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BOARD OF COUNTY COMMISSIONERS
September 24, 2019
OPEN SESSION AGENDA

08:00 A.M. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE
CALL TO ORDER, *President Jeffrey A. Cline*
APPROVAL OF MINUTES – September 17, 2019

08:05 A.M. CLOSED SESSION

(To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals; To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; To consult with counsel to obtain legal advice on a legal matter; & To consult with staff, consultants, or other individuals about pending or potential litigation.)

10:00 A.M. RECONVENE IN OPEN SESSION

10:05 A.M. COMMISSIONERS' REPORTS AND COMMENTS

10:15 A.M. REPORTS FROM COUNTY STAFF

10:25 A.M. CITIZENS PARTICIPATION

10:30 A.M. PROCLAMATION PRESENTATION – CAREERS IN CONSTRUCTION MONTH –
OCTOBER 2019 – *Presented to Amos McCoy, CEO, ABC Cumberland Valley Chapter*

CONVENE AS BOARD OF HEALTH

10:35 A.M. AWARD OF THE SNOW REMOVAL SERVICES - *Earl Stoner, Deputy Health Officer, Washington County Health Department, and Daniel Triplett, Administrator, Washington County Health Department*

RECONVENE AS BOARD OF COUNTY COMMISSIONERS

10:40 A.M. WASHINGTON COUNTY AGRICULTURAL LAND PRESERVATION ADVISORY
BOARD BY-LAWS REVISION - *Chris Boggs, Senior Land Preservation Planner, Department of Planning and Zoning*

10:45 A.M. CONSTRUCTION BID AWARD – PARKING FACILITY AT 49 JONATHAN
STREET - *Scott Hobbs, P.E., Director, Division of Engineering*

- 10:55 A.M. CONSTRUCTION BID AWARD – PUBLIC SAFETY TRAINING CENTER SITE WORK (PHASE I) – *Scott Hobbs, P.E., Director, Division of Engineering*
- 11:00 A.M. PUBLIC HEARING – PROPERTY ACQUISITION FOR BOARD OF ELECTIONS FACILITY - *Todd Moser, Real Property Administrator, Division of Engineering and Scott Hobbs, Director, Division of Engineering*
- 11:15 A.M. CONVEYANCE OF PROPERTY AT THE GREENS AT HAMILTON RUN (CITY MUNICIPAL GOLF COURSE) – *Todd Moser, Real Property Administrator, Division of Engineering*
- 11:20 A.M. SOLAR ENERGY GENERATING SYSTEMS (SEGS) INFORMATION - *Stephen T. Goodrich, Director, Department of Planning and Zoning, Jill Baker, Deputy Director, Department of Planning and Zoning and Les Knapp, Legal and Policy Counsel, Maryland Association of Counties (MACo)*
- 11:50 A.M. ADEQUATE PUBLIC FACILITIES ORDINANCE FEES (APFO) - *Stephen T. Goodrich, Director, Department of Planning and Zoning, Jill L Baker, Deputy Director, Department of Planning and Zoning and Ashley R. Holloway, Director, Division of Plan Review and Permitting*
- 12:20 P.M. INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-19-0020) – PERSONAL PROTECTIVE EQUIPMENT (PPE) FOR DIVISION OF EMERGENCY SERVICES - *Rick Curry, CPPO, Director, Purchasing Department and Jonathan Hart, Assistant Director of Fire Operations, Division of Emergency Services*
- 12:25 P.M. APPROVAL OF THE AGREEMENT BETWEEN WASHINGTON COUNTY AND KUUSAKOSKI GLASS, LLC - *David A. Mason, P. E., Deputy Director, Department of Solid Waste*
- 12:30 P.M. BID AWARD (PUR-1440) – RECYCLING DROP-OFF SERVICES - *Brandi Naugle, Buyer, Purchasing Department and David Mason, P.E., Deputy Director, Department of Solid Waste*
- 12:35 P.M. BID AWARD (PUR-1441) – CONTRACT SERVICES AT TRANSFER STATIONS AND ON-SITE AT FORTY WEST LANDFILL - *Brandi Naugle, Buyer, Purchasing Department and David Mason, P.E., Deputy Director, Department of Solid Waste*
- 12:40 P.M. EMERGENCY NUMBERS SYSTEMS BOARD – APPROVAL TO SUBMIT APPLICATION AND ACCEPT AWARDED FUNDING - *Brian Albert, Emergency Communications Center Operations, Division of Emergency Services, Josh O’Neal, Deputy Director of Information Technology and Allison Hartshorn, Grant Manager, Office of Grant Management*
- 12:45 P.M. UTILITY VEHICLE PURCHASE / REPLACEMENT – *R. David Hays, Director, Division of Emergency Services*
- 12:50 P.M. ADJOURNMENT



Agenda Report Form

Open Session Item

SUBJECT: Presentation of Careers in Construction Month – October 2019

PRESENTATION DATE: September 24, 2019

PRESENTATION BY: Board of County Commissioners

RECOMMENDED MOTION: None

REPORT-IN-BRIEF: Proclamation Presentation to Amos McCoy, CEO, ABC Cumberland Valley Chapter

WHEREAS, Careers in Construction Month is an annual month designated to increase public awareness and appreciation of construction craft professionals and the entire construction workforce, and;

WHEREAS, during this month, employers, associations and schools are encouraged to conduct job fairs, panel discussions, and local community events to inform students of the vast employment opportunities in construction, and;

WHEREAS, the construction industry is one of our nation's largest industries, employing more than 5 million individuals in the U. S., and;

WHEREAS, the construction industry needs 1.4 million new craft professionals by 2022, and;

WHEREAS, we are pleased to honor the construction craft professional and the critical role they play in the development of Washington County, and;

WHEREAS, NCCER was created by the construction industry to standardize training and enhance the industry image by promoting the hard work and dedication of our nation's craft professionals, and;

WHEREAS, the mission of NCCER's Build Your Future initiative is to narrow the skills gap by guiding America's youth and displaced workers into opportunities that lead to long-term rewarding careers in construction, and;

WHEREAS, the goal of the Build Your Future initiative is to shift the public's negative perception about careers in the construction industry and provide a path for individuals to become craft professionals.

NOW THEREFORE, We the Board of County Commissioners of Washington County, Maryland, do hereby recognize October as Careers in Construction Month.



Agenda Report Form

Open Session Item

NOTE: The Board of County Commissioners will need to convene as the *Board of Health* when considering this request

SUBJECT: Award of the Snow Removal Services

PRESENTATION DATE: September 24, 2019

PRESENTATION BY: Earl Stoner, Deputy Health Officer, Washington County Health Department, and Daniel Triplett, Administrator, Washington County Health Department

RECOMMENDED MOTION: (RFP-2020-04) To award Snow Removal Services to J & R Services, White Hall Road, Smithsburg, MD 21783 for the low bid of \$1,555.00 with an undetermined number of times the contractor will be called in to plow snow. The contract is for one (1) year with four (4) renewal options.

REPORT-IN-BRIEF: The Washington County Health Department to be prepared for the 2019-2020 winter season prepared and advertised an RFP for snow removal services for the Hospital Way campus, Hagerstown, Catocin Summit Adolescent Program in Sabillasville, MD and the main headquarters at 1302 Pennsylvania Avenue, Hagerstown.

The proposal was advertised in the Herald Mail, eMMA publication and on the Washington County Health Department website.

The RFP produced three (3) vendors, Snow and Ice Management, Pittsburgh, PA, bid of \$2,143.00; JLN Construction Services, Halethorpe, MD, bid of \$6750.00 and J & R Services, Smithsburg, MD for \$1555.00. Tabulation sheet is attached.

DISCUSSION: None

FISCAL IMPACT: N/A

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: Tabulation Sheet

AUDIO/VISUAL NEEDS: None

SNOW REMOVAL SERVICES

RFP-2020-04

TABULATION SHEET

	Company	Description	1302 Pa. Ave.	Hospital Way	CSAP
1	Snow and Ice Management 2020 Knott Street Pittsburgh, PA 15233	Snow Removal per one inch plow drop	\$463.00	\$193.00	\$130.00
		Entry/Sidewalks	\$95.00	\$95.00	\$95.00
		Calcium Chloride (per application)	\$295.00	\$215.00	\$67.00
		Salt (per application)	\$235.00	\$130.00	\$130.00
		TOTAL		\$1,088.00	\$633.00
	GRAND TOTAL FOR ALL SITES				\$2,143.00
	Company	Description	1302 Pa. Ave.	Hospital Way	CSAP
2	J & R Services 11328 White Hall Road Smithsburg, MD 21783	Snow Removal per one inch plow drop	\$225.00	\$80.00	\$150.00
		Entry/Sidewalks	\$120.00	\$80.00	\$80.00
		Calcium Chloride (per application)	\$300.00	\$100.00	\$60.00
		Salt (per application)	\$250.00	\$50.00	\$60.00
		TOTAL		\$895.00	\$310.00
	GRAND TOTAL FOR ALL SITES				\$1,555.00
	Company	Description	1302 Pa. Ave.	Hospital Way	CSAP
3	JLN Construction Services 1506 Joh Avenue, Suite 174 Halethorpe, MD 21227	Snow Removal per one inch plow drop	\$1,200.00	\$1,200.00	\$1,200.00
		Entry/Sidewalks	\$50.00	\$50.00	\$50.00
		Calcium Chloride (per application)	\$350.00	\$350.00	\$350.00
		Salt (per application)	\$650.00	\$650.00	\$650.00
		TOTAL		\$2,250.00	\$2,250.00
	GRAND TOTAL FOR ALL SITES				\$6,750.00



Open Session Item

SUBJECT: Washington County Agricultural Land Preservation Advisory Board By-Law Revision

PRESENTATION DATE: September 24, 2019

PRESENTATION BY: Chris Boggs, Senior Land Preservation Planner, Department of Planning and Zoning

RECOMMENDED MOTION: To approve the revised by-laws of the Washington County Agricultural Land Preservation Advisory Board as presented.

REPORT-IN-BRIEF: Pursuant to Maryland Annotated Code, Agriculture Article, Subtitle 5. Maryland Agricultural Land Preservation Foundation, Section 2-504.1, an Agricultural Preservation Advisory Board (“Board”) shall be appointed by the elected body by each county.

The Board consists of five members; three represent owner-operators of commercial farms who earn 50% or more of their income from farming. Members serve five-year terms. The Board meets four times per year or as needed to discuss the establishment of agricultural districts and the approval of purchases of easements, among other duties.

DISCUSSION: The former by-laws are dated May 28, 1980, with no revision since that date. During a review of all Boards and Commissions, the Clerk found that the former by-laws referenced specific information which no longer is active for this Board. Additionally, the Clerk is working to prepare all by-laws for the Boards and Commissions in a uniformed manner.

FISCAL IMPACT: This is NOT a paid board.

CONCURRENCES: Agricultural Land Preservation Advisory Board, Senior Land Preservation Planner, County Clerk, County Attorney’s Office

ATTACHMENTS: By-Laws Dated May 28, 1980, Revised DRAFT by-laws

Scanned

Washington County Agricultural
Preservation Advisory Board
By-Laws

Article I. Membership

Section 1. The Board of County Commissioners shall appoint an Agricultural Preservation Advisory Board as provided by law (Agricultural Article, 2-504.1).

Section 2. The Agricultural Preservation Advisory Board shall consist of five members, at least three of whom shall be owner-operators of commercial farms who earn 50 percent or more of their income from farming.

Section 3. In each Agricultural Preservation Advisory Board, original members shall be appointed for the following terms:

- (1) One for a term of three years;
- (2) Two for terms of four years;
- (3) Two for terms of five years.

Thereafter, terms of office shall be five years. No member shall serve for more than two consecutive full terms. Appointment to fill a vacancy shall be for the remainder of the unexpired term.

Section 4. Duties of each Agricultural Preservation Advisory Board shall be:

- (1) To advise the Board of County Commissioners with respect to the establishment of agricultural districts and the approval of purchases of easements by the Foundation within the County;

- (2) To assist the Board of County Commissioners in reviewing the status of agricultural districts and land under easement;
- (3) To advise the Foundation concerning County priorities for agricultural preservation;
- (4) To promote the preservation of agriculture within Washington County by offering information and assistance to farmers with respect to the establishment of agricultural preservation districts and the purchase of easements; and
- (5) To perform any other duties as assigned by the Board of County Commissioners.

Article II. Meetings

Section 1. Regular meetings of the Board shall be held on the fourth Wednesday of each month at 7:30 P. M. in the Washington County Office Building, Hagerstown, Maryland. If there is not regular business to be conducted for a specific month, the Chairman will have the authority to cancel the meeting for that specific month.

Section 2. Special meetings of the Board may be called at any time by the Chairman upon the written request of a majority of members of the Board. The Chairman may call special meetings at such times as he deems necessary. The location and time of all such special meetings shall be selected by the Chairman.

Section 3. Notice of special meetings shall be given to each member not less than three days before such meeting and shall state the business to be conducted thereat.

Section 4. A majority of the members of the Board is required to be present to vote on agricultural districts and/or land under easements or any other formal business transacted. Each member is entitled to one vote.

Section 5. A member shall disqualify himself from voting whenever he finds that he has a personal or monetary interest in the district application or land under easement.

Section 6. A member may disqualify himself from voting whenever any applicant, or his agent, has sought to influence the vote of that member.

Section 7. The absence of proper attendance for three consecutive regular meetings and/or five or more regular meetings of the Advisory Board within a twelve month period may justify the replacement of that board member. A vote of the Advisory Board quorum shall precede a formal recommendation of dismissal to the Board of County Commissioners.

Article III. Officers

Section 1. Officers of the Board shall consist of a Chairman, Vice-Chairman, and Secretary which are to be elected at the annual organization meeting each year. The annual organization meeting shall take place on the last meeting date of the year. Officers shall commence serving their term on the first meeting date of the year.

Section 2. Vacancy in offices shall be filled by vote of the membership at the next meeting following such vacancy.

Section 3. The Chairman shall preside at all meetings of the Board. The Chairman as a member of the Board shall have the right to vote on matters presented to the Board at all meetings of the Board. The Chairman shall report any vacancies of the Board to the Board of County Commissioners. The Chairman shall be responsible for the functioning of the Board and shall have such powers as may be necessary to carry out this responsibility. The Chairman is responsible in providing written notification to the Board of County Commissioners as to the approval or disapproval of district and easement applications.

Section 4. The Vice-Chairman, in the absence of the Chairman or in the event of his inability to act, shall perform the duties of the Chairman, and when so acting, shall have all the powers and be subject to all restrictions applicable to the Chairman.

Article IV. Amendment

Section 1. These By-Laws may be amended by a majority of the members at a duly held regular or special meeting of the Board, provided that notice of the proposed amendment has been stated in the notice of the meeting and mailed to each member at least three days before such meeting on which action on such proposed amendment is to be taken. A majority vote

of all members of the Board is necessary for approval of any amendment.

Article V. Rules

Section 1. Meetings of the Board and of committees shall be governed in accordance with Robert's Rules of Order.

Adopted this date,

May 28, 1980

Attested:

Ronald J. Main
Secretary

Leonard E. Lowry
Signature of Chairman



**WASHINGTON COUNTY AGRICULTURAL LAND
PRESERVATION ADVISORY BOARD**

**BYLAWS
(in accordance with Policy PR-22, Boards and Commissions)**

Article I

Name and Principal Office

The name of the Board is the Washington County Agricultural Land Preservation Advisory Board (the Board.) The principal office of the Board is located at the Washington County Administration Building, 100 West Washington Street, Hagerstown, Maryland.

Article II

Mission Statement

The Board shall have the responsibility to promote the preservation of agricultural land throughout Washington County by offering information and assistance surrounding the retention of farmlands and woodlands to the Washington County Board of County Commissioners (Commissioners) and its local farm community.

**Article III
Priorities**

The Board shall:

- A. Assist the Commissioners in reviewing the status of agricultural land preservation districts and land under easement;
- B. Advise the Commissioners with respect to the establishment of agricultural land preservation districts and the approval of purchases of easements by the Maryland Agricultural Land Preservation Foundation (MALPF) within Washington County (county);
- C. Advise MALPF concerning county priorities for agricultural preservation;
- D. Promote the preservation of agriculture within the county by offering information and assistance to farmers with respect to the establishment of agricultural land preservation districts and the purchase of easements;
- E. Approve or disapprove an application by the county for certification under §5-408 of the State Finance and Procurement Article;
- F. Meet as needed with forest conservation district boards in order to work cooperatively to encourage the promotion and retention of farmland and woodland in their respective jurisdictions; and,
- G. Perform any other duties as assigned by the Commissioners.

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**Article IV
Membership**

Pursuant to Maryland Annotated Code, Agriculture Article, Subtitle 5. Maryland Agricultural Land Preservation Foundation, Section 2-504.1, an Agricultural Preservation Advisory Board shall be appointed by the elected body by each county.

A. **Composition.** The Board shall be comprised of five (5) individual voting members appointed by the Commissioners, three (3) of whom shall be owner-operators of commercial farms who earn 50 percent or more of their income from farming.

B. **Terms.** Terms of the individual voting members shall be five (5) years; no member may serve more than two (2) consecutive full terms. A partial term will not be considered a full term for the purpose of these term limits. Original member terms shall be staggered.

C. **Termination of Membership and Vacancies**

1. Membership on the Board may be terminated by voluntary withdrawal or by removal by the Commissioners. Any member may withdraw from membership by giving written notice to the Board chair of such intention.

2. The Board may recommend to the Commissioners that the membership of an individual member be terminated based on one or more of the following criteria:

- a. inadequate attendance including excused and unexcused absences;
- b. breach of confidentiality;
- c. action/behavior that is inappropriate or inconsistent with County policy; and

3. The Commissioners shall have the authority to remove any member of the Board at any time when, in its sole and absolute discretion, the best interest of the community shall be served.

4. Any vacancy occurring in the Board for any reason shall be filled for the unexpired term by the Commissioners.

**Article V
Officers**

A. **Elected Officers.** Members of the Board shall elect from among their members a chair, and vice-chair. Notwithstanding any provision of these bylaws, no member may simultaneously hold more than one office. The officers shall have the duties and powers usually attendant upon such officers and other duties and powers not inconsistent herewith as may be provided by the Board and/or the Commissioners.

