



# City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT  
P.O. BOX 870  
125 NORTH DIVISION STREET, ROOMS 203 & 201  
SALISBURY, MARYLAND 21803-4860  
410-548-4860  
FAX: 410-548-4955



JACOB R. DAY  
MAYOR

BOB CULVER  
COUNTY EXECUTIVE

JULIA GLANZ  
CITY ADMINISTRATOR

R. WAYNE STRAUSBURG  
DIRECTOR OF ADMINISTRATION

## SALISBURY-WICOMICO COUNTY PLANNING AND ZONING COMMISSION

### AGENDA

REGULAR MEETING

JUNE 18, 2020

**TELE CONFERENCE DUE TO COVID-19 SEE BELOW FOR DETAILS**

**1:30 P.M.** Convene, Chip Dashiell, Chairman

**Minutes – Meeting of May 21, 2020**

**1:35 P.M. PUBLIC HEARING – TEXT AMENDMENT – Sperry Van Ness/Miller Commercial Real Estate, on behalf of Oak Ridge Baptist Church –To Amend Section 17.212.030 – To Add Warehouse or Storage Facility in a Shopping Center (A. Roane)**

**ANNEXATION ZONING – Atlantic Tractor, LLC, rep. by Sandy McAllister, Atty. – 31415 John Deere Drive – 5.0 acres – Multi-Use Non-Residential District - #19-014; M-39, P-38, G10, (H. Eure)**

**REVISED SIGN PLAN APPROVAL – Salisbury Marketplace – J.D. Sign Company for Karemore Properties, LLC - 815 Snow Hill Road – Gen. Comm. District - #202000508 – M-48; G-4; P-244 (H. Eure)**

**AGRICULTURAL LAND PRESERVATION EASEMENT APPLICATION – MARVIC, LLC – Laws Road – 167.29 acres - M-60, P-17 & 19, G-5 & 12 (G. Smith)**

**AGRICULTURAL LAND PRESERVATION EASEMENT APPLICATION – William D. Todd – Cross Road – 87.9 acres - M-6, P-146, G-15 & 16 (G. Smith)**

**COUNTY SUBDIVISION PLATS - (M. Williams)**

Michael & Candice Davis Preliminary/Final

5 Lots

Naylor Mill & Levin Dashiell Roads – M-28; P-115; G-22

In response to the COVID-19 crisis and in an effort to promote the healthy, safety, and general welfare of the public, the May 21, 2020, meeting of the Salisbury-Wicomico County Planning and Zoning Commission will be conducted via conference call. Interested parties can participate by joining the meeting via phone by using the following call in meeting numbers:

**Call in number is 510-338-9438**

**Meeting number is 132-167-5790#**

**Password 13579#**

If using this option, please call in prior to the 1:30PM start of the meeting and place your phone on mute.

\* \* \* \* \*



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## MINUTES

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The Salisbury-Wicomico Planning and Zoning Commission met in regular session on May 21, 2020, via WebEx teleconference, with the following persons participating:

**COMMISSION MEMBERS:**

Charles "Chip" Dashiell, Chairman  
Scott Rogers  
Mandel Copeland  
Jack Heath  
Jim Thomas

**PLANNING STAFF:**

Anne Roane, Infrastructure and Development Dept.  
Henry Eure, Infrastructure and Development Dept.  
Brian Wilkins, Infrastructure and Development Dept.  
Keith Hall, Deputy Director, Wicomico County Planning, Zoning, and Community Development  
Brian Soper, Planning Services Manager, Wicomico County Planning, Zoning, and Community Development  
Jesse Drewer, Planner II, Wicomico County Planning, Zoning, and Community Development  
Gloria Smith, Planner, Wicomico County Planning, Zoning, and Community Development  
Melissa Cassimore, Recording Secretary, Wicomico County Planning, Zoning, and Community Development

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The meeting was called to order at 1:30 p.m. by Mr. Dashiell, Chairman.

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Chairman Dashiell announced in response to the COVID-19 crisis and in an effort to promote the health, safety, and general welfare of the public this meeting is being conducted via teleconference call. He proceeded with thanking County and City Staff for assisting with making the teleconference

possible. Also, Chairman Dashiell welcomed the public that may be joining on the call. He stated no matters before the Commission are public hearings, but the public will be given an opportunity to speak on each item being presented. Chairman Dashiell concluded the opening remarks by recognizing the loss of loved ones as a result of this pandemic, as well as acknowledging the efforts of fire responders, health care providers, doctors and nurses on the front line in countless communities.

Mr. Hall conducted a roll call of Commission members participating on the call, as well as City and County staff. Mr. Hall announced a quorum of Commissioners was achieved for the meeting. Chairman Dashiell requested Mr. Hall to provide a brief overview of procedures and tips for conducting a teleconference meeting. Mr. Hall presented the house keeping procedures, which included participants and applicants placing phone on mute, announce name prior to speaking, conducting individual roll call for Commissioner comments and votes on items. With no questions, Mr. Hall turned the meeting over to Chairman Dashiell.

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**MINUTES:** The minutes from the April 16<sup>th</sup> meeting were brought forward for approval. Mr. Thomas believes the comments from Mr. Parker on page 7 were from a previous meeting. Chairman Dashiell responded staff would check and make the change if necessary. Upon a motion by Mr. Rogers, seconded by Mr. Heath, and duly carried, the minutes from the April 16, 2020 meeting were **APPROVED** unanimously as submitted.

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**AGRICULTURAL LAND PRESERVATION EASEMENT APPLICATION - McCain – Union Church Road – 85.13 acres - Map 58 Parcel 117 Grid 24 (G. Smith)**

Mrs. Gloria Smith confirmed being on the call. Mr. William R. & Mrs. Teresa B. McCain were not on the call. Mrs. Smith presented the Staff Report and stated the McCain's are requesting to file an application to the Maryland Agricultural Land Preservation Foundation program for their property, 85.13 acres, located on the southerly side of Union Church Road. Ms. Smith stated the property is zoned A-1 Agricultural-Rural, it is located in an area designated as Agriculture/Resource and within the Priority Preservation Area in the County Plan. Mrs. Smith stated the purpose of Attachment #1 was to show the adjoining property owned by John Seipp has a MALPF easement. Adjoining properties include one (1) owned by Maryland Department of Natural Resources and the other owned by Merrill Culver is believed by Mr. McCain to have a CREP easement. If the McCain's receive an offer from the Land Preservation program to purchase an easement on this property there would be a larger block of land protected then what is shown on Attachment #2. Mrs. Smith further discussed on Attachment #2 the map is out of date and does not show the correct size of the property possibly due to the

property not being surveyed until 2017. Mrs. Smith explained the process begins with the Commission reviewing the application for location in concurrence with the County Comprehensive Plan, the Ag Preservation Advisory Board will meet in the summer to review the soils, upon completion both recommendations will be forwarded to County Council for a public hearing.

Chairman Dashiell asked if the McCain's had joined the call. No response was heard. Chairman Dashiell asked Mr. Hall to conduct a roll call of Commissioners for questions and comments.

Mr. Thomas confirmed no questions or comments.

Mr. Rogers confirmed no questions.

Mr. Copeland confirmed no questions.

Mr. Heath confirmed no questions.

Chairman Dashiell responded no questions or comments. Chairman Dashiell asked if the public had any questions or comments. There were none.

Upon a motion by Mr. Rogers to make a favorable recommendation to the Wicomico County Council for support of the sale of an Agricultural Land Preservation Easement of the McCain property based on its compliance with the County Comprehensive Plan, seconded by Mr. Thomas. Chairman Dashiell requested Mr. Hall to conduct an individual roll call vote of Commission members, which all Commissioners in attendance voted in the affirmative. Chairman Dashiell stated the motion to make a favorable recommendation for this Agricultural Land Preservation Easement Application is approved.

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**AGRICULTURAL LAND PRESERVATION EASEMENT APPLICATION – Porter Mill Properties – Ocean Gateway – 129.05 acres - Map 18 Parcel 28 Grid 12 (G. Smith)**

Mrs. Gloria Smith confirmed being on the call. There were no representatives from Porter Mill Properties, LLC on the call. Mrs. Smith presented the Staff Report and stated Porter Mill Properties, LLC is requesting to file an application to the Maryland Agricultural Land Preservation Foundation program for their property, 129.05 acres, located on the northerly side of Ocean Gateway, north of Hebron. Ms. Smith stated the property meets the criteria because it is zoned A-1 Agricultural-Rural, it is located in an area designated as Agriculture/Resource and within the Priority Preservation Area in the County Plan. Attachment #2 provides a map to show the property's location in reference to the Town of Hebron's border, it is cut off by Rt. 50. Mrs. Smith further discussed the property wraps around a property occupied by Servpro and another by Jack's

Market, and is west of the Farmer's Daughter property. Mrs. Smith informed the Committee that an interested party contacted her questioning if the property was being rezoned and she clarified it was not. Mrs. Smith stated this application would follow the same process as the McCain property.

