



City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

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BOB CULVER
COUNTY EXECUTIVE

JACOB R. DAY
MAYOR

TOM STEVENSON
CITY ADMINISTRATOR

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

MINUTES

The Salisbury-Wicomico Planning and Zoning Commission met in special session on June 30, 2016 in Room 301, Council Chambers, Government Office Building, with the following persons in attendance:

COMMISSION MEMBERS:

Charles "Chip" Dashiell, Chairman
Scott Rogers
Marc Kilmer
Newell Quinton
James McNaughton
Jack Heath

CITY/COUNTY OFFICIALS:

Paul Wilbur, County Attorney
Weston Young, Public Works Director
Bob Culver, County Executive
Wayne Strausburg, Director of Administration

PLANNING STAFF:

Jack Lenox, Director
Gloria Smith, Planner
Beverly Tull, Recording Secretary



The meeting was called to order at 1:33 p.m. by Mr. Dashiell, Chairman.



Mr. Dashiell explained that Mr. Magill had expressed his desire to step down from the Commission due to health issues. Mr. Dashiell thanked him for his many years of service. Mr. Magill has been a faithful and valuable member of the Commission offering valuable insight and knowledge. Mr. Dashiell encouraged other

members to drop a note or a phone call to Mr. Magill, adding that he had encouraged him to come visit any time. This will be a City appointment and the Mayor will work to fill the position.



Upon a motion by Mr. Heath, seconded by Mr. Quinton, and duly carried, the Commission **APPROVED** the minutes of the June 16, 2016 meeting as submitted.



#WP-1601 DISCUSSION - TEXT AMENDMENTS - Section 225-106 "Poultry Houses" and Section 225-25 "Definition of Basic Terms", as well as other related sections of Chapter 225.

Mr. Lenox came forward. He explained that we had started with the County Council version and showed the changes in the legislative bill. At the meeting on June 16, 2016, Staff walked the Commission through the list of 10 changes and had discussion on each point. At the end of the meeting Staff had a few points to follow up on. Mr. Lenox discussed the Staff Report and Recommendation that was at each Commissioner's seat. The requested changes have been made to the proposed legislation. Mr. Lenox requested that the Commission advise if they were to find any typos.



Mr. Dashiell thanked County Executive Culver and Mr. Wayne Strausburg for attending the meeting and the time that they had put into this matter.



Mr. Lenox explained that the Staff had included in the Commission packet the opinion issued by the Law Department regarding the Poultry House Standards. The standards would need to be adopted in the same manner as zoning, not as a separate document adopted by Resolution. This week's version includes buffers and road access within the actual code language. The standards can be modified by special exception, and this has been approved by the Law Department as included in the legislation. Also included in the changes to the legislation is the updated definition of a tunnel ventilation fan and language regarding existing and inactive poultry houses. Mr. Lenox started on Page 1 of the legislation and went through each page noting where changes had been made.



Dr. McNaughton questioned if the term dwelling included trailers. Mr. Lenox responded in the affirmative but noted that they are referred to as manufactured homes.

Mr. Dashiell questioned the tunnel ventilation fan definition in regards to the terminology "a series of exhaust fans". He questioned what a series meant. Dr. McNaughton noted that it was the last change that was made. There is a separate bank of fans that are used to move static pressure from the house. The exhaust fans are also found on the pad end which is opposite of the exhaust end. Mr. Lenox explained that in the setback section it gets more confusing because it says nine (9) or more. Mr. Dashiell noted that this is confusing and questioned if the number should be included or if the language should be changed to "fan(s)". Mr. Rogers questioned if it was necessary to quantify a number. Dr. McNaughton stated that you need a fan for a certain amount of square footage in a house. The general public would understand the difference between one fan and nine (9) fans. Mr. Heath questioned if there was a number for achieving static pressure. Mr. Lenox responded that there is some number of fans that are needed to achieve the goal, but there wasn't a specific number. Dr. McNaughton stated that there is a number for static pressure. Mr. Lenox advised that there is a chance for more input as the County Council must hold a public hearing on this matter before they can adopt the legislation. Mr. Dashiell advised that the definition of tunnel ventilation fans should be changed per the Commission's consensus to "fan(s)".

Also on Page 1 of the proposed legislation under Poultry Houses, there is a typo that will be corrected to 256 sq. ft. where it incorrectly reads 25 sq. ft.



On Page 2 of the proposed legislation under buffer, the language has been repeated from the poultry house standards. In regards to the reverse setbacks, the dwellings will maintain the setbacks. There was discussion about the section about a property that was being maintained for residential occupancy. The Commission agreed to the terminology listed that this situation would be determined by the Zoning Administrator. Mr. Lenox noted that the Zoning Administrator would have the ability to provide outreach to the property owner in these situations.



On Page 3 of the proposed legislation under the setbacks section, Mr. Lenox stated that based upon the earlier discussion we would now delete "a series of nine or more" in regards to the tunnel ventilation fans. The language has also been added on page 3 regarding modifications or waivers.



On page 4, the language regarding nonconforming poultry houses reflects the Commission's previous discussion. On page 4, Section II is the new language regarding time frames of submittals for poultry houses. Dr. McNaughton questioned Mr. Lenox about freezing what is existing. Mr. Lenox responded that the Council version of the legislation states that you have to keep the setback from an approved lot. There was extensive discussion on this matter. Mr. Lenox suggested language that freezes the process if stormwater plans have been submitted. Dr. McNaughton stated that the language should be added. With Commission consensus, Mr. Lenox advised that he would work with the county Attorney to include this language.



Upon a motion by Mr. Rogers, seconded by Dr. McNaughton, and duly carried, the Commission **APPROVED** the proposed legislation, including clarification on when the clock starts/stops on submission to meet the setback requirements and minor clarifications on tunnel ventilation fans, based on the following reasons:

1. The changes and additions shown represent an appropriate refinement of the draft legislation forwarded to the Commission by the County Council. They are reflective of public testimony, and the advice of the Planning Staff and County Law Department.
2. This legislation serves as recognition of the changes underway in the poultry growing sector of our local economy. Rather than simply requiring that new poultry houses maintain a basic 100 ft. property setback, these changes recognize that it is appropriate to have increased expectations as to how poultry houses should relate to adjacent land uses under site-specific situations.
3. These amendments are consistent with the goals of our County Comprehensive Plan. The County Plan looks to support agriculture, particularly in those areas designated primarily for agricultural use; to minimize land use conflicts; and to sufficiently protect those areas used or designated primarily for residential use.
4. These amendments are consistent with the general purposes and intent of the Zoning Code, and specifically with the intent to provide for orderly growth and development in a manner that will protect, conserve, and stabilize the value of the land, structures, and neighborhoods.



There being no further business, the Commission meeting was adjourned at 2:19 p.m. by Mr. Dashiell.



This is a summary of the proceedings of this meeting. Detailed information is in the permanent files of each case as presented and filed in the Salisbury-Wicomico County Department of Planning, Zoning, and Community Development Office.

A handwritten signature in blue ink, appearing to read "Charles Dashiell", written over a horizontal line.

Charles "Chip" Dashiell, Chairman

A handwritten signature in blue ink, appearing to read "John F. Lenox", written over a horizontal line.

John F. Lenox, Director

A handwritten signature in blue ink, appearing to read "Beverly R. Tull", written over a horizontal line.

Beverly R. Tull, Recording Secretary