



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

May 10, 2022

OPEN SESSION AGENDA

- 10:00 AM MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE
 CALL TO ORDER, *President Jeffrey A. Cline*
 APPROVAL OF MINUTES: *May 3, 2022*
- 10:05 AM COMMISSIONERS' REPORTS AND COMMENTS
- 10:15 AM STAFF COMMENTS
- 10:20 AM CITIZEN PARTICIPATION
- 10:30 AM PUBLIC HEARING – APPLICATION FOR ZONING MAP AMENDMENT
 (RZ-21-005)
 Travis Allen, Comprehensive Planner, Planning and Zoning
- 10:45 AM EXPENDITURE OF ACCRUED PAYMENT-IN-LIEU (PIL) OF FUNDS IN
 ACCORDANCE WITH THE FOREST CONSERVATION ACT
 *Travis Allen, Comprehensive Planner, Planning and Zoning; Elmer Weibley, District
 Manager, Washington County Soil Conservation District*
- 10:55 AM STONER RIVER FARM, LLC CONSERVATION RESERVE ENHANCEMENT
 PROGRAM (CREP) EASEMENT PROPOSAL
 Chris Boggs, Rural Preservation Administrator, Planning and Zoning
- 11:00 AM STONER RIVER FARM, LLC RURAL LEGACY PROGRAM (RLP) EASEMENT
 Chris Boggs, Rural Preservation Administrator, Planning and Zoning
- 11:05 AM AGRICULTURAL LAND EASEMENT OPPORTUNITY – MARYLAND
 AGRICULTURAL LAND PRESERVATION PROGRAM (MALPP) WITH
 COUNTY SIDE AGREEMENT
 Chris Boggs, Rural Preservation Administrator, Planning and Zoning
- 11:15 AM PROCLAMATION RECOGNIZING MAY 2022 AS BUILDING SAFETY MONTH
 *Board of County Commissioners to Frank Quillen, Chief Plans Examiner/Deputy Code
 Official, Permits and Inspections; Rich Eichelberger, Director, Permits and
 Inspections*

- 11:20 AM AGRICULTURE – FACES OF FARMING PRESENTATION
Susan Grimes, Director, Business Development; Leslie Hart, Business Development Specialist, Business Development
- 11:25 AM FY23 APPALACHIAN REGIONAL COMMISSION (ARC) PRELIMINARY PROJECT DESCRIPTION REVIEW AND RANKING
Susan Buchanan, Director, Grant Management
- 11:40 AM CONSTRUCTION BID AWARD PAVEMENT MAINTENANCE AND REHABILITATION PROGRAM FY22 CHIP SEAL APPLICATIONS, CONTRACT NO. MS-PMP-298-28
Scott Hobbs, Director, Engineering
- 11:45 AM CONSTRUCTION BID AWARD – MOUSETOWN ROAD CULVERT REPLACEMENTS CONTRACT NO. BR-MR-212-14
Scott Hobbs, Director, Engineering
- 11:50 AM CONSTRUCTION BID AWARD – CLEAR SPRING LIBRARY HEAT PUMP
Andrew Eshleman, Director, Public Works
- 11:55 AM AMENDMENT TO ANIMAL CONTROL AGREEMENT
Kirk C. Downey, County Attorney
- 12:00 PM REMOTE WORK POLICY
Charles Brown, Emergency Manager, Emergency Management; Danielle Weaver, Director, Public Relations and Marketing; Deborah Condo, Interim Director, Human Resources
- 12:20 PM 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)*
- 12:25 PM RECONVENE IN OPEN SESSION

ADJOURNMENT



Agenda Report Form

Open Session Item

SUBJECT: PUBLIC HEARING - Application for Zoning Map Amendment RZ-21-005

PRESENTATION DATE: May 10, 2022

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

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

REPORT-IN-BRIEF: Application is being made to establish a new Mixed Use Commercial (MXC) floating zone over top of the existing Highway Interchange (HI) base zoning through a rezoning map amendment.

DISCUSSION: The applicant Sharpsburg Pike Holdings, LLC seeks a map amendment to establish a new Mixed Use zoning district at 10319 Sharpsburg Pike, in between Col. Henry K. Douglas Drive and Poffenberger Road, approximately 1/3 mile south of the Interstate 70 interchange. Mixed Use districts permit more flexibility in site design than is possible under conventional zoning.

Article 16.1 of the Washington County Zoning Ordinance specifies the factors which must be met to establish a new MXC Zoning District. Criteria include permitted uses and densities, adequate public facilities requirements and site design considerations, among other items. The purpose of the MXC Zoning District sought is to permit a mixture of residential uses and limited commercial development to provide goods and services necessary to the neighborhood, in addition to open space, all according to a preapproved master plan.

On November 30, 2021, the Board of County Commissioners held a public hearing for the proposed map amendment. At that time, the applicant submitted additional information concerning their plans to address school capacity by proposing age-restricted residential units. Because this information was not available to the Planning Commission at its original August 30th public information meeting, the Board remanded this application back to the Planning Commission for additional review and comment.

The Planning Commission held a second public information meeting on February 7, 2022 for the purpose of reviewing the applicant's additional information and taking public comment. The Planning Commission again voted unanimously to recommend denial

All written and oral public comments received prior to or during the public information meetings have thus far been in opposition to the proposed map amendment.

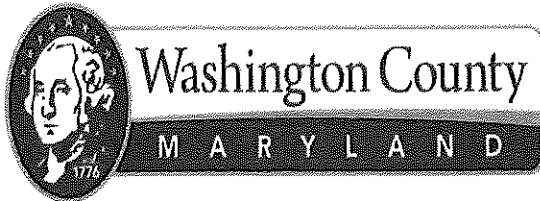
FISCAL IMPACT: N/A

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



FOR PLANNING COMMISSION USE ONLY
Rezoning No. RZ-21-005
Date Filed: 5-5-21

WASHINGTON COUNTY PLANNING COMMISSION
ZONING ORDINANCE MAP AMENDMENT APPLICATION

Sharpsburg Pike Holdings, LLC

Applicant
1741 Dual Hwy, Hagerstown, MD

Address
Zachary J. Kieffer, Esq.

Primary Contact
19405 Emerald Sq, St 2100 Ofc 202

Address

☒ Property Owner ☐ Contract Purchaser
☐ Attorney ☐ Consultant
☐ Other: _____

240-513-4332
Phone Number
zach@zkiefferlaw.com

E-mail Address

Property Location: 10319 Sharpsburg Pike, Hagerstown, 21740
Tax Map: 0057 Grid: 0010 Parcel No.: 0160 Acreage: 9.92 ac
Tax Map: _____ Grid: _____ Parcel No.: _____ Acreage: _____
Current Zoning: HI-Highway Interchange Requested Zoning: MXC Overlay

Reason for the Request: ☐ Change in the character of the neighborhood
 ☐ Mistake in original zoning

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

Elizabeth Trotter
NOTARY PUBLIC
Washington County
MARYLAND
MY COMMISSION EXPIRES AUG. 01, 2023

[Signature]
Applicant's Signature

Subscribed and sworn before me this 9 day of March, 2021.

My commission expires on Aug 1, 2023 [Signature]
Notary Public

FOR PLANNING COMMISSION USE ONLY

- | | |
|---|---|
| <input type="checkbox"/> Application Form | <input type="checkbox"/> Names and Addresses of all Adjoining & Confronting Property Owners |
| <input type="checkbox"/> Fee Worksheet | <input type="checkbox"/> Vicinity Map |
| <input type="checkbox"/> Application Fee | <input type="checkbox"/> Justification Statement |
| <input type="checkbox"/> Ownership Verification | <input type="checkbox"/> 30 copies of complete Application Package |
| <input type="checkbox"/> Boundary Plat (Including Metes & Bounds) | |

4436 0127

CLERK OF THE CIRCUIT COURT
WASHINGTON COUNTY

DEED IN CONTRIBUTION

PREPARED
WITHOUT
TITLE
EXAMINATION

THIS DEED, Made this 13 day of December, 2012, by Mansoor Emral Shaool and Janet Emral Shaool, (hereinafter collectively, the "Grantors") and Sharpsburg Pike Holding, LLC, a Maryland limited liability company (hereinafter "Grantee").

WHEREAS, Grantors presently are owners as tenants by the entireties of the property hereinafter described (the "Property"), said Property having been acquired by that deed hereinafter noted; and

WHEREAS, Grantors are engaged in a real estate enterprise, as that term is defined in Section 12-108(bb)(1) of the *Tax-Property Article*, Annotated Code of Maryland, with respect to the Property; and

WHEREAS, (1) the within transfer is for no consideration other than the issuance of membership interests in Grantee; (2) Grantors are the only members of Grantee; (3) each Grantor's allocation of profits and losses of the Grantee is identical to the profits and losses of the conveying real estate enterprise; and (4) the within transfer constitutes a discontinuation of the real estate enterprise with respect to the Property; and (5) all real property owned by Grantors in the conveying real estate enterprise is being conveyed to a single limited liability company; and

WHEREAS, the within transfer is exempt from recordation tax pursuant to Section 12-108(bb), *Tax-Property Article*, Annotated Code of Maryland, exempt from state transfer tax pursuant to Section 13-207(a)(18) *Tax-Property Article*, Annotated Code of Maryland, and exempt from county transfer tax pursuant to Section 2-702(e)(1)(i) Code of the Public Local Laws of Washington County, Maryland.

NOW THEREFORE WITNESSETH: That in consideration of the foregoing recitals, but for no monetary consideration, the said **MANSOOR EMRAL SHAOOL** and **JANET EMRAL SHAOOL** hereby grant and convey unto **SHARPSBURG PIKE HOLDING, LLC**, a Maryland limited liability company, in fee simple, all the following described real estate, together with the improvements, if any, easements, rights of way, benefits and appurtenances, thereunto belonging or appertaining, situate, lying and being in Washington County, Maryland, and being more particularly described as follows:

All that tract or parcel of land, situate, lying and being in Election District No. 10, Washington County, Maryland comprising 16.66 acres, more or less, as more particularly described in a metes and bounds description dated March 28, 2008 and prepared by Frederick, Seibert & Associates, Inc., attached hereto and incorporated herein as "Exhibit A", and as depicted on a survey entitled "Property Line Survey for Lands of Mansoor and Janet Emral Shaool" bearing Job Number 5563 and prepared by Frederick, Seibert & Associates, Inc., attached hereto and incorporated herein as "Exhibit B".

The above-described Property being the same property which was conveyed unto Mansoor Emral Shaool and Janet Emral Shaool, husband and wife, by that deed dated April 15,

KURTYKA & ASSOCIATES
ATTORNEY AT LAW

33 W. FRANKLIN STREET
SUITE 202
HAGERSTOWN, MD 21740
(301) 714-0889

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2008, and recorded in Liber 3484, folio 505 among the Land Records of Washington County, Maryland.

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

And the said Grantors do hereby covenant that they will warrant specially the Property hereby conveyed, except as to the aforesaid covenants, conditions, restrictions, limitations, rights-of-way, streets, alleys, reservations and easements of record, and do hereby further covenant that they will execute such other and further assurances of the land as may be requisite.

WITNESS the hands and seals of the Grantors herein the day and year first above written.

Breanne Chang
Witness

Mansoor Emral Shaool (SEAL)
Mansoor Emral Shaool

Breanne Chang
Witness

Janet Emral Shaool (SEAL)
Janet Emral Shaool

STATE OF Maryland, COUNTY OF Washington, to-wit:

I HEREBY CERTIFY, That on this 13 day of December, 2012, before me, the undersigned officer, personally appeared Mansoor Emral Shaool, known to me (or satisfactorily proven) to be the person whose name is subscribed to with the instrument, and acknowledged that he executed the foregoing deed for the purposes therein contained, and that the consideration recited therein is true and correct.

WITNESS my hand and official Notarial Seal.

MY COMMISSION EXPIRES:



[Signature]

KURTYKA & ASSOCIATES
ATTORNEY AT LAW

33 W. FRANKLIN STREET
SUITE 202
HAGERSTOWN, MD 21740
(301) 714-0889

WASHINGTON COUNTY CIRCUIT COURT (Land Records) DJW 4436, p. 0128, MSA_CE18_4361. Date available 01/04/2013. Printed 04/29/2021.

WASHINGTON COUNTY CIRCUIT COURT (Land Records) DJW 4436, p. 0129, MSA_CE18_4361. Date available 01/04/2013. Printed 04/29/2021.

4436 0129

CLERK OF THE CIRCUIT COURT
WASHINGTON COUNTY

PREPARED
WITHOUT
TITLE
EXAMINATION

STATE OF Maryland, COUNTY OF Washington, to-wit:

I HEREBY CERTIFY, That on this 13 day of December, 2012, before me, the undersigned officer, personally appeared Janet Emral Shaool, known to me (or satisfactorily proven) to be the person whose name is subscribed to with the instrument, and acknowledged that she executed the foregoing deed for the purposes therein contained, and that the consideration recited therein is true and correct.

WITNESS my hand and official Notarial Seal.

MY COMMISSION EXPIRES:

KIEU T LE
Notary Public-Maryland
Washington County
My Commission Expires
July 24, 2016

Notary Public

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

Brian M. Kurtyka

After recording, mail to:
Kurtyka & Associates, LLC
33 W. Franklin Street, Suite 202
Hagerstown, MD 21740

IMP FD SURE 4	40.00
RECORDING FEE	20.00
TOTAL	60.00
Reg # HA01	Rec'd # 638
DJW HAN	Blk # 1469
Dec 20, 2012	02:33 PM

KURTYKA & ASSOCIATES
ATTORNEY AT LAW

33 W. FRANKLIN STREET
SUITE 202
HAGERSTOWN, MD 21740
(301) 714-0889

TODD L. WERSHEY, TREASURER
TAXES PAID 1228.12

4436 0130

CLERK OF THE CIRCUIT COURT
WASHINGTON COUNTY

**AFFIDAVIT AS TO TOTAL PAYMENT
INCLUDING ALLOCATION FOR COLLECTION AS TO NON-RESIDENT(S)**

PREPARED
WITHOUT
TITLE
EXAMINATION

The undersigned hereby certifies under the penalties of perjury, that the following is true to the best of my/our knowledge, information and belief, in accordance with Section 10-912(b)(2) of the Tax-General Article of the Annotated Code of Maryland, (the "Withholding Law"):

1. That we are the transferors of that real property described in the accompanying deed.
2. The amount of total payment for the purpose of the Withholding Law is \$0.00.
3. The transferors are not residents of Maryland and are subject to collection of withholding on such transferors' allocated shares of the total payment.
4. There are two (2) transferors, and the total payment divided by two (2) is \$0.00 allocated for each transferor.
5. The portion of the total payment subject to collection is two (2) times \$0.00, which equals \$0.00, as the amount of total payment to which collection of withholding applies.

DATED this 13th day of December, 2012.

WITNESS:

Breanne Chany

Breanne Chany

TRANSFERORS:

Mansoor Emral Shaoor

Janet Emral Shaoor

STATE OF Maryland, COUNTY OF Washington, to-wit:

I HEREBY CERTIFY, That on this 13 day of December, 20 12, before me, the subscriber, personally appeared Mansoor Emral Shaoor, known to me (or satisfactorily proven) to be the person whose name is subscribed to within the instrument, and acknowledged that he executed the foregoing affidavit for the purposes therein contained.

WITNESS my hand and Official Notarial Seal.

My Commission Expires:

KIEU T LE
Notary Public-Maryland
Washington County
My Commission Expires
July 24, 2016

[Signature]
Notary Public

KURTZYKA & ASSOCIATES
ATTORNEY AT LAW

33 W. FRANKLIN STREET
SUITE 202
HAGERSTOWN, MD 21740
(301) 714-0889

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WASHINGTON COUNTY CIRCUIT COURT (Land Records) DJW 4436, p. 0131, MSA_CE18_4361. Date available 01/04/2013. Printed 04/29/2021.

4436 0131

CLERK OF THE CIRCUIT COURT
WASHINGTON COUNTY

PREPARED
WITHOUT
TITLE
EXAMINATION

STATE OF Maryland, COUNTY OF Washington, to-wit:

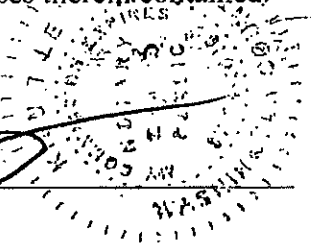
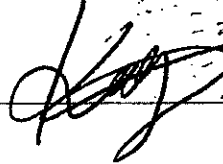
I HEREBY CERTIFY, That on this 12 day of December, 20 ,
before me, the subscriber, personally appeared Janet Emral Shaoal, known to me (or
satisfactorily proven) to be the person whose name is subscribed to within the instrument, and
acknowledged that she executed the foregoing affidavit for the purposes therein contained.

WITNESS my hand and Official Notarial Seal.

My Commission Expires:

Notary Public

KIEU T LE
Notary Public-Maryland
Washington County
My Commission Expires
July 24, 2016



KURTYKA & ASSOCIATES
ATTORNEY AT LAW

33 W. FRANKLIN STREET
SUITE 202
HAGERSTOWN, MD 21740
(301) 714-0889



EXHIBIT A

CIVIL ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS • LAND PLANNERS

March 28, 2008

Description of lands being conveyed by Mansoor Emral Shaoor and Janet Emral Shaoor to Mansoor Emral Shaoor and Janet Emral Shaoor

Situate along the east side of the Sharpsburg Pike (also known as Maryland Route 65) and lying approximately 0.5 miles southward from its intersection with Interstate 70 in Election District No. 10, Washington County, Maryland and being more particularly described in accordance with a survey dated February 2008 by Frederick, Seibert and Associates, Inc. as follows:

Beginning at an iron pin and cap found at the most southwestern corner of the herein described property, said iron pin and cap also being along the eastern right-of-way line of Maryland Route 65 and also being located, N 77°39'24" W 266.65 feet from the end of the eighth (or N 8°05' E 72.0 feet) line of the lands conveyed by SPM Associates and Amnuy Srirungrojana et. al., to Mansoor Emral Shaoor and Janet Emral Shaoor, his wife by deed dated July 29, 1998 and recorded at Liber 1429, folio 332 among the Land Records of Washington County, Maryland, thence running in a clockwise direction and along the eastern right-of-way line of Maryland Route 65, N 8°40'35" E 329.10 feet to an iron pin and cap found, thence leaving said right-of-way and running along the southern boundary of lands now or formerly of Donna Bage (Liber 966, folio 1022) S 81°31'59" E 221.40 feet to an iron pipe, thence along the same and also along the lands of others N 16°31'38" E 320.16 feet to a recovered iron pin, thence running along the lands now or formerly of Troy Cunningham (Liber 1011, folio 975), N 81°31'59" W 265.94 feet to a recovered iron pin and cap along the eastern right-of-way line of Maryland Route 65, thence continuing with said eastern right-of-way line of Maryland Route 65, N 7°40'35" E 476.03 feet to an iron pin, thence leaving the eastern right-of-way line of Maryland Route 65 and running along the lands now or formerly of Bowman 2000 LLC (Liber 1799, folio 739 and Liber 1771, folio 30), S 83°30'45" E 427.26 feet to an iron pin, thence along the lands now or formerly of Bowman 2000 LLC (Liber 1799, folio 734 and Liber 1620, folio 280), S 15°20'07" W 63.58 feet to an iron pin, thence continuing along the same S 72°18'31" E 357.85 feet to an iron pin found, thence running along a portion of the western boundary of the Cross Creek Subdivision, S 16°28'13" W 1140.55 feet to a corner fence post, thence along the northern boundary of lands now or formerly of Interstate 70 Partners LLC (Liber 2089, folio 642), N 77°39'24" W 343.82 feet to an iron pin and cap found, thence along lands now or formerly of the Hoffman Family Homestead LLC

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CLERK OF THE CIRCUIT COURT
WASHINGTON COUNTY

(Liber 3276, folio 544, N 8°40'35' E 71.82 feet to a point, thence continuing along lands of same N 77°39'24' W 266.65 feet to the place of beginning;

Containing 16.66 acres of land more or less;

Said lands being conveyed subject to and together with any and all conditions, restrictions, easements or rights-of-way of record and applicable thereto.

Said lands being all the lands combined for the purposes of creating one new individual tax parcel and being those lands conveyed to Mansoor Emral Shaool and Janet Emral Shaool by nine different parcels namely being from Amnuey Srirungrojana, et. al. and SPM Associates by deed dated July 29, 1998 and recorded in Liber 1429, folio 332; and from Bessie M. Burns by deed dated July 14, 1998 and recorded in Liber 1425, folio 853; and from Leonard D. Emmert and Gracia R. Emmert by deed dated November 2, 1999 and recorded in Liber 1535, folio 289; and from Bruce M. Cabbage by deed dated June 29, 2000 and recorded in Liber 1583, folio 399; and from Carroll E. Brackett and Naomi R. Brackett by deed dated June 29, 2000 and recorded in Liber 1583, folio 396; and from Thomas R. Schleigh and Vicki Lee Schleigh by deed dated December 3, 2003 and recorded in Liber 2204, folio 202; and from Marjorie M. Seiler by deed dated March 25, 2004 and recorded in Liber 2290, folio 537; and from Michael R. Weller by deed dated April 23, 2004 and recorded in Liber 2312, folio 159; and from Edward P. Hultsch and Susan M. Hultsch by deed dated November 13, 2003 and recorded in Liber 2187, folio 71 all among the Land Records of Washington County, Maryland.

FMF/vab.shaool desc

4436 0134

EXHIBIT B

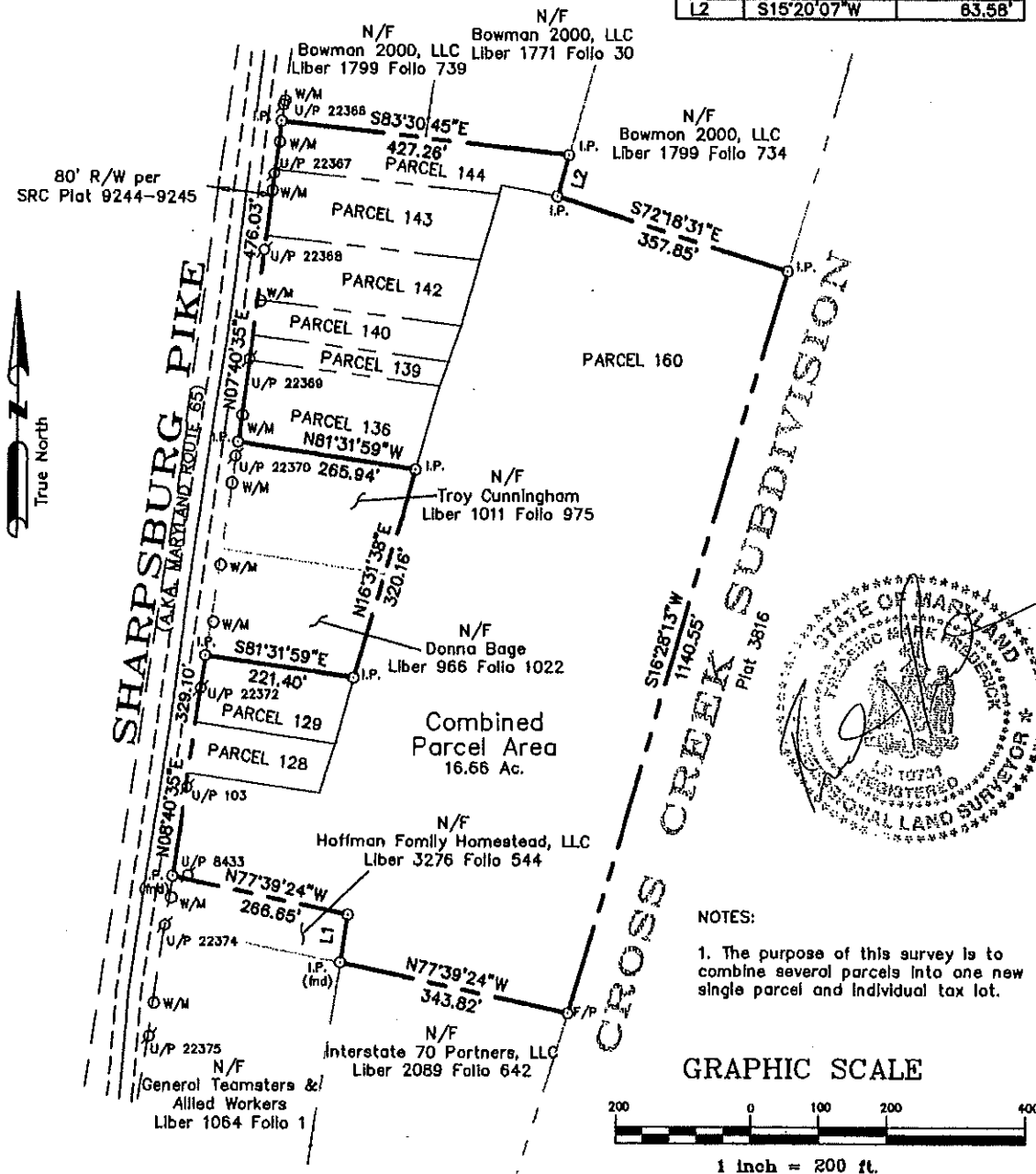
Property Line Survey
for
*Lands of Mansoor and
Janet Emral Shaool*

Situate along the East side of
Sharpsburg Pike
WASHINGTON COUNTY, MARYLAND

CLERK OF THE CIRCUIT COURT
WASHINGTON COUNTY

LINE	BEARING	DISTANCE
L1	N08°40'35"E	71.82'
L2	S15°20'07"W	83.58'

WASHINGTON COUNTY CIRCUIT COURT (Land Records) DUW 4436, p. 0134, MSA_CE18_4361. Date available 01/04/2013. Printed 04/29/2021.



TAX MAP 67	DISTRICT 10
DRAWING NUMBER 1	OF 1
DRAWN BY: DWH	DATE: 4-2-08
CHECKED BY:	DATE: 4-3-08
SCALE: 1" = 200'	

**FREDERICK
SEIBERT &
ASSOCIATES, INC.** ©2008

CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS
128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740
10 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225
(301) 791-3630 (301) 416-7478 (717) 887-1007 FAX (301) 738-4858

JOB NUMBER 5563

4436 0135

CLERK OF THE CIRCUIT COURT

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Washington

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.)

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

1	Type(s) of Instruments	(<input type="checkbox"/> Check Box if addendum Intake Form is Attached.)			
	<input checked="" type="checkbox"/> Deed	<input type="checkbox"/> Mortgage	<input type="checkbox"/> Other	<input type="checkbox"/> Other	
	<input type="checkbox"/> Deed or Trust	<input type="checkbox"/> Lease			
2	Conveyance Type Check Box	<input type="checkbox"/> Improved Sale	<input type="checkbox"/> Unimproved Sale	<input type="checkbox"/> Multiple Accounts	<input type="checkbox"/> Not an Arms-Length Sale [9]
		Arms-Length [1]	Arms-Length [2]	Arms-Length [3]	
3	Tax Exemptions (if Applicable)	Recordation			
	Cite or Explain Authority	State Transfer			
		County Transfer			
4	Consideration and Tax Calculations	Consideration Amount		Finance Office Use Only	
		Purchase Price/Consideration	\$ -0-	Transfer and Recordation Tax Consideration	
		Any New Mortgage	\$	Transfer Tax Consideration	
		Balance of Existing Mortgage	\$	X () % = \$	
		Other:	\$	Less Exemption Amount - \$	
		Other:	\$	Total Transfer Tax = \$	
		Full Cash Value:	\$	Recordation Tax Consideration	
				X () per \$500 = \$	
				TOTAL DUE \$	
5	Fees	Amount of Fees		Doc. 1	
		Recording Charge		\$	
		Surcharge		\$	
		State Recordation Tax		\$	
		State Transfer Tax		\$	
		County Transfer Tax		\$	
		Other		\$	
		Other		\$	
6	Description of Property	District	Property Tax ID No. (1)	Grantor Liber/Folio	Map
	SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	10	020174	3484/505	57
		Subdivision Name		Lot (3a)	Block (3b) Sect/AR (3c)
					Plat Ref.
					SqFt/Acreage (4)
		Location/Address of Property Being Conveyed (2)			
		10319 Sharpsburg Pike, Hagerstown MD 21740			
		Other Property Identifiers (if applicable)			
		Water Meter Account No.			
		Residential <input checked="" type="checkbox"/> or Non-Residential <input checked="" type="checkbox"/> Fee Simple <input checked="" type="checkbox"/> or Ground Rent <input type="checkbox"/> Amount:			
		Partial Conveyance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Description/Amt. of SqFt/Acreage Transferred:			
		If Partial Conveyance, List Improvements Conveyed:			
7	Transferred From	Doc. 1 - Grantor(s) Name(s)		Doc. 2 - Grantor(s) Name(s)	
		Mansoor Emral Shaool			
		Janet Emral Shaool			
		Doc. 1 - Owner(s) of Record, if Different from Grantor(s)		Doc. 2 - Owner(s) of Record, if Different from Grantor(s)	
8	Transferred To	Doc. 1 - Grantee(s) Name(s)		Doc. 2 - Grantee(s) Name(s)	
		Sharpsburg Pike Holding, LLC			
		New Owner's (Grantee) Mailing Address			
		72 W. Washington St., Hagerstown, MD 21740			
9	Other Names to Be Indexed	Doc. 1 - Additional Names to be Indexed (Optional)		Doc. 2 - Additional Names to be Indexed (Optional)	
10	Contact/Mail Information	Instrument Submitted By or Contact Person			
		Name:			
		Firm: Kurlbaet Associates, LLC			
		Address: 33 W. Franklin St., Suite 202			
		Hagerstown, MD 21740 Phone: (301) 714-0889			
		<input type="checkbox"/> Return to Contact Person			
		<input type="checkbox"/> Hold for Pickup			
		<input checked="" type="checkbox"/> Return Address Provided			
11	Assessment Information	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER			
		Yes <input checked="" type="checkbox"/> No Will the property being conveyed be the grantee's principal residence?			
		Yes <input checked="" type="checkbox"/> No Does transfer include personal property? If yes, identify:			
		Yes <input type="checkbox"/> No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).			
		Assessment Use Only - Do Not Write Below This Line			
		<input type="checkbox"/> Terminal Verification <input type="checkbox"/> Agricultural Verification <input type="checkbox"/> Whole <input type="checkbox"/> Part <input type="checkbox"/> Tran. Process Verification			
		Transfer Number: 20 Date Received: 20 Deed Reference: Geo. Map Sub Block			
		Land Zoning Grid Plat Lot			
		Buildings Use Parcel Section Occ. Cd.			
		Total Town Cd. Ex. St. Ex. Cd.			
		REMARKS:			

Space Reserved for County Validation

Distribution: White - Clerk's Office
 Canary - SDAT
 Pink - Office of Finance
 Goldenrod - Preparer
 AOC-CC-300 (6/95)

WASHINGTON COUNTY CIRCUIT COURT (Land Records) DJW 4436, p. 0135, MSA_CE18_4361. Date available 01/04/2013. Printed 04/29/2021.

Space Reserved for Circuit Court Clerk Recording Validation

Olde Towne Title, Inc.
File No. OT-12788CO
Tax ID # 10-009707

This Deed, made this 5th day of October, 2017, by and between Hoffman Family Homestead, LLC, GRANTOR, and Sharpsburg Pike Holding, LLC, GRANTEE.

Witnesseth –

That in consideration of the sum of One Hundred Thousand and 00/100 Dollars (\$100,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt of which is hereby acknowledged, the said Grantor does hereby grant and convey to the said Grantee, in fee simple, all that lot of ground situate in the County of Washington, State of Maryland and described as follows, that is to say:

All that lot of ground situate in the County of Washington, State of Maryland, and described as follows, that is to say:

All the following lots or parcels of ground being more particularly described as follows:

PARCEL NO. 1:

All the following described lot or parcel of ground, situate on the East side of the Hagerstown-Sharpsburg Road about one and one-half (1 ½) miles South of Hagerstown, in Funkstown Election District No. 10, in Washington County, and more particularly described as follows:

Fronting 72 feet on the East side of said Hagerstown-Sharpsburg Road and extending back therefrom and along the North boundary of the property of Herbert W. McElwee and Kitty I. McElwee, his wife, in an Easterly direction with that uniform width a distance of 250 feet, said lot lying in the Southwest corner of and being a part of the same real property which was conveyed unto Robert R. Baumgardner and M. Elizabeth Baumgardner, his wife, by R. Leon Palmer and wife, by Deed dated February 4, 1933 and of record at Liber 192, Folio 634 among the Washington County Land Records, to which aforementioned Deed reference is hereby made and made a part hereof.

PARCEL NO. 2:

All that portion of a lot of land, being just East of the Sharpsburg Pike near Hagerstown, Washington County, Maryland, and more particularly described as follows:

Beginning at a point, being the Southeast corner of the lot of land owned by Merle Calvert Hoffman and Dorothy Mae Hoffman, his wife, said point being two hundred fifty (250) feet East of the Sharpsburg Pike and extending North seventy two (72) feet along the East boundary of the lot of land owned by Merle Calvert Hoffman and Dorothy Mae Hoffman, his wife; thence East sixty six (66) feet; thence South seventy two (72) feet; thence West sixty six (66) feet to the place of beginning; the said lot of land being bounded on the South by the property of Herbert W. McElwee, on the West by the property of Merle Calvert Hoffman and Dorothy Mae Hoffman, his wife, and on the North and East by the property of Robert R. Baumgardner and wife.

The improvements thereon being known as 10315 Sharpsburg Pike, Hagerstown, Maryland, 21740.

File #OT-12788

Tax ID #10-009707

Being the same property described in Liber 3276 at Folio 544.

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

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

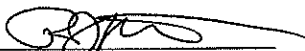
Subject to and together with all restrictions, covenants, conditions, easements and rights of way of record.

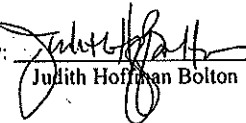
And the Grantor hereby covenants that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that it will warrant Specially the property hereby granted; and that it will execute such further assurances of the same as may be requisite.

The undersigned certify that it is resident(s) of the State of Maryland, or that this was their primary residence, and therefore is exempt from the tax withholding requirements of Section 10-912 of the Tax General Article of the Annotated Code of Maryland.

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

HOFFMAN FAMILY HOMESTEAD, LLC


Witness

By:  (SEAL)
Judith Hoffman Bolton

[Corporate Seal]


STATE OF MARYLAND } ss
COUNTY OF WASHINGTON

I hereby certify that on this 5th day of October, 2017 before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Judith Hoffman Bolton, and that as such officer, being authorized to do so, executed the foregoing Deed for the purposes therein contained, by signing the name of the limited liability company, by himself/herself as such officer and further, did certify that this conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer of all, or substantially all, of the property and assets of the limited liability company, giving oath under penalties of perjury that the consideration recited herein is correct.

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



R.J. WITTHAUS
Notary Public, State of Maryland
County of Frederick
My Commission Expires Dec 21, 2019


Notary Public
My Commission Expires: _____

AFTER RECORDING, PLEASE RETURN TO:
Sharpsburg Pike Holding, LLC
72 West Washington Street
Hagerstown, MD 21740

TODD L. HERSHEY, TREASURER
TAXES PAID 10/6/17

CR

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

A handwritten signature in black ink, appearing to be 'Allison Fortmann', written over a horizontal line.

