan batr	i Garage Last Notice	e of Major Improvements
	,	Value Informati	on	
	Base Value		Phase-in As	sessments
	Dusc value	As of	As of	As of
		01/01/20	18 07/01/2019	07/01/2020
Land:	103,600	103,600		
Improvements	0	0		
Total:	103,600	103,600	103,600	103,600
Preferential Land:	0			0
		Transfer Informa	tion	
Seller: BOWMAN JONE	ĒL	Date: 04/25/2016		Price: \$0
Type: NON-ARMS LEN	GTH OTHER	Deed1: /05210/ 0	0033	Deed2:
Seller:		Date:		Price: \$0
Type:		Deed1: /01618/ 0	0183	Deed2:
Seller:		Date:		Price:
Type:		Deed1:		Deed2:
		Exemption Inform	ation	
Partial Exempt Assessi	ments: Class		07/01/2019	07/01/2020
County:	000		0.00	
State:	000		0.00	
Municipal:	000		0.00 0.00	0.00 0.00
Special Tax Recapture	: None			
		mestead Application	Information	
Homestead Application	Status: No Application	on		
	Homeowi	ners' Tax Credit Appli	cation Information	

Thomas O. Britner, Esquire 10228 Governor Lane Blvd. Suite #3004 Williamsport, Maryland 21795

January 20, 2020

RECEIVED

JAN 2 1 7020

WASHINGTON COUNTY PLANNING DEPARTMENT

Department of Planning & Zoning Washington County Admin. Complex 100 W. Washington Street, Suite 2600 Hagerstown, Maryland 21740

Re: Justification Statement for Piecemeal Rezoning of 11119, 11115, 11111, & 11107 Hopewell Road Hagerstown, Maryland 21740

Dear Sir or Madam:

I represent the Linda Lou Ebersole Family Irrevocable Trust and the Jone L. Bowman Residuary Trust (collectively referred to as the "Applicant"). On behalf of the Applicant, please accept this letter as the required Justification Statement for the requested rezoning (i.e. downzoning) of the Property (defined below) from its current HI (Highway Interchange) classification to an RT (Residential, Transition) classification. All referenced exhibits are hereby incorporated as part of this letter.

The Linda Lou Ebersole Family Irrevocable Trust is the title owner 11119 Hopewell Road, Hagerstown, Maryland 21740 ("Lot 1"). The Jone L. Bowman Residuary Trust is the title owner of 11115, 11111, & 11107 Hopewell Road, Hagerstown, Maryland 21740 ("Lot 2", "Lot 3" & "Lot 4" respectively). For purposes of this letter, the term "Property" shall collectively refer to Lot 1, Lot 2, Lot 3, and Lot 4. The Property is described on Tax Map 48 as Parcel 246, and is more accurately described on Plat No. 6462 attached as <u>Exhibit 1</u>.

Situated upon Lot 1 is a fully restored historical farmhouse and outbuildings (known as the Chapman Farm) originally built circa 1820. The farmhouse has been used by Mr. and Mrs. Ebersole as their permanent residence for the last twenty (20) years.

### **Current Zoning**

A vicinity map showing the current HI zoning classification of the Property as well as the zoning classifications of the adjacent and surrounding properties is attached as **Exhibit 2**.

The Property's current HI zoning was granted during the 2012 Comprehensive Rezoning (hereinafter the "2012 Rezoning"). The County originally proposed RT zoning for the Property in connection with the 2012 Rezoning. The County's original proposal is shown on page 5 item #22 on the spreadsheet entitled *Requests and Comments to County Commissioners Received During UGA Public Hearing July 26, 2011*, a copy of which is attached as **Exhibit 3**. However, the Applicant requested that the Property be rezoned HI rather than RT. This request was set forth in the July 26, 2011 letter to the Washington County Board of County Commissioners (hereinafter the "Request Letter") attached as **Exhibit 4**.

The Request Letter set forth three (3) main arguments justifying Applicant's request that the Property be zoned HI: (i) HI zoning of the Property would be consistent with the adjacent property to the North¹ (hereinafter "Parcel 245"); (ii) the Property is in close proximity to Interstate 81; and (iii) the Applicant anticipated that the most likely use of the Property would be commercial development in conjunction with the adjacent property to the South² (hereinafter "Parcel 695"). Based upon the arguments set forth in the Request Letter submitted by the Applicant, the County rezoned the Property HI as part of the 2012 Rezoning.

### Mistakes in 2012 Rezoning

The Applicant now contends that the HI zoning assigned to the Property as a result of the 2012 Rezoning constituted a good-faith mistake. The Applicant has submitted a Zoning Ordinance Map Amendment Application respectfully requesting that the Property be rezoned (i.e. down-zoned) from HI to RT.

As per Maryland case law, to sufficiently demonstrate "mistake" the petitioning party must show that existing facts, or reasonable future projects or trends, were not taken into consideration at the time of the zoning. See generally, <u>Boyce v. Sembly</u> 334 A.2d 137, 142-143 (Md. App. 1975); and <u>White v. Spring</u>, 109 Md. App. 692, 675 A. 2d 1023 (1996). Moreover, with regard to the question of original mistake, "when the assumption upon which a particular use is predicated proves, with the passage of time, to be erroneous, this is sufficient to authorize a rezoning." <u>Mayor and Council of Rockville v. Stone</u>, 271 Md. 655, 662 (Md. 1974).

In this case, at the time of 2012 Rezoning, the County (and Applicant) did not take into account (i) the existing fact that substantial road improvements would be necessary to make the Property suitable for commercial development; and (ii) the existing fact that public water is generally unavailable to the Property. In addition, the County's reliance upon the assumption<sup>3</sup> that the Property would most likely be developed in conjunction with Parcel 695 has proved to be erroneous with the passage of time. These three (3) mistakes are set forth in greater detail below.

### Substantial Road Improvements

Access to and from the Interstate, suitable for large commercial vehicles, is a critical component of commercial development consistent with HI zoning. As per the Washington County zoning ordinance, HI zoning was established for commercial activities that "serve highway travelers" and for uses "that have a need to be located near the interstate highway system to facilitate access by a large number of employees, or the receipt or shipment of goods by highway vehicles."

Interstate access to and from the Property may be achieved from I-81 Exit 3 (Virginia Ave) or I-81 Exit 5 (Halfway Blvd). The Property is located 1.74 miles (9,189 L.F) from Exit 3

<sup>&</sup>lt;sup>1</sup> 11159 Hopewell Road, Hagerstown, Maryland 21740 (Map 48, Parcel 245), which is currently zoned HI.

<sup>&</sup>lt;sup>2</sup> 36 +/- acres fronting Hopewell Road, Hagerstown, Maryland 21740, (Map 48, Parcel 695), which is currently zoned HI.

<sup>&</sup>lt;sup>3</sup> This assumption was set forth in the Request Letter.

and 1.768 miles (9,338 L.F) from Exit 5. This distances from Exit 3 and Exit 5 are generally described on the drawing attached as **Exhibit 5**. Access to the Property from Exit 3 is the most desirable; however, this route is restricted by the one-lane bridge<sup>4</sup> on Hopewell Road located near the intersection of Hopewell Road and Wright Road. Due to this one-lane bridge, access to the Property from Exit 3 by large commercial vehicles would be impractical. Moreover, large portions of Hopewell Road located between Exit 3 and Exit 5 consist of a narrow two-lane road without shoulders. Specifically, a 2,981 L.F portion of Hopewell Road located between the Property and Exit 5 lacks shoulders, and a 3,673 L.F. portion of Hopewell Road between the Property and Exit 3 lacks shoulders. The lack of shoulders on large portions of Hopewell Road makes access to the Property by large commercial vehicles impractical. Due to these existing conditions, the Applicant contends Hopewell Road is currently inadequate for commercial development of the Property consistent with HI zoning.

Following the 2012 Rezoning, the Applicant consulted an engineering firm for the purpose of determining the extent of road improvements necessary to achieve commercial access to and from the Interstate via Exit 3. The engineering firm produced the "Concept Plan" attached as <u>Exhibit 6</u> and <u>Exhibit 7</u> and incorporated as part of this letter. The Concept Plan reflects the construction of a new road of 4,750 L.F with an 80' R.O.W cutting through Parcel 695 and Parcel 245. The Concept Plan requires: (i) the crossing of a 100 year flood plain (stations 11+50 thru 18+50); (ii) 548 L.F of stream realignment; (iii) the disturbance of 9,615 S.F of wetlands<sup>5</sup> (stations 11+50 thru 18+50); (iv) the removal and relocation of portions of Wright Road; and (v) the cooperation of the owner of Parcel 245. The forgoing are depicted on the drawings attached as <u>Exhibit 8</u> and <u>Exhibit 9</u>. The Applicant contends that the road improvements depicted on the Concept Plan would cost in excess of one million dollars (\$1,000,000), and could be restricted or prohibited by environmental issues.

The Applicant also contends that Interstate access to and from the Property via Exit 5 would also require substantial road improvements. At a minimum, in order to accommodate access by large commercial vehicles, shoulders would need to be added to the 2,981 L.F portion of Hopewell Road between the Property and Exit 5. Moreover, the Applicant also anticipates that upgrades to the railroad crossing located to the North of the Property would be likely.

In sum, the extent of the road improvements required for the commercial development of the Property are largely impractical. The Applicant contends that the County (and Applicant) made a good-faith mistake, by not considering the extent of road improvements that would be required to make the Property suitable for commercial development, when it granted the HI zoning in connection with the 2012 Rezoning.

### General Lack of Public Water Service.

A consistent and reliable source of public water and sewer are critical components to commercial development consistent with HI zoning. Reliance on a water well and/or septic system for commercial development would be highly undesirable (if not impossible). While public sewer service is available to the Property through the County, public water is generally

<sup>&</sup>lt;sup>4</sup> This one-lane bridge crosses Semple Run.

<sup>&</sup>lt;sup>5</sup> Designated by the National Wetlands Inventory.

unavailable. Public water to the Property can only be provided by the City of Hagerstown (the "City"). Unfortunately, the Property is located outside of the boundaries of the City's Medium-Range Growth Area. *Map 4-2: Water and Wastewater Priority Areas*, depicting the Medium Range Growth Area is attached as **Exhibit 10**. According to the City of Hagerstown Water and Wastewater Policy (hereinafter the "Policy") the City "will not extend water or wastewater services beyond the Medium-Range Growth Area" unless a special exception applies. A copy of the Policy is attached as **Exhibit 11**.

At this time, the Property does not qualify for any special exception under the Policy. The only possible route to obtaining public water from the City would be to qualify for the "Economic Development Project" exception<sup>6</sup>. However, given the relatively small size of the Property, it is unlikely that a large scale industrial end user, with enough political clout to justify the Policy exception, would have interest in the Property.

In sum, the Property's lack of access to public water makes commercial development consistent with HI zoning impractical. Conversely, reliance on water wells and/or septic systems for light residential development consistent with RT zoning would not be impractical. The Applicant contends that the County (and Applicant) made a good-faith mistake by not considering the general unavailability of public water to the Property when it granted the HI zoning in connection with the 2012 Rezoning.

### Development Assumption Proved Erroneous with Passage of Time.

As set forth in the Request Letter, the Applicant originally assumed that the Property would most likely be commercially developed in conjunction with Parcel 695. The County relied (in-part) upon the Applicant's assumption when it granted the HI zoming in connection with the 2012 Rezoning. In the seven (7) plus years that have passed since the 2012 Rezoning, despite its best efforts, the Applicant has had no success in procuring a commercial end user for the Property or the Adjacent Parcel 695. This failure is largely attributable to the commercial development issues described above (i.e. the requirement of extensive road improvements and general lack of public water). In addition, family members of the Applicant have expressed interest in building single family homes on the Property.

The issues associated with the commercial development, combined with the family member's interest in utilizing the Property for residences, has caused the Applicant to abandon its intent to commercially develop the Property. The Applicant contends that the original assumption, that the Property would be developed in conjunction with Parcel 695, has proved to be erroneous with the passage of time. Therefore, the County's (and Applicant's) reliance upon this errant assumption constitutes a good-faith mistake.

<sup>&</sup>lt;sup>6</sup> The Policy makes an exception for Economic Development Projects of an industrial and/or non-retail nature. The proposed Economic Development Project requires recommendation of the County Commissioners, the City and County Economic Development Directors, and the Directors of Utilities to, and approval by Mayor and Council.

### Additional Material Facts Supporting Amendment

The Applicant respectfully requests that appropriate consideration be given to the additional facts numerated below supporting the requested change in zoning from HI to RT.

- 1. Mr. and Mrs. Ebersole (whose primary residence is located on Lot 1) would like to give their daughter and son-in-law (Samantha and Nick Bodnar) Lot 2 so that they may build a single family home for their residence.
- 2. The Property is currently configured for residential use. In the year 2000, the Applicant subdivided the Property into four (4) parcels intended for single family homes. Please see the plat attached as <u>Exhibit 1</u>. The plat depicts future homes on Lot 2, Lot 3, and Lot 4.
- 3. The 2012 Rezoning transformed the Ebersole residence upon Lot 1 into a non-conforming use. The Rezoning of the Property from HI to RT will act to correct this anomaly.
- 4. RT zoning of the Property is appropriate and consistent with the surrounding neighborhood. Numerous adjacent parcels located to the North and West are zoned RT. Please see Exhibit 2.

### Conclusion

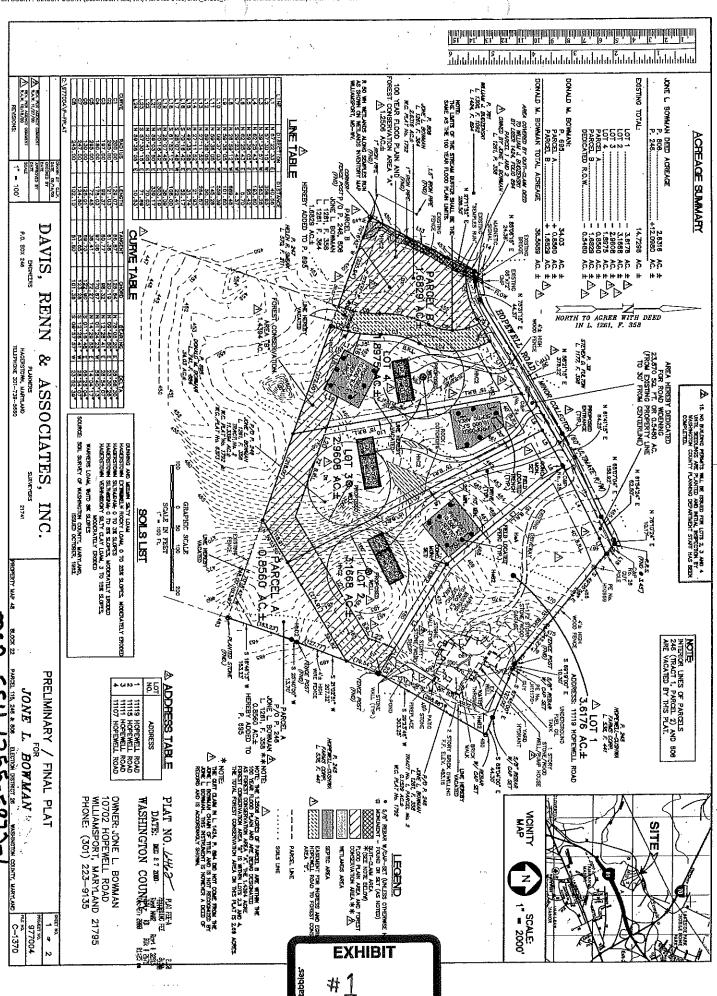
The Applicant respectfully submits that a piecemeal rezoning of the Property is justified due to good-faith mistakes; and that a change in the current zoning of HI to RT is appropriate.

Very truly yours,

Thomas & Bre

Thomas O. Britner, Esquire

E-mail: Tbrtiner@DMBowman.com



msa ssu 1255-5912-1

GENERAL NOTES

ZORGNO: "HI-2" HIGHWAY INTERCHANGE DISTRICT

MINIMUM BUNDING RESTRICTION UNES: FRONT  $-40^\circ$ , SIDE  $-15^\circ$  & REAR:  $-50^\circ$  (FROM "A")

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6. 10,000 SQ. FT. SEPTIC AREAS WILL BE UTILIZED. WATER WELLS WILL BE UTILIZED.

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11. THE DISTANCE BETWEEN THE COMPOSITINE OF DRIVES ON UT 1 AND UT 2. INDICATE AND UT 4 AND 50 WEEK ALTERNATE ENTRANCE STRIP IS 101. 10. EXISTNO CONTOURS WERE DETAINED FROM A FIELD SURVEY BY DAYS, REMN & ASSOCIATES, INC. IN JULY, 1890.

A 12 ACCESSINY STRUCTURES ARE PERMITTED IN ACCROMACE WITH SECTION 4.10 AND 22.4(b) AND SHALL NOT BE PLACES ON THE PROPERTY UNITL. THE PRINCIPAL STRUCTURE HAS BEEN CONSTRUCTED ON THE PROPERTY. 23. 13. THE PEAR SETBACK IS GREATER ON LOTS 2.3 AND 4 DUE TO THE FOREST CONSERVATION EASEMENT AREA.

18. NO BUILDING PERMITS WILL BE ISSUED FOR LOTS 2, 3 AND 4
UNTIL SEEDLINGS ARE PLAYTED AND INITIAL INSPECTION BY:
WASSINGTON COUNTY PLAYING DEPARTMENT STAFF HAS BEEN
COMPLETED. 14. AN EXTRANCE PERMIT WILL BE REQUIRED FOR INGRESS/EDRESS TO FOREST CONSERVATION AREA B.

18. A FINAL FOREST CONSERVATION PLAN HAS BEEN PREPARED AND SUBMITTED TO WASHINGTON COUNTY (MAP FILE No. 8-1282, DATED 09/11/70).