B. **Terms.** The chair and vice-chair shall take office at the close of the Annual Meeting and shall serve for a term of one (1) year. Officers are eligible for reelection or reappointment for one (1) additional year. Vacancies occurring during a term of office must be filled for the unexpired balance of the term of office. When a vacancy in the office of the chair occurs, the vice-chair shall automatically succeed to the office of chair.

C. **Chair.** The chair shall:

- 1. Preside as the chief officer of the Board and shall be present at all meetings of the Board;
- 2. Maintain the right to vote on matters presented to the Board at all meetings of the Board;

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Deleted:)

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3. Serve as a non-voting ex-officio member of all sub-committees and appoint the chair of each sub-committee from among the members;

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4. Provide the Commissioners with written notification of the approval or disapproval of district and easement applications;

5. Ensure that proper records are maintained;

Deleted: 3. .

6. Communicate to the Board such matters and make such suggestions as may in the chair's opinion tend to promote the achievement of the goals outlined in these bylaws; and

7. Perform such other duties as are necessarily incidental to the office.

D. **Vice-Chair.** The vice-chair shall perform all duties of the chair during his or her absence.

E. Officer Removal, Resignation, and Vacancies

1. The Board may recommend to the Commissioners that a member serving as an officer be removed from his or her officer position based on one or more of the following criteria:

- a. inadequate attendance including excused and unexcused absences;
- b. breach of confidentiality;
- c. actions/behavior that in the opinion of the Board is inappropriate or inconsistent with policy; and

2. The Commissioners shall have the authority to remove any member from an officer position of the Committee at any time when, in its sole and absolute discretion, the best interest of the community shall be served.

3. In the event of an officer vacancy that is caused by removal, resignation, or any other reason, the Board shall elect a member to fill the vacancy. The election shall take place at the next regularly scheduled meeting following the effective date of the vacancy. A member elected to fill a vacancy shall serve out the remainder of the officer's term left vacant. The partial term served shall not be applied to the term limits.

Deleted: E. Secretary. The secretary shall maintain minutes of the meetings and when necessary provide notice of meetings to members of the Board. The secretary shall keep record of the proceedings of each meeting, which shall include the vote of each member on each question, or if absent or failing to vote, indicating such fact; the names and addresses of all witnesses; a summary of facts on which the decision is based; the decision rendered; and other official actions of the Board.
F

Article VI Meetings

A. **Meetings.** Meetings shall be subject to the Open Meetings Act and members of the public shall be permitted to attend all meetings except as provided by law. General parliamentary rules, as set forth in Robert's Rules of Order, as amended from time to time, shall govern, when not in conflict with these bylaws.

1. **Regular Meetings.** The Board shall hold at least two meetings per year at such time and place that is convenient, and notice shall be given at least three days prior. A member shall disqualify himself from voting whenever he finds that he has a personal or monetary interest in the district application or land under easement. A member may disqualify himself from voting whenever any applicant, or his agent, has sought to influence the vote of that member.

Deleted: Meetings shall occur throughout the year according to a schedule; notice of this schedule shall be provided to the Board members and the Commissioners

2. **Special Meetings.** Special meetings of the Board may be called at any time by the Chairman upon written request of a majority of members of the Board. The Chairman may call special meetings at such times as he deems necessary.

B. **Attendance.** All members shall be required to attend the regularly scheduled Board meetings as scheduled. Failure to attend these meetings may be at the discretion of the Board and result in the following:

1. A third missed meeting in any fiscal year may result in a letter to the member from the chair regarding the attendance policy.
2. Disassociation from the Board as a voting member may occur after the third unexcused absence of regularly scheduled meetings in any fiscal year.

C. **Quorum.** Fifty-one percent (51%) of the total membership shall constitute a quorum. If such a majority is not present at any time, the presiding officer shall adjourn the meeting until a quorum is present.

D. **Sub-committees.** Other standing or special sub-committees of the Board may be formed by the Board as deemed necessary.

Article VII

Fiscal Year and Budget

A. **Fiscal Year.** The fiscal year of the Board shall begin on the 1st day of July and end on the last day of June.

B. **Budget.** No budget will be provided to the Board unless deemed necessary by the Commissioners.

Article VIII

Amendments to Bylaws

These bylaws may be amended, repealed, modified, or altered, in whole or in part, by the Commissioners, in their sole and absolute discretion. If such an amendment or change is proposed by the Board, such proposal must be submitted in writing and approved at a meeting of the Board. The proposal to amend these bylaws and the text of the proposed amendment must be included in the notice of the next meeting of the Board. At that time, the Board shall vote on the proposed amendment. Such proposed amendments shall be recommended to the Commissioners only if the proposal receives a quorum vote of the Board.

____ Approved and adopted this ____ day of **Mareh**, 2019.

ATTEST:

Krista L. Hart, *County Clerk*

Jeffrey A. Cline, *President*
Board of County Commissioners of
Washington County, Maryland



Agenda Report Form

Open Session Item

SUBJECT: Construction Bid Award – Parking Facility at 49 Jonathan Street

PRESENTATION DATE: September 24, 2019

PRESENTATION BY: Scott Hobbs, P.E., Director, Division of Engineering

RECOMMENDED MOTION: Move to award the Jonathan Street Parking Facility contract to the lowest responsive, responsible bidder, Advantage Landscape & Construction, Inc. of Hagerstown, in the amount of \$168,510.92.

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 (eMMA).” Five (5) bids were received and opened on Friday, August 23, 2019, as listed below and further detailed on the attached Bid Tabulation.

<u>Contractor:</u>	<u>Bid:</u>
Advantage Landscape & Construction, Inc.	\$168,510.92
MIM Construction, Inc.	\$181,291.50
Kinsley Construction	\$221,357.00
Outdoor Contractors, Inc.	\$311,467.00
ECM Corporation	\$356,044.00

The bids have been evaluated and the low bid from Advantage Landscape & Construction, Inc. is in order. The engineer’s estimate for this work is \$175,000.

DISCUSSION: The project involves construction of a new parking lot located at 49 Jonathan Street, widening of the Wareham Alley, landscaping for the 117 W. Franklin Street parking lot, and replacing sidewalk along Jonathan Street adjacent to the 100 W. Washington Street parking lot. The work includes grading, paving, sidewalk, drainage, and landscaping.

This is a 60 consecutive calendar day contract. The anticipated Notice to Proceed is in late September 2019, with an anticipated completion date in late November 2019. The entrance to the alley at Jonathan Street will be temporarily closed while performing work throughout the project. Signs will be posted accordingly. The bid documents include liquidated damages in the amount of \$250.00 per calendar day for work beyond the completion date.

FISCAL IMPACT: This is a budgeted Capital Improvement Plan (CIP) Project (BLD091). Total expenses are estimated at \$178,510.92.00, which includes \$168,510.92 for the proposed bid, \$5,000 for inspection/testing, and \$5,000 for construction contingency.

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: Bid Tabulation, Aerial Map

AUDIO/VISUAL TO BE USED: Yes (Aerial Map)



WASHINGTON COUNTY DIVISION OF ENGINEERING

BID TABULATION

PROJECT NAME: Parking Facility for 49 Jonathan Street
Contract No. MS-EP-267-28
DATE: August 2019
Estimate By: JVR

Table with columns: ITEM DESCRIPTION, ITEM, BID QTY., UNIT, Bid Price, Invoice Total, ALC Companies, MIM Construction Inc, Kinsley Construction, Outdoor Contractors Inc., ECM Corporation, Bid Price, Invoice Total, Bid Price, Invoice Total. Includes a Sub-Total row and a Mathematical row.

Parking Facility for 49 Jonathan Street Work





Agenda Report Form

Open Session Item

SUBJECT: Construction Bid Award - Public Safety Training Center Site Work (Phase I)

PRESENTATION DATE: September 24, 2019

PRESENTATION BY: Scott Hobbs, Director, Division of Engineering

RECOMMENDED MOTION: Move to award the Public Safety Training Center Site Work (Phase I) contract to the lowest responsive, responsible bidder, C. William Hetzer, Inc. of Hagerstown, in the amount of \$3,048,453.50.

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 (eMMA)." Five (5) bids were received and opened on Friday, September 13, 2019, as listed below and further detailed on the attached Bid Tabulation.

<u>Contractor:</u>	<u>Bid:</u>
C. William Hetzer, Inc.	\$3,048,453.50
Excavating Associates	\$3,429,153.00
Concrete General	\$3,647,613.50
Advantage Landscape & Construction, Inc.	\$4,332,200.28
Triton Construction Inc.	\$4,704,500.00

The bids have been evaluated and the low bid from C. William Hetzer is in order. The engineer's estimate for this work is \$3,200,000.

DISCUSSION: The Public Safety Training Center at 9238 Sharpsburg Pike is a proposed multi-phase project that will be utilized by police, fire, and emergency services personnel serving in and around Washington County. The first phase involves site work, utilities, and paving. Phase II of the plan anticipated to begin in the spring of 2020 involves construction of a training building with classrooms, offices, kitchen, weight room, locker rooms, and storage space. The Phase I project is a 180 consecutive calendar day contract with an anticipated Notice to Proceed in October 2019, and completion date in the spring 2020. Bid documents include liquidated damages in the amount of \$500.00 per calendar day for work beyond the completion date.

FISCAL IMPACT: This is a budgeted Capital Improvement Plan (CIP) Project (BLD093).

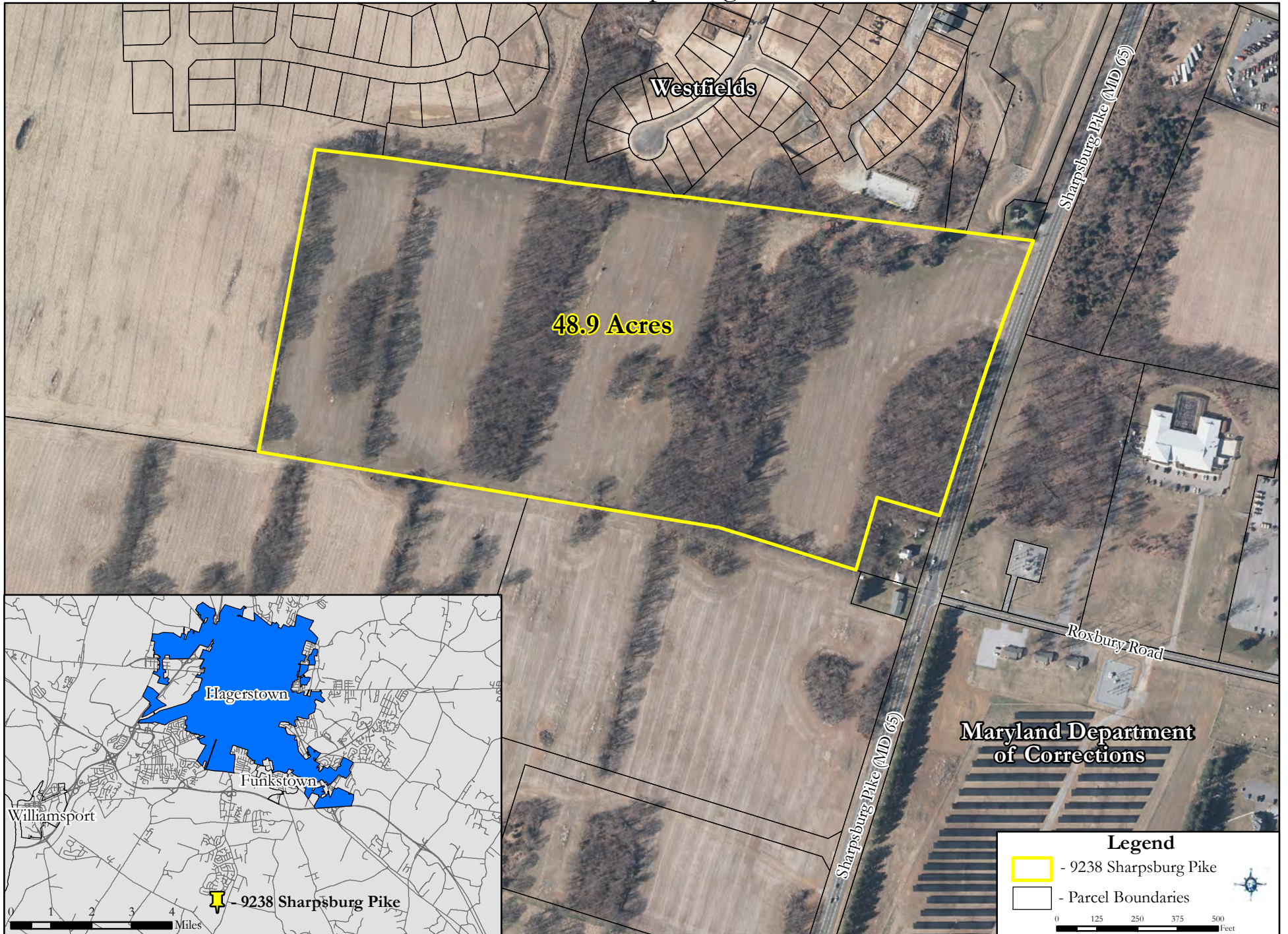
CONCURRENCES: Director of Emergency Services, Washington County Sheriff

ALTERNATIVES: N/A

ATTACHMENTS: Aerial Map, Bid Tabulation

AUDIO/VISUAL TO BE USED: Yes (Aerial Map)

9238 Sharpsburg Pike



Westfields

48.9 Acres

Sharpsburg Pike (MD 65)

Roxbury Road

Maryland Department of Corrections



Hagerstown

Funkstown

Williamsport

9238 Sharpsburg Pike

Legend

-  - 9238 Sharpsburg Pike
-  - Parcel Boundaries



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Agenda Report Form

Open Session Item

SUBJECT: PUBLIC HEARING - Property Acquisition for Board of Elections Facility

PRESENTATION DATE: September 24, 2019

PRESENTATION BY: Todd Moser, Real Property Administrator, Division of Engineering and Scott Hobbs, Director, Division of Engineering

RECOMMENDED MOTION: Move to approve the purchase of 17718 Virginia Avenue for the future Board of Elections Facility and to approve an ordinance approving said purchase and to authorize the execution of the necessary documentation to finalize the acquisition. The recommended motion also includes the approval of a budget adjustment of \$1,400,000 which includes \$1,250,000 for the purchase of the facility and \$150,000 for limited renovations for functionality.

REPORT-IN-BRIEF: This is a public hearing to hear testimony regarding the purchase of the former Shop N Save property located at 17718 Virginia Avenue, Hagerstown.

DISCUSSION: The Board of Elections have been searching for a facility that can house their office, warehouse, early voting center, and elections judge training center. A property was identified at 17718 Virginia Avenue, that would meet existing and future needs of the Board of Elections. The early voting space also offers the opportunity to be used for County meetings and scheduled functions when not in use by the Board of Elections. The former Shop N Save grocery store consisting of approximately 32,000 square feet of space was listed on the open market for \$1,900,000. The County has entered into a purchase agreement for \$1,250,000 through negotiations with the seller. The property last sold for \$1,529,277 in September 2016.

FISCAL IMPACT: \$1,400,000.

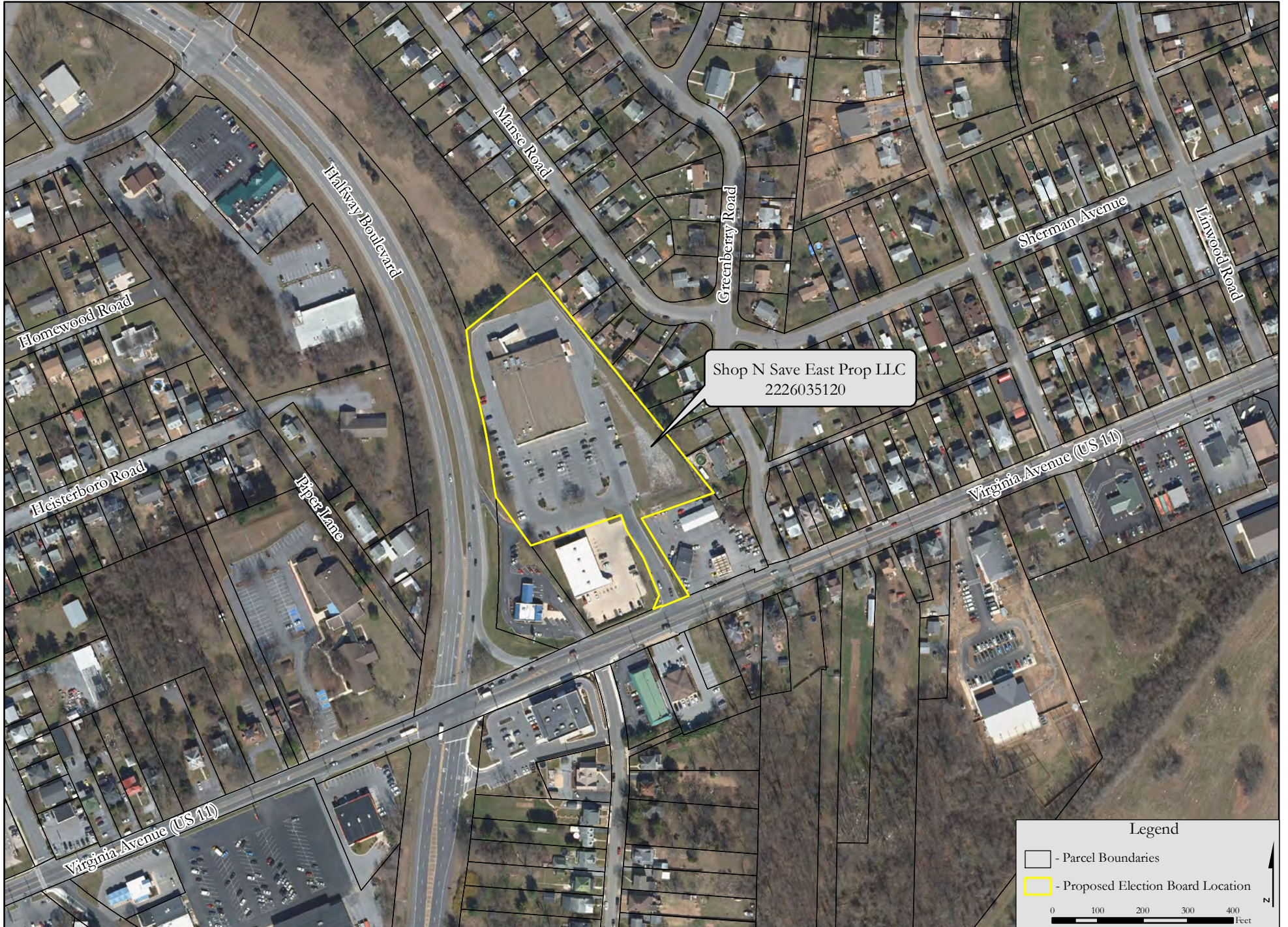
CONCURRENCES: Chief Financial Officer, County Attorney

ALTERNATIVES: N/A

ATTACHMENTS: Aerial Map, Ordinance, Budget Adjustment

AUDIO/VISUAL NEEDS: N/A

17718 Virginia Avenue (Former Shop N Save Property)



ORDINANCE NO. ORD-2019-

AN ORDINANCE TO APPROVE THE PURCHASE OF REAL PROPERTY

*(Property acquisition – 17718 Virginia Avenue, Hagerstown,
Washington County, Maryland)*

RECITALS

1. The Board of County Commissioners of Washington County, Maryland (the “County”) believes that it is in the best interest of the citizens of Washington County to purchase certain real property identified on the attached Schedule A (the “Property”) to be used for public purposes.