Chairman Dashiell asked if the McCain's had joined the call. No response was heard. Chairman Dashiell asked Mr. Hall to conduct a roll call of Commissioners for questions and comments.

Mr. Thomas confirmed no questions or comments.

Mr. Rogers confirmed no comments at this time.

Mr. Copeland confirmed no comments or questions.

Mr. Heath confirmed no questions or comments.

Chairman Dashiell had no questions or comments. He asked if the public had any questions or comments. There were none.

Upon a motion by Mr. Rogers to make a favorable recommendation to the Wicomico County Council for support of the sale of an Agricultural Land Preservation Easement of the Porter Mill Properties, LLC property based on its compliance with the County Comprehensive Plan, seconded by Mr. Heath. Chairman Dashiell requested Mr. Hall to conduct an individual roll call vote of Commission members, which all Commissioners in attendance voted in the affirmative. Chairman Dashiell stated the motion to make a favorable recommendation for this Agricultural Land Preservation Easement Application is approved.

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**AGRICULTURAL LAND PRESERVATION EASEMENT APPLICATION – Delmarva Farms – 91.32 acres - Map 46 Parcel 141 Grid 18 (G. Smith)**

Mrs. Gloria Smith confirmed being on the call. There were no representatives from Delmarva Farms, LLC on the call.

Mr. Rogers is recusing himself for the remainder of the meeting and stated there will still be a quorum.

Chairman Dashiell confirmed with Mr. Roger's he wished be recused from the remainder of the items on the agenda not just this item.

Mr. Rogers affirmed.

Mrs. Smith presented the Staff Report and stated Delmarva Farms, LLC is requesting to file an application to the Maryland Agricultural Land Preservation Foundation program for their property, 91.32 acres, located on the westerly side of Campground Road and bordering Siloam Road, Eden. Ms. Smith stated the property was formerly an approved subdivision, Bryer Estates, with only one (1) lot developed. Ms. Smith confirmed the property meets the criteria because it is zoned A-1 Agricultural-Rural, it is located in an area designated as Agriculture/Resource and within the Priority Preservation Area in the County Plan. Mrs. Smith stated this application would follow the same process as the other two (2) properties submitted.

Chairman Dashiell asked if anyone representing Delmarva Farms, LLC was on the call. No response was heard. Chairman Dashiell asked Mr. Hall to conduct a roll call of Commissioners for questions and comments.

Mr. Thomas confirmed no comments or questions.

Mr. Copeland confirmed no comments or questions.

Mr. Heath confirmed no questions or comments.

Mr. Rogers is recused.

Chairman Dashiell had no questions or comments. Chairman Dashiell asked if the public had any questions or comments. There were none.

Upon a motion by Mr. Thomas to make a favorable recommendation to the Wicomico County Council for support of the sale of an Agricultural Land Preservation Easement of the Delmarva Farms, LLC property based on its compliance with the County Comprehensive Plan, seconded by Mr. Heath. Chairman Dashiell requested Mr. Hall to conduct an individual roll call vote of Commission members. With exception of Mr. Roger's recusal, all Commissioners in attendance voted in the affirmative. Chairman Dashiell stated the motion to make a favorable recommendation for this Agricultural Land Preservation Easement Application is approved.

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**REVISED COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – Downtown Bridal – Gateway Crossing – represented by Solutions Engineering – Regional Commercial Zoning - #20-009, Map 0110 Grid 17 Parcel 4491 (A. Roane)**

Ms. Anne Roane, Mr. John McClellan of SVN, and Pastor Mark Reynolds of Oak Ridge Baptist Church, confirmed being on the conference call. Ms. Roane presented the Staff Report and stated the applicant is requesting a modification to a portion of the façade of the old K-Mart building to construct a new store

front for an 11,000 SF unit, which includes a new entry and two (2) store fronts for a proposed bridal retail store. Ms. Roane stated the building was previously the K-Mart building in the Gateway Crossing Shopping Center.

Staff recommends approval for the Revised Comprehensive Plan for Downtown Bridal boutique.

Chairman Dashiell asked Mr. McClellan if he had any comments.

Mr. McClellan discussed K-Mart occupied the site since 1976 and after almost 2 years since the closure they are moving forward to new life. Downtown Bridal, currently located at the corner of Mill and West Main Street, will double its size in the new location. Mr. McClellan clarified the partial nature of this request is due to the uncertain plans for the remainder of the shopping center.

Chairman Dashiell asked Pastor Mark Reynolds if he had any comments.

Pastor Mark Reynolds is excited to move forward and thanks the City for their support.

Chairman Dashiell asked Mr. Hall to conduct a roll call of Commissioners for questions and comments.

Mr. Thomas asked if the access and egress is only accessible through Downtown Bridal.

Mr. McClellan discussed the building has a 220-foot depth and finding retailers requiring that much space has been difficult therefore rear storage areas were designed with ingress through the common loading dock area.

Mr. Copeland confirmed no questions or comments.

Mr. Heath stated his question was the same as Mr. Thomas so it has been answered.

Mr. Rogers is recused.

Chairman Dashiell had no comments or questions. Chairman Dashiell asked if the public had any questions or comments. There were none.

Upon a motion by Mr. Thomas to approve the Revised Comprehensive Development Plan for Downtown Bridal at Gateway Crossing, the former K-Mart location. The motion was seconded by Mr. Heath. Chairman Dashiell requested Mr. Hall to conduct an individual roll call vote of Commission members. With exception of Mr. Roger's recusal, all Commissioners in attendance individually



voted in the affirmative. Chairman Dashiell stated the motion for the Revised Comprehensive Development Plan was approved.

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**SIGN PLAN APPROVAL – Panera Bread – 2835 N. Salisbury Blvd. – Selby Sign for Panera Bread/PVT I LLC - # 202000373, Map 0020 Grid 24 Parcel 0215 (H. Eure)**

Mr. Henry Eure and Mr. John Selby, representing the owner and developer confirmed being on the conference call. Mr. Eure presented the Staff Report and stated the applicant is requesting a Sign Plan Approval to install a number of identifications, service, and directional signs for Panera Bread. The signs match, are modest in design and necessary for both identification and navigation. The pylon sign has two (2) equal tenant panels, Panera Bread will use one (1) panel and one (1) panel will remain blank until a tenant is secured for the remaining parcel. Upon selection of a new tenant the sign approval will come before the Commission.

Staff recommends approval for the proposed Sign Plan as submitted.

Chairman Dashiell asked Mr. Selby if he had any comments to add.

Mr. Selby thanked Mr. Eure for getting 10 pages into one (1) or two (2) paragraphs.

Chairman Dashiell asked Mr. Hall to conduct a roll call of Commissioners for questions and comments.

Mr. Thomas confirmed no questions or comments.

Mr. Copeland confirmed no questions or comments.

Mr. Heath confirmed no questions or comments.

Mr. Rogers is recused.

Chairman Dashiell had no questions or comments. Chairman Dashiell asked if the public had any questions or comments. There were none.

Upon a motion by Mr. Thomas to approve the Sign Plan Approval by Selby Sign for Panera Bread. The motion was seconded by Mr. Heath. Chairman Dashiell requested Mr. Hall to conduct an individual roll call vote of Commission members. With exception of Mr. Roger's recusal, all Commissioners individually voted in the affirmative. Chairman Dashiell stated the motion for the Sign Plan Approval was approved.

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**STAFF COMMENTS:**

Mr. Hall stated the County has no further items for consideration from the Commission. Mr. Hall applauded the Commission for their efforts during this unprecedented time and their continual service.

Chairman Dashiell thanked Commission members for their participation to make this meeting a success during this unusual time. Chairman Dashiell looks forward to meeting again in person to move the business of the City and County forward.

Ms. Roane appreciates everyone for their patience, to Mr. Hall and the County's for their help in keeping the business moving forward, and to Mr. Eure and the City employees for their work in these conditions.

Chairman Dashiell expressed his appreciation to the City and County Staff for all they continue to do to help this Commission and to see all the business in the City and County gets the attention it needs in spite of the challenging circumstances.

Mr. Eure informed the Commission next month will include a Public Hearing for a text amendment request where any participants will have to be sworn in. Mr. Eure asked Mr. Heath for suggestions based on his experience with this at City Council meetings.

Chairman Dashiell stated that is helpful and asked for comments from Mr. Heath.