Allison Fortmann, Attorney

LR - Deed (w Taxes)
 Recording Fee - ALL 20.00
 Name: Sharpsburg Pike
 Holding
 Ref:
 LR - County Transfer
 Tax - linked 250.00
 LR - Surcharge -
 linked 40.00
 LR - Recordation Tax -
 linked 760.00
 LR - State Transfer
 Tax - linked 500.00
 LR - NR Tax - lkd 0.00
 =====
 SubTotal: 1,570.00
 =====
 Total: 1,570.00
 10/06/2017 02:40
 CC21-MAH
 #919B463 CC0403 -
 Washington
 County/CC04.03.01 -
 Register 01

This page not to be counted in calculating Recording Fee

Clerk of Circuit Court
 Washington County, Maryland
 Dennis J. Weaver, Clerk
 24 Summit Avenue
 Hagerstown, MD 21740
 301-790-7991

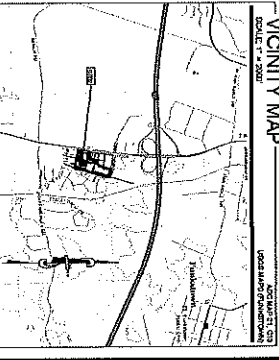
For Clerks Use Only

Improvement Fee	40.00
Recording Fee	20.00
County Transfer Tax	250.00
Recordation Tax	760.00
State Transfer Tax	500.00
Non-Resident Tax	
TOTAL	1570.00

Space Reserved for County Validation

1	Type(s) of Instruments	<input type="checkbox"/> Check Box if addendum Intake Form is Attached.						
	<input checked="" type="checkbox"/> Deed <input type="checkbox"/> Deed of Trust	<input type="checkbox"/> Mortgage <input type="checkbox"/> Lease	<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____	Space Reserved for Circuit Court Clerk			
2	Conveyance Type Check Box	<input checked="" type="checkbox"/> Improved Sale Arms-Length [1]	<input type="checkbox"/> Unimproved Sale Arms-Length [2]	<input type="checkbox"/> Multiple Accounts Arms-Length [3]		<input type="checkbox"/> Not an Arms-Length Sale [9]		
3	Tax Exemptions (if applicable)	Recordation _____ State Transfer _____ County Transfer _____						
	Cite or Explain Authority							
4	Consideration and Tax Calculations	Consideration Amount			Finance Office Use Only			
		Purchase Price/Consideration	\$	100,000.00	Transfer and Recordation Tax Consideration Transfer Tax Consideration \$ _____ Less Exemption Amount - \$ _____ Total Transfer Tax = \$ _____ Recordation Tax Consideration \$ _____ X () per \$500 = \$ _____ TOTAL DUE \$ _____			
		Any New Mortgage	\$					
		Balance of Existing Mortgage	\$					
		Other:	\$					
		Other:	\$					
		Full Cash Value:	\$					
5	Fees	Amount of Fees		Doc. 1	Doc. 2	Agent: _____ Tax Bill: _____ C.B. Credit: _____ Ag. Tax/Other: _____		
		Recording Charge	\$	20.00	\$			
		Surcharge	\$	40.00	\$			
		State Recordation Tax	\$	760.00	\$			
		State Transfer Tax	\$	500.00	\$			
		County Transfer Tax	\$	250.00	\$			
		Other	\$		\$			
6	Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG	
			10-009707	3276/544				
		Subdivision Name				Lot (3a)	Block (3b)	Sect/VAR (3c)
		Location/Address of Property Being Conveyed (2)						
		10315 Sharpsburg Pike, Hagerstown, MD 21740						
		Other Property Identifiers (if applicable)				Water Meter Account No.		
		Residential <input checked="" type="checkbox"/> or Non-Residential <input type="checkbox"/> Fee Simple <input checked="" type="checkbox"/> or Ground Rent <input type="checkbox"/> Amount: N/A						
		Partial Conveyance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Description/Amt. of SqFt/Acreage Transferred: N/A						
7	Transferred From	Doc. 1 – Grantor(s) Name(s)			Doc. 2 – Grantor(s) Name(s)			
		Hoffman Family Homestead, LLC						
		Doc. 1 – Owner(s) of Record, if Different from Grantor(s)			Doc. 2 – Owner(s) of Record, if Different from Grantor(s)			
8	Transferred To	Doc. 1 – Grantee(s) Name(s)			Doc. 2 – Grantee(s) Name(s)			
		Sharpsburg Pike Holding, LLC						
		New Owner's (Grantee) Mailing Address						
		10315 Sharpsburg Pike, Hagerstown, MD 21740						
9	Other Names to Be Indexed	Doc. 1 – Additional Names to be Indexed (Optional)			Doc. 2 – Additional Names to be Indexed (Optional)			
10	Contact/Mail Information	Instrument Submitted By or Contact Person				<input checked="" type="checkbox"/> Return to Contact Person		
		Name: Staff				<input type="checkbox"/> Hold for Pickup		
		Firm: Olde Towne Title, Inc.				<input type="checkbox"/> Return Address Provided		
		Address: 1025 Mt. Aetna Road Hagerstown, MD 21740 Phone: (301) 739-1222						
11	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER							
	Assessment Information	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Will the property being conveyed be the grantee's principal residence?					
		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Does transfer include personal property? If yes, identify: _____					
		X Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).					
Assessment Use Only – Do Not Write Below This Line								
Terminal Verification		Agricultural Verification		Whole	Part	Tran. Process Verification		
Transfer Number	Date Received:	Date Received:	Deed Reference:	Assigned Property No.:				
Year	20	20	Geo.	Map	Sub	Block		
Land			Zoning	Grid	Plat	Lot		
Buildings			Use	Parcel	Section	Occ. Cd.		
Total			Town Cd.	Ex. St.	Ex. Cd.			
REMARKS: 								

CHARGE
SHAWBROOK BANK BUILDINGS LLC
LIBERTY 5642 POLIO 213
132 W 46
LARGO, MD 21074
ZONING: H-1 HIGHWAY INTERCHANGE DISTRICT

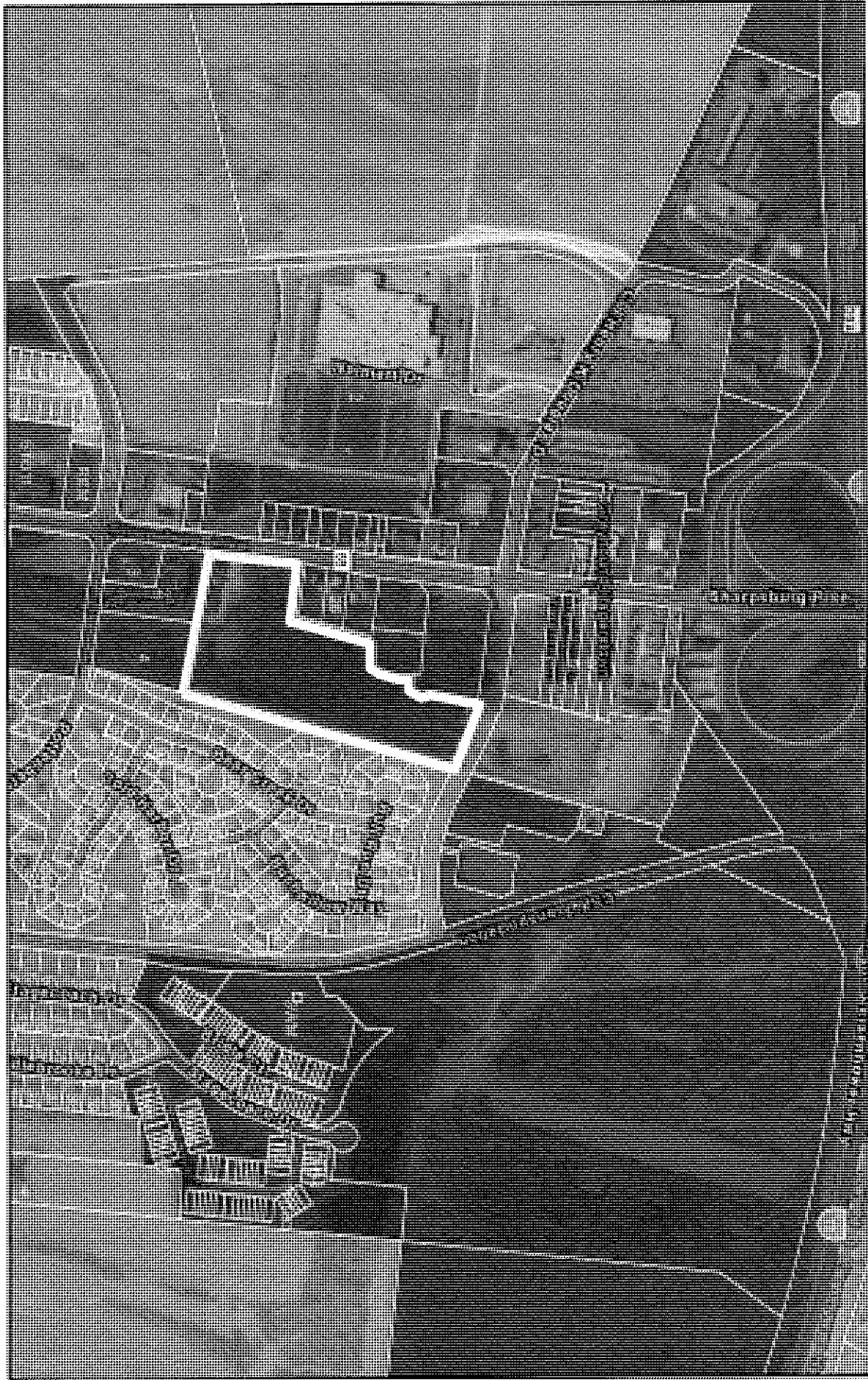


**SHOPS AT SHARPSBURG PIKE
SHARPSBURG PIKE HOLDING, LLC
LIST OF ADJOINING AND CONFRONTING PROPERTY OWNERS**

1. Bowman 2000, LLC
 - a. Premises Address: 0 Sharpsburg Pike, Hagerstown, MD 21740
 - b. Tax Account: 10-002842
 - c. Tax Map/Parcel: 0057/0152
 - d. Mailing Address: 10228 Governor Lane Blvd., Suite 3002, Williamsport, MD 21795
2. Bowman 2000, LLC
 - a. Premises Address: 0 Sharpsburg Pike
 - b. Tax Account: 10-0012627
 - c. Tax Map/Parcel: 0057/0149
 - d. Mailing Address: 10228 Governor Lane Blvd., Suite 3002, Williamsport, MD 21795
3. Sharpsburg Pike Holding, LLC (Applicant)
 - a. Premises Address: 10319 Sharpsburg Pike
 - b. Tax Account: 10-020174
 - c. Tax Map/Parcel: 0057/0160
 - d. Mailing Address: 1741 Dual Highway, Suite B, Hagerstown, MD 21740
4. Troy L. Cunningham
 - a. Premises Address: 10409 Sharpsburg Pike
 - b. Tax Account: 10-019311
 - c. Tax Map/Parcel: 0057/0133
 - d. Mailing Address: 17317 Branden Terrace, Hagerstown, MD 21740
5. Sharpsburg Pike Real Estate, LLC
 - a. Premises Address: 10405 Sharpsburg Pike
 - b. Tax Account: 10-020638
 - c. Tax Map/Parcel: 0057/0132
 - d. Mailing Address: 117 W. Patrick Street, Suite 200, Frederick, MD 21701
6. Sharpsburg Pike Real Estate, LLC
 - a. Premises Address: 10401 Sharpsburg Pike
 - b. Tax Account: 10-019591
 - c. Tax Map/Parcel: 0057/0131
 - d. Mailing Address: 117 W. Patrick Street, Suite 200, Frederick, MD 21701
7. Sharpsburg Pike Real Estate, LLC
 - a. Premises Address: 10326 Sharpsburg Pike
 - b. Tax Account: 10-004829
 - c. Tax Map/Parcel: 0057/0271
 - d. Mailing Address: 117 W. Patrick Street, Suite 200, Frederick, MD 21701
8. Sharpsburg Pike Real Estate, LLC
 - a. Premises Address: 10322 Sharpsburg Pike
 - b. Tax Account: 10-015685
 - c. Tax Map/Parcel: 0057/0043
 - d. Mailing Address: 117 W. Patrick Street, Suite 200, Frederick, MD 21701

9. Sharpsburg Pike Real Estate, LLC
 - a. Premises Address: 10320 Sharpsburg Pike
 - b. Tax Account: 10-017726
 - c. Tax Map/Parcel: 0057/0117
 - d. Mailing Address: 117 W. Patrick Street, Suite 200, Frederick, MD 21701
10. Walmart Real Estate Business Trust
 - a. Premises Address: 10420 Walmart Drive
 - b. Tax Account: 10-065523
 - c. Tax Map/Parcel: 0057/0638
 - d. Mailing Address: Attn: Property Tax Dept. PO Box 8050, Bentonville, AR 72712
11. Washco Arnett Farm, LLC
 - a. Premises Address: 10306 Sharpsburg Pike
 - b. Tax Account: 10-010969
 - c. Tax Map/Parcel: 0057/0118
 - d. Mailing Address: 1741 Dual Highway, Suite B, Hagerstown, MD 21740
12. General Teamsters & Allied Workers Local Union No 992
 - a. Premises Address: 10312 Remington Drive
 - b. Tax Account: 10-040248
 - c. Tax Map/Parcel: 0057/0578
 - d. Mailing Address: 10312 Remington Drive, Hagerstown, MD 21740
13. Cross Creek Builders, LLC
 - a. Premises Address: 10303 Remington Drive, Hagerstown, MD 21740
 - b. Tax Account: 10-065727
 - c. Tax Map/Parcel: 0057/0639
 - d. Mailing Address: c/o Hilton C. Smith, Jr., 10306 Remington Drive, Hagerstown, MD 21740
14. Cross Creek Homeowners Association, Inc.
 - a. Premises Address: 0 Bear Creek Drive
 - b. Tax Account: 10-037964
 - c. Tax Map/Parcel: 0057/0577
 - d. Mailing Address: c/o Hilton C. Smith, Jr., 10306 Remington Drive, Hagerstown, MD 21740
15. Interstate 70 Partners, LLC
 - a. Premises Address: 0 Poffenberger Road
 - b. Tax Account: 10-033349
 - c. Tax Map/Parcel: 0057/0161
 - d. Mailing Address: 10306 Remington Drive, Hagerstown, MD 21740

Shops at Sharpsburg Pike Zoning Concept





THE LAW OFFICE OF
ZACHARY J. KIEFFER, LLC

April 29, 2021

Re: Justification Statement: 10319 Sharpsburg Pike, Hagerstown, MD 21740 (the "Property"); Appeal for Map Amendment

REQUEST

Appeal is made by Sharpsburg Pike Holding, LLC (the "**Applicant**") for a Map Amendment to the current Washington County Zoning Map, amending that certain portion of the Property with the MXC District Overlay, containing +/- 9.92 acres and more particularly identified as "**Lot 7**" on the Rezoning Concept Plan for The Shops at Sharpsburg Pike prepared by Frederick Seibert & Associates, Inc., and attached hereto and incorporated herein as "**Exhibit A**".

BACKGROUND

The Property is located at 10319 Sharpsburg Pike. The Property's zoning designation is HI (Highway Interchange). The Applicant is the Owner of the Property by virtue of a Deed from Mansoor Emral Shaoool and Janet Emral Shaoool dated December 13, 2012 and recorded among the Land Records of Washington County at Liber 4436, folio 0127 as well as a Deed from Hoffman Family Homestead, LLC, dated October 5, 2017 and recorded among the Land Records of Washington County, Maryland at Liber 5607, folio 90.

Exhibit A contemplates the subdivision of the Property to create, among other lots, Lot 7. Lot 7, with the MXC District Overlay (the "**MXC**"), will contain a mix of residential and commercial uses, as permitted by Article 16 of the Washington County Zoning Ordinance (the "**Ordinance**").

As shown on Exhibit A, the Applicant intends to construct two (2) buildings of Multi-Family Apartments. The first building ("**Building 1**") contemplates 50 units, along with +/-1,500 sf of retail space and +/- 4,500 sf designated for a restaurant. The second building ("**Building 2**") shows 55 multi-family apartment units. Also included will be six (6) townhouses (the "**Townhouses**").

General Requirements.

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

Office: 240-513-4332

Email: zach@zkiefferlaw.com

www.zkiefferlaw.com

Section 16.4 of the Zoning Ordinance sets forth the general requirements of the MXC District:

- (a) Ownership: This application is for the placement of the MXC over a portion of one (1) lot of record owned by the Applicant. The Applicant has duly signed this application as the owner of the parcel.
- (b) Location: The Property is located within Growth Area for the City of Hagerstown. The Zoning Ordinance permits the location of the MXC District in the Highway Interchange (HI) District. The Property is zoned HI and located adjacent to Sharpsburg Pike/MD Route 65 ("**Sharpsburg Pike**"). The Townhouses, Building 1 and Building 2 will use Colonel Henry K. Douglas Drive as the means for access, ingress and egress to the signalized intersection with Sharpsburg Pike. Moreover, the Applicant has completed or contemplates the construction of the following road improvements in connection to the development of the Property:
 - i. Road widening and re-striping on Sharpsburg Pike for the addition of a two-way left turn lane on Sharpsburg Pike at the Rench Road intersection;
 - ii. Mitigation or improvements per State Highway Administration guidelines on Sharpsburg Pike;
 - iii. Fifty-foot ROW dedication from centerline of Sharpsburg Pike.
- (c) Utilities: The Property is served by public water and sewer facilities which will be connected to serve Building 1, Building 2 and the Townhouses.
- (d) The development of Lot 7 will comply with the requirements of the Washington County Adequate Public Facilities Ordinance (the "**APFO**").
 - i. As referenced above, the Applicant contemplates certain improvements to Sharpsburg Pike. If, during the final site plan approval process additional improvements are required to Sharpsburg Pike or other public roads serving Lot 7, said improvements will be made to ensure adequacy of Sharpsburg Pike and compliance with the APFO.
 - ii. School-aged children residing within the development on Lot 7 will attend Rockland Woods Elementary, E. Russell Hicks Middle School and South Hagerstown High School. In the course of the Concept Plan Review, County staff has indicated that the three schools are inadequate as determined by the APFO. Staff calculates that Rockland Woods Elementary, E. Russell Hicks Middle and South Hagerstown High enrollment, as a percentage of State Rated Capacity would be at 113.8%, 114.7% and 120.0%, respectively. The APFO provides options for mitigation, including the Alternate Mitigation Contribution ("**AMC**"). Section 5.8(a) allows for a developer may to make the AMC when any school affected by the new development exceeds adequate capacity, **but does not exceed** 120% of its State Rated Capacity (emphasis added). Given the Stated Rated Capacities of the three affected schools does not exceed 120% of their respective State Rated Capacity, the Applicant intends to pay the AMC as part of the final site plan review process. Should these calculations change during the course of this zoning appeal, Applicant

will work with County Staff and the Board of County Commissioners to obtain final site plan approval while meeting all relevant conditions and obligations as required by the APFO.

Principal Permitted Uses

Section 16.1(b) of the Zoning Ordinance sets forth the Principal Permitted Uses in the MXC. All principally permitted uses in the RT, RS, RU, RM and BL Districts are permitted in the MXC District. The uses on Lot 7 contemplated by the Applicant, and more particularly shown on Exhibit A, include 1,500 sf of retail space, a +/-4,500 sf of restaurant space and +/- 13,263 sf of residential area in Building 1, creating 50 units. Building 2 shows +/- 19,283 sf of residential area, creating 55 units. Townhouse and Apartment dwellings are permitted in the "RM" Residential, Multi-Family District. Similarly, restaurants and local retail goods and service shops are permitted in the "BL" Business, Local District. Thus, all proposed uses are permitted in the MXC.

Density Limitations.

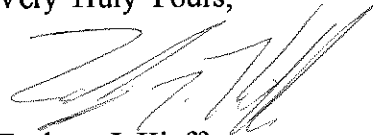
The development of Lot 7 is also governed by minimum or maximum limitations for permitted uses and densities set forth in Section 16.1(d) of the Zoning Ordinance. Section 16.1(d) requires a minimum of 2 types of residential uses. Lot 7 will include multi-family apartments and town houses. Commercial uses are capped at a maximum of 70% when applied to the HI District. Commercial uses on Lot 7 are significantly less than the 70% cap. Finally, the residential component of Lot 7 does not exceed 12 dwelling units/acre as set forth on the table in Section 16.1(d).

Historic Resources. No less than 10 sites in the relative vicinity of the Property are identified on the Historic Resources Map, maintained by the County Geographic Information Systems office, and inventoried by the Maryland Historic Trust ("MHT"). A review of these nearby sites shows that the sites nearest the Property were deemed to be minimally significant, according to the MHT Matrix, due to their recent construction. Notably, some of these properties have been redeveloped to accommodate commercial uses.

The Property satisfies the prerequisites for approval of the MXC. The zoning of the Property (HI) is one of the permissible underlying zoning districts for MXC. Lot 7 is of sufficient area to comply with all setbacks, density requirements, and minimum parking prescriptions that no variance from said requirements is contemplated. Placing the MXC on the Property would serve the purpose of the MXC district, as stated in the Zoning Ordinance. Namely, permitting a greater degree of flexibility and creativity in the development of mixed-use area. The area surrounding the Property has undergone significant development in the recent years, and the concept plan for the MXC creates a compatible and complementary mixture of uses. The residential component consisting of multi-family dwellings and town houses places these residences within walking distance of a grocery store, food service establishments, and retail establishments. The concept also provides housing choices different from the single-family homes located near the Property. The retail commercial space will provide additional on-site services to the residents. Convenient access to Interstate 70 is but another feature that will attract individuals to the Property seeking desirable living accommodations with proximity to a major

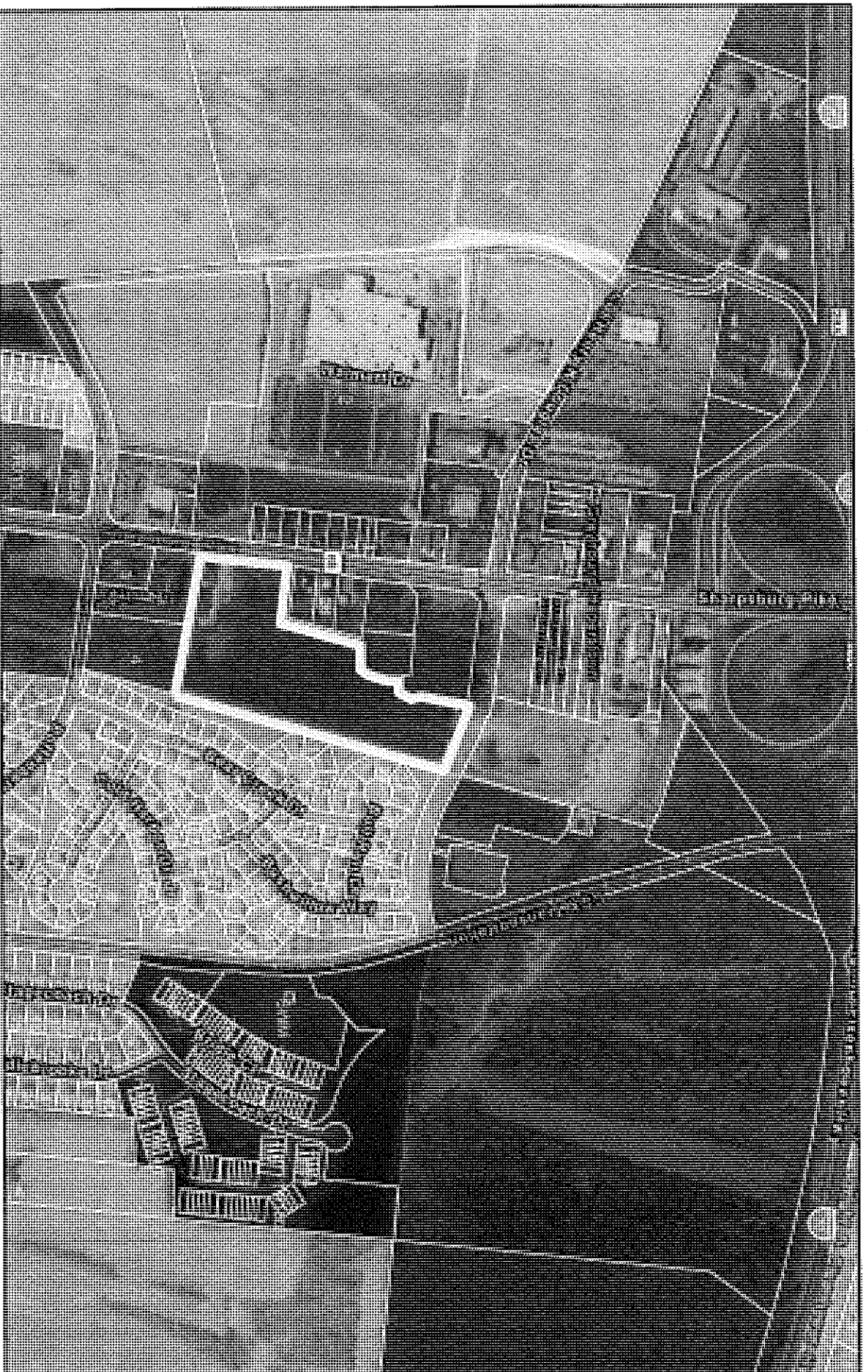
transportation network. The concept for the MXC provides a harmonious variety of housing choices, a varied level of community services and amenities and promotes adequate open space and scenic attractiveness with a design that is compatible and complementary to both the various uses on the Property, as well as the commercial and residential uses in the vicinity of the Property.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Zachary J. Kieffer', written over a horizontal line.

Zachary J. Kieffer
Attorney at Law

Shops at Sharpsburg Pike Zoning Concept



3/9/2021, 9:00:37 AM

World Transportation

Parcels

MD_SixInchImagery Zoning

Highway Interchange

Industrial, Restricted

Residential Multi-Family

Residential Urban

1:9,028

0 0.05 0.1 0.2 mi
0 0.07 0.15 0.3 km

Esri Community Maps Contributors, City of Hagerstown, WashCo MD, West

Web AppBuilder for ArcGIS

USDA FSA, Maxar | MD MAP, DoIT | Hagerstown MD | MD MAP, USDA | Esri, HERE, iPC | Esri Community Maps Contributors, WashCo MD, West Virginia GIS, BuildingFootprintUSA, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/



THE LAW OFFICE OF
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Office: 240-513-4332

Email: zach@zkiefferlaw.com

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- (c) Utilities: The Property is served by public water and sewer facilities which will be connected to serve Building 1, Building 2 and the Townhouses.
- (d) The development of Lot 7 will comply with the requirements of the Washington County Adequate Public Facilities Ordinance (the "**APFO**").
 - i. As referenced above, the Applicant contemplates certain improvements to Sharpsburg Pike. If, during the final site plan approval process additional improvements are required to Sharpsburg Pike or other public roads serving Lot 7, said improvements will be made to ensure adequacy of Sharpsburg Pike and compliance with the APFO.
 - ii. School-aged children residing within the development on Lot 7 will attend Rockland Woods Elementary, E. Russell Hicks Middle School and South Hagerstown High School. In the course of the Concept Plan Review, County staff has indicated that the three schools are inadequate as determined by the APFO. Staff calculates that Rockland Woods Elementary, E. Russell Hicks Middle and South Hagerstown High enrollment, as a percentage of State Rated Capacity would be at 113.8%, 114.7% and 120.0%, respectively. The APFO provides options for mitigation, including the Alternate Mitigation Contribution ("**AMC**"). Section 5.8(a) allows for a developer may to make the AMC when any school affected by the new development exceeds adequate capacity, **but does not exceed** 120% of its State Rated Capacity (emphasis added). Given the Stated Rated Capacities of the three affected schools does not exceed 120% of their respective State Rated Capacity, the Applicant intends to pay the AMC as part of the final site plan review process. Should these calculations change during the course of this zoning appeal, Applicant

will work with County Staff and the Board of County Commissioners to obtain final site plan approval while meeting all relevant conditions and obligations as required by the APFO.

Principal Permitted Uses

Section 16.1(b) of the Zoning Ordinance sets forth the Principal Permitted Uses in the MXC. All principally permitted uses in the RT, RS, RU, RM and BL Districts are permitted in the MXC District. The uses on Lot 7 contemplated by the Applicant, and more particularly shown on Exhibit A, include 1,500 sf of retail space, a +/-4,500 sf of restaurant space and +/- 13,263 sf of residential area in Building 1, creating 50 units. Building 2 shows +/- 19,283 sf of residential area, creating 55 units. Townhouse and Apartment dwellings are permitted in the "RM" Residential, Multi-Family District. Similarly, restaurants and local retail goods and service shops are permitted in the "BL" Business, Local District. Thus, all proposed uses are permitted in the MXC.

Density Limitations.

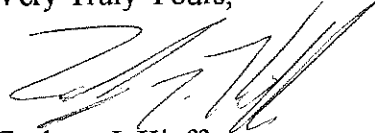
The development of Lot 7 is also governed by minimum or maximum limitations for permitted uses and densities set forth in Section 16.1(d) of the Zoning Ordinance. Section 16.1(d) requires a minimum of 2 types of residential uses. Lot 7 will include multi-family apartments and town houses. Commercial uses are capped at a maximum of 70% when applied to the HI District. Commercial uses on Lot 7 are significantly less than the 70% cap. Finally, the residential component of Lot 7 does not exceed 12 dwelling units/acre as set forth on the table in Section 16.1(d).

Historic Resources. No less than 10 sites in the relative vicinity of the Property are identified on the Historic Resources Map, maintained by the County Geographic Information Systems office, and inventoried by the Maryland Historic Trust ("MHT"). A review of these nearby sites shows that the sites nearest the Property were deemed to be minimally significant, according to the MHT Matrix, due to their recent construction. Notably, some of these properties have been redeveloped to accommodate commercial uses.

The Property satisfies the prerequisites for approval of the MXC. The zoning of the Property (HI) is one of the permissible underlying zoning districts for MXC. Lot 7 is of sufficient area to comply with all setbacks, density requirements, and minimum parking prescriptions that no variance from said requirements is contemplated. Placing the MXC on the Property would serve the purpose of the MXC district, as stated in the Zoning Ordinance. Namely, permitting a greater degree of flexibility and creativity in the development of mixed-use area. The area surrounding the Property has undergone significant development in the recent years, and the concept plan for the MXC creates a compatible and complementary mixture of uses. The residential component consisting of multi-family dwellings and town houses places these residences within walking distance of a grocery store, food service establishments, and retail establishments. The concept also provides housing choices different from the single-family homes located near the Property. The retail commercial space will provide additional on-site services to the residents. Convenient access to Interstate 70 is but another feature that will attract individuals to the Property seeking desirable living accommodations with proximity to a major

transportation network. The concept for the MXC provides a harmonious variety of housing choices, a varied level of community services and amenities and promotes adequate open space and scenic attractiveness with a design that is compatible and complementary to both the various uses on the Property, as well as the commercial and residential uses in the vicinity of the Property.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Zachary J. Kieffer', written over a horizontal line.

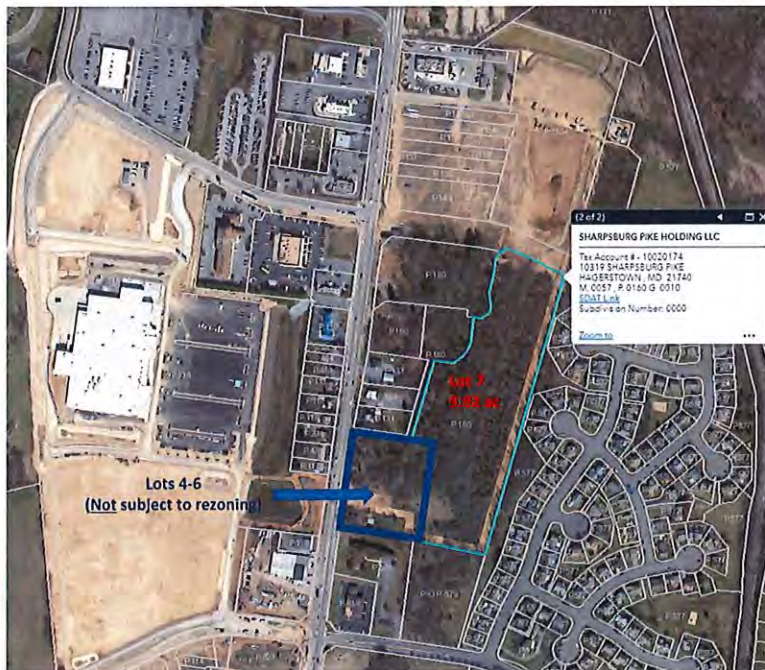
Zachary J. Kieffer
Attorney at Law

Application for Map Amendment Staff Report and Analysis

Property Owner(s)	:	Sharpsburg Pike Holdings, LLC
Applicant(s)	:	Sharpsburg Pike Holdings, LLC
Location	:	Sharpsburg Pike, 1/3 mile south I-70 interchange
Election District	:	#10 – Funkstown
Comprehensive Plan		
Designation	:	High Density Residential
Zoning Map	:	57
Parcel(s)	:	P. 160
Acreage	:	9.92 acres (Lot 7)
Existing Zoning	:	HI – Highway Interchange
Requested Zoning	:	MXC – Mixed Use Residential & Commercial
Date of Meeting	:	August 30, 2021

I. Background Information:

A. Site and Vicinity Description



The site is located at 10319 Sharpsburg Pike, in between Col. Henry K. Douglas Drive and Poffenberger Road, approximately 1/3 mile south of the Interstate 70 interchange. The total acreage subject to this rezoning case is 9.92 acres. The concept plan included with this application refers to this area as Lot 7. Parcel 160 is presently 12.67 in total. Therefore, the

2.75 acres that have road frontage on Sharpsburg Pike (Lots 4-6 on the concept plan) are not part of this rezoning. All properties are located within the Urban Growth Area (UGA) that surrounds the City of Hagerstown and the Towns of Williamsport and Funkstown.

The parcel itself is currently undeveloped. Significant development has occurred in the immediate vicinity of this property along Sharpsburg Pike in recent years. Primarily this development has been commercial in nature. The new Walmart is directly west of the subject property, on the other side of Sharpsburg Pike. The new Aldi, Dunkin Donuts and other commercial land uses making up The Shops at Sharpsburg Pike development sits at the corner of MD-65 and Col. Henry K. Douglas Drive immediately adjacent to this site.

In addition to the existing residential development that remains along this portion of MD-65, there has been some new residential development in the immediate vicinity as well. The Villas at Gateway is a semi-detached, 24-lot residential development immediately southwest of the subject property. Notable amounts of detached single family housing exist currently or are in the process of being developed along Poffenberger Road less than 1 mile southeast of the site.

There are no sensitive environmental resources found within the proposed rezoning site, as demonstrated by a forest stand delineation approved for the site in 2016.

B. Mixed Use District Purpose and Criteria

The applicant is requesting to augment the property's existing Highway Interchange (HI) zoning classification to establish a new Mixed Use zoning district over top of the HI base zoning. The Mixed Use zoning classification replaced the previous Planned Unit Development (PUD) at the time of the Comprehensive Rezoning of the Urban Growth Area in 2012. The PUD zoning classification remains for all PUDs approved prior to July 1, 2012.

As noted in the Zoning Ordinance, Mixed Use Districts allow for greater flexibility in the design of residential, commercial and employment-focused developments than is possible under conventional zoning standards. Their purpose is:

“.. to provide a compatible and complementary mixture of uses that will create a desirable living and working environment, promote an efficient use of the land, provide for a harmonious variety of housing choices, a more varied level of

community services and amenities, and the promotion of adequate open space and attractiveness.”¹

Three types of Mixed Use Districts comprise the range of choices available under this zoning classification. They include the Mixed Use Residential District (MXR), Mixed Use Commercial and Residential District (MXC), and Mixed Use Residential, Commercial, and Employment District (MXE). As is evident from the name of each District, the mixture of land uses allowed differs slightly in each one.