THIS DEED AND AGREEMENT OF DEDICATION SHALL BE SHOUND UPON OUT GRANTEES,

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OWNERS STATEMENT

1020

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OUR HANDS AND SEALS THIS 26 DAY OF JUNE

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# INTERIM FACILITIES PROVISION CERTIFICATION

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CERTIFICATE FOR LENDING INSTITUTIONS

SIGNATURE:
COUNTY HEALTH OFFICER

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## FOREST CONSERVATION STATEMENT

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DAVIS, P.O. BOX 246

### FINAL APPROVAL ORANIED: 12-8-2000

CHARLES COMMENTED COMPANY

### SURVEYOR'S STATEMENT

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PLAT NO. 6463 DATE: WE 27 200

WASHINGTON COUNTY

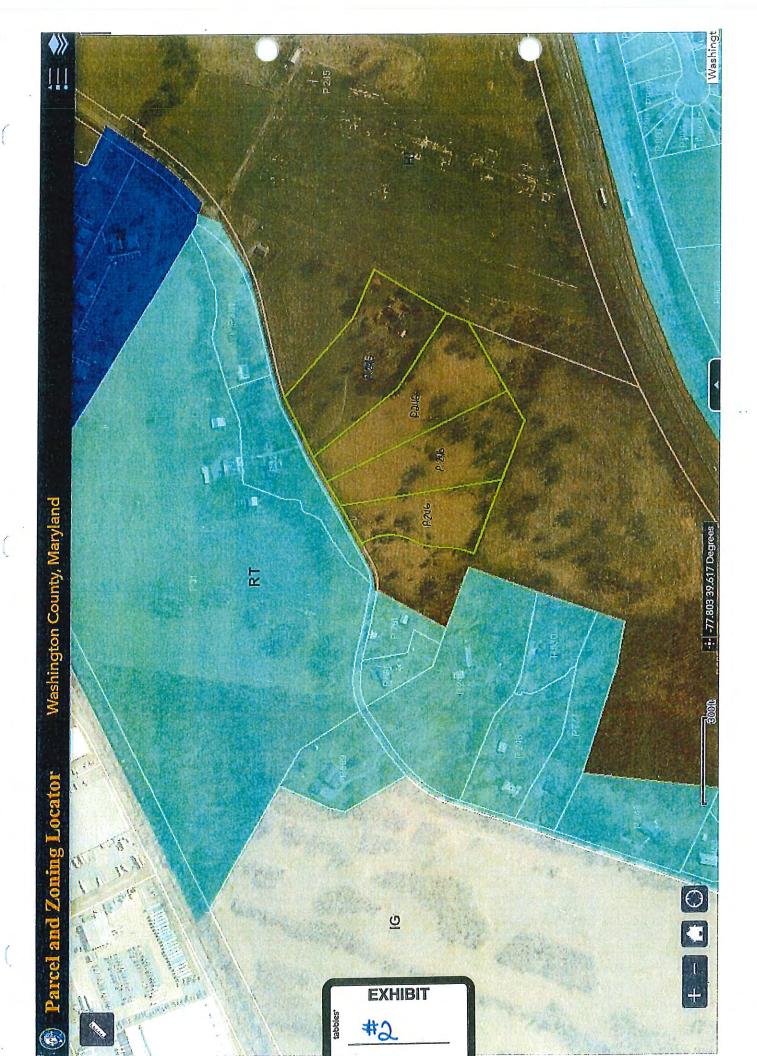
PRELIMINARY / FINAL PLAT

& ASSOCIATES, INC.

HACERSTOWN, MARYLAND TELEPHONE 301-739-5880

MSA SSU 1255-5972 WESHER IN SAL STATE OF THE PARTY OF THE

JONE L. BOWMAN



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Thomas/Bennett/Lunter Represented by Kevin Beaver	Ministries Represented by Jason Divelbiss	24 William Rankin	Westileds investment LLC Represented by Jeremy Holder	Jone L. Bowman (also L. & JR Ebersole)	27 Bowman 2000 LLC	NAME
Hump Road	11110 Robinwood Drive	16927 National Pike	9455. Morning Walk (day care facility address)	Hopewell Road (located between Hopewell Rd. and I-81)	West side of Greencastle Pike between I-70 and Huyetts in front of Highland Manor	PROPERTY ADDRESS
49/02/0001	50/09/0295	36/23/407		48/22/0246 Lots 1-4 and parcels A&B	36/21/0415	PARCEL
M		ត		Ë Š	Þ	ZONE
៰	RS (50 ac.) ORI (173 ac)	ត	R	ম	Р	PROPOSED
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	(PC Req. 1:	No prior formal request		No prior formal request	(PC Req. 5)	REQUESTED REQUESTED ZONE (1)
No objection to proposed zoning designation Requesting text change to IG district - proposed 1000' setback between residential property and IG property makes intended use of property impossible Intended use of property could be considered recycling, which would require operation to take place in an enclosed structure-would make the business unfessible and could froce them to move the business to another county Believes tree screening would be sufficient	*RS zone would be consistent with (PC Req. 155) the current use and future plans for the property	"Surrounded by HI zoned properties with commercial uses "There have been commercial uses on this property for approximately 40 years "No retail currently allowed because of IG zoning (3)	Make sure that day care facilities are a principal permitted use in the propaged RT, zone     Adopt 23.8 with recommended changes to allow project to be executed as originally proposed     Do not want to be a non-conforming use     Proposed amendments should protect the lot sizes and dimensions previously approved under clustering plan     (3)	"Hi would be consistent with parcel to the north "Close proximity to I-81 "Anticipated to be developed with adjacent parcel	* Property commerci * BL zonii property * Heavy o	REQUEST / ISSUES
	<ul> <li>Verify that the dividing line for the zoning is in the appropriate location and consistent with recent subdivision plat.</li> </ul>					OTHER COMMENTS
No map changes needed. To comply with speaker request regarding text, modify setbacks in IG zone, allow screening as substitute, modify definition of recycling to remove requirement that it be conducted inside building.		To comply with owner request change map designation to HI Existing HI zone is 900 ft west. Existing zoning is IG on E,S & W, Ag on north.  Proposed zoning is IG on E, S, & W, Pl on north.	Text changes already made to RT district and Section 23.8  No further changes needed.	To comply with owner request change map designation to HI. Concentration of existing residential development nearby. Consider during review of #11. Additional Review	To camply with owner request change map designation to HI Designated on approved subdivision plat as future commercial area for the Highland Manor subdivision. Additional Review	ACTION

EXHIBIT #3



Based upon the heavy, commercial nature of the traffic along MD Rte. 63 from the 1-70 intexchange to Huyett's Crossroads, HI zoning is the most appropriate classification for all properties (i) at the Huyett's intersection; and (ii) fronting on MD Rte. 63 in this area. On the same basis, any commercial users of this Property are unlikely to be in the character of "neighborhood commercial" ss contemplated by the BL (Business, Local) zoning.

On the basis of the foregoing, as well as the oral testimony presented during the public hearing conducted on Tucsday, July 26, 2010 and the previous written correspondence dated October 22, 2010 and oral testimony presented October 12, 2010 with regard to this propocty, please consider amending the proposed zoning map amendments to reflect a HI (Highway Interchange) zoning district for my client's Property.

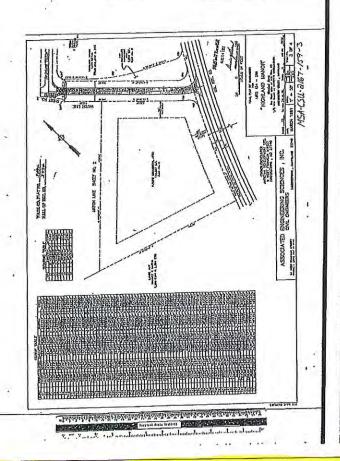
As always, thank you for your time and consideration in this matter and please do not hesitate to contact me if you would like any additional information or further explanation.

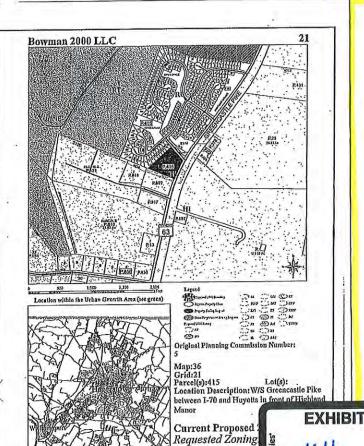
Very truly yours,

DIVELBISS & ASSOCIATES

Jayon M. Divelbiss

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Previous Request: HI-1

July 26, 2011

DIVELBISS & ASSOCIATES

Afformays at Law 13424 Perusylvania Ave Suita 302 Hagerstown, MD 21742 Washington Co. Bd. of County Commissioners c/o Wash. Co. Planning Commission Washington County Administrative Annex 80 West Baltimore Street Haggristown, MD 21740-6003

Re: Urban Growili Area Comprehensive Rezoning

Property Owners: Jone L. Boyman and Linda & JR Ebersole

Subject Properties: Tax Map 48, Grid 22, Parcel 246 (Lots 1-4 and Parcels A & B) (26-041619; 041600, 041597 & 004535)

Dear County Commissioners:

On behalf of my clients who owns the +/- 14.18 acre property located at 11107, 11111, 11115 & 11119 Hopewell Road, as well as remaining lands Parcel A & B (the "Property"), I respectfully request that the Property be zoned HI (Highway Interchange) rather than RT (Residentia), Transition) as is currently recommended.

The Property is located on the south side of Hopewell Road with the only one (1) parcel (Parcel 695) between this Property and I-81.

The Property is currently zoned FII-2 and is un-improved except for a single-family dwelling located on Lot 1 which is owned and occupied by Mr. and Mrs. Ebezsole.

Notwithstanding a prior subdivision in contemplation of residential development (Plat No. 6462), the Property Owners now anticipate that the most likely use for this Property is to be developed in conjunction with adjacent Parcel No. 695 which is adjacent to I-81 and is recommended for HI zonling.

#22

In addition to Parcel 695 to the East, the adjacent parcel to the North is also recommended for HI zoning. To the South of this property is a flood plain area that would serve as a natural buffer to the existing residences along the east side of the neural Read. of Hopewell Road.

On the basis of the foregoing, as well as the oral testimony presented during the public hearing conducted on Tuesday, July 26, 2010, please consider amending the proposed zoning map amendments to reflect a HI (Highway Interchange) zoning district for my client's Property.

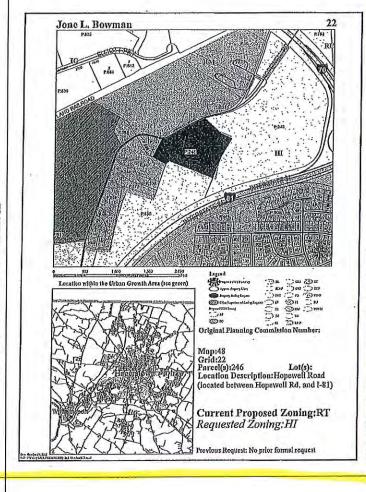
As always, thank you for your time and consideration in this matter and please do not hesitate to contact me if you would like any additional information or further explanation.

Very truly yours,

DIXELBISS & ASSOCIATES

M. Divelbis tey at law

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#24

### RECEIVED JUL 25 2011

William L. Renkln 473 Ashlon Dr. Felling Waters, W. Va., 25419 301-988-7770

WASHINGTON COUNTY PLANNING DESPRESANT

July 13, 2011

Washington County Board of County Commissioners Planning and Zoning 80 W. Ballimore Street Hagerstown, Md. 21740 Attn. Steve Goodrich, Kalhy Kroboth

Dear Sirs:
My name is William L. Rankin and I am willing in reference to the property that I own at 16827 National Pike, Parcet ID number 24-003076. This property is zoned \*[07. Every since I bought this property in 2002, there has been talk of rezoning this area to \*HI 1\*. I am asking you to vote on this and in fact change this zoning to \*HI 1\* For the following reasons:

The building on this property was put up around 1972, and the business was Roland's Chain Saws. They also sold Cub Cadet lawn tractors. This was definitely a retail business. When I opened Rankin's Used Golf Carts, I was told that I could not operate a retail business because of the "IG" zoning. It had to be manufacturing. Finally they allowed me to open because I did do some

Last summer I was forced to close that business due to the poor economy Last summer! Was forced to close that business due to the power comming and I left my business (lecones expire. Between my properly faxes, insurance, and ejectric bill, it costs me over \$10,000 per year just to keep this property and I have no income at all. I have put my property on the market for sale or lease, but again the zonling has been a delerrent. So, just to by and keep my head above vater and pay these bills, my wife and I have decided to try and open a "Flea

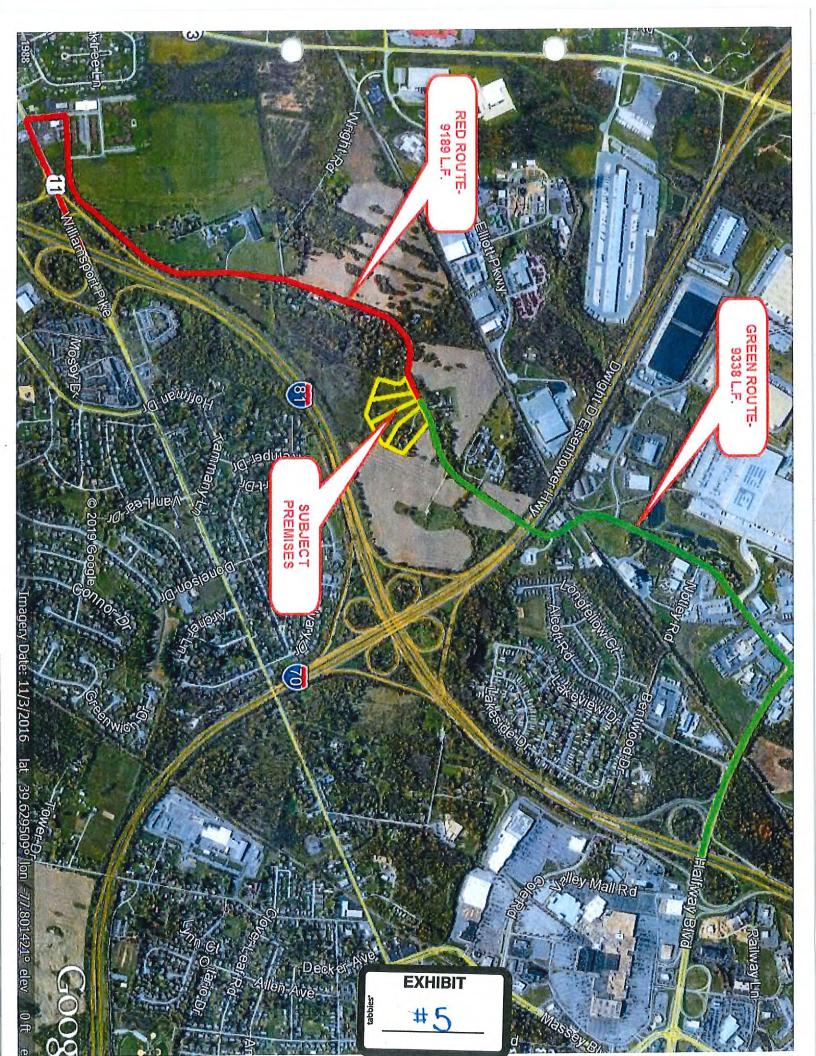
In trying to do the right thing and be a law abiding citizen we went to Zoning to apply for a permit and license for the Flea Market. Again the zoning issue came up. We cannot do retail business under "IG" zoning i pointed out that this property has been retail for the last 40 years, but I was told that the zoning was for manufacturing. I have talked with Leroy Myors, Ruth Anno Callahan, end Robert Mandley about this problem. They have suggested that I write this request to you, and elso attend the hearing set for July 26" at 7 PM.