Mr. Heath stated the City Council meetings are conducted on Zoom, but that should not make a difference. Mr. Heath described the process as the initial item is brought up, it is asked if anyone wishes to be sworn in regarding the item, the participant is asked to identify themselves, the clerk swears the participant in, the participant makes their comments, when all the participants are finished the hearing is closed and then the item proceeds to vote.

Chairman Dashiell stated this Commission should be able to proceed in a similar fashion with the help of Mr. Hall and Mr. Heath for implementation of the process.

Mr. Heath will forward a copy of the procedure to Mr. Hall and Chairman Dashiell for review prior to discussion.

Ms. Roane added the Historic Commission also conducts public hearings remotely that comply with the Open Meeting Law.

Chairman Dashiell stated it would be reviewed prior to the next meeting.

The next Commission meeting will be June 18<sup>th</sup>.

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There being no further business, the Commission meeting was adjourned at 2:18 p.m. by a motion from Mr. Thomas and seconded by Mr. Copeland, and duly carried by all members.

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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 Wicomico County Department of Planning, Zoning, and Community Development Office.

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Charles "Chip" Dashiell, Chairman

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Lori A. Carter, Director

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Melissa Cassimore, Recording Secretary

**Infrastructure and Development  
Planning and Zoning  
Commission  
Staff Report**

**Meeting of June 18, 2020**

**I. BACKGROUND INFORMATION:**

**Applicant:** Sperry Van Ness/Miller Commercial Real Estate for Oak Ridge Baptist Church

**Infrastructure and Development Project No.:** 202000394

**Nature of Request:** Public Hearing-Text Amendment-To amend Title 17, Zoning Section 17.212.030

**II. REQUEST:**

John McClellan, of Sperry Van Ness/Miller Commercial Real Estate, on behalf of Oak Ridge Baptist Church, has submitted a request to amend the text of Title 17, Zoning to include the following language (**Attachments 1 & 2**):

In 17.212.030 L: Warehouse or storage facility.

In accordance with the requirements of Section 17.228 of the Salisbury Municipal Code, the Planning Commission must hold a Public Hearing on proposed Text Amendments to the Code. The Commission must forward a recommendation (within six (6) months) to the City Council. The City Council must also hold a public hearing before granting final approval to Code Text Amendments (by Ordinance).

**III. DISCUSSION:**

The proposed amendment to allow a warehouse or storage facility within a shopping center would be similar in nature to other uses already permitted either inherently within



the General Commercial Zoning District; which is the primary reference for establishing uses within a shopping center. Currently, “service-type” uses, such as restaurants, daycare centers, repair shops, and automotive services, to name a few are permitted in shopping center. Storage facilities would be able to provide a natural change in use for larger anchor-type stores in shopping centers.

#### **IV. PLANNING AND ZONING:**

Since the current edition of the Salisbury Zoning Code was written in 1983, there have been changes in the way many people choose to shop, both on a national and local level. The retail industry has made a dynamic shift to more online retail, which reduces the need, or desire, for larger anchor or big box stores. Adding a warehouse or storage facility as a permitted use within shopping centers would not have any negative impacts on existing permitted uses, as storage-type uses are innocuous and quiet, with relatively little activity.

#### **V. STAFF RECOMMENDATION:**

The Department of Infrastructure and Development recommends that the Planning Commission forward a **FAVORABLE** recommendation to the Mayor and City Council for the proposed amendment that would inherently permit a **Warehouse or storage facility** in shopping centers, as follows:

**AMEND SECTION 17.212.030. Permitted Uses, by adding the following item:**

- L. Warehouse or storage facility.**

April 29, 2020

Mr. Henry Eure  
City of Salisbury  
125 North Division St.  
Salisbury, MD 21801

Re: Requested Text Amendment

Dear Henry

On behalf of my client, Oak Ridge Baptist Church, we would like to request a modification to the permitted uses in properties classified as a shopping center - Chapter 17.212.030.

We are seeking to lease the former Kmart space in the property they own at Rt 50 and Tilghman Rd. As you know, the area is seeing an increasing number of former retail anchors becoming vacant. With the changing nature of retail, it is becoming increasingly difficult to identify and secure medium or large anchors to lease these spaces.

The configuration of the Kmart space being over 225' deep makes it very difficult to secure small tenants willing to lease the entire depth. The rear section of this space and many similar retail boxes is ideal for warehousing and storage uses. The space is sprinkled, offers taller ceilings as well as a multi position loading dock.

At this time, we have several warehouse users interested in leasing the rear of the Kmart space without any exterior modifications.

We were surprised to learn that the General Commercial District permits warehouse and storage uses inherently and the Regional Commercial District permits them by Special Exception. However, in both cases, these uses are not permitted within a shopping center. We are asking the City to consider making these uses an inherently permitted use within a shopping center.

Since the shopping center development standards require a comprehensive development plan, the City will maintain control over any facade or site changes if any storage uses were to desire substantial changes.

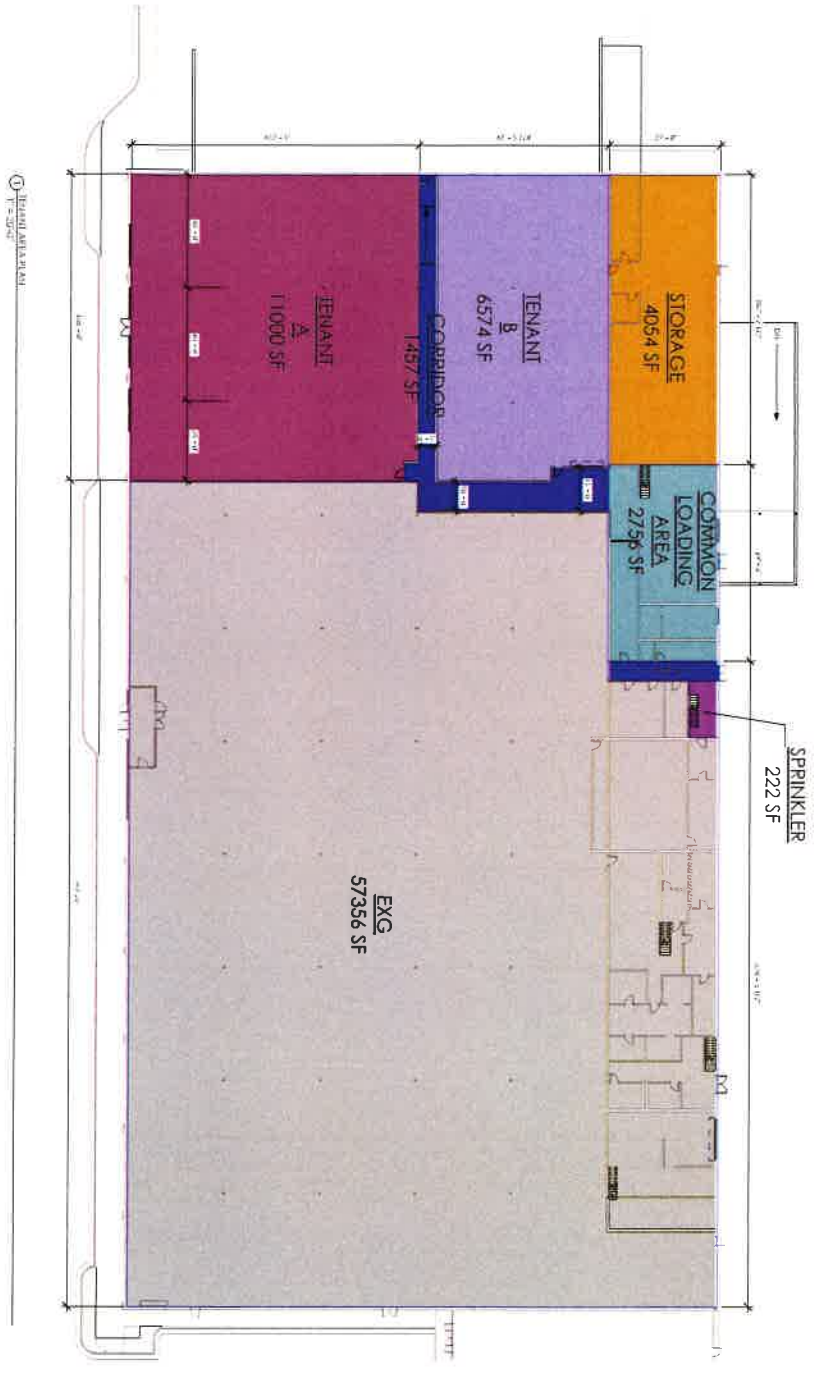
This change would be beneficial to many centers facing large vacancies. This includes the Shoppes at Salisbury, Twilley Center, and the Center at Salisbury. Adaptive re-use of retail boxes is a growing trend across the country.