In this case, the applicant is pursuing the establishment of a new MXC District. The Zoning Ordinance states that:

“The MXC or Mixed Use Commercial District is designed to permit a mixture of residential uses and limited commercial development to provide goods and services necessary to the neighborhood, all according to a preapproved master plan.”

1. General Requirements

Mixed Use Districts are established as “floating zones.” A floating zone is a zoning district that delineates conditions which must be met before that zoning district can be approved for an existing piece of land. Those conditions are primarily outlined in Section 16.4 of the Zoning Ordinance and include the following general requirements:

- ❖ **Ownership:** The tract of land to be approved for development with the Mixed-Use District must be in single ownership with proof of that ownership submitted to the Planning Commission prior to approval of the Final Development Plan.
- ❖ **Location:** All Mixed-Use Districts shall be located within the Urban Growth Area or the Town Growth Areas. All three Mixed Use Districts are permitted to be located in the RT, RS, RU, and RM Districts. The MXC and MXE Districts may also be located in the HI, IR, PI, and ORT Districts. The specific site shall be located adjacent to adequate roadway facilities capable of serving existing traffic and the future traffic generated by the uses in the Mixed-Use District or are able to be improved by the applicant to adequately serve the existing and proposed traffic.
- ❖ **Utilities:** All Mixed-Use Districts shall be served with public water and public sewer facilities approved by the Washington County Health Department.

¹ Washington County Zoning Ordinance, Article 16 “Mixed Use District,” p.115

- ❖ **APFO:** All development in Mixed Use Districts shall comply with the requirements of the Washington County Adequate Public Facilities Ordinance before the site plan or final subdivision approval.

2. Permitted Uses and Densities

Permitted uses and densities for the MXC District are spelled out in Article 16.1 and shown in the table below:

Table 1: MXC Permitted Uses and Densities

District	Minimum Area	Residential Uses	Commercial Uses	Employment Uses	Open Space	Max DU/A
MXC	None	Minimum 2 types of residential units. 15%, or 25 DU must be MF, whichever is less	Maximum 10% or maximum 70% when applied to HI District	Not Permitted	Minimum 5% not including forest conservation area	12 DU/A (24 DU/A permitted in high rise building more than 6 floors)

3. Concept Plan and Zoning Approval Requirements

As noted in Article 16.5, review and approval for a Mixed Use District is a multi-step process. These steps include Concept Plan Review, Zoning Approval, Preliminary Development Plan Review and Approval, and Final Development Plan Review and Approval. During the rezoning process, the Concept Plan Review and Zoning Approval steps come into play.

The required content of the Concept Plan is described in Article 16.6 and summarized below:

- ❖ Vicinity Map
- ❖ Approved Forest Stand Delineation and preliminary Forest Conservation Plan
- ❖ Boundary, acreage and current zoning of the tract
- ❖ Minimum topographic information sufficient to determine surface drainage patterns
- ❖ Adjacent land uses, zoning and location of adjacent dwellings within 100 feet of the common property line

- ❖ Buffer yards required by Section 16.7 and the location of fencing or screen planting
- ❖ Location of various permitted uses; tabulation of the number and density of residential dwelling units; square footage of the area devoted to commercial and employment uses
- ❖ Roads – their alignment within the development including major access points; their relationship to existing adjacent land uses and to planned improvements identified in the Washington County Highway Plan; estimated traffic volumes and circulations patterns from the development onto existing and proposed roads (within a 1 mile radius of the site), and a preliminary proposal for road improvements to mitigate for expected negative effects
- ❖ Estimated average daily water consumption and sewage flow
- ❖ Location of historic resources identified in the Washington County or Maryland Historic Sites Inventory
- ❖ Pre-existing easements or rights-of-way of any kind
- ❖ Method proposed to insure maintenance of common areas (i.e.- HOA)
- ❖ School dedication site (only for developments with 500+ DUs)

Zoning Approval for the application is to be based upon the following considerations:

- ❖ Revisions to the Concept Plan that occurred in the wake of agency comments submitted during the Preliminary Consultation phase of development review
- ❖ Clear indication of the residential density requested
- ❖ Any needed modifications to the lot area, setbacks, or buffers

Zoning approval constitutes tentative approval of density and design features shown on the Concept Plan.

4. Design Standards

Section 16.7 describes Design Standards for Mixed Use Districts, most of which simply provide greater detail on the elements enumerated above that make up the Concept Plan. Section 16.7c however, provides detail on the criteria that should be considered by the Planning Commission and Board of County Commissioners to determine the appropriate mixture of uses for new Mixed Use Districts. The considerations include:

- ❖ Relationship of site to goals and objectives of the Comprehensive Plan and Land Use Plan Map
- ❖ Area of land under consideration

- ❖ Availability and capacities of existing and planned utilities
- ❖ Transportation system - proximity to, current condition, planned improvements and access proposals
- ❖ Site characteristics – physical and environmental constraints
- ❖ Open space – both currently available and proposed within the development and on adjacent lands
- ❖ Compatibility with surrounding land uses
- ❖ Unique needs of the development for public facilities or services

Other Design Standards of note include:

- ❖ **Walkways** – the mixed use development shall contain a comprehensive and cohesive pathway system for pedestrians and other non-motorized forms of transportation providing access to all areas of the development and off-site community facilities (transit, adjacent businesses, schools, etc.) to reduce vehicle dependency
- ❖ **Non-Residential Development** – commercial uses proposed should be primarily (but not exclusively) designed to serve the residents of the development
 - **Mixed Use Buildings and Shared Space**
 - Encourages shared space within buildings to accommodate mixed uses and with adjacent properties to meet parking requirements, among other considerations

II. Staff Analysis

The preceding section described background information which must be satisfied to adequately address the requirements for the establishment of a new Mixed Use District within the scope of the intended development that has been proposed under this application. The analysis that follows does not attempt to exhaustively analyze all of these required elements, but merely to point out notable points of concern that have come up during review of the application, by both the Planner and reviewing agencies, during both the Preliminary Consultation and Rezoning stages of the development review process. Primary concerns of note for the proposed application include the mixture of uses shown on the Concept Plan and the adequacy of various public facilities serving the site (schools, water and sewerage, etc.). Additional points of lesser concern are also described which may warrant further inquiry by the Planning Commission and Board of County Commissioners (BOCC). Further analysis of how this application intends to address other requirements of the Zoning Ordinance for Mixed Use Districts can be found in the applicant's Justification Statement.

A. Mix of Uses

The MXC District, as previously described, is intended to combine a minimum of two residential use types with open space and limited commercial development which primarily serves the development's residents and/or the immediate neighborhood. The Concept Plan provided by the applicant satisfies these requirements to a minimal degree but does not meet the true intent of the of the MXC District.

This assertion can be understood by comparing the percentage of the total land area set aside for commercial or open space uses versus that which is devoted to residential development. The number of each type of residential use provides further evidence of a Concept Plan which focuses heavily on a single housing subtype.

First, regarding the minimum of two types of residential units, the Concept Plan overwhelmingly favors the provision of apartment units in its design. **Of the 111 dwelling units proposed as part of the Concept Plan, 105 (95% of the total), are intended to be apartment units.** Only 6 townhouse units are proposed as part of the design. Therefore, the variety of housing choices provided within the development would be very limited.

Secondly, the amount of space reserved for commercial and open space uses is also very limited in the proposed concept. A total of 6,000 square feet (sf) is shown on the Concept Plan, all of which is found within Building 1. The MXC District permits up to 70% of the district's acreage to be devoted to commercial uses when applied to a property that has an underlying H1 zoning classification as this site does. **The 6,000 sq ft proposed for the site, therefore, devotes only 1.4% of the area under review to commercial uses.**

It should also be pointed out that the commercial uses depicted on Lots 4-6 are not part of the area subject to the proposed Mixed Use District. Only the 9.92 acres that make up Lot 7 are a part of the proposed map amendment. Based upon the visual depiction of the Concept Plan, it is easy to assume that the commercial development displayed on Lots 4-6 is part of the proposed District's design. The development of Lots 4-6 is, however, not part of this application and should not be considered as contributing to the footprint of commercial portion of the applicant's design and petition to rezone the property.

Finally, **the amount of open space provided appears to be very minimal as well.** MXC Districts require a minimum of 5% devoted to open space. The exact area devoted to open space is not clearly labeled or quantified in the application or on the Concept Plan as is required by the Ordinance. Assuming that the open space is represented by the area shown as including a gazebo and play area south of the 55-unit apartment building, plus

the outdoor patio space surrounding the 50 unit mixed use building, it appears that the open space would not significantly exceed the minimum 5% required by the Ordinance.

The MXC District also requires that the Concept Plan indicate the method proposed to insure maintenance of common areas (such as through the creation of an HOA). That information was not provided in the application materials submitted for review.

In sum, the design which has been proposed by the applicant depicts a Mixed Use District that would be overwhelmingly composed of residential multi-family housing uses. The other essential elements that make up an MXC District, including commercial and open space uses, are provided only to the minimum degree required by the Ordinance. Therefore, the overall purpose and intent of a true Mixed Use District, as defined in the Zoning Ordinance, has not been met by the proposed design.

B. Adequacy of Public Facilities

Another point of concern with the establishment of a new Mixed Use District in this location is the adequacy of various public facilities that are regulated by the County's Adequate Public Facilities Ordinance (APFO). The purpose of the APFO is to ensure "*that public facilities and services needed to support new development shall be available concurrently with the impacts of such new developments.*"² Public facilities regulated under the Ordinance include roads, sewerage disposal systems, schools, water supply and distribution systems, and interim fire protection systems.

The adequacy of schools and the availability of public water constitute the primary public facilities which raise concerns as to whether impacts of the proposed new Mixed Use District could be mitigated concurrently with the development of the parcel.

1. Public Schools

Under the APFO, a public school is deemed inadequate if:

- ❖ It exceeds 90% of the State Rated Capacity at the elementary school level
 - The above standard is known as the Local Rated Capacity (LRC)
- ❖ It exceeds 100% of the State Rated Capacity at the middle or high school levels

School adequacy is measured based upon quarterly enrollment reports pertaining to all Washington County Public Schools issued by the Board of Education (BOE). Both pupils generated by the proposed development and pupils generated from other previously

² Washington County Adequate Public Facilities Ordinance. P.1

approved developments which have not yet been fully built out (including developments within municipalities) are accounted for in the determination of existing school capacity and adequacy.

The proposed development falls within the following school districts: Rockland Woods (Elementary), E. Russell Hicks (Middle) and South Hagerstown (High). The most recent enrollment report available presently is from March 2021. Based upon that enrollment report, the following table shows the current status of the three schools impacted by the proposed development:

Table 2: Current Enrollment Snapshot (March 2021)

School Name	Current Capacity (% of SRC)
Rockland Woods Elementary	97.3%
E. Russell Hicks Middle	114.7%
South Hagerstown High	120.9%

The snapshot provided above demonstrates that all three schools affected by the proposed development currently exceed the SRC and/or the LRC. The capacity shown above does not account for the students that would be generated by the proposed development, which would likely push the schools even further beyond the SRC than they are presently. Additionally, enrollment figures that dropped during the COVID-19 pandemic may also return to, or exceed, pre-Pandemic levels in the coming school year and beyond, putting further strain on existing educational facilities.

Under APFO regulations, new development that occurs with school districts that are inadequate (under the capacity standards described previously) may make an Alternate Mitigation Contribution (AMC) **if** the proposed development does **not** cause the school to exceed **120% of the SRC**. When current capacity exceeds 120% of SRC, the project is not eligible to use the AMC to mitigate for school capacity impacts.

Mitigation for projects that cause the affected school district to exceed 120% of the SRC must be worked out directly with the Board of County Commissioners in consultation with the Board of Education. Various remedies are possible to address capacity issues in school districts that are inadequate including redistricting, school site dedication, developer funding to construct an addition to an existing school or developer funding for new school construction.

The BOCC does also have the authority to limit the number of building permits in any school district. Their decision is to be based on a recommendation from the Planning

Commission and should consider the adequacy of the affected school district as well as the capacity in immediately adjacent schools.³

At present, according to the 2021 Washington County Public Schools Educational Facilities Master Plan, South Hagerstown High School “*is projected to remain over capacity for the foreseeable future.*” The plan also explicitly states that “*WCPS does not currently anticipate the ability to add a comprehensive high school in the next ten years.*”⁴

The document does go on to state that “plans are in process to add additional seat capacity through alternative methods.” Precisely what methods will be used and how soon a plan to create additional seat capacity could be implemented is presently unknown. It also cannot be determined whether this potential relief would specifically address capacity issues in the school districts affected by the proposed Mixed Use District. **Therefore, it can only be assumed that school capacity will continue to exceed the LRC and SRC in the school districts affected by the proposed development for the foreseeable future.**

The applicant’s Justification Statement simply states that in the event of a school exceeding 120% of SRC, it will “*work with County staff and the Board of County Commissioners to obtain final site plan approval while meeting all relevant conditions and obligations as required by the APFO.*” No more is presently known about how the applicant would seek to address school capacity issues if this Mixed Use District were to be approved beyond this statement.

2. Access to Public Water

Access to an adequate supply of public water to serve the proposed Mixed Use District is another point of concern. At first glance, this would not appear to be an issue for this property as it is already connected to the City of Hagerstown’s water system, according to comments made during the Preliminary Consultation phase of this development’s review by the City of Hagerstown’s Department of Utilities.

The site also meets other County and City requirements for access to public water systems. It was given a W-1 Existing Service designation in the County’s 2009 Water and Sewerage Plan, which mandates that the property connect to the public water supply distribution within one year or less if a connection is not already available at the time of the property’s development.

³ Washington County Adequate Public Facilities Ordinance. PP.16-17

⁴ 2021 Washington County Schools Educational Facilities Master Plan. P.4

The area subject to this rezoning also falls within the City of Hagerstown's Medium Range Growth Area (MRGA). The MRGA defines, among other things, the limits of new City water service for a twenty year planning period. Properties that fall outside of the MRGA, therefore, are not allowed to connect to existing water service lines under most circumstances. The property also has already signed a pre-annexation agreement with the City, according to the City of Hagerstown's Department of Utilities, which is another prerequisite for city water service.

The issue with water access therefore lies purely with the increased demand that would result from the rezoning of this property from the current, commercial and light industrial HI zoning classification to a high-density residential and limited commercial MXC district. The ability of the City of Hagerstown to provide water service to this property (as well as all others in the MRGA) is based upon growth assumptions that utilize existing zoning classifications. The rezoning of this property to allow for a more intensive land use in terms of water usage is a variable that was not accounted for when the City developed the growth model that informed the creation of the Water Resources Element in its adopted Comprehensive Plan. Thus, **an increased demand for water at this location would likely necessitate changes to the MRGA boundary elsewhere.**

3. Present and Future Transportation Patterns

a. Roads and Intersections

The impact of a proposed development on traffic and circulation patterns in the area is another required element of this rezoning application, and, is frequently a source of concern of neighboring residents and businesses. Road improvements are another type of public infrastructure governed by the County's APFO. Traffic impacts from the proposed development were analyzed by various entities, at multiple points in time, both immediately before and as part of this rezoning application.

In April 2020, a traffic impact study (TIS) was approved which accounted for this site as a part of a larger investigation of the potential impacts pipeline development occurring in the Sharpsburg Pike Corridor, primarily in the immediate area south of the I-70 interchange. This study recommended the following road improvements in the immediate vicinity of the proposed rezoning:

- *"Access to the project includes a full movement access onto Colonel H K Douglas Drive, a right-in only on MD 65, and a new signalized full movement access on MD 65."*

- *“Road widening and re-striping on MD 65 for the addition of a Two-Way Left Turn Lane on MD 65 at the Rench Road intersection. The design shall be approved by SHA and Washington County.”*
- *“Mitigation/road improvements per SHA requirements including a raised median on MD 65, and a proposed signal and associated turn lanes on MD 65 at the second site access point. It should be noted that construction of a traffic signal at the second access point is not a County requirement for approval of the Traffic Study, rather it is at the preference of the Developer.”*
- *“An internal access connection to Remington Drive is recommended and shall be required if the signalized full movement second access (per item b above) is not constructed.”*
- *“A minimum ROW dedication of 50’ from centerline of MD 65 will be required for Site Plan approval per the County’s requirements for a Minor Arterial roadway. SHA may have additional requirements.”*

The applicant’s decision to seek the establishment of a new Mixed Use District in the subject location was then undertaken after approval of the original TIS. Accordingly, the proposed change in land use, both at this site and at other lots in The Shops at Sharpsburg Pike development, necessitated re-evaluating traffic impacts stemming from the new proposal. This follow up TIS was completed in April 2021. The study concluded that trip generation from the new mix of proposed land uses was **less** than that found in the previous TIS during each of the three time periods surveyed (Weekday AM Peak, Weekday PM Peak, Saturday Midday Peak). The developer is still required to comply with the conditions outlined above in the previous traffic study, but no additional improvements were required with the change in land use.

No additional road improvements are identified in the County’s current Capital Improvement Plan (2022-2031) in the immediate vicinity of the subject property.

The Maryland State Highway Administration’s portion of the state’s Consolidated Transportation Plan does include two major projects of note in the area of the rezoning: replacement of the I-70 bridge over MD-65, as well as improvements at the associated interchange. The Plan summary for the bridge project captures both improvements: *“This project will replace the decks on all four bridges and the superstructure of the two bridges*

on I-70 over MD 65, one of which (eastbound) is rated in poor condition. The project will accommodate a planned future interchange reconstruction at MD 65.”⁵

b. Pedestrian Circulation and Connectivity to Neighboring Properties

Consideration for non-motorized modes of transportation is also an integral part of the design of a mixed use development. The Concept Plan does provide for these needs to some extent, as sidewalks are depicted connecting the two apartment buildings as well as the six townhouses within the proposed Mixed Use District. Though not a part of the area covered by the rezoning application, the design also depicts some sidewalk connections between the subject site and immediately adjacent properties, particularly along Col. Henry K. Douglas Drive.

Beyond sidewalks, inter-parcel connectivity is another important consideration in planning a Mixed Use District that serves the needs of its residents and those utilizing services in the immediate vicinity. Creating connections between parcels, for both motorized and non-motorized users, enables patrons to utilize internal circulation routes to carry out a variety of tasks without adding unnecessary traffic flow onto adjacent collector and arterial transportation routes. Therefore, it is important that a detailed plan for circulation and connectivity which is inclusive of multiple travel modes be submitted in support of the establishment of a new MXC District, perhaps exceeding what is required for a typical site plan.

The Department of Plan Review and Permitting made comments on the proposed application to this effect, when routed a copy for review, which are copied below:

- *“Given the significant traffic generation and mix of land uses proposed in this development, it is recommended that pedestrian safety be carefully considered, and that a pedestrian circulation plan be included in the Development Plan/Site Plan.”*
- *“The application states, ‘The area surrounding the Property has undergone significant development in the recent years, and the concept plan for the MXC creates a compatible and complementary mixture of uses.’ This compatible and complementary use should include joint access with neighboring properties and alignment with other accesses. These elements should be considered in the Development Plan/Site Plan.”*

⁵ Maryland Department of Transportation. *FY 21-26 Consolidated Transportation Plan*. P. SHA-W-2.

III. Additional Considerations

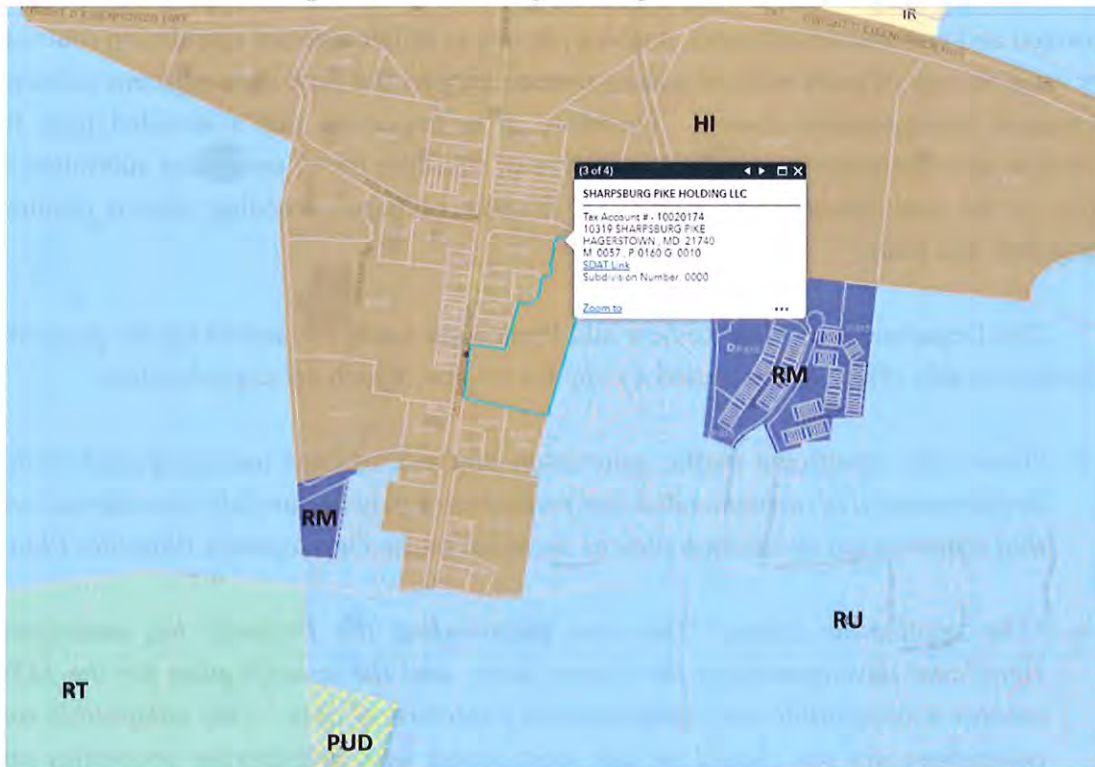
A. Compatibility with Existing and Proposed Development in the Area:

The compatibility of the proposed development with the surrounding neighborhood, in terms of zoning, land use, and historic sites is another important consideration in determining the appropriate mix of uses within the MXC District being sought. The character of the “neighborhood” in the present and immediate future is profiled below through these lenses.

1. Surrounding Zoning

Map 1, below, shows the existing zoning in the area surrounding the proposed rezoning site at 10319 Sharpsburg Pike.

Map 1: Surrounding Zoning Classifications



The corridor from the I-70 interchange south to Poffenberger Road is all currently zoned HI on both sides of MD-65. As one gets further away from this arterial roadway, the zoning transitions to residential classifications at various densities. Much of it is Residential Urban (RU), which allows single family, semi-detached and two-family dwelling units on roughly ½ acre lots, along with limited community service type uses. Claggetts Mill is an example of an actively building subdivision within this zoning class

located less than 1 mile to the southeast. There is also Residential Transition (RT), which is the least dense residential district in the Urban Growth Area, at 2-4 dwelling units per acre. Most of the RT is presently in an agricultural land use.

There is also high-density residential zoning in the immediate vicinity. Two Residential Multi-family (RM) districts are found within 1/3 mile from the subject site, including the Carriage Hills development. Perhaps most relevant is another mixed use district, in this case a PUD whose zoning was approved in 1992, St. James Village North.

In sum, while the commercially focused HI zoning dominates the Sharpsburg Pike corridor, there is a variety of residential zoning classes within a 1 mile radius of the site.

2. Land Use

Commercial land uses predominate the immediate area around the rezoning site. The most notable is the new Walmart directly across MD-65 to the west. Fast food restaurants, retail shops and gas stations occupy most of the other lots already developed north and south of the subject property. Premium Outlets is just past the I-70 interchange to the north. The MVA is just north of the Walmart. As noted previously, an ALDI grocery store anchors the portion of The Shops at Sharpsburg Pike that has been developed so far. It is complemented by other fast food and retail establishments.

In addition to the residential developments of various densities noted in the previous section, others in the immediate vicinity include Cross Creek and the Villas at Gateway (detached single family homes). Somerford, a senior living community, is 1/3 mile southwest on MD-65.

While much of the historic land uses which occupied this part of the Sharpsburg Pike corridor are transitioning to commercial, there are still a fair number of single-family homes along MD-65, and active farms within a 1 mile radius of the rezoning site.

Overall, this transitioning “neighborhood” around the proposed MXC District should be viewed, at this point, as consisting of two major parts – a heavy commercial focus among lots with road frontage along MD-65, and mostly suburban-style, single-family housing developments built or coming online in the immediate vicinity.

3. Historic Sites

Another important component of compatibility is the location of historic structures on and around the parcels being proposed for rezoning. According to the Maryland Historic Trust Inventory, there are 2 existing historic sites located within an approximately

½ mile radius of the proposed rezoning areas. Below is a listing of existing historic resources within a ½ mile radius of the subject parcels.

- WA-I-448: “Brick Farmhouse,” late-19th century, 2-story brick farmhouse. Altered early 20th century.
- WA-I-503: “Frame Bungalow,” early-20th century, 1½ story bungalow style home.

B. Relationship of the Proposed Change to the Adopted Plan for the County:

The purpose of a Comprehensive Plan is to evaluate the needs of the community and balance the different types of growth to create a harmony between different land uses. In general, this is accomplished through evaluation of existing conditions, projections of future conditions, and creation of a generalized land use plan that promotes compatibility while maintaining the health, safety, and welfare of the general public.

The 9.92 acres subject to this requested zoning map amendment was given the High Density Residential sub-policy area designation in the County’s 2002 Comprehensive Plan. Therefore, the applicant’s proposal for this parcel does not deviate significantly from what was anticipated in the 2002 Plan, as they are proposing roughly 11 dwelling units per acre.

The Comprehensive Plan offers the following definition for this policy area:

“The High Density Residential policy area is primarily associated multi-family type residential development. Principal zoning districts related to the policy area include the Residential - Multi-Family, Highway Interchange Two, and Residential Urban districts. The majority of the types of housing either existing or anticipated to be proposed for the policy areas are apartments, townhouses, and group homes, as well as duplexes and single-family homes on small lots. Typical housing developments would have densities in excess of 8 units per acre for multi-family developments and 6 units per acre for single-family developments.

Existing or proposed development associated with this classification is primarily located around the I-70 & MD 65 Interchange, Robinwood Drive area, Londontowne area, the I-81 & US 11 Interchange, Oak Ridge Drive, and the I-81 & Maugan’s Avenue Interchange.”⁶

⁶ 2002 Washington County, Maryland Comprehensive Plan, Page 245

IV. Recommendation

The applicant is requesting to rezone the property from its existing HI zoning designation, to apply an MXC floating zone atop this base zoning. The MXC Zoning District permits the applicant to pursue what is intended to be a complementary, efficient and attractive mixture of residential, commercial and open spaces uses.

Through their Justification Statement and Concept Plan, the applicant has met the majority of the conditions (as outlined in the report's introduction) required to be met in order to establish a new MXC District. These pre-requisites include primary considerations such as a specified residential density, the inclusion of multiple housing types, the ability to connect to public water and sewer service, cooperation in making necessary road improvements in the vicinity and more.

Speaking generally, a mixed use development makes a great deal of sense for the immediate neighborhood around this property, as it is presently constituted. The Sharpsburg Pike corridor below I-70 is transitioning from historic patterns of agricultural use and single-family homes along the roadway itself, to a higher intensity mix of commercial and more dense housing of various subtypes. Thus, what the applicant is proposing could work well at this location at some point in time in the future.

At present, however, it is difficult to recommend the establishment of the MXC floating zone on this property. Primarily this is because of the APFO concerns that were outlined in detail in this report. The most significant concern is with school capacity in the South Hagerstown High School District. That school already exceeds 120% of State Rated Capacity, which eliminates the ability of the applicant to utilize the Alternate Mitigation Contribution to satisfy their requirement to address this inadequacy. There are also no immediate plans to build a new high school in this district in the next 10 years, according to Washington County Public Schools 2021 Educational Facilities Master Plan. Other potential remedies, such as redistricting, are unknown at present and could not be counted on to address the issue in the near future. Enrollment figures that dropped during the COVID-19 pandemic may also return to, or exceed, pre-Pandemic levels in the coming school year and beyond, putting further strain on existing educational facilities.

Also highlighted in this report, as a major point of concern, is the availability of public water and sewer for a more intensive use than is permitted under the property's existing HI zoning. The City of Hagerstown, the water provider for this property, has established the boundaries of its Medium Range Growth Area based upon the existing zoning throughout the City and County. Therefore, upzoning this property to a more intensive use has the potential to necessitate the retraction of the MRGA by the City

elsewhere within the County's designated Urban Growth Area. The feasibility of accomplishing this modification in a manner that would satisfy all parties is difficult, at best, to predict.

Finally, the staff report has offered evidence that the current design of this MXC District, as shown on the Concept Plan, could be improved to more closely fit the purpose of this zoning classification, as it is defined in the Zoning Ordinance. At present, it focuses heavily on the provision of apartment units, above all other elements required by the Ordinance.

Therefore, it is staff's opinion that a new mixed use district at this location could be more sustainably pursued in the future when the issues outlined above have been fully resolved.

Respectfully Submitted,



Travis Allen
Comprehensive Planner



DEPARTMENT OF PLANNING & ZONING

PLANNING | ZONING | LAND PRESERVATION | FOREST CONSERVATION | GIS

April 4, 2022

RZ-21-005

APPLICATION FOR MAP AMENDMENT PLANNING COMMISSION RECOMMENDATION

Applicant(s)	Sharpsburg Pike Holdings, LLC
Location	10319 Sharpsburg Pike
Tax Map/Grid/Parcel	57/10/160

RECOMMENDATION

A map amendment application for property at 10319 Sharpsburg Pike was first considered by the Washington County Planning Commission on August 30, 2021 in a rezoning public information meeting. The applicant is requesting the establishment of a new MXC (Mixed Use Residential and Commercial) floating zone atop the existing HI (Highway Interchange) base zoning. Following the public information meeting, The Washington County Planning Commission recommended [to the Board of County Commissioners] the denial of this request for the following reason:

- 1) The schools serving this proposed development would not have adequate capacity to serve the projected pupil yield of the new units; and, the applicant did not present information that would indicate the impacts of this development on the school system are highly solvable.

On November 30, 2021, the Board of County Commissioners held a public hearing for the proposed map amendment. At that time, the applicant submitted additional information concerning their plans to address school capacity by proposing age-restricted residential units. Because this information was not available to the Planning Commission at its August 30th meeting, the County Commissioners remanded this application back to the Planning Commission for additional review and comment.

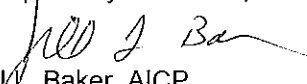
The Planning Commission held a second public information meeting on February 7, 2022 for the purpose of reviewing the applicant's additional information and taking public comment. At its regular meeting on March 7, 2022 the Planning Commission again considered the application and supporting documents, oral and written testimony, and the Staff Report as well as the additional information provided to address school capacity issues. The Planning Commission again voted unanimously to recommend denial [to the Board of County Commissioners] of the rezoning application based on the following:

- 1) The lack of adequate public facilities and infrastructure to serve the development.
- 2) No way to enforce the age-restriction requirement.

Copies of the unapproved minutes of the Planning Commission's March 7, 2022 meeting are attached.

JLB/TMA/dse
Attachment

Respectfully submitted,


Jill L. Baker, AICP
Director

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING
February 7, 2022**

Due to in-person meeting restrictions related to the COVID pandemic, the Washington County Planning Commission held its regular monthly meeting on Monday, February 7, 2022 at 7:00 p.m. virtually using Zoom software. No physical meeting took place.

Planning Commission members present were: Clint Wiley, Chairman, David Kline, Denny Reeder, Jeremiah Weddle, Robert Goetz, Jeff Semler, and Ex-officio County Commissioner Randall Wagner. Staff members present were: Washington County Department of Planning & Zoning: Jill Baker, Director; Jennifer Kinzer, Deputy Director; Travis Allen, Comprehensive Planner; Lisa Kelly, Senior Planner; Scott Stotelmyer, Planner; Meghan Jenkins, GIS Coordinator; and Debra Eckard, Administrative Assistant.

Also present at the meeting were: Adam Hager, David Trostle, Ed Schreiber, and Trevor Frederick of Frederick, Seibert & Associates; Gordon Poffenberger, Fox & Associates; William Wantz, Justin Goodman, Mike Nalepa, Meir Neuberger, Rubin Moshe, Thomas Palumbo, and Joshua Sewald [RZ-21-007]; Zachary Kieffer [RZ-21-005]; Jimmy Rowland [SP-21-036]; Bob Franks [SP-21-031]; Matthew Powell, William Erskine and Todd Heck [Black Rock PUD].

CALL TO ORDER

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

REZONING PUBLIC INFORMATION MEETING

RZ-21-005 – Sharpsburg Pike Holdings LLC

Staff Presentation

Mr. Allen reminded members that the Board of County Commissioners held a public hearing in November for the rezoning of 9.92 acres of property located at 10319 Sharpsburg Pike. The applicant is requesting a change in zoning from HI (Highway Interchange) to MXC (Mixed Use Residential and Commercial). During the public hearing, the applicant presented a new plan to address school capacity issues that was not available during the Planning Commission's public rezoning information meeting. Therefore, the County Commissioners remanded the application back to the Planning Commission for additional review and public comment. All other aspects of the application remain the same.

Applicant's Presentation

Mr. Zachary Kieffer, legal counsel for the applicant, reminded members that following the Planning Commission's public information meeting, they recommended denial of the rezoning based on school inadequacy and the lack of a plan for mitigation. If the schools remain inadequate at the site plan/final plat stage, the developer is proposing an age-restricted community. Age restricted development would not require mitigation for school adequacy issues.

Public Comment

- Annamarie Wise – Ms. Wise expressed her opinion that the proposed development would be surrounded by commercial development and there is not enough space for recreational activities for residents living in the proposed residential units.

Discussion and Comment from Members

Mr. Kline stated that he would like to meet with the County Attorney to discuss enforcement issues of the age restricted units. He would like to know who would be responsible for enforcement and what would the County's role be in enforcement.

Consensus: The Planning Commission will defer action on this application until a later time.

RZ-21-007 – 19817 Beaver Creek LLC

Staff Presentation

Mr. Allen presented for review a rezoning application for 131.28 acres of property located at 19817 Beaver Creek Road and along the west side of Dual Highway. The applicant is requesting a change in zoning from

RM (Residential, multi-family) to HI (Highway Interchange). The rezoning application consists of two parcels of land: the smaller parcel is improved with a residential structure and the larger parcel is used for agricultural purposes. Mr. Allen presented the following criteria for the Planning Commission's consideration in evaluating this application.

- *Availability of public water and sewer services* – This site is designated as S-5 and W-5 (long-term planned services) in the County's Water & Sewerage Plan. This means that no public water or sewer service is currently available. If services become available in the future, the site would be served by water from the City of Hagerstown and sewer from the County. It was noted that the site is currently located outside of the City's Medium Range Growth Area (MRGA). Presently, the site would rely on individual well and septic.
- *Compatibility with existing/proposed development* – Mr. Allen noted the uses of several areas surrounding I-70 as follows: north of I-70 is a mixture of residential zoning classifications with varying densities, some areas zoned HI and land that falls within the Town of Funkstown and the City of Hagerstown; south of I-70 there are large parcels being used for agricultural purposes; numerous properties around the interchanges are zoned HI; and to the west of the interstate is property zoned Residential Urban.
- *Land Use* - Historically, the area along Beaver Creek Road has been farmland, woodland, and single-family residential uses. Recently, there have been a few commercial businesses that have opened in this area (such as Vinny's Towing and US Lawns). Mr. Allen noted there are several car dealerships in the area and low intensity commercial uses along US Route 40. The applicant is proposing the HI zoning designation which is intended to provide suitable locations for commercial activities or light industrial uses for highway travelers, provide goods or services to the local population or provide for uses that have a need to be located near the interstate highway system.
- *Relationship to the Comprehensive Plan* – The County's 2002 adopted Comprehensive Plan Land Use Plan designates this area as low-density residential. This policy area is the main transitional classification from the urban to the rural area and is primarily associated with single-family development.