2. Notice of a public hearing concerning the County's intent to purchase the Property was advertised in *The Herald-Mail*, a daily newspaper of general circulation, on September 3, 10, and 17, 2019.

3. A public hearing was held on September 24, 2019, as advertised, concerning the County's intent to purchase the Property for a purchase price of One Million, Two Hundred Fifty Thousand Dollars (\$1,250,000.00), all or a portion of which may be expended from the General Fund.

4. The purchase of the Property is needed for a public purpose.

THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Washington County, Maryland that the purchase of the Property be 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 Property.

ADOPTED this ____ day of _____, 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Krista L. Hart, Clerk

BY: _____
Jeffrey A. Cline, President

Approved as to legal sufficiency:

B. Andrew Bright
Assistant County Attorney

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

SCHEDULE A--DESCRIPTION OF PROPERTY

PROPERTY ACQUISITION:

17718 Virginia Avenue, Hagerstown, Maryland

All of that certain parcel located in Election District No. 26, Washington County, Maryland, and being more particularly described as follows:

Lot 2, as shown and described on a plat entitled "Estate of Irene B. Fulton", and recorded among the Plat Records of Washington County, Maryland, in Plat Folio 3880.

BEING a part of the same parcel which was conveyed to Shop 'N Save East Prop, LLC, a Delaware limited liability company, by a Deed from Delhaize America, a North Carolina limited liability company, successor by conversion to Delhaize America, Inc., formerly known as Food Lion, Inc., dated September 26, 2016 and recorded among the Land Records of Washington County, Maryland at Liber 5335, folio 0352.

\\washco-md.net\CountyAttorney\Documents\Real Estate\17718 Virginia Avenue Property Acquisition\ORD\Ordinance.DOC



Washington County, Maryland Budget Adjustment Form

Print Form

- Budget Amendment - Increases or decrease the total spending authority of an accounting fund or department
- Budget Transfer - Moves revenues or expenditures from one account to another or between budgets or funds.

Transaction/Post -Finance

Deputy Director - Finance Digitally signed by Kelcee Mace
Date: 2019.09.16 13:40:30 -0400

Preparer, if applicable

Department Head Authorization

Division Director / Elected Official Authorization

Budget & Finance Director Approval

County Administrator Approval

County Commissioners Approval

Required approval with date

If applicable with date

Required approval with date

Required approval with date

Required > \$ 25,000 with date

Expenditure / Account Number	Fund Number	Department Number	Project Number	Grant Number	Activity Code	Department and Account Description	Increase (Decrease) + / -
498710	30	11620	BLD102		OTHR	Capital Transfer - General Fund (Reserves)	1,400,000
599999	30	11620	BLD102		CNST	Election Board Facility	1,400,000

Explain Budget Adjustment

Required Action by County Commissioners No Approval Required Approval Required

Approval Date if Known



Agenda Report Form

Open Session Item

SUBJECT: Conveyance of Property at The Greens at Hamilton Run (City Municipal Golf Course)

PRESENTATION DATE: September 24, 2019

PRESENTATION BY: Todd Moser, Real Property Administrator, Division of Engineering

RECOMMENDED MOTION: Move to approve the acceptance of 11.6 +/- acres of Board of Education property at The Greens at Hamilton Run and convey this acreage to the City of Hagerstown for the continued use of the golf course.

REPORT-IN-BRIEF: The City of Hagerstown is requesting the Board of Education convey the 11.6 +/- acres to the City for zero consideration. Three holes on the golf course are currently located on the Board of Education property to the rear of Pangborn Elementary School.

DISCUSSION: In order to follow the State Interagency Committee (IAC) on school construction guidelines, the property must first be conveyed from the Board of Education to the County, and from the County to the City of Hagerstown. The IAC has approved the conveyance of land to be used as a golf course. The land would revert to the Board of Education if the land ceases to be used as a golf course.

FISCAL IMPACT: N/A

CONCURRENCES: County Attorney

ALTERNATIVES: N/A

ATTACHMENTS: Aerial Map

AUDIO/VISUAL NEEDS: Yes (Aerial Map)

Hagerstown Municipal Golf Course (The Greens at Hamilton Run)





Open Session Item

SUBJECT: Solar Energy Generating Systems (SEGS) Information

PRESENTATION DATE: September 24, 2019

PRESENTATION BY: Stephen T. Goodrich, Director, Department of Planning and Zoning, Jill Baker, Deputy Director, Department of Planning and Zoning and Les Knapp, Legal and Policy Counsel, Maryland Association of Counties (MACo)

RECOMMENDED MOTION: No motion needed. Staff is providing information as requested and seeks Commissioner feedback on the desire to participate in Public Service Commission (PSC) evaluation of Certificates of Public Convenience and Necessity (CPCN) for Solar Energy Generating Systems (SEGS).

REPORT-IN-BRIEF: The presentation is intended to dispel the perception that Washington County has no formal guidelines or procedures to address locating Solar Energy Generating Systems (SEGS). Washington County adopted amendments to the Zoning Ordinance in 2009 to define, permit and prohibit various types of solar facilities. Facilities that produce electricity for use by the owner on site are defined as **solar collection systems** and are permitted as accessory uses in any zoning district. Facilities that produce electricity for distribution or sale into the public utility grid are defined as **Solar Energy Generating Systems or SEGS**. SEGS that are 2 megawatts (MW) or greater in size are also regulated by the Public Service Commission (PSC) and must obtain a Certificate of Public Convenience and Necessity (CPCN). The Washington County Zoning Ordinance permits SEGS as a special exception requiring Board of Zoning Appeals (BZA) approval in the Agriculture, Environmental Conservation, Preservation, Industrial Mineral, Industrial Restricted, Industrial General, Planned Industrial and Airport zoning districts. SEGS are prohibited by the County Zoning Ordinance in the Antietam Overlay zoning district, the Rural Legacy Area and Priority Preservation Areas as defined by the Comprehensive Plan.

DISCUSSION: A recent MD Court of Appeals decision has confirmed that PSC decisions on CPCNs pre-empt local zoning control of SEGS. Washington County's decision to allow or prohibit a SEGS could be voided by an opposite decision by the PSC. The PSC regulations require an opportunity for local public input at a hearing in the jurisdiction where a SEGS is proposed and requires the PSC to give "due consideration" to the local governing body's recommendation. The PSC must also consider consistency with the jurisdiction's Comprehensive Plan and zoning.

It is important to participate in the State CPCN process if Washington County wishes to have its local land use plans or other concerns given consideration in decisions about siting SEGS. Questions and concerns remain about using a process similar to the BZA evaluation of a special exception for a SEGS. Commissioner feedback about the desire and method to participate is vital for the staff to formulate a recommendation for a formal and consistent procedure. The Planning

Commission has made recommendations for additional siting criteria for consideration and inclusion in local feedback to the PSC.

FISCAL IMPACT: No direct impact to County budget. However, approval or denial of SEGS may impact land values which in turn affect tax revenues.

CONCURRENCES: Les Knapp, Legal and Policy Counsel for MACO, will be present to offer information regarding the potential for additional legislation during the 2020 session of the General Assembly, MACO's position on solar energy siting and other pertinent statewide activity that may affect solar energy siting.

ALTERNATIVES: Reject the idea of a formal local policy and procedure which would greatly lessen the effect of any County participation in solar siting.

ATTACHMENTS: Solar Energy Generating Systems Current Regulations and Planning Commission recommendations for additional siting considerations

AUDIO/VISUAL NEEDS: Display maps that show areas where SEGS are permitted by special exception or prohibited by local zoning.

Solar Energy Generating Systems (SEGS) Current Regulations

Use Chart:

	AR	EC	P	IM	IR	IG	PI	AP
Solar Energy Generating Systems, in accordance with Section 4.26	SE	SE	SE	SE	SE	SE	SE	SE

Setback Chart:

	Front	Side	Rear
AR	50	50	50
EC	50	50	50
P	50	50	50
IM	n/a	n/a	n/a
IR	50	25 ¹	25 ¹
IG	50	25 ¹	25 ¹
PI	50/150 ²	150/75 ³	150/75 ³
AP	150/50 ²	150/75 ³	150/75 ³

¹Where the proposed uses or buildings abut a lot in a RR, RT, RS, RU, or RM District, any residential use in a mixed-use development, or any lot occupied by a dwelling, school, place of worship or institution for human care not located on the same lot as the said use or building, or any lot which is part of a duly recorded residential subdivision, the side and rear setbacks shall be one hundred (100) feet.

²A front yard adjacent to an expressway or primary highway as shown on the Washington County Highway Plan shall be one hundred fifty (150) feet. Front yards on other County or municipal streets or interior roads within an industrial park shall be fifty (50) feet.

³Adjoining a residential district, one hundred fifty (150) feet or seventy-five (75) feet where proper screening as determined by the Planning Commission along the property line is provided. Adjoining a business or industrial district, seventy-five (75) feet.

Definitions:

Solar Array:

A ground mounted solar collection system consisting of a linked series of photovoltaic modules.

Solar Collection System:

A panel or other solar energy device, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling or water heating.

Solar Energy Generating System (SEGS):

A grid-tie solar facility consisting of multiple solar arrays whose primary purpose is to generate electricity for distribution and/or sale into the public utility grid and not for onsite consumption.

Specific Regulations for Solar Energy Generating Systems:

Section 4.26 Solar Energy Generating Systems

The purpose of this section is to establish regulations to facilitate the installation and construction of Solar Energy Generating Systems as defined in Section 28A (hereinafter “SEGS”) for landowners, subject to reasonable restrictions which will preserve the public health and safety.

SEGS shall be permitted as a land use as specified in Sections 3.3 and 21.42 of this ordinance. However, SEGS shall be prohibited as a use in defined Priority Preservation Areas, Rural Legacy Areas, and Antietam Overlay zones.

A. Design Standards

The following standards shall apply to the development of Solar Energy Generating Systems:

1. A property owner who has installed or intends to install a solar energy generation system shall be responsible for negotiating with other property owners in the vicinity for any necessary solar easement and shall record the easement with the Clerk of the Court. A property owner who fails to secure an easement for the receipt of solar energy acts at his own peril and has no recourse against the person allowing or causing the obstruction of the owner’s receipt of solar energy. Other property owners in the vicinity may obstruct solar energy collection systems unless a valid easement has been secured.
2. Solar Energy Generating Systems shall adhere to the setback, height, and coverage requirements of the district in which they are located. All above ground facilities associated with such generating system (excluding perimeter security fencing) shall be considered a structure for the purposes of determining required setbacks.
3. Minimum Lot Size. No such generating system shall be erected on any lot less than twenty acres in size.
4. Buffer Yards. The area designated as a buffer yard may include any required side, rear, or front yards. A 25-foot wide buffer yard shall be required where the adjoining lot is either zoned for or contains dwellings, hospitals, nursing homes, schools, or other institutions for human care. The buffer area shall be measured between the lot line and any area of the lot proposed for use or development and shall be screened with vegetative plantings. The plantings shall be spaced so as to create an opaque screen between the adjoining land uses at a height of no less than 10 feet at maturity. The Planning Commission may waive and/or modify this requirement if the strict application of the provisions of this section reduces

the usable area of a lot due to lot configuration or size to a point which would preclude a reasonable use of the lot.

5. Access. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access. A security fence (height and material to be established through the special use permit process) shall be placed around the perimeter of the solar energy generating system and electrical equipment shall be locked. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

6. Electrical Wires. All electrical wires associated with a Solar Energy Generating System, other than wires necessary to connect the solar generator to the off-site distribution system, the wiring to the disconnect junction box, and the grounding wires shall be located underground.

7. Lighting. All structure mounted and parking lot lighting shall be constructed so that light and glare are diffused toward the ground.

8. Appearance, Color and Finish - The solar energy collection structures shall remain painted or finished the color of finish that was originally applied by the manufacturer.

9. Signs. Signage shall comply with Article 22 Division II of this Ordinance. In addition, warning signage shall be placed on electrical equipment and generating system entrances. All sites shall be identified by means of a sign no larger than two (2) square feet in size affixed to the fence identifying the entity using the site and shall provide the telephone number of a contact person in the event of an emergency.

10. Noise. Audible sound due to Solar Energy Generating System operations shall not exceed fifty-five (55) dBA for any period of time, when measured from the property line of any adjacent property improved with a dwelling unit at the time of the issuance of the zoning certificate. The level however may be exceeded during short-term events such as utility outages and/or severe windstorms.

11. Electromagnetic Interference. The system shall be operated so that no disruptive electromagnetic interference is caused to off-site telecommunications, surveillance or other similar systems. If it has been demonstrated that a system is causing such disruptive interference, the system owner shall promptly eliminate the disruptive interference or cease operation of the system.

12. Code Compliance. A Solar Energy Generating System and all of its components shall comply with all applicable construction and electrical codes.

13. Utility notification and interconnection. Solar Energy Generating Systems that connect to the electric utility shall comply with applicable Public Service Commission regulations.

14. Public Service Commission. In accordance with the Maryland Annotated Code, Public Utilities Companies, Section 7-207.1, any property owner seeking to construct a Solar Energy Generating System and connect such system to the main power grid with the capability of transporting energy back to their main power company shall apply to the

Public Service Commission (PSC) for approval and provide documentation of such approval to Washington County prior to construction and issuance of a building permit.

15. Violations. It is unlawful for any person to construct, install, or operate a Solar Energy Generating System that is not in compliance with this section or with any condition contained in a building permit issued pursuant to this section.

16. Life of the project and final reclamation. As part of the site plan approval, a description of the decommissioning and final land reclamation plan after anticipated useful life or abandonment or termination of the project shall be required. This will include evidence of an agreement with the property owner that ensures proper final removal of power generating equipment.

B. Design Standards in Airport Zones

For the purpose of this section an Airport Zone shall mean all Euclidean and overlay districts outlined in Article 21 of this Ordinance.

Anyone planning to establish a SEGS within any Airport district should refer to the Federal Aviation Administration (FAA) guidance document FAA-ARP-TR-10-1 – Technical Guidance for Evaluating Selected Solar Technologies on Airports. In addition, the following design standards shall apply to installation of SEGS in any Airport Zone:

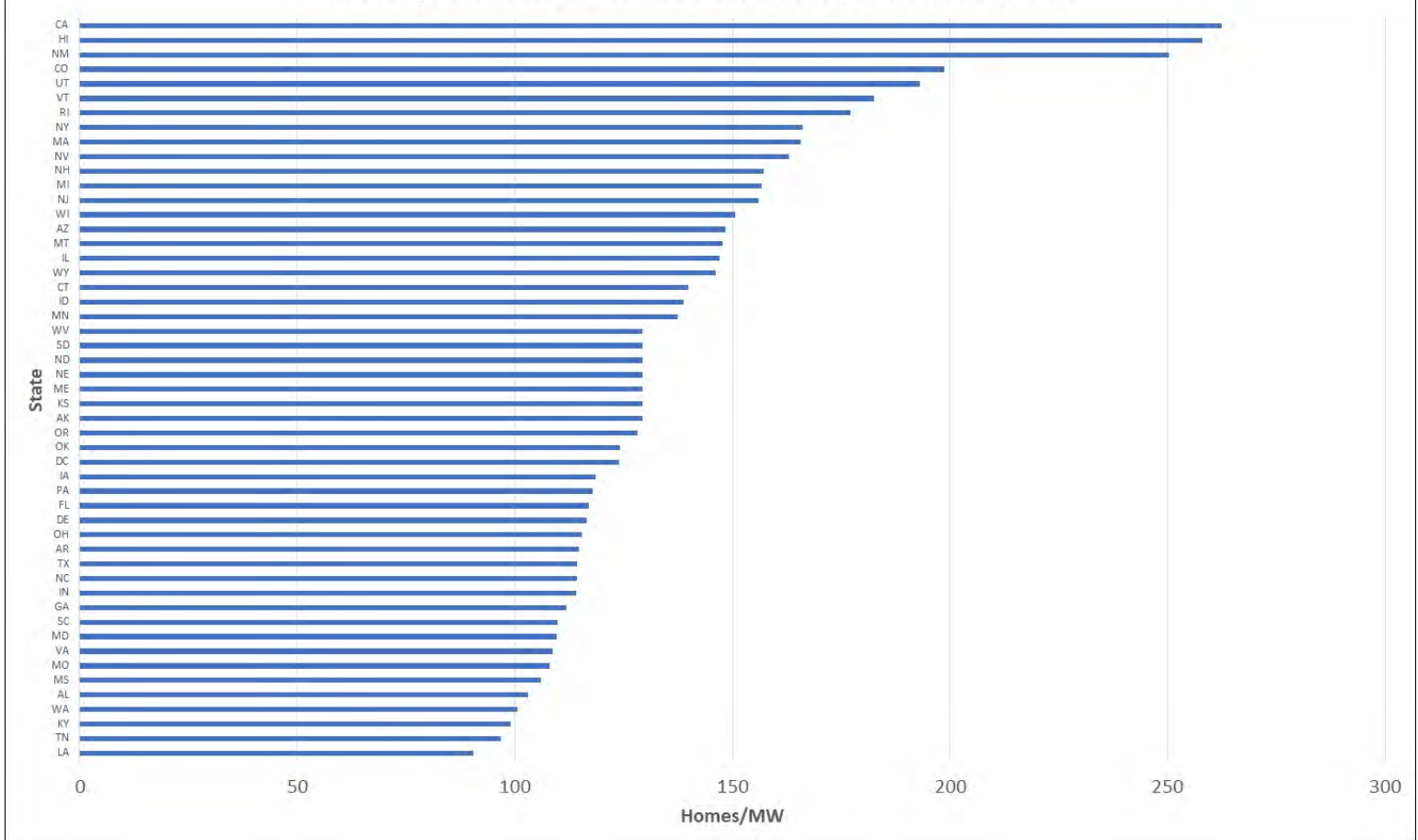
1. Solar collection devices shall be limited to photovoltaic devices only. Concentrated solar power systems are prohibited due to potential reflectivity, electromagnetic interference, and thermal plume hazards.
2. All SEGS projects located within airport zones shall be subject to review by the FAA.