I will be happy to provide testimony at any meetings or discussions groups you recommend.

Sincerely,



John McClellan, CCIM, SIOR  
Senior Advisor  
[john.mcclellan@svn.com](mailto:john.mcclellan@svn.com)



- TENANT SF
- COMMON LOADING AREA
- CORRIDOR
- EXG
- SPRINKLER
- STORAGE
- TENANT A
- TENANT B

# Attachment 2

TENANT AREA PLAN  
for  
TEWAY CROSSING  
COMICO COUNTY, MARYLAND  
OAK RIDGE BAPTIST CHURCH

| REVISIONS |      |
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DATE: \_\_\_\_\_

SCALE: \_\_\_\_\_

PROJECT: \_\_\_\_\_

**solutions**

Engineering & Architecture, Inc.

10000 Littleton Road, Suite 100  
Littleton, CO 80120  
Tel: 303.751.1111  
Fax: 303.751.1112  
www.solutionsinc.com

## Infrastructure and Development Staff Report

June 18, 2020

### I. BACKGROUND INFORMATION:

Project Name: Atlantic Tractor

Applicant/Owner: Atlantic Tractor, LLC.

Infrastructure and Development Project No.: 19-014

Nature of Request: Zoning Recommendation for Annexation

Location of Property: 31415 John Deere Drive; Tax Map #39; Parcel #38

Requested Zoning District: Mixed-Use Non-Residential

### II. SUMMARY OF REQUEST:

#### A. Introduction:

The applicant, Atlantic Tractor, LLC. is requesting annexation into the City of Salisbury (**Attachment A**). The primary reason for this request is to have access to City water, sewer and services. Currently, there are several properties located on John Deere Drive that have been annexed and are served by these City utilities. Most recently the south-east side of John Deere Drive and Hobbs Road, which received the Mixed Use Non-Residential zoning.

The City Administration has referred the 31415 John Deere Drive Annexation (**Attachments B and C**) to the Planning Commission for review and recommendation of an appropriate zoning designation. The property is located on the south side of John Deere Drive.

#### B. Area Description:

The requested annexation area consists of one parcel approximately 5 acres in size and has one existing building which is a retail establishment that sells and services agricultural equipment.



### III. ZONING ANALYSIS:

#### A. Existing Zoning:

The annexation area County zoning is Light Business and Institutional (LB-1) as are the properties to the North, East and West.

#### B. City and County Plans.

Both the city and county Comprehensive Plans designate this property as a Growth Area with a Mixed-Use land use recommendation.

#### C. Zoning for Annexed Areas.

##### 1. Introduction.

Current City policy requires that all areas to be annexed shall be submitted to the Salisbury-Wicomico Planning Commission for review and recommendation of an appropriate zoning district. The Zoning Code does not establish specific procedures for zoning lands to be annexed to the City of Salisbury. The classification of future City areas, therefore, is conducted consistent with local adopted plan recommendations and Maryland Annexation Law.

##### 2. Adopted Plans.

The Planning Commission is a jointly established agency for both the City of Salisbury and Wicomico County. One of its basic charges is to prepare and recommend various plans guiding the long-range development of both jurisdictions.

The information below summarizes the legal status of the plans currently in effect for Wicomico County and the City of Salisbury.

- a. The Salisbury Comprehensive Plan - The Salisbury City Council adopted the current Comprehensive Plan on July 12, 2010. That document includes land use policies for all lands within the Corporate Limits as well as a Municipal Growth Element addressing growth areas outside the Corporate Limits. This property is included within the Municipal Growth Area, and designates this area as Mixed Use.

- b. The Wicomico County Comprehensive Plan - The Wicomico County Council adopted the County Plan on March 21, 2017.

**3. Maryland Law.**

House Bill 1141 made two changes to Annexation Procedures that became effective October 1, 2006. They are:

1. **The Five-Year Rule.** First, the rule is applied solely on zoning. The issue becomes the degree of use change from the current county zoning classification to the proposed municipal classification following the annexation. When the zoning change is from one residential zone to another, “substantially different” is defined as a density change. The five-year rule does not apply for a density change unless the proposed zoning is denser by 50 percent. For example, if the current zoning permits 1 unit per acre, the new zoning can be subject to the five-year rule if it permits anything more than 1.5 units per acre. A municipality may obtain a waiver from the county to avoid the five-year wait until the new zoning classification applies.
2. **Annexation Plans Required.** An annexation plan is required that replaces the “outline” for the extension of services and public facilities prior to the public hearing for an annexation proposal. This section contains no additional language for the content of the annexation plan to be adopted, but does require it to be consistent with the municipal growth element for any annexations that begin after October 1, 2009 (unless extended for up to two six-month periods). The Plan must be provided to the county and the State (the Maryland Department of Planning) at least 30 days prior to the hearing.

**IV. DEVELOPMENT SCENARIO:**

**A. Proposed Use:**

The applicant is proposing no change in use at this time. Applicant is requesting connection to City sewer due to a failing septic system.



City of  
**Salisbury**  
Jacob R. Day, Mayor

**B. Access:**

Currently there is one entrance from John Deere Drive.

**V. ZONING RECOMMENDATION:**

Staff recommends that the Planning Commission forward a **Favorable** recommendation to the Mayor and City Council for this property to be zoned **Mixed-Use Non-Residential**, which is consistent with the previous annexations located on John Deere Drive.

November 19, 2018

Atlantic Tractor LLC  
31415 John Deere Drive  
Salisbury, Maryland 21804

Re: Approval of Tenant and Tenant Contractor Representation


To Whom It May Concern:


We, Timothy and Elizabeth Tyndall, are the owners of the property generally known as 31415 John Deere Drive, Salisbury, Maryland 21804, further identified as Parcel 38 of Wicomico County Tax Map 39 (the "Property"). The current tenant is Atlantic Tractor LLC.

As owners of the Property it is our wish that Atlantic Tractor LLC and their legal and contractual representatives have the power to act on our behalf to facilitate connection of the Property to the City of Salisbury sewer and water system. This approval of representation shall include any additional work towards that goal, including facilitation of possible annexation into the City. Atlantic Tractor LLC may assign work to legal, engineering, and design firms, among others, who we hereby acknowledge shall perform work on our behalf. These firms shall include but are in no way limited to McAllister, DeTar, Showalter & Walker LLC.

If you have questions please don't hesitate to contact us at (+10) 912-0977.

Sincerely,

  
Timothy Tyndall

  
Elizabeth Tyndall

# CITY OF SALISBURY

## PETITION FOR ANNEXATION

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To the Mayor and Council of the City of Salisbury:

I/We request annexation of my/our land to the City of Salisbury.

Parcel(s) # 31415 John Deere Drive, Salisbury, MD 21804

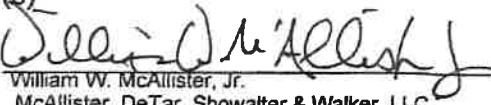
Atlantic Tractor, LLC, Tenant

Timothy Tyndall & Elizabeth Tyndall, Owners

Map # 39, Parcel #38

SIGNATURE (S)

By:



William W. McAllister, Jr.  
McAllister, DeTar, Showalter & Walker, LLC  
300 Academy Street  
Cambridge, MD 21613

2/19/19

Date

Date

Date

Date

\* See attached November 19, 2018 authorization of counsel provided by Timothy Tyndall and Elizabeth Tyndall, Owners, authorizing McAllister, DeTar, Showalter & Walker, LLC to submit annexation request.





Parcel Boundaries: **2305102502**

Parcel Account Number: 2305102502 [More info](#)

SDAT URL: [WICO](#)

Jurisdiction Code: [WICO](#)

[Zoom to](#) ...

Winter Place Pky

Ocean Glwy

John Deere Dr

John Deere Dr

Mid Atlantic Ln



Ocean Glwy

John Deere Dr

Hobbs Rd



City of  
**Salisbury**  
Jacob R. Day, Mayor

CERTIFICATION

**JOHN DEERE DRIVE – ATLANTIC TRACTOR ANNEXATION**

This is to certify that I have verified the petitions for the annexation and that to the best of my knowledge the persons having signed the petition represent at least 25% of the registered voters residing in the area to be annexed and are the owners of at least 25% of the assessed valuation of real property located in the area to be annexed.