Mr. Allen stated that in a piecemeal rezoning such as this one, the applicant must provide sufficient evidence that a change in the character of the neighborhood has occurred or there was a mistake in the zoning of this property in 2012 during the Urban Growth Area comprehensive rezoning. In this case, the applicant is claiming a mistake was made in 2012 in the zoning of this property and cites the following reasons:

- 1) *The site is not served by public water and public sewer and therefore, the requirements of the RM zoning district cannot be met* – Staff confirms that public water and sewer services are not available to this site; however, public water and sewer services were identical for both the RM and the HI zoning classifications in 2012 when the property was rezoned. It was noted that this requirement could potentially be waived by the Planning Commission with input from the Health Department. Prior to 2012, this property was zoned HI-2 which was intended to be a transitional zone between the HI-1 zoned areas and residential uses. The HI-2 zone allowed low intensity industrial uses, commercial uses, and a range of residential uses with varying densities. The HI-2 district did not require connection to public water and sewer but did allow for higher density development if public water and sewer was available at the time of development. The RM zoning classification was recommended by the UGA Advisory Committee, which was appointed by the Board of County Commissioners. The Advisory Committee believed this area could be used to facilitate multi-family residential development in the county. At that time, staff recommended the RT (Residential, Transition) zoning designation which was a low-density residential zoning classification and would have been more compatible with the Comprehensive Plan's Land Use Plan. The RT zoning classification also requires connection to public water and sewer facilities.
- 2) *Similarly situated properties in the vicinity that are within the UGA but outside of the City's MRGA were zoned HI in 2012* - Staff confirms that other similar properties in the area were zoned to HI during the 2012 rezoning.

In conclusion, Mr. Allen noted that infrastructure requirements such as road improvements and school adequacy would be difficult to achieve for the RM zoning district as well as for some of the more intensive uses permitted in the HI zoning district; some less intensive permitted uses in the HI zoning district might be feasible. He also noted that neither the RM nor the HI zoning districts are compatible with the County's adopted Comprehensive Plan and no public water or sewer services are available in the foreseeable future. Mr. Allen stated that four letters in opposition of the proposed rezoning were received prior to the public information meeting; there were no letters supporting the request.

Applicant's Presentation

Mr. William C. Wantz, 123 W. Washington Street, Hagerstown, legal counsel for the applicant, was present at the meeting. Also present and representing the applicant were Mr. Mike Nalepa and Mr. Joshua Sewald. Mr. Wantz gave a brief summary of the applicant's interest in the property noting that the original intent was to develop a multi-family residential use on the property. However, after discussions with the City of Hagerstown's Water Department, the applicant was told that there would be no extension of services in the foreseeable future to support a multi-family residential development. The applicant then began exploring other development options for the site that would not require a large number of EDUs, such as uses that are permitted in the HI zoning district.

The applicant contends that the property is better suited for the HI zoning classification and gave the following reasons to support this position:

- There are too many limitations for planning, building and funding a multi-family residential development using individual wells and septic.
- Scattered low density housing creates sprawl development which is not consistent with State guidelines.
- There are two cloverleaf interchanges in the County: one at Dual Highway and one at Halfway Boulevard. No new interchanges are proposed so we should use the interchanges we have to the greatest extent possible.
- It must be presumed that when the RM zoning was applied in 2012, the local legislative body must have been optimistic that the City would be able to provide water and sewer services to the site.
- Adjacent property uses should be considered when reviewing this application. Across the road is a billboard site, there are 4 single-family residential homes which were built between 1946 and 1953 which pre-date the I-70 highway system, and there are new commercial uses that have been established since 2020. The large acreage of the Agrimar tract, the subject property, offers the availability of ample land and wide buffers with vegetative screening on all sides for any use permitted under the HI zoning district.

Mr. Joshua Sewald of Dynamic Engineering stated that the HI zone provides a great flexibility of uses such as low intensity retail services, warehouses, self-storage units, etc., that do not demand high levels of water usage. He noted that the adequate size of the property and frontage would allow for improvements such as widening the roadway, the possible installation of a traffic signal on Route 40 at the intersection with Beaver Creek Road, and the permitted uses could be supported on individual wells and septic systems. It is his professional opinion that based on the size of the property, the limited environmental features in the middle of the site and the usable land, this property was designed to provide uses that would better serve the area as well as Route 40 and Interstate 70.

Mr. Mike Nalepa of Street Traffic Studies stated that a scoping request has been submitted to Washington County for the traffic study that will be required if this rezoning request is approved. He believes that the developer will be able to adequately address any traffic issues that might arise as a result of this rezoning approval.

Discussion and Comments

Mr. Goetz asked if there are any road improvements proposed on Beaver Creek Road due to the development of Gaver Meadows. Mr. David Trostle of Frederick, Seibert & Associates, stated there are no improvements proposed for Beaver Creek Road, only Emmert Road.

Mr. Weddle noted that the subject property is currently proposed to be removed from the Urban Growth Area. Ms. Baker stated that the applicant is aware of that proposal but has decided to move forward.

Public Comment

- Bette Jo Shifler, 20017 Beaver Creek Road – Ms. Shifler stated that Vinny's Towing and US Lawns are both businesses that operate during daylight hours and produce very little traffic. She stated that when there are accidents on I-70, traffic can be backed up for at least a mile in the area. She noted that the SHA has told her that the I-70 cloverleaf is very outdated and there are currently no plans for improvements. She does not believe there will be adequate fire protection for any businesses because there is no public water. Ms. Shifler noted there is a warehouse proposed on Howell Road, which she has been told generates 2,000+ trucks per day and she believes that roads in the area cannot accommodate that amount of traffic. She

made an inquiry as to the location of the access on Route 40 and if a traffic study has been done on Dual Highway.

- Mike Siecker, 10223 Summers Lane – Mr. Siecker expressed his concern regarding traffic issues, access to the site, and light pollution.

Applicant's Rebuttal

Mr. Wantz addressed the Planning Commission and citizen's concerns as follows:

- Road improvements to the site could be easily accomplished. The applicant is willing to make any traffic pattern and road improvements required by the SHA.
- Screening and buffering of the site would be determined by the Planning Commission during the site plan stage.
- A traffic study has been completed that includes the Dual Highway (Route 40)
- The developer would work with the responding fire company to address the need for fire protection which will be dependent on the type of use on the site.
- Lighting issues will be addressed during the site plan stage and subject to review by the Planning Commission.

The rezoning public information meeting concluded at 8:10 p.m.

MINUTES

Motion and Vote: Mr. Kline made a motion to approve the minutes of the Planning Commission regular meeting as presented. The motion was seconded by Mr. Semler and unanimously approved.

NEW BUSINESS

SITE PLANS

Rowland on Holdings LLC [SP-21-036]

Ms. Kelly presented for review and approval a site plan for a proposed tractor trailer gravel storage lot on 5.60 acres located at the south end of French Lane, east of Greencastle Pike and north of I-70. The property is currently zoned H1 (Highway Interchange). There will be one access point from French Lane. The site will be used seven days per week, 24 hours per day. There will be no employees, lighting, signage, public water or public sewer for this site. Bio retention ponds will be constructed to handle storm water. Forestation requirements were previously met with forest retention easement plats that were approved in 2000 under the name of Hunter's Green. All agency approvals have been received.

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

Sheetz Store #145 [SP-21-031]

Mr. Stotelmeyer presented for review and approval a site plan for the replacement of Sheetz Store #145 located at the corner of Longmeadow Road and Pennsylvania Avenue. The proposed store will be 6,077 square feet and will replace the existing store. All fuel dispensers and islands will be removed and replaced as well. The site will continue to be accessible from Pennsylvania Avenue as well as Longmeadow Road. Although the Sheetz store will be closed during the construction of the new store, the access lane to Martin's will remain open. The current site has 40 parking spaces; the new site will have 43 parking spaces. The site is served by public water from the City of Hagerstown and public sewer from Washington County. The hours of operation will be seven days per week, 24 hours per day. Lighting will be pole and building mounted. Signage will be building mounted; the existing pole mounted sign will be upgraded. The existing car wash will remain and will receive an updated façade. All agency approvals have been received.

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

FOREST CONSERVATION

Western Maryland Parkway Warehouse [GP-21-024]

Mr. Allen presented for review and approval two requests to meet Forest Conservation requirements for a proposed warehouse and office space on property located along the northwest side of Western Maryland Parkway. The first request is to utilize the payment-in-lieu of planting to satisfy 5.92 acres of planting requirement; the second request is to remove 3 specimen trees from the site. The property is currently zoned H1 (Highway Interchange). The unusual shape of the parcel, the size and dimensions of the proposed building, and the required parking associated with the development make retention of forest and the specimen trees unfeasible. Forest situated along the east side of the parcel will be retained; however, there is no additional space for planting.

Motion and Vote: Mr. Kline made a motion to approve both requests as presented. The motion was seconded by Mr. Goetz and unanimously approved.

[Mr. Weddle left the meeting at 8:20 p.m.]

Chris and Dusky Rankin, Bivens Estates, Lot 21 [S-21-054]

Mr. Allen presented for review and approval a request to vacate .25 acres of an existing forest easement, leaving .86 acres in the easement on-site, for the relocation of a septic system on property located at 17000 Bivens Lane. He explained that there are 3 overlapping land use considerations that are part of this septic relocation request: 1) the integrity of the forest easement on the site; 2) the potential existence of an intermittent stream buffer; and 3) the specific location of the septic area that is required by stream buffer regulations, flood plain regulations and the conservation of wet or hydric soils. Mr. Allen stated that the Forest Conservation Ordinance prioritizes the retention of existing forest within intermittent stream buffers; the Subdivision Ordinance requires buffers to be provided for perennial/intermittent streams; and septic systems are generally prohibited in intermittent/perennial stream buffers and are not located in hydric soils. Following a detailed review of the property and changes that have occurred up stream, the Soil Conservation District determined that the intermittent stream does not flow to the extent that it previously did so the buffer is no longer required for this parcel. It was also determined that the flood plain is now located off-site. The Health Department has determined that this location is the best area for the septic system.

Motion and Vote: Mr. Reeder made a motion to approve the request as presented. The motion was seconded by Mr. Kline and unanimously approved.

OTHER BUSINESS

Black Rock PUD

Ms. Baker reminded members that the applicant submitted an application several months ago for a major change to the approved Black Rock PUD development plan. The proposed change was to increase the density from 595 dwelling units to 1,148 dwelling units. On February 1, 2022, the Board of County Commissioners denied the request. In response to this denial, the applicant is now proposing to go back to the original density and number of residential units shown on the approved development plan but clustering the units on a smaller portion of the property. A portion of the larger parcel to the left, would be retained for open space. Following a review of the regulations depicted in the Zoning Ordinance, staff does not believe the proposed changes warrant a major change for the following reasons: there is no change in the total number of residential units or density being proposed and the types of residential houses and amenities are comparable.

Discussion and Comments: Mr. Semler expressed his concern that the developer would come back at a later time and want to develop the open space area. Ms. Baker explained that this would be a designated open space area used to meet the current requirements of the Zoning Ordinance. Any proposed change to develop that area would be required to go through the public hearing process again. Mr. Semler asked if the original plan was denied by the Planning Commission but approved by the County Commissioners. Ms. Baker stated that the original plan was recommended for denial by the Planning Commission but ultimately approved by the County Commissioners. Mr. Semler asked if traffic and water issues would still be a concern if the original plan is followed. Ms. Baker stated that the developer would have to go through the site plan process and would still have to address water issues, traffic issues and any other approving agency comments and concerns.

Mr. Goetz asked for clarification of the density and number of residential units in both the original plan and the proposed plan. Ms. Baker reiterated that there is no change in the number of residential units or

the density from the original plan; however, the developer wants to use a clustering plan to increase the open space area and reduce lot sizes.

Mr. Kline expressed his opinion that the proposed change is a major change and needs go through the public hearing process. Mr. Reeder concurred.

Commissioner Wagner stated that he would be abstaining from any action taken this evening. However, he expressed his concern that if the proposed plan is approved, the developer could come back at a later date with a new plan to develop the remaining lands, which would have the potential to be approved by a new Board of County Commissioners.

Motion and Vote: Mr. Kline made a motion that the Planning Commission consider this a major change which will need to go to public hearing. The motion was seconded by Mr. Goetz and unanimously approved with Commissioner Wagner abstaining from the vote.

Update of Staff Approvals

Ms. Kinzer stated that a written report of development activity for the month of January 2022 was sent to members in the agenda packet.

Comprehensive Plan Update

Ms. Baker believes that the Planning Commission should schedule workshop meetings to focus only on items related to the Comp Plan. We will present information on population projections, land use densities, MRGA limitations, etc. Staff will be sending the Commission members dates for workshop meetings.

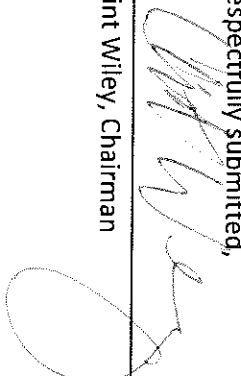
UPCOMING MEETINGS

1. Monday, March 7, 2022, 7:00 p.m. – Washington County Planning Commission regular meeting

ADJOURNMENT

Mr. Semler made a motion to adjourn the meeting at 8:55 p.m. The motion was seconded by Mr. Weddle and so ordered by the Chairman.

Respectfully submitted,



Clint Wiley, Chairman

October 25, 2021

Washington County Planning Commission
100 West Washington Street
Hagerstown, MD 21740

Re: RZ-21-005: Recommendation to Board of County Commissioners and Addressing APFO

Dear Commissioners,

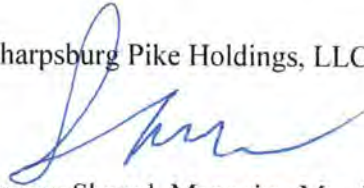
On behalf of Sharpsburg Pike Holdings, LLC (the "Applicant"), record owner of the real property located at 10319 Sharpsburg Pike, Hagerstown, Maryland 21740 (the "Property"), and application in the above referenced application for map amendment (the "Map Amendment"), I submit this letter for your consideration and to address concerns about compliance with the County's Adequate Public Facilities Ordinance ("APFO"), particularly the portion of the APFO pertaining to adequacy of the schools.

During the public meeting before the Planning Commission, County staff expressed concern with the Applicant's plans to comply with the APFO. These sentiments were echoed by the Planning Commission, and as such the Applicant hereby proposes the following options to ensure the forthcoming development, should the Map Amendment receive approval from the Board of County Commissioners, complies with the APFO.

1. Currently, the public schools in the school district (Rockland Woods Elementary, E. Russell Hicks Middle and South Hagerstown High) where the Property is located are over capacity and deemed inadequate. Moreover, the current capacity exceeds the 120% threshold and the project is not eligible to use the Alternate Mitigation Contribution to mitigate school capacity impacts. Nevertheless, the Applicant would engage in negotiations with the Board of County Commissioners in an effort to offer an Alternate Mitigation Contribution, which the Commissioners may vote to accept.
2. Alternatively, the Applicant may choose to place an age-restriction on the final site plan, thus rendering compliance with the APFO, moot.
3. Lastly, as compliance with the APFO is truly a matter to be addressed at the stage of final development plan review and approval, upon approval of the Map Amendment, the Applicant could request extensions of the timelines for approval set forth in the Zoning Ordinance and submit the development plans and/or site plans once the schools are deemed adequate.

Each of the above options provides a viable path forward to addressing APFO concerns. Based on these proposals, the Applicant respectfully requests that the Planning Commission revise its recommendation to the Board of County Commissioners.

Sharpsburg Pike Holdings, LLC

A handwritten signature in blue ink, appearing to read 'Sassan Shaool', is written over the company name.

Sassan Shaool, Managing Member



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

MEMORANDUM

TO: Planning Commission members

FROM: Debra Eckard, Administrative Assistant

DATE: September 21, 2021

RE: RZ-21-005 – Sharpsburg Pike Holdings LLC

Attached are copies of public comments that we have received since the public information meeting that was held on August 30, 2021 for the map amendment for Sharpsburg Pike Holdings, LLC. All written comments have been made part of the official record, RZ-21-005.

From: John Musselman
To: Planning Email
Subject: RE: RZ-21-005
Date: Monday, August 30, 2021 6:44:28 PM

WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

Hello,

This in reference to **RE:RZ-21-005**.

I live on Bushwillow Way. My kids are older now but went to a high school (South High) that was extremely crowded. The Middle school was as well. I am Going off of memory of what was sent out a few months ago but I thing there was something like 400 units planned as well as 7 townhouses. It appears that the goal of the developer is to make as high a profit as possible with apartments. The town houses (1 block) looks as though it was thrown in to say there would be single family houses. The concerns I have are mainly for the family's that might end up there. see below

1. Education for kids, the local schools are already beyond overcrowded. Is the county just going to bring in more trailers for the schools ?
2. Safety, potential for a lot of kids to end up out on sharpsburg Pike. The road is already over crowded.
3. Property values, Will there be a negative affect on the people already living here.
4. I cant stress enough about the overcrowding of our schools.

Sincerely,

John Musselman

/

From: [Stan and Sherry Michaleski](#)
To: [Planning Email](#)
Subject: RZ-21-005
Date: Wednesday, August 25, 2021 8:32:57 PM

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Any claims of being a County official or employee should be disregarded.

I am asking that the proposed development off of Sharpsburg Pike be denied. The schools and traffic issues are already out of hand and this development will only exacerbate this; and furthermore it affect property values of Cross Creek.

From: DEBRA EBERSOLE
To: Planning Email
Subject: RZ 21-005
Date: Thursday, August 26, 2021 8:32:37 AM

WARNING!! This message originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.
Any claims of being a County official or employee should be disregarded.

I am the homeowner and resident of 10527 Bushwillow way.

I received notice of the meeting to discuss, among other things, adding over 100 apartments off Sharpening Pike between our development and the Aldi and Dublin Donuts that have been added within the last few years.

I am 100% opposed to this !!!

There has already been so much added to this area within the last 5 years, not even including the Walmart that was added. Traffic is horrible already in this area of the Sharpsburg Pike. The Aldi and now new Sheetz that just opened has already increased traffic tremendously. It has become very dangerous to travel this area, and there are already additional homes being constructed off of Poffenberger Road, along with the villas by Walmart. The proposal of adding 105 apartments would add possibly an additional 200+ cars traveling daily in an already over-congested area. I have watched my nice area turn into a mess over the years. These builders are trying to use every square foot of property to make as much money as possible, without any concern for the area. You should spend some time observing the traffic in the area, and coming off of interstate 70, and then imagine adding 105 more apartments and their residents and cars to it.

How many of these apartments proposed will end up being subsidized housing? Do we need more apartments for the families of the prison inmates to move here? The area growing and adding apartments isn't attracting good families from other areas. People are living here that came from the larger cities. You see it in the newspaper articles about crimes in our area all the time. And our County just seems to be providing more and more places for those people to live.

Debbie Ebersole

From: Ron Lutz
To: Planning Email
Subject: apartments behind Aldi's
Date: Thursday, August 26, 2021 12:10:23 PM

WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.
Any claims of being a County official or employee should be disregarded.

Planning Commission,

We are seventeen year residents in Cross Creek the development behind Aldi's . We are adamantly opposed to the two apartment buildings being considered behind Aldi's. I can only imagine what our neighborhood will be like with the addition of 3-400 new people. People rent apartments when they can't afford houses. Please vote no on this proposal.

Sincerely,

Ron & Mary Lutz

Sent from Mail for Windows

From: RICKELLE ABBOTT
To: Planning Email
Subject: RZ-21-005
Date: Monday, August 30, 2021 10:31:44 AM

WARNING!! This message originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.
Any claims of being a County official or employee should be disregarded.

In regards to the proposed mixed used residential and commercial planning at 10319 Sharpsburg Pike. Please take into consideration that the blasting from the construction sites have compromised the foundation and structures of residents near by. For example but not limited to, cracks in home ceilings, nails popping out of walls and concrete cracks. Us as home owners are responsible for these repairs. This type of property damage has happened with the past construction that was done at the near by location on Sharpsburg pike and will most likely happen again.

Thank you,

Rickelle Abbott
10216 Bear Creek Dr.
Hagerstown, MD 21740

Sent from my iPhone

From: [Shayla Jackson](#)
To: [Planning Email](#)
Subject: RZ-21-005
Date: Thursday, August 19, 2021 8:47:58 PM

WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

I am writing to express my strong opposition to RZ-21-005, the proposed rezoning for Sharpsburg Pike Holdings, LLC. As a resident of the Cross Creek neighborhood, I am completely opposed to the addition of multi-family housing that will cause traffic and safety problems, create even more problems with schools that are already over-capacity, destroy local wildlife habitat, and potentially lower the property values of the existing community.

Traffic and safety of pedestrians are major areas of concern. Traffic jams in this area already span the distance of Sharpsburg Pike and the Sharpsburg Pike/Col Henry K Douglas Drive intersection during rush hour.

Schools in the area are already reported at capacity, and the council should not approve multi-family dwellings that creates or exacerbates a situation that will cause school concurrency to fail for this proposal and/or other approved plans.

Wildlife has been observed in the area, and any development will destroy their habitat. Any planned development of the property should consider the continuing impact to local wildlife habitat.

Property values are likely to go down in the area if multi-family apartments or condominiums are built. Multi family dwellings are inconsistent with the neighborhoods developed in the area.

I urge you to disapprove the proposed rezoning, and from recent meetings and discussions with my neighbors, I know my opinions are shared by many who have not managed to attend meeting or write letters and emails.

Best regards,
Shayla Jackson
Cross Creek Resident

From: Pat Kay
To: Planning Email
Subject: Proposed Zoning-MXC-Mixed Use Residential and Commercial Sharpsburg Pike
Date: Monday, August 23, 2021 8:14:59 PM

WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

Patricia Kay

10408 Bear Creek Drive

Hagerstown, MD 21740

8/19/2021

Washington County Planning Commission

100 West Washington Street Suite 2600

Hagerstown, MD 21740

Dear Sir/Maam:

I write this letter to express my opposition to a proposed amendment to change the present zoning of 10319 Sharpsburg Pike from HI to MXC.

I have several concerns about this proposal. My first concern is with the traffic. Traffic has increased significantly with the addition of the Walmart, Sheetz and Dunkin Donut. When the Walmart was built, for example, the residents were assured that traffic flow from Rench road would be redirected to a new road that would connect to Poffenberger Road. That has not happened and the traffic problems that occur at 4pm every workday at the intersection of Rench and Sharpsburg Pike make it almost impossible to make a left-hand turn from Rench Road onto Sharpsburg Pike. Sharpsburg Pike has not been modified to handle an increase in traffic. Even if the builder modifies the pike to add a turn lane, that does nothing to improve the traffic flow further south. The Southern part of the county is experiencing rapid residential growth. The infrastructure, however, needs to be in place before the growth arrives, before more people get here.

Secondly, I am concerned about the capacity limits of the schools that would be serving these residents. Currently, Emma K. Doub Elementary, E. Russell Hicks Middle and South Hagerstown High are all over capacity. The county has been forced to resort to the use of Portables for classrooms. If the property were to be rezoned for residential, and Sharpsburg Pike Holdings, LLC would be permitted to build the 2 apartment buildings with a total of 105 apartments and 6 townhomes, the increase in families using the schools could potentially add 250-300 students to an already overburdened system. It would not be in the best interest of the students or the teachers to make the learning environment even

more stressful by adding more students to overcrowded schools.

Thirdly, as a resident of the Cross Creek neighborhood, I am concerned about the proximity of any new housing to our neighborhood property line. The developers of our neighborhood designed walking paths that border the neighborhood rather than sidewalks that would have been within the neighborhood. The proposed apartment buildings would be feet away from the walking paths and near our homes. I have concerns about increases in foot traffic into our neighborhood, which could invite mischievousness and crime. We have seen increases in destruction of personal property and other attempted break-ins since the addition of the new Walmart. I predict that the addition of 2 multifamily structures in such proximity to our neighborhood would decrease both the quality of life and the real estate value of our homes.

I am thankful for the opportunity to express my opposition to this re-zoning petition. I respectfully ask that you strongly consider denying this petition until adequate support for the infrastructure can be attained and security concerns of the existing residents can be addressed.

Sincerely,
Patricia Kay

Washington County Resident

From: [DEBRA EBERSOLE](#)
To: [Planning Email](#)
Subject: Re: RZ 21-005
Date: Sunday, November 28, 2021 10:01:22 PM

WARNING!! This message originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

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I received a notice of a meeting regarding the same rezoning request meeting I emailed my opposition to back in August. Since I'm not sure if this requires a new email to be part of the record I'm going to state my opposition again.

I am the homeowner and resident of 10527 Bushwillow way.

I received notice of the meeting to discuss, among other things, adding over 100 apartments off Sharpening Pike between our development and the Aldi and Dublin Donuts that have been added within the last few years.

I am 100% opposed to this!

There has already been so much added to this area within the last 5 years, not even including the Walmart that was added. Traffic is horrible already in this area of the Sharpsburg Pike. The Aldi and Sheetz stores have already increased traffic tremendously. It has become very dangerous to travel this area, and there are already additional homes being constructed off of Poffenberger Road, along with the villas by Walmart. The proposal of adding 105 apartments would add possibly an additional 200+ cars traveling daily in an already over-congested area.

I have watched my nice area turn into a mess over the years. These builders are trying to use every square foot of property to make as much money as possible, without any concern for the area, or the citizens who live there.

Debbie Ebersole

> On Aug 30, 2021, at 11:50 AM, Planning Email <askplanning@washco-md.net> wrote:

> Your comments have been received and will be made part of the official record. Thank you.

>

>

>

> Debra S. Eckard

> Administrative Assistant

> Washington County Dept. of Planning & Zoning

> 100 W. Washington Street, Suite 2600

> Hagerstown, MD 21740

> 240-313-2430

>

> **In accordance with direction provided by the Governor's Office related to current COVID-19 events, I am working remotely indefinitely. Email correspondence is encouraged as phone messages may not be returned until our offices are reopened. I apologize for any inconvenience and assure you our Department is working diligently to continue the highest level of service possible during this pandemic event. Thank you**

>

> -----Original Message-----

> From: DEBRA EBERSOLE <djwinst23@aol.com>

> Sent: Thursday, August 26, 2021 8:32 AM

> To: Planning Email <askplanning@washco-md.net>

> Subject: RZ 21-005

>

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>

> How many of these apartments proposed will end up being subsidized housing? Do we need more apartments for the families of the prison inmates to move here? The area growing and adding apartments isn't attracting good families from other areas. People are living here that came from the larger cities. You see it in the newspaper articles about crimes in our area all the time. And our County just seems to be providing more and more places for those people to live.

>

> Debbie Ebersole

From: [Hart, Krista](#)
To: [Gary Hawbaker](#)
Cc: [Planning Email: &County Commissioners](#)
Subject: Re: RZ-21-005 Sharpsburg Pike
Date: Friday, January 7, 2022 12:20:39 PM

Mr Hawbaker,

This email will serve to confirm receipt of your communication.

Thank you,
Krista Hart
County Clerk

On Jan 7, 2022, at 12:07 PM, Gary Hawbaker <g.hawbaker@myactv.net> wrote:

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Any claims of being a County official or employee should be disregarded.

Planning Commission and Commissioners,

This is to voice my opposition to the request to change 10319 Sharpsburg Pike from HI to MXC.

It was my understanding that one of the goals in zoning is to be consistent so that we don't get areas that have a wide use of different type's properties in a short distance. With that said it appeared that the County intended for Sharpsburg Pike between I-70 and Poffenberger Road is to be developed with non-residential properties.

I would urge all members of the Commission to drive from I-70 to Poffenberger Road and look what properties are there. Fast food, gas stations, grocery store, restaurants and of course the whole Walmart complex.

The county even extended Henry K. Douglas Drive so those type of properties could be developed. This road did open up our quiet Cross Creek Development

although my understanding is once the railroad approves crossing their tracks the county will extend the road so more residential properties can be built.

Cross Creek is a single home development and has been there for over 25 years with low crime and very little intrusion from non-residents. To change the intent of HI to MXC which would add apartments and townhomes doesn't seem logical. This would potentially have a negative effect on Cross Creek residents.

I'm also aware the schools that this complex would send children to are overcrowded and that is proven by looking at the buses that travel past my house every day that are completely full.

Once again I would ask you to take that small drive on Sharpsburg Pike and tell me that a housing complex in the middle of all the other non-residential housing makes sense. Thank You.

Gary Hawbaker
10531 Bushwillow Drive
Hagerstown, MD 21740

From: [DEBRA EBERSOLE](#)
To: [Planning Email](#)
Subject: RZ 21-005
Date: Monday, February 7, 2022 3:19:47 PM

WARNING!! This message originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.
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>

> I am the homeowner and resident of 10527 Bushwillow way.

> I received notice of another meeting to discuss adding the apartments Sharpening Pike between our development and the Aldi and Dunkin Donuts that have been added within the last few years.

> There has already been so much added to this area within the last 5 years, not even including the Walmart that was added. Traffic is horrible already in this area of the Sharpsburg Pike. The Aldi and Sheetz stores have already increased traffic tremendously. It has become very dangerous to travel this area, and there are already additional homes being constructed off of Poffenberger Road, along with the villas by Walmart. The proposal of adding these apartments would add possibly an additional 200+ cars traveling daily in an already over-congested area.

> I have watched my nice area turn into a mess over the years. This time my understanding is that the developer is trying to get around the school overcrowding issue by stating the apartments are adult only, with no way to verify that. Their solution is nothing more than empty words meant to get their desired result. Please deny this request!

>

> Debbie Ebersole

>

>

>> On Aug 30, 2021, at 11:50 AM, Planning Email <askplanning@washco-md.net> wrote:

>> Your comments have been received and will be made part of the official record. Thank you.

>>

>>

>>

>> Debra S. Eckard

>> Administrative Assistant

>> Washington County Dept. of Planning & Zoning

>> 100 W. Washington Street, Suite 2600

>> Hagerstown, MD 21740

>> 240-313-2430

>>

>> **In accordance with direction provided by the Governor's Office related to current COVID-19 events, I am working remotely indefinitely. Email correspondence is encouraged as phone messages may not be returned until our offices are reopened. I apologize for any inconvenience and assure you our Department is working diligently to continue the highest level of service possible during this pandemic event. Thank you**

>>

>> -----Original Message-----

>> From: DEBRA EBERSOLE <djwinst23@aol.com>

>> Sent: Thursday, August 26, 2021 8:32 AM

>> To: Planning Email <askplanning@washco-md.net>

>> Subject: RZ 21-005

>>

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>> I am 100% opposed to this !!!

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>> I have watched my nice area turn into a mess over the years. These builders are trying to use every square foot of property to make as much money as possible, without any concern for the area. You should spend some time observing the traffic in the area, and coming off of interstate 70, and then imagine adding 105 more apartments and their residents and cars to it.

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>> How many of these apartments proposed will end up being subsidized housing? Do we need more apartments for the families of the prison inmates to move here? The area growing and adding apartments isn't attracting good families from other areas. People are living here that came from the larger cities. You see it in the newspaper articles about crimes in our area all the time. And our County just seems to be providing more and more places for those people to live.

>>

>> Debbie Ebersole

>

From: [Dennis Weaver](#)
To: [Planning Email](#)
Cc: [&County Commissioners](#)
Subject: RZ-21-005 - Rezoning of 9+ acres off Sharpsburg Pike
Date: Tuesday, January 4, 2022 11:07:31 AM

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Any claims of being a County official or employee should be disregarded.

Planning Commission:

I am writing to oppose rezoning request RZ-21-005, regarding property between the existing Cross Creek development and the Sharpsburg Pike.

I own and reside at 18404 Bull Run Drive, where my back yard abuts the property proposed for rezoning from HI to MXC, with a proposal for 105 apartments and a few townhomes. Even before the recent commercial development along Sharpsburg Pike (Walmart, Sheetz, Aldi) traffic in the area was horrendous. The addition of the traffic lights at Poffenberger Road and Col Douglas Drive have helped but the close proximity to the I-70 interchange exacerbates the problem. Additionally, the proposal calls for commercial development on the first floor of one of the two apartment buildings, adding that commercial traffic to the residential traffic increase.

The recent redesign of the I-70/Sharpsburg Pike interchange was poorly planned. One often sits through three traffic-light sequences when coming off I-70 East onto Sharpsburg Pike South. And it is extremely difficult to make a left-hand turn from Rench Road onto Sharpsburg Pike, particularly around the beginning and end of the work-day. Sharpsburg Pike is a main thoroughfare for workers from south county and from West Virginia headed to and from the Hagerstown area and the I-70 corridor. Adding this proposed dense residential development, bringing more than 200 additional resident vehicles to this section of the Sharpsburg Pike should not occur. Commercial development would bring more traffic as well, but it would presumably be spread over the course of the day rather than concentrated

In addition, as others have pointed out, schools serving this area are over capacity now, and the proposed development will make that problem worse. In addition to overcrowding in these schools, traffic into and out of South Hagerstown High, E. Russell Hicks and Emma K. Doub in the morning and afternoon is abysmal, with an extra lane needed in each direction on Sharpsburg Pike along that entire stretch. This proposed development would add to that problem as well.

I much prefer commercial development on the tract proposed for rezoning as would be allowed under the HI zoning. Give us office buildings, retail, etc, rather than multi-family residential that will definitely reduce our quality of life and our property values - particularly those of us whose properties border this tract.

I suspect that the developer is requesting this change because they are disappointed with the speed at which commercial development has occurred on their property after Walmart was built, but their desire to speed profits should not cost their neighbors.

Thank you for the opportunity to comment on this proposal. I respectfully request that you find the developer's request ill-advised and deny it. At the very least, the remainder of this property should be limited to residential only or commercial only, not a combination that doubles the impact.

Respectfully,
Dennis Weaver
18404 Bull Run Drive
Hagerstown, MD 21740

From: [Shayla Jackson](#)
To: [Planning Email](#)
Subject: RZ-21-005
Date: Tuesday, January 4, 2022 7:15:50 PM

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Any claims of being a County official or employee should be disregarded.

I am writing to express my strong opposition to RZ-21-005, the proposed rezoning for Sharpsburg Pike Holdings, LLC. As a resident of the Cross Creek neighborhood, I am completely opposed to the addition of multi-family housing that will cause traffic and safety problems, create even more problems with schools that are already over-capacity, destroy local wildlife habitat, and potentially lower the property values of the existing community.

Traffic and safety of pedestrians are major areas of concern. Traffic jams in this area already span the distance of Sharpsburg Pike and the Sharpsburg Pike/Col Henry K Douglas Drive intersection during rush hour.

Schools in the area are already reported at capacity, and the council should not approve multi-family dwellings that creates or exacerbates a situation that will cause school concurrency to fail for this proposal and/or other approved plans.

Wildlife has been observed in the area, and any development will destroy their habitat.

Any planned development of the property should consider the continuing impact to local wildlife habitat.

Property values are likely to go down in the area if multi-family apartments or condominiums are built. Multi family dwellings are inconsistent with the neighborhoods developed in the area.

I urge you to disapprove the proposed rezoning, and from recent meetings and discussions with my neighbors, I know my opinions are shared by many who have not managed to attend meeting or write letters and emails.

Best regards,
Shayla Jackson
Cross Creek Resident

From: [John Musselman](#)
To: [Planning Email](#)
Subject: RZ-21-005
Date: Friday, February 4, 2022 9:26:17 AM

WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

To whom it may concern,

Yet another hearing for this zoning change. I understand what the developer is trying to do and that is make money. I seem to remember reading that there was a law on the books . concerning student capacities at high schools. South High is way over crowded as it is. ANYBODY that has a student in that school in the last ten years knows this. There is already a development that is building like crazy and all those kids are going to be attending South. What will another 400- 600 kids do to South High?