Analysis of Solar Generating Systems

General Information:

- The State of Maryland adopted a renewable energy portfolio that requires 50% of all electricity produced in the State to be from renewable energy sources by 2030. Of the 50%; 14.5% is to be produced from solar.
- Solar photovoltaic generating systems are exempt from Public Service Commission (PSC) permits if they generate less than 2MW. Above 2MW systems require a Certificate of Public Convenience and Necessity (CPCN).
- Recent court case upholds lower courts decision that the PSC has sole authority to approve the location of solar photovoltaic generating systems that require a CPCN. However, the PSC is required to give “due consideration” to local comprehensive plans and zoning regulations as part of their deliberations. The PSC routinely invites the local governing authority to sit with them during public hearings regarding new permits.
- There are currently three (3) counties in the State of Maryland that do not address solar energy generating facilities in their zoning ordinance: Garrett, Prince George’s, and Somerset.
- According to the Solar Energy Industries Association (SEIA) the current (2018) national average of homes powered by 1 MW of solar power is 190. MD had a slightly lower average of about 110.

Average Number of Homes Powered by a MW of Solar PV



Source: Solar Energy Industries Association (SEIA) <https://www.seia.org/initiatives/whats-megawatt>

Topics for Discussion:

- 1) Consumption of prime agricultural land
- 2) Location and method of connecting to the grid (underground/overhead?)
- 3) Impacts on environmentally sensitive areas and animal habitats
- 4) Impacts on historic and cultural resources including viewsheds
- 5) Decommissioning of facilities (bonded?)
- 6) Impacts on Forest Conservation
- 7) Buffers, Landscaping and Fencing
- 8) Community vs. Utility Scale projects

What other jurisdictions are doing:

Issue 1: Consumption of prime agricultural land.

- Two counties, Anne Arundel and Frederick, specifically limit the amount of disturbance permitted in areas with prime agricultural soils.

Anne Arundel County (Bill No. 89-18):

“The developer of the solar facility shall, to the degree practicable, avoid disturbing prime agricultural soils, and shall provide an analysis to demonstrate how the developer is avoiding disturbance of prime agricultural soils. The development may not result in more than 50 percent of prime agricultural soils on the site being removed from existing or potential agricultural production.” §18-11-156(6)

Frederick County (Zoning Ordinance §1-19-10.700)

Frederick County only permits Commercial Solar Facilities in the Agricultural Zone via application for a Floating Zone.

“The applicant shall establish that the project will not be located on prime farmland soils identified in the USDA Soil Survey for Frederick County”. §1-19-10.700(C)(4)

- Several counties including Anne Arundel, Baltimore, Caroline, Howard, and Queen Anne’s prohibit the location of utility scale solar generating systems on various land preservation and conservation easements.
- Several counties limit or cap the amount of land permitted to be used for generating systems on the site (i.e. 25% of net tract area). Other counties limit the total acreage that can be used (i.e. 20 acres). Baltimore County limits the number of facilities to 10 per district of each County Councilman.

Issue 2: Location and method of connecting to the grid

- Connection to the grid is typically dictated by the transmission and distribution company that currently owns and services the lines.
- Alleghany County requires that interconnections be placed underground.

Issue 3: Impacts on environmentally sensitive areas and animal habitats

- Nearly all Counties specifically limit or prohibit generating systems in environmentally sensitive areas.
- Anne Arundel county requires mitigation for wildlife corridors.

Anne Arundel County

“Any solar facility where the fenced area would exceed 15 acres shall provide a wildlife corridor conforming with the provisions of the current Anne Arundel County greenways master plan.” §18-11-156(4)

Issue 4: Impacts on historic and cultural resources

- Nearly all counties reference impacts on historic or cultural resources such as historic inventory sites, scenic byways, parks, etc. Some counties go so far as to prohibit generating systems within the viewshed of these resources.

Issue 5: Decommissioning of Facilities

- All of the counties with regulations regarding solar generating facilities require installers/developers to prepare plans for decommissioning/reclamation.
- Some counties require a full reclamation plan with estimated costs associated with the decommissioning of a site.
- A few counties require bonds to be posted prior to construction of the system to ensure facilities are dismantled and reclaimed are decommissioning.

Anne Arundel County

“A decommissioning plan shall be submitted to the office of Planning and Zoning for approval. The plans shall include a requirement for a grading permit or standard grading plan and that all on-site equipment associated with the solar facility shall be removed within 12 months of cessation of operations. Decommissioning security in accordance with §17-6-702 of this code and equal to 125% of the decommissioning cost shall be posted prior to commencement of the use.” §18-11-156(13)

“The County shall review the amount of the security every five years and may require additional security or reduce the amount of the posted security if it determines, at its sole discretion, that the posted security no longer equals 125% of the decommissioning costs. §18-11-156(14)

“A solar facility is presumed to cease operations if no power is generated by the system for a period of 12 consecutive months. The owner of the solar facility shall have 12 months after cessation of operations to dismantle and remove the solar facility. If the owner fails to dismantle or remove the solar facility as required, the County may complete the removal at the owners expense, and shall retain all or part of the decommissioning security which shall become property of the County.” §18-11-156(15)

Issue 6: Impact on Forest Conservation Act

- The question has been brought up if solar generating systems still have to comply with Forest Conservation regulations since the PSC is the ultimate authority in site approval and design. Maryland DNR has strongly encouraged Counties to continue to enforce FCA requirements through the public hearing process with the PSC. Washington County has continued to enforce these requirements.
- A few counties have added a penalty clause to their solar ordinance that any tree cutting would result in a 3 to 1 reforestation mitigation requirement.

Anne Arundel County

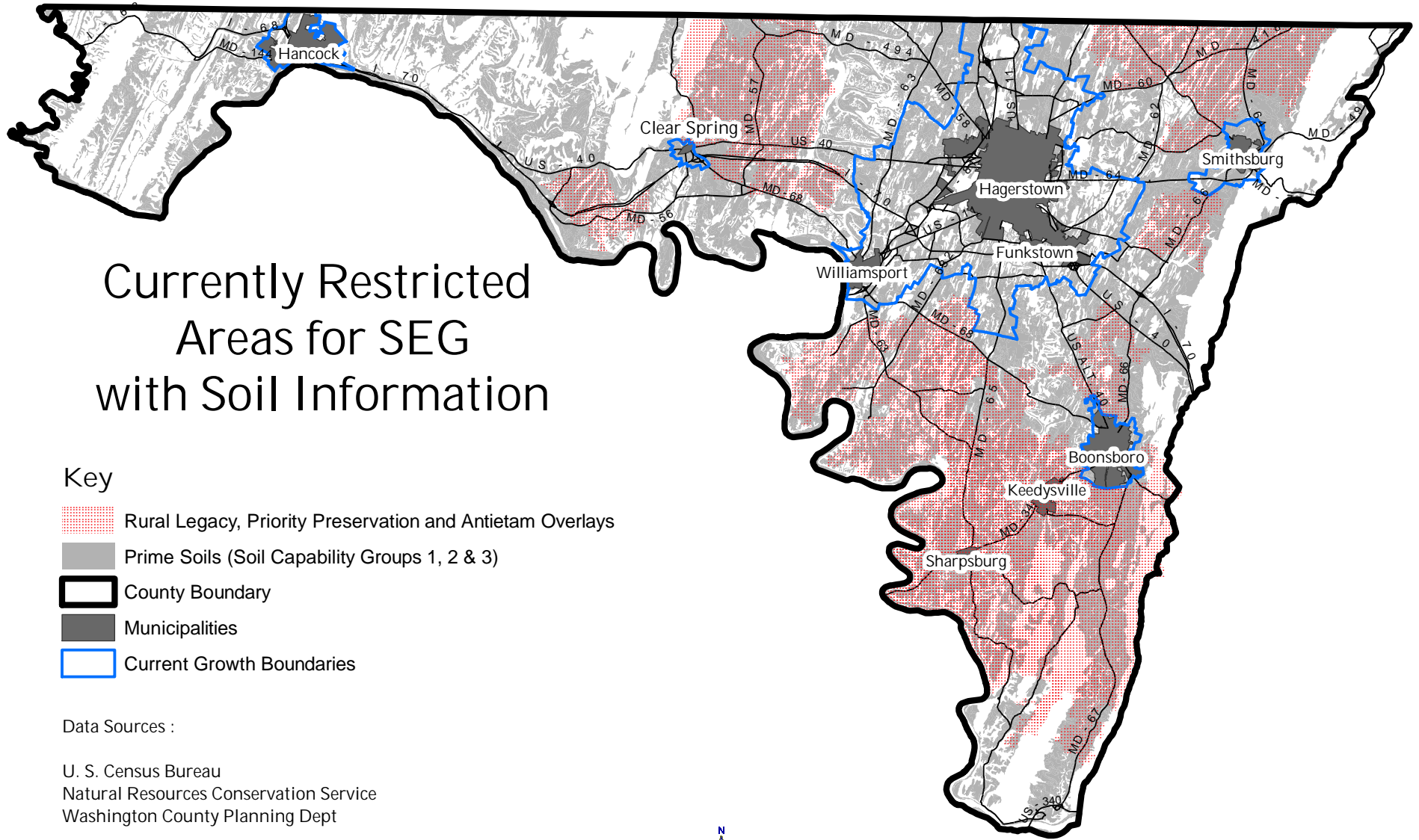
“The developer shall comply with the provisions of the County Forest Conservation Act...regardless of any state waiver or reduction of state forest conservation requirements for solar energy systems. Mitigation for tree removal shall be at the ratio of 3-to-1. §18-11-156(3)

Issue 7: Buffers, Landscaping, and Fencing

- Most counties include requirements for buffering the areas surround solar panels with landscaping and fencing.






Issue 8: Community vs. Utility Scale facilities

- Many counties differentiate between small scale community solar generating facilities and large scale utility facilities. All that have regulations use the 2MW threshold for CPCN as the breaking point between small and large scale facilities.

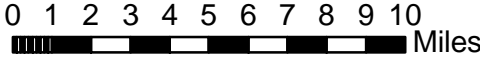


Currently Restricted Areas for SEG with Soil Information

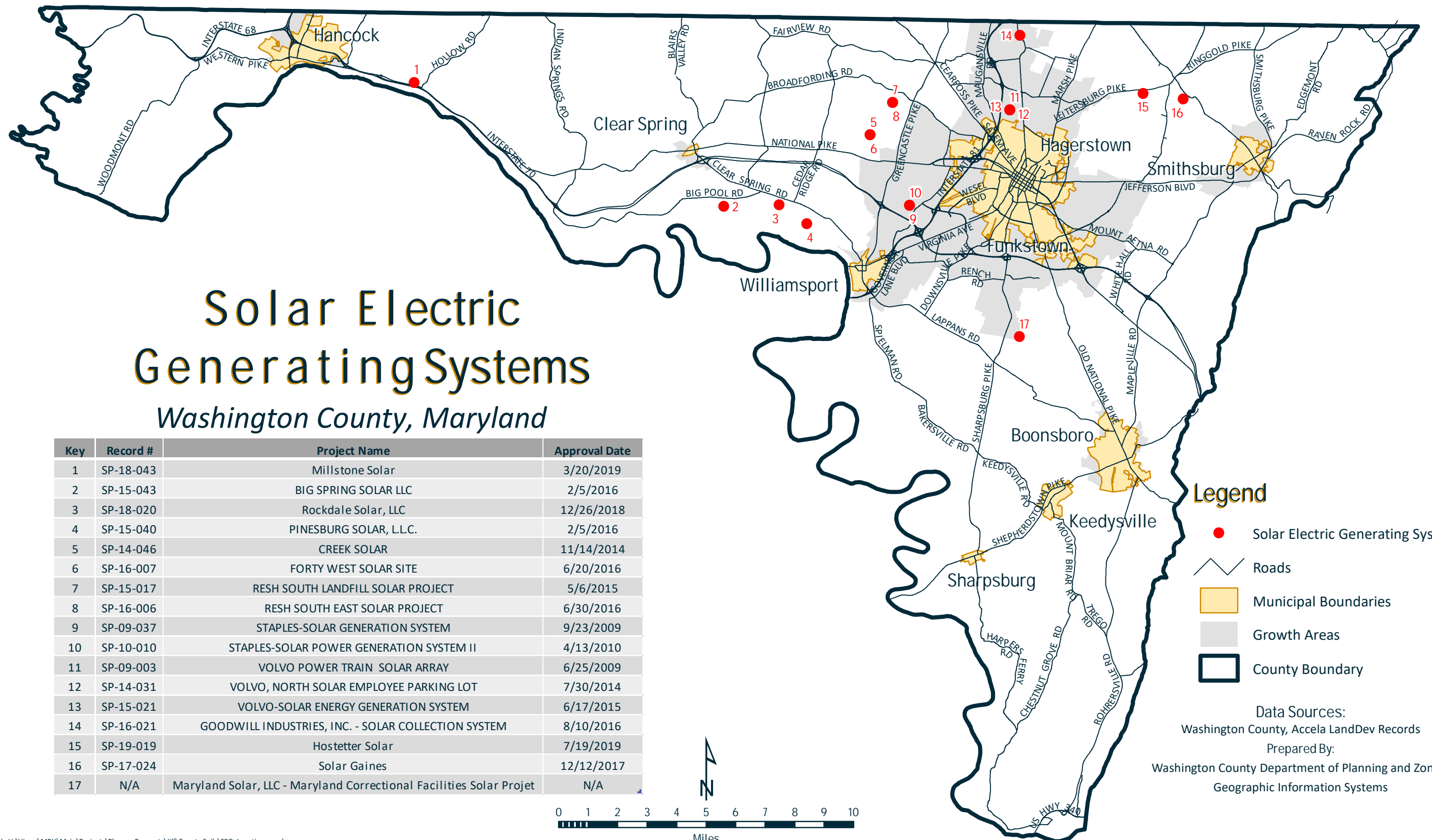
Key

-  Rural Legacy, Priority Preservation and Antietam Overlays
-  Prime Soils (Soil Capability Groups 1, 2 & 3)
-  County Boundary
-  Municipalities
-  Current Growth Boundaries

Data Sources :
 U. S. Census Bureau
 Natural Resources Conservation Service
 Washington County Planning Dept



Prepared by the
 Washington County
 Planning Department
 Geographic Information System