Leslie C. Sherrill  
Surveyor

Date: 04/03/2020

John Deere Drive – Atlantic Tractor - Certification.doc



## JOHN DEERE DRIVE – ATLANTIC TRACTOR PROPERTY

Beginning for the same at a point on the southerly side of John Deere Drive. Said point being near the northeasterly corner of Lot 6A of "Tim-Mar Acres" subdivision and also being a corner of the existing Corporate Limits Line of the City of Salisbury, MD X 1,223,240.55 Y 199,498.28

(1) Thence by and with the said Corporate Limits Line along the said John Deere Drive South seventy-eight degrees twenty-seven minutes seconds West (S 78° 27' 10" W) three hundred eleven decimal zero, eight (311.08) feet to a point on the westerly line of the said Lot 6A being 0.44 feet southerly of the northwesterly corner of the said Lot 6A. X 1,222,935.77 Y 199,436.01

(2) Thence by and with the said line of Lot 6A South eleven degrees thirty-two minutes forty seconds East (S 11° 32' 40" E) six hundred forty-seven decimal four, six (647.46) feet to a point at the southwesterly corner of the said Lot 6A. X 1,223,065.34 Y 198,801.65 (3) Thence South eighty-three degrees fifty-seven minutes twenty-four seconds East (S 83° 57' 24" E) three hundred twenty-seven decimal six, three (327.63) feet to a point near the southeasterly corner of the said Lot 6A being a corner of the said Corporate Limit Line. X 1,223,391.15 Y 198,767.16

(4) Thence by and with the said Corporate Limits line North eleven degrees thirty-eight minutes twenty-one seconds West (N 11° 38' 21" W) seven hundred forty-six decimal four, seven (746.47) feet to the point of beginning.

Annexation containing 4.979 acres, more or less.



**SALISBURY CITY COUNCIL  
WORK SESSION AGENDA**

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**MAY 4, 2020  
ZOOM MEETING**

4:30 p.m. **SPECIAL MEETING – Separate Agenda**

**WORK SESSION**

- 4:38 p.m. Atlantic Tractor/John Deere Drive Annexation- Permits and Inspections Manager William Holland and City Annexation Consultant Michael Sullivan
- 4:50 p.m. Hobbs Road Annexation - Permits and Inspections Manager William Holland and City Annexation Consultant Michael Sullivan
- 5:05 p.m. Sale of 1141 S. Division Street- Procurement Director Jennifer Miller
- 5:20 p.m. Eliminating the City's Maximum Real Property Tax- City Administrator Julia Glanz
- 5:35 p.m. Lowering the speed limit on Stonegate- Council discussion
- 5:50 p.m. Elections budget amendment discussion- City Clerk Kim Nichols
- 5:55 p.m. Council comments
- 6:00 p.m. Adjournment

*Times shown are approximate. Council reserves the right to adjust the agenda as circumstances warrant.  
The Council reserves the right to convene in Closed Session as permitted under the Annotated Code of Maryland 3-305(b).*

**Join Zoom Meeting**

<https://us02web.zoom.us/j/81017304100>

Meeting ID: 810 1730 4100

One tap mobile

+19292056099,,81017304100# US (New York)

+13017158592,,81017304100# US (Germantown)

Dial by your location

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 810 1730 4100

Find your local number: <https://us02web.zoom.us/j/kcBOU92nO2>

Posted 4/30/20

**ATTACHMENT B**

# MEMO

To: Amanda Pollack, Director Infrastructure & Development  
From: William T Holland  
Date: 4/24/2020  
Re: Atlantic Tractor

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Amanda, on February 19, 2019, Atlantic Tractor, via their attorney, William W. McAllister, Jr, petitioned for annexation into the City of Salisbury. The purpose for this request is that Atlantic Tractor needs to connect to the city's public water and sewer due to a failing septic system.

In a letter dated February 21, 2019, Atlantic Tractor proposed a waiver of the inventory tax as a condition incorporated into the annexation agreement. During the August 19, 2019, City Council work session, Atlantic Tractor submitted its proposal for annexation, along with a request to waive the personal property tax which would be due pursuant to Chapter 3.08 of the Salisbury Municipal Code. The City Council had numerous questions and tabled the annexation from moving forward until further information could be provided with regard to the inventory tax waiver.

Additionally, attached is the February 21, 2019 annexation petition letter from William W. McAllister, Jr., requesting the inventory tax waiver, and a letter dated February 10, 2020, to City Attorney Mark Tilghman requesting an additional meeting with City Council to discuss the possibility of a phasing in of the vehicle inventory tax.

With respect to the potential annexation of the Atlantic Tractor property, the City's Administration has expressed an openness to consider a phasing-in of the inventory tax. Attached is a Fiscal Impact memorandum dated April 24, 2020, from the City's Annexation Consultant, Michael Sullivan, Esq. explaining and providing detailed quantitative analysis of the phase-in inventory tax.

With this in mind, please forward this information to the Mayor and City Council to be scheduled for the May 4<sup>th</sup> work session.

# Memorandum

**To:** Amanda Pollack, Director, City of Salisbury Department of Infrastructure & Development  
**From:** Michael P. Sullivan, Esq.  
**Date:** 4/24/2020  
**Re:** *Fiscal Impact* – Atlantic Tractor Annexation Request; Annexation of 31415 John Deere Drive

## Petition Requesting the City's Annexation of the Atlantic Tractor Property:

Atlantic Tractor, LLC (“**Atlantic Tractor**”), on behalf of Timothy Tyndall and Elizabeth Tyndall (the “**Tyndalls**”) filed a Petition for Annexation (the “**Petition**”), dated February 19, 2019, with the City of Salisbury (the “**City**”), requesting the City annex the following parcels of lands:

Map 0039, Grid 0010, Parcel 0038, Lot 6A, consisting of 5.00 acres more or less, and having a premises address of 31415 John Deere Drive, Salisbury, Maryland 21801, and further having a Tax Identification Number of 05-102502 (the “**Atlantic Tractor Property**”).

The Atlantic Tractor Property is owned by the Tyndalls and is leased to Atlantic Tractor for its use in connection with the tractor and related agricultural supply business owned and operated by Atlantic Tractor. In a letter, dated February 21, 2019, from William “Sandy” McAllister, Jr. (counsel for Atlantic Tractor) to Mayor Day, introducing Atlantic Tractor’s request for the City’s annexation of the Atlantic Tractor Property, Mr. McAllister stated: “The Tyndalls approve of and will introduce the annexation petition, and fully support Atlantic Tractor in this effort.” Since then, Mr. McAllister and Atlantic Tractor have spearheaded all discussions on the requested annexation of the Atlantic Tractor Property and all other related matters.

The drive to have the City annex the Atlantic Tractor Property stems from the critical need to connect the property to the City’s water and wastewater utility system because the property’s septic system is failing.<sup>1</sup> If approved by the City, the annexation of the Atlantic Tractor Property will add 5.00+/- acres of land to the municipal boundaries, all of which will be zoned “Light Business and Institutional” and subject to the standards set forth in the City’s Zoning Code. However, Atlantic Tractor did not simply request the City’s annexation of the Atlantic Tractor Property in order to solve the ongoing issue of the property’s failing septic system. Instead, Atlantic Tractor conditioned its request for annexation of the Atlantic Tractor Property upon: the City granting Atlantic Tractor a waiver from the inventory tax the City (but not Wicomico County) assesses against other businesses, similar to Atlantic Tractor, located within the City’s municipal limits; and, incorporating the inventory tax waiver within the Annexation Agreement that would be entered into by the City and Atlantic Tractor for the City’s annexation of the Atlantic Tractor Property. (See the attached copy of the February 21, 2019 Letter from Sandy McAllister, Esq. to Mayor Jacob R. Day, p.3 (“For these reasons, and to reflect the absence of such a tax in the County and the belief that this annexation will not result in any increased burden on schools, infrastructure, fire, safety, crime or otherwise, Atlantic Tractor proposes a waiver of the inventory tax as a condition incorporated into the annexation agreement or Public Works Agreement.”).) After consideration, the City Council rejected Atlantic Tractor’s request for annexation of the Atlantic Tractor Property subject to the City granting Atlantic Tractor a permanent waiver from the City’s inventory tax.

<sup>1</sup> I am unaware whether the failing septic system at the Atlantic Tractor Property is ineligible for repair or replacement or, on the other hand, if such action might be permitted but has been deemed infeasible by Atlantic Tractor and/or the Tyndalls.

