



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

AGENDA
WASHINGTON COUNTY PLANNING COMMISSION
100 W Washington Street, Room 2000
April 7, 2025, 6:00 PM

CALL TO ORDER AND ROLL CALL

PUBLIC REZONING INPUT MEETING

1. **Myron and Hazel Horst [RZ-25-001]** – Travis Allen * **Information/Discussion/Tentative Action**
Request to apply the Rural Business overlay on 1.68 acres of a 10.7 acre parcel located at 6821 Sharpsburg Pike; Current Zoning: P (Preservation) with AO-2 (Antietam Overlay 2)
2. **RZ-25-002 – Halfway Houses and Group Homes** – Kyla Shingleton * **Information/Discussion/Tentative Action**
Proposed text amendment to Articles 3, 7A, 8, 9, 10, 19C, and 28A of the Washington County Zoning Ordinance to amend allowed locations for halfway houses and group homes to conform with State legislation
3. **RZ-25-003 – Nonconforming Uses** – Kyla Shingleton * **Information/Discussion/Tentative Action**
Proposed text amendment to amend the Washington County Zoning Ordinance to add clarification to better define when a nonconforming use ceases to exist.
4. **RZ-25-004 – Manufactured and Modular Housing** – Kyla Shingleton * **Information/Discussion/Tentative Action**
Proposed text amendment to Articles 3, 7A, 8, 9, 10, 19C, 22, and 28A of the Washington County Zoning Ordinance to address affordable housing and include language mandated by State legislation.
5. **RZ-25-005 – Accessory Dwelling Units** – Travis Allen * **Information/Discussion/Tentative Action**
Proposed text amendment to Article 3, 4, 7A, 8, 9, 10, 11, 12, 19, 19C, 22, and 28A of the Washington County Zoning Ordinance to permit the creation of Accessory Dwelling Units (ADUs).

NEW BUSINESS

MINUTES

1. March 3, 2025 Planning Commission regular meeting * **Discussion/Action**
2. March 17, 2025 Planning Commission workshop meeting * **Discussion/Action**

ORDINANCE MODIFICATION

1. **Daniel C. Davison [OM-25-003]** – Misty Wagner-Grillo * **Discussion/Action**
Proposed Ordinance Modification to reduce the 50-foot side yard setback to 50-feet on the north side lot and to 40 feet on the south side lot; Location: 14000 Heavenly Acres Ridge; Zoning: EC – Environmental Conservation

SUBDIVISIONS

1. **Elmwood Farm Revised Section 5D [PP-24-002]** – Scott Stotemyer * **Discussion/Action**
Preliminary plat for Section 5D of the existing Elmwood Farm subdivision; Location: 9902 Hippy Hop Court; Zoning: RS (Residential Suburban)
2. **The Village at Valentia Ridge, Lots 1-150 [PP-23-001]** - Scott Stotemyer * **Discussion/Action**
Extension request for the preliminary plat for the Village at Valentia Ridge, Lots 1-150; Location: South side of Poffenberger Road; Zoning: RU (Residential Urban)

FOREST CONSERVATION

1. **Martin Property – Lot 1 [S-23-058]** – Travis Allen * **Discussion/Action**
Request to use the payment-in-lieu (PIL) of planting to meet a portion of the mitigation requirements; Location: 12427 Burkholder Lane; Zoning: PI (Planned Industrial)

747 Northern Avenue | Hagerstown, MD 21742 | P: 240.313.2430 | F: 240.313.2431 | TDD: 7-1-1

OTHER BUSINESS

1. **Update of Projects Initialized** – Jennifer Kinzer * ***Information/Discussion***

ADJOURNMENT

UPCOMING MEETINGS

1. May 5, 2025, 6:00 p.m. – Washington County Planning Commission regular meeting

*attachments

Disclaimer: Copies of plans contained in this packet do not necessarily reflect the complete plan submission received by our office. The number of pages per plan may be reduced to accommodate size limitations of our website. Complete plans may be viewed in our offices by calling for an appointment.

The Planning Commission reserves the right to vary the order in which the cases are called. Individuals requiring special accommodations are required to contact the Washington County Planning Department at 240-313-2430 to make arrangements no later than 10 working days prior to the meeting. Notice is given that the Planning Commission agenda may be amended at any time up to and including the Planning Commission meeting.



Washington County
MARYLAND

FOR PLANNING COMMISSION USE ONLY
Rezoning No. BZ-25-001
Date Filed: 1-30-25

RECEIVED

WASHINGTON COUNTY PLANNING COMMISSION ZONING
ORDINANCE MAP AMENDMENT APPLICATION

JAN 30 2025

Myron & Hazel Horst

Applicant

6821 Sharpsburg Pike, Sharpsburg, MD 21782

Address

Noel S. Manalo, Esq.

Primary Contact

Offit Kurman P.A., 30 West Patrick St., Suite 300, Frederick, MD 21701

Address

- Property Owner
- Attorney
- Other: _____
- Contract Purchaser
- Consultant

WASHINGTON COUNTY
DEPT. OF PLANNING & ZONING

(240) 772-5108

Phone Number

noel.manalo@offitkurman.com

E-mail Address

Property Location: 6821 Sharpsburg Pike - at Taylors Landing Rd & Sharpsburg Pke

Tax Map: 0072 Grid: 0008 Parcel No.: 0168 Acreage: 10.7 entire parcel

Tax Account ID: 12-000421

Current Zoning: P & Antietam 2 Overlay Requested Zoning: RB (1.6 acre requested)

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

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



Myron J. Horst
Applicant's Signature

Subscribed and sworn before me this 14 day of January, 2025.

My commission expires on 9/15/2028

Nikki S. Eichelberger
Notary Public

FOR PLANNING COMMISSION USE ONLY

- Application Form
- Fee Worksheet
- Application Fee
- Ownership Verification
- Boundary Plat (Including Metes & Bounds)
- Names and Addresses of all Adjoining & Confronting Property Owners
- Vicinity Map
- Justification Statement
- 30 copies of complete Application Package



WASHINGTON COUNTY DEPARTMENT OF PLANNING & ZONING FEE WORKSHEET

FOR PLANNING COMMISSION USE ONLY
Rezoning No.
Date Filed:

PLEASE COMPLETE ONLY THE SECTION THAT APPLIES.

Applicant's Name: Myron & Hazel Horst Date: January 14, 2025

Zoning Ordinance Map Amendment \$ 2,000.00
Number of Acres * 1.68 x \$20.00 [1 acre minimum]
per acre \$ 33.60
Engineering Review Fee \$ 150.00
Technology Fee \$ 15.00
TOTAL FEES DUE - MAP AMENDMENT \$ 2,198.60
*Minimum charge of \$20.00 [if less than one acre]

Text Amendment \$ 2,000.00
Choose One: [] Adequate Public Facilities Ordinance
[] Forest Conservation Ordinance
[] Solid Waste Plan
[] Subdivision Ordinance
[] Zoning Ordinance
[] Other:
Technology Fee \$ 15.00
TOTAL FEES DUE - TEXT AMENDMENT \$ 2,015.00

Water and Sewer Plan Amendment \$ 2,000.00
Technology Fee \$ 15.00
TOTAL FEES DUE - WATER AND SEWER PLAN AMENDMENT \$ 2,015.00

Forest Conservation Exemption \$ 25.00
Technology Fee \$ 15.00
TOTAL FEES DUE - FOREST EXEMPTION \$ 40.00

Please make checks payable to "Washington County Treasurer".

Robinson & Robinson
 File No. 22-299
 Tax ID # 12-000421
 Underwriter: The Security Title Guarantee Corporation of Baltimore

Taxes Paid \$2,367.44
 Robert M. Breeding, Treasurer
 TY 02-23-2023

Washington Cty Cir Crt
 IMP FD SURE \$40.00
 RECORDING FEE \$20.00
 TR TAX STATE \$2,375.00

CTY REC TAX \$3,610.00
 TOTAL \$6,045.00
 KRT RZ 08:36 am
 Feb 23, 2023

This Deed, made this 25th day of October, 2022 by and between Kenneth A. Barnhart and Tracey L. Barnhart, a married couple, parties of the first part, Grantors; and Myron Horst and Hazel Horst, a married couple, parties of the second part, Grantees.

- Witnesseth -

That for and in consideration of the sum of FOUR HUNDRED SEVENTY FIVE THOUSAND AND 00/100 (\$475,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantors do grant and convey to the said Myron Horst and Hazel Horst, a married couple, their assigns, the survivor of them and the survivor's heirs, personal representatives and assigns, in fee simple, all that lot of ground situate in the County of Washington, State of Maryland and described as follows, that is to say:

All that lot or parcel of land situate along the East side of the Hagerstown-Sharpsburg Highway, approximately 1000 feet Southward from its intersection with the Bakersville-Keedysville Road, in Election District No. 12, Washington County, Maryland and being more particularly described as follows: :

BEGINNING at a post in the East marginal line of said Highway said post being at or near the end of the first line of the deed from Clarence W. Easterday and others to Price Farms, Inc., dated April 9, 1963, and recorded in Liber No. 392, folio 75, one of the Land Records of Washington County, and running thence along the East marginal line of said Highway by a curve to the right having a radius of 28,607.9 feet for a distance of 733.70 feet, the chord being North 11 degrees 58 minutes 21 seconds East 733.68 feet to a point, and North 12 degrees 42 minutes 26 seconds East 1075.08 feet to a white oak tree, thence leaving the Highway and running back therefrom South 76 degrees 38 minutes East 282.86 feet to a stake, thence South 9 degrees 33 minutes West 364.96 feet to a post, thence South 6 degrees 02 minutes West 345.0 feet to a post, thence South 2 degrees 37 minutes West 312.0 feet to a post, thence South 7 degrees 28 minutes West 462.95 feet to a point on a rock, thence South 2 degrees 12 minutes East 239.48 feet to a post in the first line of the aforementioned deed, thence with a portion of said line North 88 degrees 39 minutes West 501.64 feet to the place of beginning; containing 15.03 acres of land, more or less.

Being further defined as all of the land indicated on the plat of land as approved by the Washington County Planning & Zoning Commission, recorded with the deed at Liber 560, folio 185, said land being conveyed subject to the restrictions and conditions indicated thereon; subject also to the right of way and easements heretofore granted the State Roads Commission of Maryland as shown on their plat record in the Office of the Clerk of the Circuit Court for Washington County.

SAVING AND EXCEPTING THEREFROM all of that property contained in the deed recorded among the Land Records of Washington County, Maryland, at Liber 1266, folio 1069.

BEING the same property conveyed to Kenneth A. Barnhart and Tracey L. Barnhart, husband and wife, from Kenneth A. Barnhart by deed dated November 24, 2020, and recorded January 19, 2021, among the Land Records of Washington County, Maryland, in Book 6488, Page 1.

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

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Myron Horst and Hazel Horst, a married couple, their assigns, the survivor of them and the survivor's heirs, personal representatives and assigns, in fee simple.

WASHINGTON COUNTY CIRCUIT COURT (Land Records) KRT 7198, p. 0135, MSA_CE18_7150. Date available 02/27/2023. Printed 01/31/2025.

WASHINGTON COUNTY CIRCUIT COURT (Land Records) KRT 7198, p. 0136, MSA_CE18_7150. Date available 02/27/2023. Printed 01/31/2025.

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; but they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

As Witness the hands and seals of said Grantors, the day and year first above written.

Witness signatures: Kenneth A. Barnhart (SEAL) and Tracey L. Barnhart (SEAL)

STATE OF MARYLAND
COUNTY OF WASHINGTON, to wit:

I hereby certify that on the 26th day of October, 2022, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Kenneth A. Barnhart and Tracey L. Barnhart, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and made oath in due form of law that the matters and facts set forth herein are true.

As witness, my hand and notarial seal.

Signature of Notary Public

My Commission Expires:

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

(SEAL)

Russ Robinson, III, Attorney

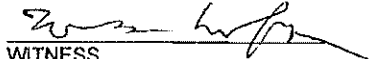
AFTER RECORDING, PLEASE RETURN TO:
Robinson & Robinson
182 West Washington Street
Hagerstown, MD 21740

AGRICULTURE TAX: Letter of Intent
ACRES: 10.7
CLEAR: Gina Sharpe

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Washington County
Gina Sharpe 10/26/2022

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

As Witness the hands and seals of said Grantors, the day and year first above written.


WITNESS

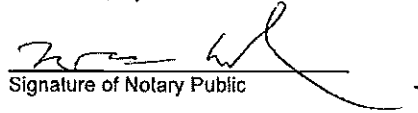
 (SEAL)
Kenneth A. Barnhart

 (SEAL)
Tracey L. Barnhart

STATE OF MARYLAND
COUNTY OF WASHINGTON, to wit:

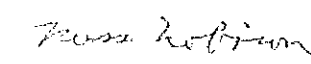
I hereby certify that on the 25th day of October, 2022, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Kenneth A. Barnhart and Tracey L. Barnhart, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and made oath in due form of law that the matters and facts set forth herein are true.

As witness, my hand and notarial seal.


Signature of Notary Public

My Commission Expires:

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

 (SEAL)

Russ Robinson , III, Attorney

AFTER RECORDING, PLEASE RETURN TO:
Robinson & Robinson
152 West Washington Street
Hagerstown, MD 21740

WASHINGTON COUNTY CIRCUIT COURT (Land Records) KRT 7198, p. 0137, MSA_CE18_7150, Date available 02/27/2023. Printed 01/31/2025.

**MARYLAND
FORM
WH-AR**

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

2022

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change

in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor Kenneth A. Barnhart

2. Description of Property (Street address. If no address is available, include county, district, subdistrict and lot numbers).

6821 Sharpsburg Pike, Sharpsburg, MD 21782

3. Reasons for Exemption

Resident Status

As of the date this form is signed, I, Transferor, am a resident of the State of Maryland.

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

Principal Residence

Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.

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

3a. Individual Transferors

[Signature]
Witness

Kenneth A. Barnhart

Name

[Signature]
Signature

10/25/2022

**Date

3b. Entity Transferors

Witness/Attest

Name of Entity

By

Name

**Date

Title

** Form must be dated to be valid.

Note: Form is only valid if it was executed on the date the Property was transferred and is properly recorded with the Clerk of the Court.

To the Clerk of the Court: Only an un-altered Form WH-AR should be considered a valid certification for purposes of Section 10-912.

MARYLAND
FORM
WH-AR

Certification of Exemption from Withholding Upon
Disposition of Maryland Real Estate Affidavit of
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2022

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in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor Tracey L. Barnhart

2. Description of Property (Street address. If no address is available, include county, district, subdistrict and lot numbers).

6821 Sharpsburg Pike, Sharpsburg, MD 21782

3. Reasons for Exemption

Resident Status

As of the date this form is signed, I, Transferor, am a resident of the State of Maryland.

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

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

3a. Individual Transferors

Witness

[Signature]

Tracey L. Barnhart
Name

Signature

[Signature]
Date

10-25-2022
Date

3b. Entity Transferors

Witness/Attest

Name of Entity

By

Name

Date

Title

** Form must be dated to be valid.

Note: Form is only valid if it was executed on the date the Property was transferred and is properly recorded with the Clerk of the Court.

To the Clerk of the Court: Only an un-altered Form WH-AR should be considered a valid certification for purposes of Section 10-912.

WASHINGTON COUNTY CIRCUIT COURT (Land Records) KRT 7198, p. 0140, MSA_CE18_7150. Date available 02/27/2023. Printed 01/31/2025.

Letter of Intent

State of Maryland Land Instrument Intake Sheet <input type="checkbox"/> Baltimore City <input checked="" type="checkbox"/> County: <u>Washington</u> Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only. (Type or Print in Black Ink Only - All Copies Must Be Legible)							
1	Type(s) of Instruments	<input type="checkbox"/> Check Box if addendum Intake Form is Attached					
		<input checked="" type="checkbox"/> Deed	<input type="checkbox"/> Mortgage	<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____	
2	Conveyance Type Check Box	<input checked="" type="checkbox"/> Improved Sale Arms-Length (1)	<input type="checkbox"/> Unimproved Sale Arms-Length (2)	<input type="checkbox"/> Multiple Accounts Arms-Length (3)	<input type="checkbox"/> Not an Arms-Length Sale (9)		
		Tax Exemptions (if applicable) Recordation _____ State Transfer _____ County Transfer _____ Cite or Explain Authority _____					
4	Consideration and Tax Calculations	Consideration Amount			Finance Office Use Only Transfer and Recordation Tax Consideration		
		Purchase Price/Consideration \$ 475,000.00 Any New Mortgage _____ Balance of Existing Mortgage _____ Other: _____ Other: _____ Full Cash Value: _____	Transfer Tax Consideration \$ _____ X () % = \$ _____ Less Exemption Amount = \$ _____ Total Transfer Tax = \$ _____ Recordation Tax Consideration \$ _____ X () per \$500 = \$ _____ TOTAL DUE \$ _____		Agct: _____ Tax BR: _____ C.B. Credit: _____ Ag. Tax/Other: _____		
5	Fees	Amount of Fees		Doc. 1	Doc. 2		
		Recording Charge \$ 60.00 Surcharge \$ _____ State Recordation Tax \$ 3,610.00 State Transfer Tax \$ 2,375.00 County Transfer Tax \$ 0.60 Other \$ _____ Other \$ _____				Agct: _____ Tax BR: _____ C.B. Credit: _____ Ag. Tax/Other: _____	
6	Description of Property <small>SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).</small>	District	Property Tax ID No. (1)	Grantor Libers/Volts	Map	Parcel No.	Ver. LGG
			12-000421	6488 1	72		168
		Subdivision Name		Lot (a)	Block (b)	Sec/AR (c)	Plat Ref. Sq/Ft/Acreage (4)
				4918			10,7000 AC
		Location/Address of Property Being Conveyed (2)					
		6821 Sharpsburg Pike, Sharpsburg, MD 21782					
		Other Property Identifiers (if applicable)				Water Meter Account No.	
		Residential <input checked="" type="checkbox"/> Or Non-Residential <input type="checkbox"/>		Fee Simple <input checked="" type="checkbox"/> or Ground Rent <input type="checkbox"/> Amount \$ _____			
		Partial Conveyance <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Description/Amt. of Sq/Ft/Acreage Transferred:			
		If Partial Conveyance, List Improvements					
7	Transferred From	Doc. 1 - Grantor(s) Name(s)			Doc. 2 - Grantor(s) Name(s)		
		Kenneth A. Barnhart and Tracey L. Barnhart					
8	Transferred To	Doc. 1 - Owner(s) of Record, (if different from Grantor(s))			Doc. 2 Owner(s) of Record, (if different from Grantor(s))		
		Myron Horst and Hazel Horst					
		New Owner's (Grantor) Mailing Address					
		7318 Sharpsburg Pike, Sharpsburg, MD 21782					
9	Other Names to Be Indexed	Doc. 1 - Additional Names to be Indexed (Optional)			Doc. 2 - Additional Names to be Indexed (Optional)		
10	Contact/Mail Information	Instrument Submitted By or Contact Person				<input checked="" type="checkbox"/> Return to Contact Person	
		Name: Lisa Ramsey Firm: Robinson & Robinson Address: 152 West Washington Street Hagerstown, MD 21740 Phone: (301) 797-0100				<input type="checkbox"/> Hold for Pickup <input type="checkbox"/> Return Address Provided	
		IMPORTANT! BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER					
		Assessment Information		Will the property being conveyed be the grantee's principal residence? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Does the transfer include personal property? If yes, identify: _____ Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Was property surveyed? If Yes, attach copy of survey (if recorded, no copy required).			
		Assessment use only - Do Not Write Below This Line					
		Terminal Verification		Agricultural Verification		Trans. Process Verification	
		Transfer Number		Date Received:		Deed Reference: Assigned Property No.:	
		Year	20	20	Geo.	Map	Sub
		Land			Zoning	Grid	Plat
		Buildings			Use	Parcel	Section
		Total			Town Cd.	Ex. St.	Ex. Cd.
		REMARKS:					

Space Reserved for County Verification

Distributors: *White Clerk's Office* *County SDAT* *AK 4 Y 1000-1001*
Pub. Office of Finance *Heldford Preparer*

State of Maryland Land Instrument Intake Sheet

Baltimore City [x] County: Washington

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

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

Form sections 1-11 including: Type(s) of Instruments, Conveyance Type Check Box, Tax Exemptions, Consideration and Tax Calculations, Fees, Description of Property, Transferred From, Transferred To, Other Names to Be Indexed, Contact/Mail Information, and Assessment Information.

WASHINGTON COUNTY CIRCUIT COURT (Land Records), KRT 7198, p. 0141, MSA, CE18, 7150, Date available 02/27/2023, Printed 01/31/2025

Space Reserved for Circuit Court Clerk Recording Validation

Space Reserved for County Validation

Distribution: White - Clerk's Office, Pink - Office of Finance, Canary - SDAT, Goldenrod - Preparer, AOC-CC-1693-2007



1/14/2025, 7:29:36 AM

World Transportation

Parcels Washington County

MD_SixInchImagery

1:4,514

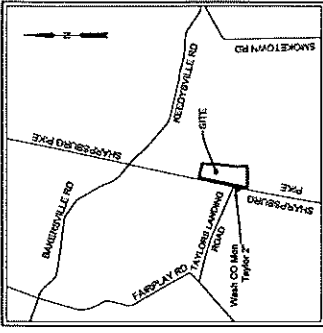
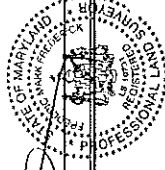
0 0.03 0.06 0.11 mi

0 0.04 0.09 0.18 km

Esri Community Maps Contributors, WestCo MD, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/

Land Surveyor's Certification:
I hereby certify to the best of my professional knowledge and belief that I am a duly licensed Professional Land Surveyor under the laws of the State of Maryland, License No. 14271, expiring on January 14, 2025.

Jan 14, 2025
[Signature]
Professional Land Surveyor



LEGEND

- PROPERTY LINE
- PROPOSED PROPERTY LINE
- PROPERTY LINE TO BE VACATED
- PROPERTY CORNER
- FB OVERLAY ZONING BOUNDARY
- FB WITH ACZ OVERLAY

ZONING DATA

EXISTING ZONING DISTRICT: P (PRESERVATION) WITH ACZ OVERLAY
PROPOSED ZONING DISTRICT: SAME AS ABOVE WITH PARTIAL 1.00 AC RB OVERLAY
MAX. BUILDING HEIGHT: 40 FT.
MINIMUM BUILDING SETBACKS FROM PROPERTY LINES:
FRONT: 40 FT.
SIDE: 30 FT.
REAR: 50 FT.
PROPOSED USE: TRRE REPAIR / REPLACEMENT SERVICE (PERMITTED BY RIGHT)

SITE DATA

TAX MAP - GRID - PARCEL: 72-06-18B
LIBER / FOLIO: 710B/135
AREA SUMMARY: 10.33 AC.
BUILDING SUMMARY: 20 FT.
HOURS OF OPERATION: 9 AM-5 PM MON-FRI, SAT 8-12
WATER & SEWER USAGE: WATER PROVIDED PRIVATE WELL (EXISTING)
SEWER PROVIDED PRIVATE WELL (EXISTING)
SITE LIGHTING: NONE
EXISTING: NONE
PROPOSED: NONE
SITE SIGNAGE: TO BE ON BUILDING
TRASH COLLECTION: ON SITE DUMPSTER

PARKING DATA

TOTAL REQUIRED SPACES:
2 SPACES PER SERVICE BAY + 1 SPACE PER EMPLOYEE
2 BAYS * 2 = 4 EMPLOYEES * 1 = 4 SPACES
6 SPACES

TOTAL PROVIDED PARKING SPACES: 6

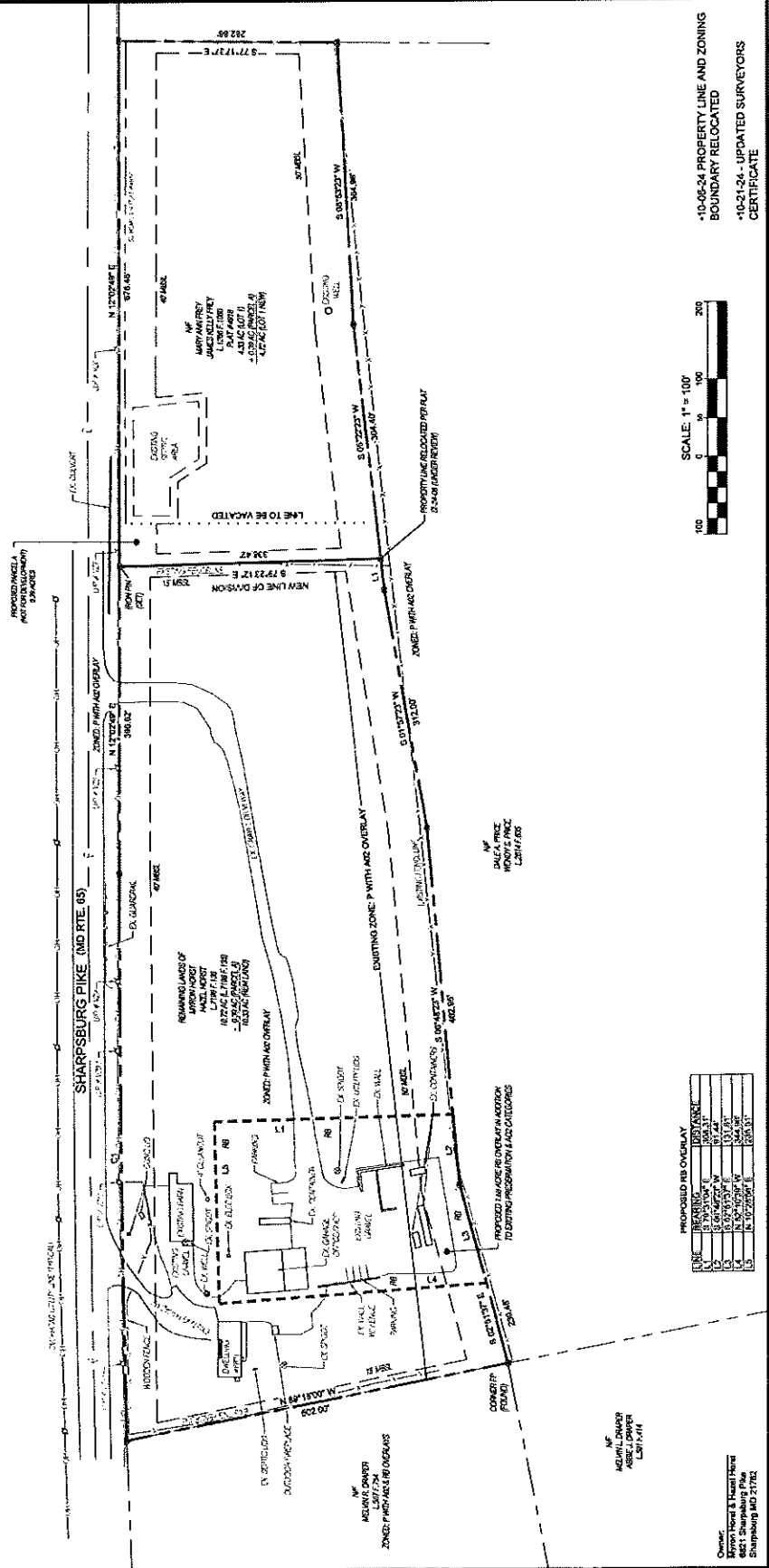
FSA
FREDECK SEBERT & ASSOCIATES, P.C.
CIVIL ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS • LAND PLANNERS
1501 W. WASHINGTON BLVD., SUITE 100
SHARPSBURG, MD 21750
P: 410-326-1111
F: 410-326-1112
www.fsa-llp.com

REZONING EXHIBIT
OF THE
LANDS OF HORST
FOR
MYRON & HAZEL HORST
SITUATE AT 6221 SHARPSBURG PIKE, SHARPSBURG
WASHINGTON COUNTY, MARYLAND

PROJECTING: 3105.1
DWG#: 1109-0204
DATE: 10-09-2024
PROJECT MANAGER: FREDERICK SEBERT
PROJECT ENGINEER: FREDERICK SEBERT
PROJECT PERMITTING: 72-06-18B
SCALE: 1" = 100'
PLOT FILE:

REZONING EXHIBIT

SHEET 01 OF 01



PROPOSED RB OVERLAY

LINE	BEARING	DISTANCE
1	S 01° 51' 00" W	61.44
2	S 89° 58' 00" W	103.14
3	S 01° 51' 00" W	103.14
4	S 89° 58' 00" W	61.44

Owner:
Myron Horst & Hazel Horst
6221 Sharpsburg Pike
Sharpsburg MD 21782

10-06-24 PROPERTY LINE AND ZONING
BOUNDARY RELOCATED
10-21-24 - UPDATED SURVEYORS
CERTIFICATE

Zoning Ordinance Map Amendment

6821 Sharpsburg Pike, Sharpsburg MD

Applicant: Myron & Hazel Horst

Adjoining Property Owners

Tax Account Number: 12-006039

Tax Map 72, Parcel 19

Property Address: 18025 Keedysville Road, Boonsboro, MD

Owner(s): Dale & Wendy Price

Mailing Address:

18039 Keedysville Road

Boonsboro, MD 21713

Tax Account Number: 12-012314

Tax Map 72 , Parcel 222

Property Address: 6943 Sharpsburg Pike, Boonsboro, MD

Owner(s): Mary Ann & James Kelly Frey

Mailing Address:

6943 Sharpsburg Pike

Boonsboro, MD 21713

Tax Account Number: 12-004796

Tax Map 72 , Parcel 166

Property Address: 6918 Sharpsburg Pike, Boonsboro, MD

Owner(s): Travis Gardner

Mailing Address:

6918 Sharpsburg Pike

Boonsboro, MD 21713

Tax Account Number: 12-003404

Tax Map 72 , Parcel 180

Property Address: Sharpsburg Pike, Keedysville, MD 21756

Owner(s): Stephen Hubbard

Mailing Address:

PO Box 1

Fairplay, MD 21733

Tax Account Number: 12-001525

Tax Map 72 , Parcel 166

Property Address: 17824 Taylors Landing Road, Sharpsburg MD

Owner(s): Donald & Dinah Stevens

Mailing Address:

17824 Taylors Landing Road

Sharpsburg, MD 21782

Tax Account Number: 12-001924

Tax Map 72 , Parcel 111

Property Address: 6741 Sharpsburg Pike, Sharpsburg, MD

Owner(s): Erin & Jessie Planck

Mailing Address:

6741 Sharpsburg Pike

Sharpsburg, MD 21782

Tax Account Number: 12-003194

Tax Map 72, Parcel 170

Property Address: Sharpsburg Pike, Sharpsburg

Owner(s): Erin & Jessie Planck

Mailing Address:

6741 Sharpsburg Pike

Sharpsburg, MD 21782

Tax Account Number: 12-001983

Tax Map 72, Parcel 106

Property Address: 17809 Taylors Landing Road, Sharpsburg, MD

Owner(s): Robert & Naia Bonnet

Mailing Address:

17809 Taylors Landing Road

Sharpsburg, MD 21782

January 31, 2025

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

Re: Map Amendment Application for 6821 Sharpsburg Pike
Request for Rural Business District (RB) Floating Zone

Honorable County Commissioners and Planning Commission:

On behalf of Myron & Hazel Horst (collectively "Applicant"), owners of the +/- 10.72 acres located at 6821 Sharpsburg Pike, Sharpsburg, Maryland 21742, Tax Map 0072, Grid 0008, Parcel 0168, Tax ID #12-000421 (the "Property"), we offer the following justification statement in support of our request for application of the Rural Business District (RB) Floating Zone to a +/- 1.68 acre portion of the Property.

The Property is currently zoned Preservation with Antietam Overlay 2 and improved with a residence, barn and garage. The primary use is currently residential with related agricultural/livestock uses. The Applicant intends to conduct a tire repair service at the Property. Granting of the RB Floating Zone would permit the tire repair use. The Applicant would conduct the business with no additional employees in the foreseeable future. The plan of business is Applicant would pick up tires or customers would drop them off, and the Applicant would conduct the repairs on site; there would be no vehicle storage associated with the repair use. The customer base would be farm and agricultural property owners and their vehicle needs. There would be no signage or significant marketing beyond neighbors and existing acquaintances of the Applicant, as the Applicant foresees viable and ample business just from that group.

Repair work and all related equipment would be done indoors. There would be very limited outdoor storage of a temporary basis, and it would be appropriately screened.

Granting the request would allow the Applicant to provide a desired and needed service to neighboring agricultural properties in the proximate Rural Village area. There would be no discernable impacts related to noise, traffic, dust or fumes that would not otherwise be typical for agricultural properties in the Preservation zone in this location. As specified in the Purpose Statement of the RB District, the requested zoning and allowance of the tire repair use would *"support the agricultural industry and farming community"* and would help establish a location for *"businesses and facilities not otherwise permitted in rural areas of the County."*

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

ARTICLE 5E - "RB" RURAL BUSINESS DISTRICT

Section 5E.4 Criteria

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

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

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

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

RESPONSE: The Property has safe and usable road access on Sharpsburg Pike/MD Route 65. The Applicant anticipates meeting the standards of the referenced Policy document. The intended use will not generate more than fifteen (15) peak hour trips.

3. Onsite issues relating to sewage disposal, water supply, stormwater management, flood plains, etc. can be adequately addressed; and

RESPONSE: The intended use will not create any sewage disposal, water supply, stormwater or other issues that are not above and beyond impacts already accounted for by the current residential use onsite.

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

RESPONSE: The intended use would not create any impacts discernable beyond the current residential use. Vehicle movements would be consistent with the existing residential and agricultural uses. The auto tire repair work would be conducted completely within the existing garage structure. Therefore, the intended use would not create any incompatibilities with any of the above elements that may be in the vicinity. The Property is directly adjacent to an existing RB District -- 6741 Sharpsburg Pike (Tax ID # 12-001924) -- the location of an auction business.

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

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

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

RESPONSE: Acknowledged.

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

RESPONSE: According to census.gov, April 1, 2010 population for Washington County was 147,430 and estimate for July 1, 2022 was 155,590.

(c) Availability of public facilities in the area.

RESPONSE: Property is served by County roads and by well and septic.

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

RESPONSE: Sharpsburg Pike, and existing Minor Arterial Road already serves residential and agricultural property owners/operations; this pattern is not likely to change in the future.

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

RESPONSE: The proposed use would be practically indistinguishable from the current residential and agricultural uses at the Property and therefore maintain compatibility. The Property is within the Antietam Overlay 2.

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

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Noel Manalo". The signature is written in a cursive style with a horizontal line at the end.

NOEL S. MANALO

cc: Mr. Myron Horst
Frederick, Seibert & Associates, Inc.

4921-3545-2430, v. 2

April 7, 2025

Case #: RZ-25-001

Application for Map Amendment Staff Report and Analysis

Property Owner(s)	:	Myron & Hazel Horst
Applicant(s)	:	Myron & Hazel Horst
Location	:	6821 Sharpsburg Pike
Election District	:	#12 – Fairplay
Comprehensive Plan Designation	:	Preservation
Zoning Map	:	72
Parcel(s)	:	P. 168
Acreage	:	10.7 acres (1.68 within RB Overlay)
Existing Zoning	:	Preservation (P) with Antietam Overlay 2 District (AO-2)
Requested Zoning	:	Preservation (P) with Antietam Overlay 2 District (AO-2) and Rural Business (RB) overlay
Date of Hearing	:	April 7, 2025

I. Background Information

a. Location and Description of Subject Properties



The subject parcel is located at on the east side of Sharpsburg Pike (MD-65) at its intersection with Taylors Landing Road. The property subject to this rezoning encompasses 10.7 acres of agricultural land, 1.68 acres of which would be encumbered with the Rural Business (RB) floating zone.

The property contains a single-family dwelling, barn and a recently constructed garage/office building. The garage/office building was originally permitted as an agricultural support building for various farm related purposes in 2020.

In addition to the Preservation (P) base zoning which is applied to the property, the parcel also falls within the Antietam Overlay-2

Zoning District (AO-2). The AO-2 District extends 1,000 feet east/west from the road centerline along this stretch of MD-65, encumbering multiple properties south of Bakersville Rd & Keedysville Rd for approximately 1 mile south of this intersection. It defines an approach buffer to Antietam National Battlefield which is designed to regulate the exterior appearance of all commercial and non-residential uses, excluding farm structures, to preserve the historic character of the road corridor on the approach to the Battlefield. The AO-2 is also applied to many other properties along three other road segments on MD-65 and MD-34 (Shepherdstown Pike), in or immediately around the Towns of Sharpsburg and Keedysville.

There are no known sensitive environmental areas on the property.

b. Rural Business Floating Zone Purpose and Criteria

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

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

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

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

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

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

II. Staff Analysis

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

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

As defined above, one purpose of the floating zone is to “*establish locations for businesses and facilities not otherwise permitted in the rural areas of the County.*” “Auto Sales and Services” are listed together as a single principal permitted use within an RB Zoning District in the Table of Land Use Regulations for Rural Areas in Article 3 of the Zoning Ordinance. Under the current P zoning, the proposed use would not be permitted.

The applicant’s Justification Statement also contends that the proposed tire repair shop would “*support the agricultural industry and farming community,*” fulfilling one of the other stated purposes of the RB Zoning District.

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

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

3. Road and Traffic Considerations

a. Traffic Generation

Traffic counts on County and State roads in the vicinity of the rezoning site provide limited insight on traffic flow or congestion that might be impacted an expanded business at this location. Single day traffic counts were collected for one 24-hour period in 2016 at three local road intersections with Sharpsburg Pike in the immediate vicinity of the subject site. The counts for these three locations are noted below:

- Taylors Landing Rd at Sharpsburg Pike (300 feet west): 388 vehicles
- Bakersville Rd at Sharpsburg Pike (.50 miles northwest): 722 vehicles
- Keedysville Rd at Sharpsburg Pike (.50 miles northeast): 934 vehicles

Until 2020, the Maryland State Highway Administration (SHA) maintained a traffic counter approximately 2 miles north of the site, near the intersection of MD-65 and MD-63 (Spielman Rd). Perhaps due to COVID-19, the counter at this location was discontinued in that year, making 2019 the last year in which traffic was counted along MD-65 in relative proximity to the rezoning site. Accordingly, a twenty-year survey of traffic counts at this location is detailed below from 1999-2019.

These counts indicate an increase in traffic traveling north/south on MD-65 during the last twenty years. A high of 9,363 vehicles was counted in 2019 after traffic remained largely steady at around 8,500 AADT. The 2019 figure represents a 20.4% increase in the last twenty years (or 1% annually). The traffic volume data shown in the table below is expressed in annual average daily traffic volumes (AADT).

Year	Sharpsburg Pike @ Spielman Rd
2019	9,363
2014	8,671
2009	8,462
2004	8,575
1999	7,775

As noted previously, the requirements of the RB District require a traffic study when the proposed business, activity or facility generates “25 or more peak hour trips or where 40% of the estimated vehicle trips are anticipated to be commercial truck traffic.” The applicant’s justification statement asserts that “*The intended use will not generate more than 15 peak hour trips.*”

b. Road and Site Circulation Improvements

The site is located directly on Sharpsburg Pike. The road is classified as an Other Principal Arterial (Non-Interstate) in the Functional Road Classification portion of the Transportation Element in the County's 2002 Comprehensive Plan. This classification accounts for mobility and access characteristics of the roadway in its categorization. Non-Interstate Arterial roads are designed to carry greater than 5,000 Average Daily Traffic in rural areas. The County's road classification system is based upon the Federal Highway Functional Classification System, but modified to reflect local road conditions.

A review of the County's 10-Year CIP and the State Highway Administration's Consolidated Transportation Plan did not note any road improvements in the vicinity of this proposed rezoning that would affect road capacity or traffic flow.

The Highways Plan in the 2002 Comprehensive Plan and in the current draft of the Comprehensive Plan update also do not propose notable road projects for this portion of MD-65. Much of the current attention for that roadway in transportation planning documents focuses on improvements to the MD-65/I-70 interchange, or widening of the state highway from that point to Lappans Rd.

The Hagerstown/Eastern Panhandle Metropolitan Planning Organization's current Long Range Transportation Plan does call for long-term widening of MD-65 all the way to the Town of Sharpsburg. This is however a long-term project, not slated for implementation prior to 2036.

The Applicant's preliminary site plan (Exhibit C) does not anticipate any access changes from the property to MD-65.

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

Site Planning Considerations

a. Water

The proposed rezoning site is designated as W-7 in the 2009 Water and Sewer Plan with no planned connection to public water. An existing well on the property is depicted on Washington County Plat 4918, which subdivided the subject lot in 1996. The preliminary site plan in this application also locates the well. Well locations are approved by the Washington County Health Department. The Health Department is also responsible for monitoring wells for water quality issues.

b. Sewer

The proposed rezoning site is designated as S-7 in the 2009 Water and Sewer Plan with no planned connection to public sewer. An approximate location of the existing septic system is depicted on the recorded plat noted above and on the PSP. The Applicant's justification statement asserts that "*The intended use will not create any sewage disposal, water supply, stormwater or other issues that are not above and beyond impacts already accounted for by the current residential use onsite.*"

The Washington County Health Department is responsible for approving the location and method of sewage disposal on individual properties in the County. A copy of this rezoning application was routed for the Health Department for their review. They offered no substantive comment.

c. Stormwater Management (SWM)

The applicant's Justification Statement comment regarding development related effects on stormwater was noted above. SWM facilities are not shown on the preliminary site plan included with the application.

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

d. Floodplain

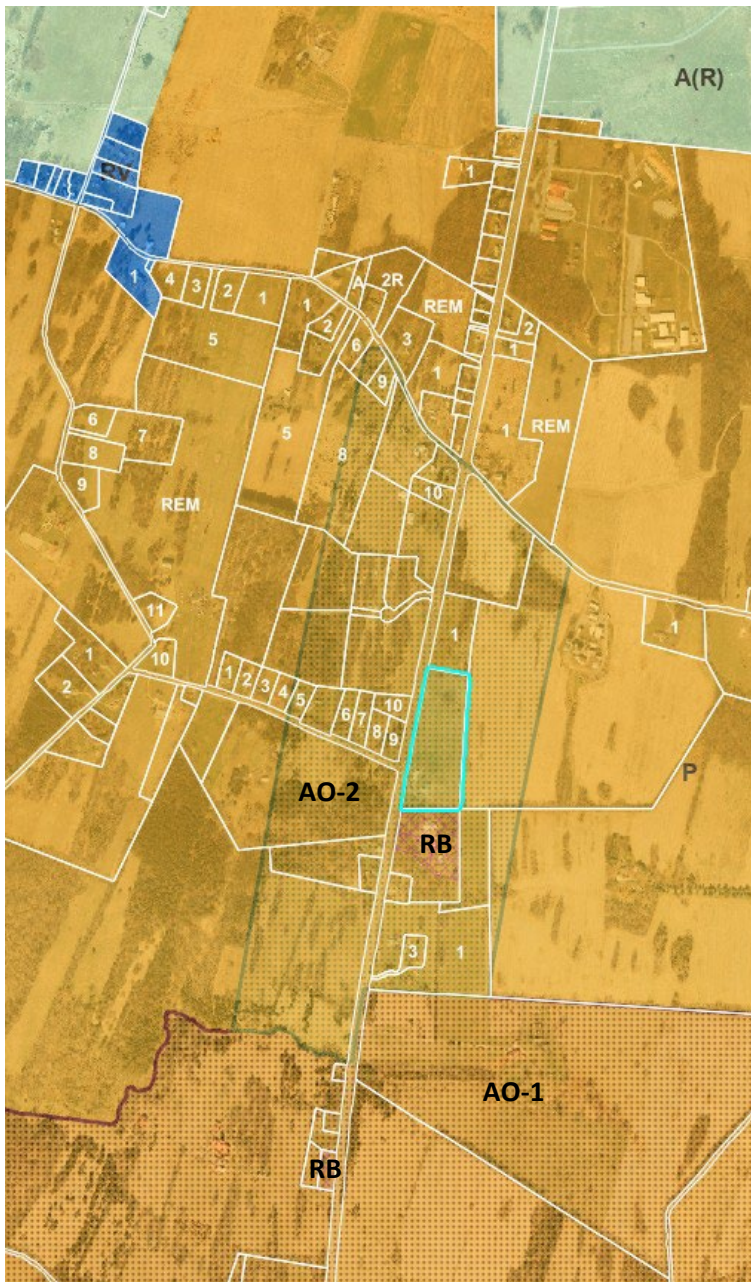
The proposed rezoning site does not contain floodplain area.

e. Bulk Regulations

Zoning setbacks are shown on the applicant's PSP and on the recorded plat for this lot previously discussed.

4. Compatibility with Adjacent Land Uses

a. Land Use in the Vicinity



The surrounding lands contain a mixture of rural zoning classifications and accompanying land uses as seen in the image at left. As noted previously, most properties in the immediate area are zoned Preservation (P). These properties include a mix of minor residential subdivisions along major roads, and larger agricultural parcels further away from MD-65.

The Antietam Overlay-2 zone (Battlefield Approach) encompasses the area previously described in the report introduction from Bakersville Rd & Keedysville Rd south along MD-65.

The Antietam Overlay-1 (Battlefield Buffer) follows to the south of the AO-2 corridor and encompasses the lands of Antietam National Battlefield.

The Historic Rural Village of Bakersville is found in the Rural Village Zoning District to the northwest of the subject property.

Larger agricultural parcels are then found in the Agricultural Rural (AR) lands to the north.

There are also two other existing RB Zoning Districts in the immediate vicinity providing prior precedent for commercial uses along this stretch of

MD-65. These adjacent rural businesses include:

- Stoney Hollow Gifts at (adjacent parcel to south) - originally permitted as an antique shop, noted in Applicant's Justification Statement as being an auction house.
- 6508 Sharpsburg Pike – former Clara Bee Gift Shop with Antietam battlefield diorama, currently used as an apartment building.

b. Historic Resources

As the property is in close proximity to Antietam National Battlefield, there are numerous existing historic sites within ½ mile or less of this proposed rezoning site that should be considered in evaluating its compatibility. As previously discussed, the site lies within the AO-2 zoning overlay which encompasses the approach to Battlefield. The northern boundary of the Battlefield is roughly .25 miles south of the subject property.

Beyond the numerous historic resources pertaining to the Battlefield, there are 11 sites are described in the Maryland Historic Trust Inventory of State Historic Sites as follows:

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

- WA-II-303: “Remsburg Farm” (400’ southwest)

Early 20th farm complex with 2-story frame house, bank barn and several outbuildings.

- WA-II-318: “Brick Church Building” (550’ southwest)

Late 19th brick building, formerly a Brethren Church that may have served as a temporary hospital after the Battle of Antietam, now converted to a dwelling.

- WA-II-1144: “Ritchie Property” (.5 miles southwest)

Mid-19th century farm complex with roughly a dozen contributing structures (2-story stone dwelling, 2-story frame house, stone log house, stone bridge, family cemetery, variety of domestic outbuildings of frame, log and stone construction). These contributing structures encompass what were formerly multiple farmsteads including those listed under the following MHT listings:

- WA-II-1121: “Spring Wood Farm”
- WA-II-1136: “Jacob Coffman House and Cemetery”

- WA-II-359: “A. Hammond House/Sharon L. Hall Property” (.25 miles southeast)

Mid-19th century farm complex with 2 story brick farmhouse, frame barn and outbuildings.

- WA-II-358: “Late 19th Century Farmstead” (.5 miles northeast)

Late 19th century farm complex with 2 story brick farmhouse and bank barn and outbuildings.

- WA-II-453: “Mid-19th Century Brick Farm Complex” (.5 miles west)

Mid-19th Century farm complex including 2 story brick farmhouse and frame barn.

- WA-II-325: “Eakle-Poffenberger House” (.33 miles north)

Early 20th century 2 story frame farmhouse and outbuildings.

- WA-II-329: “Mid-19th Century Brick Farmhouse” (.4 miles north)

Mid-19th century 2 story brick farmhouse with smoke house and bank barn.

➤ **Historic Reviewing Agency Comments**

Meghan Jenkins, who acts as the liaison between the Department of Planning and Zoning and the Historic District Commission (HDC), offered the following comments on behalf of the HDC when outed a copy of the rezoning application:

The property at 6821 Sharpsburg Pike (Tax ID 12000421) is fully encompassed by the portion of Antietam Overlay 2 (AO2) which is a 1000’ buffer of Sharpsburg Pike. The Antietam Overlay “1) preserves the existing quality of the viewshed of the Antietam Battlefield, and 2) ensures that development of certain lands adjacent to the major roads which provide public access to the Antietam Battlefield (i.e., Maryland Routes 34 and 65) is compatible with the agricultural and historic character of the area” (Section 20A.0 Purpose). The HDC reviews applications in the AO1 and AO2 in accordance with the provisions of Article 20, Historic Preservation District, and Section 20.6.

The HDC reviewed this rezoning application at its March 5, 2025 meeting. The rezoning application included a deed for the property which had no mention of the existing Maryland Environmental Trust (MET) easement on the property. The HDC recommends that the applicant cleans up the title information for this property by recording a deed which properly reflects the restrictions and conditions of the property. The purpose of the MET easement is very similar to that of the AO2 stating that “conserving the dominant scenic, cultural, rural, historical, archaeological, agricultural, woodland and wetland character of the Property...preventing the use or development of the Property for any purpose or in any manner that would conflict with the maintenance of the Property in its open-space condition and in protecting the viewshed and landscape surrounding the Antietam Battlefield” (L1363, F1042). The easement also restricts commercial activities other than farming except those that can be performed in existing buildings (L1363 F1043). The Historic District Commission does not typically comment on the proposed use of property, only the impact of the proposed use on the Antietam Overlay’s purpose. In this case the HDC did want to point out that the proposed use does not appear consistent with the language of the MET easement. The HDC does believe that as long as the use is restricted to the pole building and the minimal parcel area defined on the rezoning application, the proposed use will not be in conflict with the purpose of the AO2.

The HDC noted that the building proposed for the RB Overlay use was recently constructed as an Agricultural Building. The AO2 specifically exempts agricultural buildings from the provisions of Article 20, Historic Preservation District, and Section 20.6 of the Zoning Ordinance. However, if this commercial use is approved for the RB Overlay, the site will be subject to these review criteria for any future plans or permits including signage. The HDC has Design Guidelines for Historic Structures which include guidance on signage and other site development that should be followed for any future applications on this property.

The application included responses to Section 5E.4 Criteria for Rural Business. The HDC respectfully disagrees with the response to #4 regarding incompatibility with existing land uses, cultural or historic resources, or agricultural preservation efforts due to the response neglecting to account for the purpose of the AO2 or the MET easement in any form, both of which are in place on this property with the intent to protect the viewshed entering the Antietam Battlefield. The response also mentions an adjacent property and its existing RB overlay. The HDC looked at both properties and found that there is a significant difference in the view from the roadway for these properties. The RB Overlay at 6741 Sharpsburg Pike has 150' of mixed forest buffering the view of the commercial use on the property and is minimally visible from the roadway. The RB overlay application has proposed an area for the overlay which starts approximately 130' back from the road and the HDC emphasizes this overlay should maintain that minimum in addition to requiring a mixed forest native vegetative buffer similar to those in place nearby to minimize visibility of the commercial use should this be approved. The HDC also noted that all storage of equipment and supplies should be to the rear of the building as indicated by the proposed rezoning area. The application includes a response to Section 27.3.(e) which requires the consideration of the application's compatibility with existing and proposed development with properties that include resources on the Washington County Historic Sites Inventory. Again, in this response, there is little substance in regard to the analysis of the AO2 purpose and no mention of the property's MET easement which support the Washington County Historic Sites Survey for the Antietam Battlefield (WA-II-477).

Finally, the HDC discussed the placement of a floating zone (RB) in conjunction with an overlay zone such as the AO2. Many of the existing businesses were in existence when these various zoning mechanisms were implemented. The HDC understands the need for Rural Businesses, however, they are concerned that there is no expiration to the Rural Business once applied to a property and if another business is functionally similar, the RB persists with property transfer. Their preference would be to minimize areas where floating zones interact with overlays, perhaps with an expiration of floating zones where they overlap with overlays upon transfer of property. The concern of the HDC is that there is inadequate understanding of information and impacts for the buyer of these properties with multiple zoning Sections in effect. This can cause confusion for property owners regarding the use of the property. It also causes inadvertent expansion of the RB over time in areas where resource protection should be a priority as indicated by the purpose statements of the overlay.

Summary of Recommendations:

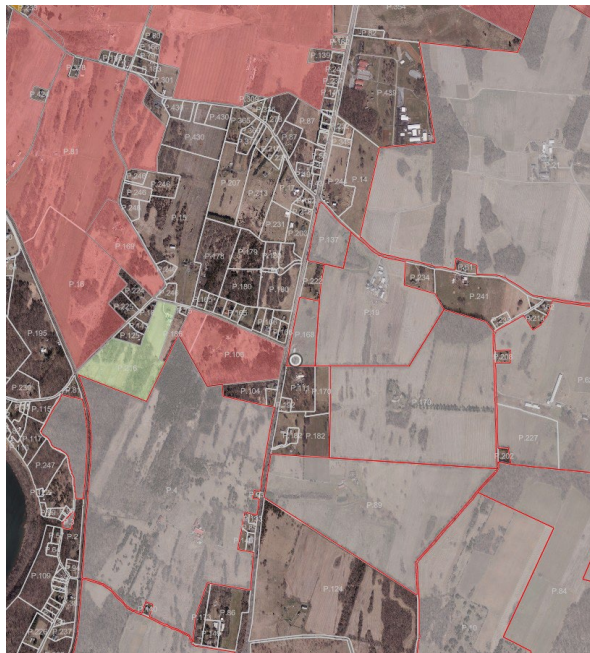
- 1. Consider correcting the title information for this property by recording a deed which properly reflects the restrictions and conditions of the property.*
- 2. The proposed RB overlay should maintain the 130' buffer from Sharpsburg Pike and a minimal coverage of the parcel as indicated on the application.*
- 3. The site will be subject to the provisions of Article 20, Historic Preservation District, and Section 20.6 of the Zoning Ordinance for any future plans or permits including signage. The HDC has Design Guidelines for Historic Structures which include guidance on signage and other site development that should be followed for any future applications on this property.*

4. *Require mixed forest native vegetative buffers similar to those in place nearby to minimize visibility of the commercial use.*

5. *All storage of equipment and supplies should be to the rear of the building as indicated by the proposed rezoning area.*

6. *Minimize areas where floating zones interact with overlays, perhaps with an expiration of floating zones where they overlap with overlays upon transfer of property.*

c. Agricultural Land Preservation



The proposed rezoning site is located within the heart of the County’s designated Rural Legacy Area (RL). The program was created to focus on some of Maryland’s best natural, agricultural, historical and cultural areas and Maryland’s most significant rural landscapes. The Program encourages local governments and

private land trusts to identify Rural Legacy Areas and to competitively apply for funds to complement existing lands preservation efforts or to develop new ones. Easements are sought from willing landowners in order to protect areas vulnerable to sprawl

development that can weaken an area’s natural resources, thereby jeopardizing the economic value of farming, forestry, recreation and tourism. The RL is heavily concentrated in this area of southern Washington County in the lands around Antietam Battlefield. RL easements that have been purchased are shown in light red on the map.