Solar Electric Generating Systems

Washington County, Maryland

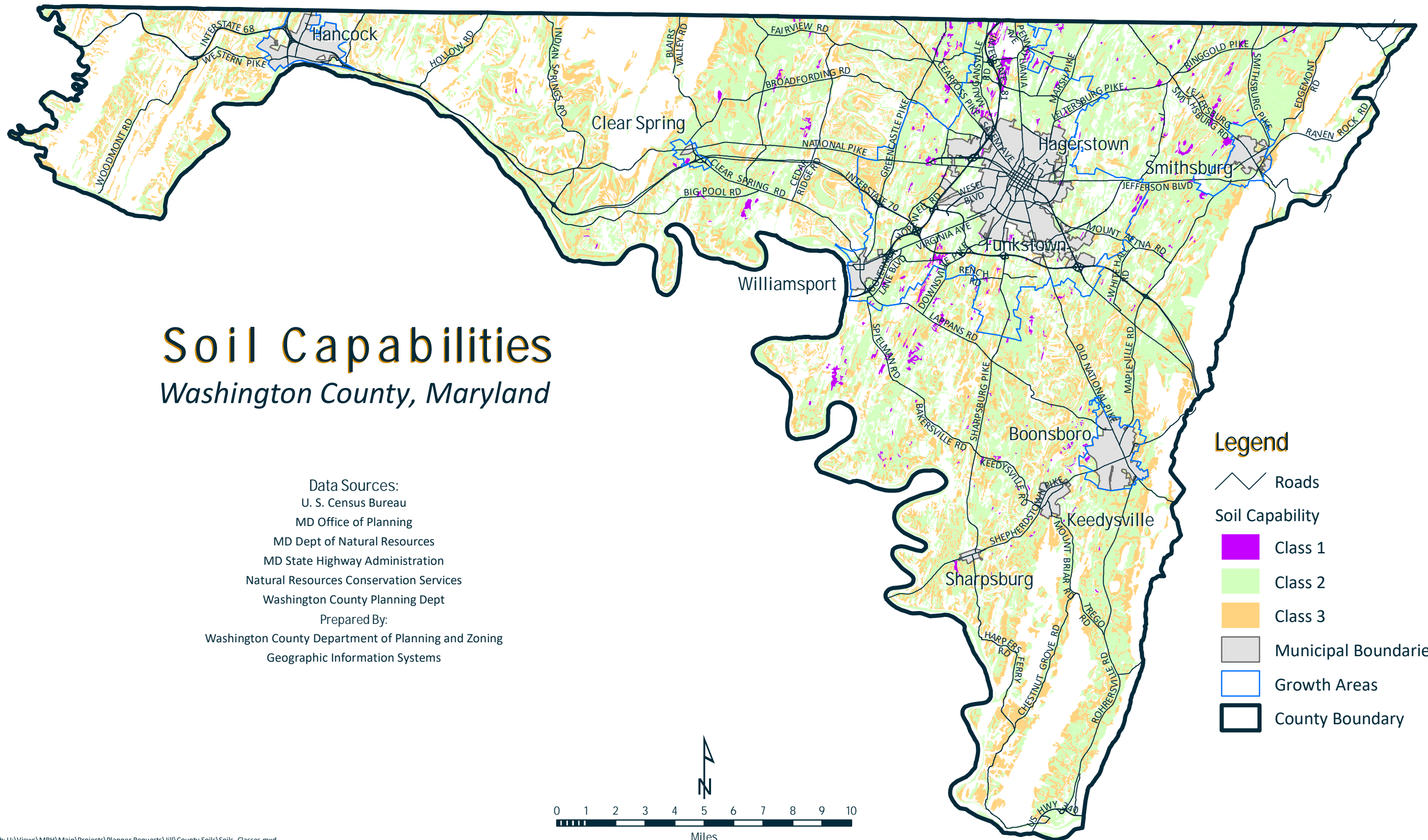
Key	Record #	Project Name	Approval Date
1	SP-18-043	Millstone Solar	3/20/2019
2	SP-15-043	BIG SPRING SOLAR LLC	2/5/2016
3	SP-18-020	Rockdale Solar, LLC	12/26/2018
4	SP-15-040	PINESBURG SOLAR, L.L.C.	2/5/2016
5	SP-14-046	CREEK SOLAR	11/14/2014
6	SP-16-007	FORTY WEST SOLAR SITE	6/20/2016
7	SP-15-017	RESH SOUTH LANDFILL SOLAR PROJECT	5/6/2015
8	SP-16-006	RESH SOUTH EAST SOLAR PROJECT	6/30/2016
9	SP-09-037	STAPLES-SOLAR GENERATION SYSTEM	9/23/2009
10	SP-10-010	STAPLES-SOLAR POWER GENERATION SYSTEM II	4/13/2010
11	SP-09-003	VOLVO POWER TRAIN SOLAR ARRAY	6/25/2009
12	SP-14-031	VOLVO, NORTH SOLAR EMPLOYEE PARKING LOT	7/30/2014
13	SP-15-021	VOLVO-SOLAR ENERGY GENERATION SYSTEM	6/17/2015
14	SP-16-021	GOODWILL INDUSTRIES, INC. - SOLAR COLLECTION SYSTEM	8/10/2016
15	SP-19-019	Hostetter Solar	7/19/2019
16	SP-17-024	Solar Gaines	12/12/2017
17	N/A	Maryland Solar, LLC - Maryland Correctional Facilities Solar Projct	N/A

Legend

- Solar Electric Generating Systems
- Roads
- Municipal Boundaries
- Growth Areas
- County Boundary

Data Sources:
Washington County, Accela LandDev Records
Prepared By:
Washington County Department of Planning and Zoning
Geographic Information Systems





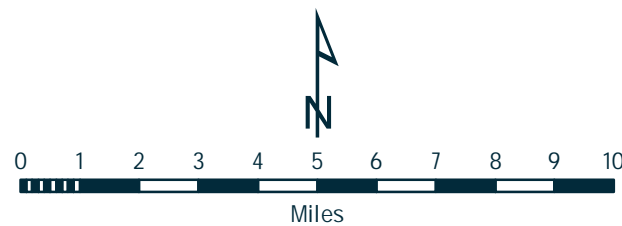
Soil Capabilities Washington County, Maryland

Data Sources:
U. S. Census Bureau
MD Office of Planning
MD Dept of Natural Resources
MD State Highway Administration
Natural Resources Conservation Services
Washington County Planning Dept

Prepared By:
Washington County Department of Planning and Zoning
Geographic Information Systems

Legend

- Roads
- Soil Capability**
- Class 1
- Class 2
- Class 3
- Municipal Boundaries
- Growth Areas
- County Boundary





Open Session Item

SUBJECT: Adequate Public Facilities Ordinance Fees (APFO)

PRESENTATION DATE: September 24, 2019

PRESENTATION BY: Stephen T. Goodrich, Director, Department of Planning and Zoning, Jill L. Baker, Deputy Director, Department of Planning and Zoning and Ashley R. Holloway, Director, Division of Plan Review and Permitting

RECOMMENDED MOTION: For informational purposes

REPORT-IN-BRIEF: Commissioners requested information on the Adequate Public Facilities Ordinance and APFO fees in particular. The APFO only specifies a “fee” when addressing school adequacy. The fee is known as the Alternate Mitigation Contribution or AMC. The other four facilities included in the APFO - water, sewer, roads and fire protection in certain parts of Urban and Town Growth Areas – achieve adequacy through individual agreements for improvements that are implemented through development plan review and approval and individualized agreements.

DISCUSSION: The authority to adopt an APFO comes from the State of Maryland and is provided in the Land Use Article, Title 7 (general permission and encouragement to adopt development mechanisms) and Title 9, Subtitle 19 (specific to Washington County and an APFO).

Washington County adopted its APFO originally in October 1990. The intent is “...*that public facilities and services needed to support new development shall be available concurrently with the impacts of such new developments.*” The Ordinance has been amended 9 times since its original adoption. Amendments concerning school adequacy that created and set school adequacy fees were approved in 2004, 2005 and 2013.

Currently the AMC specifies a formula to calculate the fee based on the number of units and the type of unit proposed. If any of the 3 schools that serve a proposed development that creates 8 or more new dwelling units is over capacity the developer may use the Alternate Mitigation Contribution to pay a fee to gain approval of the development. If any of the schools affected is more than 120% over capacity the AMC is not available. In that case, to gain approval the developer may submit, and the Board of County Commissioners may approve a *mitigation program* which may include payments, a phasing schedule or other contributions. The County is under no obligation to approve such mitigation programs but development plans cannot be approved until there is agreement to make the facilities adequate.

School adequacy is determined using a spreadsheet and test that includes school capacities, current enrollments and factors for past lot approvals, background enrollments and new units constructed to determine if an affected school has capacity for the development under review. If any of the 3 schools fails the test, a second formula to calculate the AMC is used. Factors in the AMC include A=the

average cost of a school seat, B= the expected lifespan of a school or seat, C=the average pupil generation rate for the type of unit, D= the number of years a student would spend in the school and E= the number of units in the proposed development.

The remaining facilities covered by the APFO (water, sewer, roads and interim fire protection facilities in certain parts of growth areas) do not have specific fees to address adequacy. Each facility is evaluated at the time a development proposal is submitted to determine the effect and ability to provide adequate service. If the facility is determined to be inadequate as a result of the new development the managing agency will specify the improvements necessary and plan approvals will be withheld until there is agreement about the improvements to be made and the parties responsible to make and pay for those improvements. Said improvements are reflected on approved plats and plans and are also included in formal developer agreements. There are often significant developer financial contributions to make these facilities adequate but no standard or set “fees” in the Ordinance.

FISCAL IMPACT: Alternate Mitigation Contributions for schools are deposited in a dedicated account for use in school capital projects. Each payment is determined according to development specifics.

CONCURRENCES:

ALTERNATIVES:

ATTACHMENTS: Sample School Test Worksheet and Alternate Mitigation Contribution Formula, Adequate Public Facilities Ordinance and APFO Timeline – School Adequacy

AUDIO/VISUAL NEEDS:

ADEQUATE PUBLIC FACILITIES ORDINANCE

Adopted this 16th day of October, 1990.

This Ordinance is effective as of December 1, 1990.

Revision 1 - August 13, 1991

Revision 2 - August 31, 1993

Revision 3 - August 29, 1995

Revision 4 - November 26, 2002

Revision 5 – December 16, 2003
(Effective January 1, 2004)

Revision 6 – May 25, 2004

Revision 7 – November 1, 2005

Revision 8 – June 18, 2013

Revision 9 – October 22, 2013

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ADEQUATE PUBLIC FACILITIES ORDINANCE

ARTICLE I - PURPOSE

1.1 SHORT TITLE

This Ordinance shall be known and may be cited as the Adequate Public Facilities Ordinance of Washington County, Maryland.

1.2 PURPOSE

It is the purpose of the Board of County Commissioners of Washington County that public facilities and services needed to support new development shall be available concurrently with the impacts of such new developments. In meeting this purpose, public facility and service availability shall be deemed sufficient if the public facilities and services for new development are phased, or the new development is phased, so that the public facilities and those related services which are deemed necessary by the local government to operate the facilities necessitated by that new development, are available concurrently with the impacts of the new development.

ARTICLE II - DEFINITIONS

2.1 GENERAL^{1 2}

(a) For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings given herein. Words in the present tense include the future, the singular number includes the plural, and the plural includes the singular. The word "shall" is mandatory and the word "may" is permissive. The words "used for" shall include "arranged for," "designed for," "intended for", "maintained for," "constructed for", or "occupied for". The word "individual" shall mean natural person, joint venture, joint stock company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, association, club, company,

¹ Section 2.1 amended 5/25/04.

² Section 2.1 amended 11/1/05

corporation, limited liability company, real estate investment trust, business trust or similar legal entity or the manager, lessee, agent, servant, officer or employee of any of them. The word "land" shall include water surface and land under water. The term "Ordinance" shall refer to this Ordinance and all subsequent additions or amendments thereto.

(b) A Developer shall not avoid the intent of this Ordinance by submitting piecemeal applications for preliminary plats or site plans. However, a Developer may seek approval of only a portion of the subdivision or development, provided that the impact from all previously approved preliminaries or site plans from that development shall be considered during the adequate public facilities review of each subsequent portion of the development.

2.2 ADEQUATE PUBLIC FACILITIES

For the purpose of this Ordinance, the term "Adequate Public Facilities" shall be defined as those facilities relating to roads, sewerage disposal systems, schools, water supply and distribution systems, and interim fire protection systems meeting established minimum standards.

2.3 DEFINITIONS

2.3.1 Agricultural Purposes

A parcel of land that has been determined by the Maryland Department of Assessments and Taxation as having an "Agricultural Use Assessment" or a parcel of land that is primarily involved in a bona fide and continuing agricultural activity, such as, the raising of farm products for use or sale, including animal or poultry husbandry, and the growing of crops such as grain, vegetables, fruit, grass for pasture or sod, trees, shrubs, flowers and similar products of the soil.³

2.3.1.1 Background Enrollment Growth⁴

The average annual impact of equated student enrollment changes during the preceding three (3) years in the school attendance areas serving the proposed development as determined in Section 5.4 with appropriate adjustments made in the

³ Section 2.3.1 amended 8/31/93

⁴ Section 2.3.1.1 added 11/1/05

determination by the Board of Education to eliminate student enrollment changes caused solely by school redistricting.

2.3.2 Board of County Commissioners (Board)

The legislative body of Washington County, Maryland.

2.3.3 Board of Education⁵ (BOE)

The elected Board of Education of Washington County.

2.3.4 Comprehensive Plan

The Comprehensive Plan of the County.

2.3.5 County

Washington County, Maryland.

2.3.6 County Engineer

The duly designated Chief Engineer of Washington County, Maryland.

2.3.7 County Health Department

The Washington County Health Department.

2.3.8 Developer

Any individual commencing proceedings under this Ordinance to effect a subdivision or development of land for himself or for another.

2.3.9 Extraordinary Hardship

Extraordinary hardship is a condition that exists when strict compliance with this Ordinance would result in an unusually and extraordinarily severe financial economic impact on the owner or Developer.

⁵ Section 2.3.3 amended 5/25/04

2.3.10 Immediate Family Member

Immediate family member shall mean father, mother, step-father, step-mother, son, daughter, brother, sister, stepson, stepdaughter, grandchild.

2.3.11 Improvements

Improvements shall mean storm sewers, sanitary sewers, water supply lines, roads, curbs, gutters, gas lines, electricity lines, water lines, septic tanks, wells, walks, and other accessory works and appurtenances, dwellings, farm buildings, and other principal or accessory structures.

2.3.12 Lot⁶

A parcel of real property marked by the Developer as a numbered, lettered or otherwise identified tract to be utilized as a unit of land intended for building development or a lot or parcel described by metes and bounds, the description of which has been recorded among the land records of Washington County.

2.3.12.1 Minor subdivision^{7 8}

A minor subdivision is the division of a lot, tract or parcel into seven (7) or fewer lots for the immediate or future transfer of property ownership.

2.3.13 New Development⁹

New development consists of new subdivisions and site plans for new construction received for approval by the Washington County Planning Commission after the effective date of this Ordinance as set forth in Article XII. New development also consists of construction activity requiring a building and/or zoning permit but does not consist of construction activity for agricultural purposes provided that, after said

⁶ Section 2.3.12 amended 12/16/03

⁷ Section 2.3.12.1 added 11/1/05

⁸ Section 2.3.12.1 amended 6/18/13

⁹ Section 2.3.13 amended 5/25/04

development, the parcel does not lose the “Agricultural Use Assessment” classification as determined by the Department of Assessments and Taxation.¹⁰

2.3.14 Original Tract of Land.

A parcel of real estate unsubdivided as of the date of adoption of this Ordinance.

2.3.15 Planning Commission (Commission).

The Washington County Planning Commission.

2.3.16 Plat

A map, plan, chart or drawing indicating the subdivision or resubdivision of land filed or intended to be filed for the record.

2.3.16.1 Remaining Lands

The residual portion or tract of land which remains after lots or parcels have been subdivided from the original tract of land.¹¹

2.3.17 Residential Development

The term “residential development” as used in this Ordinance means any lot, building or portion thereof used exclusively for dwelling units, including concomitant uses, and other uses of a residential nature for the individuals residing in said dwelling units.

2.3.18 Right-of-Way

A land area designated, dedicated, or reserved for use as a highway, street, alley, interior walk, or for a drainage channel, or other public use.

¹⁰ Section 2.3.13 amended 8/31/93

¹¹ Section 2.3.16.1 added 8/31/93

2.3.19 Road

A public right-of-way, intended for vehicular traffic, including freeways, expressways, arterials, parkways, thoroughfares, collector streets, local streets, cul-de-sacs, marginal access streets, avenues, boulevards, lanes and other public ways, and as now or hereafter or otherwise designated.

2.3.20 Simplified Plat¹²

The term “simplified plat” as used in this Ordinance is a map, plan, chart or drawing indicating the proposed subdivision or resubdivision of land filed or intended to be filed with the Planning Commission and where the intent of the subdivider is neither to develop the land nor to divide land containing existing development.

2.3.21 Site Plan

A drawing that shows all of the existing conditions of a specified area (the site) and all of the improvements and changes proposed to be made on the site. A site plan is the drawing required by the Zoning Ordinance for all new development and certain additions and must contain all applicable information as specified in the Zoning Ordinance.

2.3.21.1 State Rated Capacity^{13 14}

As used in this Ordinance, State Rated Capacity shall refer to the capacity of each school as determined by the state of Maryland. Portable classrooms shall not be used in computing the school capacity for the purposes of this Ordinance.

2.3.22 Subdivision Ordinance

The Washington County, Maryland Subdivision Ordinance, and all subsequent additions or amendments thereto.

¹² Section 2.3.20 amended 5/25/04.

¹³ New definition added 12/16/03.

¹⁴ Section 2.3.31.1 amended 5/25/04.

2.3.23 Zoning Ordinance

The Zoning Ordinance of Washington County, Maryland, and all subsequent additions or amendments thereto.

ARTICLE III - ADMINISTRATION

3.1 ADMINISTRATION OF ORDINANCE¹⁵

This Ordinance shall be administered by the Planning Commission. All applications, maps, and documents relative to subdivision or site plan approval coming under the provisions of this Ordinance shall be submitted to the Planning Commission.

3.2 JURISDICTION

This Ordinance does not apply to land within a municipal corporation.

3.3 NEW DEVELOPMENT¹⁶

This Ordinance applies to all new subdivisions and site plans for new construction received for preliminary approval, not to include preliminary consultations under the Subdivision Ordinance or Zoning Ordinance, by the Planning Commission after the effective date of this Ordinance, as set forth in Article XII. Except as provided in this Section or Section 3.5 of this Ordinance, all new development shall meet the requirements set forth in this Ordinance prior to final approval. Nothing in this Ordinance shall prevent the Planning Commission from approving portions of subdivisions or site plans of new development if the portions of the subdivision or site plan comply with the provisions of this Ordinance. If the Planning Director of the Washington County Planning Department determines that a site plan contains minor additions to existing development, the site plan is not subject to the requirements of this Ordinance.

¹⁵ Section 3.1 amended 5/25/04.

¹⁶ Section 3.3 amended 5/25/04.

3.4 DISAPPROVAL^{17 18}

New development not meeting the requirements for adequate public facilities contained within this Ordinance shall not be approved by the Planning Commission unless the Developer reaches an agreement with the Board of County Commissioners for the purpose of advancing the adequacy of public facilities, pursuant to Section 9.1.

3.5 SIMPLIFIED PLATS EXEMPT

Subdivisions which can be approved by the simplified plat procedure described in Section 318 of the Washington County Subdivision Ordinance are not subject to the requirements of this Ordinance.

3.6 APPEALS¹⁹

3.6.1 Appeals from any decision of the Planning Commission under this Ordinance shall be *de novo* to the Board of Appeals in accordance with Article 25 of the Zoning Ordinance of Washington County. The Board of Appeals may grant a variance from the requirements of this Ordinance only if the variance meets the following requirements:

(a) The requirements imposed by the Ordinance would result in extraordinary hardship as defined in Section 2.3.9;

(b) The physical features and characteristics of the proposed plat or site plan are such that granting a variance would not impair the intent and purpose of the requirement;

(c) The variance will not endanger or present a threat to the public health, safety, or welfare; and

(d) Granting the variance would observe the spirit of the Ordinance and secure public safety and welfare.

¹⁷ Section 3.4 amended 5/25/04.

¹⁸ Section 3.4 amended 11/1/05.

¹⁹ Section 3.6 amended 5/25/04.