Next Issue, small children. Where will they play? will they end up venturing out onto Sharpsburg Pike?? Will they reduce the speed limit on the Pike? If that is the answer what happens at the I 70 interchange? It is already backed up at prime times of the day.

I live in the cross creek development. I do not want this zoning changed. The kids in the Middle and high school system are going to be the ones that pay the price, If not a small child that wonders out onto the Pike at the wrong time.

Sincerely,

John Musselman

From: ANNAMARIE WISE
To: [Planning Email](#)
Subject: RZ-21-005
Date: Tuesday, November 30, 2021 10:29:54 AM

WARNING!! This message originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

As residents of the Cross Creek community, we wish to express our objections to the refining plan before the board today. This proposed development will be detrimental to our quality of life, bringing more traffic, noise/light/air pollution, overload our already maxed-out schools. Please vote "NO" and advise the developer to go elsewhere! Thank you!!

Annamarie Wise
Kevin Wines

Sent from my iPhone

From: [Hart, Krista](#)
To: [Gary Hawbaker](#)
Subject: RE: New Housing Sharpsburg Pike
Date: Monday, November 29, 2021 8:27:11 AM

Mr. Hawbaker,

Thank you for contacting the Washington County Board of County Commissioners Office.

This response will serve to confirm that your communication has been received and recorded regarding the upcoming public hearing for RZ-21-005.

Thank you,
Krista I. Hart
County Clerk

From: Gary Hawbaker <g.hawbaker@myactv.net>
Sent: Sunday, November 28, 2021 9:57 PM
To: &County Commissioners <contactcommissioners@washco-md.net>
Subject: Fwd: New Housing Sharpsburg Pike

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I don't know all the zoning numbers but my family is deeply opposed to the residential development on the east side of Sharpsburg Pike before Poffenberger Road. I live in the Cross Creek Development and for the last few years you have overwhelmed our area with retail development. Although it has caused many problems it's nothing like what a housing development would cause for our area.

I ask you to look at the area it is planned for and tell me where you see housing in that area off Sharpsburg Pike. You have truly made this a retail and commercial area and although I don't like it, it is better than putting what will end up being low income housing in that space. Our development has recently been subject to break-ins and this would only make it worse. Make it a fast food place but not housing. Thank you!

Gary Hawbaker
10531 Bushwillow Way
Hagerstown, MD

From: [DEBRA EBERSOLE](#)
To: [Planning Email](#)
Subject: Re: RZ 21-005
Date: Sunday, November 28, 2021 10:01:22 PM

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I am the homeowner and resident of 10527 Bushwillow way.

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I am 100% opposed to this!

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I have watched my nice area turn into a mess over the years. These builders are trying to use every square foot of property to make as much money as possible, without any concern for the area, or the citizens who live there.

Debbie Ebersole

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> Your comments have been received and will be made part of the official record. Thank you.

>

>

>

> Debra S. Eckard

> Administrative Assistant

> Washington County Dept. of Planning & Zoning

> 100 W. Washington Street, Suite 2600

> Hagerstown, MD 21740

> 240-313-2430

>

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> From: DEBRA EBERSOLE <djwinst23@aol.com>

> Sent: Thursday, August 26, 2021 8:32 AM

> To: Planning Email <askplanning@washco-md.net>

> Subject: RZ 21-005

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> I have watched my nice area turn into a mess over the years. These builders are trying to use every square foot of property to make as much money as possible, without any concern for the area. You should spend some time observing the traffic in the area, and coming off of interstate 70, and then imagine adding 105 more apartments and their residents and cars to it.

>

> How many of these apartments proposed will end up being subsidized housing? Do we need more apartments for the families of the prison inmates to move here? The area growing and adding apartments isn't attracting good families from other areas. People are living here that came from the larger cities. You see it in the newspaper articles about crimes in our area all the time. And our County just seems to be providing more and more places for those people to live.

>

> Debbie Ebersole

From: [Shayla Jackson](#)
To: [Planning Email](#)
Subject: RZ-21-005
Date: Sunday, November 28, 2021 3:25:00 PM

WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

I am writing to express my strong opposition to RZ-21-005, the proposed rezoning for Sharpsburg Pike Holdings, LLC. As a resident of the Cross Creek neighborhood, I am completely opposed to the addition of multi-family housing that will cause traffic and safety problems, create even more problems with schools that are already over-capacity, destroy local wildlife habitat, and potentially lower the property values of the existing community.

Traffic and safety of pedestrians are major areas of concern. Traffic jams in this area already span the distance of Sharpsburg Pike and the Sharpsburg Pike/Col Henry K Douglas Drive intersection during rush hour.

Schools in the area are already reported at capacity, and the council should not approve multi-family dwellings that creates or exacerbates a situation that will cause school concurrency to fail for this proposal and/or other approved plans.

Wildlife has been observed in the area, and any development will destroy their habitat.

Any planned development of the property should consider the continuing impact to local wildlife habitat.

Property values are likely to go down in the area if multi-family apartments or condominiums are built. Multi family dwellings are inconsistent with the neighborhoods developed in the area.

I urge you to disapprove the proposed rezoning, and from recent meetings and discussions with my neighbors, I know my opinions are shared by many who have not managed to attend meeting or write letters and emails.

Best regards,
Shayla Jackson
Cross Creek Resident

From: ANNAMARIE WISE
To: [Planning Email](#)
Subject: RZ-21-005
Date: Tuesday, November 30, 2021 10:29:54 AM

WARNING!! This message originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

As residents of the Cross Creek community, we wish to express our objections to the refining plan before the board today. This proposed development will be detrimental to our quality of life, bringing more traffic, noise/light/air pollution, overload our already maxed-out schools. Please vote "NO" and advise the developer to go elsewhere! Thank you!!

Annamarie Wise
Kevin Wines

Sent from my iPhone

From: [John Musselman](#)
To: [Planning Email](#)
Subject: RE: RZ-21-005
Date: Sunday, May 1, 2022 10:39:35 AM

WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

Hello All,

I have received yet another notice about this development. I believe the concerns have been identified and answered by the county and surrounding neighbors.

I strongly oppose this development and am concerned about the strain on the roads, utilities, and schools. I am also concerned about the safety of my community and declining property values as well.

It appears as though the developer is going to keep petitioning this decision until it finally goes through. I am asking the planning commission to review the previous decision and unless major changes are made this is a waste of time and taxpayer dollars.

One last concern i have is the amount of traffic that will be directed onto sharpsburg pike. It looks like the bridge replacement project on I70 was done to keep cost down instead of planning on future use/development. This is already a crowded junction and new residential development will make that much worse in my opinion.

Sincerely,

John Musselman
10518 Bushwillow Way
Hagerstown MD 21740

From: [Gary Hawbaker](#)
To: [Planning Email](#)
Cc: [contactcommissioners](#)
Subject: Fwd: RZ-21-005 Sharpsburg Pike
Date: Saturday, April 30, 2022 6:40:29 PM

WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

I know i've opposed this before but want to make sure this opposition is till valid.

Planning Commission and Commissioners,

This is to voice my opposition to the request to change 10319 Sharpsburg Pike from HI to MXC.

It was my understanding that one of the goals in zoning is to be consistent so that we don't get areas that have a wide use of different type's properties in a short distance. With that said it appeared that the County intended for Sharpsburg Pike between I-70 and Poffenberger Road is to be developed with non-residential properties.

I would urge all members of the Commission to drive from I-70 to Poffenberger Road and look what properties are there. Fast food, gas stations, grocery store, restaurants and of course the whole Walmart complex.

The county even extended Henry K. Douglas Drive so those type of properties could be developed. This road did open up our quiet Cross Creek Development although my understanding is once the railroad approves crossing their tracks the county will extend the road so more residential properties can be built.

Cross Creek is a single home development and has been there for over 25 years with low crime and very little intrusion from non-residents. To change the intent of HI to MXC which would add apartments and townhomes doesn't seem logical. This would potentially have a negative effect on Cross Creek residents.

I'm also aware the schools that this complex would send children to are overcrowded and that is proven by looking at

the buses that travel past my house every day that are completely full.

Once again I would ask you to take that small drive on Sharpsburg Pike and tell me that a housing complex in the middle of all the other non-residential housing makes sense. Thank You.

Gary Hawbaker
10531 Bushwillow Drive
Hagerstown, MD 21740



Agenda Report Form

Open Session Item

SUBJECT: Expenditure of accrued payment-in-lieu (PIL) of funds in accordance with the Forest Conservation Act

PRESENTATION DATE: May 10, 2022

PRESENTATION BY: Travis Allen, Comprehensive Planner, Planning and Zoning; Elmer Weibley, District Manager, Washington County Soil Conservation District

RECOMMENDED MOTION: Motion to approve the expenditure of PIL funds for acquisition and implementation of an easement related to forest conservation for Bryan Forsythe

REPORT-IN-BRIEF: The County has an executed Memorandum of Understanding with the Washington County Soil Conservation District (WCSCD) to assist us in the expenditure of accrued PIL funds in accordance with the Maryland Forest Conservation Act and the Washington County Forest Conservation Ordinance (FCO). The responsibility of the WCSCD is to seek out property owners who are willing to voluntarily encumber their property with a permanent easement for the purpose of retaining or planting forested areas. WCSCD also oversees all aspects of easement implementation including survey work, site prep, installation and maintenance of the easements.

WCSCD has received interest from Mr. Forsythe as a potential area for easement acquisition. The site scores well on their ranking system, particularly for their proximity to high priority waterways such as Conococheague Creek and is therefore recommended for acquisition.

DISCUSSION: The Maryland Forest Conservation Act requires counties across the State to implement standards to help protect forest resources threatened by growth and land development. The Washington County Forest Conservation Ordinance implements these regulations primarily through our development review processes. New development that meets the threshold of a regulated activity under the FCO is required to provide mitigation for impacts on forest resources.

The FCO outlines several mitigation options that developers may use to mitigate for forest impacts. The highest priority among these options is always the retention of existing forest or planting new forest on the site where the regulated activity is taking place. When onsite mitigation is not possible, one method of off-site mitigation is for the developer to simply pay a fee to meet forest conservation requirements. These funds are deposited into a dedicated account and accrued until such time as sufficient funds are available to establish easements elsewhere in the County.

FISCAL IMPACT: N/A. All work completed under this task will be paid for with funds committed by various developers as mitigation fees.

CONCURRENCES: Washington County Planning Commission

ALTERNATIVES: If the County does not expend the PIL funds in accordance with the Maryland Forest Conservation Act then all funds collected must be returned to the various developers who must then expend the funds by finding mitigation options themselves.

ATTACHMENTS: FCA Candidate packet from WCSCD

AUDIO/VISUAL NEEDS: N/A



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

MEMORANDUM

TO: Washington County Planning Commission
FROM: Travis Allen, Comprehensive Planner
DATE: May 2, 2022
RE: Easement Candidate for Expenditure of Payment In Lieu (PIL) Funds

Attached you will find supporting documentation from the Washington County Soil Conservation District (SCD) and Maryland Forest Service (MFS) about a candidate for the expenditure of PIL funds. PIL funds are collected in a dedicated account managed by the County from development projects that cannot meet their forest mitigation requirements through other options outlined in Article 10.1 of the County's Forest Conservation Ordinance. The SCD works to expend these accrued funds by engaging willing landowners to create permanent forest easements on their property.

Enclosed for your review of the easement candidate is an informational packet compiled by the SCD. It includes a map and description of the area proposed for retention, project ranking criteria, and a cost breakdown of the project to be deducted from available funds.

If you have questions or comments regarding this request, please contact me using the information provided below.

Travis Allen
Comprehensive Planner
(240) 313-2432
tallen@washco-md.net



WASHINGTON COUNTY SOIL CONSERVATION DISTRICT

1260 Maryland Avenue, Suite 101 • Hagerstown, MD 21740
(301)797-6821, Ext. 3

facebook.com/wcscd
www.conservationplace.com

TO: Jill Baker, Director
Travis Allen, Comprehensive Planner
Department of Planning and Zoning

FROM: Elmer D. Weibley, CPESC, District Manager
Dee Price, CESSWI, CSI, Assistant Manager

DATE: April 11, 2022

SUBJECT: FCA Candidate

We have attached information regarding a landowner, who has expressed interest in moving forward with creating a Forest Conservation Easement on his property. The parcel was evaluated and scored using the adopted ranking criteria for existing forested sites.

We have provided the information below for the site, as well as, a summary spreadsheet with our cost-estimates and ranking scores:

1. Map of subject property
2. Descriptive paragraph/planting plan for each property prepared by the DNR County Forester, Aaron Cook
3. Project Ranking Sheet

We look forward to presenting this candidate for consideration at the May Planning Commission Meeting and will be happy to answer any questions and provide any further information prior to and/or at that time.

Please contact our office at 301-797-6821, Ext. 3 if you have any questions.

District Board of Supervisors

Harry E. Strite
Chair

J.D. Rinehart
Vice Chair

J. Scott Shank, III
Treasurer

Janet Stiles Fulton
Supervisor

Edward C. Wurmb, D.V.M.
Supervisor

Boyd Michael
Associate

J. Tyler Harp
Associate

Kirk E. Winders
Associate

Proposed Forest Conservation Easement

Client(s): BRIAN FORSYTHE

Location: Independence Road Clear Spring, MD 21722

MPV: 22-23-000520

Washington County, Maryland

Total Acres: 28.7

Total Approximate Acres in Easement: 27.2
Total Approximate Acres in Existing Forest: 27.2





Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary

Landowner: Forsythe, Independence Road Tract

Prepared by: Aaron Cook, Forester

The potential easement area encompasses an undetermined acreage of existing forest areas on the property, primarily along the floodplain and adjacent slopes overlooking the southern edge of Conococheague Creek. This parcel (map 36, parcel 143, 28.70 acres in size) occupies rolling to steep topography along nearly 1,382 linear feet of Conococheague Creek and several tributaries. A mixed oak-hickory forest comprises most of the property, transitioning into a unique eastern hemlock dominated stand along a bluff adjacent to Conococheague Creek. The hemlock appear to be in good health despite past stress from hemlock woolly adelgid, an introduced insect pest which has caused widespread hemlock mortality. The soils on the site are derived from shale, and as a result are thin and well drained. The understory vegetation is a uniform layer of mostly native shrubs and younger hemlock, hickory, and ironwood trees. Some non-native woody tree and vine species such as Ailanthus and oriental bittersweet are lightly scattered along the western boundary. The overstory trees vary from large sawtimber size class to poletimber, with optimal stocking and growing conditions.



Maryland Forest Service

14038 Blairs Valley Road • Clear Spring, MD 21722

301-791-4733 • www.dnr.maryland.gov • TTY users call via Maryland Relay

**WASHINGTON COUNTY FOREST CONSERVATION ORDINANCE
PAYMENT IN LIEU PROGRAM
EXISTING FOREST PROJECT RANKING CRITERIA**

PROJECT NAME

Brian Forsythe - Independence Road

**TO BE CONSIDERED FOR PROGRAM INCLUSION, THE EXISTING FOREST MUST MEET THE DEFINITION OF "FOREST" CONTAINED IN THE
WASHINGTON COUNTY FOREST CONSERVATION ORDINANCE**

Ranking Factor	Description	Maximum Total Points	Score	Notes
1	Adjacent to perennial or intermittent stream Perennial stream (10 pts.), Intermittent (5 pts.), No stream (0 pts.)	10	10	Conococheague Creek.
2	Connects forest "Islands" creating forested corridors Forested corridor is at least 300' wide (10 pts.), 200' wide (5 pts.), does not create corridor (0 pts.)	10	10	
3	Adjacent to critical habitat Adjacent to Class III Trout Waters with natural populations of trout (10 pts.), within Class III watershed (5 pts.), wetlands (3 pts.), No critical habitats (0 pts.)	10	0	
4	Contiguous forest cover Easement will increase forest to 100 acre block (5pts.), 50 acres(3 pts.), will not adjoin existing forest (0 pts.)	5	0	
5	100 year floodplain Easement will cover 100% of 100 year unforested floodplain (5 pts.), 50% (3 pts.), 0% (0 pts.)	5	5	Encompasses entire reach of 100 year floodplain extending into the forested area.
6	Site access Easily accessible , maintenance and long term monitoring, (10 pts)	10	10	
7	Site conditions, including control of non-native/invasive plant species Adequately stocked forest of predominately native tree and shrub species of good health and vigor(10 pts.,) over or under stocked forest with no greater than 20% non-native/invasive species and landowner has demonstrated commitment to control (5 pts.), requires extensive invasive control (0 pts.)	10	10	
8	Total existing forest area > 5 acres (10 pts.), 2-5 acres (5 pts.), < 2 acres (1 pt.)	10	10	27.2 Acres
	Watershed location Located in Antietam or Conococheague watershed (10 pts.)	10	10	Conococheague Watershed.
9	Sensitive species Identified Sensitive species area Identified for site and no adverse effects from project (5pts.), no sensitive species area Identified for site, (0pts.)	5	5	*Localized stand of Eastern Hemlock present on site.
TOTAL POINTS POSSIBLE		85	70	

*DNR Biodiversity Conservation Network - Teir 5 - Significant

CR Semler and Forsythe FCA Cost-Estimates					
		CR SEMLER (Previously approved and in process)	FORSYTH		TOTALS
EXISTING FOREST, ACRES PROTECTED		3.68	27		30.68
PLANTING ACRES 300'		15.74			15.74
PLANTING ACRES +300'		0			0
PLANTING COST ESTIMATE		\$65,000			\$65,000
PAYMENT TO LANDOWNER		\$37,000	\$40,500		\$77,500
PAYMENT TO SCD		\$17,478	\$24,300		\$41,778
SURVEY/PLAT COSTS		\$3,000	\$4,000		\$7,000
TITLE SEARCH COST		\$400	\$200		\$600
LEGAL FEES		\$3,000	\$1,500		\$4,500
TOTAL		\$125,878	\$70,500		\$196,378
FOREST CONSERVATION FUND BALANCE				4/4/2022	\$270,257
BALANCE FOR ADDITIONAL PROJECTS/MAINTENANCE					\$73,879
		Estimates as of 4/4/22			



Agenda Report Form

Open Session Item

SUBJECT: Stoner River Farm, LLC Conservation Reserve Enhancement Program (CREP) Easement proposal

PRESENTATION DATE: May 10, 2022

PRESENTATION BY: Chris Boggs, Rural Preservation Administrator, Dept. of Planning & Zoning

RECOMMENDED MOTION: Move to approve the Stoner River Farm, LLC CREP easement project, paid for 100% by the State, in the amount of \$65,755.80 for 17.82 easement acres, to adopt an ordinance approving the purchase of the easement, and to authorize the execution of the necessary documentation to finalize the easement purchase.

REPORT-IN-BRIEF: The Stoner River Farm, LLC property is located at 7604 Dam 4 Road, Sharpsburg, and will protect 16.2 acres of woodland and 1.62 acres of stream buffer. This easement will serve to buffer roughly 770 linear feet of an unnamed tributary of the Potomac River and 1,350 linear feet of the C&O Canal.

Washington County has been funded to purchase CREP easements on over 1,700 acres of land since 2010. The Stoner River Farm, LLC easement will serve to both protect Maryland waterways, as well as preserve the agricultural, historic, cultural and natural characteristics of the land.

DISCUSSION: For FY 2022, the State of Maryland is awarding CREP grants to eligible properties on a project by project basis. Following County approval, the application will be submitted for State funding approval.

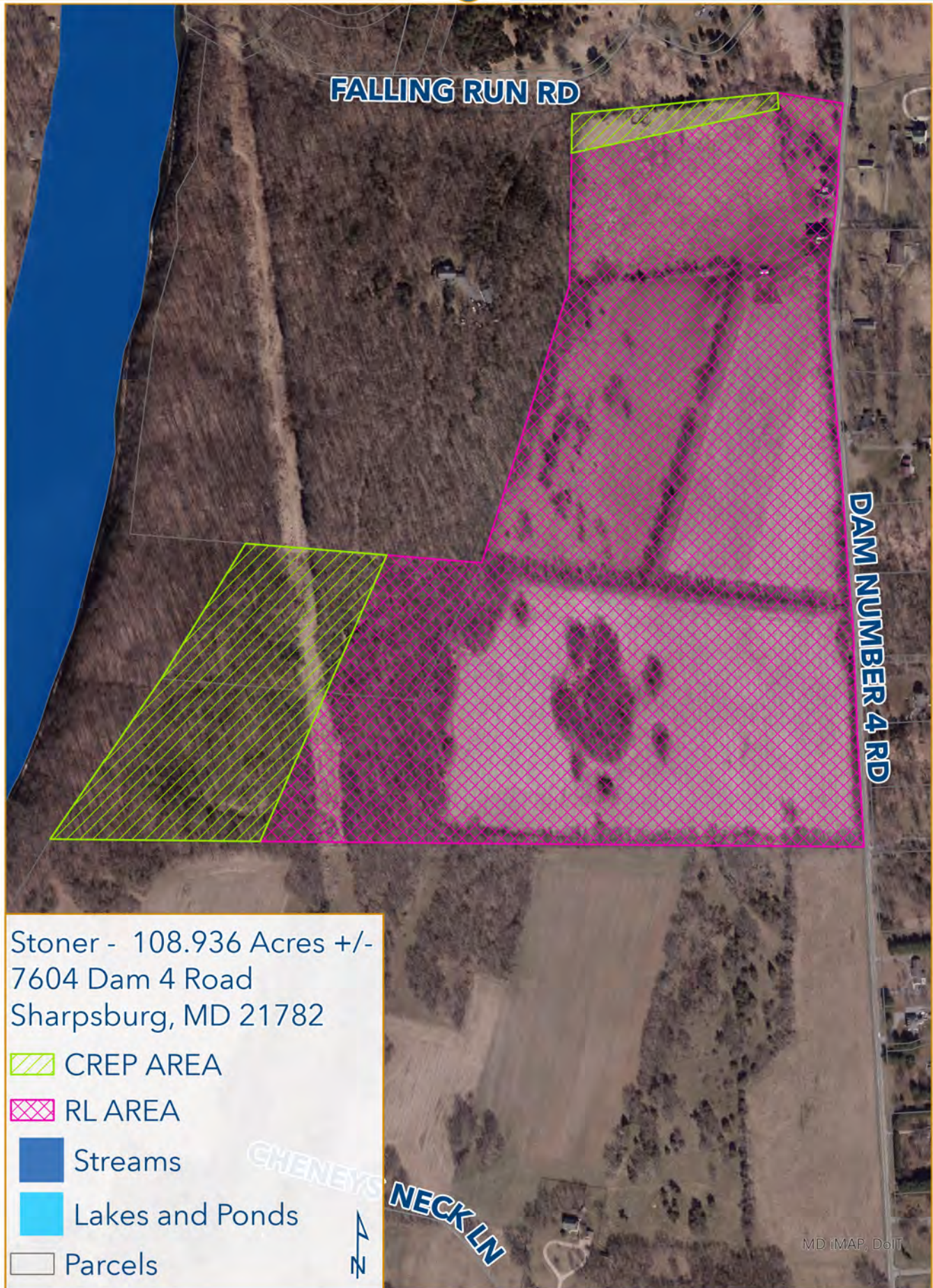
FISCAL IMPACT: CREP funds are 100% State dollars. In addition to the easement funds, the County receives up to 3% of the easement value for administrative costs, a mandatory 1.5% for compliance costs and funds to cover all legal costs and surveys.

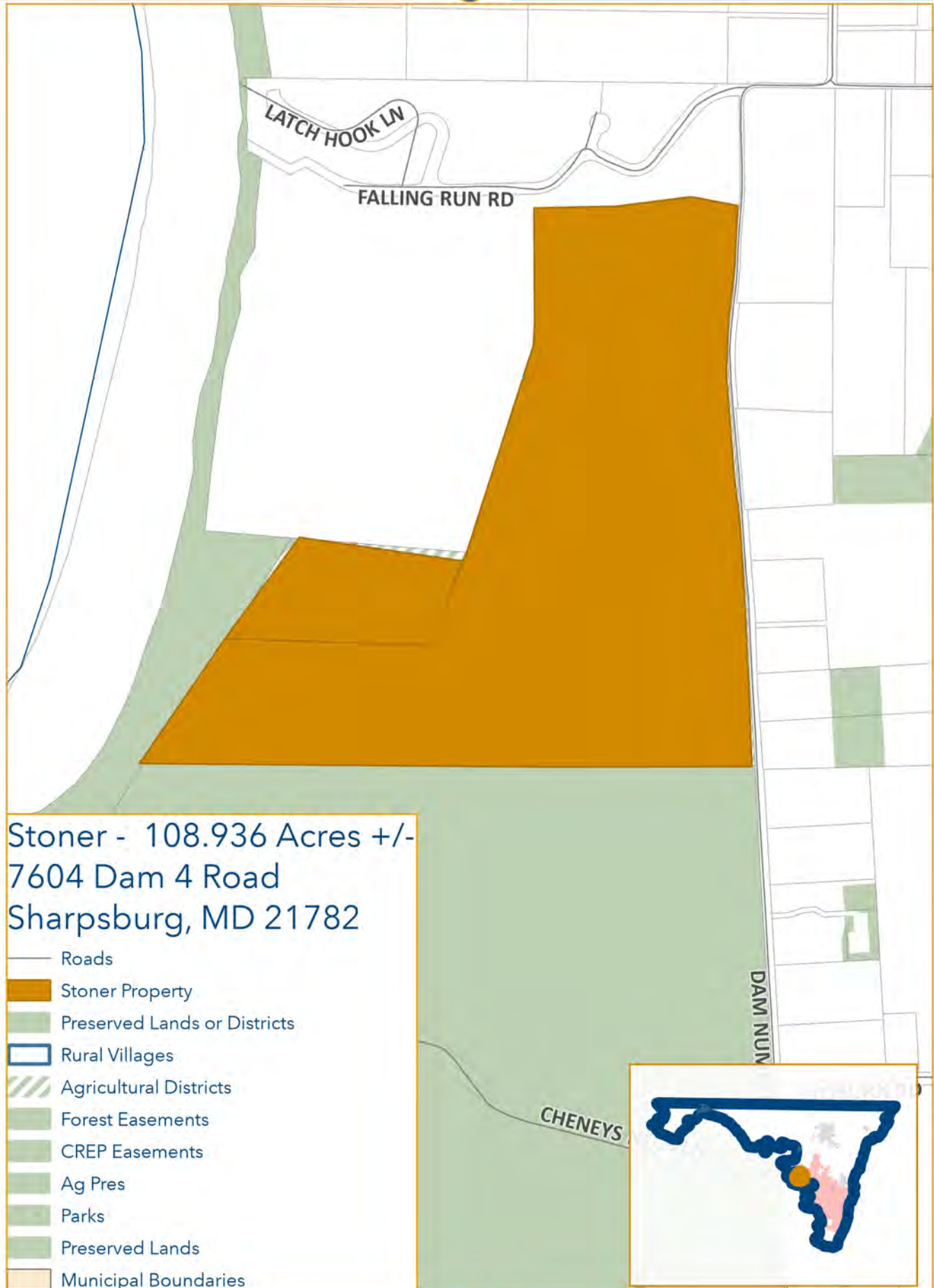
CONCURRENCES: DNR staff approves and supports our program. A final money allocation will be approved by the State Board of Public Works.

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

ATTACHMENTS: Aerial Map, Location Map, Detail Map, Ordinance

AUDIO/VISUAL NEEDS: Aerial Map





ORDINANCE NO. ORD-2022-

**AN ORDINANCE TO APPROVE THE PURCHASE OF A CONSERVATION
EASEMENT UNDER THE MARYLAND CONSERVATION RESERVE
ENHANCEMENT PROGRAM (CREP)**

(Re: Stoner River Farm, LLC CREP Easement)

RECITALS

1. The Maryland Conservation Reserve Enhancement Program (“CREP”) is a federal-State natural resources conservation program that addresses state and nationally significant agricultural-related environmental concerns.
2. CREP provides financial incentives to program participants for voluntarily removal of cropland and marginal pastureland from agricultural production to improve, protect, and enhance water quality in the Chesapeake Bay watershed and replacement with best management practices including establishment of riparian buffers, grass plantings, forbs, shrubs and trees, stabilization of highly erodible soils, habitat restoration for plant and animal species, and restoration of wetlands.
3. Protection is provided through the acquisition of easements and fee estates from willing landowners currently holding a fifteen (15) year CREP contract and the supporting activities of CREP Sponsors and local governments.
4. For FY2022, the State of Maryland (the “State”) is awarding CREP grants to eligible counties (“CREP funds”).
5. Stoner River Farm, LLC (the “Property Owner”), is the fee simple owner of real property consisting of 17.82 acres, more or less (the “Property”) in Washington County, Maryland. The Property is more particularly described on Exhibit A attached hereto.
6. The County has agreed to pay the approximate sum of SIXTY-FIVE THOUSAND SEVEN HUNDRED FIFTY-FIVE DOLLARS AND EIGHTY CENTS (\$65,755.80), which is a portion of the CREP Funds, to the Property Owner in exchange for a Deed of Conservation Easement on the Property (the “Stoner River Farm, LLC CREP Easement”).

THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Washington County, Maryland, that the purchase of the Stoner River Farm, LLC CREP Easement is approved and that the President of the Board and the County Clerk be and are hereby authorized and directed to execute and attest, respectively, all such documents for and on behalf of the County relating to the purchase of the Stoner River Farm, LLC CREP Easement.

ADOPTED this ____ day of May, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Kirk C. Downey, County Attorney

BY: _____
Jeffrey A. Cline, President

Approved as to legal sufficiency:

Kendall A. Desaulniers
Deputy County Attorney

Mail to:
Office of the County Attorney
100 W. Washington Street, Suite 1101
Hagerstown, MD 21740

EXHIBIT A--DESCRIPTION OF EASEMENT AREA

ALL those tracts, lots, or parcels of land, and all the rights, ways, privileges, and appurtenances thereunto belonging or in anywise appertaining, situate in Election District No. 20, Washington County, Maryland, and being shown and designated as follows:

CREP EASEMENT AREAS

TOTAL CREP CONTRACT EASEMENT AREA 1.62 ACRES +/-

TOTAL CREP MATCH EASEMENT AREA 16.20 ACRES +/-

on the Plat entitled "CREP EASEMENT and RURAL LEGACY PLAT for the lands of STONER RIVER FARM, LLC" recorded at Plat Folio 931 among the Miscellaneous Plat Records of Washington County, Maryland.

BEING part of the property which was conveyed from James R. Stoner, Jr., Richard O. Stoner, John D. Stoner, Elizabeth A. Kariel, and Mary C. Stoner, Grantors, to Stoner River Farm, LLC, a Maryland limited liability company, by Deed dated May 7, 2015, and recorded in Liber 4965, folio 144 among the Land Records of Washington County, Maryland.

TOGETHER WITH A RIGHT OF WAY OR EASEMENT over the Grantors' lands identified as "Rural Legacy Area" for ingress/egress to the CREP Match Easement Area for access to the CREP Match Easement area, and to/from Dam 4 Road.



Agenda Report Form

Open Session Item

SUBJECT: Stoner River Farm, LLC Rural Legacy Program (RLP) Easement

PRESENTATION DATE: May 10, 2022

PRESENTATION BY: Chris Boggs, Rural Preservation Administrator, Dept. of Planning & Zoning

RECOMMENDED MOTION: Move to approve the Stoner River Farm, LLC RLP Easement project, in the amount of \$305,626.00 for 90.89 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 Stoner River Farm, LLC property is located at 7604 Dam 4 Rd., Sharpsburg, and the easement will serve to permanently preserve a valuable scenic, environmental and historic property in the County. The parcel is mostly cropland, with some woodland. It lies in a part of Washington County that was heavily trafficked during the Civil War and the Battle of Antietam. The house, bank barn, springhouse and shop are on the Maryland Inventory of Historic Places and the easement will aid in buffering 770 linear feet of an unnamed tributary to the Potomac River and 1,350 linear feet of the C&O Canal.

The property is contiguous to thousands of acres of preserved land near Antietam Battlefield. Twelve (12) development rights will be extinguished with this easement.

DISCUSSION: Since 1998, Washington County has been awarded more than \$26 million to purchase Rural Legacy easements on more than 8,100 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 2022, Washington County was awarded RLP grants totaling \$1,554,300. The Stoner River Farm, LLC 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.

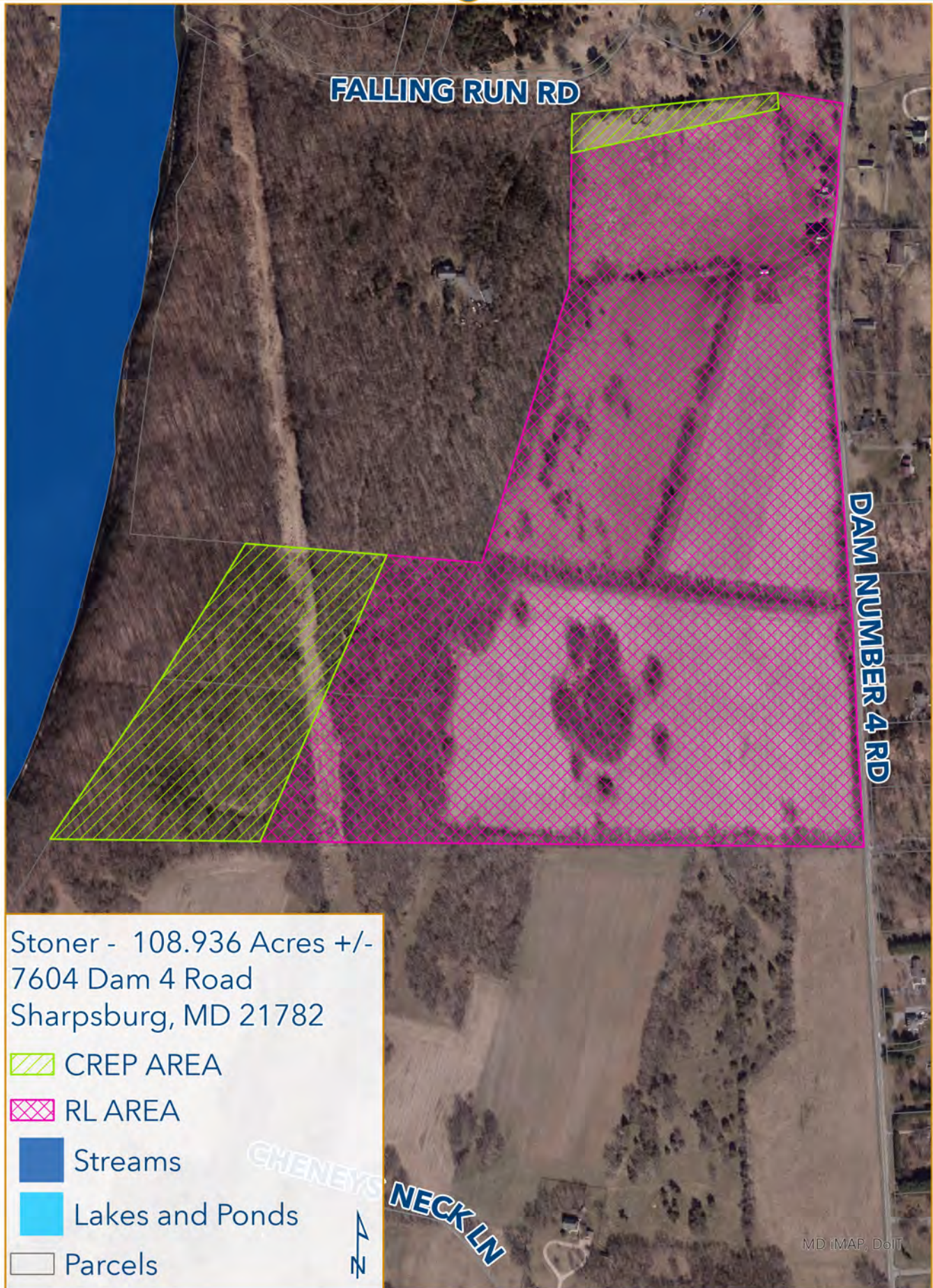
FISCAL IMPACT: RLP funds are 100% State dollars, mainly from DNR Open Space funds. In addition to the easement funds, we receive up to 3% of the easement value for administrative costs, a mandatory 1.5% for compliance/monitoring costs, and funds to cover all of our legal/settlement costs.