Parcels in light green on the image have enrolled in the County’s Agricultural District program. This program is intended to be a precursor for lands to eventually establish a permanent agricultural land preservation easement through various means.

In service of the above objectives, the property itself is encumbered with an easement from the Maryland Environmental Trust (MET). MET works with the Maryland Department of Natural Resources to engage landowners who are willing to donate a conservation easement for tax deductions, tax credits and land protection purposes. The purpose of the MET easement is, according to language contained in the deed of easement is for:

“... conserving the dominant scenic, cultural, rural, historical, archaeological, agricultural, woodland and wetland character of the Property...preventing the use or development of the

Property for any purpose or in any manner that would conflict with the maintenance of the Property in its open-space condition and in protecting the viewshed and landscape surrounding the Antietam Battlefield.”

➤ **Agricultural Land Preservation Reviewing Agency Comments**

MET offered the following response in an email exchange with Washington County Land Preservation Planner Chris Boggs after being sent the rezoning application for review:

“Article II.A.(1) of the Horsts’ Conservation Easement gives the owner the ability to operate a tire repair business out of the existing garage as long as they do not alter the external structure or appearance and if they ensure all materials would be stored out of sight due to the scenic value. They would not be allowed to expand or build a new structure for the purpose of having a commercial tire business.

We don’t necessarily want to prevent the rezoning if they need it to operate within the existing garage, but we also don’t want it to be easier for someone to build a commercial business unrelated to agriculture in the future.”

5. Additional Considerations

a. Emergency Services

The Fairplay Community Volunteer Fire Company of District 12 is the nearest emergency services provider to this site, located approximately 2 miles northwest. The Division of Emergency Services had no comment when routed a copy of the application.

b. Comprehensive Plan Designation

The 2002 Comprehensive Plan designated this site as falling within the Preservation Policy Area in its Land Use Plan. This Policy Area is the focus of rural land preservation area efforts. It includes the County’s designated Rural Legacy Area, federal lands, state parks, state wildlife management areas, county parks, Edgemont Watershed and most of the mountaintops as well the Potomac River. Purchase of development easements to support preservation efforts in this area is encourage. Limited development to support the goals and objectives of preserving the resources of this area is a priority.

c. Business Operations (Hours of Operation, Employees, etc.)

According to the preliminary site plan provided by the applicant, the anticipated hours of operation for the various proposed businesses are Monday through Friday, 8 am to 5 pm, Saturday 8-12 pm. The number of employees would be two for the business. The applicant’s justification statement indicates that:

“The applicant would conduct the business with no additional employees in the foreseeable future. The plan of business is the Applicant would pick up tires or customers would drop them off, and the Applicant would conduct the repairs on site; there would be no vehicle storage

associated with the repair use. The customer base would be farm and agricultural property owners and their vehicle needs. There would be no signage or significant marketing beyond neighbors and existing acquaintances of the Applicant, as the Applicant foresees viable and ample business just from that group. Repair work and all related equipment would be done indoors. There would be very limited outdoor storage on a temporary basis, and it would be appropriately screened.”

III. Recommendation

The criteria outlined in Article 5E of the Zoning Ordinance details the conditions which must be met for a new RB floating zoned to be applied to a prospective property through the rezoning process. The analysis in this staff report has uncovered the central nature of two criteria which principally affect the appropriateness of establishing a new RB District in this specific location - compatibility with existing land uses and cultural or historic resources. Compatibility with the surrounding character of the “neighborhood” forms the central concern for decision makers to analyze in their review of this rezoning application.

To this end, the applicant looks to establish a new commercial use on lands immediately surrounding the nationally significant Antietam Battlefield, in the AO-2 Zoning District which buffers the approach to the Battlefield. The commercial use would also be pursued within an existing MET easement which was designed to further regulate the character of development in this approach zone to conserve the scenic and historic character of lands in this corridor.

On the other hand, the intended use as a tire repair business would be conducted inside an existing accessory building with minimal visual or operational impact to the surrounding area. As noted earlier in this report however, that existing accessory structure was permitted originally as an agricultural structure (which was therefore not reviewed by the HDC due to the exclusion in the Zoning Ordinance for agricultural structures), not as a commercial building. This building also did not exist at the time the MET easement was established (1997 – see L1363, F1054), leading one to question whether pursuing a commercial use in the structure is in keeping with the stated intent of the permanent easement, despite the ambiguous response from MET on whether commercial activities are permitted in the new structure.

Therefore, the Planning Commission and Board of County Commissioners should carefully consider these compatibility concerns in balance with the other criteria outlined in Section 5E of the Zoning Ordinance to determine the appropriateness of establishing a new RB Zoning District at this property in the vicinity of Antietam Battlefield.

Respectfully submitted,



Travis Allen
Senior Planner



WASHINGTON COUNTY PLANNING COMMISSION
ORDINANCE TEXT AMENDMENT APPLICATION

FOR PLANNING COMMISSION USE ONLY
Rezoning No. RZ-25-007
Date Filed: _____

Washington Co Planning and Zoning
department

Applicant
747 Northern Av. Hagerstown, MD
21742

Address
Kyla Shingleton

Primary Contact
Same

Address

- Property Owner
- Contract Purchaser
- Attorney
- Consultant
- Other: _____

240-313-2430

Phone Number

askplanning@washco-md.net

E-mail Address

- Adequate Public Facilities Ordinance
- Forest Conservation Ordinance
- Subdivision Ordinance
- Solid Waste Plan
- Water and Sewer Plan
- Zoning Ordinance
- Other _____

Article 3, 7A, 8, 9, 10, 19C,
Section No. 28A

Please provide the proposed text on a separate sheet of paper as follows: strike-through should be used for deletions [~~deletions~~], unchanged wording in regular type, and new wording should be underlined [new wording].



Applicant's Signature

Subscribed and sworn before me this _____ day of _____, 20____.

My commission expires on _____

Notary Public

FOR PLANNING COMMISSION USE ONLY

- Application Form
- Fee Worksheet
- Application Fee
- Proposed Text Changes
- 30 copies of complete Application



DEPARTMENT OF PLANNING & ZONING

PLANNING | ZONING | LAND PRESERVATION | FOREST CONSERVATION | GIS

RZ-25-002

February 27, 2025

Text amendment for group homes and halfway houses

ARTICLE 3. DISTRICTS ESTABLISHED; ZONING MAPS, DISTRICT BOUNDARIES; LAND USE REGULATIONS (RURAL AREA USES)

Section 3.3 - Table No. 3.3 - TABLE OF LAND USE REGULATIONS (RURAL AREA USES)

Land Uses	A(R)	EC	P	RV	RB	IM	Intensity of Use
I. Health Care and Social Assistance							
<u>Group Home, Small</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N/A</u>
<u>Group Home, Large</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N/A</u>
Transitional or Sheltered Care Facility, not to include Assisted Living Facilities.	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>N</u>	<u>N/A</u>
J. Housing							
<u>Halfway Houses, Small</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N/A</u>
<u>Halfway Houses, Large</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N/A</u>

ARTICLE 7A "RT" RESIDENTIAL, TRANSITION DISTRICT

Section 7A.1 Principal Permitted Uses

(g) Nursery Schools or Child Care Centers.

(h) Halfway Houses, Small

(i) Group Home, Small

ARTICLE 8 “RS” RESIDENTIAL, SUBURBAN DISTRICT

Section 8.1 Principal Permitted Uses

(f) Mixed use developments subject to the provisions of Article 16.

(g) Halfway Houses, Small

(h) Group Home, Small

ARTICLE 9 “RU” RESIDENTIAL, URBAN DISTRICT

Section 9.1 Principal Permitted Uses

(f) Mixed use developments subject to the provisions of Article 16.

(g) Halfway Houses, Small

(h) Group Home, Small

ARTICLE 10 “RM” RESIDENTIAL, MULTI-FAMILY DISTRICT

Section 10.1 Principal Permitted Uses

(h) Agriculture, as defined in Article 28A, including animal husbandry facilities, as defined in Article 28A, which shall be subject to the requirements set forth in Article 22, Division IX.

(i) Halfway Houses, Small and Large.

(j) Group Homes, Small and Large.

ARTICLE 19C “SPECIAL ECONOMIC DEVELOPMENT DISTRICT”

Section 19C.2. Principal Permitted Uses

Golf Course, Country Clubs, Private Clubs, and similar Recreation Uses.

Group Homes, Small and Large.

Halfway Houses, Small and Large.

Health and Beauty Shops.

ARTICLE 28A- DEFINITIONS

~~Transitional or Sheltered Care Facility: A facility, including half-way houses, providing 24 hr/day care of persons with special needs, which provides food and shelter, and may also provide some combination of personal care, transportation, physical, social, or psychological therapy and counseling to assist persons in overcoming physical or emotional problems.~~

Group Home: A residence that provides for the care, supervision, and protection of persons with mental or developmental disabilities on a 24 hr/ day basis. This does not include assisted living facilities or comprehensive care facilities.

- A small group home houses at least 4 but not more than 9 adults.
- A large group home houses at least 10 but not more than 16 adults.

Halfway House: A clinically managed, low intensity residential treatment service for individuals with substance-related disorders who are capable of self-care but are not ready to return to individual living.

- A small halfway house admits at least 4 but not more than 8 individuals.
- A large halfway house admits at least 9 but not more than 16 individuals.

Halfway houses may also include a temporary residence for formally institutionalized individuals that is designed to facilitate their readjustment to private life.



DEPARTMENT OF PLANNING & ZONING

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RZ-25-002

February 27, 2025

WASHINGTON COUNTY ZONING ORDINANCE
STAFF REPORT AND ANALYSIS

ARTICLES 3, 7A, 8, 9, 10, 19C, 28A

Proposal: This application is proposing to amend several sections of the Zoning Ordinance to change the allowed locations for halfway houses and group homes. State legislation states that they must be permitted in zones where single and multifamily residences are permitted.

Staff Report: Halfway houses are typically established as transitional housing for individuals leaving inpatient substance treatment; they may also be used as temporary housing for individuals formally institutionalized. They serve as a support system to help integrate individuals back into society. The houses provide support through programs and job training to help the residents find work and a new residence, for after their time in the house is over. Halfway houses being in residential neighborhoods allow for the house's residents to better integrate back into society and be close to societal resources, such as jobs. Halfway houses are mandated throughout the state and are given strict regulations on the structure of the house and its residents. The regulatory agency is the Behavioral Health Administration. Group homes are typically a permanent home for individuals with disabilities that need assistance in daily life. They provide services similar to halfway houses as well as more specified services such as personal care.

Analysis: Currently, county zoning does not match state zoning legislation for halfway houses, that permits halfway houses in all residential zoning districts. In 2015, Title 8, Substance Use Disorders Law, under Health-General in the Code of Maryland was updated to include a subtitle on zoning for halfway houses. The subtitle dictates what halfway houses must be zoned similarly to. Small halfway houses are comparable to single-family dwellings for zoning purposes and are permitted in all residential zones. Large halfway houses are comparable to multifamily dwellings for zoning purposes and are permitted in all zones with a similar density.

Under Health-General in the Code of Maryland, Title 10, group homes are to be permitted in all residential zoning districts. Small group homes are comparable to single-family dwellings and large group homes are comparable to multi-family dwellings.

To be consistent with State law, we are proposing that transitional care facilities be removed from the zoning ordinance and replaced with halfway house definitions. Group homes will be added to the zoning ordinance to allow for better clarification of the ordinance and remain consistent with State law.

The proposed amendments to Articles 3, 7A, 8, 9, 10 and 19C are additions to state where halfway houses and group homes are permitted. Per State legislation, halfway houses, small and large, must be a principally permitted use in all zoning districts where single and multifamily dwellings are a permitted use. Halfway houses and group homes are not subject to any special exception, conditional use permit, or

procedure that differs from that required for a single-family dwelling or a multifamily dwelling of similar density in the same zone.

Article 28A will be amended to include definitions for this amendment: halfway house and group homes.

Group Home is defined as:

“A residence that provides for the care, supervision, and protection of persons with mental or developmental disabilities on a 24 hr/ day basis. This does not include assisted living facilities or comprehensive care facilities.”

- A small group home houses at least 4 but not more than 9 adults.
- A large group home houses at least 10 but not more than 16 adults.

Halfway House is defined as:

“Clinically managed, low intensity residential treatment service for individuals with substance-related disorders who are capable of self-care but are not ready to return to individual living”

- A small halfway house that admits at least 4 but not more than 8 individuals.
- A large halfway house that admits at least 9 but not more than 16 individuals.

“Halfway houses may also include a temporary residence for formally institutionalized individuals that is designed to facilitate their readjustment to private life.”

Staff Recommendation: Staff recommends approval of these amendments in order to provide consistent implementation of our land use policies and regulations.

Respectfully submitted,



Kyla M. Shingleton

Comprehensive Planner



FOR PLANNING COMMISSION USE ONLY
Rezoning No. PZ-25-003
Date Filed: 3-7-25

WASHINGTON COUNTY PLANNING COMMISSION
ORDINANCE TEXT AMENDMENT APPLICATION

Washington Co Dept Planning and Zoning

Applicant
747 Northern Ave Hagerstown, MD 21742

Address
Kyla Shingleton

Primary Contact
Same

Address

- Property Owner
- Contract Purchaser
- Attorney
- Consultant
- Other: _____

240-313-2430

Phone Number
askplanning@washco-md.net

E-mail Address

- Adequate Public Facilities Ordinance
- Forest Conservation Ordinance
- Subdivision Ordinance
- Solid Waste Plan

- Water and Sewer Plan
- Zoning Ordinance
- Other _____

Section No. 4.3

Please provide the proposed text on a separate sheet of paper as follows: strike-through should be used for deletions [~~deletions~~], unchanged wording in regular type, and new wording should be underlined [new wording].

Applicant's Signature

Subscribed and sworn before me this _____ day of _____, 20____.

My commission expires on _____
Notary Public

FOR PLANNING COMMISSION USE ONLY

- Application Form
- Fee Worksheet
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DEPARTMENT OF PLANNING & ZONING

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RZ-25-003

February 19, 2025

Section 4.3 Nonconforming Uses

Any building, structure or premises lawfully existing at the time of the adoption of this Ordinance, or lawfully existing at the time this Ordinance is subsequently amended, may continue to be used without further imposition of use, dimensional, buffer or other Ordinance requirements even though such building, structure or premises does not conform to use, dimensional, buffer or other Ordinance regulations of the zoning district in which it is located. ~~(Subject, however to the following provisions:)~~ All nonconforming uses shall be subject to the following provisions:

~~(a) Existing nonconforming single family dwellings in any district may expand without limitation in respect to area and shall meet the least restrictive setbacks for that district. Such dwellings shall be treated as principal permitted uses in that district.~~

~~(b a) All other nonconforming uses shall be subject to review and approval by the Board of Zoning Appeals. In all other zoning districts except the A(R), EC, P and BL districts, In all districts, the Board may approve the alteration, or the expansion of a nonconforming use provided the expansion is restricted to an additional area not exceeding thirty-five (35) percent of the existing use as it existed at the time of nonconforming and provided it meets the guidelines of Section 25.6 of the Ordinance. ~~In the HI district, the Board may approve an alteration or expansion greater than thirty-five (35) percent of a nonconforming mobile home park provided the proposed expansion is consistent with the Comprehensive Plan and meets the guidelines of Section 22.5 and 22.6 of this Ordinance.~~~~

~~(1) In the A(R), EC, P and BL districts, the Board may approve the alteration or the expansion of a nonconforming use without restriction to area provided the proposed expansion is consistent with the Plan for the County, and provided it meets the guidelines of Section 25.6 of the Ordinance. Existing nonconforming single-family dwellings in any district may expand without limitation in respect to area and shall meet the least restrictive setbacks for that district. Such dwellings shall be treated as principal permitted uses in that district.~~

~~(2) No extension expansion may be permitted for ~~(junk yards in accordance with this section)~~ nonconforming junk yards.~~

(b) A nonconforming use may be changed to another nonconforming use of less or equal intensity, provided documentation that the use was legally created, maintained and not abandoned is presented. Whenever a nonconforming use has been changed to a more appropriate use, in the opinion of the Board of Zoning Appeals, such use shall not thereafter be changed to a less appropriate use or classification.

~~(c) Whenever a nonconforming use has been changed to a more appropriate use, in the opinion of the Board, such use shall not thereafter be changed to a less appropriate use or classification.~~

~~(d c) No land, building, structure, or premises where a nonconforming use has ceased for six (6) months or more shall thereafter be used except in conformance with this Zoning Ordinance.~~ If a nonconforming use is discontinued or abandoned, or a nonconforming structure is unused or abandoned, for 6 consecutive months, the land or structure shall not thereafter be used except in conformity with the regulations of the district in which it is located. Cessation of the use for the purpose of repair or remodeling, or a temporary vacancy between occupants while the property is being actively marketed and maintained in good condition, shall not constitute discontinuance or abandonment.

Abandonment of nonconforming uses shall be defined by a lack of active and continuous operation during a 6-month period except as provided in the sections above. Subjective intent shall not be acknowledged as reasoning for continued use of a nonconforming use. Other tangible or mechanical actions that prove the owner's intent to continue the business must be provided to the Board of Zoning Appeals for their approval.

~~(e d) The owner or operator of any existing nonconforming use involving used car lots, service garages, or junk yards shall require a license from the zoning administrator to continue operation of the nonconforming use; to maintain nonconforming status such licenses shall be renewed on an annual basis. ,not later than six (6) months, certify in writing, on a prescribed form, to the office of the Zoning Administrator, that such nonconforming use did exist on the adoption date of this Ordinance. In order that the exact nature and extent of such nonconforming use may be determined, a survey plat prepared by a professional engineer or registered surveyor shall accompany any prescribed form. The survey shall include the following:~~

~~(1) North arrow.~~

~~(2) Scale—One inch equal to one hundred feet.~~

~~(3) Election District.~~

~~(4) Outline of parcel or parcels upon which the nonconforming use is located.~~

~~(5) Bearings, distances, and acreage of that portion of the parcel or parcels expressly used for the nonconforming use on the effective date of this Ordinance.~~

~~(6) Use, dimensions, and location of all existing buildings.~~

~~(7) Certification and seal of professional engineer or registered surveyor.~~

(f e) Nothing in these regulations shall prevent the restoration of a nonconforming building or structure destroyed by fire, windstorm, and explosion, act of public enemy, accident, or prevent the continuance of the use thereof as it existed at the time of such destruction provided that a zoning certificate is obtained and restoration begun within one (1) year of said destruction. The zoning administrator may grant one (1) year extension for good cause.



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

RZ-25-003

February 28, 2025

WASHINGTON COUNTY ZONING ORDINANCE
STAFF REPORT AND ANALYSIS

Section 4.3

Proposal: This application is proposing to amend the Zoning Ordinance to add clarification to better define when a nonconforming use ceases to exist.

Staff Report: A nonconforming use is a land use that was lawfully established in accordance with all zoning regulations in effect at the time of its establishment but that is no longer allowed by the use regulations of the zoning district in which the use is now located. A nonconforming use is considered to be grandfathered into the new zoning district. Nonconforming uses may be changed to another nonconforming use of less or equal intensity but may not be changed back from a more appropriate use. However, if the use ceases there are certain terms that must be met to continue the nonconforming use after cessation. A nonconforming use must be unused or abandoned for twelve consecutive months to lose its nonconforming status.

Analysis: The Washington County Zoning Ordinance states that a nonconforming use is considered abandoned after the use has ceased for a six (6) month period. Case law researched by staff expands upon the cessation issue by finding that intent is needed to disprove abandonment after the cessation period. An example of intent is holding a valid liquor license for a business during a remodel to the business that lasts longer than twelve months. Another example of tangible intent is a property being actively marketed and maintained in good condition when between owners. Owner's subjective intent shall not be an acknowledged reason for the cessation of the use.

Section 4.3 of the ordinance sets forth provisions for nonconforming uses. Currently, the section does not contain language to establish when a nonconforming use has been abandoned. The proposed amendments to the section include multiple deletions and insertions. The deletions are to make the section more concise. The proposed insertions are to add clarifying language and introduce an abandonment clause to the section.

Staff Recommendation: Staff recommends approval of these amendments in order to provide necessary clarifications to the zoning ordinance.

Respectfully submitted,

Kyla M. Shingleton

Comprehensive Planner



WASHINGTON COUNTY PLANNING COMMISSION
ORDINANCE TEXT AMENDMENT APPLICATION

FOR PLANNING COMMISSION USE ONLY
Rezoning No. _____
Date Filed: _____

Washington Co Dept Planning and
Zoning

Applicant

747 Northern Ave Hagerstown, MD
21742

Address

Kyla Shingleton

Primary Contact

Same

Address

- Property Owner
- Contract Purchaser
- Attorney
- Consultant
- Other: _____

240-313-2430

Phone Number

askplanning@washco-md.net

E-mail Address

- Adequate Public Facilities Ordinance
- Forest Conservation Ordinance
- Subdivision Ordinance
- Solid Waste Plan

- Water and Sewer Plan
- Zoning Ordinance
- Other _____

Article 3, 7A, 8, 9, 10, 19C,
Section No. 22 28A

Please provide the proposed text on a separate sheet of paper as follows: strike-through should be used for deletions [~~deletions~~], unchanged wording in regular type, and new wording should be underlined [new wording].


Applicant's Signature

Subscribed and sworn before me this _____ day of _____, 20____.

My commission expires on _____

Notary Public

FOR PLANNING COMMISSION USE ONLY

- Application Form
- Fee Worksheet
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DEPARTMENT OF PLANNING & ZONING
 PLANNING | ZONING | LAND PRESERVATION | FOREST CONSERVATION | GIS

RZ-25-004

February 18, 2025

ARTICLE 3. DISTRICTS ESTABLISHED; ZONING MAPS, DISTRICT BOUNDARIES; LAND USE REGULATIONS (RURAL AREA USES)

Section 3.3 - Table No. 3.3 - TABLE OF LAND USE REGULATIONS (RURAL AREA USES)

Land Uses	A(R)	EC	P	RV	RB	IM	Intensity of Use
J. Housing							
<u>Manufactured Home</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N/A</u>
<u>Mobile Homes</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N/A</u>

ARTICLE 7A "RT" RESIDENTIAL, TRANSITION DISTRICT

Section 7A.1 Principal Permitted Uses

(c) Dwellings, single-family, two-family, ~~and~~ semi-detached, and manufactured.

ARTICLE 8 "RS" RESIDENTIAL, SUBURBAN DISTRICT

Section 8.1 Principal Permitted Uses

(a) Dwellings, single-family, two-family, ~~and~~ semi-detached, and manufactured.

ARTICLE 9 "RU" RESIDENTIAL, URBAN DISTRICT

Section 9.1 Principal Permitted Uses

(a) Dwellings, single-family, two-family, ~~and~~ semi-detached, and manufactured.

ARTICLE 10 "RM" RESIDENTIAL, MULTI-FAMILY DISTRICT

Section 10.1 Principal Permitted Uses

(d) Dwellings, single-family, two-family, ~~and~~ semi-detached, and manufactured.

ARTICLE 19C "SPECIAL ECONOMIC DEVELOPMENT DISTRICT"

Section 19C.2. Principal Permitted Uses .

Single Family Residential Units.

Manufactured Homes.

Two Family Dwelling or Duplex.

ARTICLE 22 SPECIAL PROVISIONS "DIVISION V - MOBILE HOME PARKS, TRAVEL TRAILER PARKS AND ~~MOBILE HOMES-MANUFACTURED HOMES~~ NOT IN MOBILE HOME PARKS OR TRAVEL TRAILER PARKS"

Section 22.54 ~~Mobile Homes~~ Manufactured Home

(a) All ~~mobile homes- manufactured homes~~ shall have a minimum of ~~five hundred (500)-three hundred twenty (320)~~ square feet of floor space.

~~(b) Mobile homes shall be permitted in the A(R), EC, and P districts and shall be prohibited in all other districts except as specifically allowed under the provisions of this Ordinance.~~

(c) Replacement:

(1) A ~~mobile home- manufactured home~~ may replace another ~~mobile home manufactured home~~ in any district provided such replacement is done no later than thirty (30) days from the removal date of the replaced mobile home, the provisions of Section 4.3(d) notwithstanding.

(2) Except in the A(R), EC, and P Districts, the replacing ~~mobile home- manufactured home~~ must be set on the same site as the replaced ~~mobile home- manufactured home~~ with the latter being removed from the property no later than thirty (30) days from the zoning permit issuance date.

(d) In no district shall a ~~mobile home- manufactured home~~ be parked, stored, or utilized as an accessory use; however, in the A(R), EC, and P Districts, one ~~mobile home- manufactured home~~ may be parked or stored on the same lot with a principal permitted use for a period not to exceed thirty (30) days, provided that no living quarters shall be maintained in the ~~mobile home- manufactured home~~ nor any business conducted therewith, and further provided that a zoning permit shall be required for the parking or storage.

(e) All ~~mobile homes- manufactured homes~~ shall be placed on a solid masonry support and shall have skirting sufficient to hide the undercarriage from view. Such skirting shall be completely installed no later than ninety (90) days from the date the zoning permit is issued.

(f) Manufactured homes must be converted to real property in accordance with the Real Property Article of the MD Annotated Code Md. Real Property Code Ann. § 8B-201

~~(f) (g)~~ All provisions of this Section shall be subject to the requirements of Sections 4.1, 4.2 and 22.4.

ARTICLE 28A "DEFINITIONS"

Building:

Any structure, which is permanently affixed to the land; and has one or more floors and a roof; and is bounded by either open area or the lot lines of a zoning lot. For regulatory purposes, the term "building" shall not include ~~mobile homes~~, tents, or other "portable" housing which may be attached to a foundation, but this exception shall not exclude factory constructed buildings which are transported to a site and erected on a permanent foundation.

~~Mobile Home:~~

~~A detached structure with the following characteristics:~~

~~It is designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems, and;~~

~~It is designed for transportation after fabrication on streets or highways on its own wheels, or on flatbeds or other trailers, or detachable wheels, and;~~

~~It arrives at the site where it is to be occupied complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities and the like.~~

Modular Unit:

~~A factory fabricated transportable building unit established on a permanent foundation so as not to be deemed transportable after installation and designed to be used by itself or to be incorporated with similar units at a building site into a modular structure for residential, commercial, educational, or industrial uses.~~

Modular Dwelling:

A building assembly or system of building subassemblies designed for habitation as a dwelling for one or more individuals that:

1. Includes the necessary electrical, plumbing, heating ventilating and other service systems;
2. Is made or assembled by a manufacturer on or off the building site for installation, or assembly and installation, on the building site; and
3. Installed and set up according to the Manufacturer's instructions on an approved foundation and support system.

Manufactured home (Mobile Homes):

A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term includes any structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under Title 42 of the United States Code.



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

RZ-25-004

February 18, 2025

WASHINGTON COUNTY ZONING ORDINANCE
STAFF REPORT AND ANALYSIS

Article 3, 7A, 8, 9, 10, 19C, 22, 28A

Proposal: This application is proposing to amend the Zoning Ordinance to address affordable housing and include language mandated through legislation by the State.

Staff Report: In recent decades, modular and manufactured homes have become an increasingly attractive option for homeowners. These options have grown in popularity due to their relatively lower associated costs compared to traditional stick-built homes and the shorter building timeline. Manufactured homes are commonly the most affordable of these types of homes. Building standards for manufactured homes are regulated by the Department of Housing and Urban Development (HUD). HUD states there are two types of homes. Those built before June 15th, 1976, are considered mobile homes and those built after are considered manufactured homes. The distinction between the two terms is that mobile homes built after 1976 are not considered up to HUD standards. Both types of these homes are built on a steel chassis and can be moved. However, it is very common to remove the axels to set it on a stable foundation or to place the homes on a permanent foundation to fix local zoning regulations. Modular homes are built to the standards of the local building codes where they are installed. These homes are built in a factory in pieces and installed on site on a permanent foundation.

Analysis: As a part of the Housing Expansion and Affordability Act of 2024, House Bill 538 provides the zoning density and permitting requirements for affordable housing. This Act went into effect January 1, 2025. This bill states a local legislative body is banned from prohibiting the placement of manufactured homes or modular homes in a single-family residential district under certain circumstances. The bill states that for new manufactured and modular to be placed in zones that allow single-family dwellings they must meet the definition of modular dwelling; or meet the definition of a manufactured home of commercial law article; and is, or will be after purchased, converted to real property in accordance with Title 8B of the Real Property Article.

Title 8B, Subtitle 2 of the Real Property Article states:

A manufactured home shall be converted to real property when all the following events have occurred:

- (1) The manufactured home is attached to a permanent foundation;
- (2) The ownership interests in the manufactured home and the parcel of real property to which the manufactured home is affixed are identical; and

(3) An affidavit of affixation complying with the requirements of § 8B-202 of this subtitle has been recorded with the clerk of the court of the county in which the parcel of real property to which the manufactured home is affixed is located.

The amendments are being proposed to Articles 3, 7A, 8, 9, 10, 19C, 22 and 28A. Mobile homes will be removed from the ordinance in Article 3, 22, and 28A. They will be replaced by manufactured home in these articles as well as added to articles 7A, 8, 9, 10, and 19C as a principal permitted use. Modular dwellings are already permitted as principal use in the zoning ordinance as they are considered a type of housing style.

Accompanying these amendments Article 28A will be amended to add an updated definition for modular dwelling and manufactured home.

Modular dwelling will be defined as:

“A building assembly or system of building subassemblies designed for habitation as a dwelling for one or more individuals:

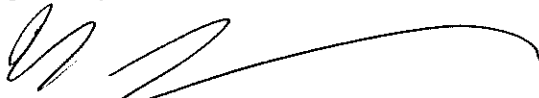
- (1) That includes the necessary electrical, plumbing, heating, ventilating, and other service systems;
- (2) That is made or assembled by a manufacturer on or off the building site for installation, or assembly and installation, on the building site; and
- (3) Installed and set up according to the manufacturer’s instructions on an approved foundation and support system.”

Manufactured home will be defined as:

“A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term includes any structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under Title 42 of the United States Code.”

Staff Recommendation: Staff recommends approval of these amendments in order to provide consistent implementation of our land use policies and regulations and to meet State mandates.

Respectfully submitted,



Kyla M. Shingleton

Comprehensive Planner



FOR PLANNING COMMISSION USE ONLY
 Rezoning No. _____
 Date Filed: _____

WASHINGTON COUNTY PLANNING COMMISSION
 ORDINANCE TEXT AMENDMENT APPLICATION

 Applicant

- Property Owner Contract Purchaser
 Attorney Consultant
 Other: _____

 Address

 Primary Contact

 Phone Number

 Address

 E-mail Address

- Adequate Public Facilities Ordinance
 Forest Conservation Ordinance
 Subdivision Ordinance
 Solid Waste Plan

- Water and Sewer Plan
 Zoning Ordinance
 Other _____

Section No. _____

Please provide the proposed text on a separate sheet of paper as follows: strike-through should be used for deletions [~~deletions~~], unchanged wording in regular type, and new wording should be underlined [new wording].

 Applicant's Signature

Subscribed and sworn before me this _____ day of _____, 20____.

My commission expires on _____

 Notary Public

FOR PLANNING COMMISSION USE ONLY	
<input type="checkbox"/> Application Form <input type="checkbox"/> Fee Worksheet <input type="checkbox"/> Application Fee	<input type="checkbox"/> Proposed Text Changes <input type="checkbox"/> 30 copies of complete Application

ZONING ORDINANCE FOR
WASHINGTON COUNTY, MARYLAND

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A(R)-Agriculture (Rural)
 EC-Environmental Conservation
 P-Preservation
 RV-Rural Village
 RB-Rural Business
 IM-Industrial Mineral

Section 3.3 Land Use Regulations

Table No. 3.3(1)^{6 7}
TABLE OF LAND USE REGULATIONS
(RURAL AREA USES)

LAND USES	A(R)	EC	P	RV	RB	IM	Intensity of Use
A. Accessory							
Guest house in an accessory building	SE	SE	SE	SE	N	N	N/A
Private stables as defined in Article 28A shall be subject to the requirements set forth in Article 4 Section 4.13	A	A	A	A	A	N	N/A
Swimming pools, tennis and other similar courts and other recreational facilities, when accessory to a residence	A	A	A	A	A	N	N/A
Uses and structures customarily accessory and incidental to any principal permitted use or special exception, including business signs pertaining to "use on the premises" (provided, that such signs are located as regulated in Section 22.2.), and a single-family dwelling unit in the same building with a principal use	A	A	A	A	A	A	N/A
Accessory Dwelling Units shall be subject to the requirements set forth in Article 4.27 and Article 22 Division I.	A	A	A	A	A	N	N/A

P-Permitted
 SE-Special Exception
 A-Accessory
 N-Not Permitted

ARTICLE 4 GENERAL PROVISIONS

Section 4.10 Accessory Structures and Uses²⁷

- (a) Generally. Except as otherwise restricted by this Ordinance, customary accessory structures and uses shall be permitted in any district in connection with the principal permitted use within such district.
- (b) Use limitations. In addition to the other requirements of this Ordinance, an accessory use shall not be permitted unless it strictly complies with the following:
 - 1. No accessory structure shall be used for living quarters, the storage of contractors' equipment, the storage of animals, or the conducting of any business unless otherwise provided in this Ordinance.
 - 2. No accessory use or structure shall be established on any lot prior to substantial completion of the construction of the principal structure.
 - 3. No accessory use or structure, except fences, shall be located within any recorded easement area.
 - 4. Any detached accessory structure shall be separated from other principal and accessory structures in compliance with the Washington County Building Code.
 - 5. In all districts wherein single-family and two-family dwellings are permitted, accessory structures shall not be located closer to public or private road right-of-way or rear lot line than the side yard requirements for a single-family or two-family dwelling in that district, except as provided in Section 23.5(b).
- (c) Accessory Dwelling Units. Permitted in accordance with Section 4.27.1

²³ Revision 15, Section 4.8 amended 9/19/06 (RZ-06-007/ORD-06-09)
²⁴ Revision 18, Section 4.8 amended 10/11/16 (RZ-13-003/ORD-2016-18)
²⁵ Revision 15, Section 4.9 amended 9/19/06 (RZ-06-007/ORD-06-09)
²⁶ Revision 18, Section 4.9 amended 10/11/16 (RZ-13-003/ORD-2016-18)
²⁷ Revision 16, Section 4.10 amended 8/4/09 (RZ-09-001/ORD-09-08)

Section 4.27 Accessory Dwelling Units

- a. Generally. Except as otherwise restricted by this Ordinance, an accessory dwelling unit (ADU), as defined in Article 28A, shall be permitted by right in connection with a principal permitted use within A(R), EC, P, RV, RT, RS, RU, RM, RB, BL, BG HI zoning district.
- b. Use limitations. In addition to the other requirements of this Ordinance, an accessory use shall not be permitted unless it strictly complies with the following:
 1. ADUs may be constructed: within an existing or proposed single-family detached dwelling; within an addition to the principal dwelling unit; or be located in a detached accessory unit or structure.
 2. Only one ADU may be created per lot.
 - i. One detached ADU is permitted on a lot containing a two-family (duplex) dwelling. An attached ADU is not permitted on a duplex lot.
 - ii. Neither attached or detached ADUs are permitted on lots containing semi-detached, townhouse or multi-family dwellings.
 - iii. In commercial zoning districts, only one attached ADU is permitted per lot.
 3. In accordance with Article 22 Division I, one parking space must be provided for the ADU in addition to any required on-site parking spaces for the principal dwelling. Lawful on-street parking may be utilized to meet this requirement.
 - i. This requirement is waived for any lot within ½ mile of a transit stop.
 4. The maximum footprint of an Accessory Dwelling Unit, in combination with other structures on the site, is limited by the total lot coverage limit in the underlying zone and the maximum gross floor area of the unit; and
 - i. An accessory dwelling unit may be no more than 75 percent of the gross floor area (GFA) of the primary dwelling unit or 1000 square feet of GFA, whichever is less. ADUs greater than 1000 square feet are strictly prohibited.
 - ii. If the basement or attic is used for the attached ADU, the gross floor area for the attached ADU may equal the square footage area of the basement or attic.
 5. Unless modified by the use standards for an Accessory Dwelling Unit, an Accessory Dwelling Unit must comply with the setback, height, and building lot coverage standards of an accessory structure in the underlying zone.
 6. An ADU shall not be considered a dwelling unit for purposes of residential

density calculations.

7. The principal and accessory dwelling units shall remain in common ownership and shall not be subdivided from each other.
8. ADUs are intended to serve ongoing housing needs of county residents. The use of ADUs for short term rentals, as defined in Article 28A, is not permitted.
9. Travel trailers are not permitted for use as an ADU.

ARTICLE 7A "RT" RESIDENTIAL, TRANSITION DISTRICT⁷⁵

Section 7A.3 Accessory Uses⁷⁷

- (a) Accessory buildings and uses customarily incidental to any principal permitted use or authorized special exception use.
- (b) Incidental home or farm occupations.
- (c) Guest house in an accessory building.
- (d) Swimming pools, tennis, and other similar courts when accessory to a residence.
- (e) Private stables as defined in Article 28A shall be subject to the requirements set forth in Article 4, Section 4.13.
- (f) Accessory Dwelling Units shall be subject to the requirements set forth in Article 4.27 and Article 22 Division I.

ARTICLE 8 "RS" RESIDENTIAL, SUBURBAN DISTRICT⁷⁹

Section 8.3 Accessory Uses⁸³

- (a) Accessory buildings or uses customarily incidental to any principal permitted use or authorized conditional use.
- (b) Swimming pools, tennis and other similar courts when accessory to a residence.
- (c) Accessory Dwelling Units shall be subject to the requirements set forth in Article 4.27 and Article 22 Division I.

ARTICLE 9 "RU" RESIDENTIAL, URBAN DISTRICT⁸⁵

Section 9.3 Accessory Uses

- (a) Accessory buildings and uses customarily incidental to any principal

permitted use or authorized special exception use.

- (b) Incidental home occupations.
- (c) Swimming pools, tennis, and other similar courts when accessory to a residence.
- (d) Accessory Dwelling Units shall be subject to the requirements set forth in Article 4.27 and Article 22 Division I.

ARTICLE 10 "RM" RESIDENTIAL, MULTI-FAMILY DISTRICT⁹¹

Section 10.3 Accessory Uses

Accessory buildings and uses customarily incidental to any principal use or authorized special exception use.

Accessory Dwelling Units shall be subject to the requirements set forth in Article 4.27 and Article 22 Division I.

ARTICLE 11 "BL" BUSINESS, LOCAL DISTRICT⁹⁷

Section 11.2 Accessory Uses.

- (a) Uses and structures customarily accessory and incidental to any permitted principal use or authorized conditional use, including a single-family dwelling unit in the same building with a principal use.
- (b) Accessory Dwelling Units shall be subject to the requirements set forth in Article 4.27 and Article 22 Division I.

ARTICLE 12 "BG" BUSINESS, GENERAL DISTRICT⁹⁹

Section 12.3 Accessory Uses

- (a) Uses and structures customarily accessory and incidental to any principal permitted use or authorized conditional use, including business signs pertaining to "use on the premises" (provided, that such signs are located as regulated in Section 22.23), and a single-family dwelling unit in the same building with a principal use.
- (b) Accessory Dwelling Units shall be subject to the requirements set forth in Article 4.27 and Article 22 Division I.

ARTICLE 19 "HI" HIGHWAY INTERCHANGE DISTRICT¹²⁴

Section 19.4 Accessory Uses

Uses and structures customarily accessory and incidental to any Principal Permitted or Special Exception Use.

Accessory Dwelling Units shall be subject to the requirements set forth in Article 4.27 and Article 22 Division I.

ARTICLE 19C - “SPECIAL ECONOMIC DEVELOPMENT DISTRICT”¹²⁹

Section 19C.4. Accessory Uses

Uses and structures customarily incidental and subordinate to any Principal Permitted or Special Exception Use.

Accessory Dwelling Units shall be subject to the requirements set forth in Article 4.27 and Article 22 Division I.

ARTICLE 22 SPECIAL PROVISIONS

DIVISION I OFF-STREET PARKING AND LOADING AREA REQUIREMENTS¹⁴⁶

Section 22.12 Off-Street Parking Requirements

(a) Customer/Visitor Parking

- 1. Minimum Spaces Required.** Parking for employees, customers and/or visitors shall be provided in accordance with the following table. All fractions of spaces shall be rounded up to the next whole integer. If a specific use is not listed, the Zoning Administrator shall have the right to determine the required off-street parking requirements, based on the most similar use(s) listed.

Land Use	Parking Required
Residential, Accessory Dwelling Unit	1 parking space per lot for the ADU in addition to any required on-site parking spaces for the principal dwelling. Exceptions to this requirement are specified in Article 4.27.
Residential, Single & Two-Family	2 spaces per dwelling unit excluding garage space
Residential, Multi-Family	2 spaces per dwelling unit excluding garage space; plus overflow/visitor parking outlined in 22.12(b). ⁴¹⁴⁷

ARTICLE 28A - DEFINITIONS²¹¹

Section 28A.0 Purpose

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The present tense includes the singular. The word "shall" is mandatory; 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 "lot" includes the words "plot" or "parcel." Words or terms not specifically defined below shall have the definition provided in a standard dictionary.

Accessory Dwelling Unit:

A second subordinate dwelling unit that is located on the same lot, tract or parcel as the principal dwelling. The ADU shall provide complete, independent living facilities for one or more persons including sleeping, eating, cooking, and sanitation facilities.

Accessory Use or Structure:

A Use or Structure on the same premises with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Dwelling:

A building containing one or more dwelling units. The term "dwelling" or any combination thereof shall not be deemed to include hotel, rooming house, motel, clubhouse, hospital, or other accommodations used for more or less transient occupancy.

- A. Dwelling, Detached: A dwelling that is not attached to any other dwelling by any means.
- B. Dwelling, Group ("Condominium"): A building, or group of buildings consisting only of dwelling units that occupy a single parcel of land in one ownership and have any yard or service area in common.
- C. Dwelling, Multiple-Family ("Apartment"): A building containing three or more dwelling units.
- D. Dwelling, Semi-Detached: One of two buildings arranged or designed as dwelling units, located on abutting lots, separated from each other by a party wall, without openings, extending from the cellar floor to the highest point of the roof along the dividing lot line, and separated from any other building or structures by space on all sides.
- E. Dwelling, One-Family: A building containing not more than one dwelling

unit and not occupied by more than one family and is not attached to any other dwellings by any other means.

- F. Dwelling, Town House: A one family dwelling in a series of three or more attached dwelling units, each with its own access points, located side by side, and separated from one another by continuous vertical party walls without openings from basement floor to roof.
- G. Dwelling, Two-Family ("Duplex"): A building containing two (2) dwelling units only, neither of which is an accessory dwelling unit, and each of which is separated from each other by a party wall, without openings, extending from the cellar floor to the highest point of the roof.

Dwelling Unit:

A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**WASHINGTON COUNTY ZONING ORDINANCE
STAFF REPORT AND ANALYSIS**

ARTICLES 3, 4, 7A, 8, 9, 10, 11, 12, 19, 19C, 22, 28A

Proposal: Application is being made to amend several sections of the Zoning Ordinance to permit the creation of a new housing type in the County, Accessory Dwelling Units (ADU).

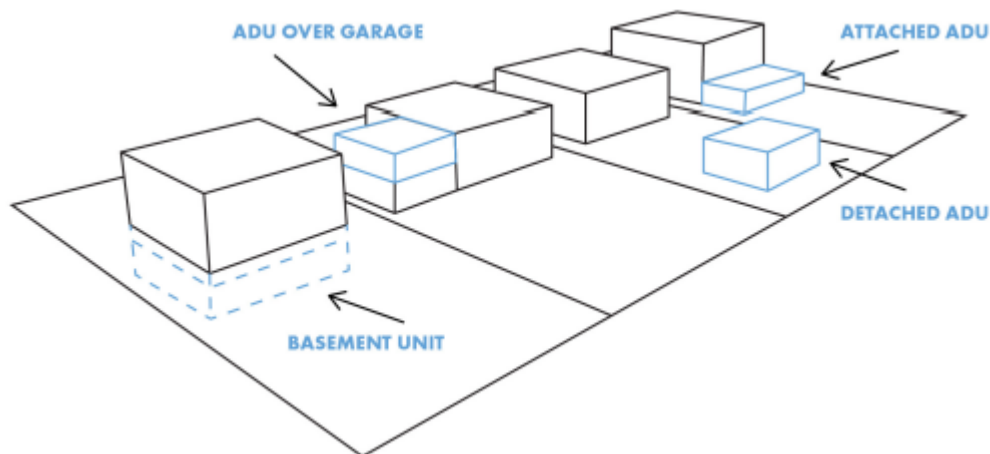
Staff Report Summary: The purpose of this text amendment is to permit, by right, the creation of one ADU per lot, tract or parcel in conjunction with the principal use on a given property. Within specified conditions designed to limit their impact on neighborhood character, ADUs would be allowed in rural zoning districts (A(R), EC, P, RV, RB) as well as urban zoning districts (RT, RS, RU, RM, BL, BG, HI).

Analysis:

The proposed amendment seeks to provide a legal pathway to the creation of a new housing type, Accessory Dwelling Units, to address the need for more affordable housing in the county. According to Census data included in our ongoing Comprehensive Plan update, nearly 30% of owners and 50% of renters devoted more than 30% of their monthly household income to housing costs in Washington County in 2020. The 30% figure is a standard measure in demographic data research for determining the affordability of housing to households in a given jurisdiction.

Accessory Dwelling Unit is a broad term that refers to a smaller, self-contained residential dwelling that is located on the same parcel as a primary, larger residential dwelling, typically a single-family home. The term ADU is often interchangeably used with other common names, such as in-law/mother-in-law suites, granny flats, secondary dwelling units, casitas and carriage units. ADUs can be created in variety of ways (see image below). An ADU can be an internal portion of the primary dwelling that is converted into a separate, smaller unit, such as a basement unit, a sheltered garage or an attic. ADUs can also be created through the rehabilitation of an existing/construction of a new external structure that could be detached or attached to the primary dwelling.

ADU Examples



To create this new housing type, while also protecting neighborhood character the proposed amendments include the following conditions:

- Owners would be limited to one ADU per lot, tract or parcel in conjunction with the principal permitted use.
- Neither attached or detached ADUs would be permitted on lots containing semi-detached, townhouse or multi-family dwellings.
- In commercial zoning districts, only one attached ADU would be permitted per lot.
- To ensure that ADUs are subordinate to the principal dwelling on the property, they are proposed to be limited in size to no more than 75 percent of the gross floor area (GFA) of the primary dwelling unit or 1000 square feet of GFA, whichever is less. ADUs greater than 1000 square feet would be prohibited.
- ADUs must meet the underlying bulk requirements of the zoning district in which they are located, including setback, height, and building lot coverage standards.
- The principal and accessory dwelling units would be required to remain in common ownership and not be subdivided from each other.
- ADUs are intended to serve ongoing housing needs of county residents. The use of ADUs for short term rentals would not be permitted.
- Travel trailers would not be permitted for use as an ADU.
- Additional considerations are detailed in the proposed zoning amendments.

Primarily, the amendments seek to enable ADUs to be created where single-family housing is permitted by zoning. Additionally, however, the amendments also seek to enable the ability to create one attached ADU in select commercial zoning districts. This would permit the creation of mixed-use buildings where housing and commercial space occupy different floors or portions of the same building, promoting more efficient land use patterns. This effort is part of a multi-pronged strategy to promote more mixed-use opportunities in ongoing our Comprehensive Plan update.

Staff Recommendation:

To craft the language in the proposed text amendments, we have done extensive research of best practices of ADUs in Maryland and around the country. We have also convened a working group in the Department of Planning and Zoning which has conducted wide-ranging discussions on the topic. These meetings have included the solicitation of input from the Department of Permits and Inspections to understand the building code implications of creating this new housing type.

Without a legal pathway in place to pursue this housing type, it leaves open the possibility that property owners will create these units without proper permits, thereby constructing additional dwelling units that do not meet the building code and are a risk to public health and safety.

Interest in ADUs is presently very high – at a local level among residents, community leaders and housing professionals; in State government, and throughout the rest of the Country as well. Many states and local jurisdictions have already passed legislation authorizing ADUs, including several in Maryland. To that end, there is legislation pending at the State level which may require local jurisdictions to authorize ADUs in most places where single-family housing is allowed. Our proposed amendments address the proposed language that we’ve seen to a substantial degree. Accordingly, staff recommends approval of this text amendment with the conditions proposed in the report and application materials.

Respectfully submitted,



Travis Allen
Senior Planner

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING
March 3, 2025**

The Washington County Planning Commission held its regular monthly meeting on Monday, March 3, 2025 at 6:00 p.m. at the Washington County Administrative Complex, 100 W. Washington Street, Room 2000, Hagerstown, MD.

CALL TO ORDER AND ROLL CALL

The Chairman called the meeting to order at 6:00 p.m.

Planning Commission members present were: David Kline, BJ Goetz, Jeff Semler, Denny Reeder (arrived at 6:20), Terrie Shank, Jay Miller, and Ex-officio County Commissioner Randy Wagner. Staff members present were: Washington County Department of Planning & Zoning: Jill, Baker, Director; Jennifer Kinzer, Deputy Director; Travis Allen, Senior Planner; Kyla Shingleton, Comprehensive Planner; Scott Stotelmyer and Misty Wagner-Grillo, Planners; and Debra Eckard, Office Manager.

NEW BUSINESS

MINUTES

Motion and Vote: Mr. Semler made a motion to approve the minutes of the February 3, 2025 Planning Commission regular meeting as presented. The motion was seconded by Ms. Shank and unanimously approved.

ORDINANCE MODIFICATIONS

Brookes House [OM-25-001]

Mr. Stotelmyer presented an ordinance modification request to allow a residential lot to be created without fully functional road frontage. The property is located at 19986 Beaver Creek Road and is currently zoned EC (Environmental Conservation). The property owner wishes to subdivide a one acre parcel, not for an immediate family member, from the 119 acre landlocked parcel. The owner has met with the adjoining property owner, Lynn Kendle, who has signed an agreement to allow access to Beaver Creek Road from the new lot.

Discussion and Comments: Mr. Fred Frederick of Frederick, Seibert & Associates, the consultant, stated this will be a residence for patients of Brookes House as part of their on-going rehabilitation process.

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

Nelson and Eileen Harbaugh [OM-25-002]

Mr. Stotelmyer presented an ordinance modification request to allow the stacking of three panhandle lots, allow a panhandle length of more than 400-feet and to create a lot without usable road frontage. The property is located at 16200 Broadfording Road and is currently zoned EC (Environmental Conservation). The new lot will be for an immediate family member. There is 25-feet of road frontage shown for the new lot; however, it is not usable road frontage due to its proximity to existing entrances. The proposed panhandle would be 550-feet in length. The three lots include one lot with an existing residence, one proposed lot with a residence and the remaining lands of approximately six-acres which is not for development.

Motion and Vote: Mr. Semler made a motion to approve the ordinance modification request as presented. The motion was seconded by Mr. Miller and unanimously approved.

SUBDIVISIONS

Arborview Cluster Development Plan [CL-25-001]

Ms. Wagner-Grillo presented the Arborview Cluster Development Plan which will be located on Sasha Boulevard and Mt. Aetna Road. The developer is proposing 334 single-family and 314 duplex lots in five phases on 219 acres. The property is currently zoned RT – Residential Transition with a Planned Unit Development (PUD) overlay. A brief history was given noting that the Planning Commission approved the cluster development provision at its regular meeting on May 6, 2024. The developer then submitted a concept plan and a preliminary consultation was held in June, 2024. A

summary of the preliminary consultation as well as the concept plan was presented to the Planning Commission on August 5, 2024. The developer then submitted a cluster development plan for review and approval. Ms. Wagner-Grillo explained that the PUD must be removed before the developer can take the next step in the process which is the submittal of a preliminary plat for subdivision.

The developer is proposing to complete this project in five phases as follows: Phase 1 would consist of 91 single-family and 100 duplex lots; Phase 2 would consist of 37 single-family and 138 duplex lots; Phase 3 would consist of 76 duplex lots; Phase 4 would consist of 63 single-family lots; and Phase 5 would consist of 143 single-family lots. Approximately 76.38 acres of open space is proposed; 69.76 acres is required. There is a forest conservation easement located on the property which will be retained. A water tower will be constructed during Phase 1 of the development. The developer has been working closely with the City of Hagerstown's Water Department on the basic design of the water tower. The developer is also working with the Washington County Engineering Department on road connectivity design. Approvals are pending from the County Engineering Department and Soil Conservation District; however, neither department has any objections to the plan.

Discussion and Comments: Mr. Miller asked about the smaller lot widths for the proposed plan. Ms. Wagner-Grillo explained that lot sizes may be reduced because this is an approved cluster development. Ms. Baker noted that the developer cannot get more density with a clustering plan than what is permitted by the current RT zoning which would be 880 (by right) dwelling units. She further explained that the development plan formalizes what has already been approved for the layout, lot sizes, lot widths, open spaces, potential storm water management areas, etc. If the developer wants to deviate from this plan, an updated plan would be required.

Mr. Goetz asked how the PUD overlay would be removed. Ms. Baker explained that the PUD overlay was put on as part of a rezoning process and will need to be removed in the same manner which will require a public input meeting with the Planning Commission and a public hearing before the Board of County Commissioners. Mr. Gordon Poffenberger of Fox & Associates, Inc. (the consultant) noted that the PUD plan contained townhouses and apartment complexes while this plan is proposing single-family and duplex units. He also noted that the clustering plan is part of the "Smart Growth Initiative" which means there will be fewer streets and fewer water and sewer lines to maintain and less impervious area; thereby, allowing for more open space and recreational areas.

Commissioner Wagner asked if the water tower will benefit the existing homes in Black Rock Estates. Mr. Poffenberger stated it would benefit those homes with added water pressure and flow.

Mr. Kline expressed his opinion that another access onto Robinwood Drive would be very beneficial.

Motion and Vote: Mr. Goetz made a motion to approve the development plan as presented contingent upon approval from all outstanding agencies and that the PUD overlay is removed. The motion was seconded by Mr. Miller and unanimously approved with Mr. Kline and Commissioner Wagner abstaining from the vote.