April 24, 2020

After the City Council's rejected Atlantic Tractor's request relating to the annexation of the Atlantic Tractor Property, Mr. McAllister sent correspondence to the City Attorney, dated February 10, 2020, specifying: Atlantic Tractor has historically maintained an inventory of agricultural vehicles at the Atlantic Tractor Property having a value of \$3,600,000+/-; and, assuming such historical norms, in the event the Atlantic Tractor Property is annexed, the City's inventory tax assessed against the agricultural vehicles held in-stock at the site would result in a tax liability to Atlantic Tractor in the amount of \$20,250+/- – which is separate and apart from any other taxes, charges and/or fees assessed by the City pursuant to annexation of the property. (See the attached copy of the February 10, 2020 Letter from Sandy McAllister, Esq. to Mark Tilghman, Esq.) In his letter, Mr. McAllister indicated Atlantic Tractor had interest in discussing with the City "issues related to annexation and the possibility of a phasing in of the vehicle inventory tax."

With respect to the potential annexation of the Atlantic Tractor Property, the City's Administration has expressed an openness to considering a phasing-in of the inventory tax that would be assessed against Atlantic Tractor that would extend over a period up to seven (7) years from the date of annexation.<sup>2</sup> Applying the assumptions that (i) Atlantic Tractor will continue to use the Atlantic Tractor Property as it is used currently for no less than seven (7) years from the date of annexation, (ii) the historical norm of Atlantic Tractor maintaining an on-site inventory of agricultural vehicles having an aggregate value of \$3.6M is a constant, and (iii) all tax and utility rates assessed by the City are static, this Memorandum is intended to model and summarize the estimated cost the City will incur, and the estimated revenues the City will receive: if the City annexes the Atlantic Tractor Property without any phasing-in of Atlantic Tractor's inventory tax obligations; or, alternatively, if the City annexes the Atlantic Tractor Property with the condition Atlantic Tractor's inventory tax obligations are phased-in proportionately for a period of seven (7) years from the date the annexation of the Atlantic Tractor Property takes effect.

#### **Costs Incurred by the City from the Annexation of the Atlantic Tractor Property:**

Cost projections are based on a snapshot marginal cost approach. The current level of service (derived from the approved FY2020 Budget) is used to project new costs, using demand unit multipliers, which reflect how responsive a cost is to demand – i.e. how much the costs incurred by the City for providing a service are likely to vary with each additional household or job. With respect to the City's annexation of the Atlantic Tractor Property, cost projections are limited solely to jobs added by the subject annexation; since the Atlantic Tractor Property is currently used for commercial purposes, namely the operation of a retail tractor and agricultural supply business.

Regardless of the nature or extent of the ongoing use of the Atlantic Tractor Property, some portion of all public services provided by the City is fixed; therefore, the cost to the City for providing such public services will remain constant no matter how the Atlantic Tractor Property is used following its annexation by the City. In light of such considerations, the annual, total costs to the City arising from the annexation of the Atlantic Tractor Property is estimated to be approximately \$10,000+/-.

#### **Revenues to the City from the Annexation of the Atlantic Tractor Property:**

When land is annexed into the City it is immediately subject to the municipal real property tax levied by the City. The municipal real property tax is applied to the value of land and improvements located thereon. Under the City's FY2020 Budget (and the Mayor's proposed FY2021 Budget), the municipal real property tax rate is set at \$0.9832 per \$100 of assessed value. The assessed value of the Atlantic Tractor Property as determined by the Maryland State Department of Assessment and Taxation ("SDAT") is currently 1,007,000.00. Accordingly, using the real property tax rate set by the City for the FY2020 Budget, the City's expected annual revenue from

<sup>2</sup> Regardless of the date on which annexation of the Atlantic Tractor Property becomes effective, the fiscal year during which the Atlantic Tractor Property is annexed would represent the first year of any phase-in of the City's inventory tax. (For example, if annexation of the Atlantic Tractor Property becomes effective October 1, 2020, the period of October 1, 2020 – June 30, 2021 would represent "Year 1" of the seven-year phase-in.)

April 24, 2020

municipal real property taxes levied on the Atlantic Tractor Property is estimated to be: \$9,900.82. Because the Atlantic Tractor Property is fully developed to its highest and best use (subject to any complete redevelopment of the site, which is not planned), the amount of revenue generated by the City from municipal real property taxes assessed against the property is unlikely to experience any material variance beyond that caused by the real property tax rate set annually by the City.

Because the business activities that will be conducted at the Atlantic Tractor Property are known (i.e. the property will be used to operate a retail tractor and agriculture supply business), reliable projections can be made about the amount of the personal property tax assessments likely to be imposed against Atlantic Tractor. Specifically, based on details provided in Mr. McAllister's correspondence to the City concerning the City's potential annexation of the Atlantic Tractor Property and the financial effect the annexation could have on his client's business, the City is informed Atlantic Tractor has historically held agricultural "vehicles" in inventory having a value of \$3.6M+/- . The vehicular stock held by Atlantic Tractor would be subject to the City's inventory tax of 2.5% resulting in annual tax obligation in the range of \$20,500 and \$19,000.<sup>3</sup>

The City also imposes certain user fees, capacity fees and impact fees, which the City charges to applicants for permits and/or users of certain public services provided by the City. The capacity fees the City will charge to Atlantic Tractor to connect the Atlantic Tractor Property to the City's public water and sewer utilities will be based on the number of equivalent dwelling units ("EDUs") allocated to the Atlantic Tractor Property. Currently, under the FY2020 Budget, the City charges a Capacity Fee in the amount of \$3,533.00 per EDU. While the number of EDUs that will be allocated to the Atlantic Tractor Property for use of the City's public and sewer utilities is not yet known, no less than one (1) EDU will be allocated to the Atlantic Tractor Property and, consequently, a Capacity Fee of no less than \$3,533 will be charged to Atlantic Tractor upon its connection to the City's public utility system. In addition to the Capacity Fee, once connected to the City's public water and sewer utilities system, Atlantic Tractor will be billed quarterly by the City for service charges arising from the usage of water and sewer utilities at the Atlantic Tractor Property. The actual quarterly water and sewer utility charges that will be billed by the City for use of water and sewer utilities at the Atlantic Tractor Property is unknown and cannot be estimated; however, for purposes of this Memorandum, it is assumed Atlantic Tractor would fall within the definition of "Commercial Customers" and thus would be charged: a Metered Water Rate of \$420.08/quarter, \$1.95/thousand gallons; and Sewer Charge Rate of \$1,047.42/quarter, \$4.84/thousand gallons (which would imply an allocation of EDUs greater than one (1)).

Based on the City assessments and charges outlined above, this Memorandum estimates the following: if the City's real estate tax rate is fully assessed against the Atlantic Tractor Property and if the City's inventory tax rate is fully assessed against the vehicular stock Atlantic Tractor holds as inventory, and City water and sewer charges are billed to the Atlantic Tractor Property at the full, applicable rate the City's total expected annual revenue from taxes and utility charges assessed against the Atlantic Tractor Property (and the inventory of Atlantic Tractor) is very likely to exceed \$30,000/ per year.

However, after denying Atlantic Tractor's request that the annexation of the Atlantic Tractor Property be conditioned upon the City waiving, in perpetuity, all inventory taxes that could be assessed against Atlantic Tractor's vehicular stock held in inventory, the City Administration has indicated a willingness to consider a phase-in of the City's inventory tax not to exceed a period of seven (7) years. The exact manner in which the inventory tax obligations of Atlantic Tractor would be phased-in over the seven year period is unknown; therefore, for purposes of this Memorandum, the phase-in schedule of inventory tax assessed against Atlantic Tractor is assumed to be one-seventh (1/7) of Atlantic Tractor's total inventory tax obligation will be assessed against Atlantic Tractor in year one (i.e. the fiscal year during which the annexation of the Atlantic Tractor Property took

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<sup>3</sup> Assuming full payment of the real property tax assessed by the City against the Atlantic Tractor Property, and further assuming full payment of the inventory tax assessed by the City against Atlantic Tractor, the annexation of the Atlantic Tractor Property could reasonably be estimated to generate between \$28,000 and \$30,000 of revenue for the City each fiscal year.

effect), two-sevenths (2/7) of Atlantic Tractor’s total inventory tax obligation will be assessed against Atlantic Tractor in year two, and so forth.