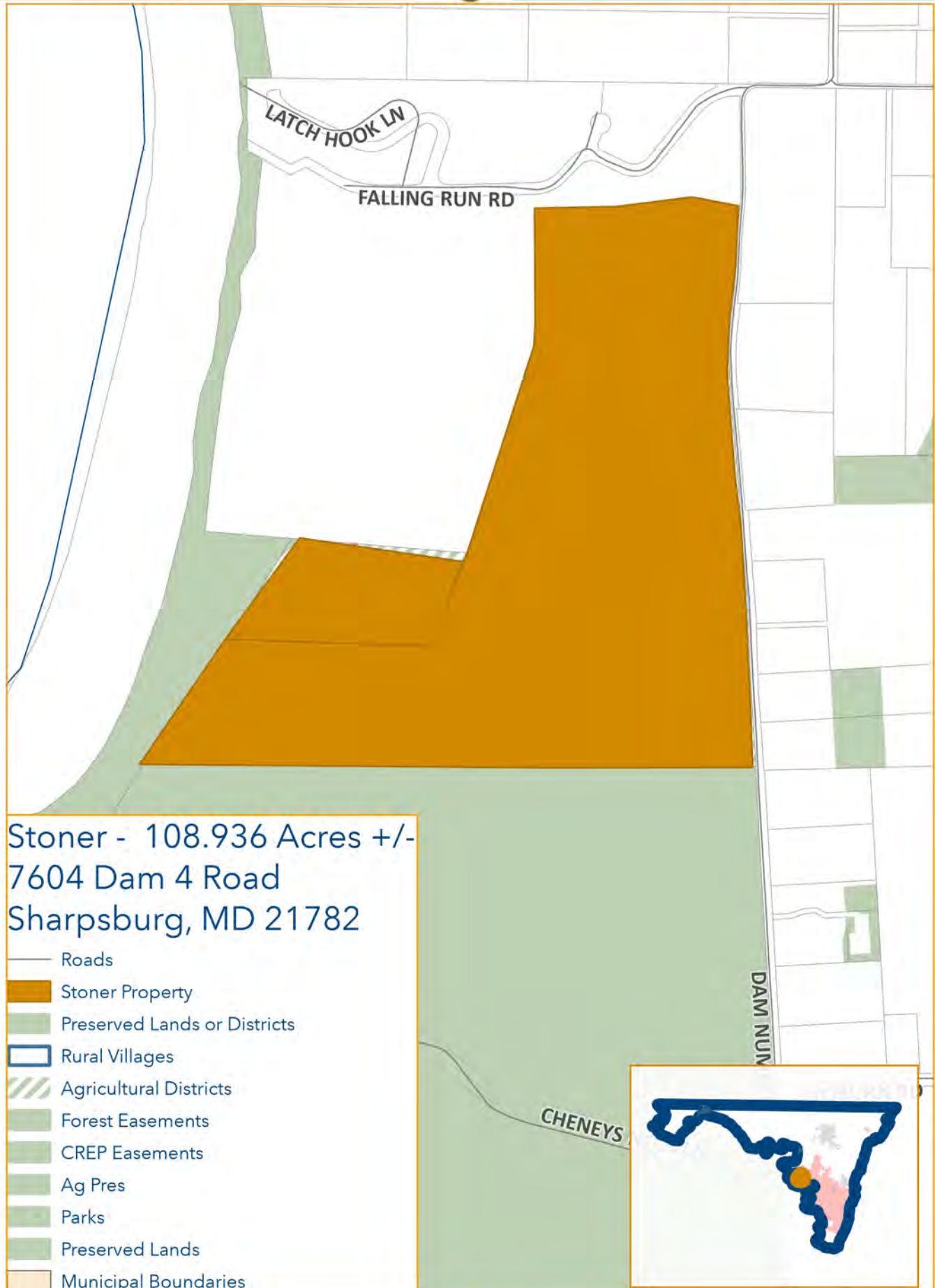
CONCURRENCES: Both the State RLP Board and the State Department of Natural Resources (DNR) staff have approved and support our program. A final money allocation will be approved by the State Board of Public Works.

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





ORDINANCE NO. ORD-2022-__

**AN ORDINANCE TO APPROVE THE PURCHASE OF A CONSERVATION
EASEMENT UNDER THE MARYLAND RURAL LEGACY PROGRAM**

(Re: Stoner River Farm, LLC RLP Conservation Easement)

RECITALS

1. The Maryland Rural Legacy Program ("RLP") provides the funding necessary to protect large, contiguous tracts of land and other strategic areas from sprawl development and to enhance natural resource, agricultural, forestry, and environmental protection through cooperative efforts among State and local governments.

2. Protection is provided through the acquisition of easements and fee estates from willing landowners and the supporting activities of Rural Legacy Sponsors and local governments.

3. For FY 2022, Washington County (the "County") was awarded a RLP grant totaling \$1,554,300.00 (the "RLP Funds").

4. Stoner River Farm, LLC (the "Property Owner"), is the fee simple owner of real property consisting of 90.89 acres, more or less (the "Property"), in Washington County, Maryland. The Property is more particularly described on Exhibit A attached hereto.

5. The County has agreed to pay the sum of approximately THREE HUNDRED FIVE THOUSAND SIX HUNDRED TWENTY-SIX DOLLARS AND NO CENTS (\$305,626.00) which is a portion of the RLP Funds, to the Property Owner for a Deed of Conservation Easement on the Property (the "Stoner River Farm, LLC RLP Conservation Easement").

THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Washington County, Maryland, that the purchase of a conservation easement on the Property be approved and that the President of the Board and the County Attorney be and are hereby authorized and directed to execute and attest, respectively, all such documents for and on behalf of the County relating to the purchase of the Stoner River Farm, LLC RLP Conservation Easement.

ADOPTED this ____ day of May, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Krista L. Hart, County Clerk

BY: _____
Jeffrey A. Cline, President

Approved as to legal sufficiency:

Kendall A. Desaulniers
Deputy County Attorney

Mail to:

Office of the County Attorney
100 W. Washington Street, Suite 1101
Hagerstown, MD 21740

EXHIBIT A - DESCRIPTION OF PROPERTY

ALL those tracts, lots, or parcels of land, and all the rights, ways, privileges, and appurtenances thereunto belonging or in anywise appertaining, situate in Election District No. 20, Washington County, Maryland, and being shown and designated as follows:

RURAL LEGACY PROGRAM AREA REMAINING AFTER CREP EASEMENT AREAS 90.89 +/-

on the Plat entitled "CREP EASEMENT and RURAL LEGACY PLAT FOR THE LANDS OF STONER RIVER FARM, LLC" and recorded at Plat Folio 931 among the Miscellaneous Plat Records of Washington County, Maryland.

BEING part of the property which was conveyed from James R. Stoner, Jr., Richard O. Stoner, John D. Stoner, Elizabeth A. Kariel, and Mary C. Stoner, Grantors, to Stoner River Farm, LLC, a Maryland limited liability company, by Deed dated May 7, 2015, and recorded in Liber 4965, folio 144 among the Land Records of Washington County, Maryland.

TOGETHER WITH A RIGHT OF WAY OR EASEMENT over the Grantors' lands identified as "Rural Legacy Area" for ingress/egress to the CREP Match Easement Area for access to the CREP Match Easement area, and to/from Dam 4 Road.



Agenda Report Form

Open Session Item

SUBJECT: Agricultural Land Easement Opportunity – Maryland Agricultural Land Preservation Program (MALPP) with County Side Agreement

PRESENTATION DATE: May 10, 2022

PRESENTATION BY: Chris Boggs, Rural Preservation Administrator, Dept. of Planning & Zoning

RECOMMENDED MOTION: Move to approve a side agreement and commitment to the Tracy E. Thomas and Brenda L. Thomas easement project from the State Agricultural Transfer Tax fund, so that the MALPP is able to make an easement offer to our #3 ranked applicant from the FY 22 cycle.

REPORT-IN-BRIEF: Washington County has the opportunity to purchase another agricultural preservation easement by combining funding from two existing sources. Funds remaining from Washington County's share of State MALPP funding have resulted in a shortfall of \$140,229.30 in funding an easement on the Thomas' farm. If Washington County approves providing the balance of the easement purchase price from its State Agricultural Transfer Tax fund, an additional 247.66 acres can be placed in a permanent preservation easement. This will require approval to initiate a side agreement contract with the property owner. This side agreement will provide the \$140,229.30 shortfall which will allow a full offer to the Thomas family.

DISCUSSION: The State Agricultural Transfer Tax Ordinance is implemented whenever property with an "agriculture" use assessment converts to any non-agricultural use. The tax dollars, in turn, must be used for agricultural land preservation easements. Since MALPP mandates confidentiality of easement information until after settlement, only the County Commissioners will be provided with the MALPP offer amount relating to this proposed easement.

FISCAL IMPACT: The County contribution will require the \$140,229.30 to be paid immediately after MALPP settles the Thomas easement. This will result in fewer dollars to contribute to next year's 60/40 Match, but will leave no funding on the table to be distributed to other Counties by the State.

CONCURRENCES: The County's Agricultural Land Preservation Advisory Board and Dept. of Budget and Finance have approved of this use of the Transfer Tax dollars.

ALTERNATIVES: If Washington County rejects the allocation of State Ag Transfer Tax dollars to this easement, the funding would serve to purchase a smaller easement, but would also leave several hundred thousand dollars on the table which would revert back to the MALPP general allotment, and be disbursed evenly amongst all 23 Counties in the State next year, resulting in a net loss of funding for Washington County.

ATTACHMENTS: None

AUDIO/VISUAL NEEDS: N/A



Agenda Report Form

Open Session Item

SUBJECT: Building Safety Month (May 2022)

PRESENTATION DATE: May 10, 2022

PRESENTATION BY: Board of County Commissioners to Frank Quillen, Chief Plans Examiner/Deputy Code Official, Permits and Inspections; Rich Eichelberger, Director, Permits and Inspections

REPORT-IN-BRIEF: Proclamation Presentation

WHEREAS, Washington County is committed to recognizing that our growth and strength depends on the safety and essential role our homes, buildings and infrastructure play, both in everyday life and when disasters strike. Our confidence in the resilience of these buildings that make up our community is achieved through the devotion of vigilant guardians – building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers, and others in the construction industry – who work year-round to ensure the safe construction of buildings; and

WHEREAS, these guardians are dedicated members of the International Code Council, a non-profit that brings together local, state, territorial, tribal and federal officials who are experts in the building to create and implement the highest quality codes to protect us in the buildings where we live, learn, work and play. These modern building codes include safeguards to protect the public from hazards such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquakes; and

WHEREAS, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role our communities' largely unknown protectors of public safety- our local code officials – who assure us of safe, sustainable and affordable buildings that are essential to our prosperity; and

WHEREAS, “Safety for All: Building Codes in Action”, the theme for Building Safety Month 2022, encourages us all to raise awareness about planning for safe and sustainable construction, career opportunities in building safety, understanding disaster mitigation, energy conservation, and creating a safe and abundant water supply for all; and

WHEREAS, each year, in observance of Building Safety Month, people all over the world are asked to consider the commitment to improve building safety, resilience and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property; and

NOW THEREFORE, We, the Board of County Commissioners of Washington County, Maryland, do hereby proclaim the month of May 2022 as “Building Safety Month” in Washington County and urge all citizens to join us in recognizing and participating in this special observance.



Agenda Report Form

Open Session Item

SUBJECT: Agriculture – Faces of Farming Presentation

PRESENTATION DATE: Tuesday, May 10, 2022

PRESENTATION BY: Susan Grimes, Director, Department of Business Development and Leslie Hart, Business Development Specialist

RECOMMENDED MOTION: N/A

REPORT-IN-BRIEF: “Faces of Farming” is an agricultural-focused video marketing campaign that will showcase two local Washington County farms every month, for one year. The “Faces of Farming” marketing videos will be showcased on the County’s website, as well as Facebook and other social media platforms, and will target a new industry and highlight a local farmer from that specific agricultural industry.

DISCUSSION: Washington County’s agricultural business represents the backbone of the County’s landscape. With over 900 operating family farms and \$153,725,000 in market value of products sold, agriculture is the largest economic driver in Washington County. The “Faces of Farming” marketing campaign will aim to educate residents in Washington County, along with the surrounding States and Counties, about the economic impact of the Ag industry. Additionally, these videos will be used for agricultural education to numerous streams around Washington County, such as, 4-H and FFA (Future Farmers of America) meetings, Ag Expo and Fair, and they will be available on the Washington County Ag App and website.

FISCAL IMPACT: N/A

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: N/A

AUDIO/VISUAL NEEDS: Yes - Faces of Farming Videos: Creek Bound Farms LLC of Hagerstown and Beckley Farms of Sharpsburg MD



Agenda Report Form

Open Session Item

SUBJECT: FY23 Appalachian Regional Commission (ARC) Preliminary Project Description Review and Ranking

PRESENTATION DATE: May 10, 2022

PRESENTATION BY: Susan Buchanan, Director, Office of Grant Management

RECOMMENDED MOTION: Move to accept the Preliminary Project Descriptions as prioritized by this Board and forward the ranking to Tri-County Council of Western Maryland for funding consideration.

REPORT-IN-BRIEF: As part of the annual ARC funding program, Tri-County Council for Western Maryland, the local administrator of these federal funds, requests the County review and prioritize projects submitted for grant funding consideration. A review committee consisting of the County Administrator, directors from the offices of Planning and Zoning, Business Development, Grant Management, and Engineering has reviewed the projects and assigned a preliminary ranking. The Board of County Commissioners has the final authority to review and rank the proposals at its sole discretion prior to submission to Tri-County Council.

DISCUSSION: ARC's Preliminary Project Description (PPD) forms were distributed in February to municipalities, educational agencies, healthcare providers and non-profit agencies inviting them to submit requests for funding through ARC. ARC Area Development Grants require a 50/50 funding match. In FY23, ARC's funding for Allegany, Garrett and Washington counties is expected to be approximately \$2,000,000 and funding is typically evenly distributed to the three counties.

Funding requests for Washington County's Area Development Projects include twelve (12) proposed projects requesting \$5,179,325.

FISCAL IMPACT: Projects submitted in FY23 are from outside organizations/municipalities so there will be no fiscal impact for the County.

CONCURRENCES: County Administrator, Director of Planning/Zoning, Director of Business Development, Director of Engineering

ALTERNATIVES: Amend ranking and forward revised ranking to Tri-County Council

ATTACHMENTS: Ranking Spreadsheet

AUDIO/VISUAL NEEDS: N/A

**PRELIMINARY RANKING OF APPALACHIAN REGIONAL COMMISSION PROJECT DESCRIPTIONS
FISCAL YEAR 2023**

Ranking	Requestor	Project Description	Local/Private Funds	Other	ARC Request	Total
Area Development Projects						
1	City of Hagerstown	Hagerstown Wastewater Treatment Plant I&I	\$250,000		\$250,000	\$500,000
2	Town of Boonsboro	Alternate Route 40 Waterline Looping	\$1,000,000		\$200,000*	\$1,200,000
3	Horizon Goodwill	Hagerstown Health Hub	\$100,000		\$100,000	\$200,000
4	Brook Lane	Brook Lane TMS Program	\$93,000		\$93,000	\$186,000
5	Washington County Museum of Fine Arts	"Rebooting" the Museum School	\$26,325		\$26,325	\$52,650
6	City of Hagerstown	Upgrade Hagerstown WW Pump Station 13	\$2,800,000		\$1,000,000	\$3,800,000
7	City of Hagerstown	Hydraulic Model of Hagerstown WW Sewer Shed	\$110,000		\$110,000	\$220,000
8	City of Hagerstown	Willson Water Treatment Plant Piping & Valve Update	\$4,000,000		\$1,000,000	\$5,000,000
9	Meritus Medical Center	Virtual Anatomy Lab	\$200,000		\$200,000	\$400,000

Ranking	Requestor	Project Description	Local/Private Funds	Other	ARC Request	Total
Area Development Projects						
10	MEDCO	Rehabilitation of Miller Lumber and Cline House	\$450,000	\$900,000	\$450,000	\$1,800,000
11	City of Hagerstown	R. Paul Smith Blvd. Extension	\$750,000		\$750,000	\$1,500,000
12	City of Hagerstown	Antietam Street Parking Deck	\$8,000,000		\$1,000,000	\$9,000,000
			ARC Funding Requests		\$5,179,325	

*Proposal requested \$600,000 but Town of Boonsboro is willing to accept a lower amount of funding to allow the project to rank in a fundable position.



Agenda Report Form

Open Session Item

SUBJECT: Construction Bid Award
Pavement Maintenance & Rehabilitation Program FY'22
Chip Seal Applications, Contract No. MS-PMP-298-28

PRESENTATION DATE: May 10, 2022

PRESENTATION BY: Scott Hobbs, Director, Division of Engineering

RECOMMENDED MOTION: Move to award the bid for the Pavement Maintenance & Rehabilitation Program FY'22 Chip Seal Applications contract to the lowest responsive, responsible bidder, Russell Standard Corp. of Fayetteville, PA for the amount of \$1,623,364.50 which includes the option to extend the contract for a period of up to two, one-year extensions.

REPORT-IN-BRIEF: The project was advertised in The Herald Mail, on the County's website, and on the State of Maryland's website, e-Maryland Marketplace Advantage. One (1) bid was received on Wednesday, April 13, 2022 as listed below and further detailed on the attached bid tabulation.

<u>Contractor:</u>	<u>Total Bid:</u>
Russell Standard Corp.	\$1,623,364.50

The bids have been evaluated and the low bid is in order. The engineer's estimate is \$1,650,000.

DISCUSSION: The pavement maintenance & rehabilitation program for chip seal applications involves pavement preservation and repair. Applications include providing single chip seal surface treatment, double chip seal surface treatment, fog sealing, patching, and permanent pavement markings. The project includes approximately 29 miles of treatment applications.

The contract follows standard State Highway Administration provisions for monthly liquid asphalt price and diesel fuel adjustments. The project is an 80-consecutive-calendar-day contract with an anticipated notice to proceed in July and a completion date in September. The bid documents include liquidated damages in the amount of \$500.00 per calendar day for work beyond the completion date and an option to extend the contract additional years.

Motorists may experience some minor delays as a result of lane closures but there are no major road closures associated with this work. Road work signs will be posted throughout the duration of work. The road list is attached and will be posted on the County's website for reference.

FISCAL IMPACT: This is a budgeted Capital Improvement Plan (CIP) project (RDI024). Total expenses are estimated at \$1,738,364.50; including \$1,623,364.50 for proposed bid award, and \$115,000 for other expenses such as inspection, testing, and construction contingency.

CONCURRENCES: N/A

ALTERNATIVES: This is the most cost effective and practical alternative.
Roads are substandard and need repairs to extend service life.

ATTACHMENTS: Bid Tabulation, Road List, Aerial Maps

AUDIO/VISUAL TO BE USED: Aerial Maps

**WASHINGTON COUNTY MD DIVISION OF ENGINEERING
BID TABULATION**

Pavement Maintenance and Rehabilitation Program - FY22 Chip Seal Applications

Contract No. MS-PMP-298-28

Bid Opening: April 13, 2022 at 2:00 p.m.



					Russell Standard Corp. Fayetteville, PA	
DESCRIPTION	ITEM NO.	QTY.	UNIT	UNIT PRICE	ITEM TOTAL	
Maintenance of Traffic	101	1	LS	\$ 150,000.00	\$ 150,000.00	
Single Chip Seal - Emulsion, CRS-2PM	501A	2,500	GAL	\$ 3.45	\$ 8,625.00	
Single Chip Seal - No. 10 Aggregate	501B	35	TON	\$ 86.00	\$ 3,010.00	
Double Chip Seal - Emulsion, CRS-2PM	502A	212,826	GAL	\$ 3.45	\$ 734,249.70	
Double Chip Seal - No. 8 Aggregate	502B	3,078	TON	\$ 82.50	\$ 253,935.00	
Double Chip Seal - No. 10 Aggregate	502C	2,606	TON	\$ 86.00	\$ 224,116.00	
Double Chip Seal - County Facilities, Emulsion, CRS-2PM	503A	2,500	GAL	\$ 3.45	\$ 8,625.00	
Double Chip Seal - County Facilities, No. 8 Aggregate	503B	40	TON	\$ 82.50	\$ 3,300.00	
Double Chip Seal - County Facilities, No. 10 Aggregate	503C	35	TON	\$ 86.00	\$ 3,010.00	
Chip Seal Bar Patch - Emulsion, CRS-2PM	504A	13,504	GAL	\$ 3.45	\$ 46,588.80	
Chip Seal Bar Patch - No. 8 Aggregate	504B	346	TON	\$ 82.50	\$ 28,545.00	
CONTINGENT - Fog Seal - CSS-1H	505	2,500	GAL	\$ 10.40	\$ 26,000.00	
Pavement Marking Paint - Lines	506	196,234	LF	\$ 0.25	\$ 49,058.50	
No Preheat Heat Applied Permanent Preformed Thermoplastic Pavement Markings - 12" Wide Crosswalk	507	50	SF	\$ 13.50	\$ 675.00	
No Preheat Heat Applied Permanent Preformed Thermoplastic Pavement Markings - Lines, 24" Wide Stop Bars	508	524	SF	\$ 13.50	\$ 7,074.00	
CONTINGENT - No Preheat Heat Applied Permanent Preformed Thermoplastic Pavement Markings - Legends, Letters	509	50	SF	\$ 13.50	\$ 675.00	
No Preheat Heat Applied Permanent Preformed Thermoplastic Pavement Markings - Symbols, Railroad Crossing	510	65	SF	\$ 13.50	\$ 877.50	
Price Adjustment for Asphalt Binder	511	50,000	EA	\$ 1.00	\$ 50,000.00	
Price Adjustment for Diesel Fuel	512	25,000	EA	\$ 1.00	\$ 25,000.00	
TOTALS					\$ 1,623,364.50	

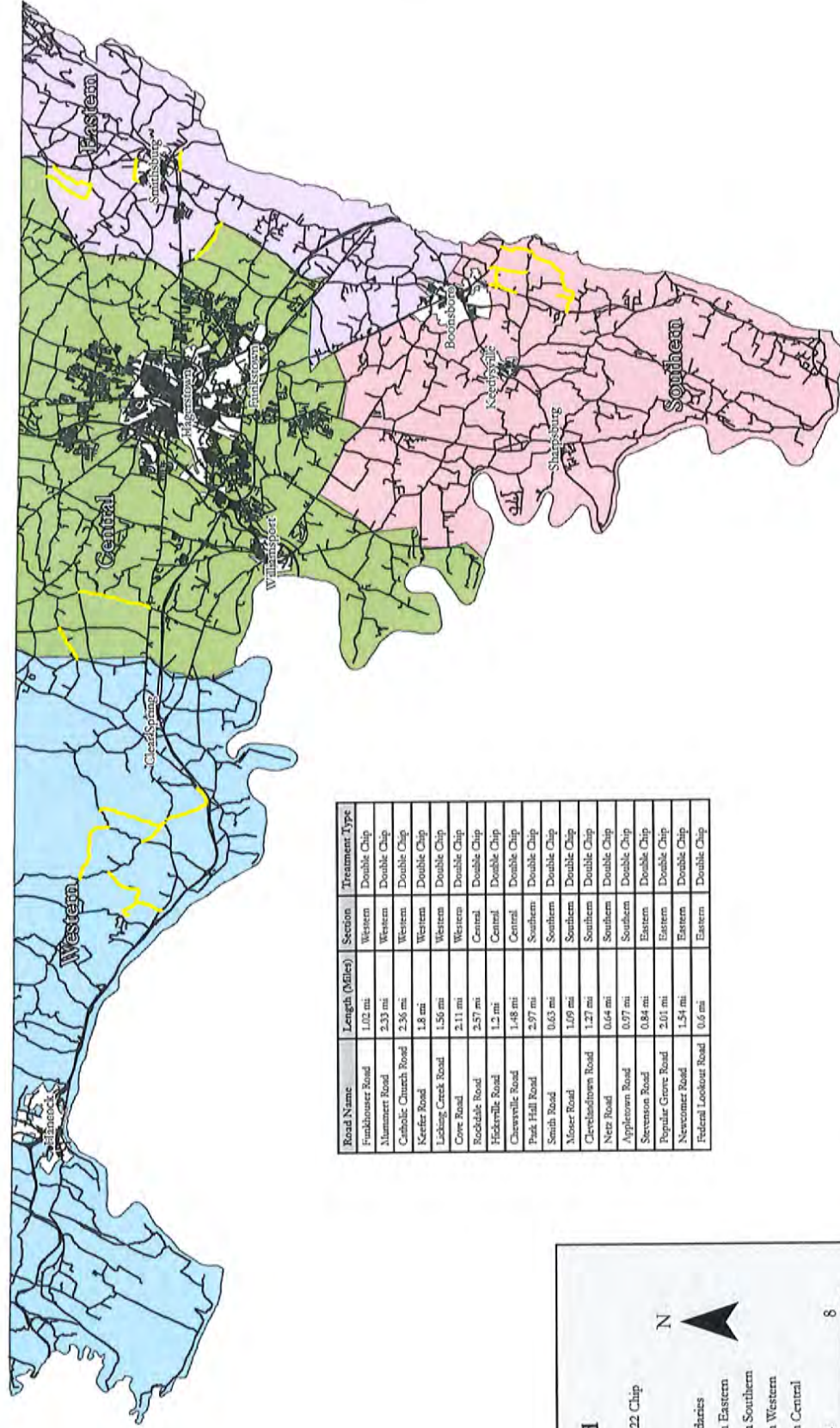
FY'22 CHIP SEAL ROAD LIST

PROJECT NO. 28-289

ROAD NAME	FROM	TO	LENGTH
			MILE
Funkhouser Road	National Pike - MD 40	Indians Springs Road	1.02
Mummert Road	Funkhouser Road	Hanging Rock Road	2.33
Catholic Church Road	Lanes Run Road	Indians Springs Road	2.36
Keefer Road	Indians Springs Road	Licking Creek Road	1.80
Licking Creek Road	National Pike - MD 40	Dead End	1.56
Cove Road	National Pike - MD 40	Boyd Road	2.11
Rockdale Road	National Pike - MD 40	Broadfording Road	2.57
Hicksville Road	St Paul Road - MD 57	Spickler Road	1.20
Chewsville Road	White Hall Road	Mapleville Road - MD 66	1.48
Park Hall Road	Rohrersville Road - MD 67	Reno Monument Road	2.97
Smith Road	Park Hall Road	Dead End	0.63
Moser Road	Reno Monument Road	Old National Pike	1.09
Clevelandtown Road	Reno Monument Road	Old National Pike	1.27
Netz Road	Rohrersville Road - MD 67	Clevelandtown Road	0.64
Appletown Road	Dead End	Dead End	0.97
Stevenson Road	Bradbury Avenue	Leitersburg Smithsburg Road	0.84
Popular Grove Road	Ringgold Pike - MD 418	Gardenhour Road	2.01
Newcomer Road	Smithsburg Pike - MD 64	Gardenhour Road	1.54
Federal Lookout Road	Crystal Falls Drive	Wolfsville Road	0.60
		TOTAL	28.99

MILES

PROPOSED FY2022 PMP CHIP SEAL: WASHINGTON COUNTY



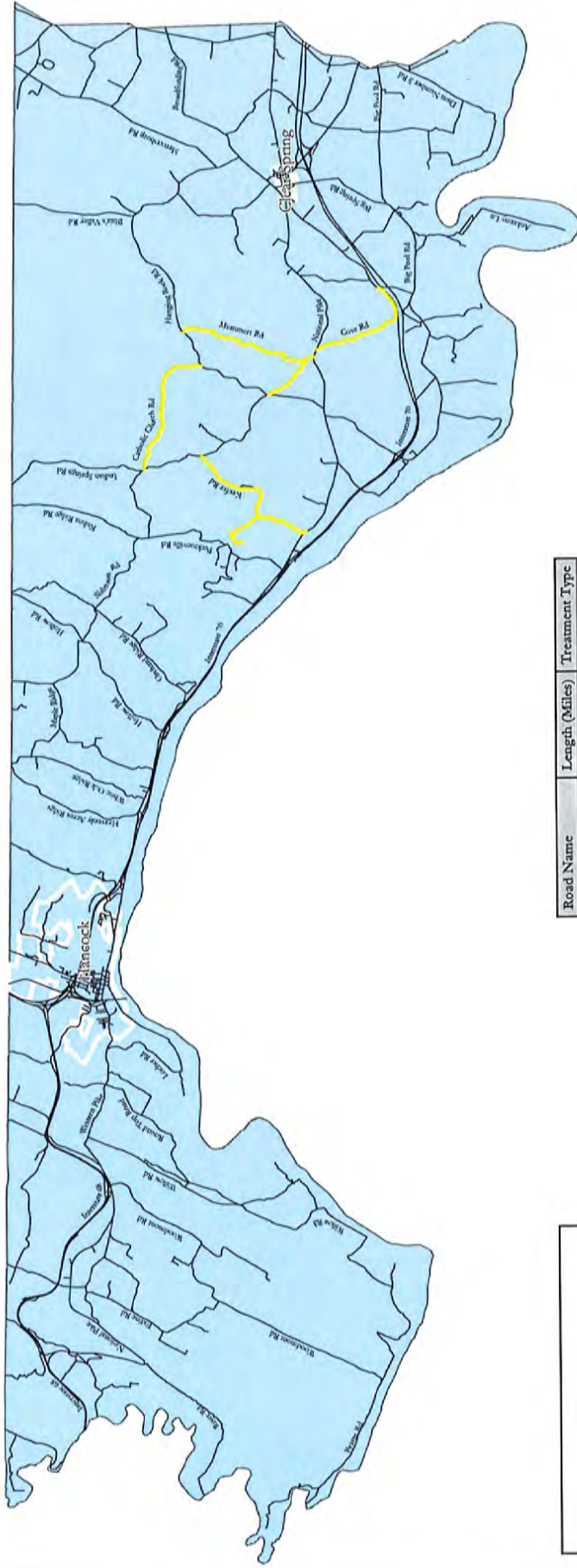
Road Name	Length (Miles)	Section	Treatment Type
Franklin Road	1.02 mi	Western	Double Chip
Munson Road	2.33 mi	Western	Double Chip
Catholic Church Road	2.56 mi	Western	Double Chip
Kearf Road	1.8 mi	Western	Double Chip
Licking Creek Road	1.56 mi	Western	Double Chip
Cove Road	2.11 mi	Western	Double Chip
Rockledge Road	2.57 mi	Central	Double Chip
Hickerville Road	1.2 mi	Central	Double Chip
Chesapeake Road	1.48 mi	Central	Double Chip
Park Hill Road	2.97 mi	Southern	Double Chip
Smith Road	0.63 mi	Southern	Double Chip
Moser Road	1.09 mi	Southern	Double Chip
Clevesford Road	1.27 mi	Southern	Double Chip
Near Road	0.44 mi	Southern	Double Chip
Appleton Road	0.97 mi	Southern	Double Chip
Sevenson Road	0.84 mi	Eastern	Double Chip
Poplar Grove Road	2.01 mi	Eastern	Double Chip
Newcomer Road	1.54 mi	Eastern	Double Chip
Federal Lookout Road	0.6 mi	Eastern	Double Chip

Legend

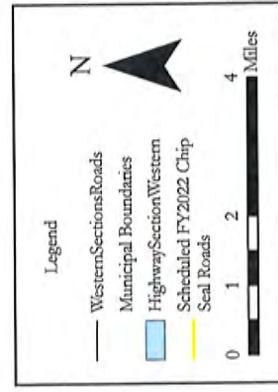
- Scheduled FY2022 Chip Seal Roads
- Roads
- Municipal Boundaries
- Highway Section Eastern
- Highway Section Southern
- Highway Section Western
- Highway Section Central



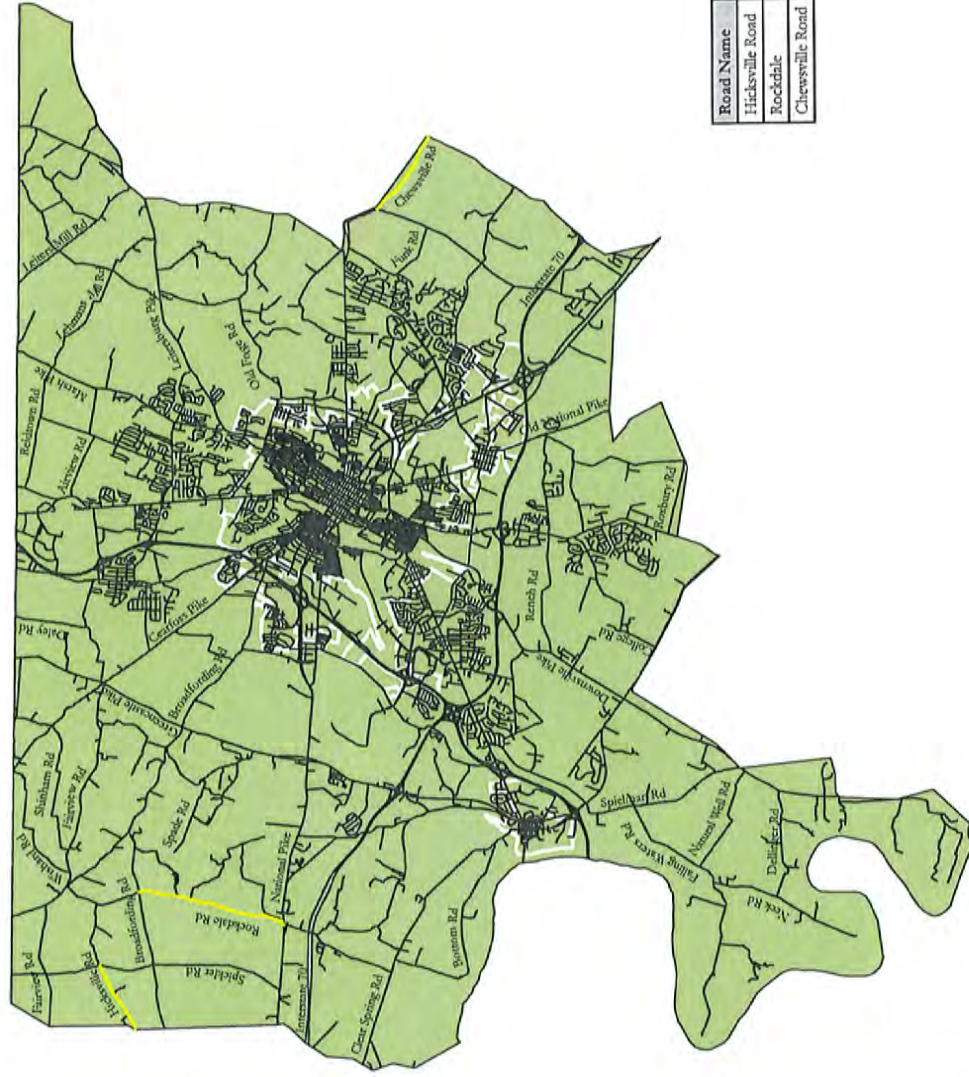
PROPOSED FY 2022 PMP CHIP SEAL: WESTERN SECTION



Road Name	Length (Miles)	Treatment Type
Funkhouser Road	1.02 mi	Double Chip
Mummet Road	2.33 mi	Double Chip
Catholic Church Road	2.36 mi	Double Chip
Keefer Road	1.8 mi	Double Chip
Licking Creek Road	1.56 mi	Double Chip
Core Road	2.11 mi	Double Chip