OTHER BUSINESS

Discussion of proposed text amendments

- **Accessory Dwelling Units [ADUs]**

Mr. Allen presented information regarding a potential text amendment dealing with accessory dwelling units. The term "accessory dwelling units" is known by several different names and applies to both attached and detached dwelling units subordinate to the principal dwelling unit on any given parcel of land. The purpose of creating this amendment is due to the nationwide need for more affordable housing. According to the 2020 census data contained in the draft Comp Plan, nearly 30% of homeowners and almost 50% of renters devote more than 30% of monthly household income to housing costs. The 30% figure is a standard measure for determining the affordability of housing to households in a given jurisdiction. ADUs will be permitted in both the rural and urban areas in the County including all residential zoning districts that allow single-family housing as well as some commercial areas. Commercial ADU opportunities is one of the strategies discussed in the Comp Plan to allow more mixed-use opportunities in select target areas around the County. Size limitations and other bulk standards will be used to minimize the impacts of ADUs on neighborhood character and infrastructure. Staff noted that amendments would be brought forward at the next planning commission meeting for a public input meeting.

- **Manufactured Homes**

Ms. Baker explained that Maryland legislature enacted a law on January 1st mandating that manufactured homes be permitted in any zoning district that allows single-family residences.

Modular homes are also required to be permitted in any district that allows single family homes. A modular home is different from a manufactured home in that modular homes are considered stick-built, must be placed on a fixed foundation, and must meet all building code requirements. Manufactured homes are built upon a chassis and have different building code standards that must be met.

Ms. Shingleton briefly reviewed several changes that are being proposed to language in the County's adopted Zoning Ordinance in order to be compliant with the new State regulations. Manufactured homes will be permitted in the EC, A(R), P and RV zoning districts as well as all residential zoning districts that permit single-family dwellings. Ms. Shingleton noted that changes will be made to Article 22, which deals with Special Provisions and definitions will be added to Article 28A. The manufactured home definition will be written to be consistent with the new State definition. Staff noted that amendments would be brought forward at the next planning commission meeting for a public input meeting.

- **Non-Conforming Uses**

Ms. Baker explained that a non-conforming use is established prior to zoning or prior to a recent rezoning of a property. The County's current Ordinance states that once a use ceases to exist for a period of six months, the use loses its non-conforming use status. Recently, case law has been brought to staff's attention that you must determine whether or not the "intent" is to cease the current operation. Ms. Baker cited several examples, such as the marketing of a property, upgrades to the property, etc. which would show intent that the business would reopen or not cease its operations. Ms. Shingleton briefly reviewed the proposed changes in the current Zoning Ordinance. Staff noted that amendments would be brought forward at the next planning commission meeting for a public input meeting.

Update of Projects Initialized

Ms. Kinzer provided a written report for land development plan review projects initialized during the month of January including four preliminary/final plats and three site plans.

Discussion of Comprehensive Plan

Ms. Baker introduced the overall Land Use Map for the Commission's review. She noted that following last month's discussions, that a Preservation Policy Area was reinstated with similar boundaries to the existing policy area in the 2002 Comprehensive Plan. She noted that staff generally followed the existing policy area with changes made to incorporate additional areas of land preservation and conservation obtained since the last plan. Another change noted were changes made to the Environmental Conservation policy area. Previously, the draft recommended that significant streams in the Hagerstown Valley area should be included in the policy area due to their environmental sensitivity. Based upon the discussion of the planning commission at the last meeting, the buffer areas around the streams were reduced from 500 ft. on either side, to using the floodplain boundary plus 100 ft. for riparian buffers. Added to the map are the Airport overlay districts and the Antietam overlay districts. They are shown and discussed in other areas of the plan, however, it seemed prudent to show them on the land use map due to their recommendations for land use policies.

Consensus: No further changes are needed.

The next point of discussion was the individual land use requests that have been received. A map showing each individual property was distributed and staff shared their recommendations.

- **Downsville Pike Land LLC** – This property is located at the southeast corner of Downsville Pike and Halfway Boulevard. This property has been the subject of several rezoning applications for a commercial zoning, which have all been denied. Staff recommends that the land use for these properties remain medium-density residential based upon the dividing line of commercial on Downsville Pike, it is immediately adjacent to one of the County's regional parks, and there is a significant amount of residential development on that side of the road. Access from the subject parcels onto Halfway Boulevard would exacerbate traffic issues in this area.
 - **Consensus:** The Commission agrees with staff's recommendation of medium-density residential.
- **Dan Hockman** – This property is located on the south side of Poffenberger Road, immediately east of Claggett's Mill. The owner is requesting a higher-density residential use; however, staff is recommending a lower-density residential use. Staff is proposing a change to the current density in residential zoning districts; therefore, no loss of density would be incurred on this property.
 - **Consensus:** The Commission agrees with staff's recommendation of low-density residential with the understanding that zoning densities will change.

- **2008 Lappans LLC** – This property is located at the corner of Lappans Road and Sharpsburg Pike. Ms. Baker explained that AC&T purchased the parcel to the south and incorporated it into the existing AC&T. The owner is requesting the extension of the Rural Village policy area to cover this parcel with the intention of rezoning the property to Rural Village. Staff is opposed to the proposal because the intent of the Rural Village is to support the context as it exists today with no expansion to the Priority Funding Area. If the Rural Village policy area is expanded and public improvements are needed in the future, the County would not be eligible for Priority Funding.
 - **Consensus:** The Commission agrees with staff’s recommendation because nothing has changed since the owner purchased the property and he will still have the same rights to develop the property that he had when he purchased it (the property had an agricultural use when it was purchased and remains an agricultural use today).
- **Clyde Ebersole** – This property is located along Kendle Road (Parcels 142 and 456); Parcel 142 is currently within the Urban Growth Area. The property owner wants to be outside the boundary of the Urban Growth Area so he may continue his farming operations and potentially be eligible for an agricultural preservation district.
 - **Consensus:** The Planning Commission is not opposed to this request.
- **Thomas Britner** – This property is located along Edward Doub Road. Mr. Britner spoke at the public hearing and requested that the property remain within the Urban Growth Area. Originally, staff recommended that the property be removed from the UGA because it has failed to develop within the last 20 years and no public services were available. However, during the public hearing, Mr. Britner stated that the recently built warehouse down the road has extended public water services. He also noted that there is a pre-annexation agreement for services with the City of Hagerstown. Therefore, staff is now recommending that the property remain in the UGA.
 - **Consensus:** The Planning Commission recommends leaving this property in the UGA.
- **Fast Gas Company (aka AC&T)** – This property is located along Virginia Avenue next to I-81 and across the road from Homewood. AC&T has been operating a convenience store on Parcels 193 and 316 for several years. They have purchased Parcels 195 and 309 and also wish to purchase Parcel 314 in order to expand the existing business. AC&T is requesting that the commercial land use area be extended to include all of these parcels. Staff recommends approval of the request.
 - **Consensus:** The Planning Commission recommends approval of the request.

Ms. Baker asked Commission members if they had any comments or concerns regarding the public comments that have been received or if there are any additional changes they would like to recommend in the draft Comp Plan.

Motion and Vote: Mr. Goetz made a motion to recommend the draft Comp Plan with the changes discussed this evening to the Board of County Commissioners. The motion was seconded by Mr. Miller and unanimously approved with Commissioner Wagner abstaining from the vote.

UPCOMING MEETINGS

1. March 17, 2025, 6:00 p.m. – Washington County Planning Commission Workshop meeting (Forest Conservation Ordinance)
2. April 7, 2025, 6:00 p.m. – Washington County Planning Commission regular meeting

ADJOURNMENT

Mr. Reeder made a motion to adjourn the meeting at 7:45 p.m. The motion was seconded by Commissioner Wagner and so ordered by the Chairman.

Respectfully submitted,

David Kline, Chairman

**WASHINGTON COUNTY PLANNING COMMISSION
WORKSHOP MEETING
March 17, 2025**

The Washington County Planning Commission held a workshop meeting on Monday, March 17, 2025 at 6:00 p.m. at the Washington County Administrative Complex, 100 W. Washington Street, Room 2000, Hagerstown, MD.

CALL TO ORDER AND ROLL CALL

The Vice-Chairman called the meeting to order at 6:00 p.m.

Planning Commission members present were: Jeff Semler, Vice-Chairman, BJ Goetz, Denny Reeder, Terrie Shank, Jay Miller, and Ex-officio County Commissioner Randy Wagner. Staff members present were: Washington County Department of Planning & Zoning: Jill Baker, Director; Jennifer Kinzer, Deputy Director; Travis Allen, Senior Planner; and Debra Eckard, Office Manager.

WORKSHOP – FOREST CONSERVATION

Ms. Baker began the workshop by reviewing implementation of mitigation methods for Forest Conservation as set forth in Article 10 of the Forest Conservation Ordinance (FCO). This Ordinance follows the adopted Forest Conservation Act adopted by the State of Maryland. The purpose of the Forest Conservation Act is to slow and eventually stop forest loss across the State. The preferred methods of mitigation are as follows:

- A. Retention on-site is always the first preferred method. Staff recognizes that retaining existing forest on-site is not necessarily a feasible option in some instances, but should be considered by developers first. Both the FCO and the Act specifically state that when planning developments, forest resources need to be considered the same as storm water management, grading techniques, etc. After all techniques for retaining existing forest on-site have been exhausted, the preferred sequence of techniques for afforestation and reforestation are as follows:

- 1) Selective clearing and supplemental planting on-site. Effectively keep as much existing forest as possible and reforest what is removed.

Discussion: Mr. Goetz asked who pays for the afforestation/reforestation and who maintains the forest. Ms. Baker stated it is the responsibility of the developer for a period of two to three years depending upon the size of the trees used during planting. Retention of forest is the responsibility of the property owner even if the property is sold.

- 2) On-site afforestation or reforestation using transplanted or nursery stock that is greater than 1.5 inches in diameter measured at 4.5 feet above ground.
- 3) On-site afforestation or reforestation using whip and seedling stock.

Discussion: Ms. Baker provided members with a chart (established by the State) delineating the size of trees, the number of trees to be planted per acre, the spacing, and what the survivability rate must be at the end of the two- or three-year season or bonding period. The preference is to plant larger trees because there is a better chance of survivability, there is less of a mitigation process, and affords less of a maintenance effort. Ms. Baker noted that any time a developer performs a forest planting, a bond is required. The bond is established using the same rate as the payment-in-lieu of planting fee (PIL) which is \$.30 per sq. ft. The bond is held until survivability rates are met per State regulations.

- 4) Credit from an approved Forest Mitigation Bank that created new forest cover. The credit applied to the mitigation requirement is equal to 100% of the credit secured from the Forest Mitigation Bank.
- 10) Credit from an approved Forest Mitigation Bank that protected existing forest. The credit shall not exceed 50% of the area of existing forest protected.

Discussion: Mr. Goetz asked why easements on new forest are much more preferred than easements on existing forest. Ms. Baker explained that we are trying to keep up with the “no net loss” policy; however, more trees need to be planted to make up for the impacts happening today on sites where development is occurring. Too often, developers are seeking to buy land in areas where development cannot occur anyway (such as mountain land with steep slopes and no access for development). The creation of new forests would be more beneficial than protecting forested areas that most likely will not be disturbed anyway.

Mr. Goetz asked if the County is required to use PIL monies to purchase forest easements. Ms. Baker explained the County is required to use the funds for forest mitigation efforts, which can include the purchase of easements.

- 5) Off-site afforestation or reforestation, arranged by the applicant on private lands using transplanted or nursery stock that is greater than 1.5 inches in diameter measured at 4.5 feet above the ground.
- 6) Off-site afforestation or reforestation arranged by the applicant on public lands using transplanted or nursery stock that is greater than 1.5 inches in diameter measured at 4.5 feet above the ground.
- 7) Off-site afforestation or reforestation, arranged by the applicant on private lands using whip and seedling stock.
- 8) Off-site afforestation or reforestation, arranged by the applicant on public lands using whip and seedling stock.

Discussion: Ms. Baker stated that anytime a development plan is submitted and reviewed for forest conservation, the developer is responsible for showing the type of mitigation proposed. Staff asks the developer for justification as to why that type of mitigation is proposed and what the justification is for not pursuing a more preferred method of mitigation (i.e. the developer chooses #6 of the preferred method of mitigation instead of #2). Often the developer requests that the plan goes to the Planning Commission instead of providing such justification to staff. Mr. Allen noted that he provides the applicant's justification letter in the agenda packets and during his presentations to the Commission, he is presenting his reaction to that letter. If he disagrees with the justification submitted by the developer, it is because the developer has not made an honest and complete analysis of the preferred sequence.

- 9) Landscaping of areas under an approved landscaping plan which establishes a forest that is at least 35 feet wide and covering 2,500 sq. ft. or more of area.

Staff is unsure why this option exists when the definition of a forest says areas must be 10,000 sq. ft. or greater. It was noted that this option is hardly ever used. Staff assumes this could be used for landscaping islands or stormwater management credits.

Discussion: Ms. Baker explained that in the past, a 35-foot strip of forest conservation area along the backs of residential lots was permitted. This meant that each lot owner had an individual easement that they were required to maintain. However, over the years, property owners assumed this was part of their lot and began mowing these areas, cutting down the trees, placing additions to their homes in the area or other outbuildings. The County has stopped allowing the forest easements on the back of individual lots and is now requiring developers to put the forest conservation area elsewhere in the development, preferably on a separate parcel of land. There was a brief discussion regarding enforcement of maintenance efforts when dealing with developers and/or homeowners associations.

Staff reiterated that decisions made by both staff and the Commission need to be based on regulations found within the FCO and the State Act. Justification given by developers or property owners should not be based on cost or time limitations but rather why other methods of mitigation cannot be accomplished within the preferred sequence of mitigation. Staff encourages the Commission to look at each individual request on a case-by-case basis, according to the specific characteristics of each development site.

Ms. Baker briefly discussed the termination of easements. There have been a few instances where the easements have been moved or removed due to unusual circumstances or hardships. Staff does not want this to become a normal practice because we may create isolated easements which does not meet intent of the Ordinance. Staff is going to work on proposed policy changes to present to the Commission at a later date regarding some of these issues.

ADJOURNMENT

Ms. Shank made a motion to adjourn the meeting at 7:50 p.m. The motion was seconded by Mr. Goetz and so ordered by the Vice-Chairman.

Respectfully submitted,

Jeff Semler, Vice-Chairman



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

**WASHINGTON COUNTY PLANNING COMMISSION
APPLICATION FOR SUBDIVISION ORDINANCE MODIFICATION**

APPLICANT

NAME Daniel C Davison

MAILING ADDRESS 152 Spring Valley Drive, Berkeley Springs, WVA 25411

TELEPHONE _____ 304-433-4037
(home) (work) (cell)

PROPERTY OWNER

NAME Daniel C Davison & Tina L. Davison

MAILING ADDRESS 152 Spring Valley Drive, Berkeley Springs, WVA 25411

TELEPHONE _____ 304-433-4037
(home) (~~work~~) (cell)
Wife Cell
304-839-2920

CONSULTANT

NAME Daniel R. Gehr Surveying

ADDRESS 11274 Gehr Road, Big Pool, Md 21711

TELEPHONE 301-331-7445

DESCRIPTION OF PROPERTY

TAX ACCOUNT ID # (Required) 05-017424

PARCEL REFERENCE: MAP 18 GRID 02 PARCEL 76

PROPOSED LOT ACREAGE 1.41 TOTAL SITE ACREAGE 14.18

ZONING DISTRICT EC ROAD FRONTAGE (FT) 167.62

LOCATION / ADDRESS

14662 Heavenly Acres Ridge

EXISTING AND PROPOSED USE OF PROPERTY

Remaining Land - Non-Building Lot with an existing Barn and woods
Lot 5 - Residential lot for a Son

LOT TO BE CONVEYED TO IMMEDIATE FAMILY MEMBER

to Son

SUBDIVISION MODIFICATION INFORMATION

MODIFICATION TO SUBDIVISION ORDINANCE SECTION 5B.7(5)

MODIFICATION IS TO ALLOW

the reduction of side yard setbacks from 50' to 15' on North
side of Lot 5 and 40' on South side along shared driveway

STATEMENT OF JUSTIFICATION TO THE REQUESTED MODIFICATION (quantify modification – i.e. hardship resulting from irregular shape; safety hazard; topographic conditions; extraordinary hardship; other

see attached sheet

(Attach additional sheets if necessary)

In addition, twelve (12) sketch plans, drawn to scale must accompany this application showing: the dimensions and shape of proposed lot with acreage; size and location of existing and/or future structures; existing/proposed roadways and associated access rights-of-way or easements; existing/proposed entrance/exit to property; natural or topographic peculiarities of the lot in question.

To the best of my knowledge, the information provided in this application and other material submitted is correct.

David C. Davis

3-1-25

Applicant's Signature

Date

David C. Davis

Lina L. Darusca

3-1-25

Property Owner's Signature

Date

STAFF USE ONLY:

STAFF PLANNER: _____ DATE RECEIVED: _____

NUMBER: _____

MEETING DATE: _____

Statement of Justification to the Requested Modification

This is a request for a modification to Subdivision Ordinance Section 5B.7(5) for the reduction of the sideline setbacks from 50 feet to 15 feet on the north side of lot 5 and 40 feet on southside of lot 5. Lot 5 has side property line restraints that cause the lot to only have 107 +/- of road frontage (required is 100 feet). If the 50 feet sideline setback is used, the buildable area within the setbacks would not allow for a building to be place that would conform to the other existing dwellings nearby which faces the main highway. The remaining lands that surround lot 5 is woodland and overgrown brush land and not being farmed for crops.

Lot 5 property line is restricted on the north side of the lot by a 25 feet panhandle that is required for property 2 of the remaining lands to have road frontage. The southern line of lot 5 is restricted by the centerline of the existing entrance to the remaining lands of property 1 parcel 1 and property 1 parcel 2. The existing drive is to be a shared ownership between lot 5 and the remaining property. The driveway location is not movable to the south because of sight distance requirements for State Highway. Enlarging the lot by taking more land from the original lot of land would cause the septic area or proposed home to be moved to an area that exceeds the slope gradient limit.

By approving a reduction of the side line setbacks from 50 feet to 15 feet on the north side of lot 5 and side line setback from 50 feet to 40 feet on the southside of lot 5 measured from the centerline of the existing drive, will allow for a buildable area that would allow a home for the son to be built that would be facing the main highway as the surrounding homes.

SUBDIVISION MODIFICATION APPLICATION CHECKLIST

The following items are required as part of the Subdivision Modification application:

Applicant	Staff	
✓ _____	_____	A complete Application Form, signed by the applicant, property owner, and consultant (if applicable). All information must be typed or clearly printed on the application. Please include this checklist.
✓ _____	_____	A filing fee of \$115.00 when no Engineering or outside agency review is required. A fee of \$265.00 is required when multiple agency reviews are required. Make check payable to: Washington County Treasurer. Include fee worksheet.
✓ _____	_____	Twelve (12) sketch plans, drawn to scale, showing:
✓ _____	_____	a. dimensions & shape of proposed lot with acreage;
✓ _____	_____	b. size & location of existing and/or future structures;
✓ _____	_____	c. existing/proposed roadways and associated access right of way or easements;
✓ _____	_____	d. existing/proposed entrance/exit to property;
✓ _____	_____	e. natural or topographic peculiarities of the lot in question.
✓ _____	_____	Any additional drawings, pictures, or information that will assist the Planning Commission in making its decision.



ORDINANCE MODIFICATION STAFF REPORT

BASE INFORMATION

SITE NAME.....: Daniel C Davison
NUMBER.....: OM-25-003

OWNER.....: DAVISON TINA L DAVISON DANIEL C
LOCATION.....: 14000 HEAVENLY ACRES Ridge
Hancock, MD 21750

DESCRIPTION.....: Modification from subdivision ordinance section 5B.7(5) 50-foot side yard setback to 15 feet on north side lot and to 40 feet on south side lot. 5B.7(5) states: The Planning Commission may increase minimum setbacks up to 50 feet for properties adjacent to parcels that are being actively farmed (Agricultural Assessment) or parcels with an Agriculture district designation.

ZONING.....: Environmental Conservation
COMP PLAN LU.....: Environmental Conservation
PARCEL.....: 05017424
PLANNING SECTOR.....: 6
ELECTION DISTRICT.....: 05

TYPE.....:
GROSS ACRES.....: 1.41
DWELLING UNITS.....:
TOTAL LOTS.....: 1
DENSITY.....: N/L Units Per Acre

PLANNER.....: Misty Wagner-Grillo
ENGINEER.....: GEHR DANIEL R. SURVEYING
RECEIVED.....: March 11, 2025

SITE ENGINEERING

HYDROGRAPHY, SENSITIVE & ENVIRONMENTAL INFORMATION

FLOOD ZONE.....: No
WETLANDS.....: No
WATERSHED.....: Potomac River WA Cnty
ENDANGERED SPECIES.....: None
HISTORIC INVENTORY.....: No Resources Present
EASEMENTS PRESENT.....: None

SCHOOL INFORMATION

Staff Comments:	ELEMENTARY	MIDDLE	HIGH
SCHOOL DISTRICT	Hancock	Hancock	Hancock
PUPIL YIELD			
CURRENT ENROLLMENT			
MAXIMUM CAPACITY			

PUBLIC FACILITIES INFORMATION

FIRE DISTRICT.....: Hancock



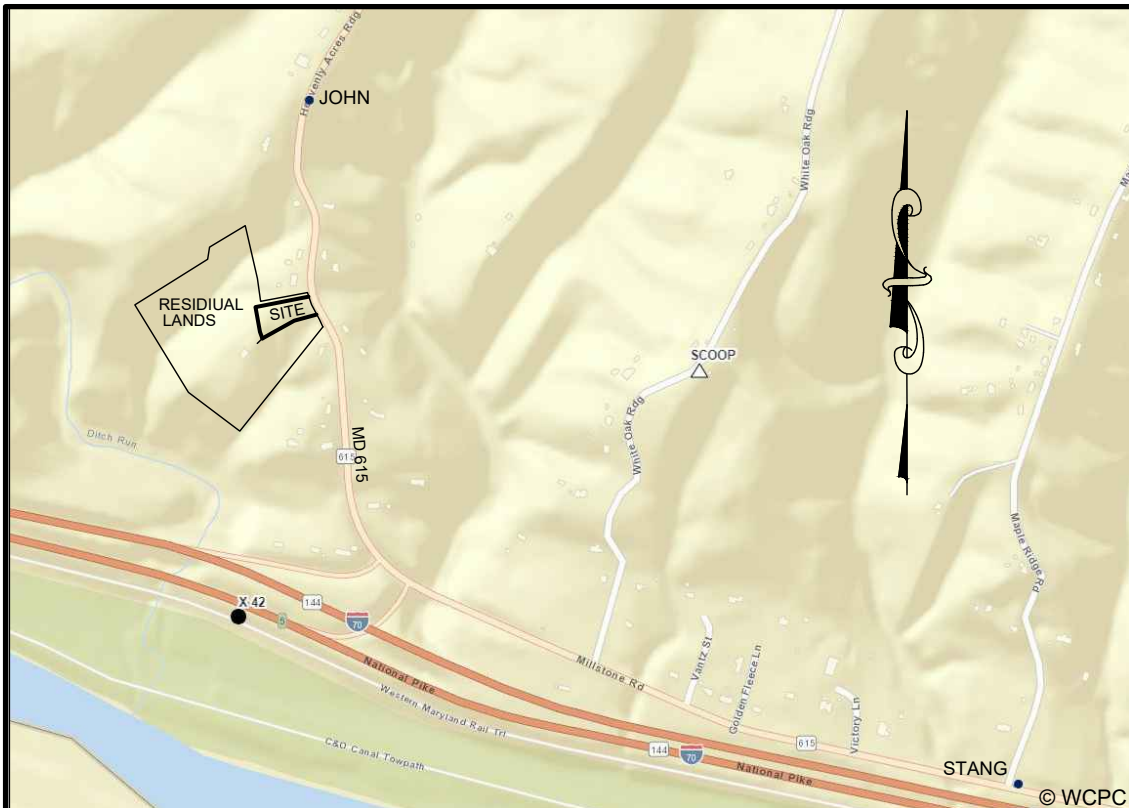
WASHINGTON COUNTY DEPARTMENT OF PLANNING & ZONING

747 Northern Avenue | Hagerstown, MD 21742-2723 | P:240.313.2430 | F:240.313.2431 | Hearing Impaired: 7-1-1

AMBULANCE DISTRICT.....: Hancock

WATER & SEWER INFORMATION

	WATER	SEWER
METHOD.....:	Well/Cistern	Septic Tank
SERVICE AREA.....:	Well	Septic
PRIORITY.....:	7-No Planned Service-Well	7-No Planned Service-Septic
NEW HYDRANTS.....:		
GALLONS PER DAY SEWAGE...:		
PLANT INFO.....:		None



LOCATION MAP NOT TO SCALE

ACREAGE TABULATION FOR EACH PARCEL		RESIDUAL TRACT
PROPERTY 1 PARCEL 1	LO T 5	0.27 ACRE
PROPERTY 1 PARCEL 2		3.64 ACRES
PROPERTY 2		8.86 ACRES
TOTAL		12.77 ACRES

NOTE:
 1. COORDINATES BASED ON NAD83 MARYLAND COORDINATE SYSTEM WASHINGTON COUNTY SURVEY CONTROL "JOHN" AND "STANG"
 2. THIS PLAT IS BASED ON A FIELD RUN MONUMENTED BOUNDARY SURVEY PERFORMED ON OR ABOUT APRIL 3, 2024 BY DANIEL GEHR OF DANIEL R GEHR SURVEYING.

NOTES:
 1. ANY DRIVEWAY ENTRANCES FOR THE SUBDIVIDED LOT ON HEAVENLY ACRES RIDGE WILL REQUIRE A STATE HIGHWAY ENTRANCE PERMIT AND MUST BE CONSTRUCTED TO STATE HIGHWAY STANDARDS.
 2. ANY DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE CURRENT WASHINGTON COUNTY STORMWATER MANAGEMENT, GRADING, SOIL EROSION AND SEDIMENT CONTROL ORDINANCE.

SOIL TYPES:
 CaB = CALVIN CHANNERY LOAM, 3 TO 8 PERCENT SLOPES
 CAD = CALVIN CHANNERY LOAM, 15 TO 25 PERCENT SLOPES
 KcF = KLVESVILLE-CALVIN CHANNERY LOAMS, 25 TO 60 PERCENT SLOPES

ZONING: THIS PROPERTY IS ZONED "EC" - ENVIRONMENTAL CONSERVATION

LEGEND:
 IPF = IRON PIPE, FOUND
 IRCS = IRON PIN WITH CAP, SET
 PT = POINT
 CONC. MONU. = CONCRETE MOUND (FOUND)
 N/F = NOW OR FORMERLY
 MNS = MAG NAIL SET

LINE	BEARING	DISTANCE
L1	S 30°56'27" E	29.20'
L2	S 04°38'05" E	25.15'
L3	S 64°48'23" W	5.72'
L4	S 19°48'38" E	28.93'
L5	N 26°15'28" W	8.31'
L6	N 21°45'04" W	56.84'
L7	N 14°02'51" W	41.36'
L8	N 09°05'31" W	2.60'
L9	N 79°01'32" E	3.97'
L10	S 64°48'23" W	64.49'
L11	S 61°49'20" W	143.09'
L12	S 61°33'57" W	97.49'
L13	S 48°24'22" W	46.77'

REMAINING LANDS
 TINA L. DAVISON &
 DANIEL C. DAVISON
 LIBER 7342 FOLIO 51
 TAX MAP 18 PARCEL 76
 12.77 ACRES +/-

**THIS PARCEL IS FOR
 AGRICULTURAL PURPOSES ONLY**

REMAINING LANDS
 TINA L. DAVISON &
 DANIEL C. DAVISON
 LIBER 7342 FOLIO 51
 TAX MAP 18 PARCEL 76
 12.77 ACRES +/-

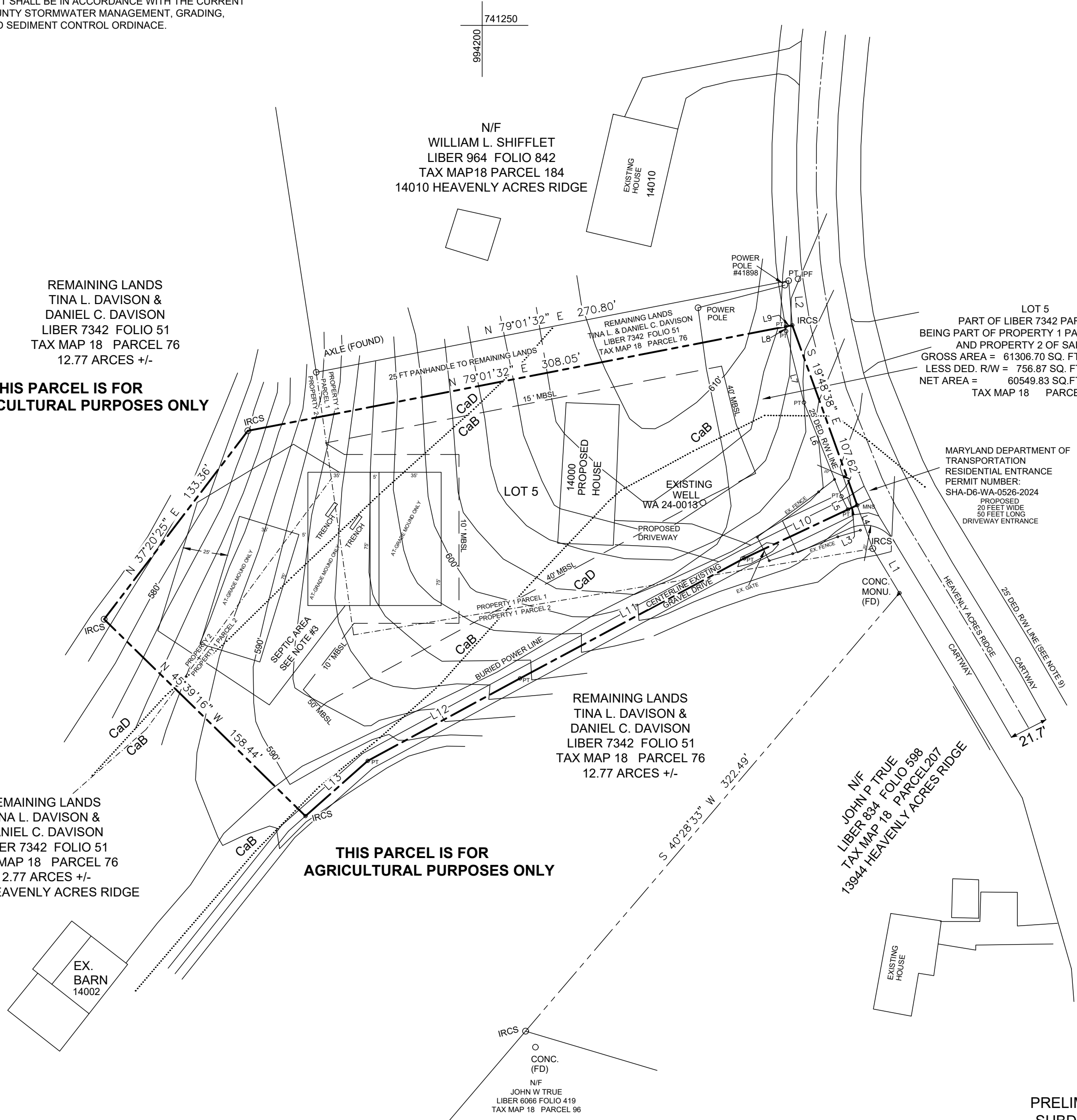
14002 HEAVENLY ACRES RIDGE

N/F
 WILLIAM L. SHIFFLET
 LIBER 964 FOLIO 842
 TAX MAP 18 PARCEL 184
 14010 HEAVENLY ACRES RIDGE

LOT 5
 PART OF LIBER 7342 PARCEL 51
 BEING PART OF PROPERTY 1 PARCELS 1 AND 2
 AND PROPERTY 2 OF SAID DEED
 GROSS AREA = 61306.70 SQ. FT. 1.41 ACRES
 LESS DED. R.W. = 756.87 SQ. FT. 0.02 ACRE
 NET AREA = 60549.83 SQ. FT. 1.39 ACRES
 TAX MAP 18 PARCEL 78

MARYLAND DEPARTMENT OF
 TRANSPORTATION
 RESIDENTIAL ENTRANCE
 PERMIT NUMBER:
 SHA-D6-WA-0526-2024
 PROPOSED
 20 FEET WIDE
 50 FEET LONG
 DRIVEWAY ENTRANCE

BASED ON WASHINGTON COUNTY CONTROL
 "JOHN AND STANG"



**THIS PARCEL IS FOR
 AGRICULTURAL PURPOSES ONLY**

REMAINING LANDS
 TINA L. DAVISON &
 DANIEL C. DAVISON
 LIBER 7342 FOLIO 51
 TAX MAP 18 PARCEL 76
 12.77 ACRES +/-

N/F
 JOHN P. TRUE
 LIBER 834 FOLIO 598
 TAX MAP 18 PARCEL 207
 13944 HEAVENLY ACRES RIDGE

FINAL APPROVAL GRANTED _____
 DATE _____
 WASHINGTON COUNTY PLANNING COMMISSION
 BY _____
 FINAL APPROVAL GOOD FOR SIX (6) MONTHS
 FROM ABOVE DATE

OWNER:
 DANIEL C. DAVISON &
 TINA L. DAVISON
 152 SPRING VALLEY DRIVE
 BERKELEY SPRINGS, WEST VIRGINIA 25411
 (304) 433-4037

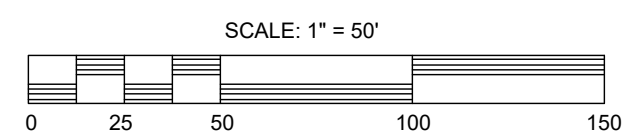
**PRELIMINARY/FINAL
 SUBDIVISION PLAT
 FOR
 LOT 5
 DANIEL DAVISON
 SITUATED ON THE WEST SIDE OF
 HEAVENLY ACRES RIDGE
 WASHINGTON, COUNTY, MARYLAND**

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT; THAT IT IS A SURVEY OF THE LANDS CONVEYED BY JAMES W. TRUE, JR. AND TINA L. DAVISON, PERSONAL REPRESENTATIVES, OF THE ESTATE OF JAMES WATSON TRUE, SR. TO TINA L. DAVISON AND DANIEL C. DAVISON BY DEED DATED OCTOBER 18, 2023, AND RECORDED IN THE LAND RECORDS OF WASHINGTON COUNTY, IN LIBER 7342, AT FOLIO 51, AND LOT CORNERS ARE MARKED AS LABELED ON DRAWING.
 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE, AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND.

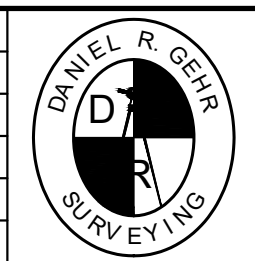


Daniel R. Gehr
 PROFESSIONAL LAND SURVEYOR
 MARYLAND REGISTRATION NO: 21845
 EXPIRATION DATE : 05/31/2026

FOR RECORDATION STAMP
 PLAT NO. _____
 DATE: _____
 WASHINGTON COUNTY



3-6-2025 PER PLANNING
REVISIONS: COMMENTS
DATE: JANUARY 3, 2025
DRAWN BY: DRG
SCALE: 1" = 50'



DANIEL R GEHR SURVEYING
 11274 GEHR ROAD
 BIG POOL, MARYLAND 21711
 301-331-7445

TAX MAP: 18 PARCEL: 76 GRID: 02
ACCOUNT: 017424 ELECTION DIST: 05
COUNTY: WASHINGTON
STATE: MARYLAND
DRAWING NO: C - 85 SHEET 1 OF 2
SUBDIVISION FILE NO: S-25-001

DEDICATION FOR INDIVIDUALS

I/WE DO HEREBY CERTIFY, FOR OURSELVES AND OUR PERSONAL REPRESENTATIVES, HEIRS AND ASSIGNS, THAT I/WE ARE THE LEGAL AND TRUE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED ON THIS PLAT AND THAT I/WE HEREBY ADOPT THE PLAN OF SUBDIVISION SHOWN HEREON, HEREBY ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES SHOWN HEREON, HEREBY DEDICATE TO PUBLIC USE ALL UTILITY AND DRAINAGE EASEMENT AREAS AND ALL ALLEY, STREET AND ROAD RIGHTS OF WAY DESIGNATED ON THIS PLAT, HEREBY AGREE TO KEEP OPEN ALL SPACES AND RECREATION AREAS SHOWN HEREON AND HEREBY AGREE THAT SAID DEDICATIONS SHALL NOT IMPOSE ANY RESPONSIBILITY ON THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY REGARDING THE SUBJECTS OF SUCH DEDICATIONS UNTIL LEGAL ACCEPTANCE THEREOF BY SAID BOARD, AND I/WE HEREBY RESERVE THE FEE SIMPLE TITLE TO THE LAND UNDERLYING SAID EASEMENTS, RIGHT OF WAY, OPEN SPACES AND RECREATION AREAS AND, WITH REGARD TO THE SAID EASEMENTS AND RIGHTS OF WAY, HEREBY AGREE TO CONVEY THE SAME TO SAID BOARD, FOR THE USE OF SAID WASHINGTON COUNTY, WITHOUT CONSIDERATION, UPON THE LEGAL ACCEPTANCE OF SAID EASEMENTS AND/OR RIGHTS OF WAY BY SAID BOARD.

THIS DEED AND AGREEMENT OF DEDICATION SHALL BE BINDING UPON MY/OUR GRANTEEES, ASSIGNS, SUCCESSORS, HEIRS, AND PERSONAL REPRESENTATIVES.
WITNESS OUR HANDS AND SEALS THIS 16th DAY OF August 2024, 2023

Tina L. Davison (SEAL)
Daniel C. Davison (SEAL)
Brake Davis
WITNESS

THERE ARE NO SUITS, ACTIONS AT LAW, LEASES, LIENS, MORTGAGES, TRUSTS, EASEMENTS OR RIGHTS OF WAYS AFFECTING THE PROPERTY INCLUDED IN THIS PLAN OF SUBDIVISION EXCEPT THE FOLLOWING:

AND ALL PARTIES HAVING AN INTEREST THEREIN HAVE HEREUNTO AFFIXED THEIR SIGNATURES, INDICATING THEIR ASSENT TO THIS PLAN OF SUBDIVISION.

I/WE DO HEREBY ASSENT TO THIS PLAN OF SUBDIVISION.
WITNESS OUR HANDS AND SEALS THIS 16th DAY OF August 2024, 2023

Tina L. Davison (SEAL)
Daniel C. Davison (SEAL)
Brake Davis
WITNESS

WASHINGTON COUNTY FOREST CONSERVATION ORDINANCE
INTRA-FAMILY TRANSFER DECLARATION OF INTENT

District 05 Account # 017424 Map 18 Grid 02 Parcel 76
Property Owner(s) Name(s) TINA L. DAVISON & DANIEL C. DAVISON
Permanent Mailing Address: 152 SPRING VALLEY DRIVE
BERKELEY SPRINGS, WEST VIRGINIA 25411
Recipients Name(s) DEREK HOFFMAN
Recipients Relationship to Owner(s) SON
Property Location WEST SIDE OF HEAVENLY ACRES RIDGE
Current Deed Reference(s) Liber 7342 Folio 51
Liber Folio

I (we), TINA L. DAVISON & DANIEL C. DAVISON, the Owner(s) of the real property located at THE WEST SIDE OF HEAVENLY ACRES RIDGE and described in the above referenced deed(s) hereby declare my (our) intention to invoke the intrafamily transfer exemption for the above property, in accordance with the provisions of the Washington County Forest Conservation Program and COMAR 08.19.01.04, for a period of at least five (5) consecutive full taxable years following this date of recordation of this document.

This declaration grants an exemption for the purpose of constructing a dwelling house intended for the use of the owner, or an immediate family member of the owner based on the Washington County Forest Conservation Program. If the land does not remain in the possession of an immediate family member for a period of five (5) years the Owner must notify the Washington County Planning Commission and may lose this exemption. If the Owner makes application for an activity regulated under the Forest Conservation Program, clears more than 20,000 square feet or more of forest from the above referenced property, or violates the requirements of a previous Forest Conservation Plan on all or part of the lot within the five (5) year period covered by this Declaration of Intent, Washington County may re-evaluate the exempt status conferred by this Declaration of Intent to determine if the regulated activity will require the Owner to meet afforestation or reforestation requirements established in the Forest Conservation Ordinance and COMAR 08.19.03. Forested areas cut in violation of this exemption may also be subject to noncompliance fees.

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

Signature (s) Tina L. Davison Date 8/16/24
Daniel C. Davison Date 8-16-24
TINA L. DAVISON (Printed Name)
DANIEL C. DAVISON (Printed Name)

NOTE: ADDRESS ASSIGNMENT
LOT 5 - 14000 HEAVENLY ACRES RIDGE
RESIDUAL TRACT - 14002 HEAVENLY ACRES RIDGE

EACH ADDRESS IS BASED ON THE ENTRANCE LOCATION AS SHOWN ON THIS PLAT. IF DRIVEWAYS ARE CONSTRUCTED AT A DIFFERENT LOCATION, THE ADDRESS FOR THAT LOT IS VOID. THE OWNER/DEVELOPER OF THAT LOT MUST REAPPLY TO THE WASHINGTON COUNTY PLANNING DEPARTMENT FOR A NEW ADDRESS.

INTERIM FACILITIES PROVISION CERTIFICATION

IN COMPLIANCE WITH COMAR 26.03.01.05.B. (1) AND (2), THE INDIVIDUAL WATER SUPPLY AND/OR SEWER SYSTEM IS HEREBY PERMITTED ON A TEMPORARY INTERIM BASIS. FUTURE LOT OWNERS ARE ADVISED THAT THE INDIVIDUAL SYSTEMS SERVING THE LOT INDICATED ON THIS PLAT ARE OF A TEMPORARY INTERIM NATURE AND THAT CONNECTION TO A FUTURE COMMUNITY SYSTEM SHALL BE MADE WITHIN ONE (1) YEAR OR LESS AFTER THE SYSTEM BECOMES AVAILABLE.

Daniel C. Davison 3-1-25
OWNER DATE
Tina L. Davison 3-1-25
OWNER DATE

CERTIFICATE OF APPROVAL OF INDIVIDUAL WATER SUPPLY AND INDIVIDUAL SEWERAGE SYSTEM

I HEREBY CERTIFY THAT THE MINIMUM OWNERSHIP AREA COMPLIES WITH THE MINIMUM WIDTH AND MINIMUM AREA REQUIREMENTS SPECIFIED IN COMAR 26.04.03.03. SUCH MINIMUM OWNERSHIP SHALL REMAIN EQUAL TO THE MINIMUM WIDTH AND MINIMUM AREA SET FORTH IN COMAR 26.04.03.03.A. (2) UNTIL COMMUNITY SEWERAGE AND WATER HAVE BEEN MADE AVAILABLE. NOT MORE THAN ONE PRINCIPLE BUILDING MAY BE ERRECTED OR CONSTRUCTED ON A LOT, OR LOTS, CONTAINED IN THE MINIMUM OWNERSHIP AREA AS ESTABLISHED BY COMAR 26.04.03.03.A. (2) UNTIL COMMUNITY SEWERAGE HAS BEEN MADE AVAILABLE.

SIGNATURE COUNTY HEALTH OFFICER

- NOTES:
- 1) THE PURPOSE OF THIS PLAT IS TO CREATE LOT 5 AND A RESIDUAL LANDS WITH A TWENTY FIVE FOOT PANHANDLE.
 - 2) AN EIGHT (8) FOOT WIDE EASEMENT FOR UTILITIES AND DRAINAGE TO BE DEDICATED ON THE INTERIOR OF EACH SIDE AND REAR LOT LINE. A TEN (10) FOOT WIDE EASEMENT FOR UTILITIES TO BE DEDICATED ALONG THE INTERIOR OF THE FRONT LOT LINES.
 - 3) SEPTIC RESERVED AREA IS FOR AN AT-GRADE MOUND ONLY. IT CONSIST OF 3 AT-GRADE MOUNDS ON CONTOUR, SIZED AT 35 FEET BY 75 FEET PER MOUND WITH 5 FEET IN BETWEEN EACH BED AND A MINIMUM 25 FOOT WIDE AREA DOWNSLOPE OF THE AT- GRAD RESERVED AREA, TO BE DESIGNATED AS AN AREA PROTECTED FROM COMPACTION AND GRADING. NO CONSTRUCTION, DRIVEWAYS, UTILITIES, SWIMMING POOLS, OR PHYSICAL STRUCTURES PERMITTED IN THE RESERVED AREA.
 - 4) PROPERTY ZONED: "EC" - ENVIRONMENTAL CONSERVATION DISTRICT - NO BUILDING SHALL BE CONSTRUCTED WITHIN 15 FEET OF EACH SIDE LINE, 50 FEET FROM EACH REAR LINE AND 40 FEET OF A RIGHT-OF-WAY LINE, EXCEPT FOR ACCESSORY STRUCTURES MAY BE CONSTRUCTED IN ACCORDANCE WITH SECTIONS 4.10 AND 23.5 (b) OF THE WASHINGTON COUNTY ZONING ORDINANCE. ACCESSORY STRUCTURES ARE NOT PERMITTED WITHOUT A PRINCIPAL PERMITTED STRUCTURE.
 - 5) CONTOURS DERIVED BY FIELD SURVEY WITH BASE DATA INTERPOLATED FROM USGS QUADRANGLE MAP "HANCOCK, MD, WV, PA"
 - 6) RESIDUAL TRACT BY DEED CONTAINS 12.77 ACRES +/-
 - 7) THERE IS NO EXISTING SEPTIC OR WELLS WITHIN 100' OF LOTS EXCEPT THOSE SHOWN ON THE PLAT.
 - 8) PLEASE BE ADVISED THAT ANY PROJECT WHICH CREATES A DISTURBANCE OF ONE (1) ACRE OR MORE WILL REQUIRE A 'NOTICE OF INTENT TO COMPLY WITH THE GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY' (NOI) THE NOI IS REQUIRED UNDER THE CLEAN WATER ACT AS STATED IN 40 CFR 122.26 AND CODE OF MARYLAND REGULATIONS COMAR 26.08.04.09A AND IS REGULATED BY THE MARYLAND DEPARTMENT OF ENVIRONMENT (MDE). THE NOI IS TO BE SUBMITTED WITH THE APPROPRIATE FEES DIRECTLY TO THE MDE PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITY. NO LAND DISTURBING ACTIVITY THAT REQUIRES A GRADING PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY (MDR10) HAS BEEN ISSUED BY MDE.
 - 9) A DEDICATED RIGHT-OF- WAY OF 25' IN WIDTH MEASURED FROM THE CENTERLINE OF HEAVENLY ACRES RIDGE FOR THE PURPOSE OF THE POSSIBLE WIDENING OF SAID ROAD. HEAVENLY ACRES RIDGE IS CLASSIFIED AS A LOCAL ROAD.
 - 10) WATERSHED AFFECTING THE PROPERTY IS 3 ACRES.
 - 11) ANY DRIVEWAY ENTRANCES FOR THE SUBDIVIDED LOTS ON HEAVENLY ACRES RIDGE WILL REQUIRE A MARYLAND STATE HIGHWAY ENTRANCE PERMIT AND MUST BE CONSTRUCTED TO STATE HIGHWAY STANDARDS.
 - 12) ANY DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE CURRENT WASHINGTON COUNTY STORMWATER MANAGEMENT, GRADING, SOIL EROSION AND SEDIMENT CONTROL ORDINANCE.
 - 13) LOT 5 AS SHOWN ON THIS SUBDIVISION HAS BEEN DETERMINED TO BE AN EXEMPTION LOT PER EC SECTION 5B.4 AND 5B.3 OF THE WASHINGTON COUNTY ZONING ORDINANCE. LOT 5 DOES NOT MEET THE DENSITY REQUIREMENTS PER SECTION 5A.3 OF THE ZONING ORDINANCE, THUS IT CANNOT BE FURTHER SUBDIVIDED. DENSITY AND EXEMPTION LOT STATUS IS THE A(R), EC, AND P DISTRICTS BECAME EFFECTIVE ON OCTOBER 29,2002.

TRACKING NOTES:

1. THIS RESIDENTIAL SUBDIVISION PLAT IS SUBJECT TO ALL APPLICABLE LOCAL, STATE AND FEDERAL LAWS AND REGULATIONS. ANY FURTHER POTENTIAL OF SUBDIVISION OF ANY LOTS OR REMAINING LANDS CREATED BY THIS SUBDIVISION IS SUBJECT TO THE REQUIREMENTS OF THE MARYLAND ANNOTATED CODE, ENVIRONMENT ARTICLE, SECTION 9-206 AND ALL APPLICABLE LOCAL, STATE AND FEDERAL LAWS AND REGULATIONS.
2. IN ACCORDANCE WITH THE REQUIREMENTS OF THE MARYLAND ANNOTATED CODE, ENVIRONMENT ARTICLE, SECTION 9-206, UPON RECORDATION OF THIS PLAT, A TOTAL OF 1 RESIDENTIAL LOTS, PLATS, BUILDING SITES, OR OTHER DIVISION OF LAND HAVE BEEN CREATED FROM THE PARENT PARCEL OR TRACT SINCE OCTOBER 1, 2012. IN ACCORDANCE WITH MARYLAND ANNOTATED CODE, ENVIRONMENT ARTICLE, SECTION 9-206 AND SUBJECT TO ALL OTHER APPLICABLE LOCAL, STATE AND FEDERAL LAWS, THERE ARE NOT MORE THAN 6 (REMAINING) RESIDENTIAL LOTS, PLATS, BUILDING SITES, OR OTHER DIVISIONS OF LAND ALLOWED AS A SUBDIVISION.
3. THE RESIDENTIAL MINOR SUBDIVISION MAY NOT BE RESUBDIVIDED OR FURTHER SUBDIVIDED INTO AN ADDITIONAL BUILDING LOT(S). PLEASE NOTE, FOR A SIMPLIFIED PLAT, NOTES 1 AND 2 WILL APPLY. HOWEVER, ANY NEW LOT CREATED UNDER A SIMPLIFIED PLAT AND DENOTED "NOT FOR DEVELOPMENT" WILL NOT BE COUNTED TOWARD THE 7 LOT LIMIT UNTIL SUCH LOT IS SUBMITTED AS A RESIDENTIAL SUBDIVISION FINAL PLAT.

SENSITIVE AREAS NOTICE

FISH AND WILDLIFE SERVICE PER 50 CFR 17 AS REQUIRED TO BE SHOWN BY SECTIONS 307 AND 314 OF THE WASHINGTON COUNTY SUBDIVISION ORDINANCE AND SECTION 4.21 (C&D) OF THE WASHINGTON COUNTY ZONING ORDINANCE. THIS SUBDIVISION IS NOT WITHIN 1000' OF THE APPALACHIAN TRAIL.

NOTES:

1. THE PARCEL LIES WITHIN ZONE X OF FEMA FLOOD INSURANCE RATE MAP, COMMUNITY PANEL 24043C0034D DATED AUGUST 15, 2017
 2. THE U.S. FISH AND WILDLIFE SERVICES NATIONAL WETLANDS INVENTORY SHOWS NO TYPE OF WETLANDS AFFECTING THIS PARCEL.
- THERE ARE NO CRITICAL HABITAT FOR THREATENED OR ENDANGERED SPECIES IDENTIFIED BY THE U.S.



PROPERTY MAP	CURRENT OWNER	DEED REFERENCE	RECORD PLAT	TAX MAP & PARCEL	YEAR SUBDIVIDED
1. TINA L. DAVISON	L. 7342 F. 51	L. 359 F. 248	T.M. 18 PAR. 76	JULY 13, 1960	
2. TINA L. DAVISON	L. 7342 F. 51		T.M. 18 PAR. 76	JULY 10, 1961	
3. TINA L. DAVISON	L. 7342 F. 51		T.M. 18 PAR. 76	DEC. 12, 1962	
4. WILLIAM L. SHIPPLET	L. 964 F. 842	L. 656 F. 525	T.M. 18 PAR. 184	FEB. 1, 1978	
5. PROPOSED LOT 5	PART OF L. 7342 F. 51		PART OF T.M. 18 PAR. 76		

FOR RECORDATION STAMP

PLAT NO. _____
DATE: _____
WASHINGTON COUNTY

OWNER:
DANIEL C. DAVISON &
TINA L. DAVISON
152 SPRING VALLEY DRIVE
BERKELEY SPRINGS, WEST VIRGINIA 25411
(304) 433-4037

REVISIONS:	3-6-2025 PER PLANNING COMMENTS
DATE:	JANUARY 3, 2025
DRAWN BY:	DRG
SCALE:	NO SCALE



DANIEL R GEHR SURVEYING
11274 GEHR ROAD
BIG POOL, MARYLAND 21711
301-331-7445

PRELIMINARY/FINAL
SUBDIVISION PLAT
FOR
LOT 5
DANIEL DAVISON
SITUATED ON THE WEST SIDE OF
HEAVENLY ACRES RIDGE
WASHINGTON, COUNTY, MARYLAND

TAX MAP: 18	PARCEL: 76	GRID: 02
ACCOUNT: 017424	ELECTION DIST: 05	
COUNTY: WASHINGTON		
STATE: MARYLAND		
DRAWING NO: C-85	SHEET 2 OF 2	
SUBDIVISION FILE NO: S-25-001		

PP-24-002 Elmwood Farm 5D

- Presented is a preliminary plat for 19 lots for Elmwood Farm, Section 5D.
- The site is located at parcel 1081 off of Lappans Road in Williamsport.
- Section 5D will be accessed from Lappans Road as well as Kendle Road
- Public water provided by City of Hagerstown and sewer by Washington County Water Quality
- There will be no signage as part of this project
- Forest Conservation has been addressed on a previous project (PP-20-001)
- All agency approvals received
- Gordon Poffenberger from Fox and Associates is here to answer any questions you may have



PRELIMINARY PLAT STAFF REPORT

BASE INFORMATION

SITE NAME.....: Elmwood Farm Revised Section 5D
NUMBER.....: PP-24-002
OWNER.....: Felix's Folly LLC
LOCATION.....:
DESCRIPTION.....: PP for sect 5D of the ex Elmwood Farm subdivision
ZONING.....: Residential, Suburban
COMP PLAN LU.....: Low Density Residential
PARCEL.....: 02023474
PLANNING SECTOR.....: 1
ELECTION DISTRICT.....: 02
TYPE.....: Single Family
GROSS ACRES.....: 11.74
DWELLING UNITS.....: 19
TOTAL LOTS.....: 19
DENSITY.....: 1.6184 Units Per Acre
PLANNER.....: Scott A Stotemyer
ENGINEER.....: FOX & ASSOCIATES INC
RECEIVED.....: February 8, 2024

SITE ENGINEERING

HYDROGRAPHY, SENSITIVE & ENVIRONMENTAL INFORMATION

FLOOD ZONE.....: Yes
WETLANDS.....: None
WATERSHED.....: Potomac River WA Cnty
ENDANGERED SPECIES.....: None
HISTORIC INVENTORY.....: No Resources Present
EASEMENTS PRESENT.....: S-21-019

SITE DESIGN

Impervious Area Plan	Impervious Maximum Allowed	Open Space Area Planned
Staff Comments:		
Open Space Minimum Required <i>Not Applicable</i>	Residential Amenity Plans	Solid Waste Disposal Plans
Materials Stored on Site	Buffer Design Meets Requirements	Landscaping Meets Requirements
Lighting Plan Meets Requirements	Pedestrian Access is Adequate	Bus Stop is Within Walking Distance
Loading Area Meets Requirements		Not Fast Track
Parking Spaces - Total Planned	Parking Spaces - Per Dwelling Unit	
Parking Spaces - Minimum Required	Recreational Parking Provided	

SCHOOL INFORMATION



WASHINGTON COUNTY DEPARTMENT OF PLANNING & ZONING

747 Northern Avenue | Hagerstown, MD 21742-2723 | P:240.313.2430 | F:240.313.2431 | Hearing Impaired: 7-1-1

	ELEMENTARY	MIDDLE	HIGH
SCHOOL DISTRICT	Fountain Rock	Springfield	Williamsport
PUPIL YIELD	4.18		
CURRENT ENROLLMENT	931		
MAXIMUM CAPACITY	1094		

PUBLIC FACILITIES INFORMATION

FIRE DISTRICT.....:
AMBULANCE DISTRICT.....:

WATER & SEWER INFORMATION

	WATER	SEWER
METHOD.....:	City	County
SERVICE AREA.....:	City	County
PRIORITY.....:	1-Existing Service	1-Existing Service
NEW HYDRANTS.....:		
GALLONS PER DAY SEWAGE...:		
PLANT INFO.....:		Conococheague

STANDARD NOTES:

- a. A DRAINAGE AND UTILITY EASEMENT IS GRANTED ALONG ALL PROPERTY LINES... b. A PUBLIC WORKS AGREEMENT AND PERFORMANCE SECURITY WILL BE REQUIRED FOR ALL IMPROVEMENTS... c. IN CONFORMANCE WITH THE STORMWATER MANAGEMENT ORDINANCE OF WASHINGTON COUNTY...