Using an assumed inventory tax obligation of \$20,250 (the estimated inventory tax obligation cited in Mr. McAllister’s February 10, 2020 letter to the City Solicitor), a proportionate seven-year phase-in of the inventory tax obligation of Atlantic Tractor would be as follows:

| <u>Taxable Year</u>   | <u>Amount of “Phased-In Inventory Tax Obligation”</u> |                |
|-----------------------|-------------------------------------------------------|----------------|
| • Year 1 <sup>4</sup> | \$2,892.86                                            | (-\$17,357.26) |
| • Year 2              | \$5,785.72                                            | (-\$14,464.30) |
| • Year 3              | \$8,678.58                                            | (-\$11,571.44) |
| • Year 4              | \$11,571.44                                           | (-\$8,678.58)  |
| • Year 5              | \$14,464.30                                           | (-\$5,785.72)  |
| • Year 6              | \$17,357.26                                           | (-\$2,892.86)  |
| • Year 7              | \$20,250.12                                           | (-\$0)         |

If the City phases-in the full assessment of Atlantic Tractor’s inventory tax obligation over a period of seven (7) years, the City will have ended up forgoing/excusing \$60,750.16 in otherwise available tax revenue; put differently, the City will have excused the equivalent of 6+ years of the City’s annual real property tax assessed against the Atlantic Tractor Property (assuming the City’s real property tax rate does not increase); indeed, if the seven (7) year phase-in of the City’s inventory tax is applied to the annexation of the Atlantic Tractor Property, in the first year following the City’s annexation of the property, the costs incurred by the City for the municipal services provided to the property are likely to exceed the amount of tax revenue the City will receive or otherwise generate from it.

Of greater concern than the fiscal impact resulting from the phasing-in of Atlantic Tractor’s inventory tax obligations, is the downstream effect that could result from implementing the phase-in as condition for annexation. Property owners and businesses located within the City may seek-out the same treatment offered to Atlantic Tractor to ease their respective inventory tax obligations and, if such parties are not offered the same treatment, that could lead to disputes. However, the more practical problem for the City will be addressing future requests from parties to phase-in their municipal tax obligations as a condition to the City annexing their property (regardless of whether the request relates to the inventory tax imposed by the City or some other City tax, fee or charge that affects the owner or user of the annexed property). Easing or phasing-in Atlantic Tractor’s inventory tax obligation, as a condition to the City’s annexation of the Atlantic Tractor Property will set precedent; and, with each special condition the City accepts for the annexation of property, the more likely it is that the fiscal benefits the City realizes from annexation get reduced or compromised, and the more difficult it will be for the City to maintain uniformity in its negotiations for property annexation.

**Conclusion:**

Without phasing-in Atlantic Tractor’s inventory tax obligation over a seven (7) year period, the annexation of the Atlantic Tractor Property is estimated to have an annual, net-positive fiscal impact to the City in an amount that exceeds \$20,000 per annum. On the other hand, if Atlantic Tractor’s inventory tax obligation is phased-in over a seven (7) period, the annexation of the Atlantic Tractor Property will not have an annual, net-positive fiscal impact to the City that comes close to exceeding \$20,000 per annum for at least 4 years, and in the first two years following annexation, the costs attributable to the services provided by the City may exceed the annual revenue attributable to the City’s annexation of the Atlantic Tractor Property, creating a short-term net-negative fiscal impact to the City, after which the City will experience an incremental net-positive fiscal impact that plateaus at year 7 and at a level equal to the net-positive fiscal impact the City would realize if the Atlantic Tractor Property is annexed without any condition relating to the phasing-in of the City’s inventory tax.

<sup>4</sup> Year 1 is assumed to be the fiscal year during which annexation of the Atlantic Tractor Property became effective.



MCALLISTER  
DETAR  
SHOWALTER  
& WALKER

William W. McAllister, Jr.  
wmcallister@mdswwlaw.com  
(410) 228-4546

February 10, 2020

Stephen Mark Tilghman  
Seidel Baker & Tilghman, P.A.  
110 N. Division Street  
Salisbury, MD 21801

**Re: Atlantic Tractor Annexation/Inventory Tax**

Dear Mark,

Thank you for speaking with me recently to clarify the request made by the Council on January 13, 2020 to submit the anticipated Tax Property §9-106 vehicular inventory tax calculations for Atlantic Tractor.

Assuming historical norms of \$3.6M +/- in agricultural "vehicles" held in inventory, and assuming the City applies its inventory tax of 2.5% of the reduced assessed value of that vehicular stock ( $\$3.6M \times 2.5\% = \$810,000$ ), Atlantic Tractor anticipates an annual tax obligation of \$20,250 ( $\$810,000 \times 2.5\% = \$20,250$ ) as an additional and annual financial consequence of annexing into the corporate limits of Salisbury.

As we discussed, Atlantic Tractor did not request a meeting in closed session and apologizes for any inconvenience or confusion on January 13<sup>th</sup>. We would be pleased to reschedule a meeting before the City Council in public session to discuss issues related to annexation and the possibility of a phasing in of the vehicle inventory tax, to assist Atlantic Tractor in addressing the various significant financial commitments related to annexation, integration into the City water and sewerage system, property and inventory taxes and otherwise.

We look forward to a candid exchange with Council members to discuss this request for a phasing in of the vehicle inventory tax.

Sincerely,

William W. McAllister, Jr.





MCALLISTER  
DETAR  
SHOWALTER  
& WALKER

William W. McAllister, Jr.  
410-228-4546  
[wmcallister@mdswlaw.com](mailto:wmcallister@mdswlaw.com)

February 21, 2019

Mayor Jake Day  
City of Salisbury  
125 N. Division Street, Suite 304  
Salisbury, MD 21801

RE: Annexation of Atlantic Tractor Parcel  
Waiver Request

Dear Mayor:

Thank you again for meeting with me to discuss the possible annexation of Atlantic Tractor's Rt. 50 location at 31415 John Deere Drive, Salisbury, Map 0039, Grid 0010, Parcel 0038 (the "Property"). The Property is owned by Timothy and Elizabeth Tyndall and leased to Atlantic Tractor. The Tyndalls approve of and will introduce the annexation petition, and fully support Atlantic Tractor in this effort. I am writing in response to your invitation to explain the particulars of this annexation request and to provide support for our request to waive the inventory tax which might otherwise apply on the extensive inventory held at the Salisbury location.

As we discussed, Atlantic Tractor routinely holds millions of dollars in inventory of new and used tractors, combines, mowers, utility vehicles, and related parts and equipment. By way of example, 2017 tax returns reflect \$497,000 in parts and \$3.4 M in equipment for a typical inventory valuation of \$3,897,000. As I understand the process, under Section 3.08.030 of the Salisbury City Code, 45% of this inventory value would be subject to tax. So, in this example, an inventory tax of over \$42,000 might apply post-annexation in a typical year ( $\$3,897,000 \times 45\% = \$1,753,650$ ;  $\$1,753,650 \times .024 = \$42,087$ ).

Given the very slim margins on farm equipment, additional expense at this level would be difficult to sustain. Moreover, practical business considerations would require that the inventory be maintained elsewhere to avoid the tax, such that this hypothetical tax opportunity for Salisbury would, in all likelihood, not occur post-annexation even if the waiver request is denied.

Atlantic Tractor has 34 full-time employees, is a well-respected and long-standing fixture in Salisbury, and provides essential goods and services to the agriculture community. It prefers that its location in the largest city of the Eastern Shore exhibit the broadest display of John Deere equipment in the region, and we seek your assistance to ensure that continues.

300 ACADEMY STREET CAMBRIDGE, MD 21613 410.228.4546 WWW.MDSWLAW.COM

EASTON - CAMBRIDGE - OCEAN CITY



To assist in considering the benefits of annexation and the reasons it would be mutually beneficial to grant an inventory tax wavier as a condition of annexation, the following information tracks the City's Annexation Procedures Guide:

1. Atlantic Tractor would invite a prompt meeting with the City Annexation Team, if necessary, but this submission may perhaps be utilized in lieu of the pre-filing meeting.
2. The most significant goal of a pre-filing meeting is to determine the details of a proposed annexation, and to clarify any conditions to be included in an Annexation Agreement.
3. Attached is a draft Petition for Annexation, in accordance with §4-402 of the Local Government Article.
4. We believe that perhaps no Concept Development Plan will be necessary or relevant to the annexation of the Property, because it is fully developed for its commercial purpose and no improvements or modifications are currently planned post-annexation. We request that the Concept Development Plan be waived.
5. If necessary, the Atlantic Tractor "Concept Development Plan" would primarily consist of tapping into the City of Salisbury water and sewer disposal system to replace a currently failing septic system. We believe comments from the Salisbury Fire Department, Salisbury Police Department, Infrastructure and Development and City Administration should reflect the very modest public safety and infrastructure impact arising from annexing Atlantic Tractor.
6. Atlantic Tractor presumes that the Annexation Fee will be based on the size of the parcel to be annexed, the absence of significant impacts on the City's services, and the relative simplicity of incorporating an existing business with no subdivision, re-zoning, re-development or construction plans.
7. A draft Annexation Agreement will be submitted consistent with the terms set forth below.
8. Due to the urgency of either replacing its failing system or annexing to access public water and sewer, Atlantic Tractor requests that its annexation petition be presented to the City Council as expeditiously as possible for their review and "concurrence to proceed" to the Planning and Zoning Commission.
9. Since the Property is non-residential, there are no registered voters who are residents in the area to be annexed. The owners of 100% of the assessed valuation of the real property to be annexed have provided consent. For this reason, an annexation proposal may be initiated by the Salisbury City Council or by Petition filed pursuant to §4-404 of the Local Government Article and no petition for referendum is permissible.
10. A signed Letter of Intent to the City dated November 19, 2018 is attached to enable the City Council to schedule the first reading of a resolution authorizing the annexation and enabling the scheduling of a Public Hearing on the annexation and a second reading and Public Hearing, in accordance with Section 4-406 of the Local Government Article.