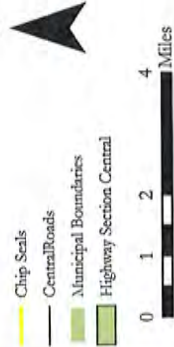


PROPOSED FY2022 PMP CHIP SEAL: CENTRAL SECTION

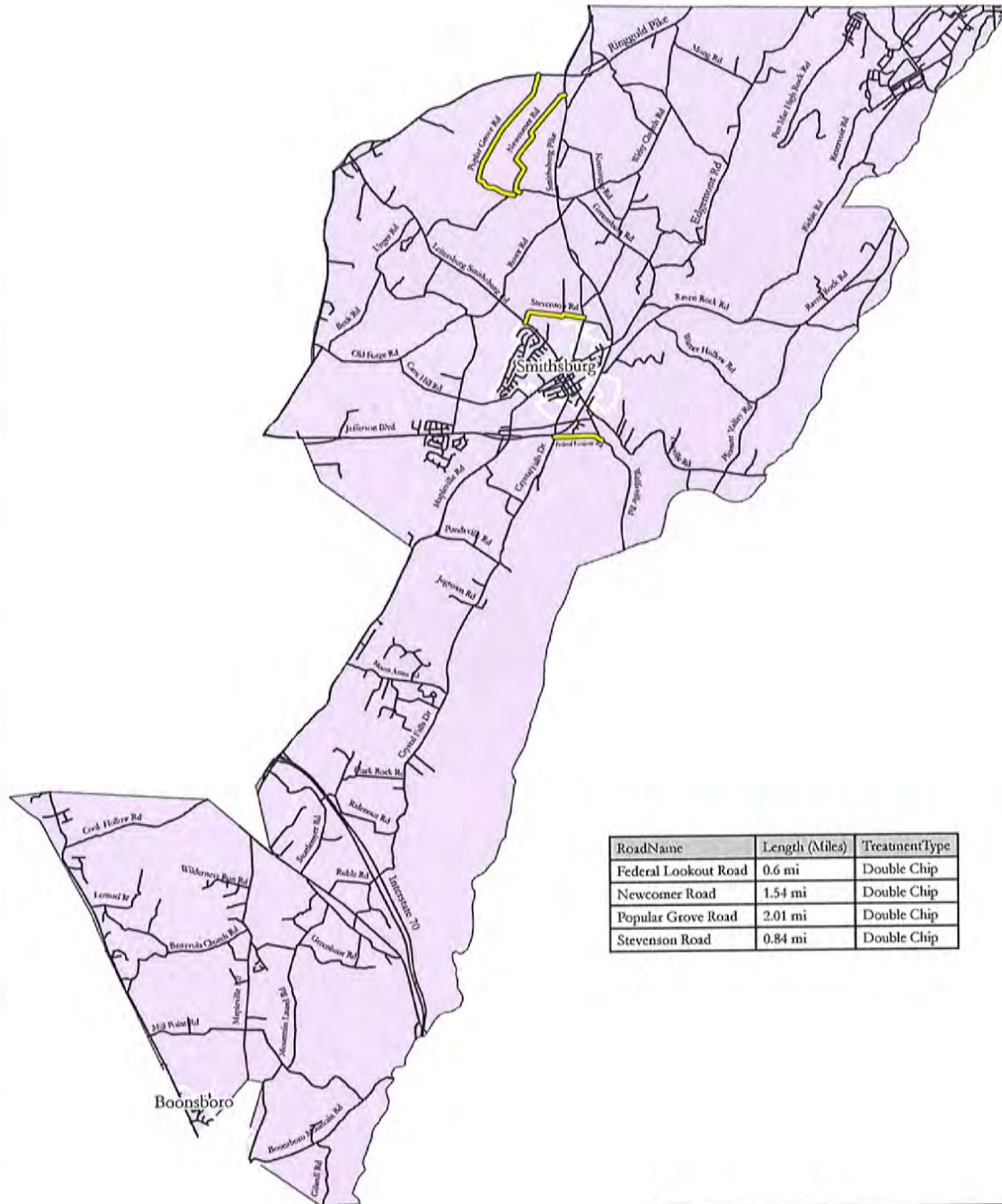


Road Name	Treatment Type	Length (Miles)
Hicksville Road	Double Chip	1.2 mi
Rockdale	Double Chip	2.57 mi
Chewsville Road	Double Chip	1.48 mi

Legend



PROPOSED FY2022 CHIP SEAL: EASTERN SECTION



RoadName	Length (Miles)	TreatmentType
Federal Lookout Road	0.6 mi	Double Chip
Newcomer Road	1.54 mi	Double Chip
Popular Grove Road	2.01 mi	Double Chip
Stevenson Road	0.84 mi	Double Chip

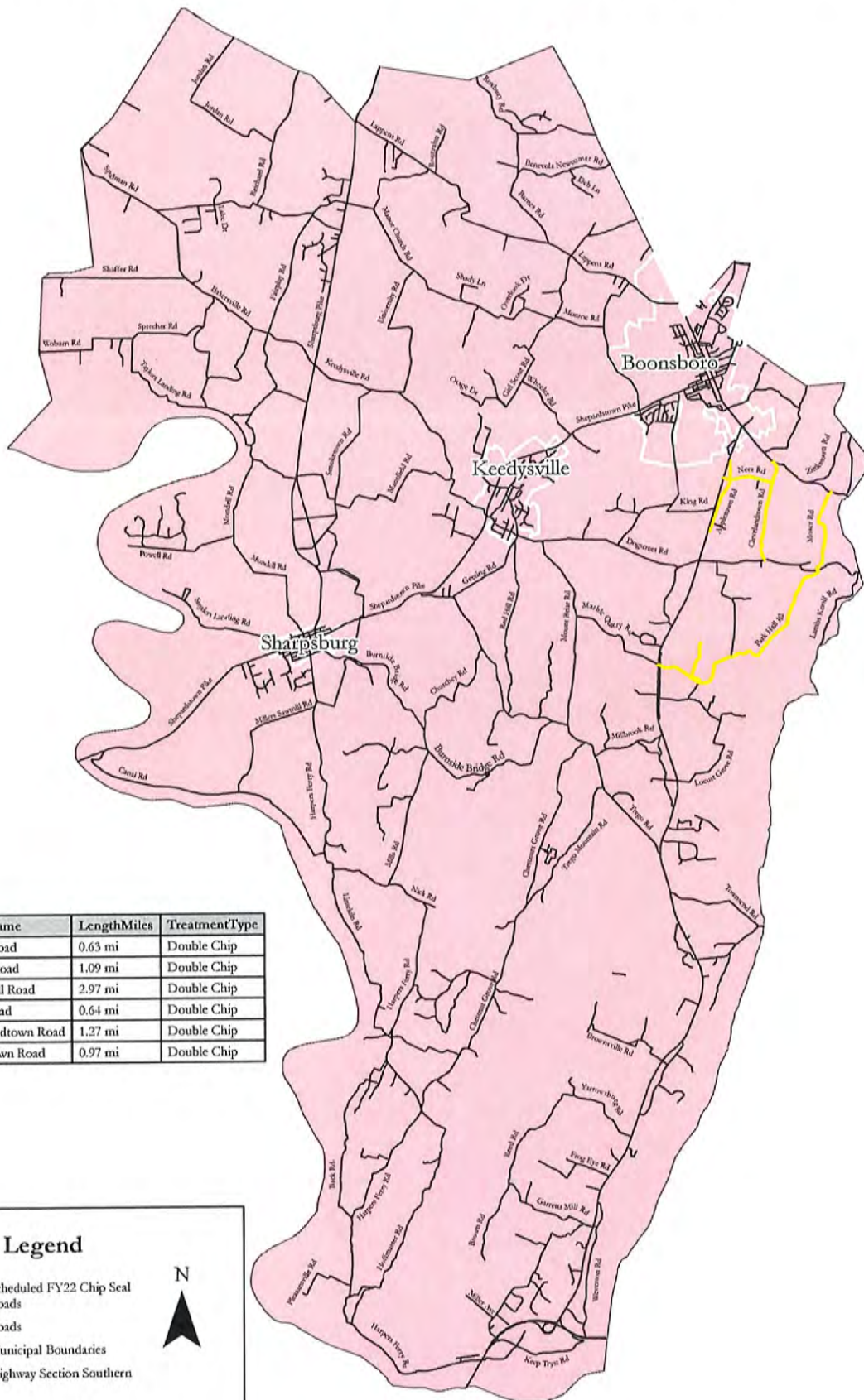
Legend

- Scheduled FY22 Chip Seal Roads
- Roads
- Municipal Boundaries
- Highway Section Eastern



0 0.75 1.5 3 Miles

PROPOSED FY2022 CHIP SEAL: SOUTHERN SECTION





Agenda Report Form

Open Session Item

SUBJECT: Construction Bid Award - Mousetown Road Culvert Replacements

PRESENTATION DATE: May 10, 2022

PRESENTATION BY: Scott Hobbs, Director, Division of Engineering

RECOMMENDED MOTION: Move to award the bid for the Mousetown Road Culvert Replacements contract to the lowest responsive, responsible bidder, Service All, Inc. of Mitchelville, Maryland in the amount of \$593,481.00.

REPORT-IN-BRIEF: The project was advertised in The Herald Mail, on the County's website, and on the State of Maryland's website, e-Maryland Marketplace Advantage. Five (5) bids were received on Wednesday, April 20, 2022 as listed below and further detailed on the attached bid tabulation.

<u>Contractor:</u>	<u>Total Bid:</u>
Service All, Inc.	\$593,481.00
Team Cam, LLC.	\$764,971.00
Brawner Builders, Inc.	\$796,126.00
Lantz Construction Co. DBA Building Systems	\$897,451.96
Pessoa Construction Company	\$994,000.00

The bids have been evaluated and the low bid is in order. The engineer's estimate is \$675,000.

DISCUSSION: The project involves the replacement of two culverts on Mousetown Road. Work includes construction of a precast reinforced concrete box culvert in the 20850 block and construction of a reinforced concrete pipe in the 21000 block; with construction of cast-in-place concrete endwalls, grading, asphalt paving, and installation of traffic barriers at both sites.

The project is a 200-consecutive-calendar-day contract with an anticipated notice to proceed in June 2022 and a completion date in December 2022. The bid documents include liquidated damages in the amount of \$500.00 per calendar day for work beyond the completion date. There is a road closure associated with this work. Public notices will be made and road work signs posted prior to the start of work.

FISCAL IMPACT: These are budgeted Capital Improvement Plan (CIP) projects (BRG073, DNG080). Total expenses are estimated at \$668,481.00; including \$593,481.00 for the proposed bid award, and \$75,000 for other expenses such as inspection, utilities, right-of-way, and construction contingency.

CONCURRENCES: N/A

ALTERNATIVES: This is the most cost effective and practical alternative. These culverts are in poor condition and in need of replacement.

ATTACHMENTS: Bid Tabulation, Aerial Maps

AUDIO/VISUAL TO BE USED: Aerial Maps



747 Northern Avenue Hagerstown, MD 21740
Length of Contract: 200 Calendar Days

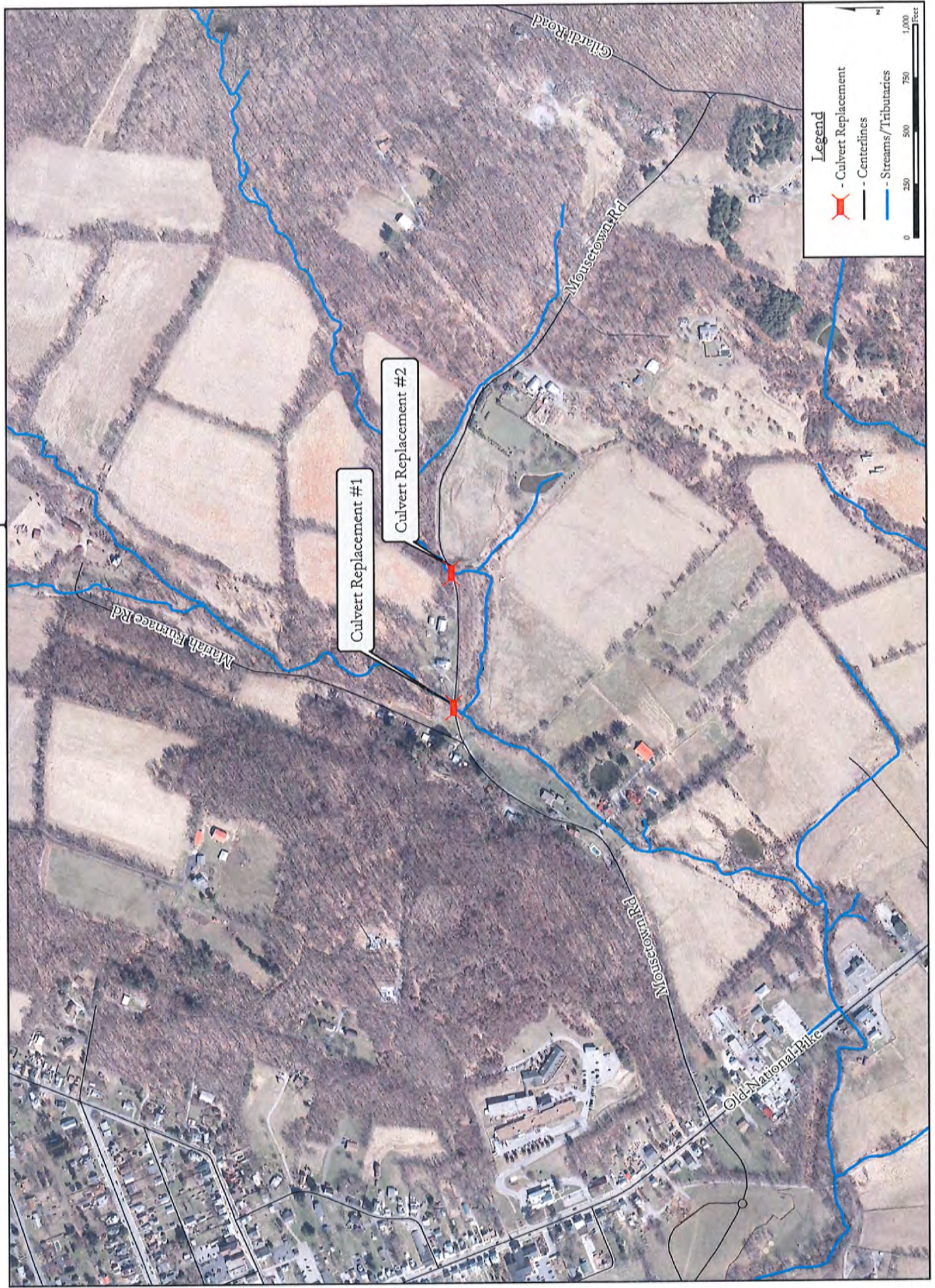
747 Northern Avenue Hagerstown, MD 21740
Length of Contract: 200 Calendar Days

CULVERT #1

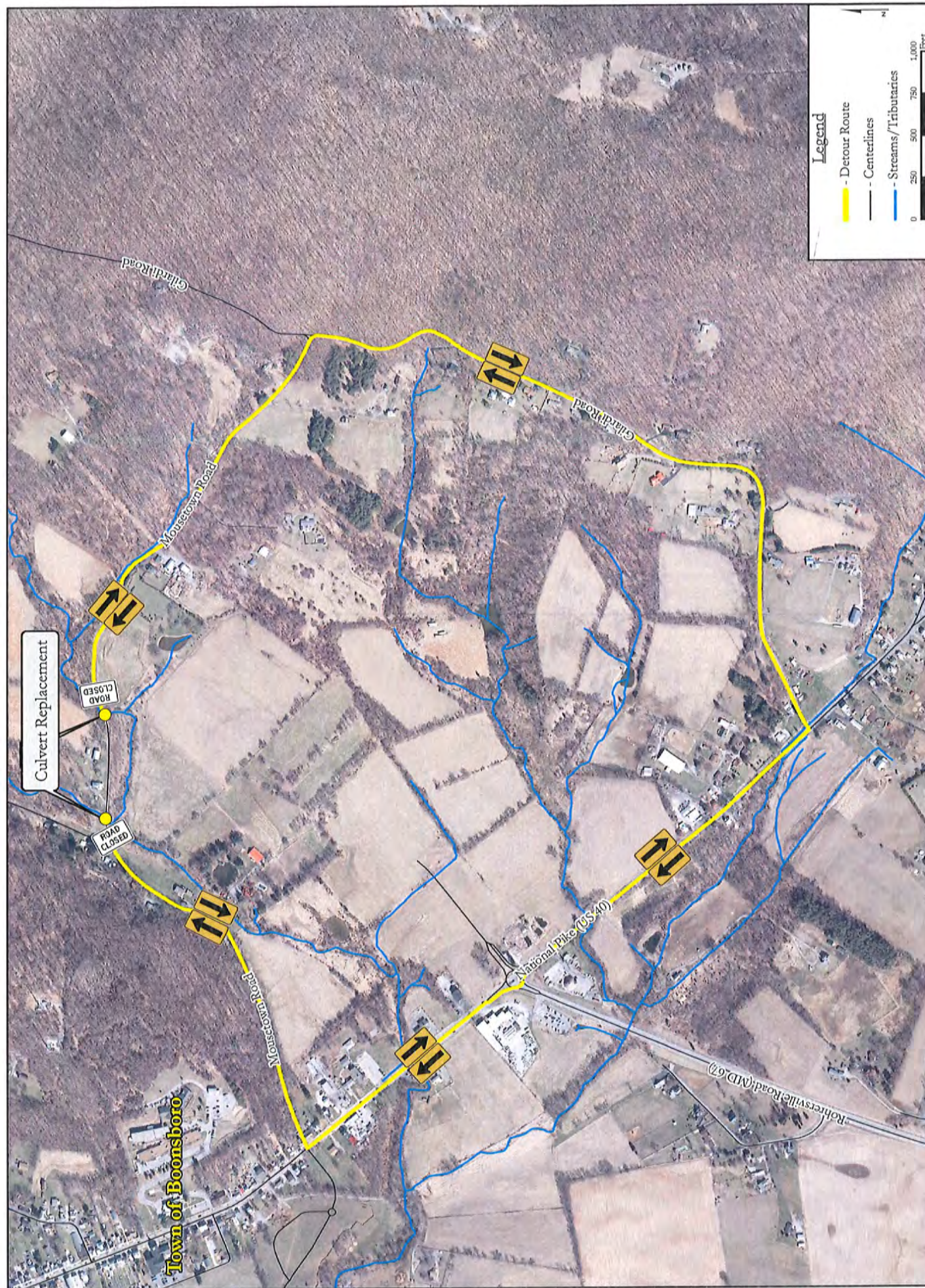
Unit No.	Description	Unit	Quantity	Unit Price	Item Total	Team Cam LLC. 701 Evelyn Avenue Linthicum Heights, MD 21090	Brawner Builders Inc. 11011 McCormick Road, Suite 300 Hunt Valley, MD 21031	Lantz Construction Co. (Building Systems) 16619 Hunters Green Parkway, Suite 100 Hagerstown, MD 21740	Pessco Construction Company 1500 Marblewood Avenue Fairmont Heights, MD 20743
101-1	Cleaning and Grubbing	LS	1	\$2,000.00	\$2,000.00	\$6,000.00	\$10,000.00	\$8,900.00	\$5,450.00
102-1	Mobilization	LS	1	\$45,000.00	\$45,000.00	\$35,000.00	\$30,000.00	\$150,752.00	\$14,000.00
103-1	Maintenance of Traffic	LS	1	\$17,500.00	\$17,500.00	\$14,000.00	\$10,000.00	\$6,700.00	\$7,160.00
104-1	Temporary Traffic Signs	SF	204	\$25.00	\$5,100.00	\$75.00	\$20.00	\$4,080.00	\$34.31
105-1	Temporary Concrete Traffic Barriers for MOT	LF	72	\$13.00	\$936.00	\$90.00	\$20.00	\$6,999.24	\$19.00
106-1	Type III Barricade for MOT	EA	2	\$4.00	\$8.00	\$640.00	\$1,440.00	\$1,730.16	\$85.00
107-1	Construction Stakeout	LS	1	\$2,000.00	\$2,000.00	\$15,000.00	\$15,000.00	\$2,710.00	\$1,120.00
201-1	Unclassified Excavation	CY	495	\$30.00	\$14,850.00	\$45.00	\$34.00	\$16,830.00	\$41,580.00
202-1	Contingent: Unsuitable Material Excavation	CY	25	\$50.00	\$1,250.00	\$100.00	\$30.00	\$3,455.00	\$60.00
203-1	Common Borrow	CY	200	\$45.00	\$9,000.00	\$35.00	\$42.00	\$7,480.00	\$58.00
204-1	Selected Backfill	CY	75	\$40.00	\$3,000.00	\$80.00	\$66.00	\$4,950.00	\$1,600.00
205-1	Removal of Existing Pavement	SY	200	\$25.00	\$5,000.00	\$50.00	\$40.00	\$1,926.00	\$6,000.00
301-1	Temporary Construction Entrance	EA	1	\$2,500.00	\$2,500.00	\$1,500.00	\$1,000.00	\$455.00	\$3,200.00
302-1	Stream Diversion	LS	1	\$8,500.00	\$8,500.00	\$69,000.00	\$30,000.00	\$26,390.00	\$54,000.00
303-1	Filler Log - 12 Inch Diameter	LF	150	\$50.00	\$7,500.00	\$22.00	\$3.00	\$1,560.00	\$20.00
304-1	Class I Riprap	SY	825	\$90.00	\$74,250.00	\$45.00	\$1.00	\$825.00	\$120.00
305-1	Slump Pit	EA	1	\$3,000.00	\$3,000.00	\$700.00	\$800.00	\$3,735.00	\$2,800.00
306-1	Filter Bag	EA	1	\$900.00	\$900.00	\$900.00	\$750.00	\$1,720.00	\$5,600.00
401-1	Removal of Existing Structure	LS	1	\$22,000.00	\$22,000.00	\$1.00	\$10,000.00	\$5,750.00	\$29,000.00
402-1	Reinforced Concrete Box Culverts - (2 EACH) 6FT x 6FT	LS	1	\$13,500.00	\$13,500.00	\$140,000.00	\$95,000.00	\$62,250.00	\$145,000.00
403-1	Cast in Place Concrete Mix No. 3 for Endwall Footing	CY	30	\$70.00	\$2,100.00	\$700.00	\$1,500.00	\$1,970.00	\$33,000.00
404-1	Cast in Place Concrete Mix No. 6 for Endwall Wingwall Stem	CY	35	\$300.00	\$10,500.00	\$1,400.00	\$2,750.00	\$47,770.10	\$39,500.00
405-1	Traffic Barrier W Beam at Structure	LS	1	\$23,500.00	\$23,500.00	\$56,000.00	\$30,000.00	\$12,825.00	\$7,000.00
501-1	6 Inch Graded Aggregate Base	SY	330	\$9.00	\$2,970.00	\$14.00	\$17.50	\$5,775.00	\$9,900.00
502-1	Hot Mix Asphalt Superpave Surface 9.5mm (PG64+22)	Ton	40	\$150.00	\$6,000.00	\$81.00	\$145.00	\$5,800.00	\$10,600.00
503-1	Hot Mix Asphalt Superpave Base 19mm (PG64+22)	Ton	100	\$135.00	\$13,500.00	\$78.00	\$75.00	\$108.25	\$20,000.00
504-1	Saw Cutting	LF	30	\$5.00	\$150.00	\$1.00	\$12.50	\$375.00	\$1,200.00
601-1	Remove and Dispose Existing Traffic Barrier	LF	113	\$9.00	\$1,017.00	\$1.00	\$7.00	\$5.00	\$1,356.00
602-1	Traffic Barrier W-Beam	LF	60	\$50.00	\$3,000.00	\$45.00	\$60.00	\$2,250.00	\$3,900.00
603-1	Traffic Barrier End Treatment (Type C)	EA	4	\$1,000.00	\$12,000.00	\$1,300.00	\$5,500.00	\$4,000.00	\$20,800.00
701-1	Placing Furnished Topsoil, 4 Inch Depth	SY	500	\$1.00	\$500.00	\$6.00	\$6.50	\$3,350.00	\$11,500.00
702-1	Temporary Seed and Mulch	SY	50	\$50.00	\$2,500.00	\$2.00	\$0.50	\$38.60	\$340.00
703-1	Turfgrass Establishment	SY	500	\$2.00	\$1,000.00	\$6.00	\$1.50	\$750.00	\$1,500.00
704-1	Type A Soil Stabilization Matting	SY	50	\$90.00	\$4,000.00	\$12.00	\$5.00	\$2,185.00	\$250.00
801-1	Permanent Traffic Signs	SF	12	\$30.00	\$360.00	\$75.00	\$175.00	\$768.96	\$1,296.00
SUBTOTAL					\$317,441.00	\$550,564.00	\$465,741.00	\$455,938.16	\$640,558.00
CULVERT #2									
101-2	Cleaning and Grubbing	LS	1	\$13,000.00	\$13,000.00	\$5,000.00	\$10,000.00	\$8,900.00	\$5,450.00
102-2	Mobilization	LS	1	\$40,000.00	\$40,000.00	\$6,226.00	\$15,000.00	\$150,752.00	\$8,081.00
103-2	Maintenance of Traffic	LS	1	\$26,000.00	\$26,000.00	\$1,000.00	\$7,500.00	\$8,200.00	\$14,400.00
104-2	Reset Temporary Traffic Signs	SF	76	\$20.00	\$1,520.00	\$20.00	\$20.00	\$6,249.80	\$1,140.00
105-2	Reset Temporary Concrete Traffic Barriers for MOT	LF	72	\$996.00	\$996.00	\$500.00	\$10.00	\$1,730.16	\$1,368.00
106-2	Reset Type III Barricade for MOT	EA	2	\$8.00	\$16.00	\$200.00	\$35.00	\$2,710.00	\$76.00
107-2	Construction Stakeout	LS	1	\$22,000.00	\$22,000.00	\$1,000.00	\$5,000.00	\$7,500.00	\$8,400.00
201-2	Unclassified Excavation	CY	175	\$30.00	\$5,250.00	\$35.00	\$30.00	\$6,790.00	\$10,500.00
202-2	Contingent: Unsuitable Material Excavation	CY	25	\$50.00	\$1,250.00	\$100.00	\$625.00	\$4,245.00	\$1,750.00
203-2	Common Borrow	CY	120	\$45.00	\$5,400.00	\$4,200.00	\$1.00	\$7,620.00	\$45.00
204-2	Selected Backfill	CY	75	\$40.00	\$3,000.00	\$80.00	\$112.00	\$5,450.25	\$130.00
205-2	Removal of Existing Pavement	SY	100	\$25.00	\$2,500.00	\$50.00	\$40.00	\$1,767.00	\$40.00
301-2	Temporary Construction Entrance	EA	1	\$2,500.00	\$2,500.00	\$1,500.00	\$1,000.00	\$455.00	\$3,000.00
302-2	Pump Around Stream Diversion	LS	1	\$10,000.00	\$10,000.00	\$30,000.00	\$45,000.00	\$26,390.00	\$30,000.00
303-2	Filler Log - 12 Inch Diameter	LF	140	\$50.00	\$7,000.00	\$22.00	\$3.00	\$9.26	\$26.00

304-2	Remove Existing Drainage Culvert	LF	23	\$40.00	\$920.00	\$1.00	\$23.00	\$45.00	\$1,035.00	\$452.17	\$10,399.91	\$320.00	\$7,360.00
305-2	Reinforced Concrete Elliptical Pipe 60"x36" Class IV	LF	40	\$700.00	\$28,000.00	\$800.00	\$32,000.00	\$600.00	\$24,000.00	\$390.00	\$15,600.00	\$770.00	\$30,800.00
306-2	18" HDPE Pipe	LF	24	\$117.00	\$2,808.00	\$70.00	\$1,680.00	\$150.00	\$3,600.00	\$325.00	\$7,800.00	\$340.00	\$8,140.00
307-2	Class 1 Rip Rap	SY	55	\$90.00	\$4,950.00	\$45.00	\$2,475.00	\$125.00	\$6,875.00	\$254.55	\$14,000.25	\$130.00	\$7,150.00
308-2	Sump Pit	EA	1	\$2,000.00	\$2,000.00	\$700.00	\$700.00	\$800.00	\$800.00	\$3,735.00	\$1,400.00	\$1,400.00	\$4,000.00
309-2	Filter Bag	EA	1	\$250.00	\$250.00	\$800.00	\$800.00	\$750.00	\$750.00	\$1,720.00	\$1,720.00	\$4,000.00	\$4,000.00
401-2	Removal of Existing Structure	LS	1	\$22,000.00	\$22,000.00	\$1.00	\$1.00	\$15,000.00	\$15,000.00	\$5,750.00	\$5,750.00	\$14,000.00	\$14,000.00
402-2	Cast in Place Concrete Mix #3 for Footing	CY	25	\$70.00	\$1,750.00	\$500.00	\$12,500.00	\$1,800.00	\$45,000.00	\$654.40	\$16,560.00	\$1,500.00	\$37,500.00
403-2	Cast in Place Concrete Mix #6 for Endwall & Wingwall Stem	CY	20	\$300.00	\$6,000.00	\$1,200.00	\$24,000.00	\$2,750.00	\$55,000.00	\$2,771.00	\$55,420.00	\$1,200.00	\$24,000.00
404-2	Traffic Barrier W-Beam at Structure	LS	1	\$13,000.00	\$13,000.00	\$18,000.00	\$18,000.00	\$15,000.00	\$15,000.00	\$12,825.00	\$12,825.00	\$9,300.00	\$9,300.00
501-2	6 Inch Graded Aggregate Base	SY	365	\$9.00	\$3,285.00	\$16.00	\$5,840.00	\$12.00	\$4,380.00	\$12.50	\$4,562.50	\$22.00	\$11,680.00
502-2	Hot Mix Asphalt Superpave Surface 9.5mm (PG64-22)	Ton	45	\$150.00	\$6,750.00	\$90.00	\$4,050.00	\$145.00	\$6,525.00	\$147.91	\$6,655.95	\$250.00	\$11,250.00
503-2	Hot Mix Asphalt Superpave Base 19mm (PG64-22)	Ton	110	\$140.00	\$15,400.00	\$85.00	\$9,350.00	\$75.00	\$8,250.00	\$108.25	\$11,907.50	\$220.00	\$24,200.00
504-2	Saw Cutting	LF	22	\$4.00	\$88.00	\$1.00	\$22.00	\$15.00	\$330.00	\$11.82	\$260.04	\$40.00	\$880.00
601-2	Remove and Dispose Existing Traffic Barrier	LF	65	\$15.38	\$1,000.00	\$1.00	\$65.00	\$7.00	\$455.00	\$5.00	\$325.00	\$55.00	\$3,575.00
602-2	Traffic Barrier W-Beam	LF	128	\$50.00	\$6,400.00	\$45.00	\$5,760.00	\$60.00	\$7,680.00	\$42.50	\$5,440.00	\$60.00	\$7,680.00
603-2	Traffic Barrier End Treatment (Type C)	EA	3	\$3,000.00	\$9,000.00	\$1,300.00	\$3,900.00	\$6,000.00	\$18,000.00	\$4,000.00	\$12,000.00	\$6,000.00	\$18,000.00
604-2	Traffic Barrier End Treatment (Type K)	EA	1	\$4,000.00	\$4,000.00	\$3,600.00	\$3,600.00	\$2,500.00	\$2,500.00	\$1,700.00	\$1,700.00	\$5,300.00	\$5,300.00
605-2	Traffic Barrier End Treatment (Type L)	EA	1	\$5,000.00	\$5,000.00	\$4,900.00	\$4,900.00	\$1,500.00	\$1,500.00	\$1,050.00	\$1,050.00	\$5,300.00	\$5,300.00
606-2	Remove & Replace Fence	LF	125	\$7.00	\$875.00	\$10.00	\$1,250.00	\$45.00	\$5,625.00	\$37.92	\$4,740.00	\$76.00	\$9,500.00
701-2	Placing Fumished Topsoil, 4 inch Depth	SY	400	\$2.00	\$800.00	\$4.00	\$1,600.00	\$12.00	\$4,800.00	\$12.23	\$4,892.00	\$12.00	\$6,000.00
702-2	Temporary Seed and Mulch	SY	50	\$2.00	\$100.00	\$2.00	\$100.00	\$1.00	\$50.00	\$38.60	\$1,930.00	\$6.00	\$300.00
703-2	Turfgrass Establishment	SY	400	\$2.50	\$1,000.00	\$7.00	\$2,800.00	\$1.50	\$600.00	\$5.90	\$1,560.00	\$4.00	\$1,600.00
801-2	Permanent Traffic Signs	SF	12	\$25.00	\$300.00	\$80.00	\$960.00	\$125.00	\$1,500.00	\$60.42	\$725.04	\$146.00	\$1,752.00
	SUBTOTAL				\$276,040.00		\$214,407.00		\$330,385.00		\$441,513.80		\$553,442.00
	Bid Total				\$593,481.00		\$764,971.00		\$796,126.00		\$897,451.96		\$994,000.00

Mousetown Road Culvert Replacement



Mousetown Road Culvert Detour Route





Open Session Item

SUBJECT: Construction Bid Award – Clear Spring Library Heat Pump

PRESENTATION DATE: May 10, 2022

PRESENTATION BY: Andrew Eshleman, Director, Public Works

RECOMMENDED MOTION: Move to award the bid for the removal of the existing HVAC system and installation of a new Heat Pump HVAC unit at the Clear Spring Library to the lowest responsible, responsible bidder, NOVA Facility Solutions, of McLean, Virginia in the amount of \$56,549.00

REPORT-IN-BRIEF: The County accepted bids on April 20, 2022. The project was advertised on the County's website and on the State of Maryland's website, e-Maryland Marketplace Advantage (eMMA). Twenty five (25) persons/companies registered/downloaded the bid documents and seven (7) bids were received as indicated on the Bid Tabulation.

DISCUSSION: The project involves the removal of the existing air conditioning and ventilation unit at the Clear Spring Library and installing a new 20 ton heat pump that will provide heating, ventilation, and air conditioning. The existing unit is over 20 years old and experiences frequent outages and reoccurring refrigerant leaks. The new unit will also provide more efficient heating assistance to the existing fuel oil boiler system.

FISCAL IMPACT: Funds are budgeted in the Capital Improvement Plan (CIP) budget account 515000-30-11910-BLD075 CNST5000

CONCURRENCES: Jenny Bakos, Washington County Free Library

ALTERNATIVES: Reject Bids

ATTACHMENTS: Bid Tabulation Matrix

AUDIO/VISUAL NEEDS: N/A



**WASHINGTON COUNTY DIVISION OF ENGINEERING
BID TABULATION
Clear Spring Library HVAC Replacement**

Bid Opening: April 20, 2022 at 4:00 p.m.

Nova Facility Solutions, Inc.	Mclean, VA	Cumberland Valley HVAC	Shoreline Mechanical Services	Mick's Plumbing & Heating, Inc.	M. S. Johnston Company	Best Mechanical Services	ASN-General Contracting- Engineering Construction Services, Inc.
		Hagerstown, MD	Glen Burnie, MD	Hagerstown, MD	Hagerstown, MD	Glen Burnie, MD	Upper Marlboro, MD
Total Bid	\$ 56,549.00	\$ 57,230.00	\$ 63,270.00	\$ 63,300.00	\$ 63,698.00	\$ 68,675.00	\$ 76,700.00



Agenda Report Form

Open Session Item

SUBJECT: Amendment to Animal Control Agreement

PRESENTATION DATE: May 10, 2022

PRESENTATION BY: Kirk C. Downey, County Attorney

RECOMMENDED MOTION: I move to authorize execution of the proposed Second Amendment to the June 16, 1999 Animal Control Agreement Between Washington County, Maryland and the Humane Society of Washington County, Incorporated, as finalized by the County Attorney's Office and the Humane Society.