GENERAL NOTES

- 1. ALL CONSTRUCTION METHODS AND MATERIALS SHALL BE IN STRICT ACCORDANCE WITH THE WASHINGTON COUNTY ENGINEERING DEPARTMENT STANDARDS... 2. INFORMATION CONCERNING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS...

SENSITIVE AREA NOTICE

THE STREAM BUFFERS SHOWN ON HEREON ARE ESTABLISHED PURSUANT TO THE REQUIREMENTS OF THE WASHINGTON COUNTY SUBDIVISION ORDINANCE...

NOTE: THIS PLAN IS A PARTIAL RE-DESIGN OF SECTION 5 OF THE ELMWOOD FARM SUBDIVISION. THIS PLAN IS NOT INTENDED TO REPLACE THE ELMWOOD FARM PHASE 4 & 5 PLANS...

STORMWATER MANAGEMENT NARRATIVE

THIS PROJECT IS BEING DESIGNED TO MEET THE MARYLAND STORMWATER ACT OF 2007 WHICH SUPPLEMENTS THE ORIGINAL 2000 MARYLAND DESIGN MANUAL...

THE DEVELOPMENT OF SECTION 5D WILL BE ENTIRELY CONTROLLED BY POND #1 FOR BOTH QUANTITY AND QUALITY CONTROL.

Table with columns: TYPE, NO., DA TO STRUCTURE (AC), IMPERVIOUS DA TO STRUCTURE (AC), WQv (AC-FT), ESDv (AC-FT), PE ADDRESSED (IN). Includes sub-tables for ESD PRACTICES SUMMARY TABLE and NON-ESD PRACTICES SUMMARY TABLE.

FOX & ASSOCIATES, INC. ENGINEERS • SURVEYORS • PLANNERS

981 MT. AETNA ROAD HAGERSTOWN, MD. 21740 PHONE: (301)733-8503



INDEX OF SHEETS

- COVER SHEET.....1 PRELIMINARY PLAT.....2 GRADING / SESO PLAN.....3 UTILITY PLAN.....4

ESTIMATED PROJECT SCHEDULE

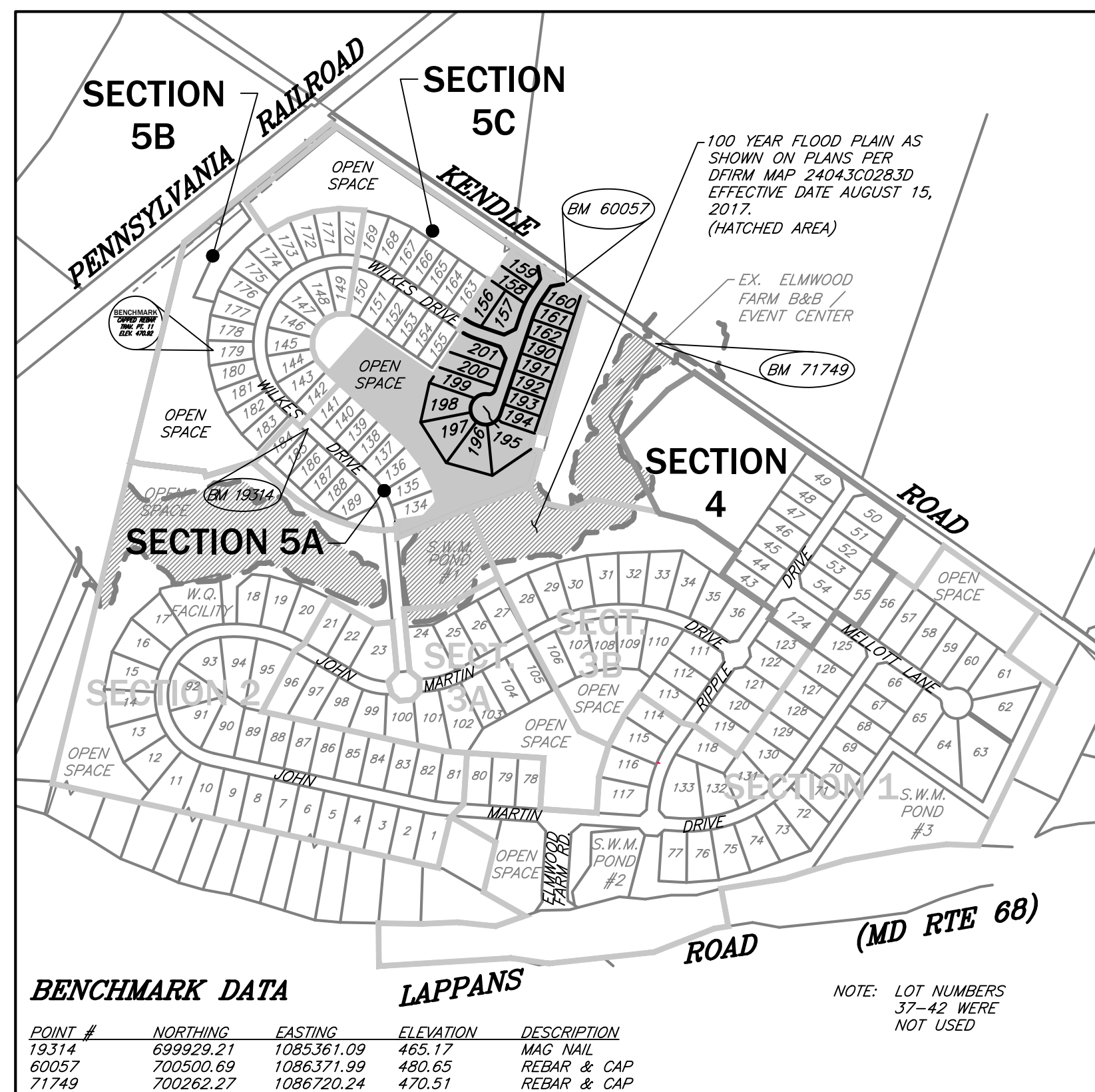
- PRELIMINARY PLAT APPROVAL.....JUNE 2024 GRADING PERMIT ISSUANCE.....JULY 2024

OWNER/DEVELOPER

FELIX'S FOLLY, LLC. C/O JOHN DALLAVALLE 8 EAST SECOND STREET, SUITE 101 FREDERICK, MD 21701

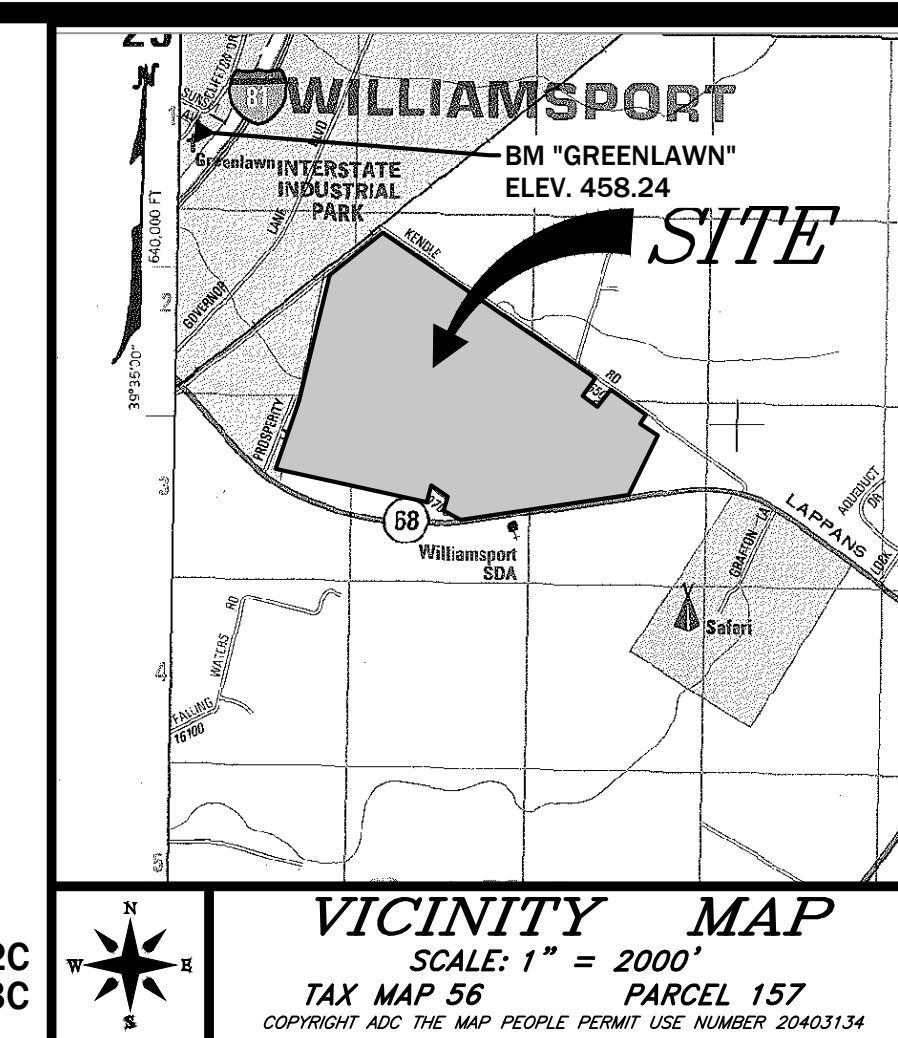
john@dallavallefinancial.com

REVISED PRELIMINARY PLAT and IMPROVEMENT PLANS ELMWOOD FARM SECTION 5D LOTS 156-162, AND 190-201 19 SINGLE FAMILY LOTS SITUATE NORTH OF LAPPANS ROAD (MD RTE 68) ELECTION DISTRICT No. 2 WASHINGTON COUNTY, MARYLAND



BENCHMARK DATA table with columns: POINT #, NORTHING, EASTING, ELEVATION, DESCRIPTION.

LOCATION MAP SCALE: 1" = 500'



ADC MAP 25 GRD 2A, 2B, 2C 3A, 3B, 3C

VICINITY MAP SCALE: 1" = 2000' TAX MAP 56 PARCEL 157

AGENCY & UTILITY CONTACTS

Table listing agency and utility contacts including County D.P.W., City Utilities Dept., and various engineering firms.

DISTURBED AREA QUANTITIES

THE TOTAL AREA TO BE DISTURBED SHOWN ON THESE PLANS HAS BEEN DETERMINED TO BE APPROXIMATELY 2.68 ACRES AND THE TOTAL AMOUNT OF EXCAVATION AND FILL AS SHOWN ON THESE PLANS HAS BEEN COMPUTED TO BE APPROXIMATELY 10,640 C.Y. OF EXCAVATION AND 9,790 C.Y. OF FILL.

* THESE QUANTITIES ARE APPROXIMATE AND SHALL NOT BE USED BY THE CONTRACTOR FOR BIDDING PURPOSES.

UTILITY NOTIFICATION

THE SOIL CONSERVATION DISTRICT MAKES NO REPRESENTATION AS TO THE EXISTENCE OR NON-EXISTENCE OF ANY UTILITIES AT THE CONSTRUCTION SITE.

ENGINEER PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.



ENGINEER/ARCHITECT DESIGN CERTIFICATION

I HEREBY CERTIFY THAT THE PLANS HAVE BEEN DESIGNED IN ACCORDANCE WITH LOCAL ORDINANCES, COMAR 26.17.01.07, MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL.

FEB 06, 2025 DATE REG. NO. 27053 SIGNATURE

OWNER/DEVELOPER CERTIFICATION - DPW

I/WE HEREBY CERTIFY THAT ALL CLEARING, GRADING, CONSTRUCTION, AND/OR DEVELOPMENT WILL BE DONE PURSUANT TO THIS PLAN AND IN ACCORDANCE WITH THE STORMWATER MANAGEMENT ORDINANCE OF WASHINGTON COUNTY AND THE POLICY ON CONSTRUCTION OF SUBDIVISION INFRASTRUCTURE FOR ACCEPTANCE AND OWNERSHIP BY WASHINGTON COUNTY (S-3)

DATE PRINTED NAME SIGNATURE

OWNER/DEVELOPER CERTIFICATION - SCD

I/WE CERTIFY ALL/ANY PARTIES RESPONSIBLE FOR CLEARING, GRADING, CONSTRUCTION, AND/OR DEVELOPMENT WILL BE DONE PURSUANT TO THIS PLAN AND RESPONSIBLE PERSONNEL INVOLVED IN THE CONSTRUCTION PROJECT WILL HAVE A CERTIFICATE OF TRAINING AT A MARYLAND DEPARTMENT OF THE ENVIRONMENT APPROVED TRAINING PROGRAM FOR THE CONTROL OF SOIL EROSION AND SEDIMENT.

DATE PRINTED NAME SIGNATURE

WASHINGTON COUNTY SOIL CONSERVATION DISTRICT

NOTE: THIS PRELIMINARY PLAT (PP-24-XXX) HAS BEEN SUBMITTED TO REVISE SECTION 5 OF ELMWOOD SUBDIVISION PRELIMINARY PLAT PP-20-001. UPON APPROVAL OF THIS SET OF PLANS, PP-20-001 WILL REMAIN IN EFFECT FOR SECTIONS 5A, 5B, & 5C ONLY.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF THAT THIS PLAN IS CORRECT AND FURTHER THAT THIS PLAN WAS PERSONALLY PREPARED BY ME, OR THAT I WAS IN RESPONSIBLE CHARGE OVER ITS PREPARATION AND THE SURVEYING WORK REFLECTED HEREON, ALL IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN COMAR 09.13.06.12 IN EFFECT AT THE TIME THIS SURVEY WAS PERFORMED.

DATE: GEORGE E. NAGEL, PROFESSIONAL LAND SURVEYOR, MARYLAND REGISTRATION NO. 21052, EXPIRATION/RENEW DATE: 08/24/2026

WASHINGTON COUNTY DEPARTMENT OF WATER QUALITY

THIS APPROVAL IS FOR GENERAL CONFORMANCE WITH THE COUNTY'S REQUIREMENTS FOR DESIGN AND LAYOUT OF PROPOSED SEWER AND/OR WATER SYSTEM IMPROVEMENTS OR EXTENSIONS. ALL SEWER AND/OR WATER SYSTEM IMPROVEMENTS OR EXTENSIONS SHALL BE CONSTRUCTED IN STRICT ACCORDANCE WITH THE COUNTY'S LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF SANITARY SEWERS AND/OR WATER LINES.

BY: DATE:

THIS PLAN/PLAT HAS BEEN REVIEWED BY THE WASHINGTON COUNTY DEPARTMENT OF WATER QUALITY FOR INCLUSION INTO THE COUNTY CAPACITY MANAGEMENT PLAN FOR THE SYSTEM THAT SERVES THIS PROJECT.

WASHINGTON COUNTY DEPARTMENT OF WATER QUALITY DATE

ENGINEER'S STORMWATER MANAGEMENT AS-BUILT CERTIFICATION

I VERIFY AND AFFIRM THAT THE CONSTRUCTION FOR THE STORMWATER MANAGEMENT FACILITIES AS PERFORMED EITHER MEETS OR EXCEEDS THE REQUIREMENTS AND DESIGN INTENT OF THIS PLAN, INCLUDING ALL SPECIFICATIONS AND REFERENCED STANDARDS, AND HAS BEEN COMPLETED IN ACCORDANCE WITH GOOD CONSTRUCTION PRACTICES.

NAME DATE

ENGINEER'S AS-BUILT STREET CERTIFICATION

I VERIFY AND AFFIRM THAT THE STREET CONSTRUCTION AS PERFORMED EITHER MEETS OR EXCEEDS THE REQUIREMENTS AND DESIGN INTENT OF THIS PLAN, INCLUDING ALL SPECIFICATIONS AND REFERENCED STANDARDS, AND HAS BEEN COMPLETED IN ACCORDANCE WITH GOOD CONSTRUCTION PRACTICES.

SIGNATURE DATE SEAL

WASHINGTON COUNTY DIVISION OF ENGINEERING

(SIGNATURE) (DATE)

CITY OF HAGERSTOWN UTILITIES DEPARTMENT - WATER DIVISION

THIS APPROVAL IS FOR THE DESIGN AND LAYOUT OF THE PROPOSED WATER SYSTEM IMPROVEMENTS. ALL WATER SYSTEM IMPROVEMENTS SHALL BE CONSTRUCTED TO THE STANDARDS IN EFFECT AT THE TIME OF CONSTRUCTION. THIS APPROVAL DOES NOT GUARANTEE AVAILABILITY OF WATER SERVICE.

SIGNATURE DATE SEAL

CONSTRUCTION PERMIT NOTE

A CONSTRUCTION PERMIT SHALL BE OBTAINED FROM THE CITY OF HAGERSTOWN UTILITY ENGINEERING DEPARTMENT PRIOR TO BEGINNING CONSTRUCTION OF THE WATERLINE.

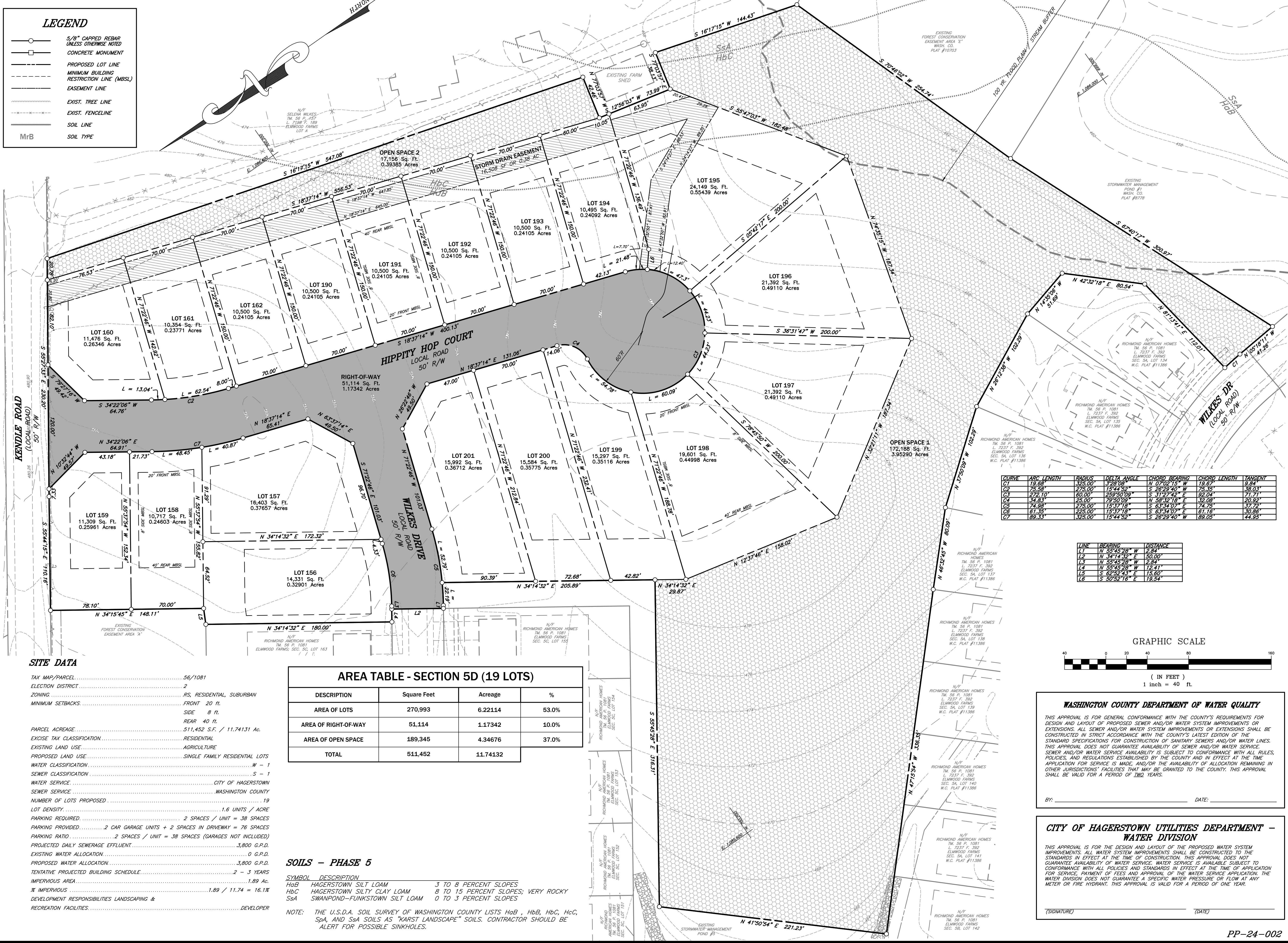
DATE	REVISION	DRAWN BY

PRELIMINARY PLAT - SECTION 5D
ELMWOOD FARM
REDESIGN SECTION 5D
SITUATE ALONG BOTH SIDES OF ALL STAR COURT
WASHINGTON COUNTY, MARYLAND

SCALE: 1" = 40'

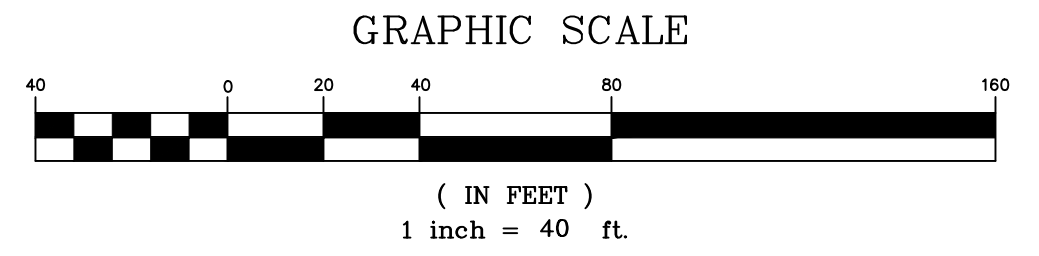
STATE OF MARYLAND
PROFESSIONAL ENGINEER
No. 27053 Exp. Date: 12/25/26
Feb 06, 2025

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A QUALIFIED LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
PROJECT NO. 23-51258
DRAWING NO. D-9280
DATE: NOVEMBER 2023
DRAWN BY: RLB
CHECKED BY: GSP



CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	TANGENT
C1	19.68'	325.00'	17°20'52"	N 107°02'15" W	19.67'	6.54'
C2	75.58'	275.00'	15°44'52"	S 26°29'40" W	75.35'	38.03'
C3	272.10'	80.00'	259°50'09"	S 31°27'42" E	92.04'	71.77'
C4	34.83'	330.00'	N 58°32'18" E	S 32°08'	29.93'	29.93'
C5	74.98'	275.00'	15°37'18"	S 63°34'07" E	74.75'	37.72'
C6	61.35'	225.00'	15°37'18"	S 63°34'07" E	61.16'	30.86'
C7	89.33'	325.00'	15°44'52"	S 26°29'40" W	89.05'	44.95'

LINE	BEARING	DISTANCE
L1	N 55°45'28" W	2.84'
L2	N 34°14'32" E	50.00'
L3	N 55°45'28" W	2.84'
L4	N 55°45'28" W	12.41'
L5	S 62°52'43" E	15.80'
L6	S 50°52'16" E	18.54'



WASHINGTON COUNTY DEPARTMENT OF WATER QUALITY
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BY: _____ DATE: _____

CITY OF HAGERSTOWN UTILITIES DEPARTMENT - WATER DIVISION
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(SIGNATURE) _____ (DATE) _____

LEGEND

- 5/8" CAPPED REBAR UNLESS OTHERWISE NOTED
- CONCRETE MONUMENT
- PROPOSED LOT LINE
- MINIMUM BUILDING RESTRICTION LINE (MBSL)
- EASEMENT LINE
- EXIST. TREE LINE
- EXIST. FENCELINE
- SOIL LINE
- SOIL TYPE

SITE DATA

TAX MAP/PARCEL	56/1081
ELECTION DISTRICT	2
ZONING	RS, RESIDENTIAL, SUBURBAN
MINIMUM SETBACKS:	FRONT 20 ft. SIDE 8 ft. REAR 40 ft.
PARCEL ACREAGE:	511,452 S.F. / 11,741.31 Ac.
EXCISE TAX CLASSIFICATION	RESIDENTIAL
EXISTING LAND USE	AGRICULTURE
PROPOSED LAND USE	SINGLE FAMILY RESIDENTIAL LOTS
WATER CLASSIFICATION	W - 1
SEWER CLASSIFICATION	S - 1
WATER SERVICE	CITY OF HAGERSTOWN
SEWER SERVICE	WASHINGTON COUNTY
NUMBER OF LOTS PROPOSED	19
LOT DENSITY	1.6 UNITS / ACRE
PARKING REQUIRED	2 SPACES / UNIT = 38 SPACES
PARKING PROVIDED	2 CAR GARAGE UNITS + 2 SPACES IN DRIVEWAY = 76 SPACES
PARKING RATIO	2 SPACES / UNIT = 38 SPACES (GARAGES NOT INCLUDED)
PROJECTED DAILY SEWERAGE EFFLUENT	3,800 G.P.D.
EXISTING WATER ALLOCATION	0 G.P.D.
PROPOSED WATER ALLOCATION	3,800 G.P.D.
TENTATIVE PROJECTED BUILDING SCHEDULE	2 - 3 YEARS
IMPERVIOUS AREA	1.89 Ac.
% IMPERVIOUS	1.89 / 11.74 = 16.1%
DEVELOPMENT RESPONSIBILITIES LANDSCAPING & RECREATION FACILITIES	DEVELOPER

AREA TABLE - SECTION 5D (19 LOTS)

DESCRIPTION	Square Feet	Acreage	%
AREA OF LOTS	270,993	6.22114	53.0%
AREA OF RIGHT-OF-WAY	51,114	1.17342	10.0%
AREA OF OPEN SPACE	189,345	4.34676	37.0%
TOTAL	511,452	11.74132	

SOILS - PHASE 5

SYMBOL	DESCRIPTION	SLOPES
HbB	HAGERSTOWN SILT LOAM	3 TO 8 PERCENT SLOPES
HbC	HAGERSTOWN SILTY CLAY LOAM	8 TO 15 PERCENT SLOPES; VERY ROCKY
SsA	SWAMPOND-FUNKSTOWN SILT LOAM	0 TO 3 PERCENT SLOPES

NOTE: THE U.S.D.A. SOIL SURVEY OF WASHINGTON COUNTY LISTS HbB, HbC, HbC, SsA, AND SsA SOILS AS "KARST LANDSCAPE" SOILS. CONTRACTOR SHOULD BE ALERT FOR POSSIBLE SINKHOLES.

DATE	
REVISION	
DRAWN BY	

GRADING / S.E.S.C. PLAN
ELMWOOD FARM
REDESIGN SECTION 5D
SITUATE ALONG BOTH SIDES OF ALL STAR COURT
WASHINGTON COUNTY, MARYLAND

SCALE: 1" = 30'

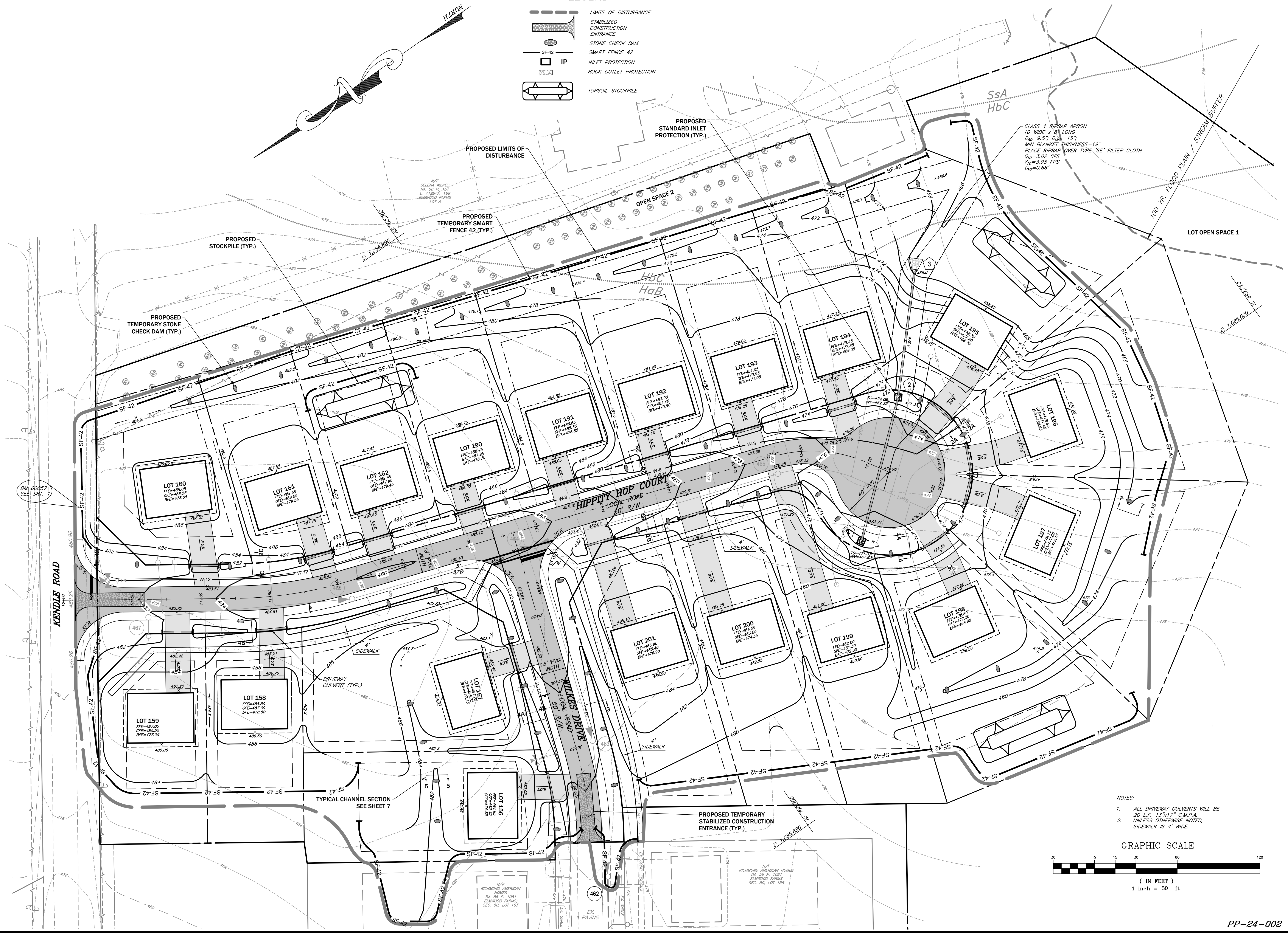
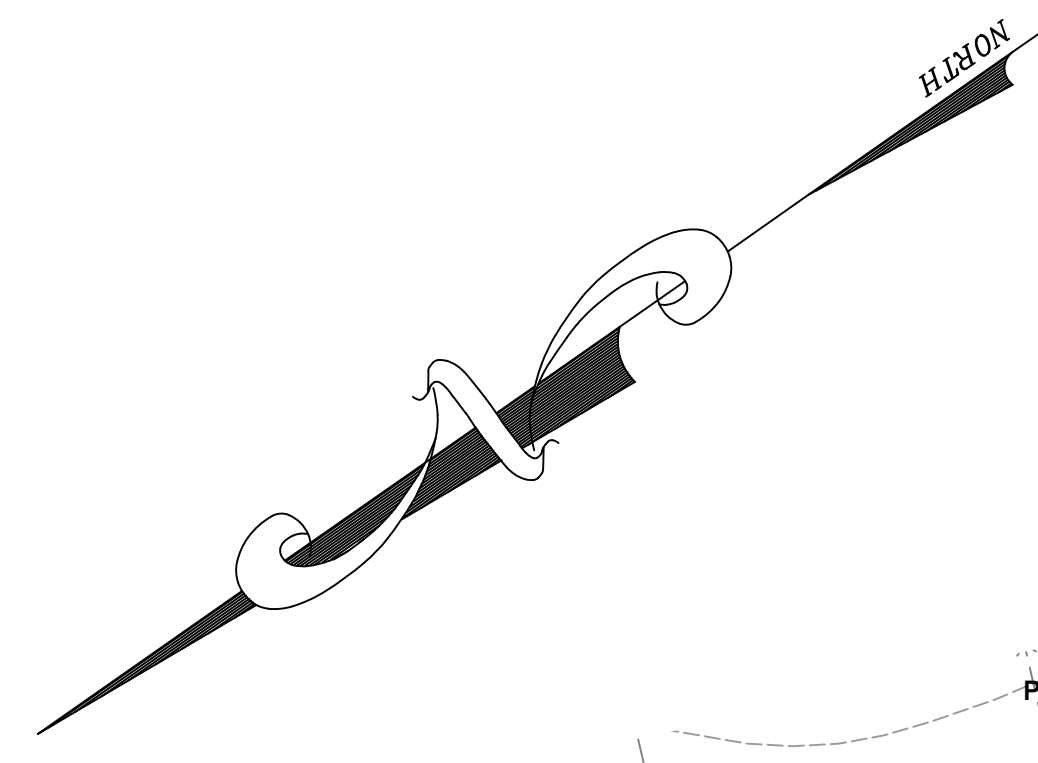


I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
LICENSE NO.: 27053 EXP. DATE: 1/25/26

PROJECT NO. 23-51258
DRAWING NO. D-9280
DATE: NOVEMBER 2023
DRAWN BY: RLB
CHECKED BY: GSP

LEGEND

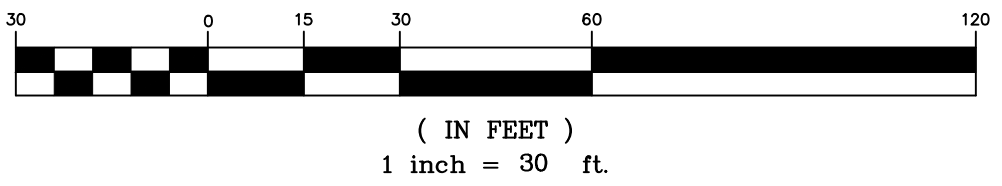
- LIMITS OF DISTURBANCE
- STABILIZED CONSTRUCTION ENTRANCE
- STONE CHECK DAM
- SMART FENCE 42
- INLET PROTECTION
- ROCK OUTLET PROTECTION
- TOPSOIL STOCKPILE



CLASS 1 RIPRAP APRON
10' WIDE x 8' LONG
D₅₀=9.5"; D_{max}=15";
MIN BLANKET THICKNESS=19"
PLACE RIPRAP OVER TYPE "SE" FILTER CLOTH
Q₁₀=3.02 CFS
V₁₀=3.98 FPS
D₁₀=0.66"

- NOTES:
- ALL DRIVEWAY CULVERTS WILL BE 20' L.F. 13"x17" C.M.P.A.
 - UNLESS OTHERWISE NOTED, SIDEWALK IS 4' WIDE.

GRAPHIC SCALE



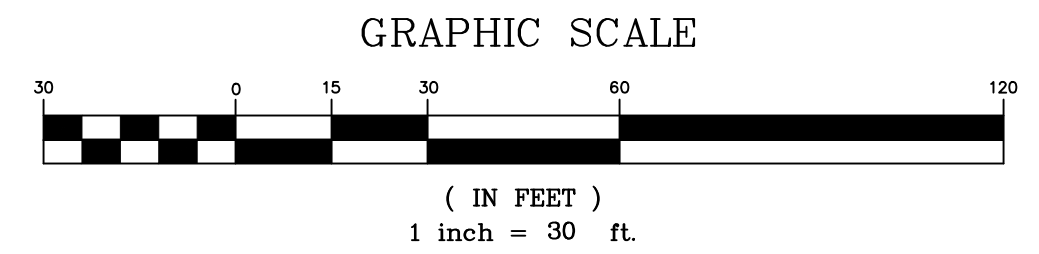
DATE	REVISION	DRAWN BY

UTILITY PLAN
ELMWOOD FARM
REDESIGN SECTION 5D
SITUATE ALONG BOTH SIDES OF ALL STAR COURT
WASHINGTON COUNTY, MARYLAND



UTILITY LEGEND

	FIRE HYDRANT		SEWER MANHOLE
	TEE INTERSECTION		SEWER DIRECTION OF FLOW
	REDUCER		GRINDER PUMP
	VALVE		LOW PRESSURE SEWER
	BLOWOFF		SINGLE SEWER HOUSE CONNECTION
	SINGLE WATER HOUSE CONNECTION		TERMINAL FLUSHING CONNECTION
	DOUBLE WATER HOUSE CONNECTION		
	8" DIP WATERLINE		
	12" DIP WATERLINE		



WASHINGTON COUNTY DEPARTMENT OF WATER QUALITY

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BY: _____ DATE: _____

CITY OF HAGERSTOWN UTILITIES DEPARTMENT - WATER DIVISION

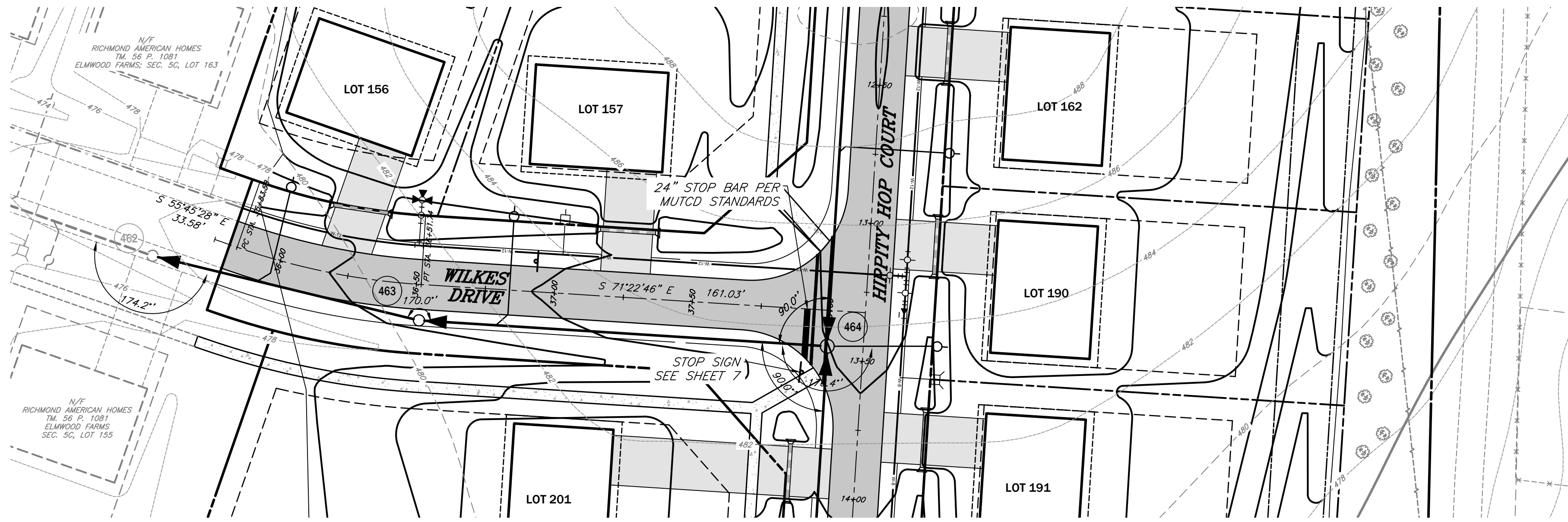
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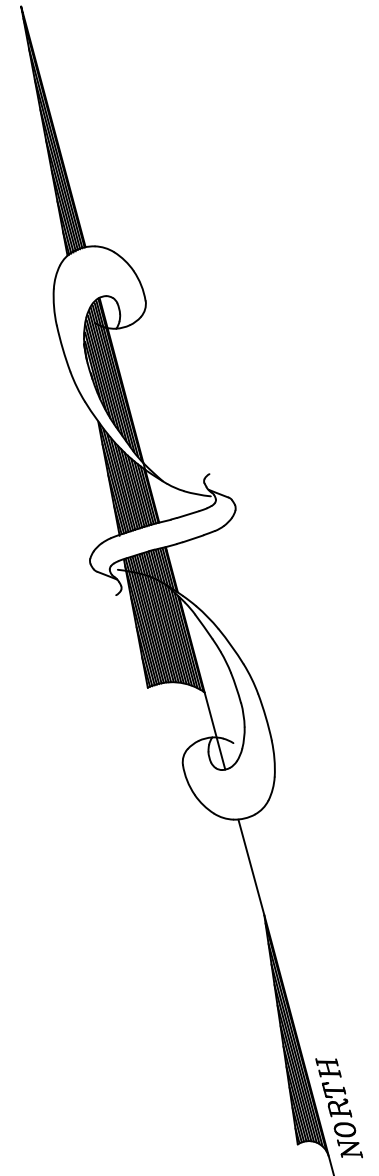
SCALE: 1" = 30'

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PROJECT NO. 23-51258
DRAWING NO. D-9280
DATE: NOVEMBER 2023
DRAWN BY: RLB
CHECKED BY: GSP

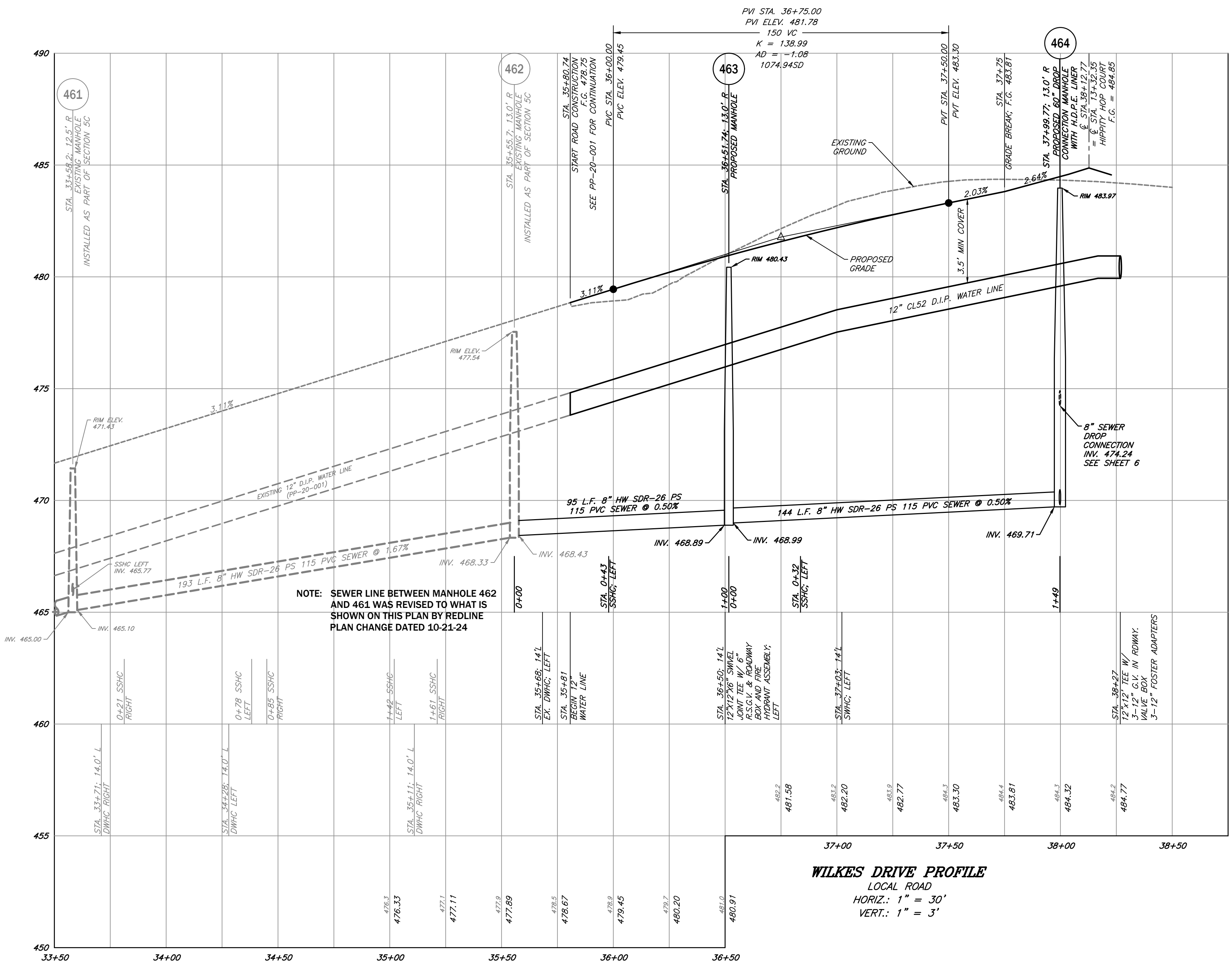


CURVE DATA
 P.C. STA. = 35+83.58
 P.T. STA. = 36+17.86
 RADIUS = 250
 LENGTH = 68.16
 DELTA = 153°18'
 DEGREE = 22°55'06"
 TANGENT = 34.29



- NOTES:
1. THIS PLAN IS A PARTIAL RE-DESIGN OF SECTION 5 OF THE ELMWOOD FARM SUBDIVISION. THIS PLAN IS NOT INTENDED TO REPLACE THE ELMWOOD FARM PHASE 4 & 5 PLANS. REFER TO THE PHASE 4 & 5 PLANS (PP-20-001, TYU 023-14) FOR ALL WORK OUTSIDE THE PHASE 5D LIMITS OF DISTURBANCE INCLUDING THE WIDENING OF KENDLE ROAD.
 2. CONTRACTOR MUST NOTIFY THE WASHINGTON COUNTY DEPARTMENT OF WATER QUALITY AT LEAST 5 DAYS BEFORE START OF SEWER CONSTRUCTION AT (240) 313-2600.