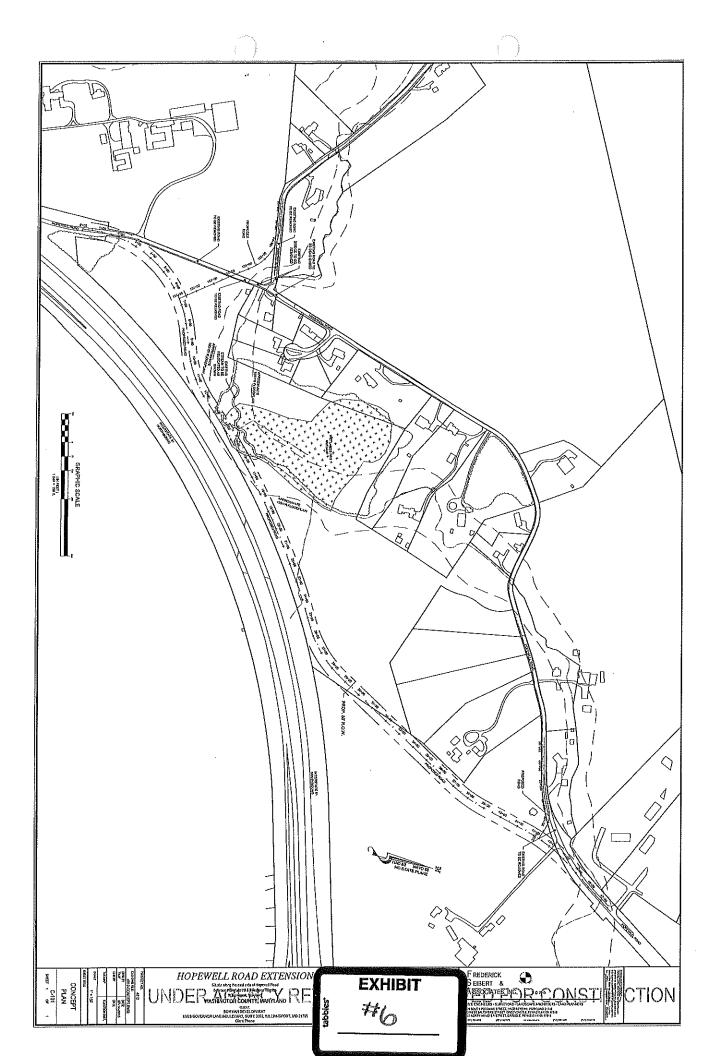
I would like to point out that 800 feet west of my property the "HI 1" zoning Is present and continues to Hewetts Cross Roads. In that area there are many

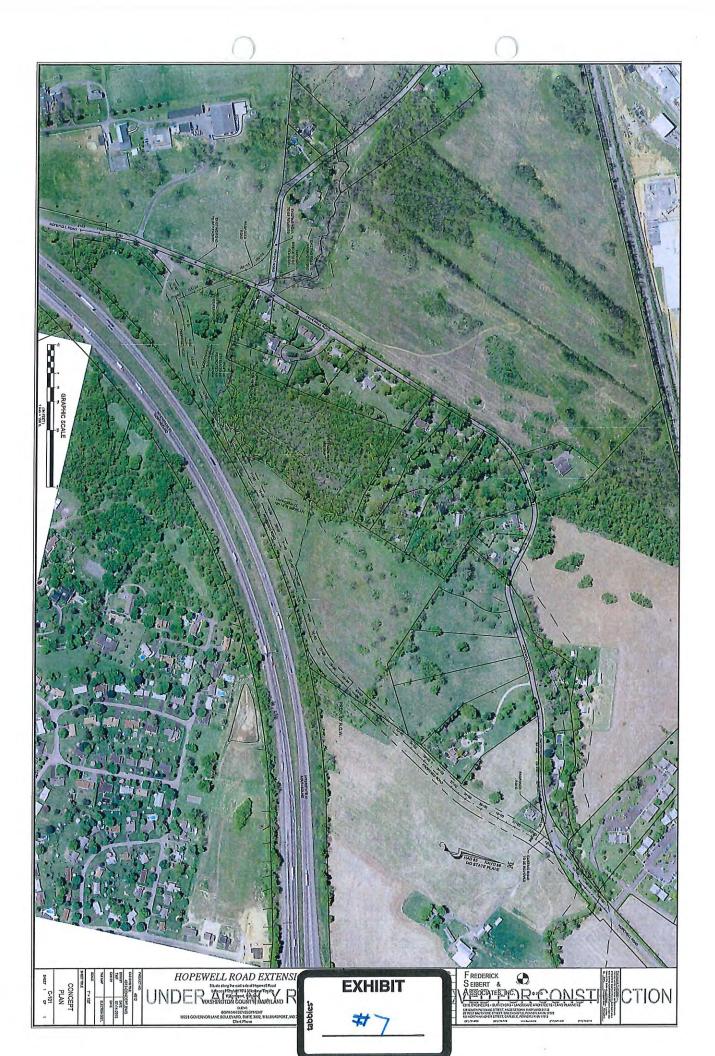
retail businesses. Also, since I have been there, it have never received any complaints about my business. So I am requesting that the zoning be changed to "Ht 1". If, for some reason this cannot be done, I would ask that you issue a "text amendment" as you did for the Washington County Free Library to allow me to continue my Flea Market. Also I would request that you put me on your agenda to speak at the July 26<sup>th</sup> hearing.

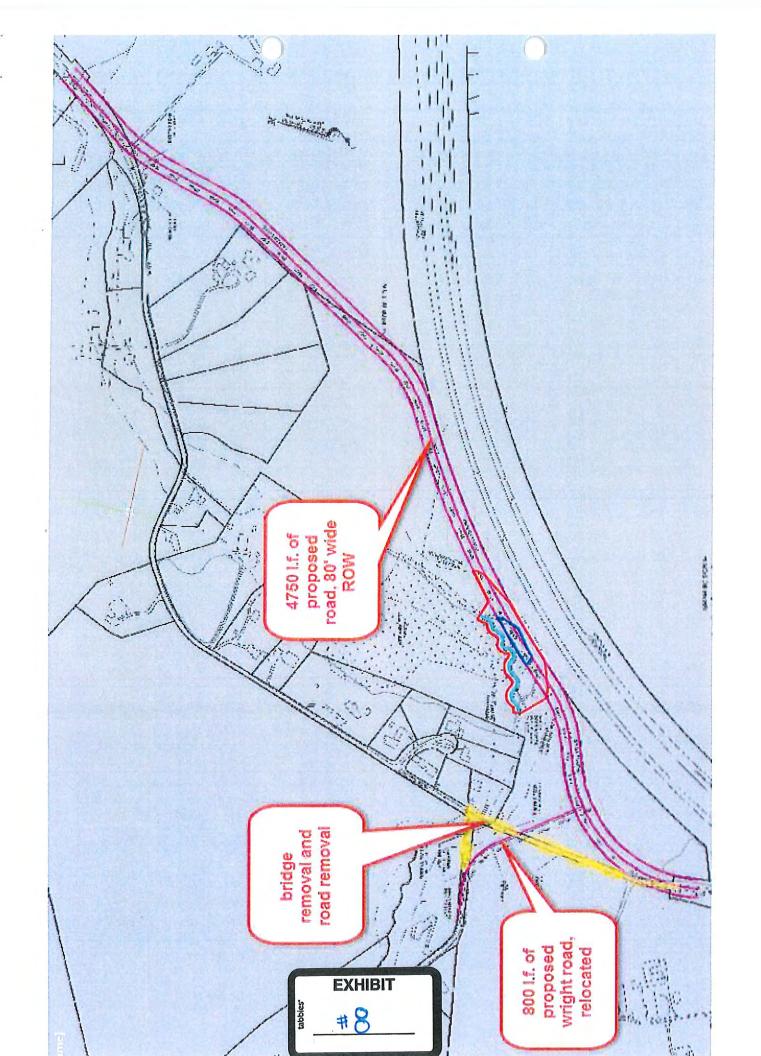
Thank you for your consideration.

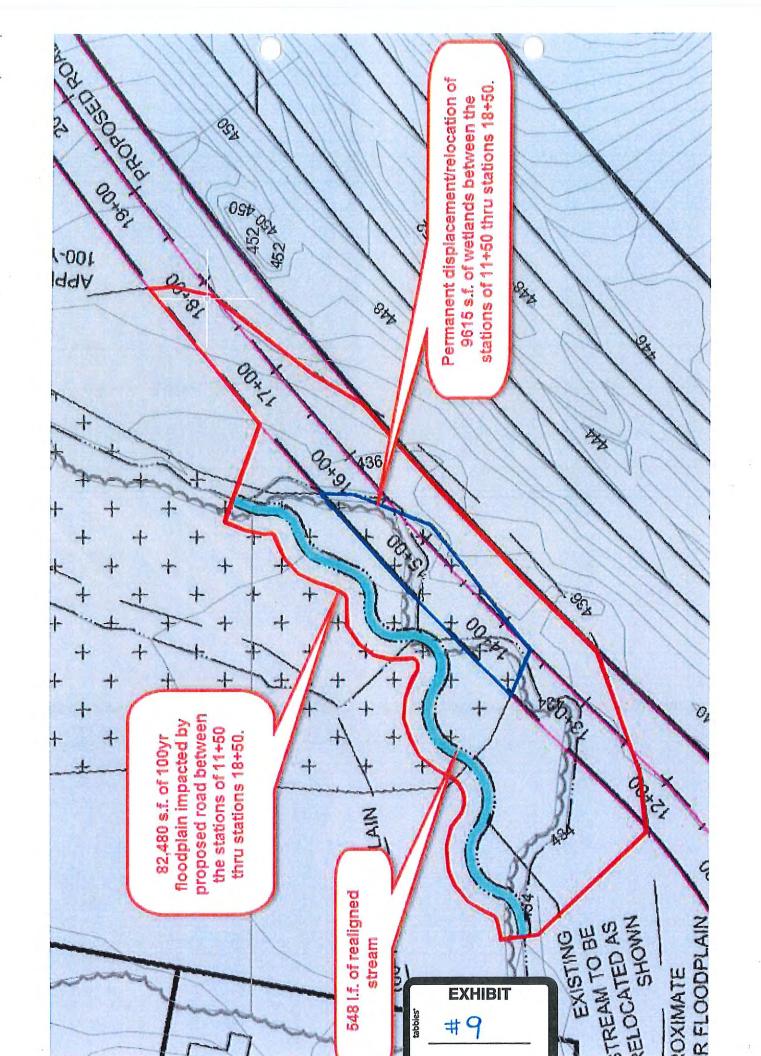
Sincerely yours waskonkin William L. Rankin

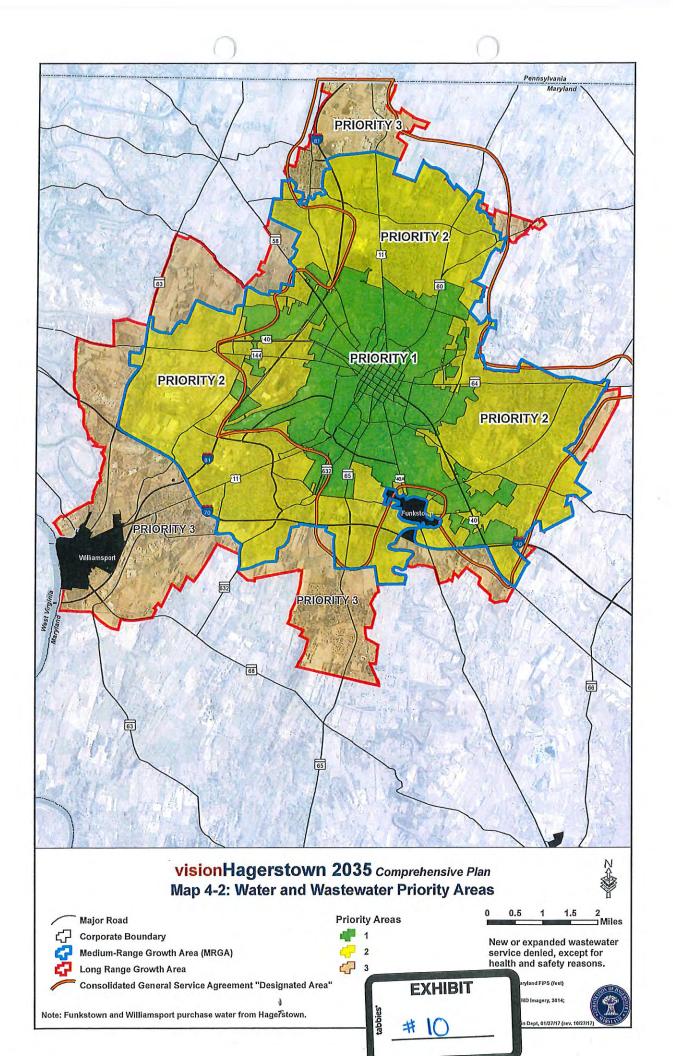












City of Hagerstown Water and Wastewater Policy Adopted: February 24, 2004 Amended: July 29, 2008 Amended: September 22, 2009

The City of Hagerstown will not extend water or wastewater services beyond the Hagerstown Medium-Range Growth Area or the Hagerstown Long-Range Growth Area as defined in the City's Annexation Policy, and slall not allow new connections to the existing Innes Jocated outside the Hagerstown Medium-Range Growth Area or Long-Range Growth Area. Reference: City of Hagerstown 2008 Comprehensive Plan, Policy 4-4. The following seven exceptions may be granted:

- 1. Condemnation or Impending Failure of an Existing Private Water or Septic System. The governing health authority has provided a request with documentation or certification to the Utilities Department that, to obtain a water or wastewater service connection, the existing private water or wastewater system for an existing dwelling or nonresidential building has been condemned, or has impending failure, and a reasonable alternate system is otherwise not available. Service approved by the Utilities Department using this exception is contingent upon acceptance and signing of a service contract by the owner providing for the allocation of costs of extending and maintaining the service to the property and that such service shall be subject to all applicable policies, procedures and practices. Reference: City of Hagerstown 2008 Comprehensive Plan, Policy 4-4.
- System Improvement. Upon the recommendation of the Director of Utilities to, and approval by, the Mayor and Council, a system extension would provide a vital improvement or enhancement to the operation or efficiency of the water and/or wastewater system.
- 3. Connection to an Existing Lot of Record. Service approval by the Utilities Department is contingent upon the following: (a) outside the Long-Range Growth Area, lot was an existing lot of record prior to February 24, 2004; (b) between the Medium-Range Growth Area and Long-Range Growth Area boundaries, lot was an existing lot of record prior to April 22, 2008; (c) lot is contiguous to a right-lo-way containing a City water or wastewater line that was in existence at the time the property became a lot of record. Any exception the Utilities Department may determine is warranted will be given with the following limitations and conditions; (a) the maximum allocation shall not exceed two hundred (200) gallons per day or one dwelling unit, or 400 gpd for a two-family dwelling if allowed by County zoning and if does not involve a subdivision; and b) service is contingent upon acceptance and signing of a service contract by the owner providing for the allocation of costs of extending and maintaining the service to the property and that such service shall be subject to all applicable policies, procedures and practices.

- 4. Redevelopment of a Property Containing an Existing Customer. Service approval by the Utilities Department using this exception is contingent upon there being no addition of land area to the existing lot(s) of record containing the existing customer(s) and there being no increase in the existing allocation as a result of the redevelopment.
- 5. Pre-existing Water or Wastewater Agreement. Service approval by the Utilities Department using this exception is contingent upon a water or wastewater agreement having been in place prior to July 29, 2008, which guaranteed water or wastewater service to this property as a condition of the construction and/or provision of land for the construction of the water or wastewater line at issue.
- 6. Economic Development Project. Service approval using this exception is contingent upon recommendation of the County Commissioners, the City and County Economic Development Directors, and the Director of Utilities to, and approval by, the Mayor and Council, for a vital economic development project located in a targeted area for industrial and/or non-retail commercial development.
- Pre-Annexation Agreement. Service approval by the Utilities Department using this
  exception is contingent upon a pre-annexation agreement having been approved by the
  Planning Department and recorded in the County Courthouse prior to April 22, 2008.

The granting of exceptions one through five above is contingent upon the property owner submitting a pre-annexation agreement to the City of Hagerstown that offers the property for annexation at such time as the corporate boundaries of the City reach the property and the Mayor and City Council determines annexation to be advantageous to the City of Hagerstown. For exception number six above, this pre-annexation agreement requirement may be subject to negotiation between the City of Hagerstown and Washington County.

F-WAyFrieshWater & Sewer/Policies/Amended Wests and Wastranter Policy-2009 amendments wps

### RESOLUTION

### CITY OF HAGERSTOWN 2008 COMPREHENSIVE PLAN

### H.B. 1141 AMENDMENTS: WATER RESOURCES ELEMENT

WHEREAS, the Mayor and City Council of the City of Hagerstown have reviewed these proposed amendments to the City of Hagerstown's 2008 Comprehensive Plan to complete the Water Resources Element requirements of H.B. 1141; and,

WHEREAS, citizen input and public discussions of these draft amendments, as well as the previously adopted text for the Water Resources Element in 2008 and 2009, were invited through a series of public meetings, including Public Hearings and Work Sessions; and,

WHEREAS, the Planning Commission and Planning staff have submitted these proposed amendments to the 2008 Comprehensive Plan for the Mayor and City Council's consideration and adoption; and,

WHEREAS, the Mayor and City Council considers these amendments to the 2008
Comprehensive Plan to be for the best interest and welfare of the citizenry and public in general of
the City of Hagerstown,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Hagerstown, Maryland, as its duly constituted legislative body, that these amendments to the City of Hagerstown's 2008 Comprehensive Plan for compliance with H.B. 1141 be, and are hereby adopted.

BE IT FURTHER RESOLVED, by the Mayor and Oity Council of Hagerstown, Maryland that this Resolution shall become effective immediately upon its passage.

WITNESS:

MAYOR AND CITY COUNCIL OF THE CITY OF HAGERSTOWN, MARYLAND

Donna K. Spickler, City Clerk

BY: Robert B. Bruchey, II, Major

DATE OF PASSAGE: 09/28/10 EFFECTIVE DATE: 09/28/10 City of Hagerstown, Maryland

2008 Comprehensive Plan

### Water Resources Element

### Introduction

This element establishes policies to guide the provision of future wastewater and water service to, and the management of nonpoint source nutrient loading from the City and its Medium-Range Growth Area (MRGA). It complies with the Water Resources Element requirements of Article 66B of the Annotated Code of Maryland, §1.04b.1 (iii)—as modified by Maryland House Bill 1141, passed in 2006. Figure 4-1 delineates water and wastewater service areas as of 2007 (the baseline year for WRE data).

At the time of publication of this Water Resources Element, Washington County was evaluating options to complete the countywide Water Resources Element requirements. The City anticipates working closely with the County to achieve their common Water Resources goals. This Water Resources Gelement, adopted in 2010, replaces the Water and Wastewater Element of the 2008 Comprehensive Plan.

### Wastewater Service

### Goals for Wastewater Service

- 1. Ensure that adequate wastewater capacity exists to serve future growth.
- Consistently meet all regulatory requirements to help protect public health and the environment, in particular reducing the environmental impact on Antietam Creek.