3.6.2 The standards contained in Article 25 of the Zoning Ordinance for “Variances” are not applicable to appeals from decisions of the Planning Commission under this Ordinance to the Board of Appeals.

3.7 VIOLATIONS AND PENALTIES

Any violation of this Ordinance shall constitute a misdemeanor and shall be punishable upon conviction by a fine of not less than Two Hundred (\$200.00) Dollars or more than One Thousand (\$1,000.00) Dollars. Each day that a violation continues shall be deemed a separate offense. In addition to any other remedies, the Board of County Commissioners may institute any appropriate actions or proceedings to compel compliance with this Ordinance, as provided for in Article 66B of the Annotated Code of Maryland, as amended from time to time.

ARTICLE IV - ROADS

All new development shall be served by an adequate network of existing and proposed new roads.

4.1 EXEMPTIONS

4.1.1 The Planning Commission may exempt from the terms of this Article the subdivision of an original tract of land into no more than seven (7) lots provided:^{20 21 22}

(a) There exists in the original tract of land twenty-five (25) acres per each lot subdivided; and

(b) The road in front of each lot to be subdivided is no less than sixteen (16) feet.

Any subdivision which results in the maximum number of lots allowed under 4.1.1 shall contain a statement on the plat, signed by the owner, that certifies that any transfer of the remaining lands cannot be developed upon or subdivided for the

²⁰ Section 4.1.1 amended 8/31/93

²¹ Section 4.1.1 amended 11/1/05

²² Section 4.1.1 amended 6/18/13

purpose of development until such time that the County road has been improved and determined to be adequate under the terms of this Ordinance nor can said remaining lands be used to qualify for additional exemptions under this subsection.²³

4.1.2 The Planning Commission may exempt from the terms of this Article the subdivision of land used for transfer to a member of the immediate family of the owner(s) of the original tract of land provided the road width in front of the lots to be subdivided is no less than sixteen (16) feet. Any such subdivision shall contain a statement on the plat, signed by the owner, that:²⁴

(a) Certifies the intent of the owner to transfer the land only to a member of the immediate family; and

(b) Expressly warrants that no conveyance of the lot will be made to anyone not a member of the immediate family for a period of ten (10) years, except as may be required to satisfy a mortgagee in case of loan foreclosure.

4.1.3 Where the Planning Commission finds that extraordinary hardship will result from strict compliance with this Article of the Ordinance because of alteration to existing historic structures, including bridges, as determined by the Historic District Commission, the Planning Commission may approve a subdivision so that substantial justice may be done and the public interest secured.

4.2 NEW PUBLIC ROADS

New public roads to be built as part of the new development shall be constructed to the standards adopted by the Board of County Commissioners contained in the Washington County Engineering Department's Specifications for Highway and Street Improvements, as amended or design and construction specifications as adopted by the State Highway Administration.

4.2.1 The type of road to be built shall be based on the projected volume of traffic determined by the County Engineer and/or the State Highway Administration that will be generated by the new development in accordance with the aforementioned standards, as amended.²⁵

²³ Section 4.1.1 amended 8/31/93

²⁴ Section 4.1.2 amended 11/1/05

²⁵ Sections 4.2, 4.2.1, and 4.2.2 amended 8/29/95

4.2.2 The County Engineer and/or the State Highway Administration may require a traffic impact study for proposed commercial or residential development to be provided by the Developer in order to determine which specification set forth in Section 4.2 above are applicable to the new development.

4.3 EXISTING PUBLIC ROADS

Existing public roads that serve the new development shall at a minimum meet the standards contained in the Washington County Engineering Department's publication entitled *A Policy to Determine Adequacy of Existing Roadway for Additional Development, As Amended*, or the *Guidelines for Traffic Impact Reports/Studies, As Amended*, if the existing road is a state highway. Such roads are to meet the above standards as a condition precedent to approval of the proposed new development.²⁶

4.3.1 The portion of the existing roads required to be adequate for the proposed new development shall be from its intersection with any new road in the new development, in the direction of traffic flow determined by the Planning Commission after receiving a recommendation from the County Engineer and/or the State Highway Administration to the nearest designated intersection with a road determined by the Planning Commission to be adequate to support the projected traffic volume generated by the development.²⁷

4.3.2 The portion of the existing roads to be adequate for proposed new development that does not include the construction of new public streets shall be the road frontage of all new or existing lot(s) containing the proposed new development and the remainder of the roads in the anticipated direction of traffic flow as determined by the Planning Commission after receiving the recommendation from the County Engineer and/or the State Highway Administration to the nearest designated intersection with a road determined to be adequate to support the projected traffic volume generated by the new development. The Planning Commission may require that roads be adequate in several directions or in any one direction from the location of the proposed new development.²⁸

²⁶ Sections 4.3, 4.3.1, 4.3.2, and 4.3.3 amended 8/29/95

²⁷ Sections 4.3, 4.3.1, 4.3.2, and 4.3.3 amended 8/29/95

²⁸ Sections 4.3, 4.3.1, 4.3.2, and 4.3.3 amended 8/29/95

4.3.3 In evaluating the adequacy of the existing roads or the improvements necessary to make the existing roads adequate, the Planning Commission shall consider the following:²⁹

- (a) Existing traffic,
- (b) Traffic projected to be generated by the development,
- (c) Traffic projected to be generated by other approved but not constructed development,
- (d) Improvements scheduled or approved and funded in the adopted Washington County Capital Improvements Program to take place within two (2) years from the anticipated date of final plat approval,
- (e) Improvements with full funding within the six (6) year schedule in the Maryland Department of Transportation Consolidated Transportation Program,
- (f) Traffic studies that may be required by the County Engineer and/or the State Highway Administration,
- (g) Any other information that may reasonably be required by the County Engineer, State Highway Administration, or the Planning Commission to effectively evaluate the road network or information supplied by the Developer.

4.4 ROADS DETERMINED INADEQUATE

Except as otherwise provided in this Ordinance, if an existing road is determined by the Planning Commission to be inadequate to accommodate the traffic flow projected to be generated from the new development when combined with existing traffic flow, the new development shall not be approved.

In instances where the existing county road is determined to be below the minimum standards as set forth in Section 4.3, the Planning Director, acting on behalf of the Planning Commission, shall disapprove any proposed application for new development.³⁰

²⁹ Sections 4.3, 4.3.1, 4.3.2, and 4.3.3 amended 8/29/95

³⁰ Section 4.4 amended 8/29/95

ARTICLE V - SCHOOLS^{33 34 35}

5.1 ADEQUACY

All residential new development shall be served by public schools that:

(a) Are currently adequate; or

(b) Have construction of additional capacity funded and scheduled for completion within the same school attendance area in the current or the next year of the approved Washington County Capital Improvement Program (CIP) following final plat or site plan approval. Adequate is defined in Section 5.4(a) or (b) below. The additional capacity funded and scheduled shall be exclusive of any capacity created pursuant to a developer-funded mitigation program; or

(c) Have been identified by the Board of Education (BOE) as part of an approved redistricting plan scheduled to occur in the same school year or the school year following final plat or site plan approval that will render the public schools adequate.

5.1.1 CAPACITY CREATED BY MITIGATION PROGRAM

Construction of capacity that is funded and to be created by a mitigation program may not be used in a determination of adequacy for any Developer other than the Developers who are parties to the mitigation program.

5.2 EXEMPTIONS

Article V of this Ordinance does not apply to:

(a) New development to be developed exclusively for non-residential uses;

³³ Article V repealed and reenacted 12/16/03

³⁴ Article V amended 11/1/05.

³⁵ Article V amended 10/22/13 (APF-13-002)

(b) New development to be developed and managed according to the applicable regulations and guidelines of the Federal Fair Housing Act and the Housing for Older Persons Act;

(c) Public or private elementary and secondary schools, and public safety facilities; or

(c) Minor Subdivisions.³⁸

5.3 DATA ON WHICH ADEQUACY SHALL BE DETERMINED.

The BOE shall provide actual enrollment data to the Board of County Commissioners for the last school day of September, December, March and June and the State Rated Capacity for each elementary and secondary school.

5.4 DETERMINATION OF ADEQUACY

5.4.1 The Planning Commission shall determine whether public school facilities are adequate for the proposed new development upon recommendation by the Planning Department after evaluating enrollment information provided by the BOE. The Planning Commission shall determine that a school is adequate if the school has the capacity as follows:

(a) Elementary schools are adequate if the school has available capacity to accommodate student enrollment, including approved new development without exceeding 90% of the State Rated Capacity (SRC).

(b) Middle schools and high schools are adequate if the school has available capacity to accommodate student enrollment, including approved new development without exceeding the State Rated Capacity.

(c) Available capacity for individual schools shall be determined in accordance with Section 5.5, below.

³⁸ See Section 2.3.12.1 Minor Subdivision. A minor subdivision is the division of a lot, tract or parcel into seven (7) or fewer lots for the immediate or future transfer of property ownership.

(d) Final approval will not be granted for developments in the review process until schools obtain adequate status through the determination made according to the procedures described in Sections 5.5 and 5.8 below.

5.5 MEASURING FOR AVAILABLE CAPACITY

(a) Adequacy of every elementary, middle and high school serving the proposed development shall be tentatively measured at the time of preliminary consultation and preliminary plat review, and shall be finally measured and determined as of the date of final plat or site plan submission, or the first date upon which all necessary documentation and materials have been submitted, whichever occurs last, based upon data as published by the BOE.

(b) If approval has not been received from the Planning Commission within twelve (12) months of the date of plan submission, the most recent quarterly school enrollment data must be utilized by the Commission for APFO review unless a delay occurs not attributable to the applicant.

(c) For determining adequacy, enrollment shall mean the total of the BOE official enrollment figures, background enrollment, pupils generated from the proposed development, and pupils generated from other previously-approved developments, including developments in municipalities.

(d) On a biennial schedule, student yield from approved development may be subtracted from the equation to determine adequacy in an amount equal to the number yielded by the dwelling units constructed.

(e) Pupil generation rates shall be determined by the Board of County Commissioners with advice from and consultation with the BOE and shall reflect the characteristics of the school attendance area within which the proposed development is located.

5.6 OPTIONS FOR MITIGATION OF INADEQUATE SCHOOL CAPACITY

(a) If a school is not adequate as defined in Section 5.4.1 but does not exceed 120% of State Rated Capacity, a developer may choose to make an Alternate Mitigation Contribution (AMC) as defined and described in Section 5.8. A developer may not choose to make an Alternate Mitigation Contribution (AMC) if the existing enrollment in any school affected by the new development exceeds 120%.

(b) If a school is not adequate as defined in section 5.4.1 and an adjoining school district at the same level is at least twenty (20) percent below State Rated Capacity, then the applicant may request the BOE to determine the viability of redistricting to accommodate the new development. If the BOE determines that redistricting is a viable alternative, and the BOE approves a specific redistricting plan that would result in all the schools serving the proposed development meeting the standards established in Section 5.4.1, then the school shall be considered adequate.

(c) If a school is not adequate as defined in Section 5.4.1 and the developer has not chosen the AMC described in Section 5.6 (a) or the BOE has not approved a specific redistricting plan that would result in the school meeting the standards established in Section 5.4.1, then the final subdivision or site plan approval shall be denied, except as provided for in Section 9.3A of this Ordinance.

(d) Any Developer proposal to create improvements to meet adequacy shall be submitted to the Board of Education for recommendations and reviewed under any BOE adopted mitigation policy then in effect and be subject to the standards and review processes of the Interagency Committee on School Construction (IAC) of the Maryland Board of Public Works.

(e) Background enrollment growth⁴⁰ will be extrapolated over the number of years for which approval is requested. Included in the calculations shall be any additional approved but unplatted major preliminary plan developments in the affected area which might impact the historical growth trend to make it inaccurate or obsolete.

(f) The Planning Commission may require phasing or an annual maximum build-out rate to plan for future adequacy.

5.7 RESIDENTIAL BUILDING PERMIT APPROVAL

5.7.1 The Board of County Commissioners shall have the authority to limit the number of building permits in any school attendance area. The decision to limit building permits shall be based on the recommendation of the Planning Commission

⁴⁰ Defined in §2.3.1.1 as follows:

The average annual impact of equated student enrollment changes during the preceding three (3) years in the school attendance areas serving the proposed development as determined in Section 5.4 with appropriate adjustments made in the determination by the Board of Education to eliminate student enrollment changes caused solely by school redistricting.

upon receipt of a recommendation from the BOE taking into consideration of the adequacy of the school attendance area and enrollment capacity in immediately adjacent school attendance areas.

5.7.2 The Board of County Commissioners shall have the authority to cap the number of residential building lots approved for development on an annual basis.

5.8 ALTERNATE MITIGATION CONTRIBUTION (AMC)

(a) When any school affected by the new development exceeds adequate capacity as defined in Section 5.4.1 but does not exceed 120% of its State Rated Capacity, a developer may choose to make an Alternate Mitigation Contribution as described and calculated below.

(b) The formula to calculate the Alternate Mitigation Contribution (AMC) is $(A/B \times C) \times D \times E = AMC$, where "A" is the average cost of a school seat; "B" is the expected lifespan of a school or seat; "C" is the average pupil generation rate attributable to the type of dwelling units proposed as set by resolution and referenced in Section 5.5(e); "D" is the years a student spends in the school system (e.g., 13 years); and "E" is the number of dwelling units, per type (i.e., single family, apartment, and/or town home), proposed in the new development.

(c) The formula in Section 5.8(b) above shall be applied for each type of dwelling unit comprising the new development. The sum of all calculations for each type of dwelling unit will be the total AMC due for the proposed development.

(d) When the Alternate Mitigation Contribution is required in order to achieve final plat or site plan approval, the County will notify the applicant of the amount due at the time that it is determined the final plat or site plan is complete and ready for an unconditional approval. The AMC shall be paid in full to the County prior to affixation of the signature evidencing the Planning Commission's approval of the site plan or final subdivision plat.

(e) The actual factor values to be used in the formula specified in Section 5.8(b) above shall be established by resolution of the Board. The factor values shall be reviewed by the Board at its discretion, but at least by the end of every second year of each term of office.

(f) Any sums paid as an AMC are not refundable.

ARTICLE VI - SEWAGE DISPOSAL SYSTEMS

All new subdivisions shall be served by adequate sewage disposal systems.

6.1 ADEQUACY DETERMINED

6.1.1 The adequacy of a lot to accommodate a private, individual, on-site septic disposal system shall be determined by the Planning Commission upon recommendation by the Washington County Health Department taking into consideration the standards, guidelines and procedures contained in the Washington County On-Site Sewage Disposal Ordinance and C.O.M.A.R. 26.04.02 and 26.04.03.

6.1.2 The adequacy of existing community or multi-use sewage disposal system to accommodate the flow projected to be generated by the new development shall be determined by the Planning Commission after receiving a recommendation and evaluation by the agency or municipal government with responsibility to construct, maintain, improve and permit hook-up to the disposal system. Adequacy shall be evaluated according to the agency's adopted guidelines, standards, policies or procedures and any other applicable County, State, or Federal regulation.

6.1.3 The adequacy of a new community or multi-use sewage disposal system shall be determined by the Planning Commission after receiving the recommendation and evaluation by the Hagerstown Water Pollution Control Department where the land may be served by the municipal utility system operated by the City of Hagerstown or by the Washington County Water & Sewer Department and the Maryland Department of Environment. Adequacy shall be evaluated according to the Department's Sewer Service Policy, where applicable in an established Water & Sewer Department, and Standard Specifications for Construction of Sanitary Sewers, as amended. Where the Hagerstown Water Pollution Control Department has jurisdiction, adequacy shall be evaluated according to the City's Revised Policy Statement Regarding the Distribution of Remaining Water Pollution Control Plan Capacity Allocation Among Development Projects and the Water Pollution Control Department Sanitary Sewer Standards and Specifications. Establishment of new community or multi-use sewage disposal systems shall be consistent with the Washington County Water and Sewerage Plan and the Comprehensive Plan for Washington County.

6.1.4 In evaluating the adequacy of any sewage disposal system (other than a private, individual, on-site system), all parts of the system affected by the projected flow generated from the new development shall be considered including, but not

limited to, laterals, interceptors, pumping stations, force mains, treatment plants, points of discharge, flow meters and rights-of-way.

6.1.5 In evaluating the adequacy of sewage disposal systems, the responsible agency shall consider the following items:

- (a) Design Capacity;
- (b) Available Capacity;
- (c) The agency's adopted standards, guidelines, policies, and procedures;
- (d) The projected flow to be generated by the new developments;
- (e) Other proposed or expected connections to the system reasonably probable of fruition;
- (f) Other variables found to have an effect on the system's ability to accept the projected flow.

6.2 DETERMINATION OF EXPECTED FLOW

The projected flow expected to be generated by the proposed new development shall be determined by the Planning Commission after receiving recommendations from the responsible governmental agency involved.

6.3 SEWAGE DISPOSAL SYSTEMS DETERMINED INADEQUATE

Except as otherwise provided in this Ordinance, if the Planning Commission, upon recommendation of the responsible agency determines that the sewage disposal site or system is inadequate to accommodate the sewage disposal needs of the new development when considered together with existing development and development which is reasonably probably of fruition, the new development shall not be approved.

ARTICLE VII - WATER SUPPLY AND DISTRIBUTION SYSTEMS

All new development shall be served by an adequate water supply and distribution system that provides sufficient water and service pressure for domestic consumption and fire protection.

7.1 ADEQUACY DETERMINED

7.1.1 The adequacy of an on-site water supply distribution system shall be evaluated by a Maryland Registered Professional Engineer and a complete report submitted to the agency having jurisdiction for review. The engineer shall be provided by the Developer. Adequacy of the system shall then be determined by the Planning Commission upon recommendations by the Washington County Health Department according to the guidelines established in C.O.M.A.R. 26.04.02 and 26.04.03.

7.1.2 The adequacy of an existing public or multi-use water supply and distribution system to provide the projected water needs of the new development shall be evaluated by a Registered Professional Engineer and a report submitted to the agency having jurisdiction for review. The engineer shall be provided by the developer. Adequacy of the system shall then be determined by the Planning Commission upon consideration of the recommendations made by the Hagerstown Water Department, where applicable, the Washington County Water & Sewer Department, where applicable, municipal governments or any other properly established agency with the responsibility to construct, maintain, improve or permit hook up to the water supply system. Adequacy shall be determined according to the agency's adopted guidelines, standards, policies or procedures and all other applicable County, State, or Federal regulations.