REPORT-IN-BRIEF: The Animal Control Agreement between the County and the Humane Society will expire on or about August 14, 2022. The proposed Second Amendment preserves the contractual agreement through August without allowing for an automatic five-year extension. The parties intend to negotiate a new proposed contract.

DISCUSSION: N/A

FISCAL IMPACT: N/A

CONCURRENCES: Humane Society

ALTERNATIVES: Allow the contract to expire or automatically renew for five years

ATTACHMENTS: Proposed Second Amendment

AUDIO/VISUAL NEEDS: N/A

**SECOND AMENDMENT TO THE
JUNE 16, 1999
ANIMAL CONTROL AGREEMENT
BETWEEN
WASHINGTON COUNTY, MARYLAND
AND**

DRAFT

**THE HUMANE SOCIETY OF WASHINGTON COUNTY, INCORPORATED
[Formerly, the Washington County Society for the Prevention of Cruelty to Animals]**

This Second Amendment to the June 16, 1999 Animal Control Agreement Between Washington County, Maryland and the Humane Society of Washington County, Incorporated [Formerly the Washington County Society for the Prevention of Cruelty to Animals] (hereinafter, the “Second Amendment”) is made and entered into this _____ day of May, 2022 (the “Effective Date”), by and between the Board of County Commissioners of Washington County, Maryland, a body corporate and politic of the State of Maryland (hereinafter, the “County”), and the Humane Society of Washington County, Incorporated [Formerly, the Washington County Society for the Prevention of Cruelty to Animals, Inc.], a non-profit corporation organized under the laws of the State of Maryland (hereinafter, “HSWC”).

The parties to this Second Amendment affirm their agreement to all terms and provisions of the August 14, 2001 Amendment to the June 16, 1999 Animal Control Agreement Between Washington County, Maryland and the Humane Society of Washington County, Incorporated [Formerly the Washington County Society for the Prevention of Cruelty to Animals] (hereinafter, the “August 14, 2001 Amendment”), except those provisions that are replaced by and superseded by the terms and provisions below.

WHEREAS, the County and the HSWC generally desire to continue to be engaged in a contractual relationship for the provision of certain Animal Control services as set forth in the August 14, 2001 Amendment; and

WHEREAS, rather than (a) automatically renewing for a five (5) year term as provided by Section 4.1 of the August 14, 2001 Amendment, or (b) terminating the Agreement as set forth therein, the County and HSWC desire to continue the relationship but to modernize the contract between them, in order to more clearly set forth the rights and responsibilities of each party moving into the future; and

WHEREAS, the County and the HSWC have determined that the best method to achieve this goal is to enter into this Second Amendment in order to (a) prevent the automatic renewal of the August 14, 2001 Amendment and (b) avoid incentivizing either party to terminate the Agreement on or before May 14, 2022 in order to avoid an automatic five (5) year renewal. It is the desire of both parties that doing so will provide the parties sufficient time to draft a workable and mutually agreeable contract that will govern the rights and responsibilities of the County and the HSWC moving into the future.

NOW, THEREFORE, in consideration of the mutual promises, covenants, terms, provisions, conditions and limitations hereinafter contained, and for other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereby covenant and agree as set forth below:

Section 4.1 of the August 14, 2001 Amendment is hereby repealed in its entirety and replaced with the following:

4.1 The June 16, 1999 Animal Control Agreement Between Washington County, Maryland and the Humane Society of Washington County [Formerly the Washington County Society for the Prevention of Cruelty to Animals] as amended by the August 14, 2001 Amendment thereto, shall continue in effect until August 31, 2022 (the “Expiration Date”). The parties shall engage in good faith efforts to

negotiate comprehensive terms for a contract for future animal control related services and remuneration therefor.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

_____(SEAL)
Jeff Cline, President

_____(SEAL)
Colin Berry, Executive Director



Agenda Report Form

Open Session Item

SUBJECT: Remote Work Policy

PRESENTATION DATE: May 10, 2022

PRESENTATION BY: Charles Brown, Emergency Manager; Danielle Weaver, Director of Public Relations & Marketing; Deborah Condo, Deputy Director of Human Resources

RECOMMENDED MOTION: Move to approve the implementation of a remote work policy for Washington County Government.

REPORT-IN-BRIEF: During the COVID-19 pandemic, many employers across the world recognized the need to move employees into a remote work status while continuing to provide essential services. Employers have learned remote work allows for a better work-life balance for employees by increasing productivity, reducing stress, decreasing turnover rates, reducing absenteeism, etc., all while showing cost savings to employees and employers.

DISCUSSION: A remote work committee, consisting of John Martirano, County Administrator; Danielle Weaver, Director of Public Relations & Marketing; Charles Brown, Emergency Manager; Deborah Condo, Deputy Director of Human Resources; and Josh O'Neal, Director of Information Systems, met and developed a remote work policy for Washington County Government. The committee strongly believes the remote work policy being presented today will benefit the County by making the County more competitive in recruitment and retention. The policy was created not only to better position the county for the future but also to prepare the county for any future emergency situations. A remote work policy will potentially increase retention rates and provide a more efficient and fiscally responsible operating system to benefit county taxpayers.

FISCAL IMPACT:

CONCURRENCES: John Martirano, County Administrator; Danielle Weaver, Director of Public Relations & Marketing; Charles Brown, Emergency Manager; Deborah Condo, Deputy Director of Human Resources; Josh O'Neal, Director of Information Systems

ATTACHMENTS: Washington County Remote Work Policy

Assessing Remote Work Needs

Remote Work Agreement

Remote Work Washington County PowerPoint Presentation



Washington County Government Employee Remote Work Policy

1. STATEMENT OF POLICY

This document is meant to provide guidance to employees, supervisors, and division/departments directors to promote an efficient and effective remote work process. Remote work allows selected employees to work at home or at an alternate location for all or part of their workweek. Remote work is not an entitlement and will be implemented to meet the essential needs of Washington County Government (hereafter referred to as “the County”). It is within the sole discretion of the County to determine which employees are in positions suitable for remote work and if an employee is eligible based on the employee’s work performance.

Remote work arrangements are made on a case-by case basis focusing on the essential needs of the County. These arrangements are approved on an as-needed basis only with no expectation of ongoing continuance. Remote work for each employee may be required or terminated at any time by the County to meet the needs of the County to include integration into the County Continuity of Operations Plans.

2. DEFINITIONS

- 2.1 Eligible Employee – An employee within a position identified by the employee’s supervisor as being suitable for remote work.
- 2.2 County Work Site – Any building, facility or location managed or leased by the County for the purposes of allowing employees to work.
- 2.3 Remote Work Site – An employee work location that is not a County Work Site. The remote workplace may include the employee’s home or alternative work location.
- 2.4 Remote worker – An employee who works from a Remote Work Site.

3. ELIGIBILITY

- 3.1 The remote work policy generally applies to full-time employees with a regular weekly work schedule of 5-five consecutive 8-hour days. To maintain flexibility of operations, however, the availability of remote work may be expanded to additional job classifications at the discretion of the direct supervisor. Before entering any remote work arrangement, the employee and supervisor, with the assistance of Human Resources as needed, will evaluate the suitability of such an arrangement through review of the following areas:

- 3.1.1 Adequate internet availability – Employee will have suitable internet connectivity to meet the needs of the position and to ensure completion of job responsibilities.

- 3.1.2 Employee suitability – The employee and supervisor will assess the needs and work habits of the employee compared to traits customarily recognized as appropriate for successful employees who work remotely. Prioritize work to meet deadlines; Accomplish job responsibilities with minimal supervision; Communicate effectively utilizing common communication tools i.e., phone, text, e-mail, etc.; Manage time effectively.

3.2 Before being allowed to work remote, the employee and supervisor will complete the following:

- a. Supervisor will review and complete the Assessing Remote Work Needs checklist documentation with employee to determine eligibility for remote work.
- b. After the Assessing Remote Work Needs document is completed with supervisor, employee will complete the Washington County Remote Work Request Form. Supervisor will review, assess and approve or deny request.
- c. Washington County Remote Work Request Form is submitted to Human Resources to be kept in the employees' record files.

3.3 Employees will not be considered eligible for remote work until after they have successfully completed their probationary period.

4. WORK SCHEDULE

The supervisor will determine the employee's work schedule to be consistent with the needs of the County. The supervisor may require the employee to work certain "business hours" and be accessible by telephone and/or e-mail during those hours.

The Supervisor and employee should agree on the days and times that the employee will work in each setting of the main office and remote work site location. The schedule can parallel those in the main office or be specific to the job responsibilities. The process of establishing work schedules should be sufficiently flexible to permit periodic adjustments, if required, to achieve an optimal schedule suiting the County's needs.

Employees will be expected to use available leave time when appropriate. Leave time requests and usage will continue to follow current policies of Washington County Government.

5. TIME WORKED

Unless specified in a Continuity of Operations Plan, work hours are not expected to change while working remote. Employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using the County's time-keeping system. Hours worked in excess of those scheduled per day and per work week require the advance approval of the employee's supervisor. Failure to comply with this requirement may result in the immediate termination of the remote work approval.

Supervisors must confirm the employee's time and attendance to ensure that the employee is paid only for work performed and that there is an accounting of absences from scheduled hours. The County must provide reasonable assurance that the employee is working when scheduled. The determining reasonableness of work output for the time spent will be determined by the supervisor.

6. JOB RESPONSIBILITIES

The employee and supervisor will discuss the job responsibilities and determine if the position is appropriate for a remote work site arrangement to include equipment needs, workspace design considerations, and scheduling issues. The employee and supervisor will review the physical workspace needs and the appropriate location for remote work.

7. EXPECTATIONS AND PERFORMANCE

An appropriate level of communication between the employee and supervisor will be agreed to as part of the discussion process prior to remote work approval. The supervisor will have sole discretion to implement communication and main office scheduling requirements.

Evaluation of employee performance will include regular interaction by telephone, video conference, and/or e-mail between the employee and supervisor with main office meetings to discuss work progress and problems to be determined by the supervisor. The County may end an employee's participation in the remote work program if the employee's performance declines or is detrimental to the County's needs.

Salary, job responsibilities, and benefits will not change because of remote work, except as they might have changed had an employee remained at the main office.

All County policies and procedures apply to those personnel who are working remote.

8. GUIDANCE FOR MANAGING EMPLOYEES WHO ARE WORKING REMOTE

Supervisors shall establish clear communication expectations for calls, virtual meetings, and emails. A review of staff work activities shall be completed on a frequent basis. Clearly communicated responsibilities and deadlines for tasks and projects are required to avoid confusion. Supervisors shall be responsive to staff needs to include checking in with staff to discuss what is working well remotely and what issues may need to be addressed to assist them in performing remote work assignments. Supervisors shall utilize accountability tools provided by the County to track employee progress and as an indication of when additional support or direction is required.

Even while employees are permitted to work remotely, supervisors remain responsible for setting remote work expectations, holding staff accountable for work product and deadlines, and supporting them within this alternative work environment. State and Federal guidelines relative to working remotely provide the following recommendations for supervisors:

- a. Plan the work. In any work situation, planning work is the first step to managing performance. Supervisors and employees should clearly define what the employee is to accomplish remotely. Planning for successful results requires supervisors to first determine work goals and objectives, and then determine, with their employees, assignments and expected work product and accomplishments.
- b. Set expectations. Not only do employees need to know what they are supposed to do remotely, they need to know how well they are supposed to do it. Supervisors must communicate performance standards clearly. If employees know what they are supposed to do, and how well they are supposed to do it, the supervisor has set the stage for successful performance.
- c. Monitor performance. In a remote work situation, measuring employee results rather than their activities is more efficient and effective. Quantity, quality, and timeliness are general measures for supervisors to review. Good communication between supervisors and employees is essential for successfully completing work and is especially necessary in a remote workplace environment.
- d. Recognize performance. Particularly in situations where employees work off-site most of the time, supervisors need to make additional efforts, so these employees still feel they are connected to the County. Maintaining good communication is one important way to do this. Another way is to ensure that supervisors recognize the good performance of the employees. Supervisors should not let employees feel as if their performance doesn't matter or that no one ever notices their achievements.

9. CHILD/DEPENDENT CARE

Remote work is not meant to be a substitute for child/dependent care. Employees may not work remote with the intent of or for the sole purpose of meeting their child/dependent care responsibilities while performing official duties. While performing official duties, employees are expected to arrange for child/dependent care just as they would if they were working at the main office.

10. EQUIPMENT

Based upon information supplied by the employee and the supervisor, the County will determine on a case-by-case basis the appropriate equipment needs (including hardware, software, phone, and other office equipment) for each remote work arrangement. The Human Resources and Information Technology Departments will serve as resources in this matter.

Equipment supplied by the County will be maintained by the County. Equipment supplied by the employee, if deemed appropriate by the County, will be maintained by the employee. The County accepts no responsibility for damage or repairs to employee-owned equipment and will not reimburse for any unapproved purchases of remote work supplies including, but not limited to, costs associated with the setup of the employee's home office such as remodeling, furnishings or lighting, and repairs or modifications to the home office space.

The County reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by the County is to be used for County business only. It is the responsibility of the employee to notify IT of any repairs required to County-owned equipment and to transport said equipment to the IT office at a time agreeable to both the employee and IT. Upon termination of employment or if remote work is no longer approved, all County property will be returned to the County.

The County will supply the employee with appropriate office supplies (pens, files, etc.) as deemed necessary. The employee will establish an appropriate work environment within his or her home or alternative location for work purposes.

11. SECURITY

Consistent with the County's expectations of information security for employees working at the main office, employees will be expected to ensure the protection of County, customer, and employee information accessible from their home office. Confidentiality will continue to be expected just as in the main office setting. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment to protect information.

12. SAFETY

Employees are expected to maintain their home or alternative workplace in a safe manner free from safety hazards. Injuries sustained by the employee in a home or alternative office location and in conjunctions with the employee's job responsibilities are normally covered by the County's workers' compensation policy. Employees are responsible for notifying the employer of such injuries as soon as practicable but no later than 24 hours after the injury occurred. The employee is liable for any injuries sustained by visitors to his or her home or alternative workplace.

13. WORKER'S COMPENSATION

The employer will be responsible for any work-related injuries under Maryland Workers Compensation laws, but this liability is limited to injuries resulting directly from work and only if the injury occurs in the designated work area. Any claims will be handled according to the normal procedure for Worker's Compensation claims. The employee or someone acting on the employee's behalf shall immediately notify the employee's supervisor of any accident or injury that occurs at the remote workplace. The supervisor will follow the County's policies regarding the reporting of injuries for employees injured while at work.

14. LIABILITY FOR INJURIES

The employee understands that they remain liable for injuries to third persons and/or members of the employee's family on the employee's premises. The employee agrees to defend, indemnify and hold harmless the County, its affiliates, employees, contractors and agents from and against any and all claims, demands, or liability (including any related losses, costs, expenses, and attorney fees resulting from, or arising in connection with, any injury to persons (including death) or damage to property caused, either directly or indirectly, by the services provided herein by the employee or the employee's willful misconduct, negligent acts, or omissions in the performance of the employee's duties and obligations under this agreement, except where such claims, demands, or liability arise solely from the gross negligence or willful misconduct of the County.

15. EXPENSES

The employee is responsible for the most of maintenance, repair and operation of personal equipment that has not been provided by the employer. Expenses for supplies available at the main office will not be reimbursed unless pre-purchase approval has been granted by the employee's supervisor. The employee is responsible for paying for remote work site utilities and internet. Remote worker shall not be paid for time or mileage involved in travel between the Remote Work Site and the employee's assigned County Work Site.

16. PROHIBITED ACTIONS

18.1 Except for participating in on-line meetings and calls, remote workers may not hold work related meeting in the employee's home.

18.2 Remote workers may not:

- a. work under the inappropriate influence of prescription drugs or over the counter drugs;
- b. work under the influence of a controlled dangerous substance; or
- c. work under the influence of alcohol.

Included

Washington County Remote Work Form

Assessing Remote Work Needs Checklist



ASSESSING REMOTE WORK NEEDS

Supervisors should use the following checklist to determine eligibility for remote work in accordance with the policy.

Remote Work Checklist Item	Yes/No	Supervisor Considerations
The employee is, or can be, assigned duties which can be performed from a remote location.		Employees whose duties are primarily external customer of patient focused, may not be able to remote work.
The employee has, or can be issued, a secured laptop.		Should discuss potential options with Information Technology.
The employee can access all relevant systems and applications from a remote location or can be given VPN access/remote desktop if necessary for remote work.		Should discuss potential options with Information Technology.
The employee does not need or can safely and securely take essential documents from the workplace.		If essential documents cannot be physically removed from a County Work Site, consider scanning them to reduce time required on-site.
The supervisor can adequately supervise from a distance (assign and review work, monitor performance, etc.)		Supervisor can maintain contact with employees through e-mail, phone, conference call, video chat, etc.
The employee has an adequate work area to remote work with minimal distractions.		Supervisors can work with employee to see if accommodations can be made.
The employee has adequate internet accessibility as outlined within County policy.		If the employee does not have adequate internet accessibility, remote work may not be able to remote work.
The employee prioritizes work to meet deadlines.		Employee evaluations and supervisor observations should be utilized to make this determination.
The employee accomplishes job responsibilities with minimal supervision.		Can the employee work without constant supervision in order to complete work.
The employee communicated effectively utilizing common communication tools.		Can this employee utilize communication tools and applications to complete work.
The employee manages time effectively.		Can this employee complete tasks assigned to them and meet deadlines without constant supervision.

If the answer to all the items listed is “yes,” the employee should be able to remote work in accordance with the County’s policy. If some of the answers were “no,” remote work may not be an option for this employee and future assessment may need to be conducted by Human Resources.

Supervisor Signature

Date

Employee Signature

Position Title

Date



Remote Work Agreement

Employee Name		Employee Position Title	
Employee Division/Department		Employee Supervisor	
<input type="checkbox"/> Non-Union <input type="checkbox"/> Union/Represented	<input type="checkbox"/> FLSA Exempt (Salary) <input type="checkbox"/> Non-Exempt (Hourly)	Remote Work Start Date	

Remote Work Schedule						
Remote Work Hours				All work is performed via remote work YES / NO		
Starting Time:		Ending Time:		Blend of remote and on-site requested YES / NO		
Requested Daily Schedule <i>(Indicate remote work or on-site work for each day of schedule)</i>						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
<input type="checkbox"/> Remote <input type="checkbox"/> On-Site	<input type="checkbox"/> Remote <input type="checkbox"/> On-Site	<input type="checkbox"/> Remote <input type="checkbox"/> On-Site	<input type="checkbox"/> Remote <input type="checkbox"/> On-Site	<input type="checkbox"/> Remote <input type="checkbox"/> On-Site	<input type="checkbox"/> Remote <input type="checkbox"/> On-Site	<input type="checkbox"/> Remote <input type="checkbox"/> On-Site
Schedule Notes						
Remote Work Site Address						
Home Address:				Alternative Site Address:		
Remote Work Site Location Questions:						
<input type="checkbox"/> Yes <input type="checkbox"/> No	Adequate internet service to support remote work. (Please note, the County does not provide internet service or reimbursement for internet service under this agreement.)					
<input type="checkbox"/> Yes <input type="checkbox"/> No	To be able to answer and conduct phone calls without distractions, loud background noise, etc. for work related matters. (All county telephones are connected to your county assigned computer. You are able to make and take calls using the appropriate software.)					
<input type="checkbox"/> Yes <input type="checkbox"/> No	Maintain a workspace with an internet connection where you can reliably perform work and remain available and responsive during scheduled work hours; Have a safe, productive and functional workspace, in addition to other areas that may be necessary to support remote work.					
<input type="checkbox"/> Yes <input type="checkbox"/> No	The ability to complete and protect proprietary, sensitive and confidential information related to my job duties at my remote work site to meet the County's expectations of information security while remote working.					

By signing below, I am requesting to remote work and agree to adhere to the County's Remote Work Policy and all Employment Policies and work rules. I acknowledge that this remote work arrangement can be canceled by the County at any time for any reason.

Employee Signature

Date

Supervisor Signature

Date

Division Director

Date

Supervisor Approval

_____ **Approved**

_____ **Denied** *(if request is denied, please provide reason in writing to employee and HR)*

Washington County Government Remote Work



May 10, 2022

What is remote work?

Remote work (also known as work from home [WFH] or telecommuting) is a type of flexible working arrangement that allows an employee to work from a remote location outside of corporate offices. For employees who can complete work offsite, this arrangement can help ensure work-life balance, access to career opportunities or reduced commutation costs.

Benefits of Remote Work

For Employees

- ✓ Increases sense of achievement due to productivity
- ✓ Better for employee's health
- ✓ Boosts employee morale and job satisfaction
- ✓ Saves money for employee expenses (travel, gas, etc.)
- ✓ Reduces stress
- ✓ An improved home/work life balance
- ✓ Able to work in weather emergencies safely

For Employers

- ✓ Increases productivity
- ✓ Saves on building space rental, utilities, operational maintenance expenses, etc.
- ✓ Decrease in turnover rates
- ✓ Expands the human resources pool
- ✓ Great for the environment – reduce accidents
- ✓ Reduction in absenteeism
- ✓ The flexibility to provide business continuity of operations during a regional crisis or weather emergency

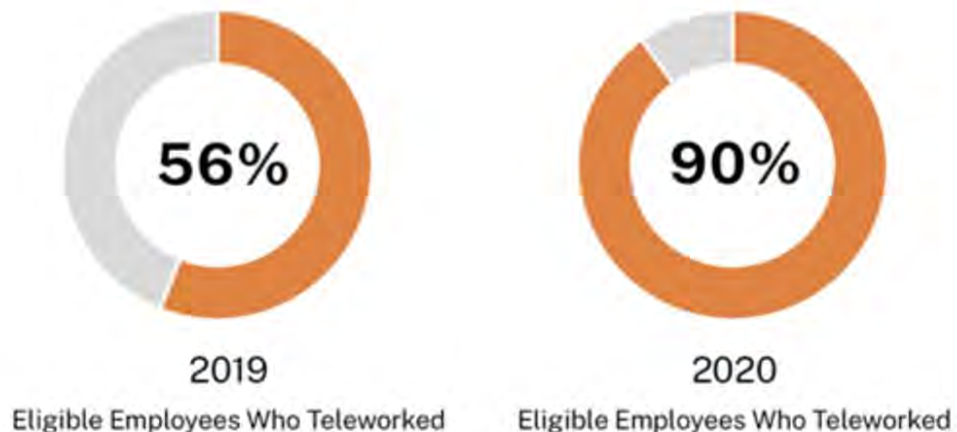
Skills and Traits of a Successful Remote Worker

- ✓ **Independent** - Be self-sufficient and vigilant about your work but know when to seek feedback.
- ✓ **Disciplined** – Get enough sleep, set personal deadlines and follow through and set boundaries for handling personal responsibilities during the middle of the workday.
- ✓ **Strong communication skills** – Practice concise and clear writing, active listening and being patient.
- ✓ **Highly responsive** – Respond to emails and return calls as soon as possible.
- ✓ **Highly flexible** – Accept that change is inevitable and rise to the challenge.
- ✓ **Tech-savvy** – Understand and able to use current technology, computer applications and use them appropriately without guidance and constant instruction.

What Remote Work Isn't...

- ⊗ ***Meant to be a substitute for child/dependent care.*** Employees will still need to arrange child/dependent care just as if they were working at their on-site location.
- ⊗ ***Meant to be lazy or non-productive.*** Employees will need to produce work and provide results as if they were working at an on-site location.
- ⊗ ***An excuse to never come to an on-site location.*** A lot of employees may still need to report to their on-site location when the job requires or when the employee's supervisor requires/assigns a project or task.
- ⊗ ***An option to not answer e-mails, calls or attend meetings.*** Employees will be required to respond accordingly as if they were working at an on-site location.
- ⊗ ***Meant to be a burden.*** Remote work should not be a burden on the employee, supervisor or fellow co-workers that must be on-site.

Remote work and telework is the future of working.

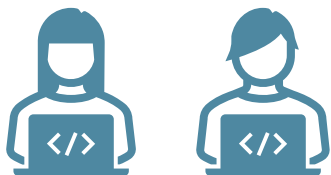


The future of work

84% agree that their agency has the tools/resources needed to successfully respond to future emergencies requiring maximum telework.

86% were able to successfully transition 80% of their workforce to maximum telework.

Source: Fiscal Year 2020 Status of Telework in the Federal Government Report to Congress



More organizations are offering remote/telework opportunities since the Covid-19 pandemic including the State of Maryland and the Federal Government.

Eligible Remote Work Examples

Suitable For Remote Work

- ✓ Require no face-to-face personal contact or may be able to schedule face-to-face contact on specific dates
- ✓ Have clear work objectives
- ✓ Do not require immediate feedback or live, in-person supervision
- ✓ Will not adversely affect the organization or departmental assignments or projects
- ✓ Can work independently and will benefit from quiet or uninterrupted time

Not Suitable For Remote Work

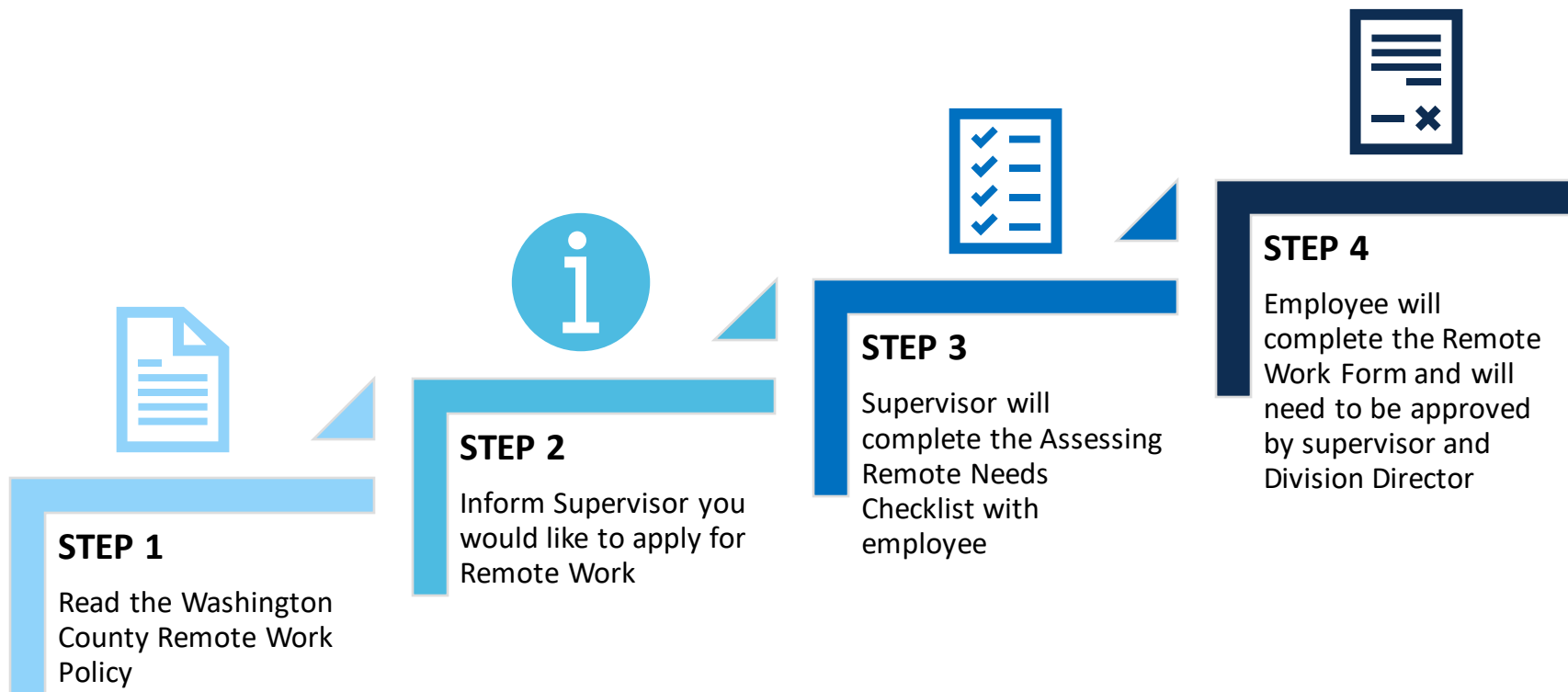
- ✓ Face-to-face personal contact (e.g. public safety)
- ✓ Hands-on operation of equipment, vehicles or other on-site materials (e.g., Highways, Water Quality Operators, Solid Waste Operators)
- ✓ Direct physical handling of secure materials
- ✓ Activities dependent of a physical presence (e.g. security, parks)

What An Approved Remote Work Site Needs

- ✓ Adequate and secure internet service
- ✓ A safe and functional workspace
- ✓ A place free of distractions and background noise
- ✓ A laptop (county issued) that will allow phone calls and video meetings



Applying for Remote Work - Process



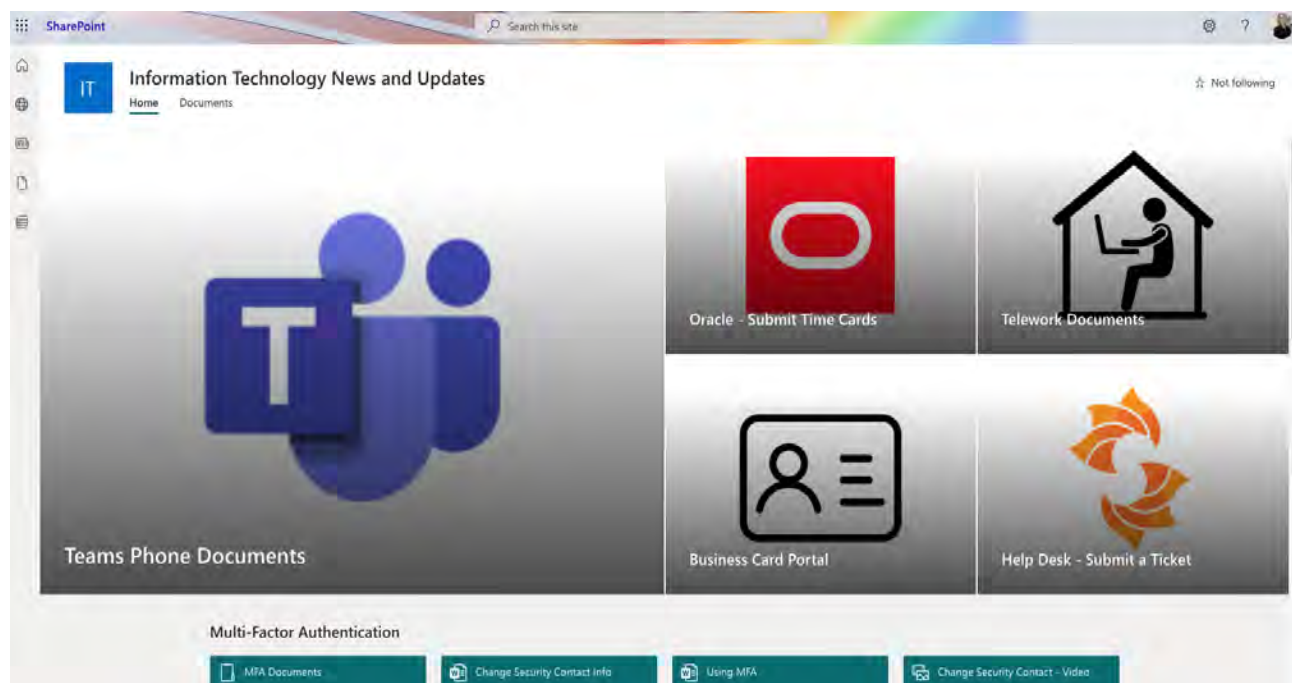
Tools For Success

Positions that are eligible to remote work have the tools to work seamlessly, with proper internet connection, wherever the remote worker is stationed. Using Office 365, a remote worker can:

- ✓ Email
- ✓ Answer and make calls
- ✓ Collaborate with teammates
- ✓ Access department documents
- ✓ Video meetings & chats
- ✓ Use Microsoft Word, Excel, PowerPoint, One Note, and more!



Tools For Success



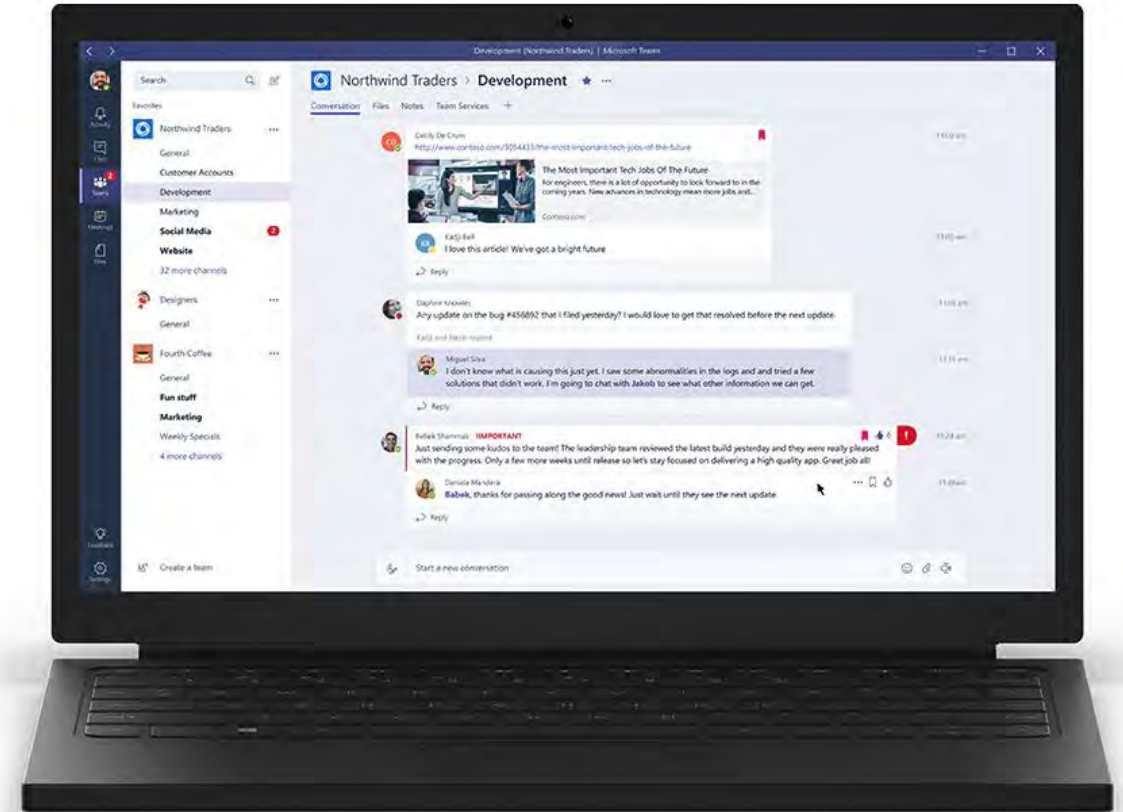
Washington County's Information Technology has a dedicated sharing site that remote workers can access for training, timesheet submission and requesting time off, submitting a Help Desk Ticket and many other helpful items for remote workers.



Tools For Success

Microsoft Teams is a proprietary business communication platform.

- ✓ Telephone replacement – answer and make calls directly from computer.
- ✓ Chats – communicate with team members.
- ✓ Meetings - schedule and hold remote video meetings.
- ✓ Work status - supervisors can see if remote workers are actively working or if they are idle.





THANK YOU

Remote Work Committee
www.washco-md.net