### Wastewater Issues Addressed by this Element

- As a result of entering into a consent judgment with the Maryland Department of the Environment (MDB) in January 2005, the City must limit provision of new wastewater service until its wastewater treatment plant (WWTP) upgrades are complete in 2011.
- 2. Upon resolution of the consent judgment, the City will have a limited supply of unused sawage treatment capacity. The City must therefore maximize the efficiency of its wastewater system, and needs to make long-term wastewater allocation decisions that support its growth management and annexation policies.
- 3. State policy! limits wastewater treatment capacity based on the total amount (or load) of nitrogen and phosphorous discharged into a receiving water body. Hagerstown dischargest treated effluent into Antietam Creek, which is a tributary to the Chesapeake Bay, and is thus subject to a nutrient discharge cap. Hagerstow's wastewater policy needs to focus on minimizing or reducing discharges.

occifically, the Chesspeake Bay 2000 Agreement, the 2004 Chesspeake Bay Restoration Act, and equent Maryland Department of the Environment guidelines.

4-1

**EXHIBIT** 

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- Inflow and Infiltration (I/I) currently consumes approximately ten percent of the planned design capacity of the City's wastewater treatment plant, reducing the amount of capacity that is available to serve new and existing development.
- The limited sewage treatment capacity in Hagerstown and Washington County necessitates a coordinated wastewater service approach between the City and County.

### Wastewater System Overview

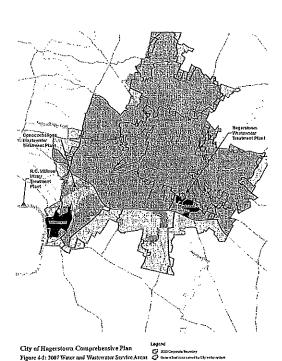
Hagerstown provides wastewater treatment service to all customers within the City's corporate boundaries, as well as some unincorporated portions of Washington County. The Consolidated General Services Agreement of 1997 (OSA) delineates the portions of the County that receive sewage treatment service from Hagerstown. This agreement is described in the Recent Relevant Policies section of the Plan Introduction.

Within Hagerstown's corporate boundaries, sewage flows through approximately 140 miles of City-owned wastewaler lines and 27 pumping stations, and is treated at the Hagerstown Wastewater Treatment Plant (WWTP). The Hagerstown WWTP is located on Antietam Creek near Friderick Street, and bas a current design capacity of 8.0 million galions per day (MGD). It discharges to Amidetam Creek (via a short segment of an unnanced tributary). Annual average daily flow between 2005 and 2007 war 6.88 MGD, although this figure includes a substantial volume of Inflow and Infiliation (IV—see discussion below). After upgrades are completed in 2010, the Hagerstown WWTP will process wastewater using Enhanced Nutrient Removal (ENR) technology, the best available technology for reducing the nitrogen and phosphorus concentrations in discharged effluent.

Portions of the Hagerstown Urban Growth Area (UGA—collectively the City, Medium-Range and Long-Term Growth Areas), are served by Washington County's Conococheague WWTP. This 4.1 MGD facility corrently uses Biological Nutrient Removal (BNR) technology, with ENR upgrades tentatively largeted for completion by the end of 2011. Some Blows from Hagerstown are also transferred to the Conococheague WWTP per the Flow Transfer Agreement (see discussion below). The City and the County rany continue to look for additional flows that could be transferred in the future. Figure 4-1 shows the areas served by the Hagerstown and Conococheague plants. As the figure shows, the Hagerstown WWTP treats all sewage from the City, as well as some areas outside the corporate boundaries. In these unincorporated areas, ownership of wastewater lines is split between the City and Washington County.

The City does not allow new wastewater connections outside of the 2008 Annexation Policy Area (the 2002 Hagerstown UGA), except in specific circumstances set forth in the City's Annexation Policy and its Water and Wastewater Policy (see the Recent Relevant Policies section of the Pian Introduction). These exceptions include cases where the non-municipal water or wastewater system does not meet health and safety standards—such as failing septio systems—or cases where service extension would improve system-wide operations or efficiency.

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City of Hagerstown, Maryland

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2008 Comprehensive Plan

### Annexation and Water and Wastewater Service

As described in the Recent Relevant Policies section of the Plan Introduction, the 2008 Annexation Policy defines the relationship between annexation and the provision of City services, such as wastewater and water service. In order to receive new or expanded water service, a property owner must agree to be annexed into the City. Property owners outside of the Consolidated GSA's Designated Area (Figure 1-11) must also agree to annexation in order to receive one or expanded vastewater service, while property owners inside the Designated Area are exempt from this requirement for wastewater service. Properties that cannot be annexed because they are not adjacent to City boundaries must sign a preannexation agreement. Some of those purcels are shown in Figure 2-4.

4-1

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The 2008 Annexation Policy's goal is for the City of Hagerstown to become the full provider of municipal services in the Hagerstown UGA. Hagerstown already provides water service to the entire UGA, but the Annexation Policy's goal is not likely to be achieved for wastewater service.

Hagerstown and Washington County have a Flow Transfer Agreement that allows the transfers of some wastewater flow from City wastewater collection system to the Conococheague WWTP via the Newgate interceptor. Maximum use of the flow transfer system could capture as much as 5,000 Equivalent Dwelling Units (EDU)\* of capacity for the Hagerstown WWTP, reducing unused capacity at the Conococheague WWTP by an equal amount. Approximately 300,000 gallons per day (gpd) of wastewater are currently transferred using this infrastructure.

The City included a "sunset" clause in the Flow Transfer Agreement, whereby all but a small amount of the Flow Transfer system's capacity would be returned to the City upon expiration of the Flow Transfer Agreement in 2023.

### Limitations on Current Wastewater Allocation

Hagerstown's ability to grant new wastewater service was significantly limited when the City entered into a Consent Judgment with the Maryland Department of the Environment (MDE) on January 12, 2005. The Consent Judgment came in response to a series of discharge violations that had allowed partially treated wastewater to enter Antiestan Creek from the Hagerstown WWTP. The Consent Judgment identifies specific projects to resolve Inflow and Inflittation and treatment problems in the City's collection system and upgrade the WWTP's headworks and disinfection systems. As part of the state's Bay Restoration legislation, the City must also implement ENR at the facility. During these upgrades, the City will also expand the WWTP's capacity to 10.5 MGD. This capacity corresponds to the WWTP's nutrient discharge cap (see discussion below).

City of Hagerstown, Maryland

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While WWTP upgrades are being implemented, the Consent Judgment requires Hagerstown to set separate annual limits on allocations of new wastewater treatment capacity for new development and existing development. Existing development is defined as development projects in the City or Washington County that received site plan or final plat approval prior to January 12, 2005, infill lots, and increased service to existing non-residential customers.

The City prepares and submits to MDE an annual Sewer Capacity Allocation Plan (SCAP) to guide the allocation of new capacity. For new development the Conseat ludgment caps annual new allocations at 12(,000 gallons per day (GPD). The 2009 SCAP (the most recent available) divides this allocation into four categories:

- i. Discretionary reserve—City and County projects (15,000 GPD)
- ii. County projects (25,000 GPD)
- tti. City residential projects (50,000 GPD)<sup>4</sup>
- iv. City non-residential projects (30,000 GPD)

The Consent Judgment does not specifically cap allocations for existing development. The 2009 SCAP allocates 116,000 GPD for existing development, divided into three categories:

- i. County projects (46,000 GPD)
- ii. City residential projects (40,000 GPD)
- iii. City non-residential projects (30,000 GPD)

### Inflow and Infiltration Concerns

Upgrades to the City's WWTP and improvements to the collection system will increase the treatment capacity of Hagerstown's wastewater system. These upgrades and improvements will particularly help to reduce the large volumes of stornwater and groundwater that enter the City's collection system, causing the system to experience high flow rates. In 2003, for example, wastewater customers discharged an average of 4.4 MGD into the sewage collection system, but the actual flows into the WWTP averaged 11.2 MGD—higher than the plant's 8.0 MGD capacity at the time. In especially wet weather, this flow has peaked at 30 MGD.

This undesired extraneous flow, known as "Inflow and Infiltration" (II), takes up wastewater system capacity that should be reserved only for wastewater, effectively limiting the system's overall capacity. Much of the II flow is caused by damaged wastewater lines or leaking manhele covers. In some cases, roof drains and sump pumps are also illegally connected to the wastewater collection system instead of the storm water collection system. The City estimates that approximately 1,000,000 gpd (5,000 EDU) of II flows were present in the wastewater collection system in 2007, of which as

<sup>&</sup>lt;sup>3</sup> Waterwriter demand is measured in Equivalent Dwelling Units (EDU), which reduces residential and nonrealdential wastewater demand to a "common denominator." An EDU represents the amount of wastewater capacity required by one dwelling with. The Cly user 200 gallons per day per EDU. Alhoogh lower chan be relatevide average of 2.0 gap per EDU, this figure is based on recorded water demand (averaging 235 gad per dwelling unit) and wastewater flows (160 gad per unit) in the Progentium System 5 Source: Washington County Wastewater Infrastructure Management Plan for the Hagerstown UGA, 2005

<sup>4 800</sup> gpd were removed this to overage in 2006.

Source: City of Hagerstown.

much as 340,000 gpd (1,700 EDU) of Vi can reasonably be chiminated through repair projects, which began in 2003

The City has two major rehabilitation projects planned for reducing III into the system. Both projects began in 2009 and are expected to be completed in 2011. The City continuously monitors the system to detect groundwater migration into the system and makes repairs as necessary. The City has smoke tested the entire wastewater collection nd has been working with property owners to mitigate illegal drain connections to the system.

### Projected Wastewater Demand and Capacity

Byen after the completion of WWTP upgrades and subsequent resolution of the Consent Judgment, Hagerstown will have a limited amount of unused wastewater capacity to allocate to future growth. The Fopulation Projections section of the Pian Introduction (specifically Table 1-3) describes projected development in Hagerstown through 2028, the horizon year for this plan.

Table 4-1 shows the relationship between projected growth and available wastewater treatment capacity. Once ongoing upgrades are completed, the Hegerstown WWIP alone will have adequate wastewater capacity to support the City's projected growth through

Table 4-1: Projected Development and Wastewater Capacity, 2028

		Projected.
All L	inits in EDU	Growth
1	Projected residential demand (housing units)	5,605
536	Projected non-residential demand (EOU) is a residential to the	12:02
3	Total Projected Demand (1+2)	8,807
海郭	Unised was lewater (reptiment capacity available for future develo	部制年的/高端的5001
5	Additional Capacity (EDU), I&I Repairs	1,700
212	Admional Gapzeny (EDD) Flow Transfer \$351 E-2445 Sea 170	######################################
7	Nel Unused Capacity [(4+5+6)-3]	12,205
a:	Non-residential demand is assumed to be one-quarter of lotal waste the residential/non-residential split for GCAP allocations within the C	water demand, This reflects ky.
b:	includes 18,083 EDU of total available capacity, minus 2,272 EDU n accounts"—wastewater connections that exist but are not currently to	isad. (18,083 EDU is derived

daily flows from 2005-2007 of 6.88 MGD from the YWTP's fin. by subtracting the arrerage capacity of 10.5 MGD.)

Assumes a maximum flow transfer of 5,000 EOU, minus existing flow transfer of approximately 1,500 EOU.

### Potential Ultimate Wastewater Demand and Capacity

The 2008 Comprehensive Plan calls for expansion of Hagerstown's corporate boundaries, re-use and redevelopment of vacant and underutilized land in the City and AIRGA, and some new development in undeveloped portions of the MRGA. Tables 4-2 through 4-4 are based on "buildout," or ultimate potential development in the MRGA (corresponding directly with the potential development shown in Table 2-1). This potential development

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City of Hagerstown, Maryland

Table 4-2 shows the estimated amount of wastewater capacity—approximately 25,276 EDU—that will be needed to serve the ultimate amount of development that could occur in the City and the Medium-Range Growth Area (MRGA), based on the land uses and densities described in the Growth Management and Land Use Element.

is a larger amount of development than the projected development—the amount of development that the City believes will occur through 2028—in Tables 1-3 and 4-1.

### Table 4-2: Ultimate Wastewater Demand

Calegory	Demand (EDU)
Future Development in Hagerstown (2008 Corporate Boundaries)	
Potential residential development (From Table 2-1)	8,213
122 Hollanda new non-residential demand 100 million 100 million 100 million 100 million 100 million 100 million	(2,730)
3. Subtotal: Polential Demand in Hagerslown (1 + 2)	10,951
Future Development in the Medium-Range Growth Area	
4, Undeveloped Medium Density Residential land (acces)	847
5. Assigned weld of Medium Density development (diversing units per acce)	14 15 (177.6)
6. Potential new Medium Density residential units (4 x 5)	5,082
ZUDAN element districte Densay Heskentia land access in the land of the land	<b>建筑等到现</b>
8. Assumed yield of Moderate Density development (dwelling units per acra)	3.5
59 Polemal new Vote all Heiselynes demail units (7x 0) 20 10 10 10 10 10 10 10 10 10 10 10 10 10	4.673
10. Potential Residential Demand in Medium-Range Growth Area (6 + 9)	9,755
Potential Non Residental Demand in Medium Range Growth Area and London	4565
12. Subtotal Potential Demand in Medium-Range Growth Area (10 + 11)	14,319
3 3 Grand Total Potendal Obvelopment in Medium Range Grown Avea (3) 12 Notes	25,270

Washington County has kientified a need for approximately 5,000 EDU of washweler capacity to serve 4,180 acres of exposmic development land (corresponding to a mixture of BE said MD land uses), for an arrange of approximately 1,2 EDU per area. Then 11 applicable that fact for the 4,736 acres of similarly-designated land in the HRGA, outside of the 2008 corporate boundaries.

Environmental Resources Management, based on data provided by the City of Hagerstown Department of Planning and Zoning

Table 4-3 summarizes the relationship between ultimate potential wastewater demand (Table 4-2) and future available capacity. After upgrades and expansions, the Hagerstown WWTP will have enough naused wastewater capacity to serve approximately 15.811 new EDUs. This is adequate to serve some, but not all of the ultimate wastewater demand of the MROA. After L&I repairs, and accounting for MROA development that would be directly served at the Conococheague WWTP, and additional 898 EDU (approximately 0.2 MGD) of wastewater treatment capacity would be needed to serve the entire MRGA.

City of Hagerstown, Maryland

Notes

Table 4-3: Ultimate Waslewater Demand vs. Capacity in Hagerstown WWTP (Assumes Maximum Development in City and MRGA)

, , , , , , , , , , , , , , , , , , , ,	EDU
1 Total potential development (from Table 4-2)	25,270
P Available Capacity Hagerstown WVIP Phone Table 1911 Hate 2011 Hate 2011	阿爾特朗特
3 Future MRGA development treated at Conococheague WWTP *	8,770
C Additional Capachy at Hade slowe WAVE 18 Fredays 2010 For 12 18 The Sec.	100年前記録
5 Capacity Delicit, using Hagerslown WWTP alone (1 all other values)	(989)

Approximately 3,800 acres of MRCA land designated for various types of stationful and non-resistable state fats within the Conococheague WMTP's service acres (outside of the Consolidated ISA boundary). This land could support approximately 3,003 new residential units, and 3,677 EOU of non-residential development. Environmental Resources Management, based on data provided by the City of Hagerstown Department of Phanting and Cooking

If the Flow Transfer Agreement sunsets and is not extended, the City and the County will need to prioritize service areas within the MRGA and potentially shrink overall UGA boundaries to reflect reduced wastewater treatment capacity.

### Regional Wastewater Considerations

Three public WWTPs serve the MRGA: the Hagerstown and Conococheague facilities described above, and the Funkstown WWIP, a 0.15 MGD lagoon-based system that serves the Town of Funkstown. If the Hagerstown, Funkstown, and Conococheague WWIPs were managed to make maximum use of their available capacity (including technology upgrades and expansions, as permitted under nutrient cups), all potential demand in the MRGA could be satisfied, as shown in Table 4-4.

Table 4-4: Ultimate MRGA Wastewater Demand vs. Capacity in UGA (Assumes Maximum Development in City and MRGA)

EDU	_
Available Capacity In Hagerstown, Conococheague, and Funkstown V/V/TPs a 33,48	
2 17 Opt potential revidenant in Olyand AEGA	1
3 Turned off accounts in Hagerstown WWTP system 2,27	
4 : Additional Capacity at Haberstown WMIP: 18 Prepairs state 1. 2 in the interest of the 12 in 19	<u> </u>
5 Net Available Wastewater Treatment Capacity, Hagerstown UGA (1 - 2 - 3 + 4) 7,63	8_

These figures assume maximum expansion of the Hagerstown, Conoccubergue, and Funkstown WWTPs, through provisions of the state's rubient trading policy—see "Policy Based Approaches" below.

Washington County Water and Wastewater Intrastructure Management Plan

Achieving this objective could require expansion of the Hagerstown and Conococheague WWFFs through nutrient itading (see below), and continued (and likely expanded) use of the Flow Transfer Agreement. That agreement's "aunset" clause would need to be removed, and the agreement would have to be extended past the 2023 explication date.

In the long term (beyond 2028), the UGA's wastewater treatment plants would not have adequate capacity to serve buildout of the City, MRGA, and Long Range Growth Area

City of Hagerstown, Maryland

2008 Comprehensive Plan

(LRGA). The land use policies of the 2002 Washington County Comprehensive Plan (LRGA). The Janu use policies of the 2002 Washington County Londprenensive Fian would allow for as much as 30,000 EDU of additional wastewater flows from the LRGA alone (the portion of the UGA outside of the City and MRGA), compared to a net available wastewater treatment capacity of 7,618 EDU, per Table 4-4. Additional wastewater treatment capacity could be obtained through noticent trading under the state's Policy for Nutrient Cap Management and Trading, or possibly through the establishment of a spray irrigation system for wastewater disposal (see Technological Approaches, below)

If expansion of the MRGA is deemed desirable to serve additional or alternative growth priorities of the City or the County, such boundary adjustments must be based on the availability of water and wastewater capacity to serve the expanded area as well as the impact such expansion would have on the capacity to serve the ultimate demand in the MROA and the LRGA.