WILKES DRIVE - PLAN VIEW
 LOCAL ROAD
 SCALE: 1" = 30'



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 or (301) 735-1853
 FAX: (301) 865-6009
 Email: foxassoc@foxassocinc.com
 www.foxassocinc.com

DATE	REVISION

PLAN & PROFILE - WILKES DRIVE
ELMWOOD FARM
REDESIGN SECTION 5D
 SITUATE ALONG BOTH SIDES OF ALL STAR COURT
 WASHINGTON COUNTY, MARYLAND

WASHINGTON COUNTY DEPARTMENT OF WATER QUALITY

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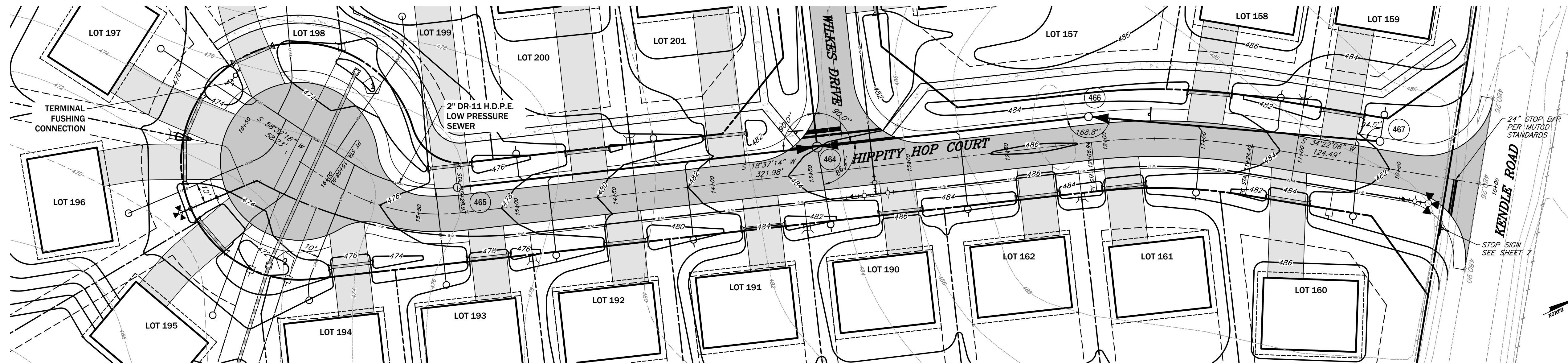


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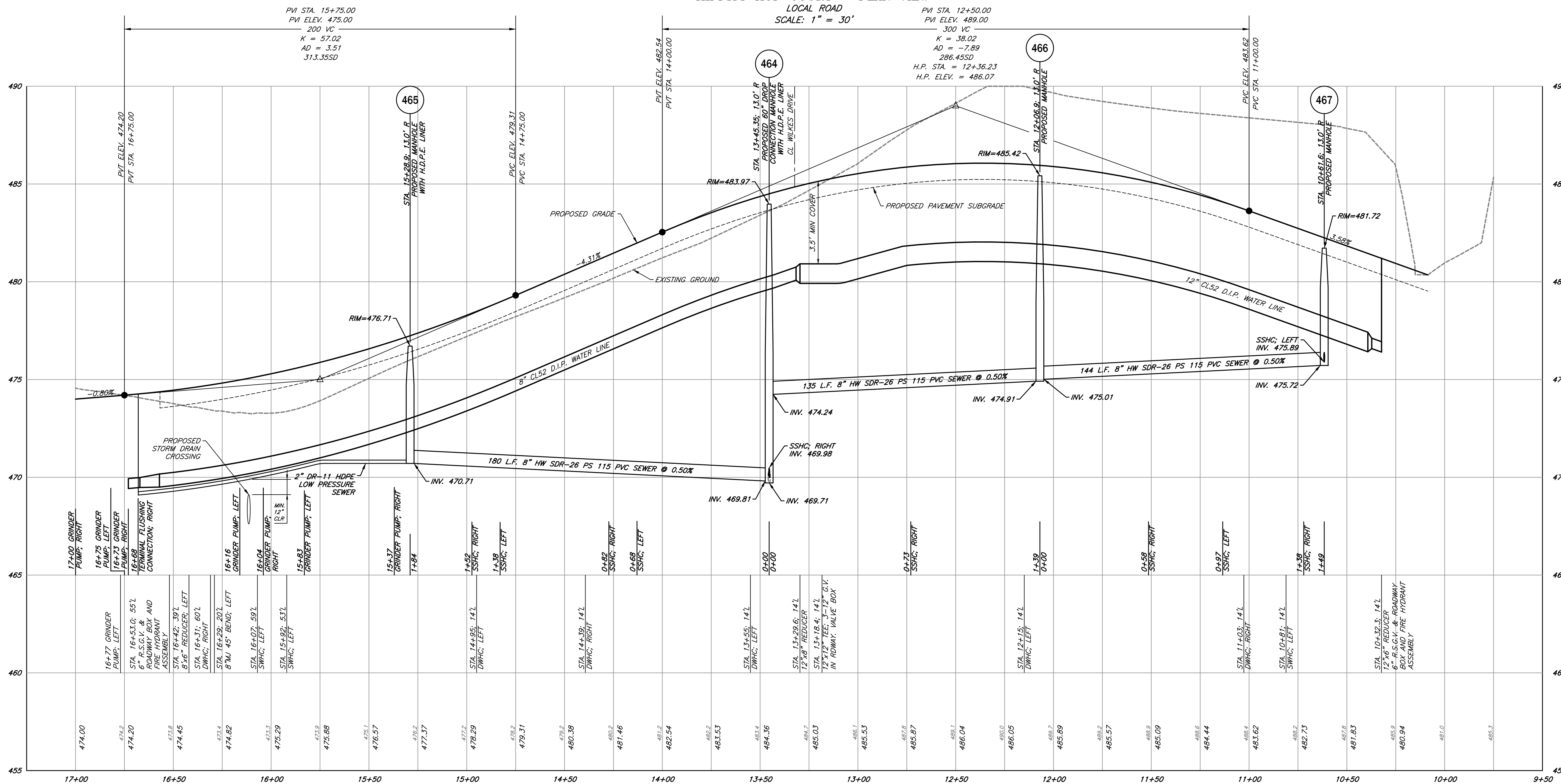
PROJECT NO. 23-51258
 DRAWING NO. D-9280
 DATE: NOVEMBER 2023
 DRAWN BY: RLB
 CHECKED BY: GSP

CURVE DATA
 P.C. STA. = 15+26.92
 P.T. STA. = 15+65.24
 R.I. STA. = 15+96.60
 RADIUS = 100.00'
 LENGTH = 69.67'
 DELTA = 39°55'04"
 DEGREE = 57°17'45"
 TANGENT = 36.32'

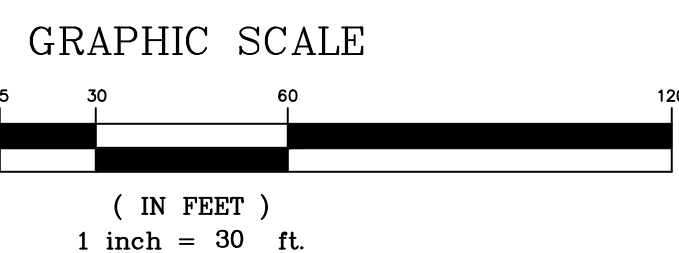
CURVE DATA
 P.C. STA. = 11+24.49
 P.T. STA. = 11+65.99
 R.I. STA. = 12+06.94
 RADIUS = 300.00'
 LENGTH = 82.46'
 DELTA = 15°44'52"
 DEGREE = 19±05'55"
 TANGENT = 41.49'



HIPPITY HOP COURT - PLAN VIEW
 LOCAL ROAD
 SCALE: 1" = 30'



HIPPITY HOP COURT PROFILE
 LOCAL ROAD
 HORIZ.: 1" = 30'
 VERT.: 1" = 3'



CONNECTION LEGEND

SWHC SINGLE WATER HOUSE CONNECTION
 DWHC DOUBLE WATER HOUSE CONNECTION
 SSHC SINGLE SEWER HOUSE CONNECTION

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 or
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 Email: foxassoc@foxassoc.com

PLAN & PROFILE - HIPPITY HOP COURT
ELMWOOD FARM
REDESIGN SECTION 5D
 SITUATE ALONG BOTH SIDES OF ALL STAR COURT
 WASHINGTON COUNTY, MARYLAND

SCALE: 1" = 30'

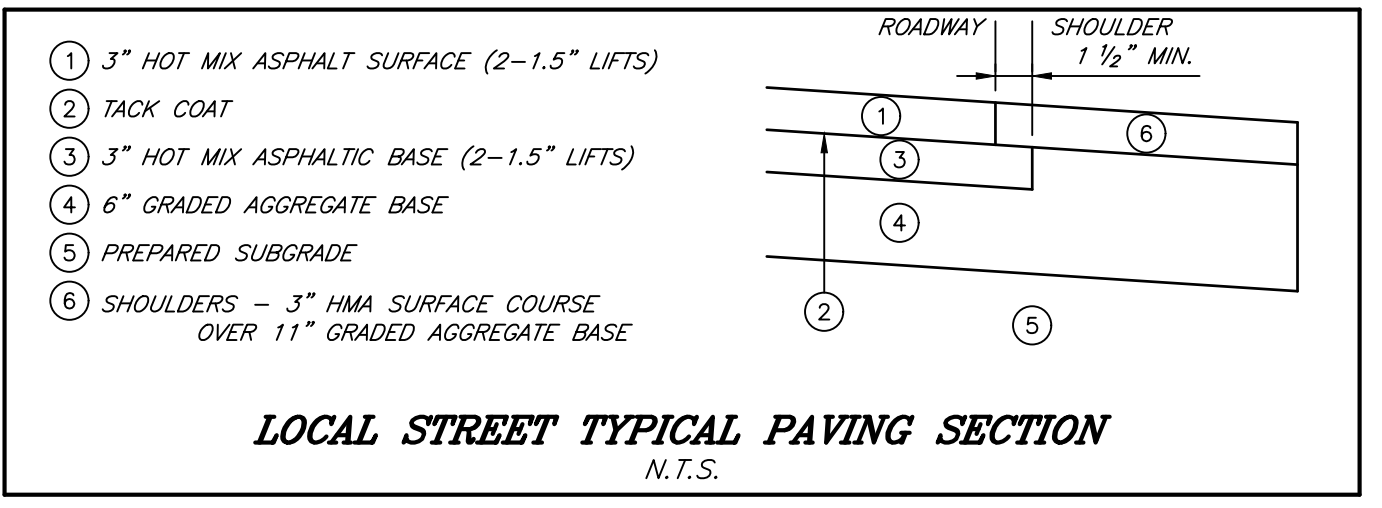
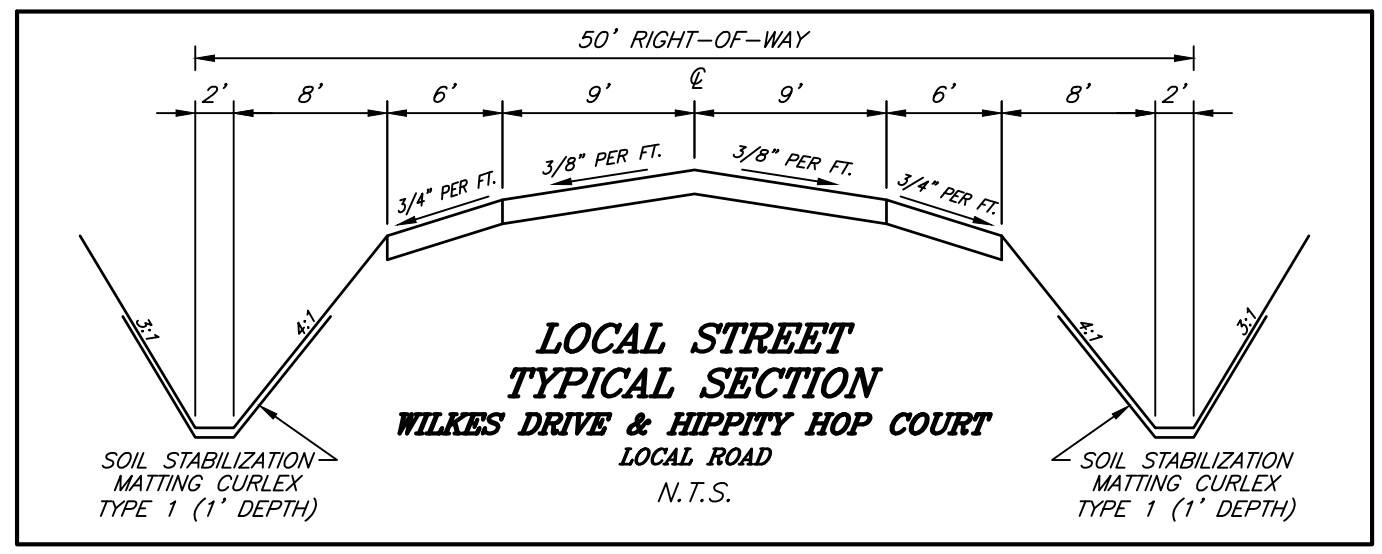


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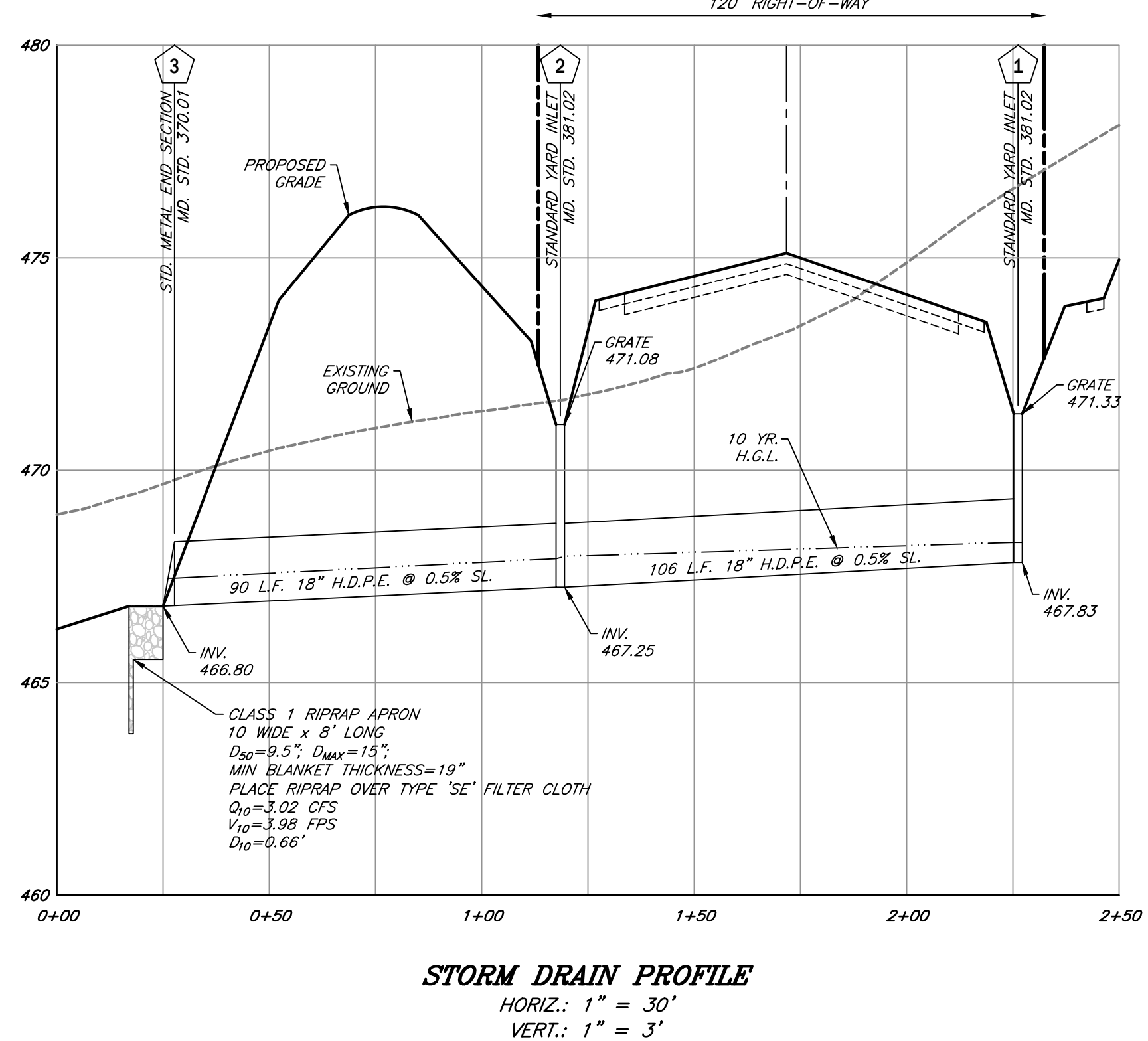
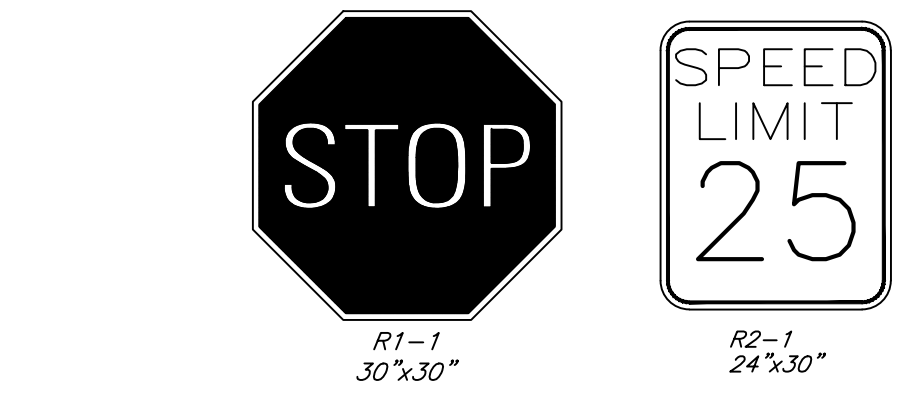
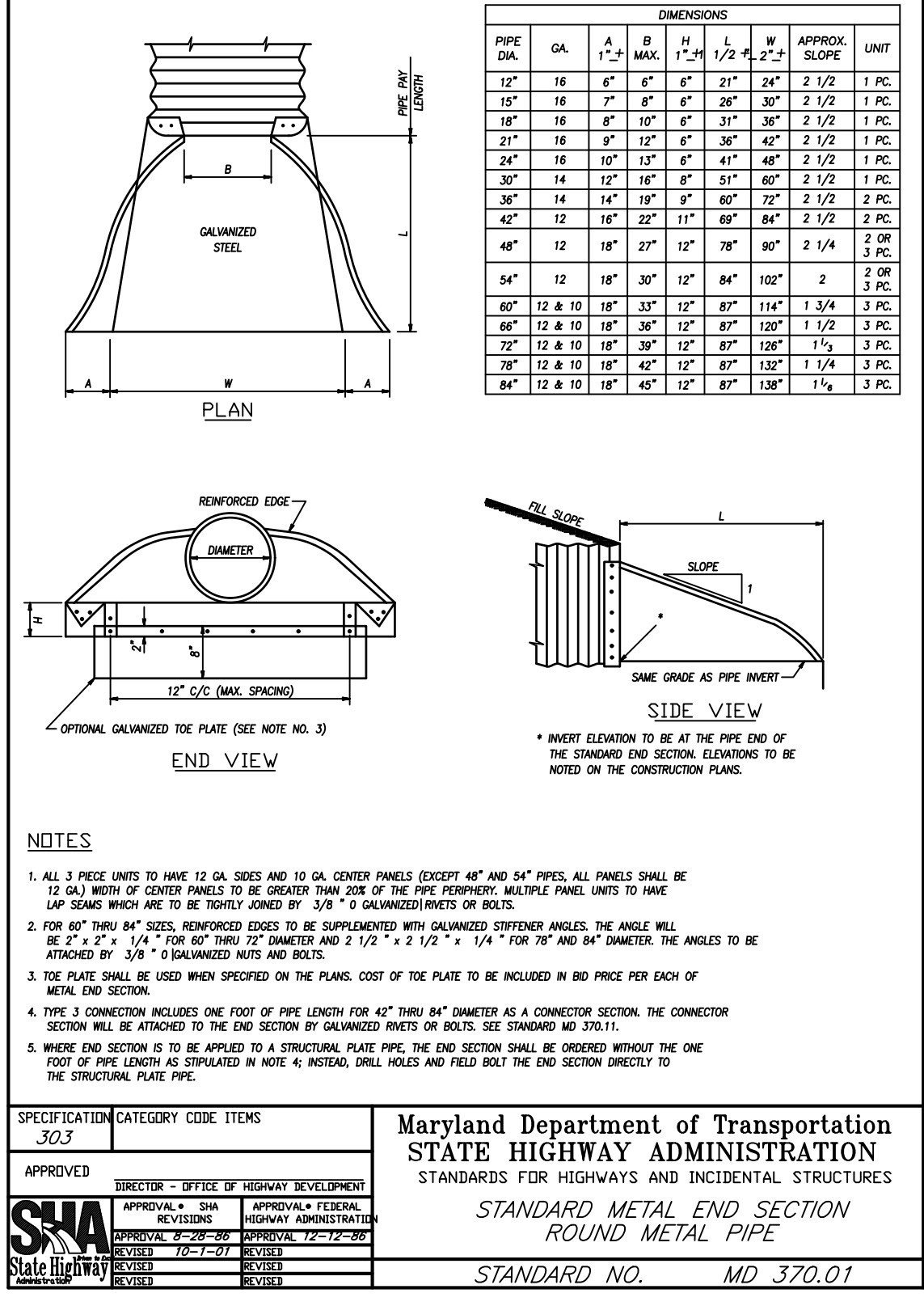
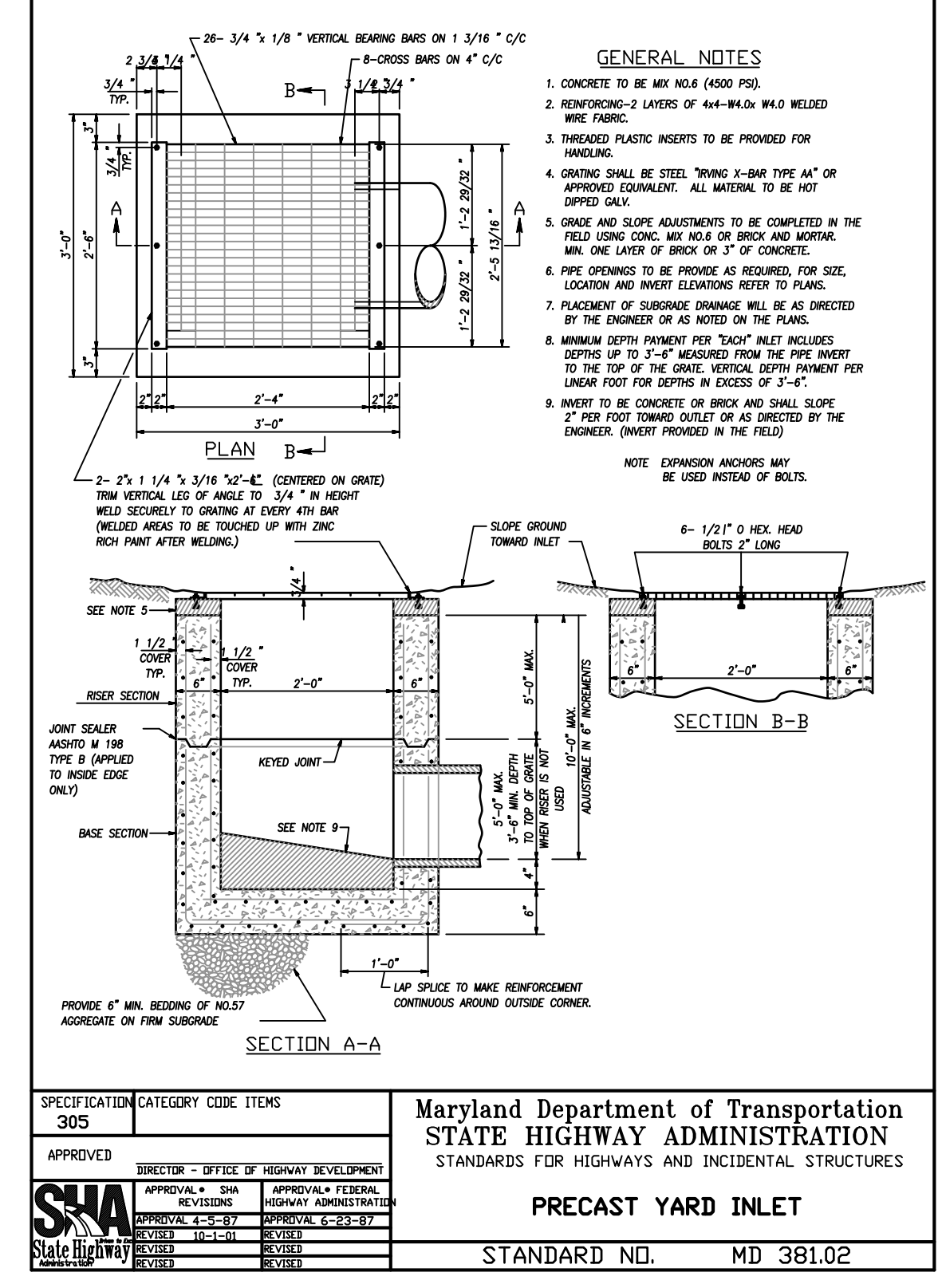
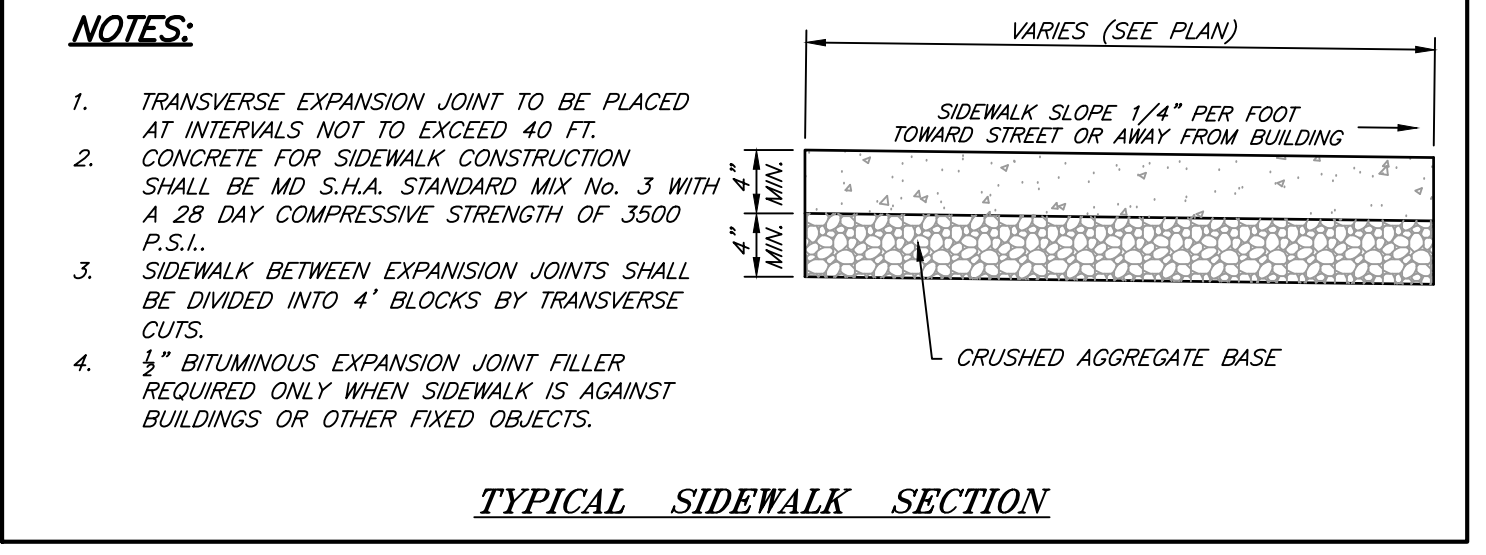
SHEET 6 OF 10

PP-24-002



CHANNEL SECTION DETAIL N.T.S.

CHANNEL SECTION	w (ft.)	x	y	z (ft.)	CHECK DAM HT. (ft.)	AVG. SLOPE (%)	MATTING TYPE	Q ₁₀ (cfs)	V ₁₀ (fps)	d ₁₀ (ft.)
1A	2.0	4	3	2.0	1.0	1.9	CURLEX TYPE 1 MATTING	0.63	0.60	0.33
1B	2.0	4	3	2.0	1.0	4.4	CURLEX TYPE 1 MATTING	0.93	0.82	0.35
2A	2.0	4	3	2.0	1.0	1.9	CURLEX TYPE 1 MATTING	0.39	0.58	0.24
2B	2.0	4	3	2.0	1.0	3.3	CURLEX TYPE 1 MATTING	1.09	0.82	0.39
2C	2.0	4	3	2.0	1.0	1.6	CURLEX TYPE 1 MATTING	0.56	0.48	0.36
3	2.0	4	3	2.0	1.0	2.4	CURLEX TYPE 1 MATTING	0.46	0.55	0.28
4A	2.0	4	3	2.0	1.0	2.8	CURLEX TYPE 1 MATTING	0.70	0.62	0.35
4B	2.0	4	3	2.0	1.0	2.0	CURLEX TYPE 1 MATTING	0.65	0.47	0.41
5	2.0	4	3	2.0	1.0	3.4	CURLEX TYPE 1 MATTING	0.40	0.59	0.24
6	2.0	4	3	2.0	1.0	2.9	CURLEX TYPE 1 MATTING	2.53	1.18	0.55
7	2.0	4	3	2.0	1.0	2.5	CURLEX TYPE 1 MATTING	0.70	0.62	0.35



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 HAGERSTOWN, MD 21740
 PHONE: (301) 735-9253
 FAX: (301) 735-1853

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 Email: foxassoc@foxassociatesinc.com

DATE	REVISION	DRAWN BY

STORM DRAIN PROFILE, NOTES, & DETAILS and SITE NOTES & DETAILS

ELMWOOD FARM
REDESIGN SECTION 5D
 SITUATE ALONG BOTH SIDES OF ALL STAR COURT
 WASHINGTON COUNTY, MARYLAND

SCALE: AS SHOWN

STATE OF MARYLAND
 PROFESSIONAL ENGINEER
 RLB
 Feb 06, 2025

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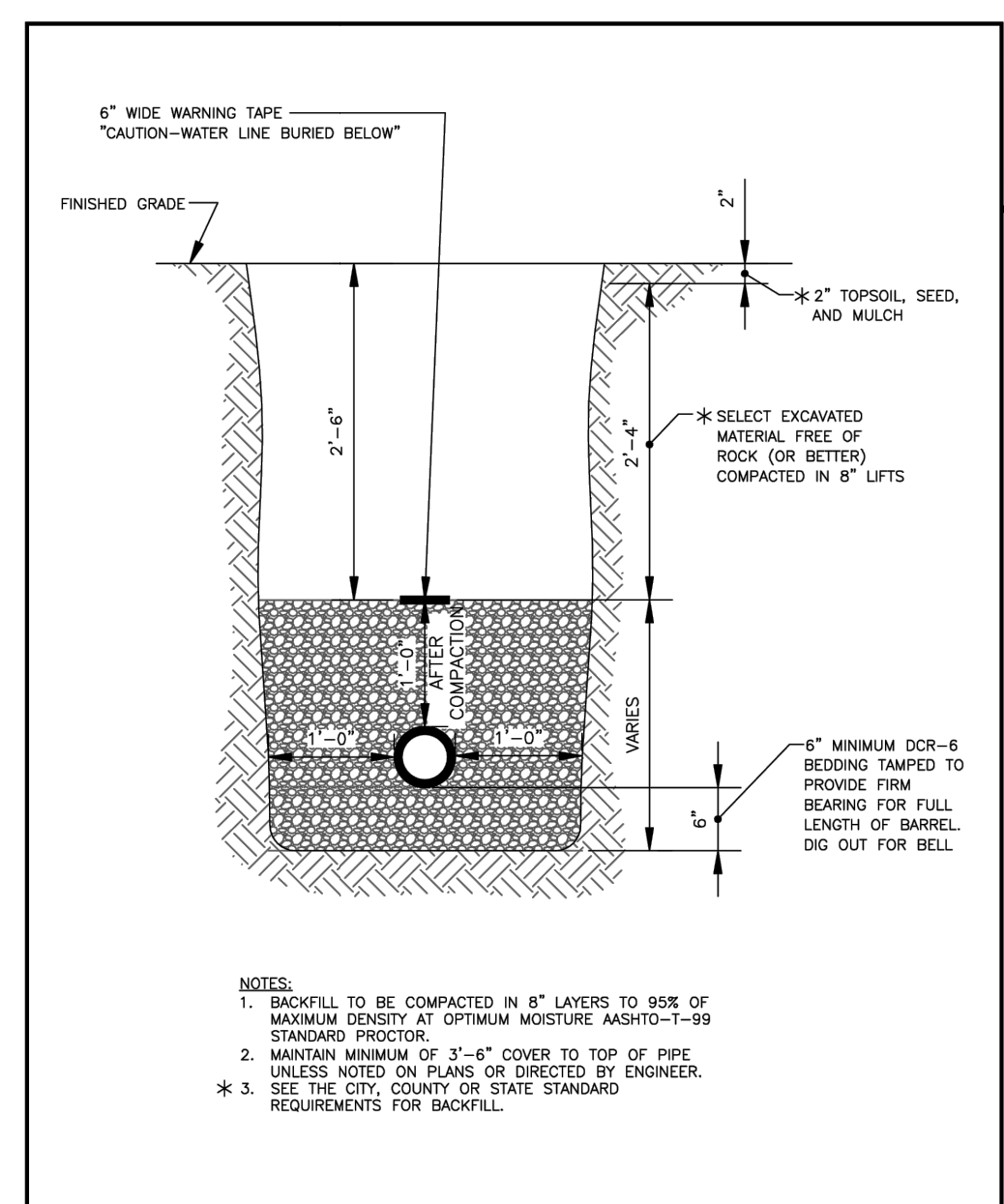
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UTILITY NOTES, & DETAILS
ELMWOOD FARM
REDESIGN SECTION 5D
SITUATE ALONG BOTH SIDES OF ALL STAR COURT
WASHINGTON COUNTY, MARYLAND

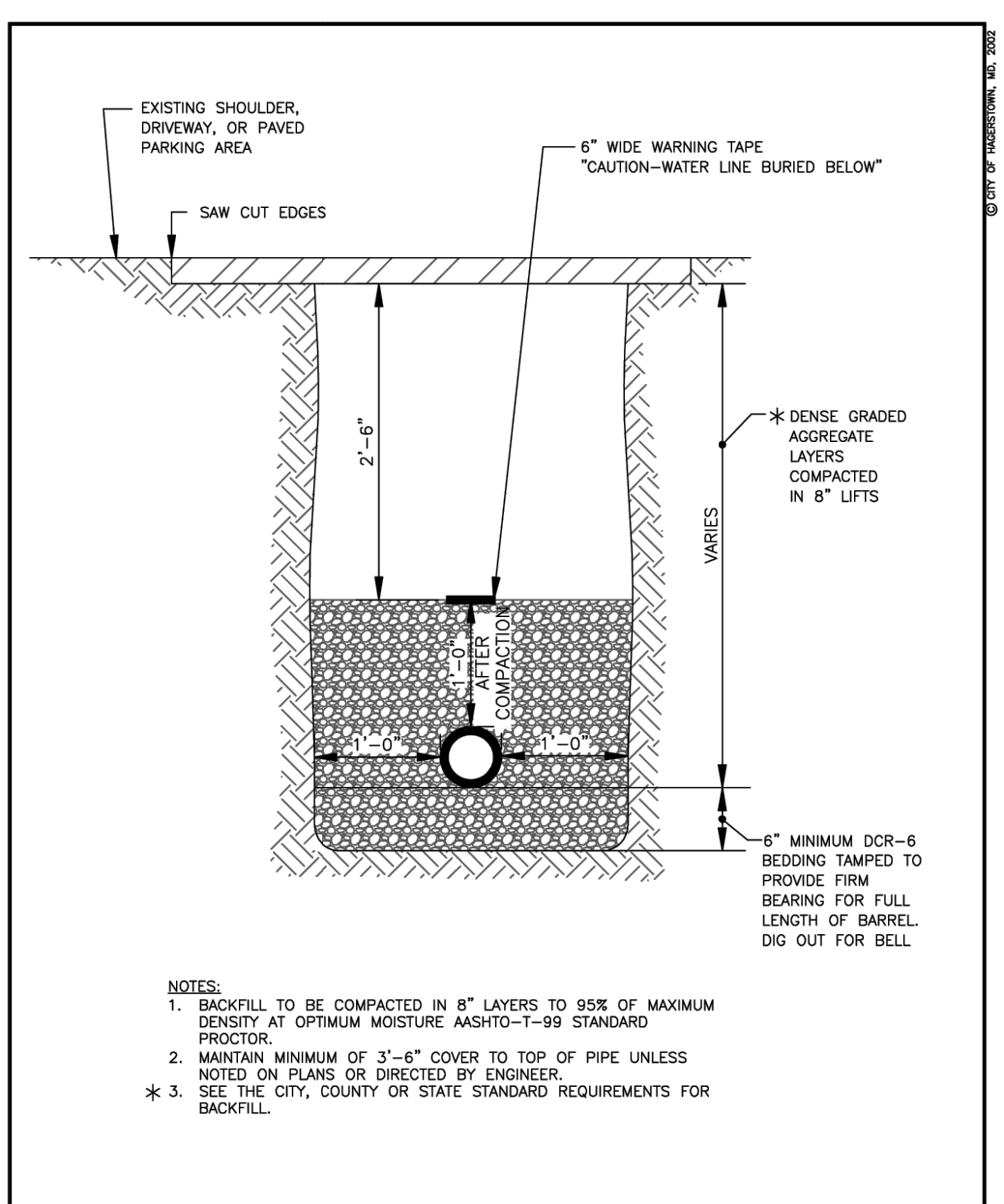
SCALE: AS SHOWN

STATE OF MARYLAND
PROFESSIONAL ENGINEER
No. 27053
Exp. Date: 1/25/26
Feb 06, 2025

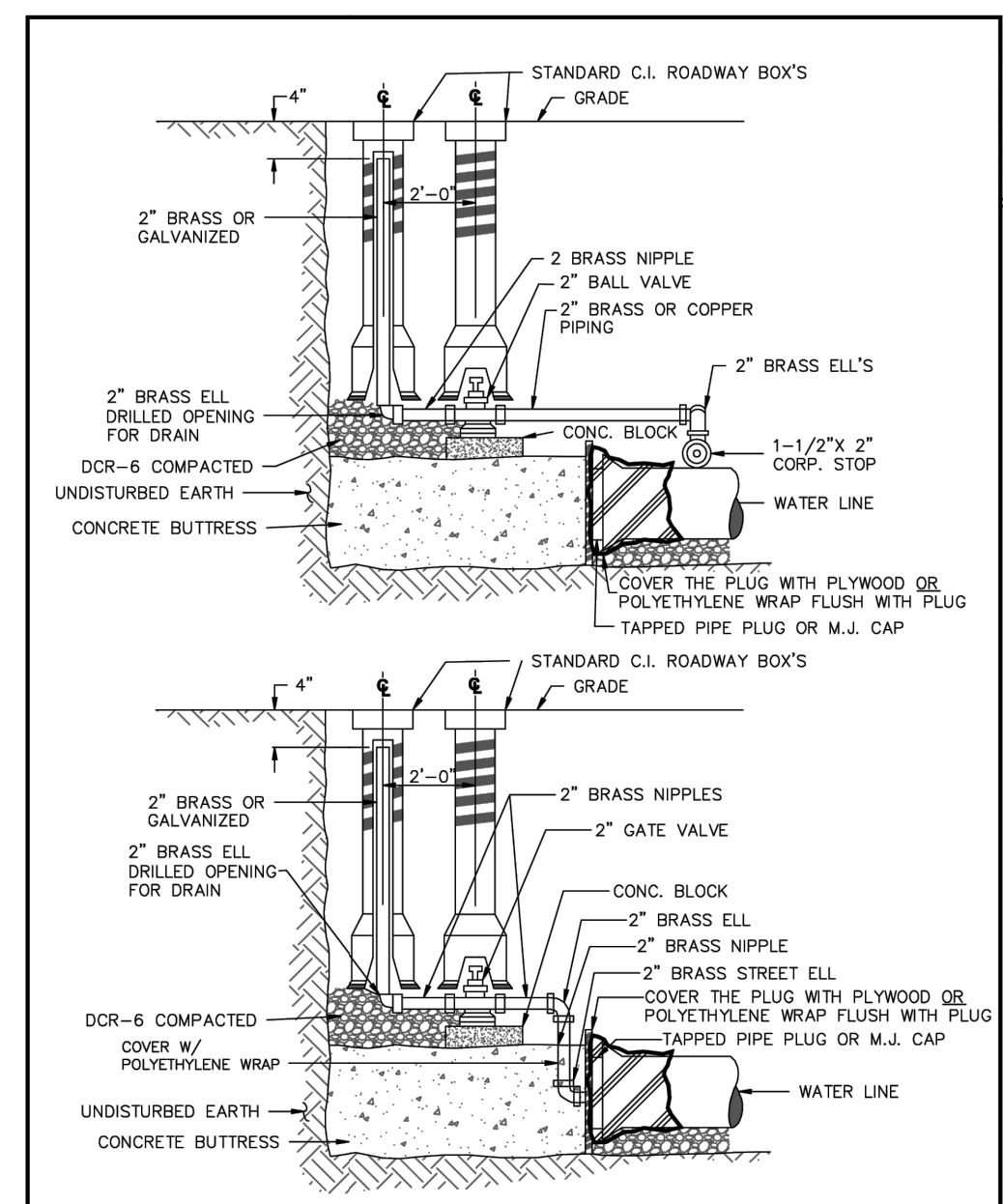
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
LICENSE NO. 27053 EXP. DATE: 1/25/26
PROJECT NO. 23-51258
DRAWING NO. D-9280
DATE: NOVEMBER 2023
DRAWN BY: RLB
CHECKED BY: GSP



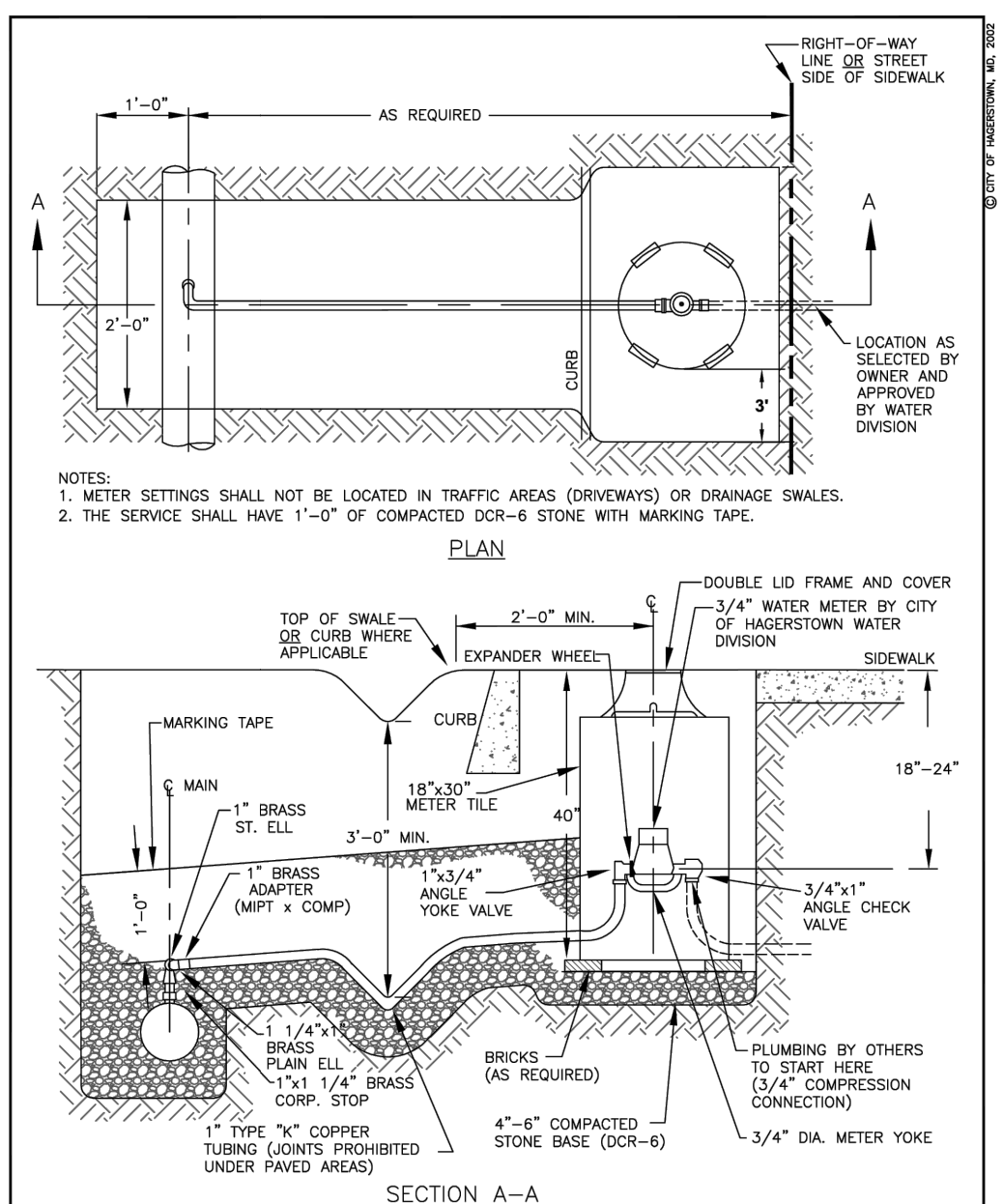
CITY OF HAGERSTOWN UTILITIES DEPARTMENT-WATER DIVISION
ISSUE DATE: MARCH 2009
REVISIONS
GRASSED AREA REPAIR
Plate W-002



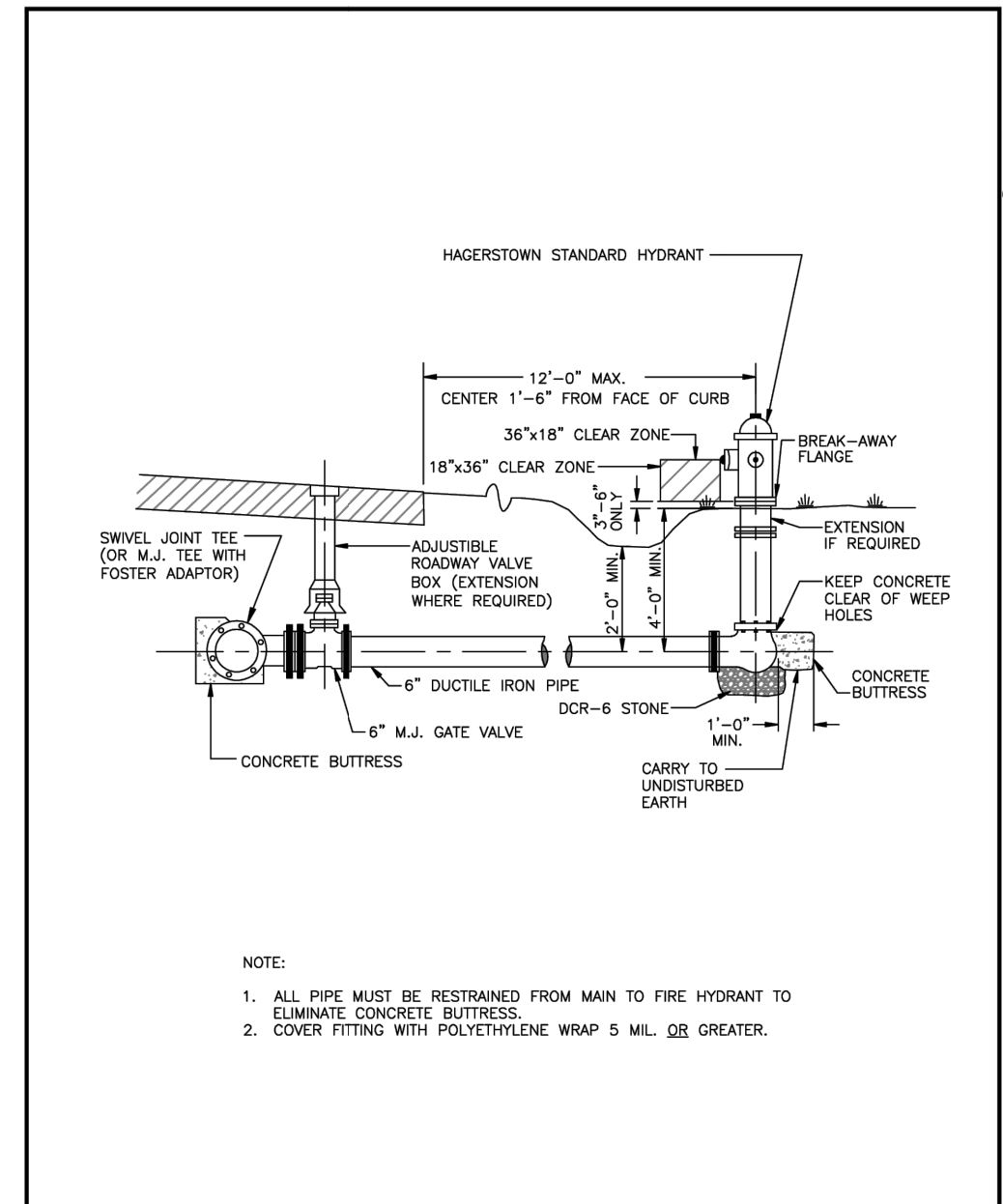
CITY OF HAGERSTOWN UTILITIES DEPARTMENT-WATER DIVISION
ISSUE DATE: MARCH 2009
REVISIONS
ROADWAY, SHOULDER AND PAVED PARKING AREA TRENCH, EXCAVATION AND BACKFILL
Plate W-001



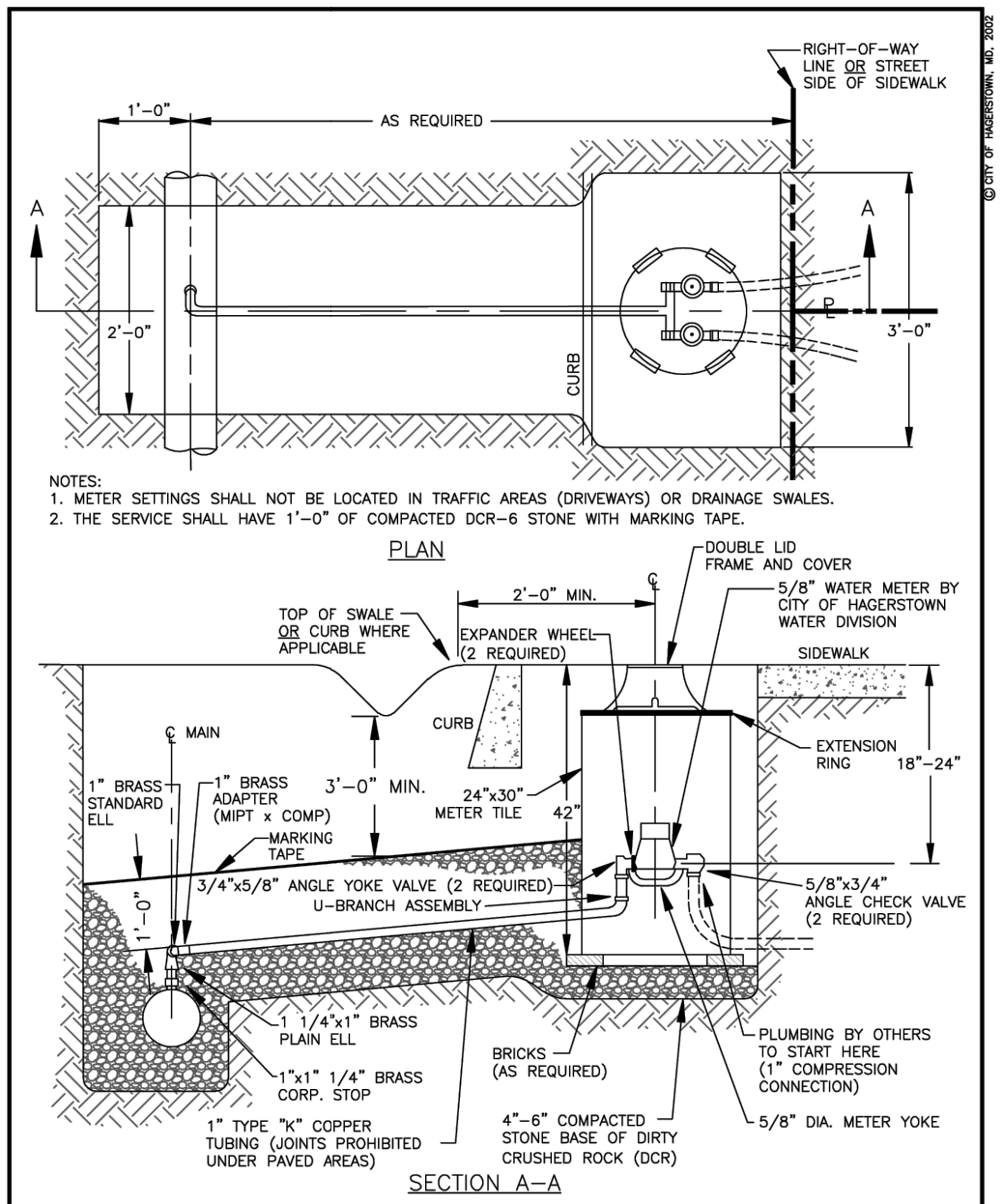
CITY OF HAGERSTOWN UTILITIES DEPARTMENT-WATER DIVISION
ISSUE DATE: MARCH 2009
REVISIONS
2 INCH BLOW OFF
Plate W-006



CITY OF HAGERSTOWN UTILITIES DEPARTMENT-WATER DIVISION
ISSUE DATE: MARCH 2009
REVISIONS
1 INCH SINGLE SERVICE WATER HOUSE CONNECTION
Plate W-016

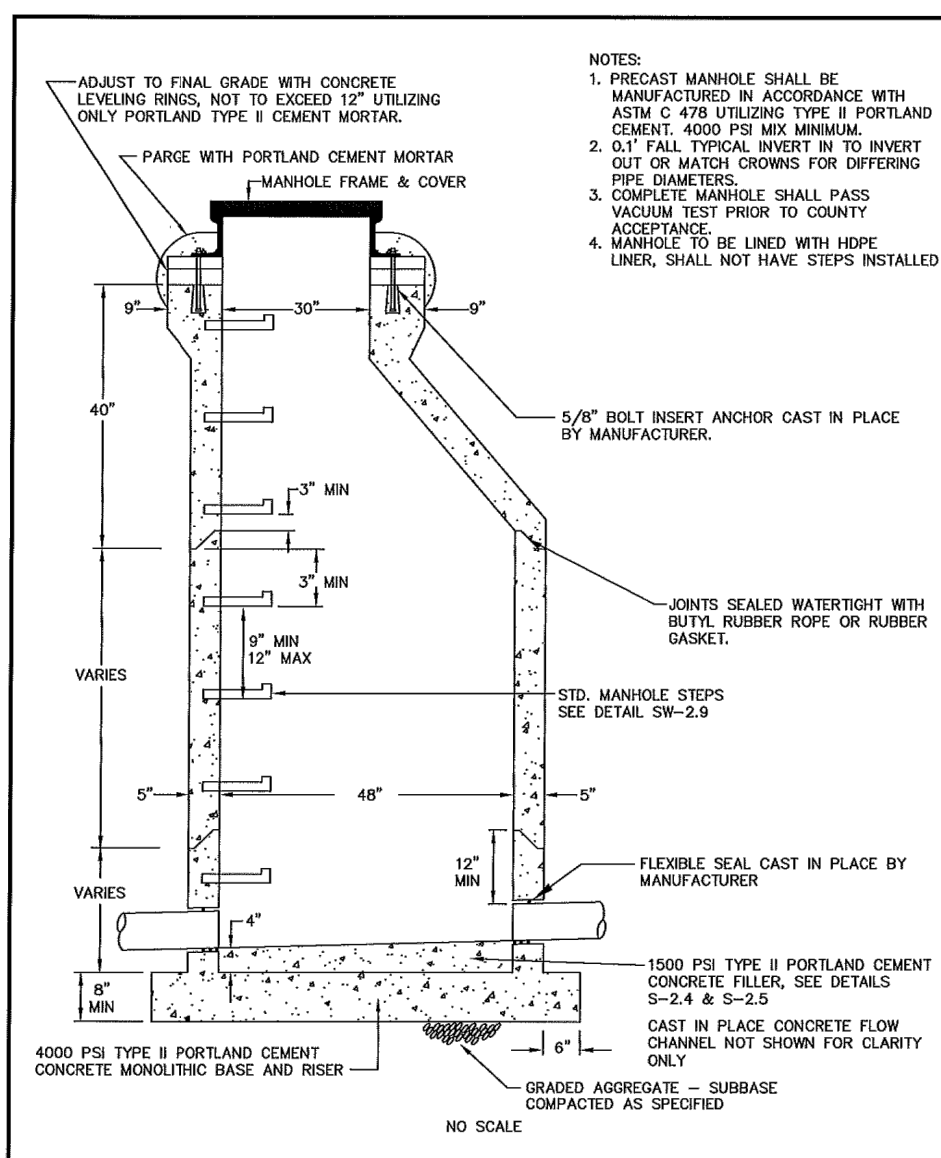


CITY OF HAGERSTOWN UTILITIES DEPARTMENT-WATER DIVISION
ISSUE DATE: MARCH 2009
REVISIONS
FIRE HYDRANT SETTING
Plate W-005

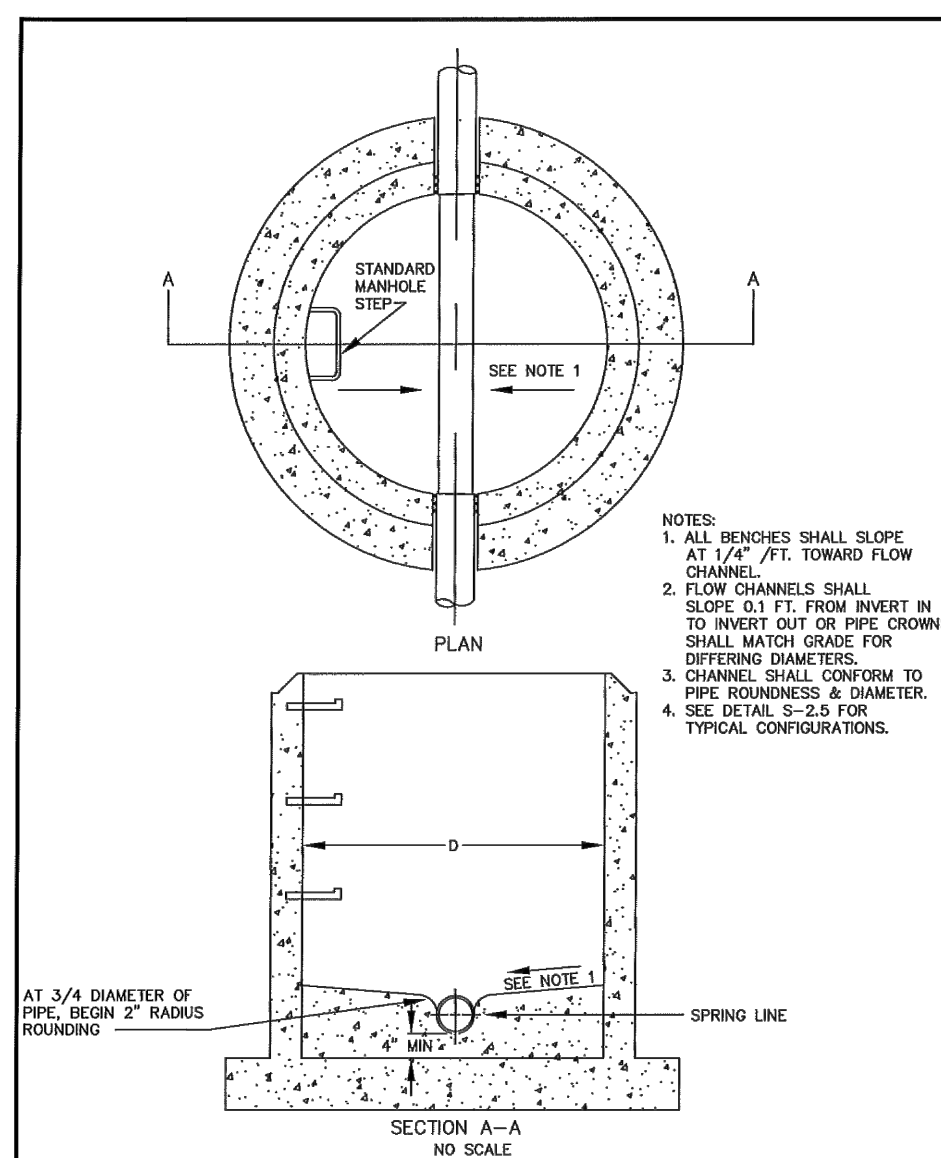


CITY OF HAGERSTOWN UTILITIES DEPARTMENT-WATER DIVISION
ISSUE DATE: MARCH 2009
REVISIONS
1 INCH DOUBLE WATER HOUSE CONNECTION
Plate W-017