7.1.3 The adequacy of a new community or multi-use water supply and distribution system shall be determined by the Planning Commission upon recommendations made by the Hagerstown Water Department, the Washington County Water & Sewer Department and the Maryland Department of Environment. Adequacy shall be determined according to the Maryland Department of Environment's adopted guidelines, standards, procedures and policies. Establishment of new public or multi-use water supply and distribution systems shall be consistent with the Washington County Water and Sewerage Plan and the Comprehensive Plan.

7.1.4 When evaluating the adequacy of any water supply and distribution system for domestic consumption and fire protection other than a private, individual on-site water supply (well), all parts of the system affected by the projected water needs

of the new development shall be considered, including but not necessarily limited to the water source, quality, distribution or collection system, treatment system, pumping facilities, and metering devices.

7.1.5 When evaluating the adequacy of a water supply and distribution system the responsible agency shall consider the following items:

- (a) The system's design capacity;
- (b) The system's water supply source;
- (c) The system's available capacity;
- (d) The responsible agency's adopted guidelines, standards, procedures and policies regarding water service;
- (e) The projected water needs of the proposed development including domestic consumption and fire protection;
- (f) Other proposed or expected connections to the system reasonably probable of fruition;
- (g) The evaluations and recommendations of the Fire Department that provides fire protection service in the new development;
- (h) Other variables found to have an effect on the ability of the water system to deliver the projected water needs of the development;
- (i) The applicable guidelines concerning fire protection provisions in areas where public water supplies are inaccessible as set forth in Article VIII of this Ordinance.
- (j) Existing storage, treatment, and pumping facilities affected by the proposed development.

7.2 DETERMINATION OF PROJECTED WATER NEEDS

The projected water needs of the new development for domestic consumption and fire protection shall be determined by the Planning Commission, after reviewing

the recommendation of the agency having jurisdiction over the water supply and distribution system.

7.3 WATER SUPPLY AND DISTRIBUTION SYSTEM DETERMINED INADEQUATE

Except as otherwise provided in this Ordinance, if the Planning Commission, upon recommendation from the responsible agencies determines that the community or multi-use water supply and distribution system is inadequate to accommodate the projected needs of the new development, the development shall not be approved.

ARTICLE VIII - FIRE PROTECTION IN ADOPTED AREAS WHERE PUBLIC OR MULTI-USE WATER SYSTEM IS NOT AVAILABLE

It is the intent of this Article of the Ordinance to ensure that adequate fire protection capability is provided in new commercial and industrial developments in adopted Urban or Town Growth Areas designated in the Comprehensive Growth Plan of Washington County, Maryland where public water is not currently available but is expected to be available within two (2) years. These systems shall be known as interim fire protection systems.

8.1 DETERMINATION OF NEED FOR INTERIM FIRE PROTECTION SYSTEMS

A commercial or industrial development shall provide an interim fire protection system if:

8.1.1 The Planning Commission determines that the commercial or industrial development is located substantially within adopted growth areas, and

8.1.2 A public water supply and distribution system is not available or scheduled in the Capital Improvements Program of any responsible agency to be in service within two (2) years, and

8.1.3 The commercial or industrial development proposes more than 2,000 square feet of new commercial, industrial or institutional enclosed area.

8.2 ADEQUACY DETERMINED

8.2.1 The adequacy of an interim fire protection system in the proposed commercial or industrial development shall be determined by the Planning Commission after receiving the recommendations from the Hagerstown Water Department, the Washington County Water & Sewer Department, municipal governments or any other properly established agency including organizations charged with fire protection with the legal authority and responsibility to construct, maintain, improve or permit hook up to the water supply system.

8.3 GENERAL DESIGN

The interim fire protection system shall be capable of providing the same level of fire protection service as if it were hooked up to a public water supply and distribution system.

8.4 PROCEDURES AND STANDARDS

The procedures and standards established by the Maryland State Fire Marshal shall be used in the design, review, approval and installation of the interim fire protection system.

ARTICLE IX - EXCEPTIONS, AGENCY PARTICIPATION ^{41 42}

9.1 Nothing under the terms of this Ordinance shall prohibit or prevent the Board of County Commissioners or any governmental body from reaching an agreement as to a mitigation program with a Developer for the purpose of advancing the adequacy of public facilities as required by this Ordinance. Prior to entering any such agreement, the Board shall invite comment from the BOE regarding same.

9.2 Notwithstanding any other provision or term of this Ordinance, neither the Board of County Commissioners nor any governmental body shall be compelled to enter into an agreement as to a mitigation program with a Developer for the purpose of advancing the adequacy of public facilities as required by this Ordinance.

⁴¹ Article IX amended 5/25/04.

⁴² Article IX amended 11/1/05.

9.3 A mitigation program providing for deferred payment of fees shall include the types, methods and schedules for the implementation of the mitigation program for the purpose of advancing the adequacy of public facilities.

9.3A In its sole discretion, the Board of County Commissioners or its designee may approve a mitigation program that allows a development to proceed in a school district otherwise designated as inadequate for development under the following conditions:

(a) The Board of County Commissioners determines that approving this development benefits the community by:

(i) encouraging certain types of development that offer advantages to the community, including but not limited to the following:

- (1) development in designated revitalization areas;
- (2) renovation of abandoned or under-utilized structures;
- (3) affordable or workforce housing or community revitalization projects; or
- (4) developments with preliminary plat approval prior to July 1, 2005.

(b) Development occurring while a particular school is in an inadequate status must not cause the enrollment level at that school to reach a level where temporary measures such as portable classrooms are not sufficient to prevent the average class size from rising beyond the class size based on State Rated Capacity or prevent the school's core services from serving the increased number of students in an acceptable manner.

(c) A mitigation program for major subdivisions under this section must provide for improvements that will occur within three years in order to return a school attendance area to adequate status.

(d) A mitigation program proposed under this section must include an acceptable phasing program for the development that is approved by the Board of County Commissioners or designee.

(e) Any Developer-funded mitigation program construction project shall be excluded from the adequacy testing calculation in Article 5 of this Ordinance.

9.4 With regard to any public facility required to be adequate under the terms of this Ordinance, the Board of County Commissioners for Washington County, the

mayor and council of any incorporated municipality in Washington County, the Washington County Water & Sewer Department, the state of Maryland, or any other governmental body, may elect to participate in the cost of any necessary improvements to advance the adequacy of facilities as required by this Ordinance.

9.5 Any mitigation program providing for deferred payment of fees shall be contained in a legal, binding, adequate public facilities agreement between the Developer or other responsible party and the Board of County Commissioners. Such agreement must have been approved for form and content by the Office of the County Attorney.

9.6 A mitigation program providing for deferred payment of fees shall be binding on the heirs, successors, and assigns of a project and shall run with the land. The deed or title for a property shall contain references to the mitigation program.

9.7 If a Developer fails to agree to a mitigation program to assure adequacy of public facilities, the Planning Commission shall disapprove the project for want of adequate public facilities as required by this Ordinance.

9.8 The Board of County Commissioners shall require security as appropriate to cover the costs of the facilities and lands not under the Developer's ownership that are part of a mitigation program providing for deferred payment of fees, in a form acceptable to the Board. The amount of the security shall be reduced as payments are made under the mitigation program. Upon default, the Board of County Commissioners shall have the authority to redeem the security in addition to any other remedy provided by law.

ARTICLE X - VALIDITY

If validity of any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is, for any reason, held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

ARTICLE XI - PERIODIC REPORTS

The Planning Department of Washington County, beginning six (6) months from the date of the effective date of this Ordinance, shall periodically review whether there is a continuing need for this Ordinance or suggested amendments at an open, public, advertised meeting.

ARTICLE XII - EFFECTIVE DATE

This Ordinance is effective as of December 1, 1990. Adopted this 16th day of October, 1990.

APFO Timeline

School Adequacy

2004

January 1, 2004 – Revision 5 of the APFO

- State Rated Capacity was lowered from 105% to 85% for elementary and 100% in middle and high school districts.
- Formula was added to the Ordinance to measure available capacity.
 - Available Capacity (AC) = State Rated Capacity (SRC) – Net Enrollment (NE)
- Formula was added to mitigate capacity.
 - Capacity Required by Development (CR) x 115 (sq. ft. per student) x Cost = Contribution
 - Cost was equal to cost per square foot for new public school construction as determined annually by the Maryland Public School Construction Program.
 - At the time the cost was estimated at \$156 per sq. ft. making the fee **\$7,355 per lot**.
- Also allowed developers to enter into individual agreements with BoCC for alternate contributions for fees such as land contribution for new school sites.
- Allowed BoCC to cap residential permits for new development on an annual basis.

May 25, 2004 – Revision 6 of the APFO

- Clarified mitigation fee formula by adding Dwelling Unit (DU) to the beginning of the formula.
 - $DU \times 0.41$ (formerly CR) x 115 sq. ft. per student x Cost
- Added language to Article 9 allowing the BoCC to enter into an agreement with developers for deferred payment.
- Deferred payment would require a bond or surety to be posted.

November 30, 2004

- APFO fees were raised to **\$8,500 per lot** based upon updated construction numbers provided by the State of Maryland. Cost per sq. ft. increased from \$157 to \$180.

2005

November 1, 2005 – Revision 7 of the APFO

- Amended the County adequacy standards for elementary schools from 85% to 90% of the State Rated Capacity.
- Added language to adequacy standards that allow schools that are identified as being funded in the CIP as being adequate provided the formula including the new school capacity still shows minimum adequacy is met.
- Added language that the Board of Education (BOE) is required to report enrollment data to the County on a quarterly basis.
- Added public and private schools and public safety centers to list of exemptions.
- Repealed and replaced the section regarding measuring available capacity.
 - New formula for calculating adequacy:

Enrollment = BOE official Enrollment figures + background enrollment + pupils generated from the development + pupils generated by previously approved developments (including municipalities)

- Definition added for background enrollment (average annual impact of equated student enrollment changes during the preceding 3 years)
- Pupil generation rates shall be determined by BOE
- Repealed mitigation fee formula and added language to Article 9 to allow developers to submit individual agreements to the BoCC for approval based upon specified criteria.

2013

June 18, 2013 – Revision 8 of the APFO

- Added a definition for minor subdivision and added them to list of exemptions.

October 22, 2013 – Revision 9 of the APFO

- Amended exemption regarding senior housing to include references to the Federal Fair Housing Act and the Housing for Older Persons Act.
- Clarifies that student yield from a development is subtracted from the equation once a dwelling unit is constructed.
- Added a section under mitigation of inadequate school capacities called Alternate Mitigation Contribution.
 - Allows use of the AMC if school capacities (including those produced from the new development do not exceed 120%).
 - Added formula for calculating mitigation contribution
AMC = (average cost of a school seat (A)/expected life span of school (B) x pupil generation rate attributable to the type of dwelling unit being proposed (C)) x the number of years a student spends in the school x the number of dwelling units (by type) proposed in the development.
- RS-2013-14 set AMC factors as follows:
 - A = \$41,198.55; B = 50 years; C = 0.28 for single family, 0.15 for townhomes, and 0.22 for apartments; D = 13; E = Number of dwelling units proposed. Effective sets the rate at **\$2,141.89 per apartment unit; \$1,927.67 per townhouse unit; and \$2,891.46 per single family unit.**

Developer: Washco Arnett Farm LLC
 Subdivision: The Villas at Gateway
 Reference #: S-18-016
 Date of Test: September 19, 2018

Proposed Development Type		24
Single Family		0
Townhouse		0
Multi-Family		0

Type	Pupil Generation Rates		
	Elem	Mid	High
Single Family	0.43	0.18	0.21
Townhouse	0.33	0.1	0.11
Multi-Family	0.33	0.13	0.14

Name	LRG	Current Enrollment	Pipeline Enrollment	Background Enrollment	Pupils Generated from this Development	Total Adjusted Enrollment	School Impact	SRC	% of SRC
Elementary	676	596	60.2	-13.4	10.3	653.1	22.9	596.0	109.6%
Middle	797	780	41.5	-1.3	4.3	824.5	-27.5	797.0	103.5%
High	1209	1270	58.37	-1	5.0	1332.4	-123.4	1209.0	110.2%

Current Elementary School Enrollment from BOE (Mar 2018)	State Rated Capacity	Local Rated Capacity (90%)
Bester	618	547
Boonsboro	540	463
Cascade	175	247
Clear Spring	406	347
Eastern	452	515
Emma K. Doub	393	267
Fountaindale	377	317
Fountain Rock	243	268
Greenbrier	215	227
Hancock	254	266
Hickory	302	212
Jonathan Hager	405	424
Lincolshire	581	500
Maugansville	739	662
Old Forge	357	339
Pangborn	739	671
Paramount	393	368
Pleasant Valley	220	229
Potomac Heights	305	294
Rockland Woods	596	676
Ruth Ann Monroe	521	695
Salem Avenue	710	725
Sharpsburg	263	249
Smithsburg	363	419
Williamsport	266	568
Williamsport	266	511
Eastern/Ruth Ann Monroe*	973	1267

*For the purposes of this analysis Ruth Ann Monroe Primary School and Eastern Elementary School share the same school district therefore their enrollment, SRC, and LRC shall be combined into one school district.

Current Middle School Enrollment from BOE (Mar 2018)	State Rated Capacity	Local Rated Capacity (100%)
Boonsboro	763	872
Clear Spring	378	563
E. Russell Hicks	780	797
Northern	670	818
Smithsburg	634	829
Springfield	820	860
Western Heights	872	828

Current High School Enrollment from BOE (Mar 2018)	State Rated Capacity	Local Rated Capacity (100%)
Boonsboro	907	1030
Clear Spring	476	574
Hancock Middle/High	261	584
North Hagerstown	1341	1337
Smithsburg	788	829
South Hagerstown	1270	1209
Williamsport	921	935

ALTERNATE MITIGATION CONTRIBUTION worksheet

for: Hopewell Station, SP-17-012, 60 apartments
Pupil Gen. rate updated to figures app'd by BCC April 2016

complete shaded areas with development information
use line appropriate for type of unit
use TOTAL at bottom of page if there is more than 1 type of unit and sum AMC column

(A/B x C) x D x E = Alternate Mitigation Contribution

A = average cost of a school seat

B = life expectancy (50 years)

C = average pupil generation rate for type of development

D = total # of years typical student spends in all schools (6 in elementary, 3 in middle and 4 in high school = 13)

E = # of units in development

41198.55

50

.20(APT) or .18(TH) or .27(SF)

13

of units

AMC APARTMENTS

A	B	C	D	E	AMC
\$ 41,198.55	/50	= \$ 823.97 x .20 =	\$ 164.79 x 13=	\$ 2,142.32	x
				60	= \$ 128,539.48

AMC TOWN HOMES

A	B	C	D	E	AMC
\$ 41,198.55	/50	= \$ 823.97 x .18 =	\$ 148.31 x 13=	\$ 1,928.09	x
					= \$ -

AMC SINGLE FAMILY

A	B	C	D	E	AMC
\$ 41,198.55	/50	= \$ 823.97 x .27 =	\$ 222.47 x 13=	\$ 2,892.14	x
					= \$ -

TOTAL= \$ 128,539.48



Open Session Item

SUBJECT: Intergovernmental Cooperative Purchase (INTG-19-0020) – Personal Protective Equipment (PPE) for Division of Emergency Services

PRESENTATION DATE: September 24, 2019

PRESENTATION BY: Rick Curry, CPPO, Director, Purchasing Department and Jonathan Hart, Assistant Director of Fire Operations, Division of Emergency Services

RECOMMENDED MOTION: Move to authorize by Resolution the approval of the purchase of fifty (50) sets of Personal Protective Equipment (PPE) (coats and pants) for the Division of Emergency Services from Witmer Public Safety Group, Inc. of Williamsport, MD at contracted unit prices totaling \$107,085.00 based on the contract awarded by the State of New Jersey contract (Solicitation #17 FLEET 00837).

REPORT-IN-BRIEF: Section 106.3 of the Public Local Laws of Washington County grants authorization for the County to procure goods or services under contracts entered into by other government entities. On items over \$50,000, a determination to allow or participate in an intergovernmental cooperative purchasing arrangement shall be by Resolution and shall indicate that the participation will provide cost benefits to the county or result in administrative efficiencies and savings or provide other justification for the arrangement.

The County will benefit with the direct cost savings in the purchase of this equipment because of economies of scale this contract has leveraged. Additionally, the County will realize savings through administrative efficiencies as a result of not preparing, soliciting and evaluating a bid. Acquisition of the equipment by utilizing the State of New Jersey contract and eliminating our County's bid process would result in an administrative and cost savings for the Division of Emergency Services in preparing specifications and the Purchasing Department.

DISCUSSION: In an effort to offset the costs associated with providing personal protective gear (PPE) to volunteer firefighters, Washington County began providing additional assistance to volunteer fire companies by providing PPE for distribution to active firefighters throughout Washington County. The intent is to replace PPE that is damaged or past its serviceable life of ten (10) years. Since the beginning of this program, the county has purchased one hundred seventy (170) sets of turnout gear. The additional fifty (50) sets of turnout gear procured this fiscal year will be distributed to firefighters throughout the county in an ongoing effort to replace aging gear that can no longer be certified.

The price quoted is based on the contractual discount off of the list price. List prices for Lion products is expected to go up after October 1. Additional sets of turnout gear purchased under this contract may be more expensive.

FISCAL IMPACT: Funding is in the department's FY'20 operating budget account 599999-10-11525.

CONCURRENCES: Director of the Division of Emergency Services

ALTERNATIVES: If the county decides not to purchase the turnout gear, the individual volunteer fire companies will incur additional costs to procure the PPE.

ATTACHMENTS: Whitmer's Quote No. 556168 (dated 9/10/19) based on State of New Jersey contract pricing.