### Washington County Water and Sewer Infrastructure Committee

In 2004, the Maryland General Assembly created a 21 member Washington County In 2004, the Maryland Centeral Assembly recause at 1 memoer washington Country Water and Swerp Infrastructure Commission as a signed to identify significant water and wastewater needs in Washington County, as well as methods for addressing those needs. The Commission's Final Report, published in June 2006, found that potential development in the UOA (including the City, ARIGA, and LRGA) could create a net wastewater shortfall of more than 42,000 EDUs. The Infrastructure Commission report also made four broad recommendations:

- 1. Update City and County Comprehensive Plans to incorporate "realistic nsiderations of water and wastewater capabilities."
- Update the County's Water and Sewer Master Plan and expand the Master Plan's scope to more robustly link water and wastewater policies with land use policies.
- Coordinate Operations of Water and Sewer Facilities in Washington County. This recommendation encourages more communication and sharing of information among County and municipal water and wastewater officials, and improved sharing of facilities through interconnections (flow transfer systems) and canacity trading (the Bubble Concept).
- Consider an Evaluation of Merger or Consolidation of Water and Sewer Operations in Washington County.

This Comprehensive Plan addresses recommendation #1 and provides information for recommendation #2. Recommendation #3 has, to some extent, been replaced by the recommendations, recommendation with many content and the presentation requirements of HB state's nutrient trading policy and the interjurisdictional cooperation requirements of HB state's nutrient to work with the County to preserve the Flow Transfer Agreement. Implementation of recommendation #4 would require review and emproval by some combination of City, County, and State officials, and is not the City's priority through 2028.

<sup>&</sup>lt;sup>6</sup> This figure it based on undeveloped land outside of the Consolidated GSA's boundary, generally located to the northwest and southwest of Hagenstown's 2008 corporate boundaries. It includes residential and non-residential demand.

Information available at: http://www.mde.atate.md.us/Water/putrientcap.asr

Source; Washington County Infrastructure Commission Final Report (June 2, 2006), page 16.

### Nutrient Discharges and Assimilative Capacity

Willie physical capacity (MGD) is an important factor, the discharge permits for major WWTPs in Maryland (including the Hagerstown and Conococheague WWTPs) are based on nutrient discharges, specifically nitrogen and phosphorus. Nutrients, along with sediment, are the primary contributors to degraded water quality in the Chesapeake Bay and its tributaries. As a result of Maryland's participation in the Chesapeake Bay 2000 Agreement and resulting state policies designed to help restore the Bay, water and wattowater planning must take into account the "assimilative capacity" of a receiving body of water—the mass of nutrients that the steam can receive while still maintaining acceptable water quality. This section describes the limits on assimilative capacity, and options to achieve nutrient goals, as they apply to the WWTPs that serve Hagerstown.

One measure of assimilative capacity is the Total Maximum Daily Load (TMDL), a series of calculations required by the Federal Water Pollution Control Act (Clean Water Act). A TMDL is the maximum amount of pollutant that a water body, such as a river or Act). A 1990-15 the maximum amount of pondum dust a water cooy, som as a liver of a lake, can receive without impairing water quality. Water bodies are classified as "impaired" when they are too polluted or otherwise degraded to support their designated and existing uses. The 'MDL's typically expressed as expanted discharge limits from point sources such as Stormwater or

The impaired waters list is referred to as the 303(d) list, named after the section in the Clean Water Act that establishes TMDLs. The Antictam Creek watershed is impaired by Clean Water Act that establishes I MDLs. The Antictan Creek watershed is impaired by purients, but no nutrient TMDL has been prepared for this watershed. The Conococheague Creek and Marsh Run watersheds (the other watersheds covered by the MRGA) are not impaired by nutrients. MDE is collaborating with the US Environmental Protection Agency (EPA) to develop a uniform set of TMDLs for the Chesapeake Bay and all of its tributaries, including Antician Creek. These TMDLs are initially anticipated to be developed by the end of 2010. Future updates of this Comprehensive United that the consequent of the Control of the Co Plan should take into account these forthcoming regulations and/or limitations.

### Point Source Caps

Form Source Caps
To address nutrient loads from point sources such as WWTPs, the state has established Chesapeake Bay Tributary Strategy point source caps for all WWTPs with discharges greater than 0.5 MGD. These caps are numerical Brints on the amount of nitrogen and phosphorus that WWTPs can discharge to the Bay and its tributaries (expressed as pounds per year of nitrogen and phosphorus). Nitrogen and phosphorus point source caps have been established for the Hagerstown and Conoccobeague WWTPs. Because there are no completed TMDLs for the receiving waters for these point sources, the point source caps determine the allowable nutrient discharges from the WWTPs that serve Hagerstown and the MRGA.

Antidegradation

Another factor relating to assimilative capacity is untidegradation—the state policy that significantly limits new or expanded discharge permits that would degrade water quality. The focus of the antidegradation policy is on Ther II (high quality) waters, as defined by the US Invircommental Protection Agency (EPA). Nome of the streams near Hagerstown are designated as Tier IL

### Point Source Discharges

Table 4-5 lists the norient caps, as well as existing and projected future nutrient discharges for the Hagerstown and Concoccheague WWTPs. This Water Resources Element assumes that by 2028, both WWTPs will be upgraded to ENR technology. As shown in Table 4-5, the Hagerstown WWTP would meet its nutrient caps, with capacity for as much as approximately 10,000 EDU of development after 2028.

Table 4-5. Point Source Nutrient Discharges, MRGA

WWTP		Hagerstown	Conococheague (MRGA Portion)
Projected Capacity, 2028	MGD	10.50	4.50
	INE	學問題65,000	<b>经职项的封报200</b>
Existing Noticent Coads (bis/year), 2007, http://	Teff	10,000 in 110,000	[] 南 [   <b>10</b>   <b>11   15   15  </b>
Nutrient Caps (Ins/year)	TN	97,458	20,000
	TP	7,309	1,500
Projected Average Daily Flow 2028	MGD	<b>排放制度8.55</b> 1	124111-12,19200
Treatment Technology, 2028		ENR	ENR
Estmated Nutrient Discharges (bs/year), 2028	1000	湖流流(78,05年)	美洲南西州和935
	打磨路	2,602	<b>到出版。1871年</b>
Remaining Discharge Capacity (Overage), in	TN	19,399	1,065
lbs/year		4,707	(393)

- This WHE estimates that existing residential units and non-residential accesses in the position of the I/RiCAI served by the Concencious year WWTP, account for approximately 40 percent of the country wasteriater volume and mutbert loading handled by the plant. Existing leads and caps investions reduced to percent of the tools actising number about 16,000 theyear nitrogen and 4,100 buyear phosphorus) and total nutbert caps (50,002 buyear ITN and 3,758 buyear TH Existented existing retireal tools and and united caps toward on MOES EMR Red Sheets for the Hagerstown and Concentracy with IVTPs. The cap shown for the Concentracy with IVTPs pro-raided, as described in note 1. (http://www.mde.state.org.up.asp.). The This Microbian Concentracy IVTPs in the Concentracy of the IVTPs IVI a Total Microbian (Modes IV). The IVI in Total Phosphorus (butberland).
- THE TOTAL Mittings (Biolyseut, The Total Phosphorus (Biolyseut)
  The Hoperstown (MVTP will use Fenic Citatals in reduce phosphorus to loading to 0.1 mg per
  the of eithers (noticent Euperstown Mitting Separation). This is substantially lower than the
  standard EHR assumption of 0.3 mg.t. assumed for Concoocheague and other EHR facilities
  totalwide. Discharge currentification of 8 mg.t. This assumed for the facilities.

Development in the portion of the MRGA served by the Conococheague WWTP could Development in the proton of the Arabit Sarray of the County's forthcoming exceed its share of that facility's overall phosphorus cap. The County's forthcoming Water Resources Element should determine whether the facility as a whole would meet its phosphorus cap. The section below discusses options to address these potential.

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### Considerations for Addressing Long-Term Wastewater Issues

Coordinated effort between the City and County will be necessary to determine how to best address the long-term deficit of wastewater treatment capacity in the Hagerstown UGA. A number of future upgrades, innovations, and policy decisions—including some suggested by the Infrastructure Commission—could be considered to help minimize or eliminate this deficit. Some potential technological and policy-based approaches are

### Technological Approaches

- Additional II repairs. As previously discussed, the City estimates that a total of 5,000 EDU of & exist in the Hagerstown WWTP system, of which 1,700 EDU are reasonably correctable in the near term.
- Septic Disconnection. The state's nutrient trading policy awards nutrient credits for the connection of sopic systems (failing or otherwise) to public wastewater systems. The Washington County Water and Sewer Infrastructure Commission's Final Report identified as many as 3,700 EDU data could be converted from septic to public wastewater, 8 with resulting nitrogen credits granted to the public WWTP. 10
- Participation in a nutrient trading system. The state's nutrient trading policy allows WWTPs with excess nutrient discharge capacity to trade or sell that capacity (as measured in pounds of nitrogen and/or phosphorus) to other WWTPs within the same trading area (in Hagerstown's care, the Potomac basin). Washington County is also investigating a Countywide trading system that could effectively create a common "pool" of nutrient discharge credits.
- Spray Irrigation. With this technique, treated wastewater effluent is applied to specially designated agricultural fields, where crops (not used for human or animal consumption) take up most of the remaining nitrogen and phosphouss. When properly operated, spray irrigation (or other similar techniques broadly referred to as "land application") can effectively reduce nurient discharges to zero. Soil, slope, and geology are critical considerations in siting a spray irrigation facility. Underlying geology in and around Hagerstown (particularly limestone karst formations) may not seater cross trivingtion to fessible. make spray irrigation infeasible.
- Wastewater reuse ("graywater" reuse). Treated wastewater can be reused to sustain landscaping, or as process water in industrial activities. Typical examples of wastewater reuse in Maryland include the use of graywater as a coolant at power plants, or to water golf courses. In other parts of the United States, graywater has been used to recharge aquifers. This technique is not permitted in Maryland, but may

Source: Washington County Infrastructure Commission Final Report (face 2, 2006), page 4. The Commission estimated that the cort of upgrading all of these units would be approximately \$118 million. In The state policy allows credity of 7.5 Indyear of nitrogen per aspice EDU retired within 1,000 feet of a perenal and waterway and 4.6 laborate per specific EDU for all other systems. This is equivalent to the nitrogen generated by 2-3 dwelling units in an ENR facility such as Hagerstown or Concocheague.

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Improved Treatment Techniques. ENR is among the most efficient sewage treatment processes available to municipal treatment plants. Future technological advances may provide increased wastewater treatment efficiency—and therefore additional wastewater treatment capacity—but such technologies are not yet

pendelissor by tenny local according to the Jersey shall according to a market period to

### Policy-Based Approaches

While technological solutions should be considered, these approaches alone are not likely to address the long-term wastewater capacity deficit in the Hagerstown region, and may prove extremely costly to implement. Policy decisions, such as those described below, will need to supplement technological approaches.

- "Turned Off Accounts" in the City total approximately 2,272 EDU of wastewater and water capacity. While some of these turned-off accounts are reserved for planned or ongoing development, others are likely doment connections to existing structures or loss of record. Reclaiming turned-off EDUs that are not associated with likely development or preferred redevelopment areas could give the city a pool of wastewater allocations. These allocations could be used to encourage infill development or redevelopment, reducing the demand for extensions of wastewater stories awtifes of the Corporate Boundaries. service outside of the Corporate Boundaries.
- Lower than anticipated demand from the Hagerstown-Washington County Economic Development Commission's focus areas. The County currently identifies a need for 5,000 EDU of capacity for these areas, but the recent cred is toward warehouse, light industrial and distribution uses, which require less water and wastewater capacity than other employment uses.
- Revised Washington County zoning regulations that reduce development capacity, permitted densities, intensities and yield in the LRGA.
- Reduced and constrained Urban Growth Area boundaries which decrease the amount of acreage that might eventually be served by public water and sewer
- Revised assumptions about future growth. For example, the County's Wassewater Infrastructure Management Plan shows development capacity for 18,553 EDU in the City of Hagerstown, whereas Table 4-2 shows capacity for only 10,951 EDU.

### Water Service

### Goals for Water Service

- 1. Provide a sustainable uninterrupted potable water supply to all customers served by the Hagerstown Water System
- 2. Identify and implement viable projects to protect and/or enhance Hagerstown's water supply

### Water Service Issues Addressed by this Element

Recent growth in Hagerstown and the surrounding communities has increased water demand requiring an evaluation of and potential upgrades to the City's water treatment and distribution infrastructure.

### Water System Overview

The City of Hagerstown is the primary provider of potable water to all residential, commercial, and industrial customers in the Hagerstown UOA, as well as some customers outside the UGA, particularly in the Martins Crossroads area. Hagerstown also provides potable water to the towns of Smithsburg, Williamsport, and Funkstown which own, operate, and roadinat their own distribution systems. The water service area as of 2007 (excluding Smithsburg), is shown in Figure 4-1.

The City owns and operates two potable water treatment plants: the R.C. Willson Plant (WTP) and the W.M. Breichner Plant (BTP). The WTP draws its water from the Potomae River in Williamsport, and is the City's main source of water. WTP has a maximum treatment capacity of 20 MGD, with a permitted appropriation for surface water from the Potomae River of 15 MGD. However, the WTP's transmission lines can only accompodate 13.5 MGD. The BTP draws its water from the Edgemont Reservoir only accombinate 15.3. RND. IN DECLARANT IN WART HOM IN DECLARANT RESERVANT HEAD STATEMENT AND THE ACCOUNT AND

The City's water distribution system is comprised of approximately 400 miles of water mains. Currently, there are over 2,000 fire hydrauts throughout the distribution system, used for both fire suppression and system maintenance.

In 2005, Hagerstown produced and delivered 11 MGD of water, almost all of which was drawn from the Potomac River. Of that total, 18 percent (approximately 1.98 MGD) is "unaccounted for" or system water loss—water that is distributed but not used at a metered location. This is in excess of the 10 percent system water loss benchmark established by MDE policies.

The City does not allow new water connections outside of the 2008 Annexation Policy Area, except in specific circumstances set forth in the City's Annexation Policy and its

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Water and Sewer Policy (see the Recent Relevant Policies section of the Plan Water and Sewer Poincy (see the Recent Relevant Poincies section of the Prim Introduction). These exceptions include cases where the non-municipal water or wastewater system does not meet health and safety standards—such as failing septic systems, cases where service extension would improve system-wide operations or efficiency, cases where pre-existing water and/or wastewater agreements and pre-annexation agreements commit service connections or where the Mayor and City Council determine that extension of services would be important for significant economic development opportunities for the City.

### Annexation and Water Service

As described in the Recent Relevant Policies section of the Plan Introduction, the 2008 Annexation Policy defines the relationship between annexation and the provision of water service. In order to receive new or expanded water service, a property owner must agree to be annexed into the City. Properties that cannot be annexed because they are not adjacent to City boundaries must sign a preannexation agreement. Some of these parcels are shown in Figure 2-4.

### Projected Water Demand and Capacity

The Hagerstown water system has adequate capacity to meet current water demand; the combined water treatment appropriation for the WTP and BTP is 15.7 MGD, while peak daily water demand is 13 MGD during summer months (July-September). Average annual daily demand is 11 MGD.

The demands for service on the Hagerstown water supply are unticipated to increase as the growth of nearby towns creates additional water demand. Table 4-6 shows the permit and usage activity for the three lowns currently utilizing the Hagerstown water supply. Hagerstown anticipates that the Town of Smithsburg will request additional water allocations (more than doubling the Town's current allocation) in order to accommodate the growth projections in their 2003 Conperhensive Plan. Both Funktsown and Williumsport have experienced minimal growth in secont years (the average daily water usage in 2007 was approximately 03% of permitted withdrawal) and so not anticipating substantial growth in the near future. This suggests that existing water permit allocation from Hagerstown to these two towns should be sufficient for the life of this Plan.

Table 4-6: Existing and Projected Water Demand from Towns

	Water Agreement	Average Daily Use	Unused Allocation	Anticipated Permit Increase	Total Water
Tovyn	Permit	(2007)	in Permit	Request *	Demand
Flickstown	10 5 F 10 1	115	enten in 265 i	sicha dinentra Da	2(1222680
Smithsburg	1,315	1,205	110	1,700	3,015
a.Willamsport	部层海6953	11.11111111111111111111111111111111111	的特色的	<b>电线组制学数据数据的语</b>	6EEE 1,695
Total (EDU)	3,590	2,635	1,055	1,706	5,390
Total (MGD):	20.738	HIR # 0527:	:415 <b>: 0.21</b> 16	werte te er 0.340 n	4.079
Notes:					

Anticipated permit increase requests and total water demand are both through 2028

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Prior to the adoption of the 2008 Comprehensive Plan, the City committed water service to a number of development projects outside the MRGA while administering the Amersation Policy. As of December 31, 2007, outstanding commitments remain for approximately 1,690 dwelling units (338,000 gpd) and approximately 22 EDU's (4,407 gpd) of non-residential development. Detail on these projects is provided in the Appendix. As of August 2008, all but one of the residential developments on this list had an adequacy or miligation program approval under the County Adequate Public Facilities Ordinance, permitting construction to begin in the near future as the strength of the housing market permits.

While the Plan recommends that no additional new service be provided beyond the MRGA before 2028, a possible exception is identified for employment centers in the County's economic development target areas at the Airport and Friendship Technology Park (I-70 at MD 632). If the City and the County determine that the provision of water service is critical for projects in the target areas and therefore adopt special service agreements for these areas, the anticipated demand for water service from the undeveloped land in the two target areas, as of August 2008, is approximately 175 EDU's (350 vacant acres at Triendship and 100 vacant acres at the Airport with an estimate usage of 3900 gpd or 19.5 EDU's per 50 acre project).