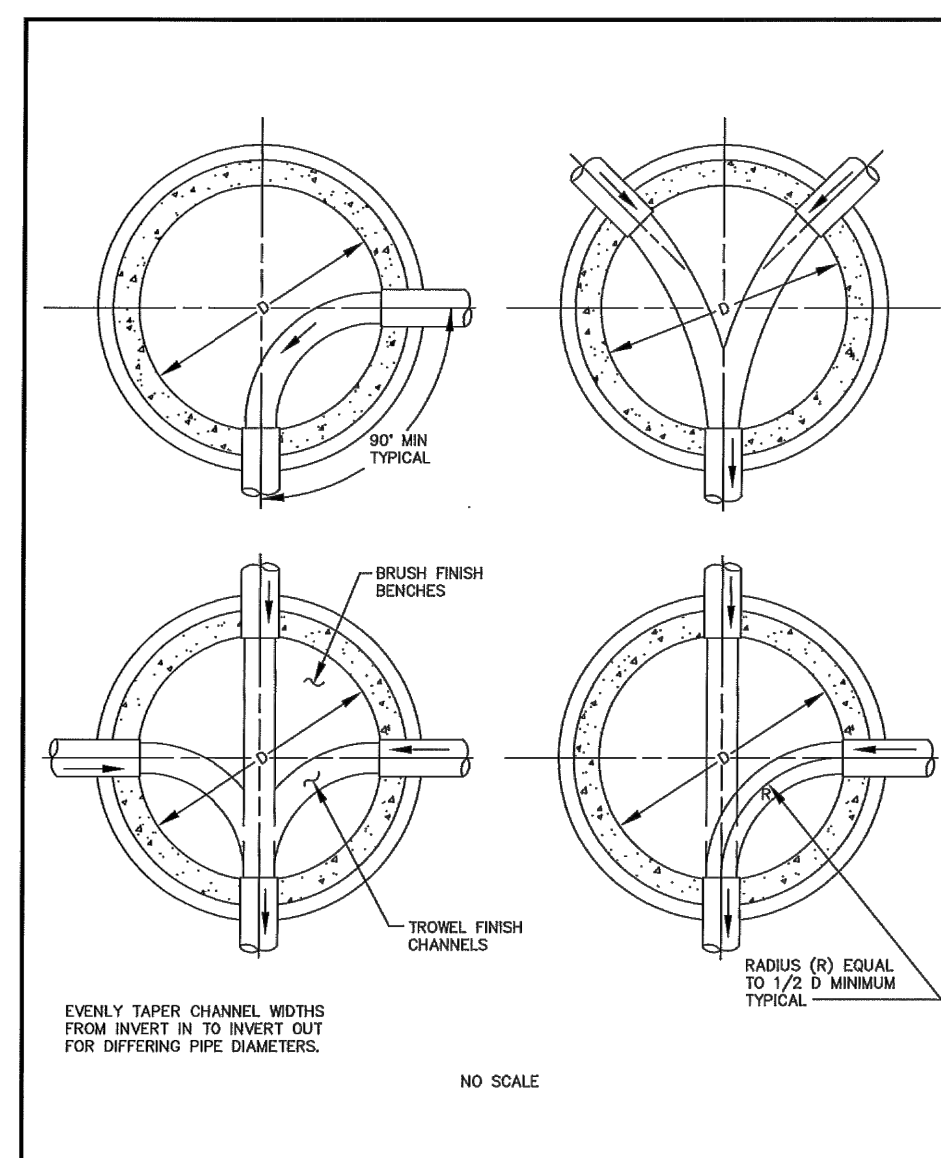
CITY OF HAGERSTOWN UTILITIES DEPARTMENT - WATER DIVISION
THIS APPROVAL IS FOR THE DESIGN AND LAYOUT OF THE PROPOSED WATER SYSTEM IMPROVEMENTS. ALL WATER SYSTEM IMPROVEMENTS SHALL BE CONSTRUCTED TO THE STANDARDS IN EFFECT AT THE TIME OF CONSTRUCTION. THIS APPROVAL DOES NOT GUARANTEE AVAILABILITY OF WATER SERVICE. WATER SERVICE IS AVAILABLE SUBJECT TO CONFORMANCE WITH ALL POLICIES AND STANDARDS IN EFFECT AT THE TIME OF APPLICATION FOR SERVICE. PAYMENT OF FEES AND APPROVAL OF THE WATER SERVICE APPLICATION. THE WATER DIVISION DOES NOT GUARANTEE A SPECIFIC WATER PRESSURE OR FLOW AT ANY METER OR FIRE HYDRANT. THIS APPROVAL IS VALID FOR A PERIOD OF ONE YEAR.
(SIGNATURE) _____ (DATE) _____



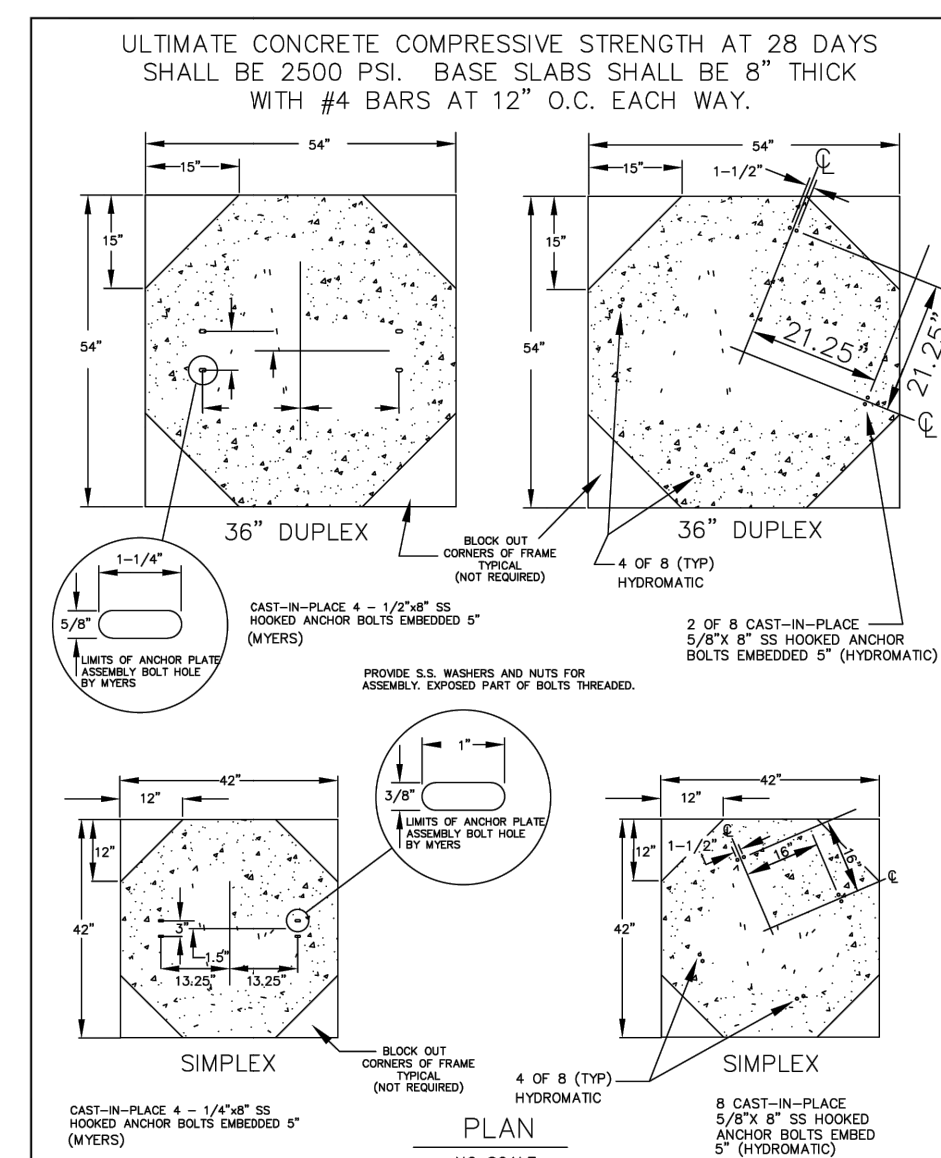
Washington County, MD Div of Environmental Management
 Standard Through Manhole Precast Base
 Detail S-2.1



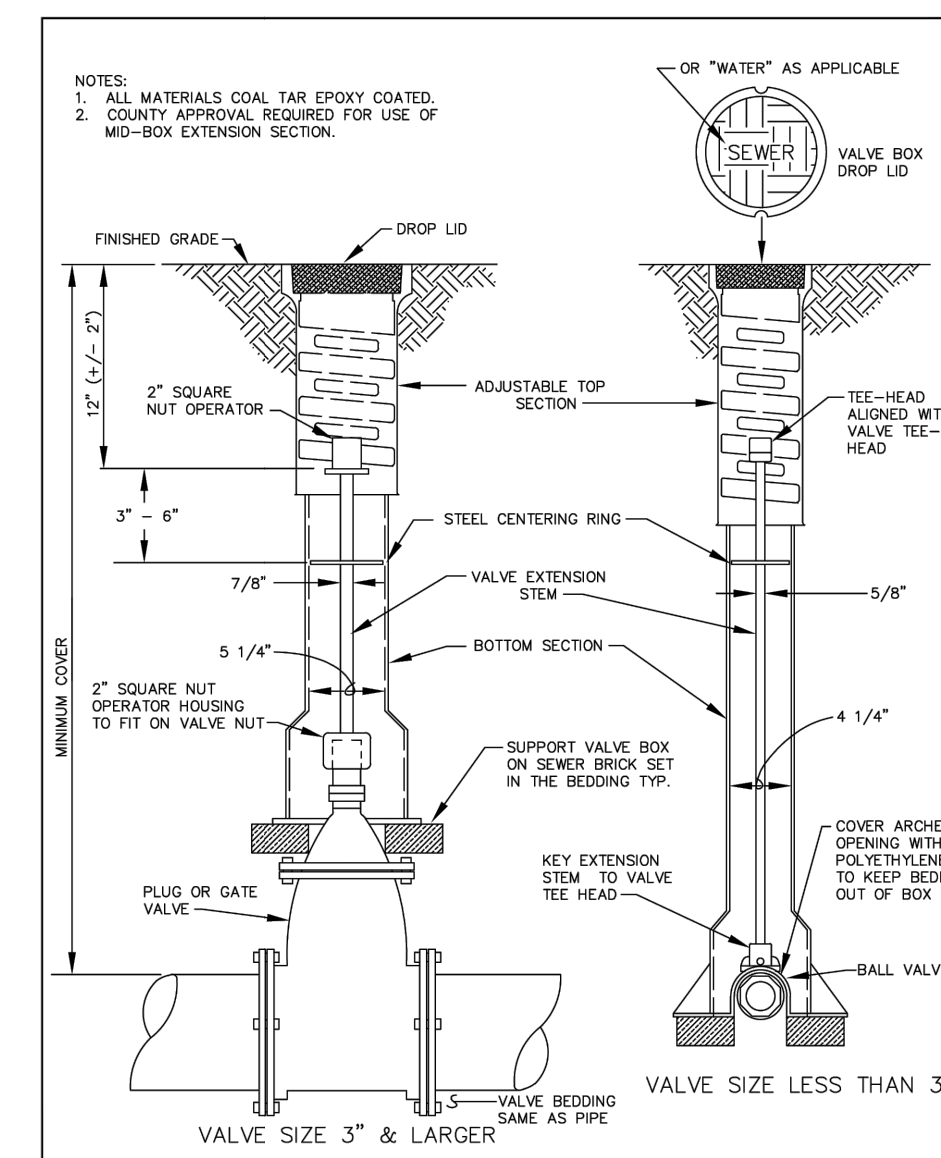
Washington County, MD Div of Environmental Management
 Typical Bench and Flow Channel Section Precast Base
 Detail S-2.4



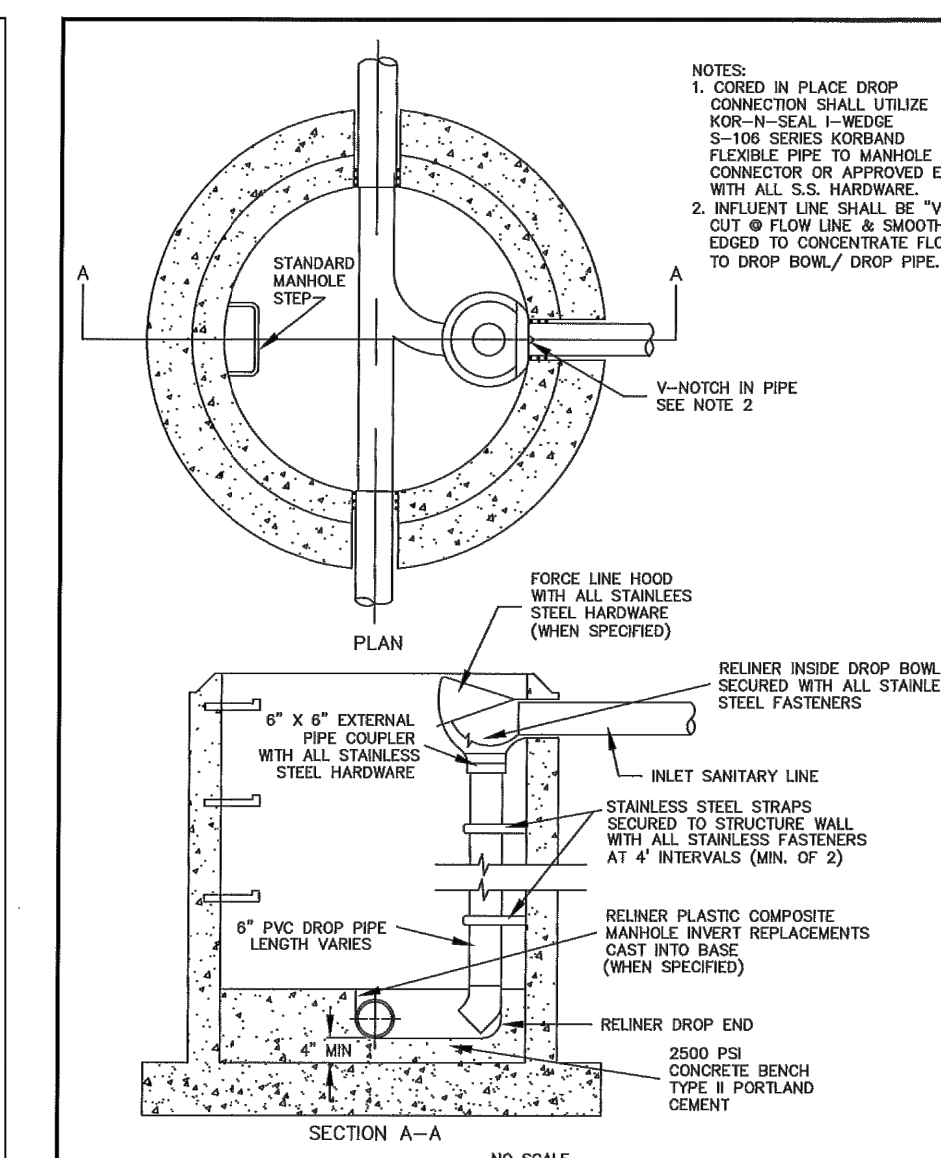
Washington County, MD Div of Environmental Management
 Plans of Flow Channels (Typical)
 Detail S-2.5



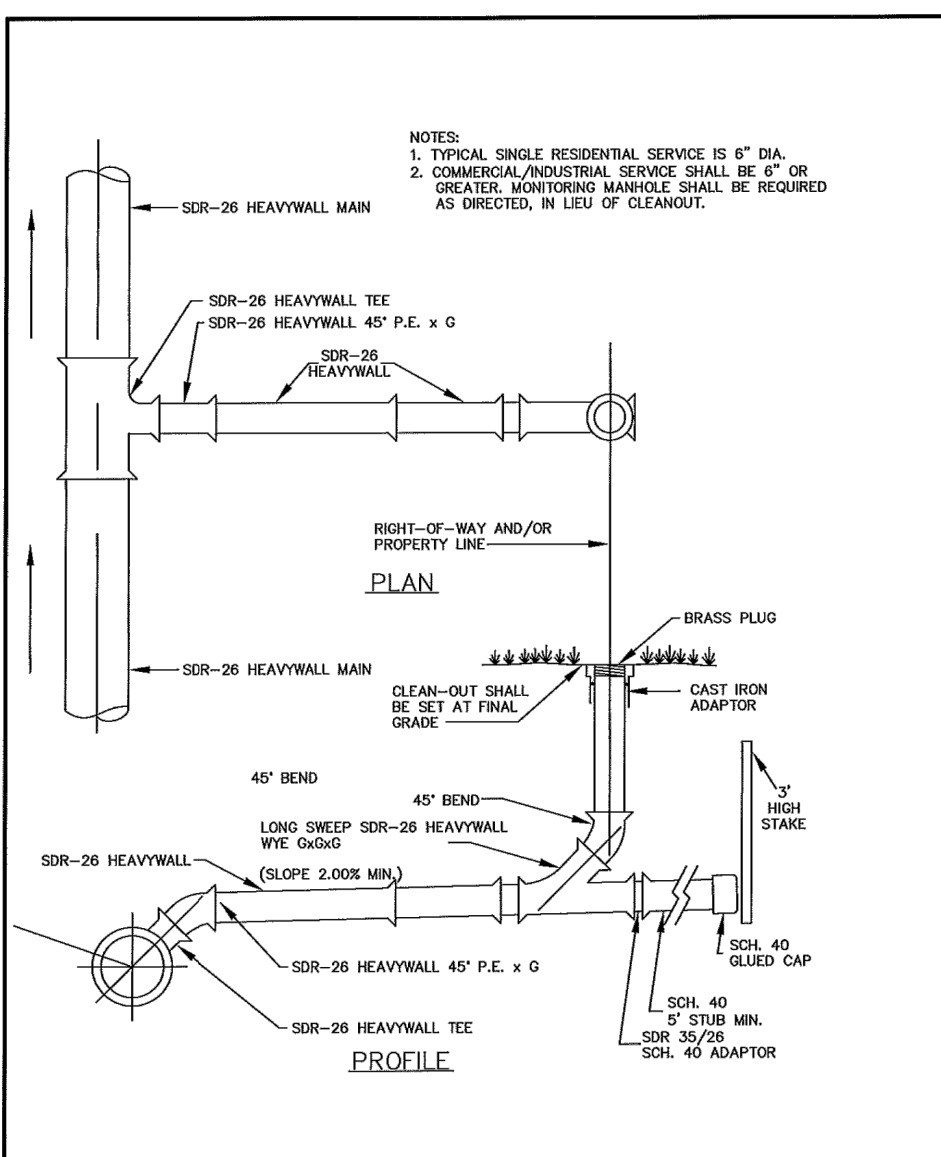
Washington County, MD Div of Environmental Management
 Grinder Pump Anti-Floatation Concrete Base
 Detail S-5.2



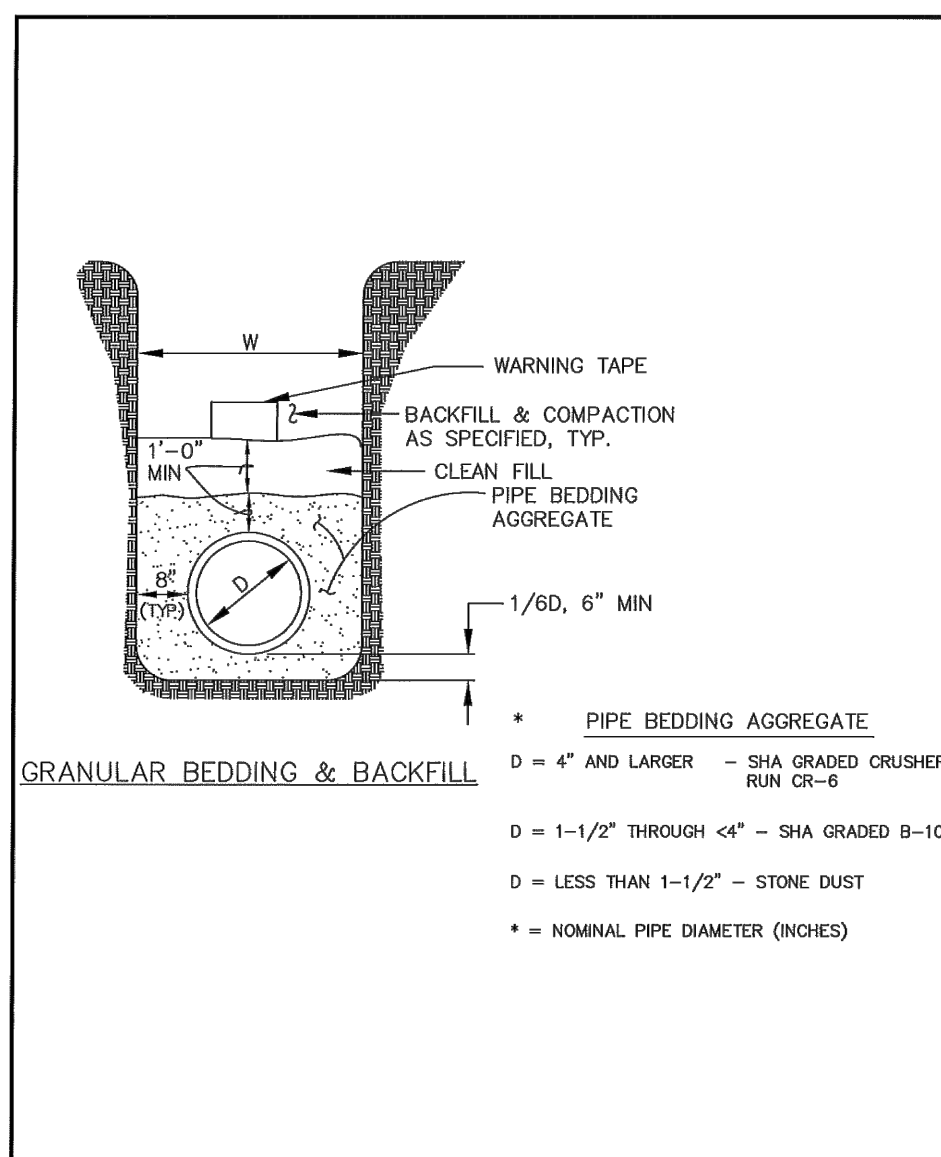
Washington County, MD Div of Environmental Management
 Valve & Box Installation
 Detail SW-7.1



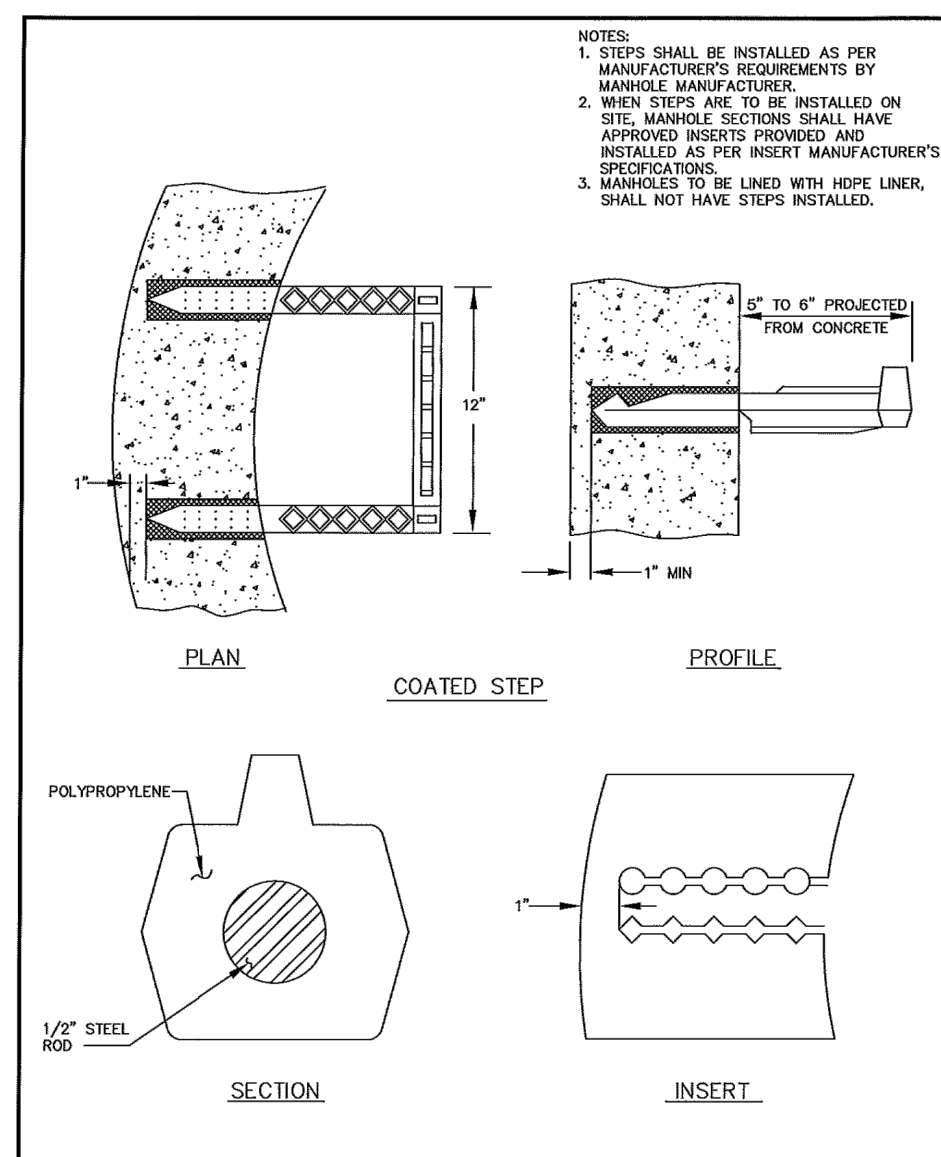
Washington County, MD Div of Environmental Management
 Reinliner Inside Drop Installation With Manhole Details
 Detail S-2.12



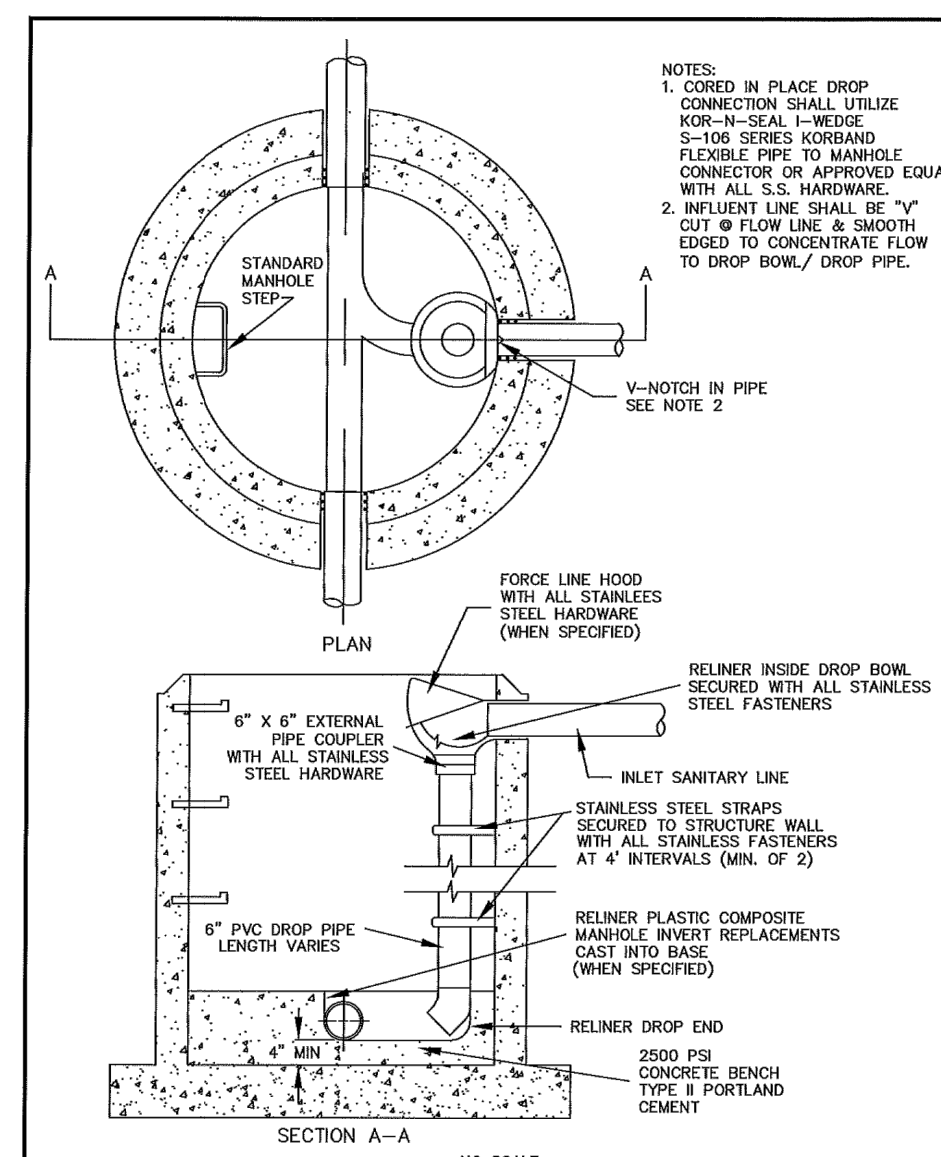
Washington County, MD Div of Environmental Management
 Conventional Gravity Sewer Service Lateral SDR-26 Heavywall Sewer Main
 Detail S-3.1



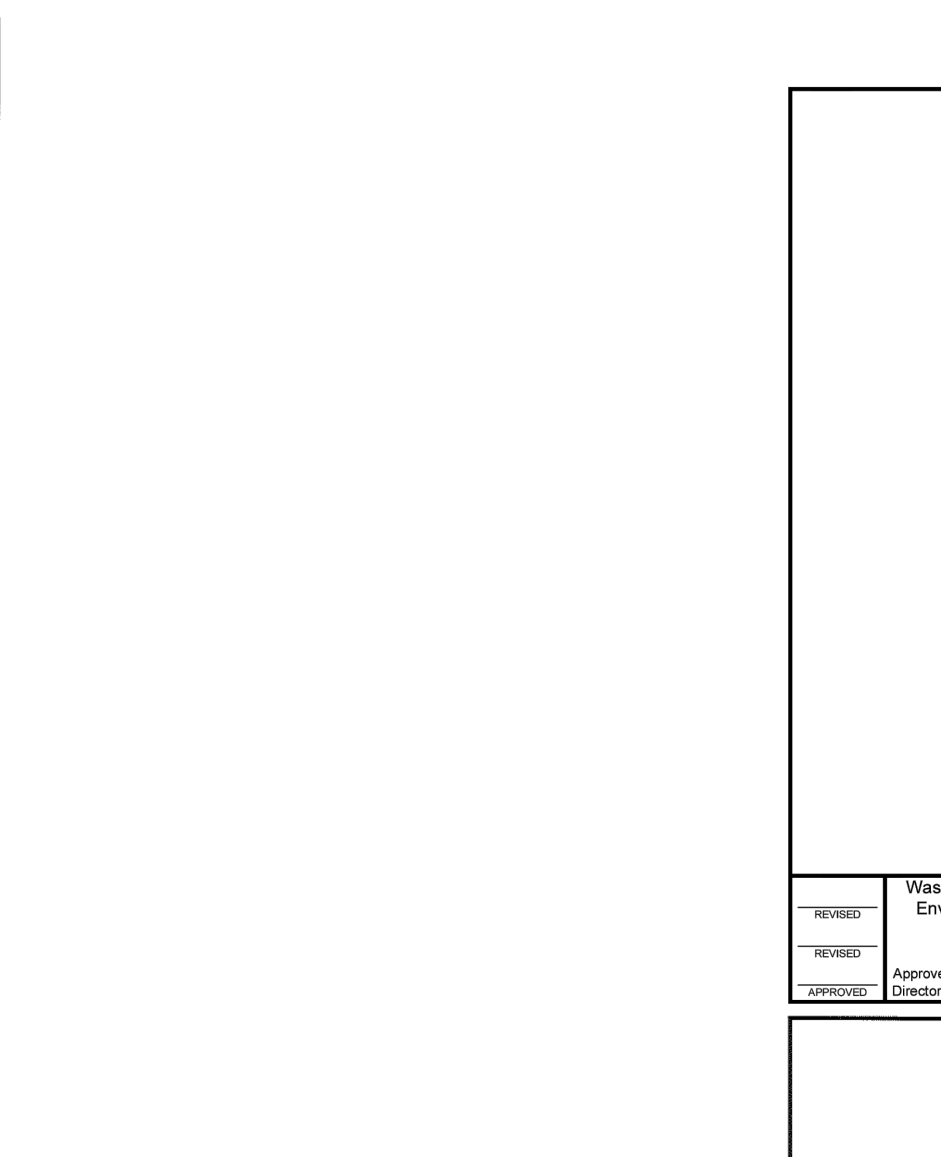
Washington County, MD Div of Environmental Management
 Standard Trench Width & Stone Bedding
 Detail SW-1.1



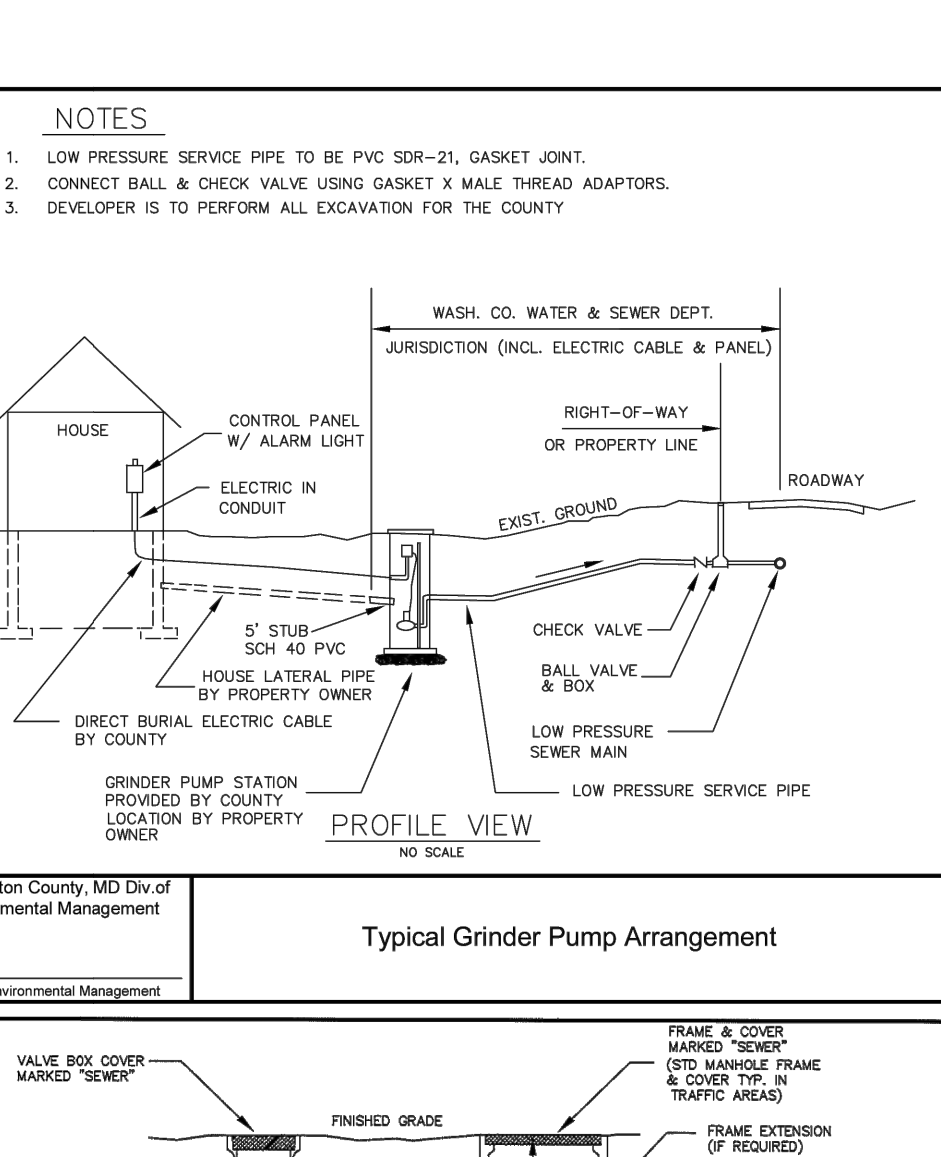
Washington County, MD Div of Environmental Management
 Standard Manhole Steps
 Detail SW-2.9



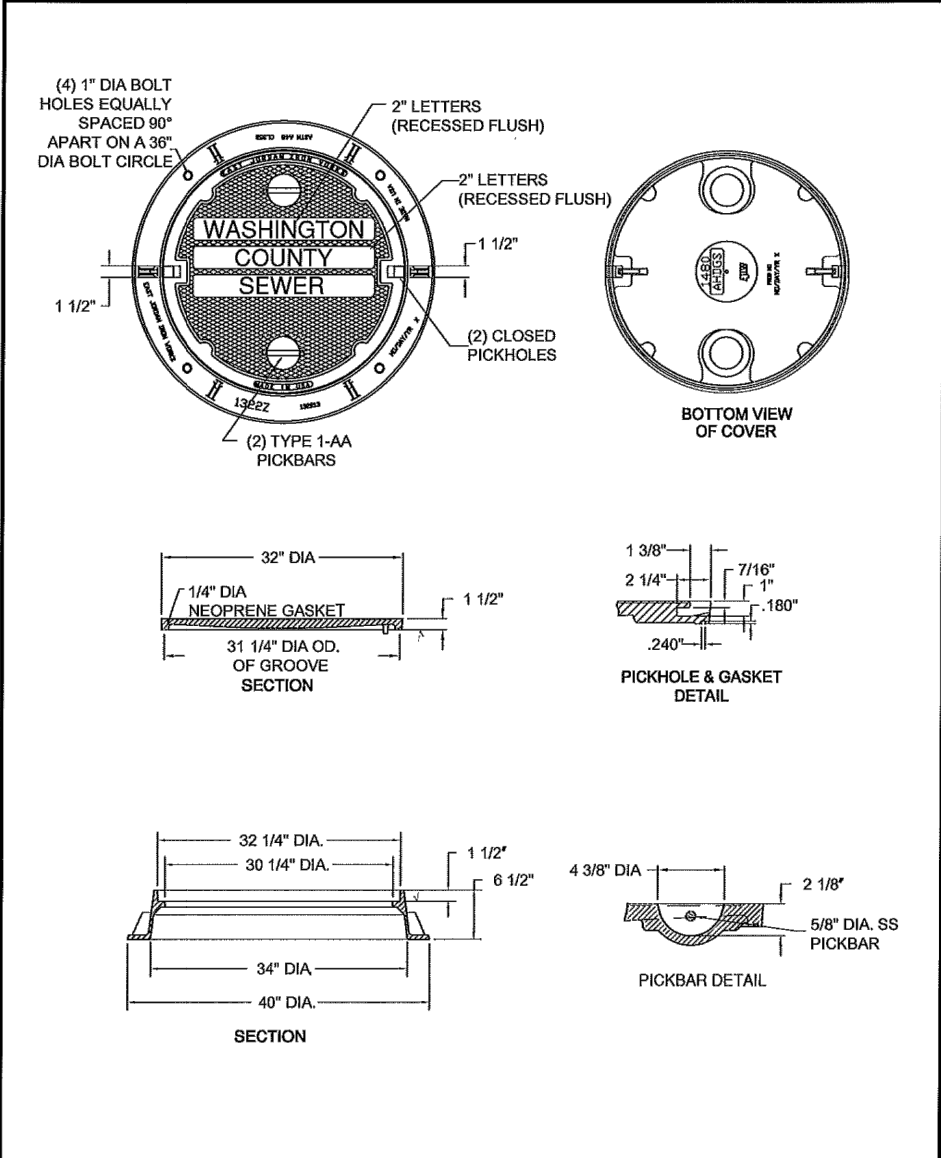
Washington County, MD Div of Environmental Management
 Reinliner Inside Drop Installation With Manhole Details
 Detail S-2.12



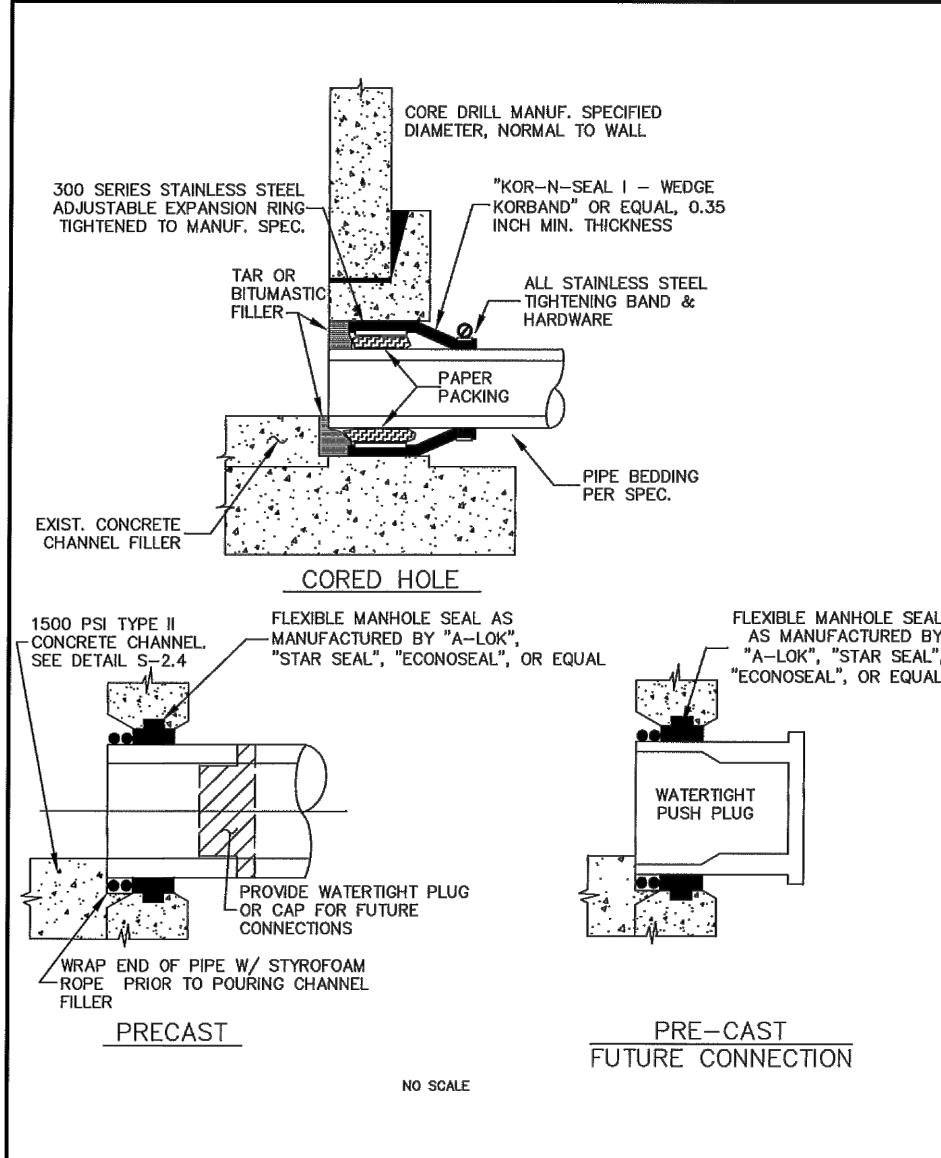
Washington County, MD Div of Environmental Management
 Typical Grinder Pump Arrangement
 Detail S-4.1



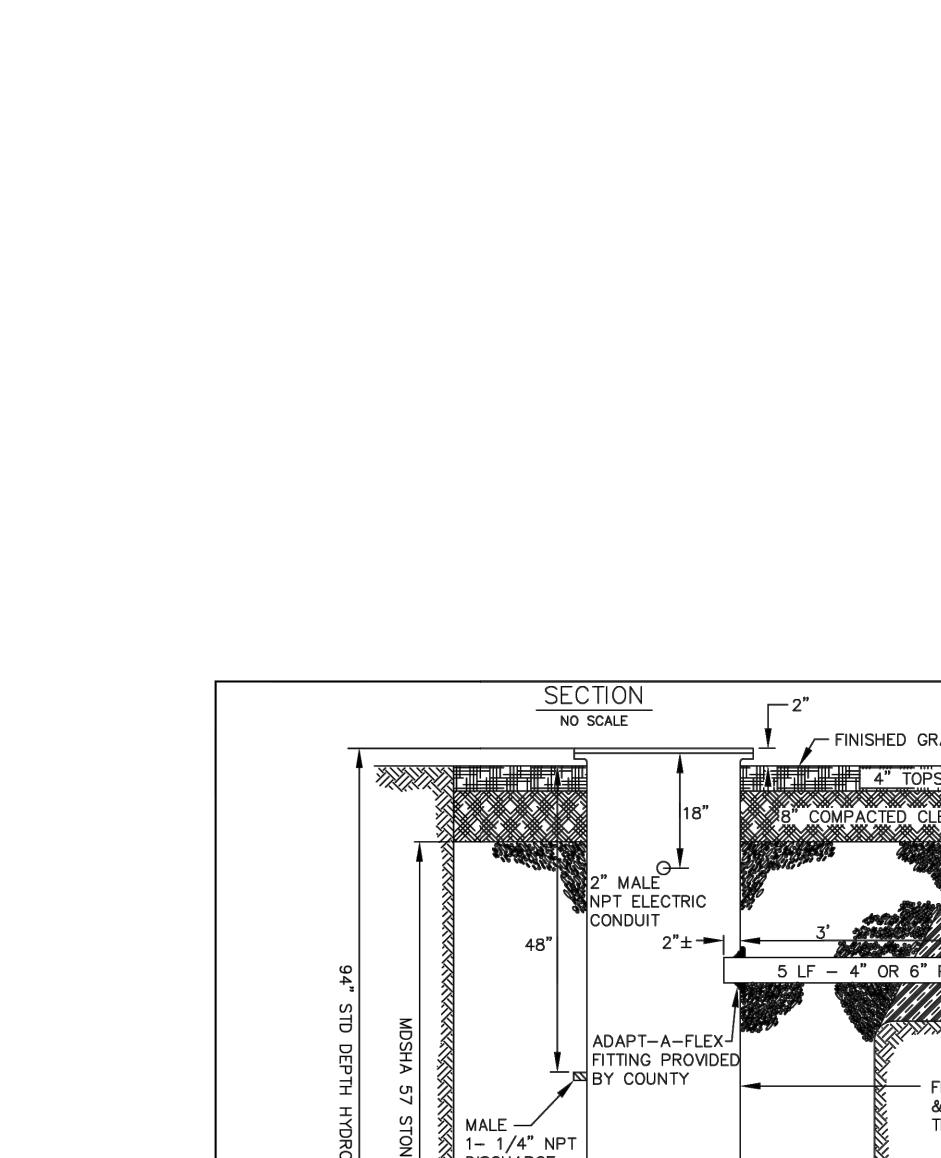
Washington County, MD Div of Environmental Management
 Low Pressure Sewer Flushing Connection
 Detail S-7.3



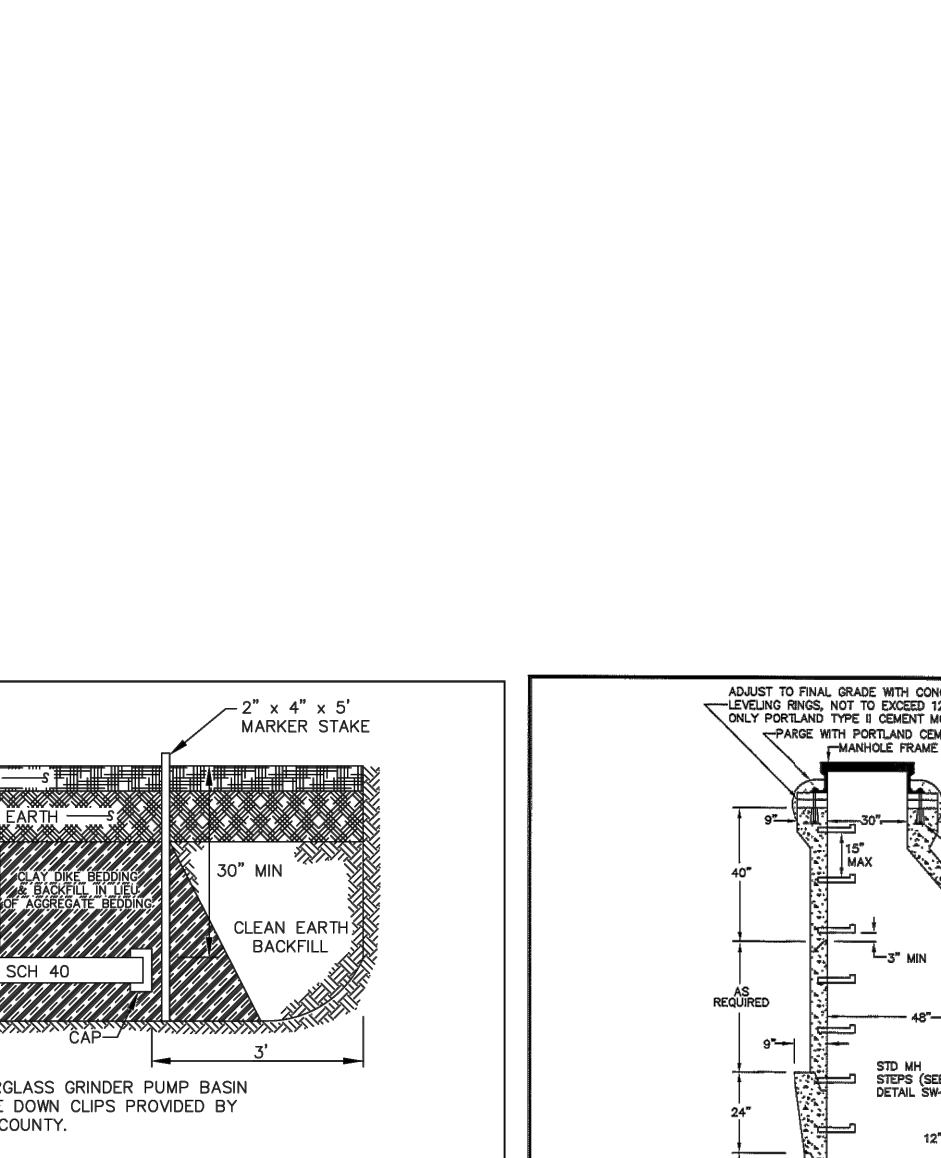
Washington County, MD Div of Environmental Management
 Standard Manhole Frame & Cover
 Detail SW-2.6



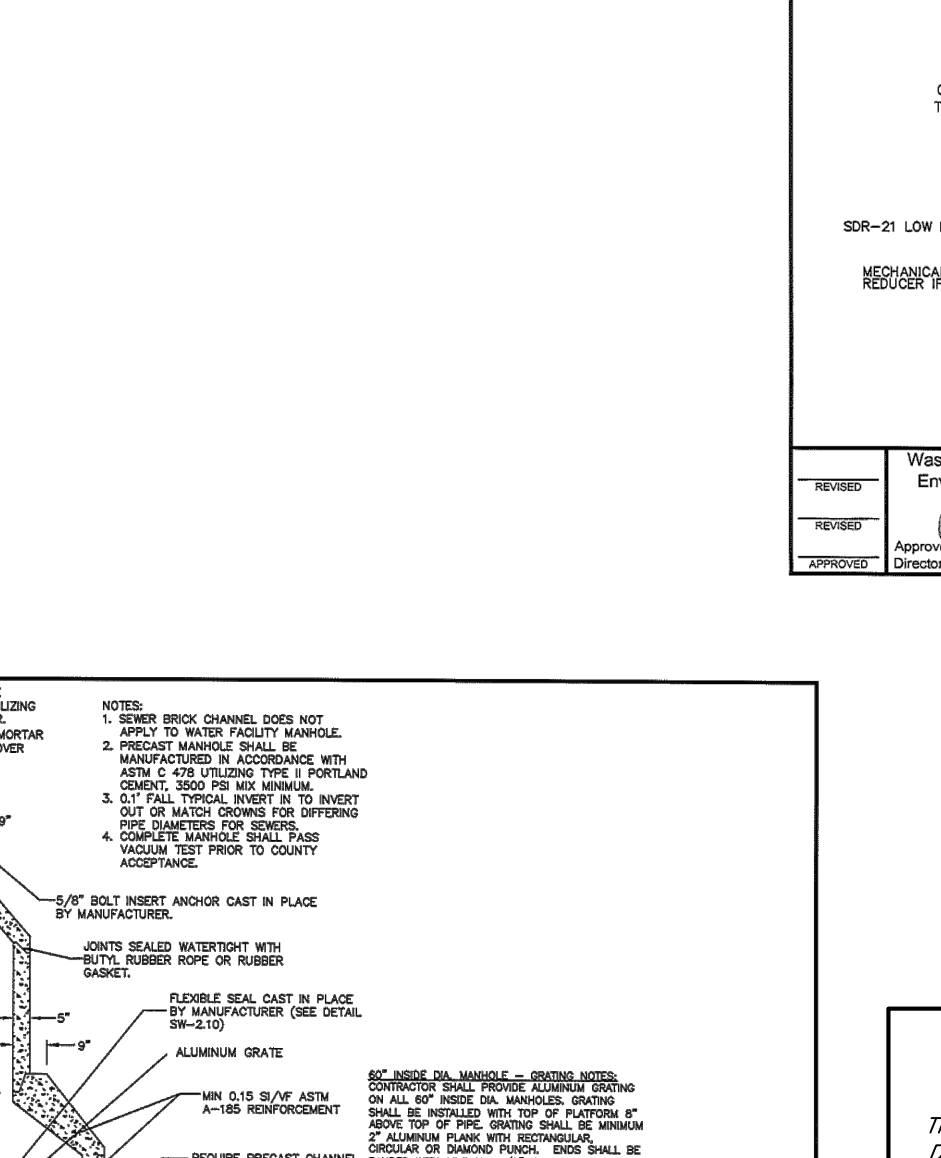
Washington County, MD Div of Environmental Management
 Manhole Pipe Connections
 Detail SW-2.10



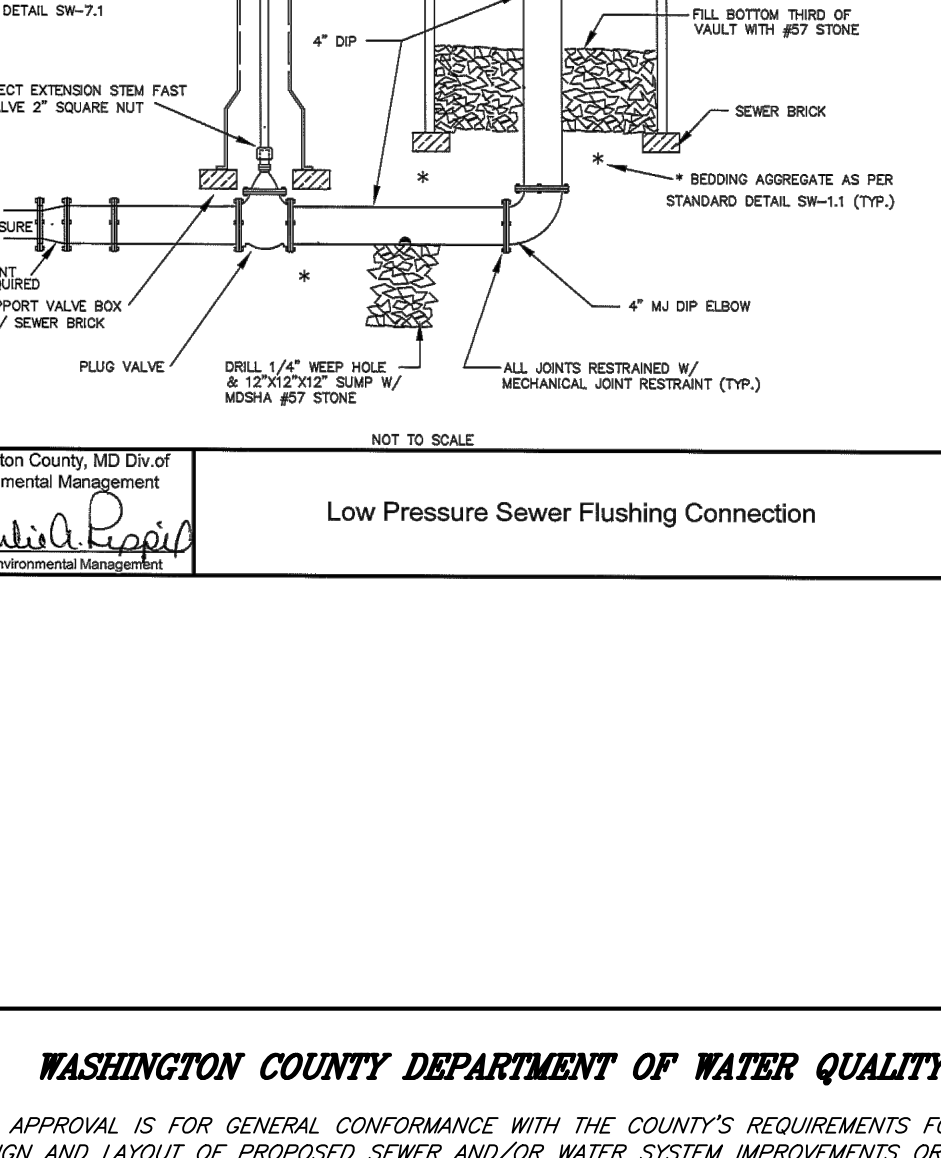
Washington County, MD Div of Environmental Management
 Grinder Pump Basin Installation
 Detail S-5.1



Washington County, MD Div of Environmental Management
 60\"/>



Washington County, MD Div of Environmental Management
 60\"/>



Washington County, MD Div of Environmental Management
 60\"/>

WASHINGTON COUNTY DEPARTMENT OF WATER QUALITY
 THIS APPROVAL IS FOR GENERAL CONFORMANCE WITH THE COUNTY'S REQUIREMENTS FOR DESIGN AND LAYOUT OF PROPOSED SEWER AND/OR WATER SYSTEM IMPROVEMENTS OR EXTENSIONS. ALL SEWER AND/OR WATER SYSTEM IMPROVEMENTS OR EXTENSIONS SHALL BE CONSTRUCTED IN STRICT ACCORDANCE WITH THE COUNTY'S LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF SANITARY SEWERS AND/OR WATER LINES. THIS APPROVAL DOES NOT GUARANTEE AVAILABILITY OF SEWER AND/OR WATER SERVICE. SEWER AND/OR WATER SERVICE AVAILABILITY IS SUBJECT TO CONFORMANCE WITH ALL RULES, POLICIES, AND REGULATIONS ESTABLISHED BY THE COUNTY AND IN EFFECT AT THE TIME APPLICATION FOR SERVICE IS MADE, AND/OR THE AVAILABILITY OF ALLOCATION REMAINING IN OTHER JURISDICTIONS' FACILITIES THAT MAY BE GRANTED TO THE COUNTY. THIS APPROVAL SHALL BE VALID FOR A PERIOD OF TWO YEARS.