AUDIO/VISUAL NEEDS: N/A



Witmer Public Safety Group

10228 Governor Lane Boulevard
 Suite 3012
 Williamsport, MD 21795
 Phone: (888) 560-3473
 kgreenlee@thefirestore.com

Quote ID: 556168
Date: 09/10/2019
Sales Person: KEVIN G
Customer Id: WASDFES

Bill To:

Washington Co. Emergency Services
 Division Of Fire And Emergency Serv
 16232 Elliot Parkway Attn: Jonathan Hart
 Williamsport MD 21795

Phone: ()-

E-Mail:

Ship To:

Washington Co. Emergency Services
 Division Of Fire And Emergency Serv
 16232 Elliot Parkway
 Williamsport MD 21795

New Jersey Contract Pricing

Quantity	Item ID	Description	Unit	Amount
50	CVBM-WASHCO	Janesville V-Force Coat, Armor AP Gold CVBM-WASHCO Janesville V-Force Coat, Armor AP Gold, K4 Liner, Washington Co. Specs, Ref: WM6Q2262 List Price \$2281.00 45% Discount From List	1,254.55	62,727.50
50	PVFM-WASHCO	Janesville V-Force Pant w/Belt, Armor AP Gold PVFM-WASHCO Janesville V-Force Pant w/Belt, Armor AP Gold, K4 Liner, Washington Co. Specs. Ref: WM6Q2262 List Price \$1613.00 45% Discount From List	887.15	44,357.50

ACCEPTANCE OF QUOTATION

The above prices, specifications, and conditions are satisfactory and are hereby accepted.

Signature: _____

Date: _____

Subtotal: 107,085.00

Freight:

Tax: 0.00

Total: 107,085.00

Quotation is valid until October 10, 2019





Agenda Report Form

Open Session Item

SUBJECT: Approval of the Agreement between Washington County and Kuusakoski Glass, LLC

PRESENTATION DATE: September 24, 2019

PRESENTATION BY: David A. Mason, P. E., Deputy Director, Department of Solid Waste

RECOMMENDED MOTION: Motion to approve the agreement with Kuusakoski Glass, LLC for the Electronics Recycling Program.

REPORT-IN-BRIEF: In June of 2019 UNICOR notified the County that it would stop receiving CRT materials from the Electronics Recycling Program. Since then Staff has been searching for a new vendor to continue the program. Kuusakoski Glass, LLC will accept the CRT material at \$0.17 per pound and all Non-CRT at no charge. UNICOR was charging \$0.20 per pound for CRT materials. The Department of Solid Waste will still be responsible for the cost of transportation.

DISCUSSION: The Department has researched costs of electronics recycling in surrounding areas and found the cost range from \$0.20 per pound to \$0.62 per pound.

FISCAL IMPACT: All costs will be paid from Account 588040-21-21200, \$70,000.00.

CONCURRENCES: Purchasing Department, County Attorney

ALTERNATIVES: N/A

ATTACHMENTS: N/A

AUDIO/VISUAL NEEDS: N/A



Open Session Item

SUBJECT: Bid Award (PUR-1440) – Recycling Drop-Off Services

PRESENTATION DATE: September 24, 2019

PRESENTATION BY: Brandi Naugle, Buyer - Purchasing Department and David Mason – Deputy Director, Department of Solid Waste.

RECOMMENDED MOTION: Move to award the contract for Recycling Drop-Off Services under Option No. 1 for the hauling of single stream recyclables to the responsive, responsible bidder BFI dba Republic Services of Hagerstown, MD for the total sum annual bid amount of \$99,374.25 and to award under Option No. 2 for the processing of single stream recyclables to Apple Valley Waste of Kearneysville, WV for the bid amount for year one (\$26,000.00 , for the bid amount for year two \$26,650.00 and for the bid amount for year three \$27,315.60) for the total sum bid of \$79,965.60 for the three-year contract period and to award under Alternate No. 1, to Waste Management of Pennsylvania, Inc. of Greencastle, PA for the bid amount for year one (\$13,773.76, for the bid amount for year two \$14,464.32 and for the bid amount for year three \$15,184.00) for the total sum bid of \$43,422.08 for the three-year contract period.

REPORT-IN-BRIEF: On July 9, 2019 the request for renewal and price increase made by Apple Valley Waste Services of Kearneysville, WV was formally rejected by the Board of County Commissioners of Washington County due to being considered excessive. The Invitation to Bid was published in the local newspaper, listed on the State of Maryland's eMMA (*eMaryland Market Place Advantage*) website and on the County's website. Eight (8) persons/companies registered/downloaded the bid document on-line. Three (3) bids were received as indicated on the attached bid tabulation.

The contract is for a two (2) year period, commencing September 1, 2019, with an option by the County to renew for up to one (1) additional one (1) year period. The County shall only pay for trips as required; there is no annual guaranteed minimum or maximum number of trips.

The services consist of the vendor supplying recycling and cardboard containers and the removal, processing, and marketing of recyclables for the manned (Transfer Stations) recycling drop-off sites. If the Bidder wishes to renew the Contract, he/she shall submit a letter of intent to the Director of Purchasing at least ninety (90) calendar days prior to the expiration of each contract year. The County reserves the right to accept or reject any request for renewal.

DISCUSSION: N/A

FISCAL IMPACT: Funds are budgeted in the FY'20 proposed budget in the amount of \$113,600.00 (Account 515150-21-21200). Pricing above represents estimated runs. Therefore, no budget adjustment necessary.

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: Bid Matrix Tabulation.

AUDIO/VISUAL NEEDS: N/A

PUR-1440
Recycling Drop-Off Center Services

	BFI Waste Services dba Republic Services Hagerstown, MD	Apple Valley Waste Kearneysville, WV	Waste Management of Pennsylvania, Inc. Greencastle, PA
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Item No.	Description	No. Trips	One Trip	Total	No. Trips	One Trip	Total	No. Trips	One Trip	Total
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OPTION NO. 1 - HAULING OF SINGLE STREAM RECYCLABLES

1	Location No. 1: Greensburg	115	\$201.55	\$23,178.25	115	\$215.00	\$24,725.00*	115	\$260.54	\$29,962.10
2	Location No. 2: Kaetzel	90	\$263.92	\$23,752.80	90	\$215.00	\$19,350.00	90	\$334.27	\$30,084.30
3	Location No. 3: Dargan	20	\$291.77	\$5,835.40	20	\$215.00	\$4,300.00	20	\$404.16	\$8,083.20
4	Location No. 4: Hancock	40	\$279.82	\$11,192.80	40	\$215.00	\$8,600.00	40	\$263.20	\$10,528.00
5	Location No. 5: Forty West Landfill	250	\$141.62*	\$35,405.00*	250	\$215.00	\$53,750.00	250	\$168.25	\$42,062.50

TOTAL SUM BID (Hauling of Single Stream Recyclables Locations 1 thru 5)	\$99,364.25*	\$110,725.00*	\$120,720.10
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OPTION NO. 2 - PROCESSING SINGLE STREAM RECYCLABLES

Item No.	Description	No. Trips	One Trip	Total	No. Trips	One Trip	Total	No. Trips	One Trip	Total
1	1st Year: Processing Dual Stream Recyclables	520	No Bid		520	\$50.00	\$26,000.00	520	\$93.75	\$48,750.00
2	2nd Year: Processing Dual Stream Recyclables	520	No Bid		520	\$51.25	\$26,650.00	520	\$98.44	\$51,188.80
3	3rd Year: Processing Dual Stream Recyclables	520	No Bid		520	\$52.53	\$27,315.60	520	\$103.36	\$53,747.20

TOTAL SUM BID Three (3) Year Period (Processing Single Stream Recycleables)	No Bid	\$79,965.60	\$153,686.00
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PUR-1440
Recycling Drop-Off Center Services

BFI Waste Services dba Republic Services Hagerstown, MD	Apple Valley Waste Kearneysville, WV	Waste Management of Pennsylvania, Inc. Greencastle, PA
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ALTERNATE NO. 1

Item No.	Description	No. Trips	One Trip	Total	No. Trips	One Trip	Total	No. Trips	One Trip	Total
4	FIRST YEAR: 8 CY Minimum FEL Segregated Cardboard Containers	416	\$40.52	\$16,856.32	416	\$75.00	\$31,200.00	416	\$33.11	\$13,773.76
5	SECOND YEAR: 8 CY Minimum FEL Segregated Cardboard Containers	416	\$42.55	\$17,700.80	416	\$76.88	\$31,982.08	416	\$34.77	\$14,464.32
6	THIRD YEAR: 8 CY Minimum FEL Segregated Cardboard Containers	416	\$44.68	\$18,586.88	416	\$78.80	\$32,780.80*	416	\$36.50	\$15,184.00
TOTAL SUM BID Three (3) Year Period (Alternate No. 1)		\$53,144.00			\$95,962.88*			\$43,422.08		

**Corrected calculations based on unit pricing*

Notes/Exceptions

BFI/Republic Services

Option No. 1 Item No. 5 Location No. 5*

Option No. 2 Processing Dual Stream Recyclables - First Year Item No. 1 One (1) Trip

Option No. q11 11 - Hauling of recyclables is based on hauling the recyclables to Apple

Notes/Exceptions

Apple Valley Waste

Option No. 1 Item No. 1 Location No. 1*

Alternate No. 1 Third Year Item No. 6*



Agenda Report Form

Open Session Item

SUBJECT: Bid Award (PUR-1441) – Contract Services at Transfer Stations and On-Site at Forty West Landfill

PRESENTATION DATE: September 24, 2019

PRESENTATION BY: Brandi Naugle, Buyer, Purchasing Department and David Mason, P.E., Deputy Director, Department of Solid Waste.

RECOMMENDED MOTION: Move to award the Contract Services at Transfer Stations and On-Site at the Forty West Landfill to responsive, responsible, bidder Apple Valley Waste of Maryland of Kearneysville, WV based on the Total Sum Bid (Transfer Station Location Nos. 1 through 5) \$478,327.50, plus Alternate No.1 (cardboard transports at Forty West) \$6,000.00 for a Total Amount of \$484,327.50 and to approve Budget Transfer Request of \$166,000.00 from account 490090-21-00000 to account 515190-21-21100.

REPORT-IN-BRIEF: On July 9, 2019 the request for renewal and price increase made by Apple Valley Waste Services of Kearneysville, WV was formally rejected by the Board of County Commissioners of Washington County due to being considered excessive. On August 2, 2019 the County re advertised to solicit new pricing for these services and on August 30, 2019 accepted bids for the Contract Services at the Transfer Stations and On-Site at Forty West Landfill. The Invitation to Bid (ITB) was advertised in the local newspaper, listed on the State's Emma (*eMaryland Marketplace Advantage*) website and the County's website. Nine (9) persons/companies registered downloaded the bid document on-line. Two (2) bids were received as indicated on the attached bid tabulation matrix.

The contract is for a two (2) year period, commencing September 1, 2019, with an option by the County to renew for up to one (1) additional one (1) year period. Subject to written notice given by the County at least sixty (60) calendar days in advance of its expiration. The County reserves the right to accept or reject any request for renewal. The County guarantees neither a maximum/minimum of transports from each location under this contract.

DISCUSSION: N/A

FISCAL IMPACT Funds are budgeted in the amount of \$318,550 in the department's FY'20 operating expense account (515190-21-21100).

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: Bid Matrix Tabulation and Budget Adjustment

AUDIO/VISUAL NEEDS: N/A

PUR-1441

Contract Services at Transfer Stations and On-Site at Forty West Solid Waste Facility

		Apple Valley Waste Kearneysville, WV			BFI Waste Services, LLC dba Republic Services of Hagerstown Hagerstown, MD		
		No. Trips	One Trip	Total	No. Trips	One Trip	Total
A.	Location No. 1: Greensburg	650	\$156.45	\$101,692.50	650	\$205.52	\$133,588.00
B.	Location No. 2: Kaetzel	300	\$159.60	\$47,880.00	300	\$267.86	\$80,358.00
C.	Location No. 3: Dargan	180	\$157.50	\$28,350.00	180	\$277.10	\$49,878.00
D.	Location No. 4: Hancock	180	\$152.25	\$27,405.00	180	\$290.48	\$52,286.40
E.	Location No. 5: Forty West Landfill (On-Site)	4,200	\$65.00	\$273,000.00	4,200	\$69.45	\$291,690.00
TOTAL SUM BID (Sum of figures above for Locations 1 through 5)		\$478,327.50			\$607,800.40		
F.	Location No. 6: Cardboard Transports at Forty-West Landfill	80	\$75.00	\$6,000.00	80	\$115.40	\$9,232.00
TOTAL AMOUNT (Total Sum Bid + Location No. 6)		\$484,327.50			\$617,032.40		

**Corrected Calculations based on unit pricing*



Washington County, Maryland Budget Adjustment Form

Print Form

- Budget Amendment - Increases or decrease the total spending authority of an accounting fund or department
- Budget Transfer - Moves revenues or expenditures from one account to another or between budgets or funds.

Transaction/Post -Finance

Deputy Director - Finance

Preparer, if applicable

Department Head Authorization

Division Director / Elected Official Authorization

Budget & Finance Director Approval

County Administrator Approval

County Commissioners Approval

Required approval with date

If applicable with date

Required approval with date

Required approval with date

Required > \$ 25,000 with date

Expenditure / Account Number	Fund Number	Department Number	Project Number	Grant Number	Activity Code	Department and Account Description	Increase (Decrease) +/-
490090	21	00000				Fund Balance Reserve	166,000
515190	21	21100				Hauling Services	166,000

Explain Budget Adjustment

Required Action by County Commissioners No Approval Required Approval Required Approval Date if Known



Open Session Item

SUBJECT: Emergency Numbers Systems Board – Approval to Submit Application and Accept Awarded Funding

PRESENTATION DATE: September 24, 2019

PRESENTATION BY: Brian Albert, Emergency Communications Center Operations, Division of Emergency Services, Josh O’Neal, Deputy Director of Information Technology and Allison Hartshorn, Grant Manager, Office of Grant Management

RECOMMENDED MOTION: Move to approve the submission of the grant application for the Emergency Numbers Systems Board in the amount of \$150,500 and accept funding as awarded.

REPORT-IN-BRIEF: The Emergency Number Systems Board was established by the Maryland General Assembly to coordinate the implementation, enhancement, maintenance and operation of county or multi-county 911 systems. Washington County Emergency Services is requesting funding for a new alarm equipment at the 9-1-1 center(s).

DISCUSSION: Washington County Emergency Services is requesting funding for new alarm equipment to replace a currently installed and unreliable emergency alarm system at the 911 center(s). The alarm system receives activations from county owned and/or supported agencies' to initiate an emergency dispatch for law enforcement, fire and/or medical service responses. The new system would provide a more current and reliable IP-based alarm system. From the time of activation, receipt and processing of the alarm will take approximately one second to complete utilizing the new alarm system. Additionally this system will provide real-time updating and simultaneous activations at the primary and back up 911 centers.

The Office of Grant Management has reviewed the funding request and has determined the request is consistent with the Emergency Number Systems Boards’ purpose. There is no matching funds requirement associated with this funding request. Annual maintenance expenses will be \$1900.

FISCAL IMPACT: Provides \$150,500 for Division of Emergency Services related expenses which may otherwise be charged to the Emergency Services budget. There will be a yearly recurring cost to the County for maintenance and support in the amount of \$1900, which can be purchased for multiple years at a discount.

CONCURRENCES: Susan Buchanan Director, Office of Grant Management

ALTERNATIVES: Deny approval for submission of this request. In addition, if this grant would not be approved by the Emergency Number Systems Board, the Washington County’s

Information Systems Department would move forward with in an in house system that would cost the County approximately \$10,000.

ATTACHMENTS: N/A

AUDIO/VISUAL NEEDS: N/A



Open Session Item

SUBJECT: Utility Vehicle Purchase/Replacement

PRESENTATION DATE: September 24, 2019

PRESENTATION BY: R. David Hays, Director, Division of Emergency Services (DES)

RECOMMENDATION: To authorize a budget transfer in the amount of \$45,556.00 for the replacement of a 2003 GMC 4-wheel drive utility vehicle utilized by the Division of Emergency Services.

REPORT-IN-BRIEF: The Special Operations Unit within the Division of Emergency Services operates a variety of specialized vehicles/apparatus that are necessary to fulfill its primary role in providing hazardous material and technical/swift-water rescue responses throughout Washington County and the surrounding areas. In doing so, many of these responses require vehicles that are either transported on trailers or require items that are carried within trailers that require a heavy load rated vehicle for towing. Examples of such are a structural collapse trailer, 2 swift water rescue boats, a mobile command trailer and a John Deere skid steer loader.

DISCUSSION: The vehicle that is utilized to tow these resources is a 2003 GMC 4-wheel drive diesel utility truck. The vehicle has recently encountered a mechanical issue with its engine which has been diagnosed through the local GMC dealership. The quoted cost for repairs exceeds \$9,000.00. In review of the units age and in consideration of the cost of repairs, staff have agreed that replacement of the vehicle is the most appropriate course of action. The repair cost is likely to exceed 25% of the cost for replacement of the vehicle. The vehicle is scheduled for replacement in FY 23. The division does not currently have sufficient CIP reserves to access for this purchase and future CIP projections from the FY 20 budgeting process resulted in reduced future CIP budgets a will likely require a budget adjustment through Budget and Finance.

FISCAL IMPACT: \$45,556.00

CONCURRENCES: Chief Financial Officer

ALTERNATIVES: Repair the current vehicle with cost expected to exceed \$9,000.00

ATTACHMENTS: Budget Adjustment



Washington County, Maryland

Budget Adjustment Form

Print Form

- Budget Amendment - Increases or decrease the total spending authority of an accounting fund or department
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Transaction/Post -Finance

Deputy Director - Finance

Preparer, if applicable

Department Head Authorization

Division Director / Elected Official Authorization

Budget & Finance Director Approval

County Administrator Approval

County Commissioners Approval

Required approval with date

If applicable with date

Required approval with date

Required approval with date

Required > \$ 25,000 with date

Expenditure / Account Number	Fund Number	Department Number	Project Number	Grant Number	Activity Code	Department and Account Description	Increase (Decrease) + / -
500155	10	11525				Personnel Requests - Fire Ops	-38,060
599999	10	11525				Controllable Assets	38,060

Explain Budget Adjustment

Required Action by County Commissioners No Approval Required Approval Required Approval Date if Known