Table 4-7 shows that existing water supplies are adequate to serve existing and projected water demand in the City, MRGA, and economic development target areas outside of the MRGA through 2028.

Table 4-7: Projected (2028) Development and Water Supply

All units in EDU (except where specified)	
1 Existing peak water demand *	65,000
C. Along residential allemand (Books to guids) Who both 2028 1911 17 19 19 19 19	H 6,605
3 New non-residential demand (EDU) <sup>b</sup> through 2028	2,202
A House serior pendinable is by nowns 2012. The party property of	(新世)发发之
5 Water demand from LRGA Properties with Annexation Policy approvals *	858
6 (Mail: Diere (20/28) Dan Mail: 12/24/40/910 - 12/24/4/24/4/24/4/24/4/24/4/24/4/24/4/2	Z 5579218
7 Total Water Supply *	78,500
Het Unused Capacity is 51-2028 - November 19 19 19 19 19 19 19 19 19 19 19 19 19	政(計) 087
Hel Unused Capacity (in NGD) 2028 12 (1997) 2028	02
Koles:	

- Existing average daily demand is 13 MGD, at 200 gpd per EDU.
- Non-residential demand is assumed to be one-quaries of total viater demand.

  Anticipated new demand from three Towns with water permits. Combines unused existing permit allocations plus exhibitate permit increase requests as shown in Table 4-5.
- Total water commitments outside AHGA from Annexation Policy approvats predating April 2008 are 1,712 EDU. Line 5 assumes that helf of these commitments will be activated by 2028.
- Existing supply is 15.7 MGD, at 200 gpd per EOU.

However, other factors indicate the need for additional water sources and upgraded treatment and distribution facilities to serve projected growth. These factors include:

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- Water demand during summer months (July-September) peaks at 13MGD, effectively reducing the amount of water available to serve future growth.
- The Edgemont Reservoir is cutrophic, 11 making its raw water difficult to treat during summer months. The BTP is not a viable water source during the summer.
- The Hagerstown treatment and distribution system was constructed in the 1920s, and is aging—as shown by the high system water loss figure. The system needs to be upgraded to meet existing demand and future development.
- Recent amendments to the Safe Drinking Water Act could necessitate modifications to the treatment and distribution system (including the WTP and BTP plants) to address by-products of the chlorination process.
- Treatment of raw water supplies creates wastewater that has to meet Clean Water Act discharge requirements. The wastewater lagoons at the WTP have to be upgraded to meet these standards, and it is also likely that the upgrades will be required for the wastewater lagoons at the BTP.
- The Hagerstown water system currently provides water to approximately 88,000 ane tragestown water system currently provides water to approximately 88,000 customers and is classified as a medium system by Maryland Department of the Environment. Based on the projections in this Comprehensive Plan, it is auticipated that Hagestown will be classified as a large system (serving 100,000 or more customers) by 2028, if not sonote. Large water systems are subject to additional monitoring requirements and accelerated schedules for regulatory compliance.
- As the City accommodates the growth demands of Smithsburg and explores the provision of water service to other towns with water deficiencies in our region, the demands on the Hagerstown water supply could increase further.

### Potential Ultimate Water Demand and Capacity

While existing water supplies are adequate to serve some projected development, they are not adequate to serve the total potential development (i.e., "buildout") in the City and MRGA. Table 4-8 shows a potential deficit of approximately 16,237 EDU (or 3.2 MGD). In addition, the Infrastructure Commission report shows a deficit of more than 27,000 EDUs throughout the UGA (including the City, MRGA, and LRGA). Buildout would not occur until well beyond 2028 (if at all). However, it is imperant to highlight mibblances to that Washington County—whose zoning regulations govern the MRGA—can use its own WRE to evaluate and, if necessary, after land use policies in the MRGA.

### Considerations for Addressing Long-Term Water Issues

To address the long-term water supply deficit, new or expanded water sources, increased To addition, the following projects in the City's Capital Improvement Program can improve overall system efficiency and narrow the gap between buildout demand and

This term describes a body of water that typically has high concentrations of nucrients, resulting in water treatment challenges.

Table 4-8: Hagerstown Water System Supply and Ultimate Demand

All units in EDU (except where specified)	Average Daily Flow
1 Available Water Supplies *	78,500
12 - The trigger water demand (average daily demand) it roll :	##47##################################
3 Potential new water demand in City and MRGA	25,270
# A New defricted from Tevins and Africa tion Postly applica-	医骨髓管理管管管 原则的特别
5 Total potential water demand in MRGA (2 + 3)	94,737
Net available Water supply (4 - 1)	(16,237)
in Net available Water stipply (MGD) of the land of the	0 生活的主题 四年(482)
Notes:	

- Existing supply is 15.75 MGD, at 200 gpd per EDU. Existing average daily domand is 13 MGD, at 200 gpd per EDU.
- Includes total water commitments outside of the IZAGA (1,712 EDU), and 2,755 EDU of domand from Towns, per Table 4-7.
- Additional Supplies. New supplies could come in the form of increased withdrawals from the Potomac River (requiring an increased appropriation permit from MDE), or from other sources, such as groundwater. The City should work with MDE to determine the best option for new or expanded water sources.
- General Repairs at the Edgemont Reservoir and in other locations to address leaks and reduce water loss. Cutting system water loss in half would reduce the buildout water deficit shown in Table 4-8 by one-third.
- Source Water Protection (Watershed Improvements and Reservoir Improvements). Stream restoration and watershed enhancement projects are planned to reduce the amount of sediment entering the Edgemont Reservoir, making this a more viable and productive year-round source.
- Storage, Replacement of the West End Reservoir (near Hellane Park) with water storage tanks, Related improvements began in 2007, with Phase II beginning in June 2009. The new concrete tanks and removal of the existing reservoir are consistent with the Safe Drinking Water Act.
- Distribution System. Transmission mains from the WTP will be replaced with larger mains to address system deficiencies. Additional planned water system projects will address deteriorating pipe, system pressure, and water quality. New meters are being installed to provide more efficient and accurate service.

#### Water Conservation

Water conservation is a low-cost option for extending the life of existing water supplies. The Maryland Water Conservation Plumbing Fixtures Act (MWCFFA), requires that new plumbing fixtures sold or installed as part of new construction are designed to conserve water. Future efforts to upgrade the water distribution system will contribute to water conservation by reducing system water loss due to leaks.

Beyond these regulatory requirements and major capital projects, the City could also proactively promote water conservation through a concerted public education program,

Programme a series and the series of the ser

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and by coordinating with the State to seek funding for upgrades to appliances and water fixmres. Careful planning of stormwater management techniques, as well as the location and species of landscaping on City streets can help to reduce or eliminate outdoor watering needs, thus reducing Citywife water demand.

#### Nonpoint Source and Total Nutrient Loading

#### Goals for Nutrient Loading

- Ensure that the City's environmental and development ordinances reflect the most recent state stormwater and nonpoint source pollution policies.
- 2. Use nonpoint source nutrient modeling to guide the location, amount, and type of development in and around the City.

#### Nutrient Loading Issues Addressed by this Element

- 1. State regulations regarding stormwater management have been updated since adoption of the 2008 Comprehensive Plan. The City's development ordinances should be updated to reflect state policy.
- Development in Hagerstown and the surrounding communities contributes nonpoint, source nutrient loads to Annetarn Creek, Conococheague Creek, and Marsh Ron. It is important to estimate this nutrient loading and the effect that future development could have on water quality.

#### Programmatic Assessment of Nonpoint Source Policies

Nospoint sources (NPS) of natriest pollution include starmwater runoff from roads and lawas, erosion and sediment from construction, agricultural runoff, atmospheric deposition, and any other source other than an outfall pipe. These sources are called nonpoint because they involve widely dispersed activities, and hence are difficult to measure. All non-point sources of pollution eventually reach the waters of the Chesapeake Bay unless filtered or retained by some structural system or non-structural techniques.

Nutrient reduction technologies for nonpoint source pollution are generally referred to as 
"Best Management Practices" (BMPs). Examples of these technologies can include 
vegetated (or "green") roofs, bioretention areas within landscaping beds, permeable 
pavement, and erosion controls. Non-structural controls, such as vegetated buffers 
around streams and at the edge of paved areas, are extremely effective in reducing the 
amount of pollutants that reach waterways.

This section characterizes the policies and procedures in place—or that need to be implemented—to manage nonpoint source pollution in Hagerstown.

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#### Maryland Stormwater Management Act

The 2000 Maryland Stormwater Design Manual, Volumes I & II is incorporated by reference into the City Code, and serves as the official guide for stormwater principles, methods, and practices.

The 2007 Maryland Stormwater Management Act, passed by the General Assembly, mandated substantial revision of the Stormwater Design Manual. The most notable provision of the 2007 Act is the requirement that new development use Environmental Sto Design (ESD) techniques, which are intended to "malnatia pre-development runoff characteristics" on the site. ESD techniques are based on the premise that stormwater management should not be seen as stormwater disposal. Instead of conveying and treating stormwater in large, costly end-of-pipe facilities located at the bottom of drainage areas, ESD addresses stormwater through the use of small, cost-effective landscape features that are frequently located onsite. It is an effective means of managing both stormwater quality and quantity. As of early 2010, the City was in the process of revising Chapter 213 (Stormwater Management) of its code to incorporate ESD and other stormwater management policies contained in the Stormwater Management Act of 2007.

As one of Maryland's oldest cities, Hagerstown is a location that the state's longstanding Smart Growth policies identifies as otherwise ideal for new development and redevelopment. Although the City intends to comply with the 2007 Act, there are substantial concerns that the 2007 Stormwater Act and subsequent guidance published by MDE may inhibit redevelopment in Hagerstown.

The 2007 Act requires "new" development to meet substantially more stringent stormwater management benchmarks than for "redevelopment." However, the City is concerned that meeting the stormwater management benchmarks for "redevelopment." is an impediment to financially viable urban redevelopment. This is particularly true, given ofter challenges that already complicate urban redevelopment, such as environmental clean-ups and the need to modify or replace utilities and other infrastruemre.

In addition, the City is concerned about application of new ESD standards to multi-phase developments. In many of these cases, site-wide stormwater systems that complied with previous stormwater regulations have already been installed, and overall project financing is based on the previous generation of stormwater requirements. Requiring such developments to change long-established infrastructure designs could make such projects financially infeasible, thus discouraging otherwise suitable development.

While the City appreciates and supports the state's overall intention of reducing nonpoint white the City's plant of the Chesapeake Bay and its tributaries, it is the City's contention that some reduction of nutrients and other pollutants (as would be achieved with less stringent stormwater requirements) is preferable to no improvement at all (as would be the case if ESD requirements push land developers to greenfield sites in the MRGA rather than redevelopment within the existing fabric of the City.) City of Hagerstown, Maryland

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#### Other Nonpoint Source Management Policies and Considerations Septic Systems within Corporate Boundaries

Approximately 2,600 residences and 1,000 acres of non-residential development in the MRGA are served by individual septic systems (all of which were outside of the City's Corporate Boundaries as of 2008). The largest concentration of residential septic systems are along MD 64 (Efferson Pike), primarily in the Robinwood area cast of Hagestrown, and in the northeastern corner of the MRGA, north of Longmeadow Rd and east of Mursh Pike (the Paradise Manor and Longmeadow neighborhoods)

The City's policy is to provide public wastewater service to all unnexed properties. However, many of the areas unost likely to be annexed through 2028 already receive public wastewater service. Thus, the nonpoint source models used to prepare this Hement do not assume the disconnection of large numbers of septic systems (see Total Nutrient Loads below).

While ESD will be required for all new development and redevelopment in Maryland While ESD Will be required for an inext development and received prometr in Maryland, already-developed areas often have older, less efficient stomwater management (SWM) facilities—or no SWM facilities at all. Stomawater retrofits can replace older SWM facilities with ESD-compliant systems, thereby helping to reduce nonpoint source pollution. However, such retrofits can be costly. The City (working cooperatively with the County and state agencies) should identify and target retrofits to stomwater "hotspots" in the MRGA—areas where notreated or minimally-treated stormwater has the most significant impact on water quality.

#### Nutrient Loads and Assimilative Capacity

This section discusses the implications of the Comprehensive Plan's Puture Land Use Plan on nonpoint source nutrient leads, total notifient loads (nonpoint and point source), and impervious surface. The City of Hagerstown and the MRGA occupy portious of three major or "eight-digit" watersheds, "all of which are part of the Potomac River watershed and the Chesapeake Bay basin: Antictam Creek, Concocheague Creek, and Marsh Run. These watersheds are shown on Map 4-2. The information provided in this section is intended to contribute to Washington County's analysis of Countywide nutrient loading in these watershed; loading in these watersheds.

#### Total Nutrient Loading

Nonpoint source (NPS) nutrient loads were evaluated using a NPS model developed by Nonpoint source (NYS) nutrient tosas were evaluated using a NYS model developed by MDE. More detail on the NPS evaluation methodology is presented in the Vater Resources section of the Comprehensive Plan Appendix. Table 4-9 shows the estimated current and future (2028) nonpoint source (neithing serpic systems), point source, and total nutrient loadings for the MRGA. These loadings reflect the City's existing and likely future land use pattern, as well as the point source information in Table 4-5.

<sup>12</sup> This refers to the numeric classification system used by the Maryland Department of the Envir

Table 4-9: Total Nutrient Loads, Existing and Projected

(el	dala in lbs/ye	u) (v=, t.	Anlietam Creek Watershed	Conococheagus Creek Watershed	Marsh Run Watershed	Total
	Nanpaint	TN	160,015	105,440	15,159	280,614
0	мапракк	TP	12,199	8,071	1,192	21,462
Existing	Pool	IN.	165 000	41,200 1,600	0 H	176,200 11,600
	Total	TN	325,016	116,640	15,159	456,814
		TΡ	22,199	9,671	1,192	33,062
	Nonpoint	TN TP	124,045	79,186 8,785	(50) per 11,234 pr 11 921	214465 16,571
2028	Point	TN	78,059	18,935	0	96,994
		ΤP	2,802	1,893	0	4,495
	Total	TN TP	202,104 11,518	98,121	11,234 921	21,067

Assumes to implementation of the Maryland Tributary Strategy Best Management Practices

Overall loading rates are expected to drop by 2028, due to two factors. The first is the ongoing ENR upgrade of the City's WWTP. In addition, nonpoint source nutrient loads would decrease, due to use of ESD in new development, redevelopment, and stormwater retroftis. These assumptions about reduced nonpoint source nutrient loading are built bitto the state-generated nonpoint source model used in this analysis.

As discussed on Page 4-9 (the "TMDL" section), no TMDLs or other measures of As otscussed on Page 4-9 (the "TMDL" section), no TMDLs or other measures of assimilative capacity have been developed for any of Hagerstown's watersheds. As such, the City has insufficient information to determine whether its watersheds can accommodate the nutrient loads shown in Table 4-9. This finding should be revised upon completion of TMDLs for Hagerstown's watersheds—as part of EPA's Cheapeake Bay TMDL project.

#### Impervious Surface Coverage

Impervious surfaces are primarily human-made surfaces, such as roads, rooftops, and sidewalks, which do not allow rainwater to enter the ground. The amount of impervious surface in a watershed is a key indicator of water quality. In areas with large amounts of impervious surface in a watershed is a key indicator of water quality. In areas with large amounts of impervious surface, stormwater leads to carry larger loads of pollutants (including, but not limited to nutrients) into nearby streams, at higher volumes, contributing to excess erosion and higher water temperatures. Water quality in streams tends to docline as impervious surfaces approach soven to ten percent of the total area of a watershed. Water quality drops sharply as impervious surface approaches 25 percent of a given watershed. Table 4-10 shows the existing and projected future impervious surface in the MRGA.

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#### Relationship to State and Local Land Use Goals

Senate Bill 276 (2009) amends Anicle 66B to require the establishment of a statewide goal for increasing the amount of development within Priority Funding Areas (PPA1) and decreasing development outside of FFAs. As part of this law, jurisdictions must also establish (beginning in 2011) local land use goals for the amount of development inside of FFAs. This Water Resources Element strongly supports the concentration of development in the MRGA, a portion of the Hagerstown PFA. As such, the Hagerstown Comprehensive Plan will result in progress toward the statewide (and eventually the local) land use poals. local) land use goals.

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Table 4-10: Impervious Surface Estimates, Existing and Projected
(For the portion of watersheds covered by the City and AHRA)
Missh Bun
Missh Bun

		Watershed	Creck Watershed	Watershed	Total
Percent the MR	of Watershed in GA	12.5%	21.4%	12.8%	14.6%
Existing	Acres	3,773	2,155	472	6,399
EXISTING	Percent	25.5%	24.1%	27.4%	25.1%
2028	Acres 1 15	4,683	2.432 27.2%	36.5%	7,743 30.4%
A 2 - 1	Acres	910	277	157	1,344
Net	Percent	6.1%	3.1%	9.1%	5,3%
a:			lashington County that ta		

As might be expected in a developed area, impervious surface percentages in the MRGA are relatively high, comprising 30 percent of the total area of the MRGA by 2028. However, a few factors must be considered. First, the MRGA accounts for less than 15 percent of the total combined area of the Antietam Creek, Conococheague Creek, and Marsh Run watersheds. Second, the adverse environmental impacts of impervious surfaces can be mitigated through effective stormwater management practices, such as the state's ESD requirements, as well as riparian management and stream restoration

Finally, as one of Maryland's major cities, Hagerstown is intended to be developed. It would be unreasonable to expect Hagerstown to reduce it impervious surface to surfas standards. To the degree that the City's policy is to promote infill development, this Comprehensive Flan's net effect is to minimize new impervious surface in the MRGA and in Washington County as a whole.