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A QUALY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
 PROJECT NO. 23-51258
 DRAWING NO. D-9280
 DATE: NOVEMBER 2023
 DRAWN BY: RLB
 CHECKED BY: GSP

Potomac Construction Inc.

13126 Pennsylvania Ave.
Box 203
Hagerstown, MD. 21742
(301) 791-9311

3/24/25

Washington County Maryland
Attn: Planning Commission

Re: Extension Request for: THE VILLAGE AT VALENCIA RIDGE

PROPERTY MAP No. 57 BLOCK No.'s 11, 12, 17 & 18

PARCEL No. 162 ELECTION DISTRICT No. 1

Please accept this letter as our formal request to have the Planning Commission extend this project for one-year, through March 7, 2026. There has been issues with our Engineer making this project exceed the deadline.

Best Regards,

Jeffrey Warren

Jeffrey Warren



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

MEMORANDUM

TO: Washington County Planning Commission
FROM: Travis Allen, Senior Planner
DATE: April 7, 2025
RE: Forest Conservation Mitigation Approval for Martin Property Lot 1 (S-23-058)

Attached you will find supporting documentation for a request to meet forest conservation requirements for this project. The applicant is requesting to pay the fee-in-lieu to satisfy the 2.8-acre planting requirement for the warehouse project that will be completed on subdivided Lot 1 on Burkholder Lane, just off of National Pike.

Enclosed for your review are two documents in support of the applicant's request. These include the subdivision plat (which includes the forest conservation plan), and the justification letter from Qualified Professional Halley Kelly that make their case for this request.

Article 10.1 of the Washington County Forest Conservation Ordinance (FCO) describes the Preferred Sequence of Techniques for Mitigation for forest conservation plans. This list describes a hierarchy of techniques ranging from onsite retention and planting to payment of fee in lieu. The overall intent of the FCO is to preserve or create as much forest onsite as is feasible within the constraints of each development project before meeting mitigation obligations offsite.

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

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

747 Northern Ave | Hagerstown, MD 21742 | P: 240.313.2430 | F: 240.313.2431 | TDD: 7-1-1

WWW.WASHCO-MD.NET



MEMORANDUM OF JUSTIFICATION

TO: Washington County Planning Commission

CC: Jake Jarboe, Dynamic Engineering Consultants, PC

FROM: Haley Kelly, PWS, FCQP

RE: Burkholder Plat 23-51256
Forest Conservation Fee-In-Lieu Justification

DATE: September 4, 2024; Revised March 17, 2025

Introduction:

On behalf of the applicant, Wetland Studies and Solutions, Inc., the preparer of the Forest Stand Delineation for the Burkholder property, offers the following justification for allowing a fee-in-lieu payment for the remaining reforestation requirement of 2.80 acres. The applicant has placed 16.36 acres of existing forest into a Forest Conservation Easement, exhausting all opportunities for on-site retention. It is important to note that the size and shape of the subject parcel was set based on an agreement with the original landowner that would allow the applicant to meet their development goals while leaving the maximum amount of tillable land available to the original landowner to continue agricultural activities on the remaining property.

Hierarchy of Reforestation Preferences

As outlined in Article 10 of the Washington County Forest Conservation Ordinance, the county has a hierarchy of preferences for reforestation options after retention techniques are exhausted. Generally, these options can be categorized as:

1. **On-site options:** These options include establishing new forests through planting or natural regeneration, utilizing landscaping areas to establish small forests, and retaining existing forest. The applicant has placed 16.36 acres of existing forest into a forest conservation easement. Due to the desire of the original landowner to maintain as much land for agricultural uses as possible, it was not possible for the applicant to secure more land to allow for additional on-site forest establishment.
2. **Off-site options:** These options include establishing forest on off-site private and public lands. As far as the applicant is aware, there are no public lands available for forest establishment. Locating, purchasing, planting, and maintaining off-site forest establishment is time and cost prohibitive for this project and would result in the project being abandoned.
3. **Purchasing credits from and Approved Forest Mitigation Bank:** Currently, there are no banks available within Washington County.
4. **Payment of a fee-in-lieu:** As the applicant has exhausted all other options and the amount of reforestation required is relatively small (2.80 acres), a fee-in-lieu payment is justified for this project.

If you have any questions, please do not hesitate to contact me at (410) 672-5990 or at hkelly@wetlands.com.

INDEX OF SHEETS

COVER SHEET/SHEET INDEX.....1
 FINAL PLAT.....2-5
 NOTES, CERTIFICATIONS, DRAWING LEGEND & SOIL LEGEND.....6
 PRELIM/FINAL FOREST CONSERVATION PLAN.....7-8

SITE

VICINITY MAP
 SCALE: 1" = 2000'
 TAX MAP 36 PARCEL 13
 COPYRIGHT ADC THE MAP PEOPLE PERMIT USE NUMBER 21004221

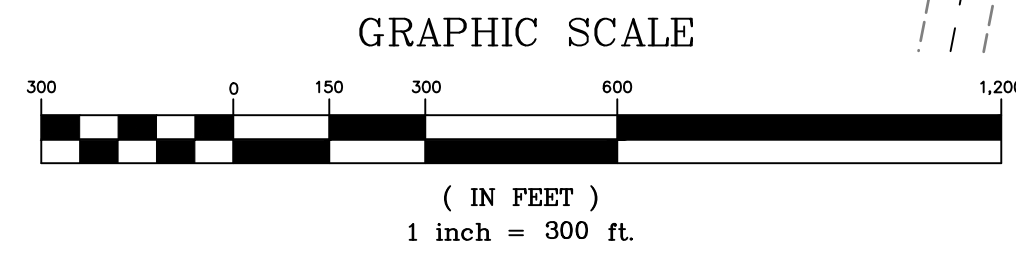
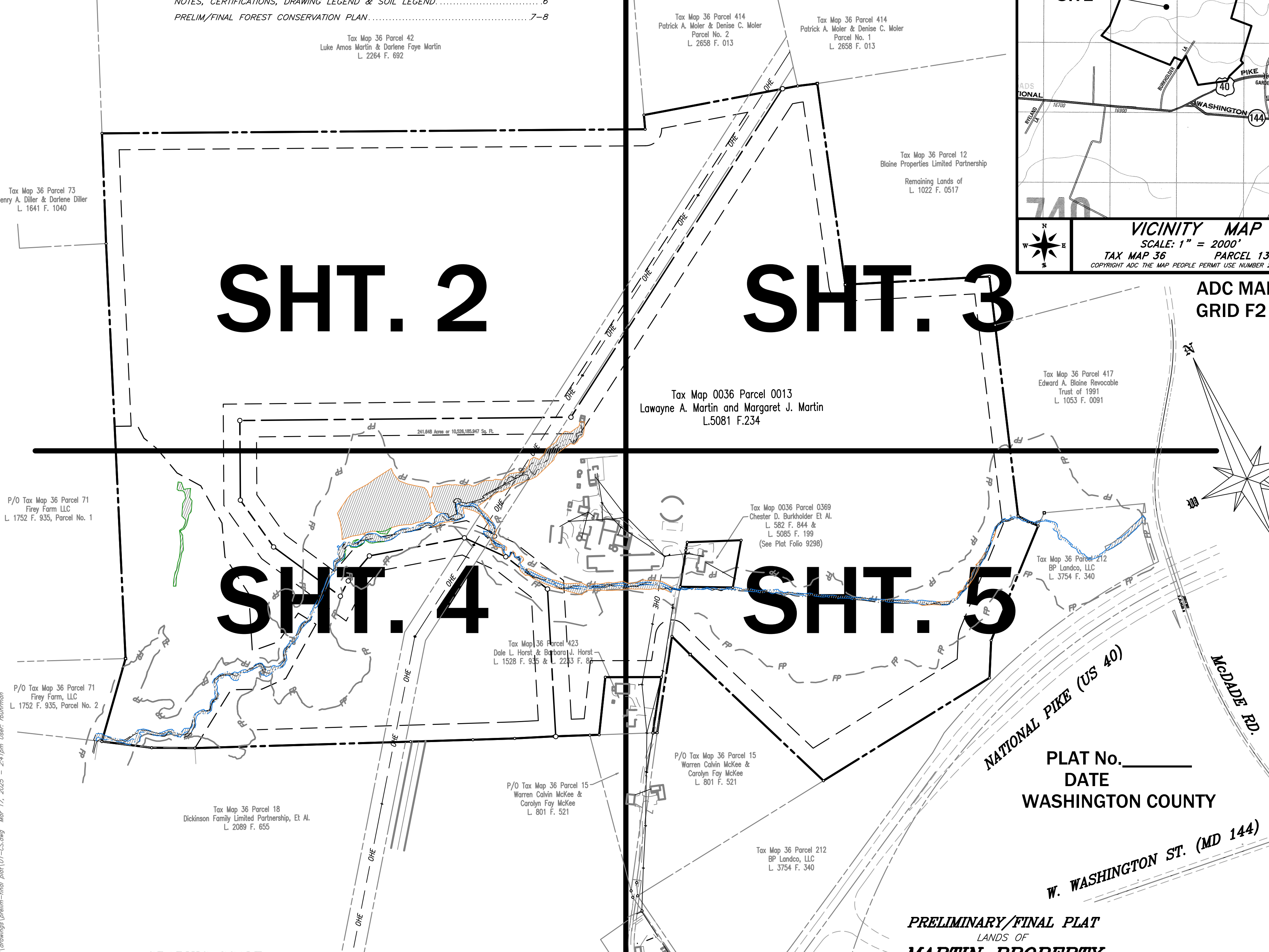
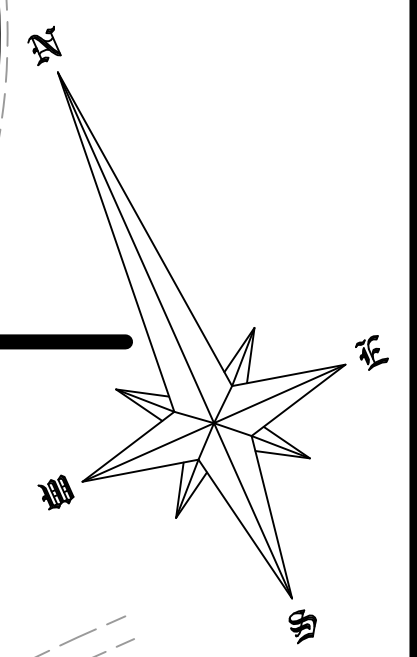
SHT. 2

SHT. 3

SHT. 4

SHT. 5

**ADC MAP 20
 GRID F2**



PLAT No. _____
 DATE _____
 WASHINGTON COUNTY

PRELIMINARY/FINAL PLAT
 LANDS OF
MARTIN PROPERTY

FOX # 23-51256
 CO. FILE NUMBERS:
 S-23-058/FC-23-XXX SHEET No. 1 OF 8

OWNER
 LAWAYNE & MARGARET MARTIN
 12440 BURKOLDERS LANE
 HAGERSTOWN, MD 21740

DEVELOPER
 DIVERSIFIED CAPITAL
 1125 OCEAN AVENUE
 LAKEWOOD, NJ 08701
 732-333-2499

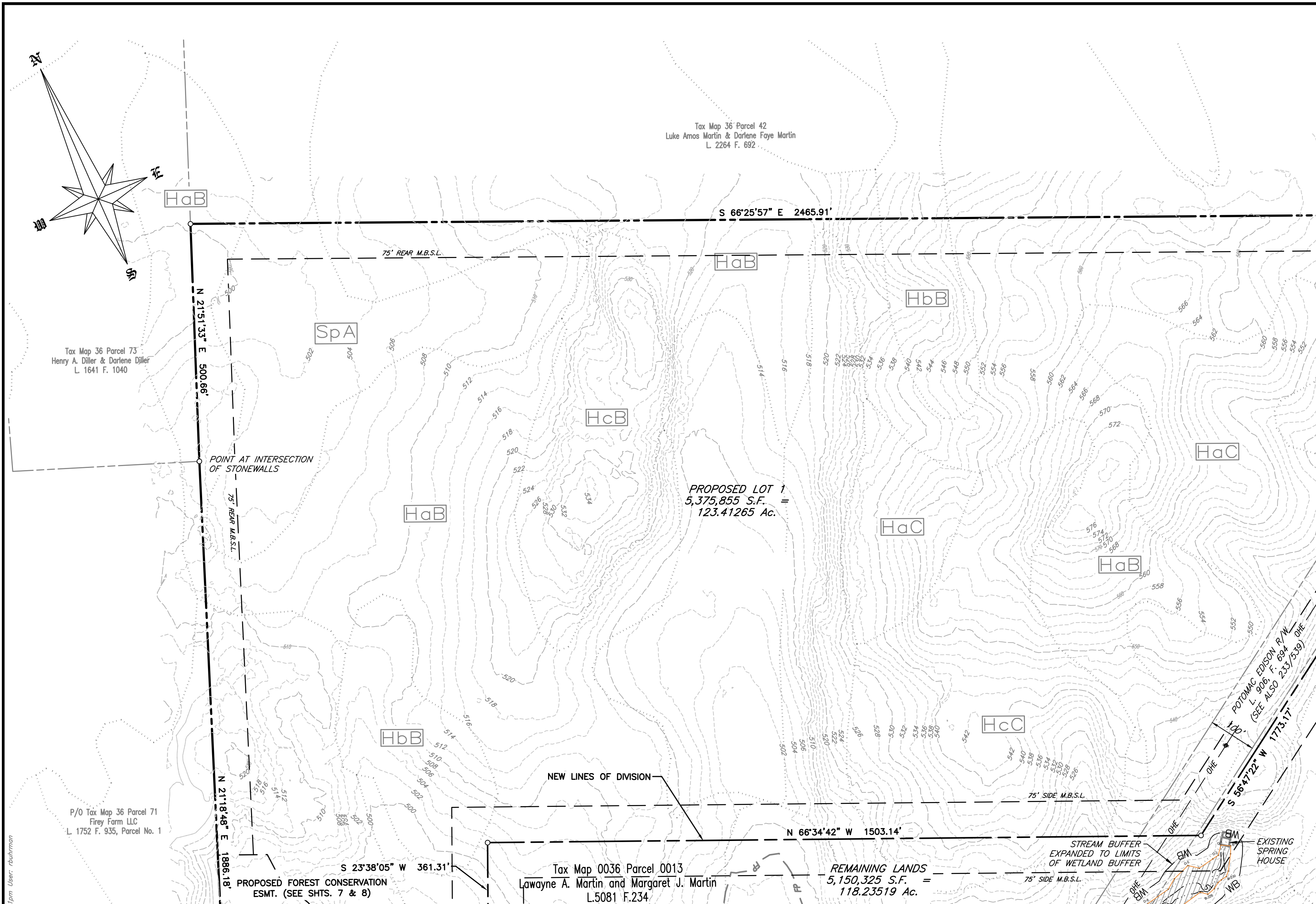
REVISD 3/29/2024 PER WASH. CO. REVIEW COMMENTS
 DRAWN BY: G.S.P. DATE: SEPT. 2023
 CHECKED BY: T.G.W. DATE: SEPT. 2023
 SCALE: 1" = 300'

FOX & ASSOCIATES, INC.
 ENGINEERS • SURVEYORS • PLANNERS
 981 MT. AETNA ROAD HAGERSTOWN, MARYLAND 21740
 PHONE: (301)733-8503 FAX: (301)733-1853
 82 WORMAN'S MILL CT. STE. 'G' FREDERICK, MARYLAND 21701
 PHONE: (301)695-0880 FAX: (301)293-6009



DISTRICT 24
 TAX MAP No. 36
 DWG. No. C-3834

H:\23\51256 Diversified Capital Drawings\prelim-final\plat\01-cs.dwg Mar 17, 2025 - 2:41pm User: rblueman



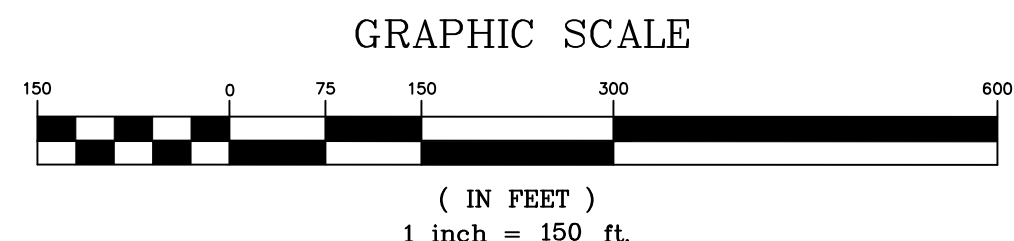
MATCHLINE SEE SHEET 3

MATCHLINE SEE SHEET 4

AREA TABULATION

AREA OF EXISTING TM 36, P 13 MARTIN PROPERTY	10,526,180 S.F. OR 241.64784 Ac.
MINUS AREA OF PROPOSED LOT 1	5,375,855 S.F. OR 123.41265 Ac.
REMAINING LANDS OF TM 36, P 13	5,150,325 S.F. OR 118.23519 Ac.

PLAT No. _____
DATE _____
WASHINGTON COUNTY



OWNER
LAWAYNE & MARGARET MARTIN
12440 BURKOLDERS LANE
HAGERSTOWN, MD 21740

DEVELOPER
DIVERSIFIED CAPITAL
1125 OCEAN AVENUE
LAKEWOOD, NJ 08701
732-333-2499

DRAWN BY: G.S.P.	DATE: SEPT. 2023
CHECKED BY: T.G.W.	DATE: SEPT. 2023
SCALE: AS NOTED	

PRELIMINARY/FINAL PLAT
LANDS OF
MARTIN PROPERTY
SITUATE ALONG THE NORTH SIDE OF US 40
WASHINGTON COUNTY, MARYLAND

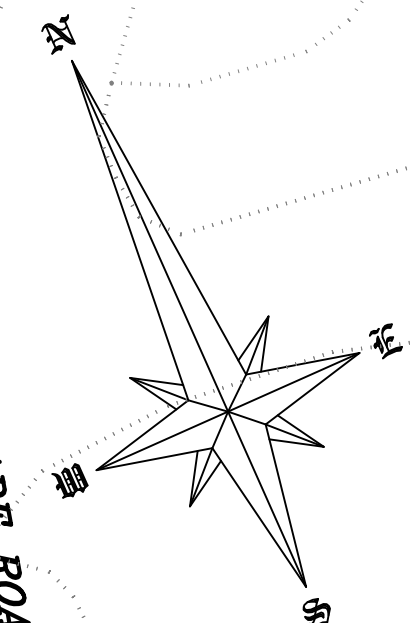
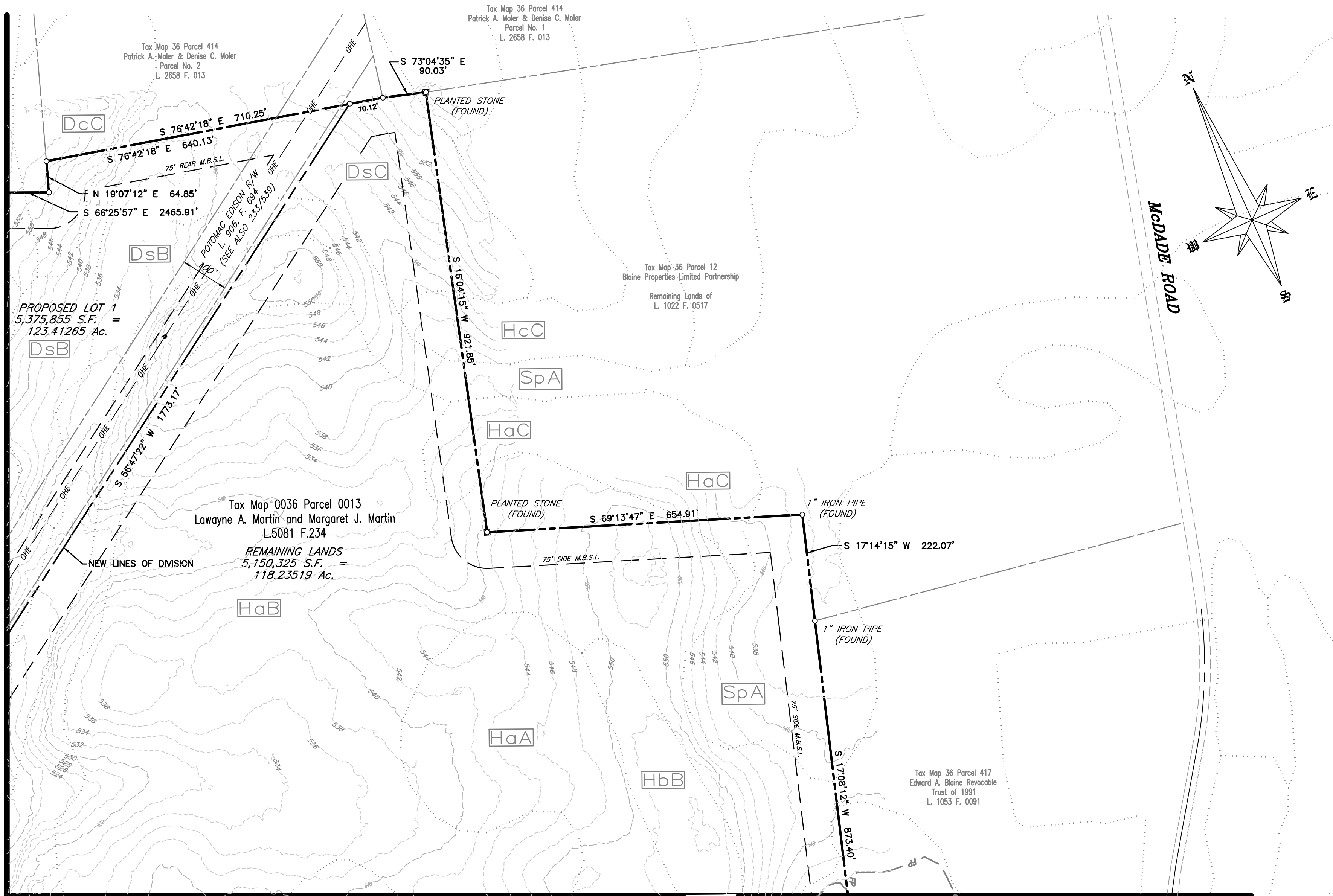
FOX # 23-51256
CO. FILE NUMBERS:
S-23-058/FC-23-XXX SHEET No. 2 OF 8



DISTRICT	24
TAX MAP No.	36
DWG. No.	C-3834

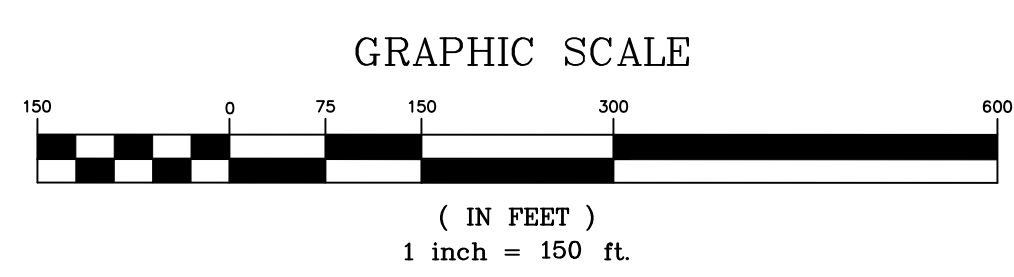
A:\23\51256 Diversified Capital Drawings\prelim-final\plat\02-pp.dwg Mar 17, 2025 - 2:41pm User: rshurman

MATCHLINE SEE SHEET 2



MATCHLINE SEE SHEET 5

PLAT No. _____
 DATE _____
 WASHINGTON COUNTY



OWNER
 LAWAYNE & MARGARET MARTIN
 12440 BURKHOLDERS LANE
 HAGERSTOWN, MD 21740

DEVELOPER
 DIVERSIFIED CAPITAL
 1125 OCEAN AVENUE
 LAKEWOOD, NJ 08701
 732-333-2499

DRAWN BY: G.S.P.	DATE: SEPT. 2023
CHECKED BY: T.G.W.	DATE: SEPT. 2023
SCALE: AS NOTED	

FOX & ASSOCIATES, INC.
 ENGINEERS • SURVEYORS • PLANNERS
 981 MT. AETNA ROAD
 HAGERSTOWN, MARYLAND 21740
 PHONE: (301)733-8503
 FAX: (301)733-1853

82 WORMAN'S MILL CT., STE. 'G'
 FREDERICK, MARYLAND 21701
 PHONE: (301)695-0880
 FAX: (301)293-6009



DISTRICT 24
 TAX MAP No. 36
 DWG. No. C-3834

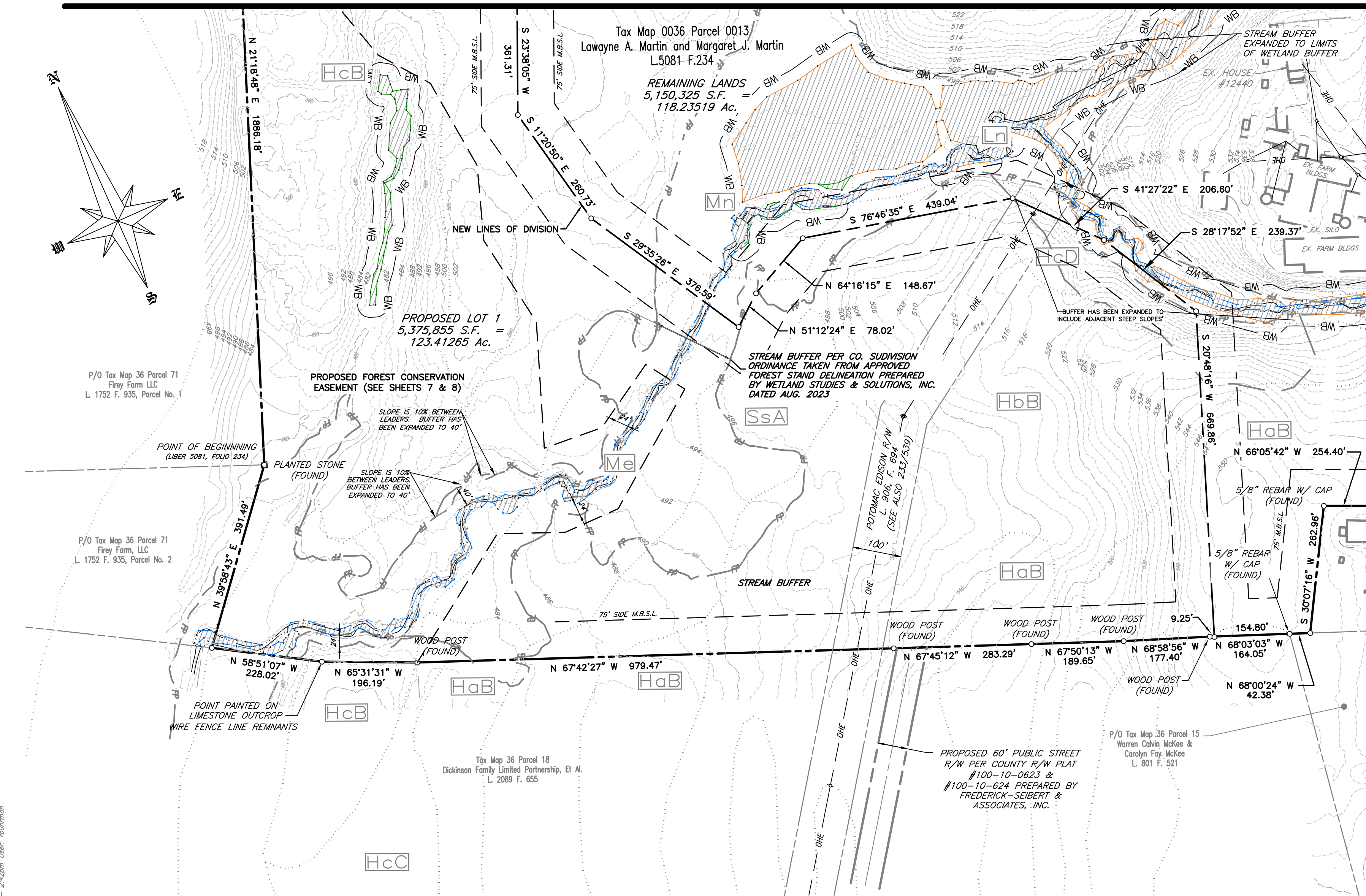
PRELIMINARY/FINAL PLAT
 LANDS OF
MARTIN PROPERTY
 SITUATE ALONG THE NORTH SIDE OF US 40
 WASHINGTON COUNTY, MARYLAND

FOX # 23-51256
 CO. FILE NUMBERS:
 S-23-058/FC-23-XXX SHEET No. 3 OF 8

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MATCHLINE SEE SHEET 2

MATCHLINE SEE SHEET 5



P/O Tax Map 36 Parcel 71
Firey Farm LLC
L. 1752 F. 935, Parcel No. 1

P/O Tax Map 36 Parcel 71
Firey Farm, LLC
L. 1752 F. 935, Parcel No. 2

PROPOSED LOT 1
5,375,855 S.F. =
123.41265 Ac.

Tax Map 0036 Parcel 0013
Lawayne A. Martin and Margaret J. Martin
L.5081 F.234
REMAINING LANDS
5,150,325 S.F.
118.23519 Ac.

PROPOSED FOREST CONSERVATION
EASEMENT (SEE SHEETS 7 & 8)

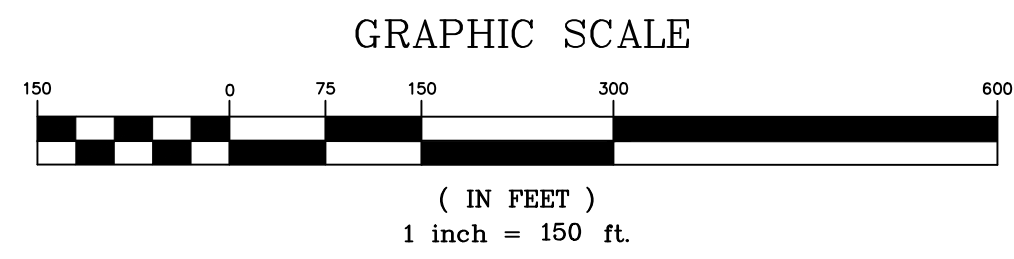
STREAM BUFFER PER CO. SUDIVISION
ORDINANCE TAKEN FROM APPROVED
FOREST STAND DELINEATION PREPARED
BY WETLAND STUDIES & SOLUTIONS, INC.
DATED AUG. 2023

PROPOSED 60' PUBLIC STREET
R/W PER COUNTY R/W PLAT
#100-10-0623 &
#100-10-624 PREPARED BY
FREDERICK-SEIBERT &
ASSOCIATES, INC.

P/O Tax Map 36 Parcel 15
Warren Calvin McKee &
Carolyn Fay McKee
L. 801 F. 521

Tax Map 36 Parcel 18
Dickinson Family Limited Partnership, Et Al.
L. 2089 F. 655

PLAT No. _____
DATE _____
WASHINGTON COUNTY



OWNER
LAWAYNE & MARGARET MARTIN
12440 BURKHOLDERS LANE
HAGERSTOWN, MD 21740

DEVELOPER
DIVERSIFIED CAPITAL
1125 OCEAN AVENUE
LAKEWOOD, NJ 08701
732-333-2499

DRAWN BY: G.S.P.	DATE: SEPT. 2023
CHECKED BY: T.G.W.	DATE: SEPT. 2023
SCALE: AS NOTED	

PRELIMINARY/FINAL PLAT
LANDS OF
MARTIN PROPERTY
SITUATE ALONG THE NORTH SIDE OF US 40
WASHINGTON COUNTY, MARYLAND

FOX & ASSOCIATES, INC.
ENGINEERS • SURVEYORS • PLANNERS
981 MT. AETNA ROAD
HAGERSTOWN, MARYLAND 21740
PHONE: (301)733-8503
FAX: (301)733-1853

82 WORMAN'S MILL CT., STE. 'G'
FREDERICK, MARYLAND 21701
PHONE: (301)695-0880
FAX: (301)293-6009

FOX # 23-51256
CO. FILE NUMBERS:
S-23-058/FC-23-XXX SHEET No. 4 OF 8

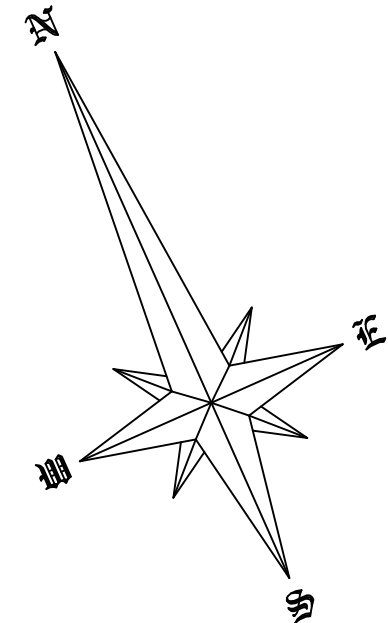
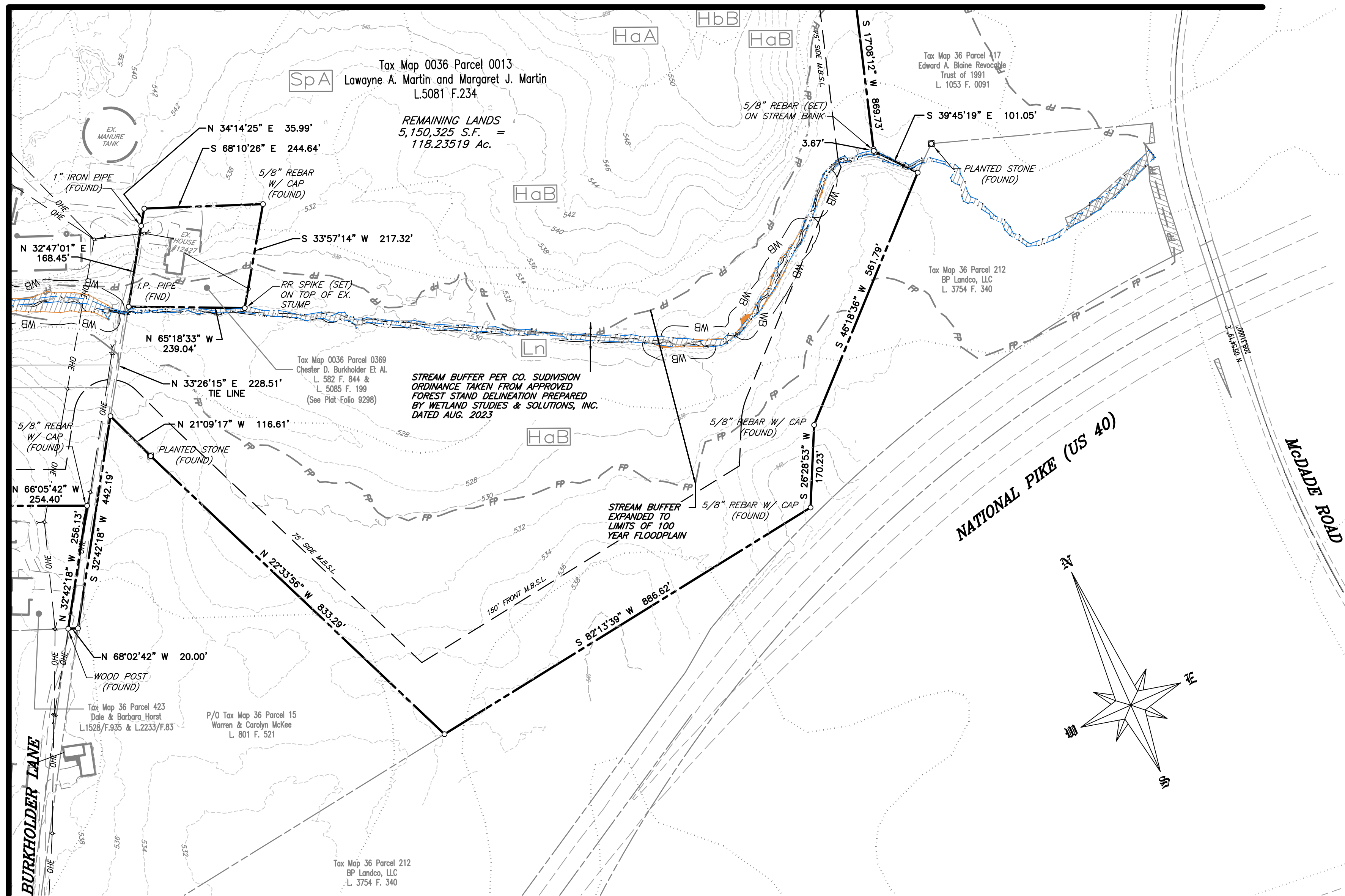
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EST. 1986
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DISTRICT 24
TAX MAP No. 36
DWG. No. C-3834

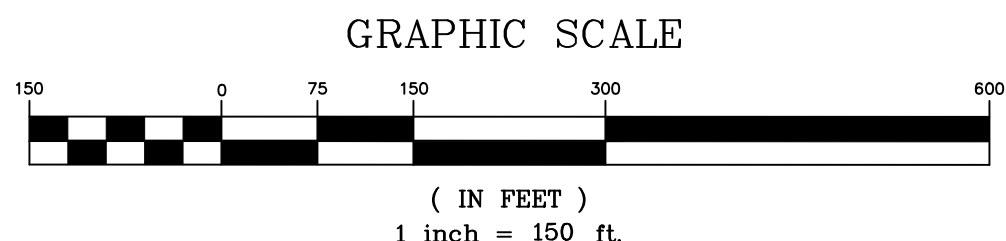
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MATCHLINE SEE SHEET 3

MATCHLINE SEE SHEET 4



PLAT No. _____
 DATE _____
 WASHINGTON COUNTY



OWNER
 LAWAYNE & MARGARET MARTIN
 12440 BURKHOLDERS LANE
 HAGERSTOWN, MD 21740

DEVELOPER
 DIVERSIFIED CAPITAL
 1125 OCEAN AVENUE
 LAKEWOOD, NJ 08701
 732-333-2499

DRAWN BY: G.S.P.	DATE: SEPT. 2023
CHECKED BY: T.G.W.	DATE: SEPT. 2023
SCALE: AS NOTED	

FOX & ASSOCIATES, INC.
 ENGINEERS • SURVEYORS • PLANNERS
 981 MT. AETNA ROAD HAGERSTOWN, MARYLAND 21740
 PHONE: (301)733-8503 FAX: (301)733-1853
 82 WORMAN'S MILL CT., STE. 'G' FREDERICK, MARYLAND 21701
 PHONE: (301)695-0880 FAX: (301)293-6009



DISTRICT 24
 TAX MAP No. 36
 DWG. No. C-3834

PRELIMINARY/FINAL PLAT
 LANDS OF
MARTIN PROPERTY
 SITUATE ALONG THE NORTH SIDE OF US 40
 WASHINGTON COUNTY, MARYLAND

FOX # 23-51256
 CO. FILE NUMBERS:
 S-23-058/FC-23-XXX SHEET No. 5 OF 8

H:\23\51256 Diversified Capital Drawings\prelim-final\plat\05-PP.dwg Mar 17, 2025 - 2:42pm User: rshurman

OWNERS DEDICATION

I/WE HEREBY CERTIFY THAT WE ARE THE LEGAL AND TRUE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED ON THIS PLAT AND THAT WE ADOPT THIS PLAN OF SUBDIVISION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, DEDICATE TO PUBLIC USE ALL UTILITY AND DRAINAGE EASEMENT AREAS AND ALL ALLEY, STREET, AND ROAD RIGHTS OF WAY DESIGNATED ON THIS PLAT, AGREE TO KEEP OPEN ALL SPACES AND RECREATION AREAS SHOWN, AND AGREE THAT THE DEDICATIONS SHALL NOT IMPOSE ANY RESPONSIBILITY ON THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY REGARDING THE SUBJECTS OF SUCH DEDICATIONS UNTIL LEGAL ACCEPTANCE THEREOF BY SAID BOARD, AND WE HEREBY RESERVE THE FEE SIMPLE TITLE TO THE LAND UNDERLYING SAID EASEMENTS, RIGHTS OF WAY, OPEN SPACES AND RECREATION AREAS AND, WITH REGARD TO THE SAID EASEMENTS AND RIGHTS OF WAY, HEREBY AGREE TO CONVEY THE SAME TO SAID BOARD, FOR THE USE OF SAID WASHINGTON COUNTY, WITHOUT CONSIDERATION, UPON THE LEGAL ACCEPTANCE OF SAID EASEMENTS AND/OR RIGHTS OF WAY BY SAID BOARD.

THIS DEED AND AGREEMENT OF DEDICATION SHALL BE BINDING UPON OUR GRANTEEES, ASSIGNS, AND SUCCESSORS.

I/WE ALSO CERTIFY THAT THE COMMUNITY WATER AND/OR COMMUNITY SEWERAGE SYSTEM PROPOSED FOR THIS SUBDIVISION WILL BE AVAILABLE TO ALL LOTS OFFERED FOR SALE. I/WE ALSO CERTIFY THAT PLANS FOR THE COMMUNITY WATER SUPPLY AND/OR COMMUNITY SEWERAGE SYSTEM FACILITIES, INCLUDING ANY NECESSARY POINT OF DISCHARGE, HAVE BEEN APPROVED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

THERE ARE NO SUITS, ACTIONS AT LAW, LEASES, LIENS, MORTGAGES, TRUSTS, EASEMENTS OR RIGHTS OF WAY AFFECTING THE PROPERTY INCLUDED IN THIS PLAN OF SUBDIVISION EXCEPT THE FOLLOWING:

AND ALL PARTIES AND INTERESTS THERETO HAVE HERELINTO AFFIXED THEIR SIGNATURES, INDICATING THEIR ASSENT TO THIS PLAN OF SUBDIVISION.

WITNESS OUR HANDS AND SEALS THIS _____ DAY OF _____, 2023.

WITNESS _____ LAWAYNE A. MARTIN

WITNESS _____ MARGARET J. MARTIN

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS CORRECT, THAT IT IS THE LANDS CONVEYED BY CHESTER & LOIS BURKHOLDER TO LAWAYNE & MARGARET MARTIN BY DEED DATED OCTOBER 14, 2015, AND RECORDED AT LIBER 5081, FOLIO 234 AMONG THE LAND RECORDS OF WASHINGTON COUNTY, MARYLAND. FURTHER THAT THIS PLAN WAS PERSONALLY PREPARED BY ME, OR THAT I WAS IN RESPONSIBLE CHARGE OVER ITS PREPARATION AND THE SURVEYING WORK REFLECTED HEREON, ALL IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN COMAR 09.13.06.12 IN EFFECT AT THE TIME THAT THIS SURVEY WAS PERFORMED.

DATE _____ TIMOTHY GLEN WITTER
REGISTERED PROPERTY LINE SURVEYOR
MARYLAND REGISTRATION No. 319
EXPIRATION/RENEW DATE: 09/14/2024



CERTIFICATE OF APPROVAL

FINAL APPROVAL GRANTED WASHINGTON COUNTY PLANNING COMMISSION

DATE _____ EXECUTIVE DIRECTOR
FINAL APPROVAL GOOD FOR SIX (6) MONTHS FROM ABOVE DATE

NOTES:

- HORIZONTAL DATUM IS BASED ON AN NGS OPUS SOLUTION FROM DATA COLLECTED ON JANUARY 21, 2022. THE HORIZONTAL DATUM IS ON THE MARYLAND STATE GRID SYSTEM (NAD 83).
- DENOTES REBAR & CAP TO BE SET UNLESS OTHERWISE NOTED.
- THERE ARE NO HOUSES, WELLS, OR SEPTIC'S WITHIN 100 FEET OF THE SUBDIVISION BOUNDARY UNLESS SHOWN.
- ZONING IS "PI" PLANNED INDUSTRIAL DISTRICT.
- AN EIGHT (8) FOOT EASEMENT FOR ALL UTILITIES AND DRAINAGE IS DEDICATED ALONG THE INTERIOR OF ALL SIDE AND REAR LOT LINES. A TEN (10) FOOT WIDE EASEMENT FOR UTILITIES AND DRAINAGE IS DEDICATED ALONG THE INTERIOR OF ALL FRONT LOT LINES.
- THIS SITE IS WITHIN THE CONOCOCHIEGUE CREEK WATERSHED 02140504.
- TOTAL UPSTREAM WATERSHED AFFECTING THIS SUBDIVISION IS LESS THAN 400 ACRES.
- THIS SUBDIVISION IS NOT WITHIN 1000 FT OF THE APPALACHIAN TRAIL.
- THERE IS MAPPED FLOODPLAIN ON THE SUBJECT PROPERTY AS SHOWN HEREIN PER FEMA FLOOD MAPS 24043C0118D & 24043C0120D HAVING AN EFFECTIVE DATE OF AUGUST 15, 2017.
- BEARINGS AND DISTANCES ARE FROM A RECENT SURVEY BY SHELLY, WITTER & FOX.
- SETBACKS: DWELLING, SEMI-DETACHED
FRONT 50' INTERIOR ROAD
SIDES 75' ADJOINING INDUSTRIAL DISTRICTS
REAR 75' ADJOINING INDUSTRIAL DISTRICTS
- THERE IS NO HABITAT OF THREATENED OR ENDANGERED SPECIES IDENTIFIED BY THE U.S. FISH AND WILDLIFE SERVICE PER 50 CRF 17 AS REQUIRED TO BE SHOWN BY SECTION 314 OF THE SUBDIVISION ORDINANCE AND SECTION 4.21 OF THE ZONING ORDINANCE. STEEP SLOPES HAVE BEEN SHADED. THE 100 YEAR FLOODPLAIN HAS BEEN SHOWN (SEE NOTE #9 ABOVE).
- TOPOGRAPHY SHOWN HEREON WAS PREPARED FROM UAS MICRODRONE PHOTOGRAMMETRY PERFORMED BY SHELLY, WITTER & FOX ON MARCH 11, 2022. VERTICAL DATUM IS BASED ON THE NAVD 88 VERTICAL DATUM.
- RELATED RECORDS:
FOREST STAND DELINEATION (FS-23-004) PREPARED BY DYNAMIC ENGINEERING AND APPROVED BY WASHINGTON COUNTY ON 8/25/23.
SITE PLAN (SP-23-040) SUBMITTED CONCURRENTLY WITH THIS PLAT.
- WATER IS PUBLIC AND IS PROVIDED BY THE CITY OF HAGERSTOWN. SEWER IS PUBLIC AND PROVIDED BY WASHINGTON COUNTY.
- THE SUBJECT PROPERTY REMAINING LANDS CONTAIN HISTORIC RESOURCES DOCUMENTED ON THE MARYLAND INVENTORY OF HISTORIC PROPERTIES (WA-1-336). THE DESIGN GUIDELINES FOR HISTORIC PROPERTIES SHOULD BE REFERENCED PRIOR TO EXTERIOR WORK ON EXISTING BUILDINGS OR PROPERTY GRADING TO ENSURE DISTURBANCE OF HISTORIC RESOURCES IS LIMITED.

SOILS CHART				
SOIL TYPE	SOIL NAME	HYDROLOGIC SOIL GROUP	PERCENT OF AOI	K FACTOR
DsB	Duffield silt loam, 3 to 8 percent slopes	B	3.30%	0.37
Ft	Funkstown silt loam	C	2.00%	0.37
HaB	Hagerstown silt loam, 3 to 8 percent slopes	B	30.70%	0.37
HaC	Hagerstown silt loam, 8 to 15 percent slopes	B	7.00%	0.37
HbB	Hagerstown silty clay loam, 3 to 8 percent slopes, very rocky	B	11.20%	0.37
HbC	Hagerstown silty clay loam, 8 to 15 percent slopes, very rocky	B	1.30%	0.37
HcB	Hagerstown-Rock outcrop complex, 3 to 8 percent slopes	B	10.50%	0.37
HcC	Hagerstown-Rock outcrop complex, 8 to 15 percent slopes	B	5.80%	0.37
HcD	Hagerstown-Rock outcrop complex, 15 to 25 percent slopes	B	5.00%	0.37
Ln	Lindside silt loam	C	2.50%	0.37
Me	Melvin silt loam	B/D	3.40%	0.43
Mn	Massanetta loam, 0 to 3 percent slopes	B	7.40%	0.15
SpA	Swanpond silt loam, 0 to 3 percent slopes	D	4.20%	0.49
SsA	Swanpond-Funkstown silt loams, 0 to 3 percent slopes	D	5.60%	0.49

SENSITIVE AREA NOTICE

THE STREAM BUFFERS SHOWN ON HEREON ARE ESTABLISHED PURSUANT TO THE REQUIREMENTS OF THE WASHINGTON COUNTY SUBDIVISION ORDINANCE, ARTICLE IV, SECTION 409. IN AN EFFORT TO PRESERVE OR IMPROVE WATER QUALITY, THE PROPERTY OWNER IS REQUIRED TO ESTABLISH AND THEREAFTER MAINTAIN IN PERPETUITY VEGETATIVE GROUND COVER IN ACCORDANCE WITH URBAN BEST MANAGEMENT PRACTICES RECOMMENDED BY THE WASHINGTON COUNTY SOIL CONSERVATION DISTRICT. NO PERMANENT STRUCTURES OR CONSTRUCTION ARE PERMITTED WITHIN THE STREAM BUFFER EXCEPT THOSE DESIGNATED TO IMPROVE WATER QUALITY OR FLOW AS APPROVED BY THE WASHINGTON COUNTY PLANNING COMMISSION IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS, LAWS AND POLICIES. NO SEPTIC SYSTEMS SHALL BE CONSTRUCTED WITHIN THE BUFFER NOR SHALL ANY RESERVE AREA BE ESTABLISHED WITHIN THE BUFFER.