#### Choice of Land Use Plan

As required by HB 1141 and the state's WRE guidance in Models and Guidelines 26, this WRE evaluates the water resources Impacts of the existing development and the 2008 Compreheasive Plan's Future Land Use Plan. Future nutrient loads from Hagerstown will be significantly decreased due to WWTP upgrades and improved stormwater management practices.

More important, water and wastewater capacity is a critical component of the overall policies contained in the Comprehensive Plan. In particular, the information about limited water and especially wastewater capacity in the Hagerstown UGA (first compiled in the Water and Wastewater Element, which was the foreunner of this Water Resources Element) was the basis for the City's definition of the MRGA as its primary growth area through 2028. The City's policy of encouraging infill development was also influenced by the recognition of existing water and wastewater infrastructure.

Based on the findings contained in this WRE, the Future Land Use Plan established in the 2008 Comprehensive Plan is upheld.

4-23

City of Hagerstown, Maryland

Water:

Priority 3.

2008 Comprehensive Plan

#### Water Resources Policies

- Hagerstown will use water and wastewater policy to support this Comprehensive Plan's growth management goals. The 2008 Annexation Policy will continue to guide the provision of water and wastewater service outside of Hagerstown's corporate boundaries. The City will only provide new or expanded water and wastewater services to properties that annex into the City or that enter into preannexation agreements with the City, except as specifically exempted in the 2008 Annexation Policy. Description of the City of the control of the 2008 Annexation Policy. Policy 4-1.
- Policy 4-2. Hagerstown will continue to coordinate wastewater and water planning and implementation with Washington County.
  - Wastewater: Through continued cooperation with Washington County, wastewater capacity will be available for all new development in the City of Hagerstown and the Medium
    - Rauge Growth Area, as well as other priority areas within the Long Range Growth Area. 14 Through continued cooperation with Washington County and the towns of Williamsport, Smithsburg, and Funkstown, water capacity will be available for all new development in the City of Hagestawn and the Medium Range Growth Area, as well as other priority areas within
- the Long Range Growth Area. Policy 4-3. Hagerstown will maximize the capacity of its wastewater system.
- This Comprehensive Plan establishes liered priority areas for new or expanded water and wastewater service, as delineated on Figure 4-2 and defined here: Policy 4-4.
  - Infill and redevelopment within the 2008 Corporate Boundary. Highest priority for new or expanded water and wastewater allocations. Priority I.
  - Medium-Range Growth Area. Second priority for new or expanded water and wastewater service. 15 Priority 2.
    - Long-Range Growth Arra. Existing service will be maintained. New service is not anticipated hefore 2028, but may be considered for employment centers, in support of City and County economic development and other goals and policies in this Flan.

<sup>&</sup>lt;sup>13</sup> The exemption states that Hagerstown cannot require annexation or the execution of a preananxation contract as a condition for provision of wastewater service within the Consolidated GSA's Designated.

contract as a condition to provision or washing and of "becoming the full provider of municipal service," in the UGA.

<sup>13</sup> This policy modifies the 2004 Amexation Policy's goal of "becoming the full provider of municipal service," in the UGA.

<sup>23</sup> Some service in the MRCA may be provided by Washington County, especially in the area between 1-81, 1-70, MID-632 (e.g. Friendihlp Technology Park) and the 2008 Corporate Boundaries.



City of Hagerstown Comprehensive Pian Figure 4-2: Water and Wastewater Priority Areas



0 1 1 1



426

City of Hagerstown, Maryland

2008 Comprehensive Plan

ASSEMBLE TALEMOTATION

- c. Re-assignment of allocation from vacant and under-utilized commercial and industrial properties when they redevelop. This could include recoup of some "turned off accounts."
- d. Exploration of reuse of grey water from the Hagerstown Wastewater Treatment Plant where feasible—such as for watering of golf courses or adhetic fields, or for industrial processes—as means of conserving water resources and reducing nutrient discharges to Antictam Creek.
- Action 4-5. As part of future updates to the Comprehensive Plan, revise the data, policies, and implementation actions in this Water Resources Element to reflect TMDLs established by the US EPA and MDE.
- Action 4-6. Continue to update the Hydraulic Model to determine water system dynamics and deficiencies. Use the model to guide decisions as they pertain to system improvements including, but not limited to, system storage requirements, pumping station upgrades, and distribution system improvements.
- Action 4-7. Continue to monitor produced water and billed water to reduce the system water loss to 10 percent or less, per MDE policy.
- Action 4-8. Continue to monitor average day and peak day water usage to better predict when it is appropriate to approach MDE for an amendment to the current water allocation of 15 MGD from the Potomac River.
- Action 4-9. Implement practices that are protective of the Edgement watershed and water quality.
- Action 4-10. Offer to develop cooperative agreements with Washington County on appropriate situations and conditions for the provision of water ant/or wastewater services outside the Medium Range Growth Area. In particular, discuss extension of services to economic development larget areas at the Airport and Priendship Technology Park, as well as selected residential areas.
- Action 4-11. Working with Washington County, identify and prioritize the correction of stormwater "hotspots" in the City and MRGA. Identify and use state, federal, and other funding sources to implement stormwater resolution in these areas.
- Action 4-12. Advocate for more flexible state stormwater management standards for redevelopment properties and multi-year phased developments.

No water or wastewater service will be provided outside of the Long-Range Growth Area except for health and safety reasons. Any existing or future water lines extending outside of the Long-Range Growth Area shall be considered restricted and no additional connections will be permitted, except for health and safety reasons.

- Policy 4-5. Hagerstown will ensure adequate future water system supply by continuing to monitor system capacity and water use.
- Policy 4-6. The City will continue to set aside at Jeast 15 percent of its annual wastewater allocation for new development to be used for non-residential development, with priority given to Business-Employment uses (see Chapter 2) and industrial uses.
- Policy 4-7. The City will continue the existing rate structure and other policies that encourage water conservation.
- Policy 4-8. The City will pursue expanded interjurisdictional coordination with the County and municipal utilities within the Hagerstown UGA, focusing on improving operational efficiencies by merging overlapping functions such as laboratories, administration or training, emong others things.
- Policy 4-9. Hagerstown will reduce its nonpoint source national bads through more stringent stormwater management requirements for development, selective stormwater retrofits, and other actions as appropriate.

Water Resources Implementation Actions

- Action 4-1. Continue to use and update the Sewer Capacity Allocation Plan (SCAP), as changes in priorities, policies, and regulations occur.
  - Action 4-2. Reduce Inflow and Inflitration into the sewage collection system by continuing ongoing repair efforts. Consider providing incentives for private land developers to perform I/I reductions,
- Action 4-3. Renew the Flow Transfer Agreement with Washington County and remove the "sunset" clause to make flow bransfers permanent. Work with Washington County to fully implement the Flow Transfer agreement to transfer sewage from City wastewater lines to the County's Concoccheague WWTP.
- Action 4-4. Investigate alternate ways to manage wastewater capacity, such as:
  - a. Participation in the state's nutrient trading policy, specifically when extending wastewater service to homes and businesses on individual septic systems. The City also may be able to "sell" excess capacity, given the findings of Tables 4-1 and 4-5.
  - b. Implementation of more efficient treatment technology as it becomes

4-27



#### Board of County Commissioners of Washington County, Maryland

### Agenda Report Form

### **Open Session Item**

**SUBJECT**: PUBLIC HEARING – Requests by organizations to be added to the list of nonprofit organizations to which the Board of County Commissioners may contribute funds, pursuant to § 1-108 of the Code of the Public Local Laws of Washington County, Maryland (the "1-108 List").

PRESENTATION DATE: Tuesday, August 25, 2020; 11:00 a.m.

**PRESENTATION BY**: Kirk C. Downey, County Attorney

**RECOMMENDED MOTION:** None. The Board may discuss, take action, and/or make any motion after the public hearing is closed.

**REPORT-IN-BRIEF:** The following organizations have submitted letters of request to be added to the 1-108 List:

TruNorth Main Street Hancock, Inc.

**DISCUSSION:** The approval by the Board of County Commissioners of a request of a nonprofit organization to be added to the list does not assure that the organization will receive funding from the Board; that decision is made separately as a part of the Community Organization Funding process and ultimately the County's budgetary process.

FISCAL IMPACT: N/A

**CONCURRENCES: N/A** 

**ALTERNATIVES:** N/A

**ATTACHMENTS:** Letters of Request and Supplemental Information

**AUDIO/VISUAL NEEDS:** None.

#### RESOLUTION NO. RS-2020-\_\_\_

(Nonprofit Organizations Listed Under Section 1-108 of the Code of the Public Local Laws of Washington County, Maryland)

#### RECITALS

Pursuant to Section 1-108(a), Code of the Public Local Laws of Washington County, Maryland ("Public Local Laws"), the Board of County Commissioners may contribute annually to the care, operation, maintenance, or capital expense of certain nonprofit organizations in Washington County if the amount is included in the regular annual budget of Washington County for that fiscal year.

Pursuant to Section 1-108(c) of the Public Local Laws, the County Commissioners may add to the list of such organizations (the "List") upon application by a qualifying organization and after a public hearing on the request has been held.

On due notice, a public hearing was held on August 25, 2020.

The Board of County Commissioners has found that the organizations listed below qualify to be added to the List:

TruNorth

Main Street Hancock, Inc.

Inclusion on the List does not guarantee that the qualifying organizations will be funded by the Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, MARYLAND, that the following organizations are added to the List pursuant to Section 1-108 of the Public Local Laws:

- (1) TrueNorth
- (2) Main Street Hancock, Inc.

Adopted and effective this 25th day of August, 2020.

ATTEST:	BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, MARYLAND
	BY:
Krista L. Hart, Clerk	Jeffrey A. Cline, President
Approved as to form and legal sufficiency:	
Kirk C. Downey	
County Attorney	
Mail to:	
Office of the County Attorney	
100 W. Washington Street, Suite 1101	
Hagerstown, MD 21740	



Staying the Course

February 13, 2020

My name is William Johns and I am the Director of the TruNorth Company at 40 E Franklin St. Hagerstown, MD 21740. I am requesting that TruNorth is included on the list of organizations eligible for funding by the Board of County Commissioners of Washington County.

TruNorth provides managed housing for Washington County residents that are taken out of jail and placed in the Washington County Sheriff's Office Day Reporting Center program. We have houses for men and women and have live-in managers at each residence to oversee the participants' activities and program compliance while they are at home. We also assist with transportation and job procurement.

TruNorth is a 501 C-3 non-profit and I have included the IRS determination letter for your file. Please note that the Maryland Ave. address for the Company has recently changed to the E. Franklin St. location shown above. The Company is in good standing with the Maryland State Department of Assessments and Taxation and a copy of the Articles of Incorporation are included here.

I have added some additional documents for your review. Please do not hesitate to ask for additional information at any time. Thank you for your time and consideration.

Very truly yours,

William S. Johns



ADDRESSING THE NEEDS OF INDIVIDUALS IN THE WASHINGTON COUNTY SHERIFF'S OFFICE DAY REPORTING CENTER PROGRAM



By Supplying Managed Housing for Day
Reporting Center participants, TruNorth adds value
to the program, assists the DRC team by helping
each resident comply with program guidelines and
with job procurement and transportation services.
We help participants succeed in completing the
program and in reentering society as good, clean
employed contributors to their families and
communities.

Please contact us for additional information

- Encouraging Safe, Goal Oriented, Clean, Responsible Living
- Preparing people for Life Outside of Incarceration free of Substance Abuse and Crime
- Helping men and women stay out of jail, employed and back with their families.



TRUNORTH 40 E FRANKLIN ST. HAGERSTOWN, MD 21740 Bill Johns, 240-997-3173 INTERNAL REVENUE SERVICE P. O. BOX 2508 CINCINNATI, OH 45201

Date: FEB 2 1 2019

TRUNORTH COMPANY 610 MARYLAND AVE HAGERSTOWN, MD 21740-0000

Employer Identification Number: 83-0605738 DLN: 26053430006949 Contact Person: CUSTOMER SERVICE ID# 31954 Contact Telephone Number: (877) 829-5500 Accounting Period Ending: December 31 Public Charity Status: 509(a)(2) Form 990/990-EZ/990-N Required: Effective Date of Exemption: July 9, 2018 Contribution Deductibility: Yes Addendum Applies: No

#### Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

### TRUNORTH COMPANY

Sincerely,

steplen a martin

Director, Exempt Organizations Rulings and Agreements

## ARTICLES OF INCORPORATION OF

# TRUNORTH COMPANY (A Tax-Exempt Nonstock Corporation)

I, the subscriber, whose office address is 510 King Street, Suite 416, Alexandria, VA 22314, being at least eighteen (18) years of age, do, under and by virtue of the general laws of the State of Maryland authorizing the formation of corporations, with the intention of forming a tax-exempt non-stock corporation, hereby execute and file these Articles of Incorporation.

FIRST: The name of the Corporation (hereinafter referred to as the "Corporation") is:

#### TRUNORTH COMPANY

SECOND: The purposes for which the Corporation is formed are as follows:

- (a) to provide safe sober supportive living environments to its residents with policies and procedures in compliance with the requirements of the Washington County Day Reporting Center and the Maryland Department of Health and Mental Hygiene;
- (b) to serve the community of Washington County,

  Maryland as an advocate for educating children and young adults
  to avoid the abuse of alcohol and drugs, and to provide
  occupational training to prisoners who have been released from
  custody.

(c) to generate and accept donations from churches, publicly supported organizations, governmental units, and the general public.

The Corporation is organized exclusively for charitable purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future tax code.

THIRD: The post office address of the principal office of the Corporation in this State is:

40 E. Franklin Street
Hagerstown, MD 21740

FOURTH: The resident agent of the Corporation is Janniece Johns, whose post office is:

3201 Woodberry Street University Park, MD 20782

Said resident agent is a citizen and a resident of the State of Maryland.

FIFTH: The Corporation has no authority to issue capital stock.

SIXTH: The Corporation shall have one (1) director, William Johns, who shall act as such until the initial organizational meeting of the Board of Directors has been held. The number of directors may be increased pursuant to the bylaws

of the Corporation.

SEVENTH: No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article Second hereof. No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these articles, the Corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

Upon the dissolution of the Corporation, assets shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or shall be

distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by a court of competent jurisdiction of the county in which the principal office of the Corporation is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.

IN WITNESS WHEREOF, I have signed these Articles of Incorporation on this  $\frac{9^{70}}{}$  day of  $\frac{1}{}$  , 2018.

Witness Minju Kim

John P. Van Beek

STATE OF Virginia

: To-Wit

COUNTY OF Alexandria

THIS IS TO CERTIFY that on this 9th day of July, 2018, before me, a Notary Public of the Commonwealth of Virginia, personally appeared the Subscriber, John P. Van Beek, and acknowledged the foregoing Articles of Incorporation to be his act.

WITNESS, my hand and Notarial Seal the day and year first above written.

Notary Public

My Commission expires: 9 30 2021



### TruNorth Board of Directors

President: Rebecca Hogamier, Washington County Sheriff's Office Day Reporting Center, 101 Tandy Dr. Hagerstown, Md. 21740

Treasurer: Deputy Clarence Floyd Davis III, Washington County Day Reporting Center, Hagerstown, Md. 21740

Secretary: Michele Shank, 19021 Longmeadow Rd. Hagerstown, Md. 21742

Members: Lennell A. Quarles, 18 Zachary Court, Boonesboro Md. 21716 Brittany Jordan, 12451 Randy Dr. Greencastle, Pa., 17225

Grace Bennett, Rehoboth United Methodist Church 16829 Lappans Rd., Williamsport, Md. 21795



July 20, 2020

Office of the County Attorney 100 West Washington Street, Suite 1101 Hagerstown, MD 21740 Attention: Kimberly Jacobson

Dear Board of County Commissioners of Washington County:

As President of the Board of Main Street Hancock, Inc., I would like to petition Washington County for Main Street Hancock, Inc. to be included on the approved non-profit listing for Washington County. Founded in August of 2019, Main Street Hancock, Inc. is a 501c3, Main Street America organization that works to promote the economic revitalization and sustainability of small businesses. This organization works to promote economic vitality and community transformation in Hancock, MD.

Last year we had several successful events including our "Miracle on Main Street" and our town submission to HGTV for a Hometown Makeover. Despite the impact of COVID-19, we are working hard to support our local area businesses through training and education, SBA loan and grant assistance and strategic planning. We are currently working closely with the Town of Hancock on town improvement on Main Street including sprucing up our natural spaces and providing more amenities for the visitors to Hancock.

If you have any questions regarding Main Street Hancock, Inc. please feel free to contact our Executive Director, Amy Gillespie at 301.678.8484 or <a href="workforcedevelopmenthancock@gmail.com">workforcedevelopmenthancock@gmail.com</a>. Information can also be found at our Facebook Page—Main Street Hancock, Inc.

Please consider including us in your list of approved non-profit organizations in Washington County.

Sincerely,

Thomas Taylor

President, Main Street Hancock, Inc.

### DEPARTMENT OF THE TREASURY

INTERNAL REVENUE SERVICE P. O. BOX 2508 CINCINNATI, OH 45201

Date: **FEB** 1 1 2020

September Links of

MAIN STREET HANCOCK INC 126 W HIGH STREET HANCOCK, MD 21750-1415 **Employer Identification Number:** 84-3065120 DLN: 29053007334030 Contact Person: ID# 31954 CUSTOMER SERVICE Contact Telephone Number: (877) 829-5500 Accounting Period Ending: December 31 Public Charity Status: 170(b)(1)(A)(vi) Form 990/990-EZ/990-N Required: Effective Date of Exemption: August 27, 2019 Contribution Deductibility: Yes Addendum Applies: No

### Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

MAIN STREET HANCOCK INC

Sincerely,

scotephen w. scortin

Director, Exempt Organizations Rulings and Agreements

### MAIN STREET HANCOCK, INC.: D19918424



## Notice



#### **Scheduled Maintenance**

Coronavirus (COVID-19) resources for businesses: https://businessexpress.maryland.gov/coronavirus

On March 12<sup>th</sup>, Governor Hogan issued and executive order, which requires that the Maryland State Department of Assessments and Taxation (SDAT) to extend all expiration and renewal dates to the 30<sup>th</sup> day after the date by which the state of emergency is terminated. SDAT is automatically extending the Annual Report Filing and/or Personal Property Return filing date from April 15 to July 15<sup>th</sup> for all entities.

#### Department ID Number:

D19918424

#### **Business Name:**

MAIN STREET HANCOCK, INC.

#### Principal Office:

126 W. HIGH STREET

HANCOCK MD 21750

#### Resident Agent:

JOE GILBERT

126 W. HIGH STREET

HANCOCK MD 21750

#### Status:

INCORPORATED

#### Good Standing:

THIS BUSINESS IS IN GOOD STANDING

#### **Business Type:**

CORPORATION

#### **Business Code:**

04 ORDINARY BUSINESS - NON-STOCK

#### Date of Formation/Registration:

08/27/2019

#### State of Formation:

MD

#### Stock Status:

NONSTOCK

Close Status:

### Main Street Hancock, Inc. **Treasurers Report for JUNE 30, 2020**

### Sept 16, 2019 - Resolution to Open Bank Account at BBT

## Activity October 1, 2019 to June 30, 2020

Sources of Funds:		\$3,475.76
Seed Money from Town	\$3,000.00	
Sponsors/donation-events	475.76	
Donations	0.00	
Uses of Funds:		-1,220.00
Compliance - MD and IRS	-910.00	
Marketing (HGTV)	-300.00	
Bank Fees	0.00	
Totals		\$2,255.76



#### Board of County Commissioners of Washington County, Maryland

### Agenda Report Form

### Open Session Item

**SUBJECT**: Intergovernmental Cooperative Purchase (INTG-20-0038) – Lease/Purchase of One (1) Used D8T Dozer and One (1) New Excavator for Solid Waste Department

PRESENTATION DATE: August 25, 2020

**PRESENTATION BY**: Rick Curry, CPPO, Director of Purchasing and Dave Mason, P. E., Deputy Director of Solid Waste Department

**RECOMMENDED MOTION:** Move to authorize by Resolution, the Solid Waste Department to purchase one (1) used CAT D8T Waste Handler Dozer, and one (1) new CAT 336 Excavator from Carter Machinery Company, Inc. of Baltimore, MD and to utilize another jurisdiction's contract (#032119-CAT) that was awarded by Sourcewell (formerly National Joint Powers Alliance) to Caterpillar, Inc. and contingent upon approval of the final Lease Agreement by the County Attorney's Office.

<b>Equipment</b>	<b>Vendor</b>	Bid Amount
One Used (1) D8T Dozer Waste Handler	Carter Machinery Company, Inc. Baltimore, MD	Annual Lease Payment for 5 Years \$170,820.66 / Yr.
One New (1) 336	Carter Machinery	Annual Lease
Excavator	Company, Inc.	Payment for 5 Years
	Baltimore, MD	\$84,231.89 / Yr.

**REPORT-IN-BRIEF:** The department has rented equipment from various companies to handle emergency situations and equipment breakdowns. Depending on the pump size, delivery, pick-up charges and the duration of the situation the rental fees can be expensive. The proposed dozer and excavator will meet the department's needs in handling the day-to-day operations; the units are designed to be used in waste handling operations. With the lease/purchase of the dozer and excavator the department will realize a savings in having the units readily available. The equipment will perform functions such as increasing production because the unit will be available 24/7 and the department will experience less downtime as well. The dozer, excavator and articulated dump truck will replace four (4) existing pieces of equipment; a 2000 model year, CAT 400E Articulated Dump Truck, 2002 model year John Deere 850K Crawler, 2015 model year 330LX Link Belt Excavator, and a 2002 model year CAT 621F Motor Scrapper (motor grader). The existing equipment will not be sold on GovDeal because the equipment was used as a trade-in against the purchase of the new/used equipment.

The Code of the Public Laws of Washington County, Maryland (the Code) §1-106.3 provides that the Board of County Commissioners may procure goods and services through a contract entered into by another governmental entity, in accordance with the terms of the contract, regardless of whether the

County was a party to the original contract. If the Board of County Commissioners determines that participation by Washington County would result in cost benefits or administrative efficiencies, it could approve the purchase of the equipment in accordance with the Code referenced above by resolving that participation would result in cost benefits or in administrative efficiencies. The County will benefit with direct cost savings in the purchase of the equipment because of the economies of scale this large buying group Sourcewell has leveraged.

**DISCUSSION:** N/A

**FISCAL IMPACT:** Funds in the amount of \$350,000 are budgeted in the department's account 21-21020

**CONCURRENCES:** Division Director of Environmental Management

**ALTERNATIVES:** Do not award the purchase of the equipment.

**ATTACHMENTS:** Carter Machinery Company, Inc price quotes dated November 25, 2019 and August 12, 2020.

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





LET'S GET TO WORK.

July 21, 2020

Quote 149178-01-

WASHINGTON COUNTY DSW 12630 EARTH CARE ROAD — HAGERSTOWN, MD 217940 ATTENTION: MR. RICK CURRY

Mr. Curry,

Carter Machinery would like to offer the same terms and conditions as the Sourcewell Contract #032119-CAT for the purchase of

### (1) USED 2019 CATERPILLAR D8T WH TRACK-TYPE TRACTOR

**SERIAL NUMBER: AW400879** 

YEAR: 2019

SMU: 200

We believe the equipment as quoted will exceed your expectations. On behalf of Alban CAT thank you for your interest in Caterpillar products for your business needs.

This quote is good for 30 days except for special promotions where the quote is no longer valid after the date that the promotion ends. If there are any questions, please do not hesitate to contact me.

Regards,

Brent Stewart Governmental Sales

Alban Cat (410) 733-2394

bstewart@albancat.com

MACHINE SPECIFICATIONS	
Description	Reference No
D8T 21A TRACTOR	442-1100
WASTE HANDLING ARRANGEMENT	442-1081
FINAL DRIVES, STD, GUARDED	384-4604
ENGINE, THERMAL WRAPPED	442-1061
PRECLEANER WITH SCREEN	543-5218
BRAKES, BASIC	463-0215
UNDERCARRIAGE, PPR SUS GUARDED	379-0277
NO CARRIER ROLLERS	385-4734
LINES, DUAL TILT	465-8165
REAR HYDRAULICS, RIPPER	523-3235
BATTERIES, HEAVY DUTY	384-8305
ALTERNATOR, 150AMP DUCTED	530-3046
HEATER, ENGINE COOLANT 120V	469-6284
CAB AR, DUAL PANE	516-3359
SEAT, HEATED & VENTILATED	393-7245
RADIO, AM/FM	487-5821
OPERATORS AR, QUICK OPENING	423-9556
PRODUCT LINK, CELLULAR PLE742	486-7008
FUEL SYSTEM, STANDARD	388-9402
GUARD, FAN DEBRIS	238-9658
CYLINDERS, LIFT, BASIC	428-7447
BAR, REAR STRIKER	209-5100
OIL CHANGE SYSTEM HIGH SPEED	468-1113
LIGHT, WARNING, STROBE	510-4941
GUARD, FUEL TANK	467-7340
GUARD, GRILL DEBRIS	450-7429
STRIKER BARS, FRONT, SUSP	241-3811
COUNTERWEIGHT, ADDITIONAL	238-1177
8SU/U DOZER, DUAL TILT GUARD	539-9137
8SU LANDFILL BLADE WEAR PLT	522-6417
PUSH ARMS, SINGLE, EXTREME	533-5523
TRACK, 610MM / 24" ES, PPR	384-2961
SCREEN, REAR	451-2645
LIGHTS, PREMIUM, REAR SCREEN	449-3769
GAUGE, POWERED BOTTOM GRD	510-1187
ARO, DUAL TILT	442-1094
GUARDS, BOTTOM PWRD SEALED HD	525-1194
VISIBILITY AR, CAMERA	510-4950
ANSUL FIRE SUPPRESSION	
5 LB FIRE EXTINGUISHER	
QB3 SHUTDOWN SYSTEM ONE COPY OF ALL MANUALS	
OTE OO! 1 OF PLE MINITORIES	

CATERPILLAR LIST PRICE	\$1,031,992.00
SOURCEWELL DISCOUNT OF 20% OFF OF LIST	-206,399.00
SALE PRICE ADDITIONAL DEALER DISCOUNT	\$825,593.00 -25,593.00

#### WARRANTY

Standard Warranty:

12 Months/Unlimited Hours Total CAT Standard Warranty. Customer is Responsible for Travel Time and Mileage during the Warranty Period.

Extended Warranty:

BALANCE OF 5 YEAR / 7500 HOUR TM WARRANTY, EXCLUDING TT&M

#### LEASE PAYMENT OPTIONS:

#### Lease Terms

ANNUAL HOURS	BALANCE TO LEASE	TERM	ANNUAL PAYMENT (ADVANCE)	RATE	OPTIONAL BUY-OUT	AMOUNT
3000	\$800,500.00	5 (ANNUAL)	\$170,820.66	3.35	\$1.00	\$800,000.00
3000	\$800,500.00	5 (ANNUAL)	\$124,240.00	3.35	\$124,240.00	\$800,000.00

The above lease is based on the following:

- If the machine is not purchased at the end, then it must be returned in average condition with normal wear-and-tear
- The customer is responsible for all maintenance and repairs on the machine using genuine Cat parts only
- Undercarriage, and all ground engaging tools (i.e. teeth, cutting edges) must be at 50% remaining, minimum, if the unit is not purchased at the end of the lease
- The above is subject to approval by Caterpillar Finance



November 25, 2019

Quote 146888-01

WASHINGTON COUNTY DSW 12630 EARTH CARE ROAD HAGERSTOWN, MD 21740 ATTENTION: MR. DAVE MASON

Mr. Mason,

Alban Tractor would like to offer the same terms and conditions as the Sourcewell Contract #032515-CAT for the purchase of

### (1) NEW 2020 CATERPILLAR MODEL 336 EXCAVATOR

We believe the equipment as quoted will exceed your expectations. On behalf of Alban CAT, thank you for your interest in our products for your business needs.

This quotation is valid for 30 days, after which time we reserve the right to re-quote. If there are any questions, please do not hesitate to contact me.

Regards,

Brent D. Stewart Government Sales Alban Cat

(410) 733-2394

bstewart@albancat.com

MACHINE SPECIFICATIONS  Description  336 07B HEX CFG2A  LANE 3 - AVAILABLE FROM AKASHI FACTORY	Reference No 581-8563
INCLUDES:	
526-5211 COMMON ARRANGEMENT	
523-7793 336-07B HEX	
465-4863 FRAME, SWING HD, BUMPER READY	
514-3561 BEARING, SWING HD	
523-7796 LONG UC W/ HD ROLLER	
575-2690 COUNTERWEIGHT, 16,667LBS(7.56MT)	
502-7166 RADIO, W/BLUETOOTH	502-7166
577-7869 LINES, A/C	302-1100
498-7505 GUARD, BOTTOM HD	
502-1308 GUARD, TRAVEL MOTOR HD	
513-3214 SENSOR, PRESSURE, EOU	
577-6874 LIGHT, CHASSIS	
488-6816 MACHINE ECM	
490-7715 PEDAL, STRAIGHT TRAVEL	
524-8272 RECEIVER, BLUETOOTH	
134-8887 GUARD, SWIVEL	134-8887
522-0461 TRAVEL ALARM	
504-4483 FINE SWING	
502-5358 ETHER STARTING AID	
BOOM, REACH 21'4"	578-1028
STICK, R12'10"	512-1352
LINKAGE, BKT DB W/EYE GRADE	521-8024
BOOM TUBE W/EOU	523-7799
CYLINDER, BOOM	512-0983
CYLINDER, STICK	512-0995
CYLINDER, BKT DB TRACK, 33" TG	512-0999 511-9759
GUARD, TRACK GUIDE SEGMENTED	502-1304
HYDRAULIC PKG, STANDARD	550-7573
LINES, DRAIN, PGC	550-7622
SWITCH, DISCONNECT	514-7209
CAMERA, 360 VISIBILITY	578-6756
LIGHTS, REACH BOOM RH & LH	577-6895
LIGHTS, CAB, W/RAIN PROTECTOR	577-8973
CAB, DELUXE	546-0111
WIPER, RADIAL W/LOWER	484-8022
MONITOR, 10"	511-9428
PROD LINK, PLE643/PLE743 RADIO	580-5996
FAN, REVERSE	512-5995
DOOR, RADIATOR W/O SCREEN	548-0199
DECALS, EXTERIOR, ANSI	578-1023 573-4351
DECALS, CAB, ANSI	073*4301

Description	Reference No
FILM, OPERATING PATTERN, 2WAY	520-9418
FILM, EMC	528-4738
FILM, ROPS CERTIFICATION	564-8002
DECALS, STICK WARNING, ANSI	567-3815
INSTRUCTIONS, ENGLISH	0P-3380
CIRCUIT, MEDIUM	502-9542
LINES, MP, REACH BOOM	503-9809
LINES-MP, R12'10" STICK	318-5936
BATTERY, COLD WEATHER	513-4370
TERMINALS, JUMP START	504-3550
BLOCK HEATER	339-6916
SUN SCREEN, REAR	488-6450
MIRROR, RH SIDE, FRONT & REAR	548-0292
QUICK DRAINS READY	512-1389
CONTROL, QC	517-4758
LINES, QC, REACH BOOM	503-9810
BKT HD 54" 2.14YD3 DB	528-4604
SIDECUTTERS, HEAVY DUTY	357-2698
TIP, HEAVY DUTY ADVANSYS	505-4012
THUMB GROUP	533-0885
BRACKET GP	457-8352
CONNECTOR LINES, THUMB	443-0254

CATERPILLAR LIST PRICE
SOURCEWELL DISCOUNT OF 15% OFF OF LIST PRICE
-67,011.00

SALE PRICE
ANSUL FIRE SUPPRESSION

TOTAL SALE PRICE
\$379,728.00
14,500.00

\$394,228.00

WARRANTY

**60 MONTH / 7500 HOURS** 

INCLUDED

#### **LEASE PAYMENT OPTIONS:**

**Lease Terms** 

ANNUAL HOURS	BALANCE TO LEASE	TERM	ANNUAL PAYMENT (ADVANCE)	RATE	OPTIONAL BUY-OUT	AMOUNT
3000	\$394,728.00	5 (ANNUAL)	\$84,231.89	3.35	\$1.00	\$421,159.45



### $Board\ of\ County\ Commissioners\ of\ Washington\ County,\ Maryland$

### Agenda Report Form

### Open Session Item

**SUBJECT:** Student Learning Center

PRESENTATION DATE: August 25, 2020

PRESENTATION BY: Andrew Eshleman, Director of Public Works; Jaime Dick, Deputy

Director of Public Works, Parks & Recreation

**RECOMMENDED MOTION:** To be determined

**REPORT-IN-BRIEF:** Many local schools will start the year in a distance learning platform, including Washington County Public Schools. For many essential County personnel teleworking will not be an option, and therefore, those employees may need to seek alternate arrangements for their children to participate in order for them to perform their job duties.

The idea was preliminary presented during Commissioner Staff Comments on August 18 due to a need and interest from employees affected by distance learning that are not afforded the same flexibility as employees who can telework. Those Divisions include Emergency Services, Sheriff's Office, Environmental Management, Public Works, Plan Review and Permitting, and Construction, however the service could be used by other County Divisions as well.

The County has qualified part time staffing in its Parks and Recreation Department to support one distance learning center with up to 15 participants. Volunteer participation could be used for special activities, but the background and clearance process could not be completed in time for volunteers to assist with operating the program in lieu of staff. It is not anticipated that the County could scale this service in the time needed to offer multiple group sites for the public when schools start August 31.

**DISCUSSION:** The cost to operate a student learning center operating 10 hours a day is approximately \$2,200 week. The preferred location is anticipated to be in the downtown office buildings including the computer lab. Staff would provide before school care and will move into distance learning support from 9-3 with a break for lunch. After school care and activities would be provided to the end of the work day. The County would follow the policies and procedures that were in place for its Summer Camp Program related to COVID and social distancing measures.

For the program to be cost neutral to operate for the County, full participation would be required and a daily or weekly fee equivalent to \$150/ week per student charged. After following up with multiple interested employees, this cost is too high to ensure that all available spots would be filled and that the program would be self-supporting. For reference, the subsidized County Summer Recreation Camp program fee is \$75/ week.

Other local Student Learning Centers offer similar services around the \$150/ week per child rate, and due to greater scale in enrollment numbers can also accommodate a wider range of operating hours that would be needed for our employees' work schedules. It is not anticipated that the program would be successful as a service to County employees versus other options at the \$150/ week rate. A fee around \$75/ week would need to be considered and the program offered as an employee benefit to level the playing field for those employees that can't telework for the service to be preferred versus other available options.

Each employee's family, work, and childcare situation is unique. In the absence of an employee's children participating in a supervised home or supported learning center, employees should communicate with their supervisor any special requests or considerations that may need to be considered so job responsibilities are still fulfilled. If the employee anticipates taking extended leave they shall coordinate with their Department Director and Human Resources to complete the necessary Families First Coronavirus Response Act paperwork. In some instances it may be in the employees' best financial interest to take the extended paid family leave versus working and paying for the cost of childcare.

**FISCAL IMPACT:** \$2200/week with offsetting revenue depending on enrollment fee and participation.

**CONCURRENCES:** County Administrator, HR

**ALTERNATIVES:** Do not provide the service; employees enroll in program offered elsewhere or take extended leave

**ATTACHMENTS:** 

**AUDIO/VISUAL NEEDS:**