PLAT No. _____
DATE _____
WASHINGTON COUNTY

DRAWING LEGEND:

- WETLAND AREA
- BOUNDARY LINE
- HaB SOIL BOUNDARY & TYPE
- WETLAND BUFFER
- 100 YEAR FLOODPLAIN
- STREAM BUFFER
- EXISTING TREELINE
- EXISTING CONTOUR
- EXISTING INDEX CONTOUR

OWNER
LAWAYNE & MARGARET MARTIN
12440 BURKHOLDERS LANE
HAGERSTOWN, MD 21740

DEVELOPER
DIVERSIFIED CAPITAL
1125 OCEAN AVENUE
LAKEWOOD, NJ 08701
732-333-2499

DRAWN BY: G.S.P.
CHECKED BY: T.G.W.
SCALE: AS NOTED

DATE: SEPT. 2023
DATE: SEPT. 2023

FOX & ASSOCIATES, INC.
ENGINEERS • SURVEYORS • PLANNERS
981 MT. AETNA ROAD
HAGERSTOWN, MARYLAND 21740
PHONE: (301)733-8503
FAX: (301)733-1853

82 WORMAN'S MILL CT., STE. 'G'
FREDERICK, MARYLAND 21701
PHONE: (301)695-0880
FAX: (301)293-6009



DISTRICT 24
TAX MAP No. 36
DWG. No. C-3834

PRELIMINARY/FINAL PLAT
LANDS OF
MARTIN PROPERTY
SITUATE ALONG THE NORTH SIDE OF US 40
WASHINGTON COUNTY, MARYLAND

FOX # 23-51256
CO. FILE NUMBERS:
S-23-058/FC-23-XXX SHEET No. 6 OF 8

CERTIFICATE OF COUNTY APPROVAL

THIS FOREST CONSERVATION PLAN MEETS THE REQUIREMENTS OF THE WASHINGTON COUNTY FOREST CONSERVATION ORDINANCE AND IS HEREBY APPROVED BY THE WASHINGTON COUNTY PLANNING COMMISSION.

SIGNATURE

NAME AND TITLE

DATE

Tax Map 36 Parcel 42
Luke Amos Martin & Darlene Faye Martin
L. 2658 F. 692

Tax Map 36 Parcel 414
Patrick A. Moler & Denise C. Moler
Parcel No. 2
L. 2658 F. 013

Tax Map 36 Parcel 414
Patrick A. Moler & Denise C. Moler
Parcel No. 1
L. 2658 F. 013

Tax Map 36 Parcel 12
Blaine Properties Limited Partnership
Remaining Lands of
L. 1022 F. 0517

Tax Map 36 Parcel 73
Henry A. Diller & Darlene Diller
L. 1641 F. 1040

PERMANENT FOREST CONSERVATION AREA PROTECTION SIGNAGE (TYP.)

P/O Tax Map 36 Parcel 71
Frey Farm LLC
L. 1752 F. 935, Parcel No. 1

PROPOSED FOREST CONSERVATION EASEMENT AREA
712,810 SQ. FEET
16.36386 ACRES

EXISTING SPECIMEN TREE (34" SYCAMORE) TO REMAIN

P/O Tax Map 36 Parcel 71
Frey Farm, LLC
L. 1752 F. 935, Parcel No. 2

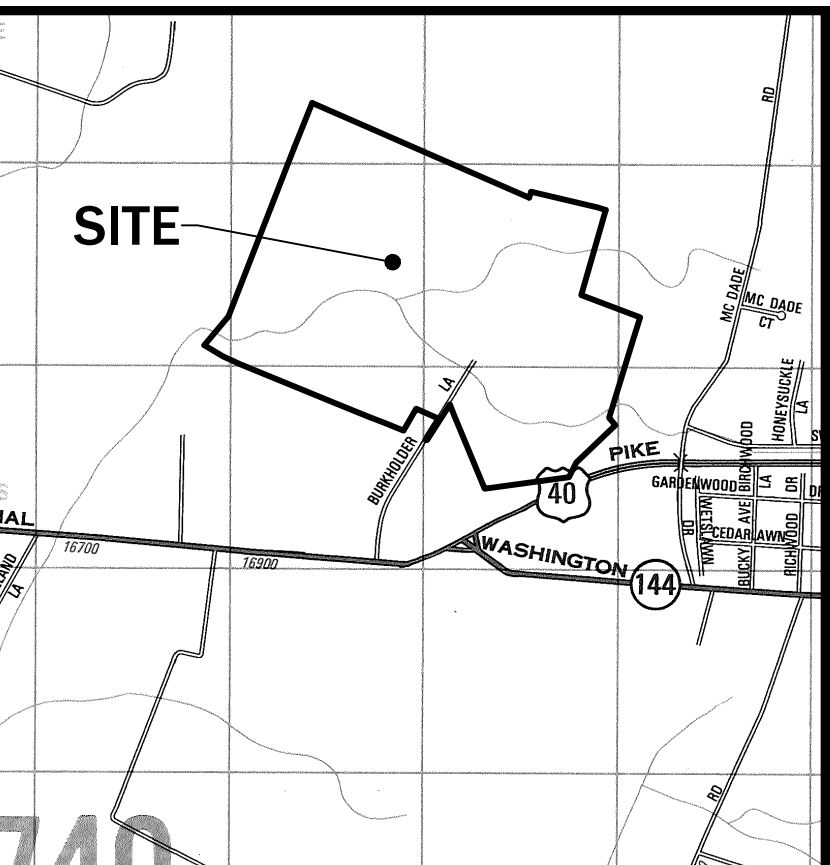
Tax Map 36 Parcel 18
Dickinson Family Limited Partnership, Et Al.
L. 2089 F. 655

P/O Tax Map 36 Parcel 15
Warren Calvin McKee & Carolyn Foy McKee
L. 801 F. 521

P/O Tax Map 36 Parcel 15
Warren Calvin McKee & Carolyn Foy McKee
L. 801 F. 521

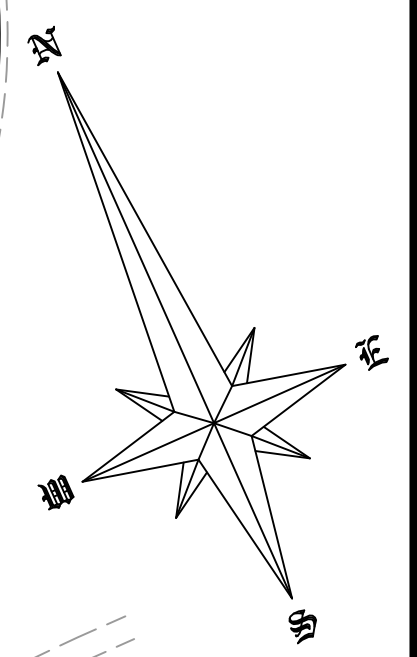
Tax Map 36 Parcel 212
BP Landco, LLC
L. 3754 F. 340

Tax Map 0036 Parcel 0369
Chester D. Burkholder Et Al.
L. 582 F. 844 & L. 5085 F. 199
(See Plat Folio 9298)



VICINITY MAP
SCALE: 1" = 2000'
TAX MAP 36 PARCEL 13
COPYRIGHT ADC THE MAP PEOPLE PERMIT USE NUMBER 21004221

ADC MAP 20
GRID F2



LINE	BEARING	DISTANCE
L1	S 66°37'39" E	104.28'
L2	S 03°43'32" E	62.28'
L3	S 27°03'59" E	74.40'
L4	S 15°45'34" E	144.94'
L5	S 37°38'21" E	121.76'
L6	S 05°38'12" E	194.45'
L7	S 85°38'38" E	125.36'
L8	N 58°49'09" E	158.31'
L9	S 33°47'56" E	94.93'

GRAPHIC SCALE



(IN FEET)
1 inch = 300 ft.

LEGEND

- FOREST AREA TO BE CLEARED
- FOREST CONSERVATION EASEMENT AREA (RETAINED FOREST)
- PERMANENT FOREST CONSERVATION AREA PROTECTION SIGNAGE
- SPECIMEN TREE

OWNER
LAWAYNE & MARGARET MARTIN
12440 BURKOLDERS LANE
HAGERSTOWN, MD 21740

DEVELOPER
DIVERSIFIED CAPITAL
1125 OCEAN AVENUE
LAKEWOOD, NJ 08701
732-333-2499

DRAWN BY: G.S.P.
CHECKED BY: T.G.W.
SCALE: 1" = 300'
DATE: SEPT. 2023
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Est. 1966
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DISTRICT 24
TAX MAP No. 36
DWG. No. C-3834

PRELIMINARY/FINAL FOREST CONSERVATION PLAN

LANDS OF
MARTIN PROPERTY

SITUATE ALONG THE NORTH SIDE OF US 40
WASHINGTON COUNTY, MARYLAND

FOX # 23-51256
CO. FILE NUMBERS:
S-23-058/FC-23-XXX SHEET No. 7 OF 8

PLAT No. _____
DATE _____
WASHINGTON COUNTY

NATIONAL PIKE (US 40)

MCDADE RD.

BURKHOLDER LANE

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LONG TERM FOREST PROTECTION PLAN

THE BOUNDARIES OF THE FOREST CONSERVATION AREA SHALL BE MARKED WITH DURABLE SIGNAGE (SEE DETAIL 3.6.9 DETAIL THIS SHEET) WITH WORDING TO THE EFFECT THAT THE AREA IS A FOREST CONSERVATION AREA AND THAT THE TREES ARE NOT TO BE DISTURBED. THE POSTS AND SIGNS SHALL BE MAINTAINED BY THE PROPERTY OWNER INDEFINITELY.

THERE SHALL BE NO DISTURBANCES OF THE AREA LABELED "FOREST CONSERVATION AREA" BY ANY REGULATED ACTIVITY AS DEFINED IN WASHINGTON COUNTY FOREST CONSERVATION ORDINANCE, EXCEPTING SUCH ACTIVITIES WHICH HAVE RECEIVED PRIOR APPROVAL OF THE WASHINGTON COUNTY PLANNING COMMISSION.

PROPERTY OWNERS ARE ADVISED THAT PENALTIES AND FINES ARE ASSOCIATED WITH VIOLATION OF THE WASHINGTON COUNTY FOREST CONSERVATION ORDINANCE. ACTIVITIES OF A RECREATIONAL OR PASSIVE NATURE ARE PERMITTED IN THE FOREST CONSERVATION AREAS PROVIDED THERE IS NO FOREST DISTURBANCE OR REMOVAL OF LIVING TREES.

THE LONG-TERM FOREST PROTECTION PLAN OR REFERENCE TO ITS EXISTENCE ON THIS PLAT SHALL BE INCLUDED IN EACH AND EVERY DEED OF CONVEYANCE FOR THIS PROPERTY AND SUBDIVISIONS THEREOF.

THE FOREST CONSERVATION PLAN SHOWS THAT NO EXISTING TREES WITHIN THE FOREST CONSERVATION AREAS ARE TO BE DISTURBED. IF FOR ANY REASON IN THE FUTURE, FOREST COVER IS PROPOSED TO BE DISTURBED, A REVISED FOREST CONSERVATION PLAN MUST BE SUBMITTED TO THE WASHINGTON COUNTY PLANNING COMMISSION AND APPROVED PRIOR TO DISTURBING ANY TREES.

LONG TERM PROTECTION AGREEMENT

THE FOREST CONSERVATION EASEMENT SHOWN HEREON IS DESIGNATED FOR RETAINED FOREST FOR THE BIG SPRING SOLAR SITE PLAN, SP-21-021 ACCORDING TO THE WASHINGTON COUNTY FOREST CONSERVATION ORDINANCE.

THE AREAS NOTED AS "FOREST CONSERVATION EASEMENT" ARE NOT TO BE DISTURBED BY ANY REGULATED ACTIVITY AS DEFINED IN THE FOREST CONSERVATION ORDINANCE UNTIL THAT REGULATED ACTIVITY AND ITS ASSOCIATED FOREST DISTURBANCE IS REVIEWED AND APPROVED BY THE WASHINGTON COUNTY PLANNING COMMISSION ACCORDING TO THE REQUIREMENTS AND STANDARDS OF THE FOREST CONSERVATION ORDINANCE IN EFFECT AT THAT TIME.

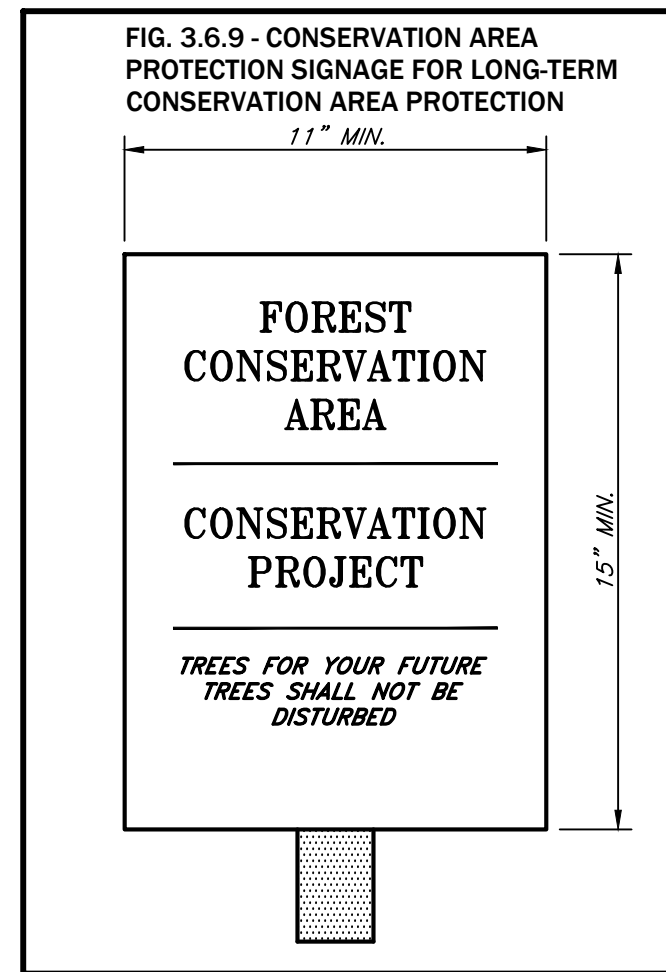
PROPERTY OWNERS ARE ADVISED THAT THERE ARE PENALTIES AND FINES ASSOCIATED WITH VIOLATION OF THESE RESTRICTIONS. OWNERS OF LOTS AFFECTED BY THE FOREST CONSERVATION EASEMENT(S) SHALL TAKE PRECAUTIONS TO PROTECT FOREST IN EASEMENT AREAS FROM UNAUTHORIZED DISTURBANCE PURSUANT TO THE WASHINGTON COUNTY FOREST CONSERVATION ORDINANCE. ACTIVITIES OF A RECREATIONAL OR PASSIVE NATURE, AS LONG AS THERE IS NO FOREST DISTURBANCE, REMOVAL OF EXISTING FOREST, OR INHIBITION OF ITS NATURAL GROWTH PROCESSES ARE PERMITTED IN THE FOREST RETENTION AREAS. ACCESS TO EASEMENT AREAS AND OVER ACCESS RIGHTS OF WAY SHOWN ON THIS PLAT ARE NECESSARY AND PERMITTED TO WASHINGTON COUNTY AT REASONABLE TIMES FOR PERIODIC INSPECTION OF THE EASEMENT AREAS.

THIS NOTE OR REFERENCE TO ITS EXISTENCE ON THIS PLAT SHALL BE INCLUDED IN ANY FUTURE DEED OF CONVEYANCE OF THIS PARCEL OF LAND.

SIGNATURE

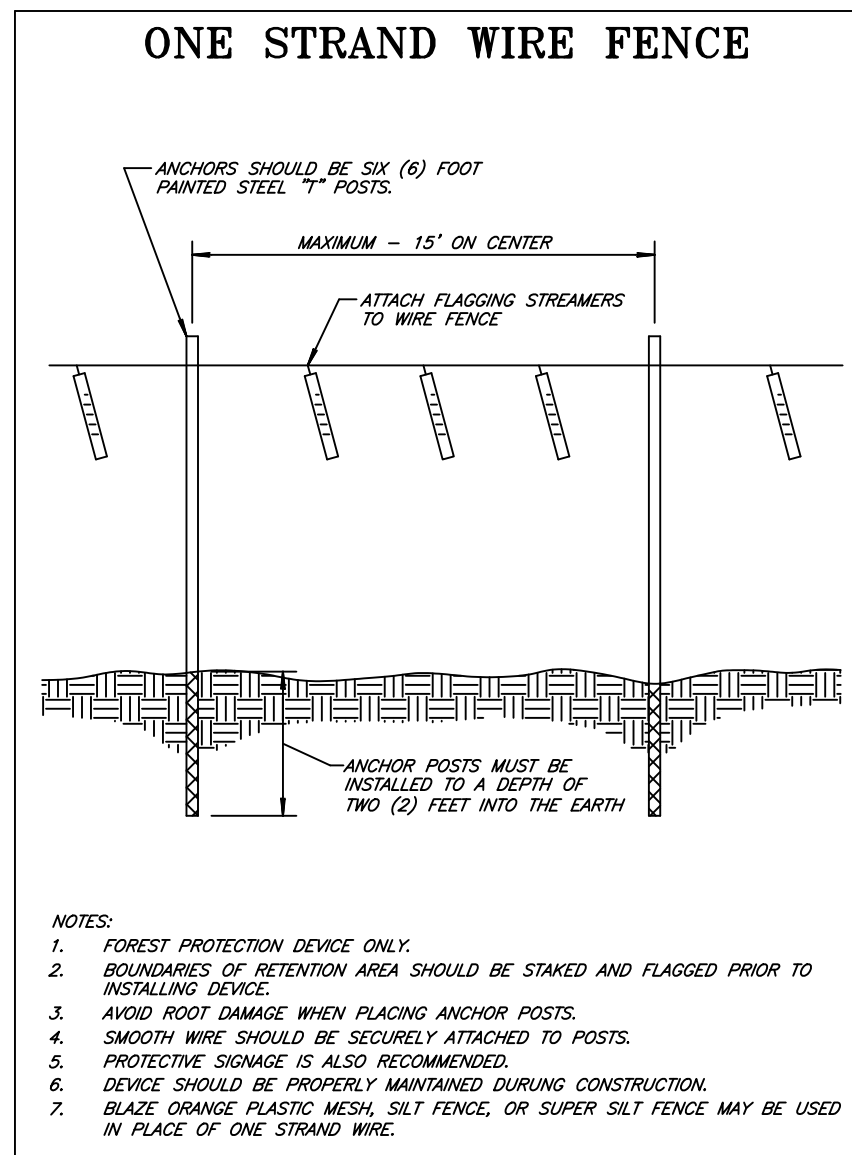
BY: _____

PRINTED NAME TITLE DATE



NOTE:

- SIGNS SHALL BE LOCATED AS SHOWN ON SHEET 2 OR A MAXIMUM OF 50' ON CENTER.
- SIGNS SHALL REMAIN INDEFINITELY.



NOTES:

- FOREST PROTECTION DEVICE ONLY.
- BOUNDARIES OF RETENTION AREA SHOULD BE STAKED AND FLAGGED PRIOR TO INSTALLING DEVICE.
- AVOID ROOT DAMAGE WHEN PLACING ANCHOR POSTS.
- SMOOTH WIRE SHOULD BE SECURELY ATTACHED TO POSTS.
- PROTECTIVE SIGNAGE IS ALSO RECOMMENDED.
- DEVICE SHOULD BE PROPERLY MAINTAINED DURING CONSTRUCTION.
- BLAZE ORANGE PLASTIC MESH, SILT FENCE, OR SUPER SILT FENCE MAY BE USED IN PLACE OF ONE STRAND WIRE.

SEQUENCE OF CONSTRUCTION:

- STAKE/FLAG LIMITS OF FOREST RETENTION AREAS.
- INSTALL FOREST PROTECTION DEVICES.
- CONTACT WASHINGTON COUNTY PLANNING & ZONING DEPARTMENT OFFICE FIVE (5) DAYS PRIOR TO THE START OF CONSTRUCTION AT (240) 313-2430.
- NOTIFY THE WASHINGTON COUNTY PLANNING & ZONING DEPARTMENT AND HOLD POST CONSTRUCTION MEETING AND INSPECTION.

NOTES:

- THE PERMANENT SIGNS ARE REQUIRED TO BE POSTED WITHIN 30 DAYS OF SUBDIVISION APPROVAL AND ARE TO BE MAINTAINED FOR PERPETUITY.
- SIGNS REQUIRED TO BE:
 - PLASTIC HDPE 0.05 GAUGE, OR
 - METAL
- ATTACHMENT OF SIGNS TO TREES IS PROHIBITED.

I CERTIFY THAT I AM QUALIFIED TO PREPARE THIS PLAN IN ACCORDANCE WITH THE REQUIREMENTS OF THE FOREST CONSERVATION ACT PURSUANT TO COMAR 08.19.06.01A AND THAT TO THE BEST OF MY KNOWLEDGE, THE INFORMATION HEREON SATISFIES THE REQUIREMENTS OF THE WASHINGTON COUNTY FOREST CONSERVATION ORDINANCE.

HALEY KELLY, WETLAND STUDIES & SOLUTIONS, INC. (WSSI)

OWNER
LAWAYNE & MARGARET MARTIN
12440 BURKOLDERS LANE
HAGERSTOWN, MD 21740

DEVELOPER
DIVERSIFIED CAPITAL
1125 OCEAN AVENUE
LAKEWOOD, NJ 08701
732-333-2499

DRAWN BY: G.S.P.
CHECKED BY: T.G.W.
DATE: SEPT. 2023
DATE: SEPT. 2023
SCALE: 1" = 300'

FOX & ASSOCIATES, INC.
ENGINEERS • SURVEYORS • PLANNERS
981 MT. AETNA ROAD
HAGERSTOWN, MARYLAND 21740
PHONE: (301)733-8503
FAX: (301)733-1853



DISTRICT 24
TAX MAP No. 36
DWG. No. C-3834

Forest Conservation Worksheet 2.2						
Net Tract Area						
A.	Total Tract Area					123.41
B.	Deductions			B =		14.65
C.	Net Tract Area			C =		108.76
Land Use Category						
	Input the number "1" under the appropriate land use zoning, and limit to only one entry					
	ARA	MDR	IDA	HDR	MPD	CIA
	0	0	0	0	0	1
D.	Afforestation Threshold (Net Tract Area x 15%)					D = 16.31
E.	Conservation Threshold (Net Tract Area x 15%)					E = 16.31
Existing Forest Cover						
F.	Existing Forest Cover within the Net Tract Area					F = 27.83
G.	Area of Forest Above Conservation Threshold					G = 11.52
Break Even Point						
H.	Break Even Point					H = 18.62
I.	Forest Clearing Permitted Without Mitigation					I = 9.21
Proposed Forest Clearing						
J.	Total Area of Forest to be Cleared					J = 11.37
K.	Total Area of Forest to be Retained					K = 16.36
Planting Requirements						
L.	Reforestation for Clearing Above the Conservation Threshold					L = 2.84
M.	Reforestation for Clearing Below the Conservation Threshold					M = 0.00
N.	Credit for Retention above the Conservation Threshold					N = 0.05
P.	Total Reforestation Required					P = 2.80
Q.	Total Afforestation Required					Q = 0.00
R.	Total Planting Requirement					R = 2.80

THE 2.80 ACRE REMAINING PLANTING REQUIREMENT WILL BE MET BY THE PAYMENT IN LIEU OPTION IN THE AMOUNT OF \$ 36,590.40

PLAT No. _____
DATE _____
WASHINGTON COUNTY

PRELIMINARY/FINAL FOREST CONSERVATION PLAN

LANDS OF
MARTIN PROPERTY
SITUATE ALONG THE NORTH SIDE OF US 40
WASHINGTON COUNTY, MARYLAND

FOX # 23-51256
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S-23-05B/FC-23-XXX SHEET No. 8 OF 8

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Plan Review Projects Initialized - February 01, 2025 - February 28, 2025

Land Development Reviews								
Record #	Type	Status	Opened Date	Accepted Date	Title	Location	Consultant	Owner
FS-25-005	Forest Stand Delineation	Approved	02/10/2025	2/10/2025	SIMPLIFIED FOREST STAND DELINEATION FOR SHOWALTER FARMS, LLC	18209 SHOWALTER ROAD HAGERSTOWN, MD 21742	FREDERICK SEIBERT & ASSOCIATES	SHOWALTER FARM LLC
SIM25-007	IMA	Requested	02/03/2025		BOONSBORO RESERVOIR & WATERMAIN REPLACEMENT	20854 BOONSBORO MOUNTAIN ROAD BOONSBORO, MD 21713		BOONSBORO MAYOR COUNCIL
SIM25-008	IMA	Active	02/12/2025		20504 GATHLAND TRAIL RO	20504 GATHLAND TRAIL ROHRERSVILLE, MD 21779	FREDERICK SEIBERT & ASSOCIATES	VAUGHAN TO LICH THI BUI
SIM25-009	IMA	Active	02/12/2025		VIRGINIA AVENUE LLC WAREHOUSE	16965 VIRGINIA AVENUE WILLIAMSPORT, MD 21795	FREDERICK SEIBERT & ASSOCIATES	VA AVE LLC
SIM25-010	IMA	Active	02/13/2025		FLETCHERS GROVE DEAN SOUTH & COURTNEY	205 GAGE COURT BOONSBORO, MD 21713	B&R DESIGN GROUP	DEAN 8486 LLC
SIM25-011	IMA	Active	02/18/2025		1916 REED ROAD KN	1916 REED ROAD KNOXVILLE, MD 21758	FREDERICK SEIBERT & ASSOCIATES	CLARK JAMES SCOTT
SIM25-012	IMA	Active	02/24/2025		3819 MILLS ROAD SH	3819 MILLS ROAD SHARPSBURG, MD 21782	FREDERICK SEIBERT & ASSOCIATES	INGRAM SHARON M MILLS EARLE TRUSTEES
SIM25-013	IMA	Active	02/25/2025		PARADISE HEIGHTS SECTION C		FOX & ASSOCIATES INC	PARADISE HEIGHTS LAND
SIM25-014	IMA	Active	02/28/2025		12259 SAINT PAUL ROAD CS	12259 SAINT PAUL ROAD CLEAR SPRING, MD 21722	FREDERICK SEIBERT & ASSOCIATES	MILES DALE EUGENE & MILES BURMA KLEIN
SIM25-015	IMA	Active	02/28/2025		13163 SALEM CHURCH ROAD HN	13163 SALEM CHURCH ROAD HAGERSTOWN, MD 21740	FREDERICK SEIBERT & ASSOCIATES	BOSTETTER GROUP LLC THE
TWN-25-002	Improvement Plan	In Review	02/11/2025	2/19/2025	FLETCHER'S GROVE - PHASE 3 - DEAN NORTH	109 KINNA PLACE BOONSBORO, MD 21713	B&R DESIGN GROUP	DEAN 8486 LLC
OM-25-001	Ordinance Modification	Approved	02/17/2025	2/18/2025	BROOKES HOUSE C/O KEVIN SIMMERS	19986 BEAVER CREEK ROAD HAGERSTOWN, MD 21740	FREDERICK SEIBERT & ASSOCIATES	BROOKES HOUSE INC
OM-25-002	Ordinance Modification	Approved	02/18/2025	2/19/2025	ORDINANCE MODIFICATION FOR PRELIMINARY/FINAL PLAT - EILEEN HARBAUGH	16200 BROADFORDING ROAD HAGERSTOWN, MD 21740	APEX LAND SOLUTIONS LLC	HARBAUGH NELSON L HARBAUGH EILEEN F
PSP-25-001	Preliminary Plat Site Plan	Pending	02/24/2025		ROSEWOOD PHASE 2B CAPITAL LN LOTS 178-180		FOX & ASSOCIATES INC	ROSEWOOD VILLAGE PHASE II C LLC
S-25-007	Preliminary-Final Plat	Revisions Required	02/06/2025	2/10/2025	ELIZABETH EHRHARDT LOT 6	1032 HOFFMASTER ROAD KNOXVILLE, MD 21758	FREDERICK SEIBERT & ASSOCIATES	EHRHARDT ELIZABETH A
PWA2025-001	PWA	Active	02/25/2025		PARADISE HEIGHTS SECTION C	13910 IDEAL CIRCLE HAGERSTOWN, MD 21742	FOX & ASSOCIATES INC	PARADISE HEIGHTS LAND
SP-19-036.R03	Redline Revision	Approved	02/21/2025	2/21/2025	AMAZON WAREHOUSE VEHICLE INSPECTION SCANNER	16604 INDUSTRIAL LN WILLIAMSPORT, MD 21795	MFS ENGINEERS & SURVEYORS	SIF HAGERSTOWN INDUSTRIAL LAND DC LLC 730 THIRD AVENUE

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					Land Development Reviews			
Record #	Type	Status	Opened Date	Accepted Date	Title	Location	Consultant	Owner
SI-25-002	Simplified Plat	Waiting for Final Paper Copies	02/20/2025	2/24/2025	NATIONAL PIKE JOINT VENTURE, LLC PARCEL A		FREDERICK SEIBERT & ASSOCIATES	NATIONAL PIKE JOINT VENTURE LLC
SP-25-004	Site Plan	Pending	02/03/2025		PATTON WAREHOUSING & LOGISTICS	18525 BREEZE HILL DRIVE HAGERSTOWN, MD 21742	FREDERICK SEIBERT & ASSOCIATES	PATTON HAGERSTOWN LLC
SP-25-005	Site Plan	In Review	02/10/2025	2/11/2025	SITE PLAN FOR SUNRISE VALLEY FARM	9827 DOWNSVILLE PIKE HAGERSTOWN, MD 21740	FREDERICK SEIBERT & ASSOCIATES	CONOCOCHIEAGUE MANOR FARM LLC
SP-25-006	Site Plan	In Review	02/11/2025	2/25/2025	SITE PLAN FOR UNIFIX AUTOCARE, LLC	15136 BLOYERS AVENUE HAGERSTOWN, MD 21740	FREDERICK SEIBERT & ASSOCIATES	AK REALTY HOLDINGS LLC
SP-25-007	Site Plan	In Review	02/21/2025	2/24/2025	WASHINGTON COUNTY TACTICAL VILLAGE PHASE 1 BURN BUILDING/GRADING	18350 PUBLIC SAFETY PLACE HAGERSTOWN, MD 21740	WASHINGTON CO ENGINEERING	WASH CO COMMISSIONERS BOARD OF
GP-25-002	Site Specific Grading Plan	In Review	02/25/2025	2/26/2025	STANG LOT 2 5619 AMOS REEDER ROAD			Richard & Maureen Stang
GP-25-003	Site Specific Grading Plan	In Review	02/27/2025	2/28/2025	19529 GARRETTS MILL ROAD	19529 GARRETTS MILL ROAD KNOXVILLE, MD 21758		DIAZ LUIS CONCEPCION RAMOS CORTEZ CLAUDIA FLORICELDA CHAVEZ
SGP-25-012	Standard Grading Plan	Approved	02/04/2025	2/6/2025	CAREY - KAETZEL RD	2219 KAETZEL ROAD KNOXVILLE, MD 21758	COREY'S CONSTRUCTION	CAREY AUSTEN D
SGP-25-013	Standard Grading Plan	Approved	02/04/2025	2/13/2025	VAN LEAR MANOR, LOT 575	10832 HERSHEY DRIVE WILLIAMSPORT, MD 21795		THOMPSON WILLIAM DAVID THOMPSON CARLI LYNN
SGP-25-014	Standard Grading Plan	In Review	02/19/2025	3/12/2025	HANNAH SPEC	18218 SUMMERLIN DRIVE HAGERSTOWN, MD 21740	FREDERICK SEIBERT & ASSOCIATES	HUNNISETT RICHARD A TRUSTEE HUNNISETT PATRICIA L TRUSTEE
SGP-25-015	Standard Grading Plan	Approved	02/20/2025	2/24/2025	MARK PETTYJOHN	8414 COUNTRY HOME LANE BOONSBORO, MD 21713	FREDERICK SEIBERT & ASSOCIATES	PETTYJOHN MARK E PETTYJOHN LORI S
SWCP25-004	Stormwater Concept Plan	In Review	02/07/2025	2/11/2025	SHOWALTER COMMERCIAL PARK LOTS 1 & 2	18225 SHOWALTER ROAD HAGERSTOWN, MD 21742		SHOWALTER FARM LLC
SWCP25-005	Stormwater Concept Plan	In Review	02/28/2025	3/4/2025	BOONSBORO AMBULANCE & RESCUE INC	7619 OLD NATIONAL PIKE BOONSBORO, MD 21713		AMBULANCE & RESCUE SERVICE INC BOONSBORO
SSWP25-009	Stormwater Standard Plan	Approved	02/04/2025	2/6/2025	CAREY - KAETZEL RD	2219 KAETZEL ROAD KNOXVILLE, MD 21758	COREY'S CONSTRUCTION	CAREY AUSTEN D
SSWP25-010	Stormwater Standard Plan	Approved	02/05/2025	2/13/2025	VAN LEAR MANOR, LOT 575	10832 HERSHEY DRIVE WILLIAMSPORT, MD 21795	TRIAD ENGINEERING	THOMPSON WILLIAM DAVID THOMPSON CARLI LYNN
SSWP25-012	Stormwater Standard Plan	Approved	02/13/2025	2/18/2025	KEILY CATTLE LLC AG STRUCTURE	21312 CHEWSVILLE ROAD SMITHSBURG, MD 21783	FREDERICK SEIBERT & ASSOCIATES	MARTIN KEITH MARTIN BEVERLY
SSWP25-013	Stormwater Standard Plan	Approved	02/14/2025	2/24/2025	JOEL STRITE HAY STORAGE STRUCTURE	13140 ROWE ROAD SMITHSBURG, MD 21783		STRITE FAMILY ENTERPRISES LLC
SSWP25-014	Stormwater Standard Plan	In Review	02/19/2025	3/12/2025	HANNAH SPEC	18218 SUMMERLIN DRIVE HAGERSTOWN, MD 21740	FREDERICK SEIBERT & ASSOCIATES	HUNNISETT RICHARD A TRUSTEE HUNNISETT PATRICIA L TRUSTEE
SSWP25-015	Stormwater Standard Plan	Approved	02/20/2025	2/24/2025	MARK PETTYJOHN	8414 COUNTRY HOME LANE BOONSBORO, MD 21713	FREDERICK SEIBERT & ASSOCIATES	PETTYJOHN MARK E PETTYJOHN LORI S

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Land Development Reviews								
Record #	Type	Status	Opened Date	Accepted Date	Title	Location	Consultant	Owner
GPT-25-008	Type 2 Grading Plan	Approved	02/07/2025	2/18/2025	PARADISE HEIGHTS LOT 68 13815 PULASKI DR	13815 PULASKI DRIVE HAGERSTOWN, MD 21742	RICHMOND AMERICAN HOMES OF MARYLAND, INC	PARADISE HEIGHTS LAND
GPT-25-009	Type 2 Grading Plan	Approved	02/07/2025	2/18/2025	PARADISE HEIGHTS LOT 74		RICHMOND AMERICAN HOMES OF MARYLAND, INC	PARADISE HEIGHTS LAND
GPT-25-010	Type 2 Grading Plan	Approved	02/07/2025	2/18/2025	PARADISE HEIGHTS LOT 70 13818 PULASKI DR	13818 PULASKI DRIVE HAGERSTOWN, MD 21742	RICHMOND AMERICAN HOMES OF MARYLAND, INC	PARADISE HEIGHTS LAND
GPT-25-011	Type 2 Grading Plan	In Review	02/12/2025	2/18/2025	ELMWOOD FARM LOT 151 10119 WILKES DRIVE	10119 WILKES DRIVE WILLIAMSPORT, MD 21795	RICHMOND AMERICAN HOMES OF MARYLAND, INC	FELIXS FOLLY LLC
GPT-25-012	Type 2 Grading Plan	In Review	02/12/2025	2/18/2025	ELMWOOD FARM LOT 169 10110 WILKES DRIVE	10110 WILKES DRIVE WILLIAMSPORT, MD 21795	RICHMOND AMERICAN HOMES OF MARYLAND, INC	
GPT-25-013	Type 2 Grading Plan	In Review	02/12/2025	2/18/2025	ELMWOOD FARM LOT 167 10118 WILKES DRIVE	10118 WILKES DRIVE WILLIAMSPORT, MD 21795	RICHMOND AMERICAN HOMES OF MARYLAND, INC	
GPT-25-014	Type 2 Grading Plan	In Review	02/12/2025	2/18/2025	ELMWOOD FARM LOT 150 10111 WILKES DRIVE	10111 WILKES DRIVE WILLIAMSPORT, MD 21795	RICHMOND AMERICAN HOMES OF MARYLAND, INC	
GPT-25-015	Type 2 Grading Plan	In Review	02/12/2025	2/18/2025	ELMWOOD FARM LOT 140 10131 WILKES DRIVE	10131 WILKES DRIVE WILLIAMSPORT, MD 21795	RICHMOND AMERICAN HOMES OF MARYLAND, INC	
GPT-25-016	Type 2 Grading Plan	In Review	02/12/2025	2/18/2025	ELMWOOD FARM LOT 168 10114 WILKES DRIVE	10114 WILKES DRIVE WILLIAMSPORT, MD 21795	RICHMOND AMERICAN HOMES OF MARYLAND, INC	
GPT-25-017	Type 2 Grading Plan	In Review	02/24/2025	2/28/2025	ELMWOOD FARM LOT 152 10123 WILKES DRIVE	10123 WILKES DRIVE WILLIAMSPORT, MD 21795	RICHMOND AMERICAN HOMES OF MARYLAND, INC	
GPT-25-018	Type 2 Grading Plan	In Review	02/24/2025	2/28/2025	ELMWOOD FARM LOT 153 10127 WILKES DRIVE	10127 WILKES DRIVE WILLIAMSPORT, MD 21795	RICHMOND AMERICAN HOMES OF MARYLAND, INC	
GPT-25-019	Type 2 Grading Plan	In Review	02/24/2025	2/28/2025	ELMWOOD FARM LOT 155 10135 WILKES DRIVE	10135 WILKES DRIVE WILLIAMSPORT, MD 21795	RICHMOND AMERICAN HOMES OF MARYLAND, INC	
GPT-25-020	Type 2 Grading Plan	In Review	02/24/2025	2/28/2025	ELMWOOD FARM LOT 163 10134 WILKES DRIVE	10134 WILKES DRIVE WILLIAMSPORT, MD 21795	RICHMOND AMERICAN HOMES OF MARYLAND, INC	
GPT-25-021	Type 2 Grading Plan	In Review	02/24/2025	2/28/2025	ELMWOOD FARM LOT 164 10130 WILKES DRIVE	10130 WILKES DRIVE WILLIAMSPORT, MD 21795	RICHMOND AMERICAN HOMES OF MARYLAND, INC	
GPT-25-022	Type 2 Grading Plan	In Review	02/26/2025	3/5/2025	ELMWOOD FARM LOT 165 10126 WILKES DRIVE	10126 WILKES DRIVE WILLIAMSPORT, MD 21795	RICHMOND AMERICAN HOMES OF MARYLAND, INC	

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Record #	Type	Status	Opened Date	Accepted Date	Title	Location	Consultant	Owner
GPT-25-023	Type 2 Grading Plan	In Review	02/28/2025	3/6/2025	ELMWOOD FARM LOT 166 10122 WILKES DRIVE	10122 WILKES DRIVE WILLIAMSPORT, MD 21795	RICHMOND AMERICAN HOMES OF MARYLAND, INC	

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Permits Reviews							
Record #	Type	Status	Opened Date	Title	Location	Consultant	Owner
2025-00436	Entrance Permit	Approved	02/04/2025	STICK BUILT HOME	S-22-012 18950 AMESBURY ROAD, LOT 73		PARADISE HEIGHTS LAND
2025-00480	Entrance Permit	Approved	02/06/2025	SEMI-DETACHED HOME	S-99-098 20025 ROSEBANK WAY, LOT 4		DAVID C LYLES DEVELOPERS LLC 19638 LEITERSBURG PIKE
2025-00482	Entrance Permit	Approved	02/06/2025	SEMI-DETACHED HOME	S-99-098 20023 ROSEBANK WAY, LOT 3		DAVID C LYLES DEVELOPERS LLC 19638 LEITERSBURG PIKE
2025-00512	Entrance Permit	Approved	02/07/2025	STICK BUILT HOME	S-22-012 13815 PULASKI DRIVE, LOT 68		PARADISE HEIGHTS LAND
2025-00517	Entrance Permit	Approved	02/07/2025	STICK BUILT HOME	S-22-012 DELIGHT DRIVE, LOT 74		PARADISE HEIGHTS LAND
2025-00522	Entrance Permit	Approved	02/07/2025	STICK BUILT HOME	S-22-012 13818 PULASKI DRIVE, LOT 70		PARADISE HEIGHTS LAND
2025-00571	Entrance Permit	Approved	02/11/2025	STICK BUILT HOME	S-15-009 10832 HERSHEY DRIVE, LOT 575		THOMPSON WILLIAM DAVID THOMPSON CARLI LYNN
2025-00594	Entrance Permit	In Progress	02/12/2025	STICK BUILT HOME	S-24-009 10119 WILKES DRIVE, LOT 151		
2025-00598	Entrance Permit	In Progress	02/12/2025	STICK BUILT HOME	S-24-009 10110 WILKES DRIVE, LOT 169		
2025-00602	Entrance Permit	In Progress	02/12/2025	STICK BUILT HOME	S-24-009 10118 WILKES DRIVE, LOT 167		
2025-00611	Entrance Permit	In Progress	02/12/2025	STICK BUILT HOME	S-24-009 10111 WILKES DRIVE, LOT 150		FELIXS FOLLY LLC
2025-00615	Entrance Permit	In Progress	02/12/2025	STICK BUILT HOME	S-24-009 10131 WILKES DRIVE, LOT 154		
2025-00618	Entrance Permit	In Progress	02/12/2025	STICK BUILT HOME	S-24-009 10114 WILKES DRIVE, LOT 168		
2025-00777	Entrance Permit	In Progress	02/24/2025	STICK BUILT HOME	S-24-009 10123 WILKES DRIVE, LOT 152		
2025-00779	Entrance Permit	In Progress	02/24/2025	STICK BUILT HOME	S-99-067 8414 COUNTRY HOME LANE, LOT 12		PETTYJOHN MARK E PETTYJOHN LORI S
2025-00782	Entrance Permit	In Progress	02/24/2025	STICK BUILT HOME	S-24-009 10127 WILKES DRIVE, LOT 153		
2025-00788	Entrance Permit	In Progress	02/24/2025	STICK BUILT HOME	S-24-009 10135 WILKES DRIVE, SECTION 5C, LOT 155		FELIXS FOLLY LLC
2025-00793	Entrance Permit	In Progress	02/24/2025	STICK BUILT HOME	S-24-009 10134 WILKES DRIVE, LOT 163		
2025-00796	Entrance Permit	Approved	02/24/2025	FOREST HARVEST	LOR 12737 LONG HOLLOW ROAD		CLARK GUY D CLARK LORRAINE ET AL
2025-00802	Entrance Permit	In Progress	02/24/2025	STICK BUILT HOME	S-24-009 10130 WILKES DRIVE, LOT 164		
2025-00844	Entrance Permit	In Progress	02/26/2025	STICK BUILT HOME	S-24-009 10126 WILKES DRIVE, LOT 165		
2025-00866	Entrance Permit	In Progress	02/27/2025	STICK BUILT HOME	S-23-030 13810 WEAVER AVENUE, LOT 2A	JEFFREY A. PIPER & CO.	WEAVER AVE JOINT VENTURE LLC
2025-00869	Entrance Permit	In Progress	02/27/2025	STICK BUILT HOME	S-23-030 13812 WEAVER AVENUE, LOT 3A	JEFFREY A. PIPER & CO.	WEAVER AVE JOINT VENTURE LLC
2025-00884	Entrance Permit	In Progress	02/28/2025	STICK BUILT HOME	S-24-009 10122 WILKES DRIVE, LOT 166		
2025-00727	Entrance Permit	Approved	02/19/2025	FOREST HARVEST	LOR 2946 HARPERS FERRY ROAD		INGRAM STEPHEN ATLEE
2025-00684	Entrance Permit	Approved	02/18/2025	ADDITION/ALTERATION S	19348 DOGSTREET ROAD, LOT 2		JENKINS RONALD E SR & GRIFFITH BRENDA K
2025-00728	Floodplain Permit	Approved	02/19/2025	FLOODPLAIN	LOR 2946 HARPERS FERRY ROAD		INGRAM STEPHEN ATLEE
2025-00437	Grading Permit	Approved	02/04/2025	PH 73	S-22-012 18950 AMESBURY ROAD, LOT 73		PARADISE HEIGHTS LAND
2025-00454	Grading Permit	Approved	02/04/2025	ROSEBANK LOT 4 GRADING	S-99-098 20023 & 20025 ROSEBANK WAY, LOT 3 & 4		DAVID C LYLES DEVELOPERS LLC 19638 LEITERSBURG PIKE
2025-00513	Grading Permit	Approved	02/07/2025	PARADISE HEIGHTS LOT 68 13815 PULASKI DR	S-22-012 13815 PULASKI DRIVE, LOT 68		PARADISE HEIGHTS LAND
2025-00518	Grading Permit	Approved	02/07/2025	PARADISE HEIGHTS LOT 74	S-22-012 DELIGHT DRIVE, LOT 74		PARADISE HEIGHTS LAND
2025-00523	Grading Permit	Approved	02/07/2025	PARADISE HEIGHTS LOT 70 13818 PULASKI DR	S-22-012 13818 PULASKI DRIVE, LOT 70		PARADISE HEIGHTS LAND
2025-00572	Grading Permit	Approved	02/11/2025	STICK BUILT HOME	S-15-009 10832 HERSHEY DRIVE, LOT 575		THOMPSON WILLIAM DAVID THOMPSON CARLI LYNN

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Permits Reviews							
Record #	Type	Status	Opened Date	Title	Location	Consultant	Owner
2025-00574	Grading Permit	In Progress	02/11/2025	EDUCATIONAL	SP-24-019 10435 DOWNSVILLE PIKE		BOARD OF EDUCATION OF WASH CO
2025-00595	Grading Permit	In Progress	02/12/2025	ELMWOOD FARM LOT 151 10119 WILKES DRIVE	S-24-009 10119 WILKES DRIVE, LOT 151		
2025-00599	Grading Permit	In Progress	02/12/2025	ELMWOOD FARM LOT 169 10110 WILKES DRIVE	S-24-009 10110 WILKES DRIVE, LOT 169		
2025-00603	Grading Permit	In Progress	02/12/2025	ELMWOOD FARM LOT 167 10118 WILKES DRIVE	S-24-009 10118 WILKES DRIVE, LOT 167		
2025-00606	Grading Permit	In Progress	02/12/2025	STICK BUILT HOME	LOR MOUNT HEBRON ROAD		SIMMONS LILY M SIMMONS RILEY
2025-00612	Grading Permit	In Progress	02/12/2025	ELMWOOD FARM LOT 150 10111 WILKES DRIVE	S-24-009 10111 WILKES DRIVE, LOT 150		FELIXS FOLLY LLC
2025-00616	Grading Permit	In Progress	02/12/2025	ELMWOOD FARM LOT 154 10131 WILKES DRIVE	S-24-009 10131 WILKES DRIVE, LOT 154		
2025-00619	Grading Permit	In Progress	02/12/2025	ELMWOOD FARM LOT 168 10114 WILKES DRIVE	S-24-009 10114 WILKES DRIVE, LOT 168		
2025-00723	Grading Permit	Pending	02/19/2025	MODULAR HOME	S-03-167 2219 KAETZEL ROAD, LOT 2	COREY'S CONSTRUCTION	CAREY AUSTEN D
2025-00754	Grading Permit	In Progress	02/21/2025	COMMERCIAL	SP-25-001 12404 LAGER DRIVE		MCRAND HUYETTS LTD PARTNERSHIP
2025-00778	Grading Permit	In Progress	02/24/2025	ELMWOOD FARM LOT 152 10123 WILKES DRIVE	S-24-009 10123 WILKES DRIVE, LOT 152		
2025-00780	Grading Permit	In Progress	02/24/2025	STICK BUILT HOME	S-99-067 8414 COUNTRY HOME LANE, LOT 12		PETTYJOHN MARK E PETTYJOHN LORI S
2025-00783	Grading Permit	In Progress	02/24/2025	ELMWOOD FARM LOT 153 10127 WILKES DRIVE	S-24-009 10127 WILKES DRIVE, LOT 153		
2025-00789	Grading Permit	In Progress	02/24/2025	ELMWOOD FARM LOT 155 10135 WILKES DRIVE	S-24-009 10135 WILKES DRIVE, SECTION 5C, LOT 155		FELIXS FOLLY LLC
2025-00794	Grading Permit	In Progress	02/24/2025	ELMWOOD FARM LOT 163 10134 WILKES DRIVE	S-24-009 10134 WILKES DRIVE, LOT 163		
2025-00803	Grading Permit	In Progress	02/24/2025	ELMWOOD FARM LOT 164 10130 WILKES DRIVE	S-24-009 10130 WILKES DRIVE, LOT 164		
2025-00845	Grading Permit	In Progress	02/26/2025	ELMWOOD FARM LOT 165 10130 WILKES DRIVE	S-24-009 10126 WILKES DRIVE, LOT 165		
2025-00856	Grading Permit	Pending	02/26/2025	COMMERCIAL	SP-19-036.R03 16604 INDUSTRIAL LANE		WESTERN HAGERSTOWN INDUSTRIAL LANE DC LLC
2025-00871	Grading Permit	In Progress	02/27/2025	STICK BUILT HOME	S-04-077 AMOS REEDER ROAD, LOT 2		STANG RICHARD STANG MAUREEN

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Permits Reviews							
Record #	Type	Status	Opened Date	Title	Location	Consultant	Owner
2025-00885	Grading Permit	In Progress	02/28/2025	ELMWOOD FARM LOT 166 10122 WILKES DRIVE	S-24-009 10122 WILKES DRIVE, LOT 166		
2025-00639	Grading Permit	Approved	02/13/2025	FLETCHER'S GROVE - DEAN SOUTH	TWN-22-006 FLETCHER'S GROVE		Richmond American Homes of Maryland, Inc.
2025-00431	Non-Residential Ag Certificate	Approved	02/04/2025	FARM BUILDING	LOR 14612 MAUGANSVILLE ROAD		EBY ETHAN G & EBY ANNETTE M
2025-00620	Non-Residential Ag Certificate	Approved	02/12/2025	FARM BUILDING	LOR 21312 CHEWSVILLE ROAD		MARTIN KEITH MARTIN BEVERLY
2025-00714	Non-Residential New Construction Permit	Review	02/19/2025	COMMERCIAL	SP-25-001 12404 LAGER DRIVE		MCRAND HUYETTS LTD PARTNERSHIP
2025-00735	Non-Residential New Construction Permit	Review	02/20/2025	COMMERCIAL	SP-23-046 12545 LICKING CREEK ROAD		MILLS JAMES LEE MILLS CORINA SUE
2025-00544	Non-Residential New Construction Permit	Review	02/10/2025	EDUCATIONAL	SP-24-019 10435 DOWNSVILLE PIKE		BOARD OF EDUCATION OF WASH CO
2025-00449	Utility Permit	Approved	02/04/2025	ANTIETAM BROADBAND	7777 FAIRPLAY ROAD	ANTIETAM CABLE TELEVISION INC	SMITH JENELL SMITH GISELE L
2025-00488	Utility Permit	Review	02/06/2025	COMCAST	11115 LINCOLN AVENUE	COMCAST	LJUTICH MICAH E ETAL LJUTICH GEORGE P
2025-00496	Utility Permit	Approved	02/06/2025	COMCAST	913 SECURITY ROAD AND LYNNHAVEN DRIVE	COMCAST	OWINGS STEPHEN M
2025-00604	Utility Permit	Approved	02/12/2025	HAGERSTOWN WATER DEPARTMENT	33 BRIGHTWOOD DRIVE	CITY OF HAGERSTOWN (WATER DEPT)	VOYTKO ROBERT N VOYTKO TAMARA MARIE
2025-00607	Utility Permit	Approved	02/12/2025	HAGERSTOWN WATER DEPARTMENT	13015 WOODBURN DRIVE	CITY OF HAGERSTOWN (WATER DEPT)	STALLWORTH MONICA L
2025-00608	Utility Permit	Review	02/12/2025	HAGERSTOWN WATER DEPARTMENT	16603 TAMMANY LANE	CITY OF HAGERSTOWN (WATER DEPT)	GROH VINCENT R
2025-00609	Utility Permit	Review	02/12/2025	HAGERSTOWN WATER DEPARTMENT	11812 ROBINWOOD DRIVE	CITY OF HAGERSTOWN (WATER DEPT)	CLARK ALEXANDER JAMES
2025-00655	Utility Permit	Review	02/14/2025	HAGERSTOWN WATER DEPARTMENT	13814 WOODLAND HEIGHTS DRIVE	CITY OF HAGERSTOWN (WATER DEPT)	VELOZ ROSE CASTILLO DE VELOZ RODRIGUEZ DAVID E
2025-00657	Utility Permit	Review	02/14/2025	HAGERSTOWN WATER DEPARTMENT	13515 WOODLAND HEIGHTS DRIVE	CITY OF HAGERSTOWN (WATER DEPT)	RICHARDSON JOHN N RICHARDSON JENNY H D
2025-00660	Utility Permit	Approved	02/14/2025	COMCAST	16440 KENDLE ROAD	COMCAST	EBERSOLE DONALD WAYNE EBERSOLE LINDA M
2025-00756	Utility Permit	Approved	02/21/2025	POTOMAC EDISON	10802 BOWER AVENUE	POTOMAC EDISON	POTOMAC EDISON CO
2025-00758	Utility Permit	Review	02/21/2025	COMCAST	309 ANTIETAM DRIVE	COMCAST	RICE DAVID ALAN RICE DAWN L
2025-00837	Utility Permit	Approved	02/26/2025	POTOMAC EDISON	18225 WOODSIDE DRIVE, FERNWOOD LANE AND SUMMERLIN DRIVE	POTOMAC EDISON	RENNER JOHN E RENNER KATHY S
2025-00874	Utility Permit	Approved	02/27/2025	COLUMBIA GAS	445 SOUTH EDGEWOOD DRIVE	COLUMBIA GAS OF MARYLAND INC	HENSON BETH

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	Type	Total
LandDev Total by Group: 52	Forest Stand Delineation	1
	IMA	9
	Improvement Plan	1
	Ordinance Modification	2
	Preliminary Plat Site Plan	1
	Preliminary-Final Plat	1
	PWA	1
	Redline Revision	1
	Simplified Plat	1
	Site Plan	4
	Site Specific Grading Plan	2
	Standard Grading Plan	4
	Stormwater Concept Plan	2
	Stormwater Standard Plan	6
	Type 2 Grading Plan	16
Permits Total by Group: 73	Entrance Permit	26
	Floodplain Permit	1
	Grading Permit	27
	Non-Residential Ag Certificate	2
	Non-Residential New Construction Permit	3
	Utility Permit	14
Total		125