11. Annexation Agreement.

A. Inventory Tax

Atlantic Tractor is a regional leader in the sale of John Deere farming equipment. While Atlantic Tractor has 11 locations from Oxford, Pennsylvania to Pocomoke (including two locations in Delaware), the Salisbury location serves the Eastern Shore's largest city and surrounding communities with new and used tractors, combines, sprayers, mowers, hay balers and other essential farm equipment. Keeping an extensive inventory from which regional farmers can choose is a key component of the success of the Salisbury location.

Section 3.08.030 of the Salisbury City Code provides that business stock property (i.e. "inventory") is subject to a city property tax of .024% on the 45% of the assessed value of the inventory. This conservatively would result in an annual tax obligation of \$40,000 +/- . No inventory tax has historically been assessed by Wicomico County, so such a municipal tax would be a new financial burden on Atlantic Tractor.

Given the proximity of Delaware competitors in a sales-tax free environment, operating expenses are critical to the farm implement business where margins on large equipment are very narrow. Moreover, given internet access to inspect equipment and the many regional Atlantic Tractor facilities that are NOT subject to inventory tax, economics and common sense dictate that farm equipment inventory would be relocated if it was cost-prohibitive to present combines, tractors and farm equipment at the Salisbury location.

B. Proposal

For these reasons, and to reflect the absence of such a tax in the County and the belief that this annexation will not result in any increased burden on schools, infrastructure, fire, safety, crime or otherwise, Atlantic Tractor proposes a waiver of the inventory tax as a condition incorporated into the annexation agreement or Public Works Agreement.

There are no resident registered voters residing in the area to be annexed and 100% of the owners of the assessed valuation of the real property in the area sought to be annexed have signed the Petition for Annexation. The parcel is contiguous to and binding upon the corporate limit of the City of Salisbury to the north and east and is served by City roads.

1. The City of Salisbury Zoning Map shall be amended to include the newly annexed property in the City's Light Business and Institutional Zoning District. The parcel is presently classified as "B-1 Light Business and Institutional" under the zoning laws of Wicomico County, with an A-2 Airport Overlay District designation

**Comprehensive Plan:** The Wicomico County Council adopted its Comprehensive Plan on March 21, 2017. The existing land use (Map 7-1) and the Land Use Plan (Map 7-2) designate this area as "Commercial/Urban Corridor".

**Proposed Zoning:** Upon annexation, the Property is proposed to be zoned Light Business and Institutional.



- Proposed Land Use:** The petitioners propose to continue to use the Property for the sale and service of new and used farm and landscaping equipment.
- Roads:** The Property will be served by existing streets. Upon belief, John Deere Drive is currently a City street. No further or alternative access to the public street system is proposed.
- Water & Wastewater Treatment:** The Property, in its current use, would generate very modest municipal water and wastewater treatment demand. Upon information and belief, City utilities have adequate capacity to serve the Property.
- Schools:** As a non-residential use, the Property would not generate pupil enrollment and would have no impact on school capacity.
- Parks and Recreation:** As a non-residential use, the Property would have no impact on park and recreational facilities or generate any demand for such use.
- Fire, Emergency Management and Rescue Services:** The Salisbury Fire Department provides for fire suppression, technical rescue, special operations, and advanced life support (ALS-EMS), emergency medical treatment and transport services to residents of the Salisbury Fire District. It would provide services to the Property.
- Police:** The City of Salisbury Police Department would provide services to the Property.
- Stormwater Management:** Stormwater Management is governed by the Maryland Stormwater Management Regulations and administered locally. As an existing, on-going commercial business and a fully developed site, the stormwater management system has been designed and constructed. Any future revisions would require Salisbury Public Works review and approval.
- Area Description:** Annexation area consists of one five-acre parcel. The Property is improved by a retail store/shop and maintenance facility, parking areas, and related amenities.

**C. Development Considerations:**

1. **Costs and Fees:** Petitioners to pay the reasonable costs of the annexation to the City, including legal fees, planning, consultant fees, publication notice



expense, and any other costs or expenses reasonably related to annexation.

2. **Infrastructure:** **Petitioners to pay all reasonable expenses necessary to extend public water and sewer service to the Property.**

I hope all of this information is helpful. Thank you again for your assistance in this request for an inventory tax waiver. Please contact me with any questions. I look forward to working with you, the Annexation Team and City officials to ensure a smooth and efficient annexation of the Atlantic Tractor parcel.

Sincerely,

A handwritten signature in blue ink that reads "Sandy McAllister".

William W. McAllister, Jr.

WWM/hrb

CITY OF SALISBURY  
WORK SESSION (VIA ZOOM MEETING)  
MAY 4, 2020

Public Officials Present

Council President John “Jack” R. Heath  
Council Vice President Muir Boda  
Councilwoman Michele Gregory

Mayor Jacob R. Day  
Councilwoman Angela M. Blake  
Councilwoman April Jackson

In Attendance

City Administrator Julia Glanz, Deputy City Administrator Andy Kitzrow, Department of Infrastructure and Development (DID) Director Amanda Pollack, Permits and Inspections Manager William Holland, City Annexation Consultant Michael Sullivan, Procurement Director Jennifer Miller, Finance Director Keith Cordrey, City Clerk Kim Nichols, City Attorney Mark Tilghman and interested citizens and City employees.

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On May 4, 2020 Salisbury City Council convened in a Special Meeting at 4:30 p.m via Zoom which was immediately followed by the regularly scheduled Work Session at 4:35 p.m. The following is a synopsis of the topics discussed in the Work Session:

**Atlantic Tractor/John Deere Drive Annexation**

Permits and Inspections Manager William Holland reported Atlantic Tractor petitioned for annexation in February 2019 because they needed to connect to utilities due to their failing septic. Their attorney, Sandy McAllister sent a letter dated February 21, 2019 proposing a waiver of the inventory tax. Council considered the request but tabled the annexation until further information could be provided regarding the tax waiver. Mr. McAllister then sent a letter requesting the inventory be phased in for seven (7) years from the date of annexation.

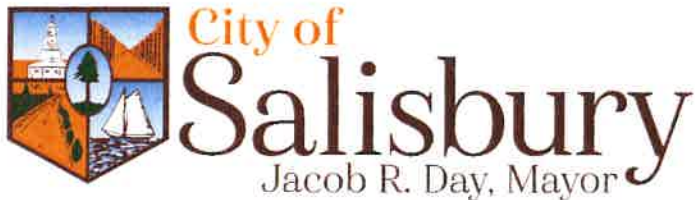
President Heath was concerned that the agreement would set a precedent, and Mr. Tilghman said that the current policy allowed for such an agreement. He asked if the City had received a copy of Atlantic Tractor’s lease and commitment to the property, and they had not. Mr. McAllister said the lease was not yet renewed because the position with the City remained uncertain. Mayor Day said that nothing was precedent setting with annexations and the City could change the agreements.

Mr. Boda thought they struck a balance in the agreement and was interested in knowing Atlantic Tractor’s long-term commitment to the property.

Mr. Sullivan reported on the costs incurred by the City and the revenues to the City from the annexation. The annexation would go to the Planning Commission for zoning recommendations.

Council reached unanimous consensus to advance the annexation.

**Sale of 1141 S. Division Street**



## Infrastructure and Development Staff Report

June 18, 2020

### I. BACKGROUND INFORMATION:

Project Name: Salisbury Marketplace  
Applicant/Owner: J.D. Sign Company for Karemore Properties, LLC  
Infrastructure and Development Case No.: 202000508  
Nature of Request: Revised Sign Plan Approval  
Location of Property: 815 Snow Hill Road  
Existing Zoning: General Commercial

### II. SUMMARY OF REQUEST:

A Revised Sign Plan has been submitted to amend the existing Sign Plan by incorporating the colors black and yellow to the existing Sign Plan. A new exterior sign is also proposed for the storefront window of Food Lion. The proposed signs have the support of the property owner. **(Attachments 1 & 2)**

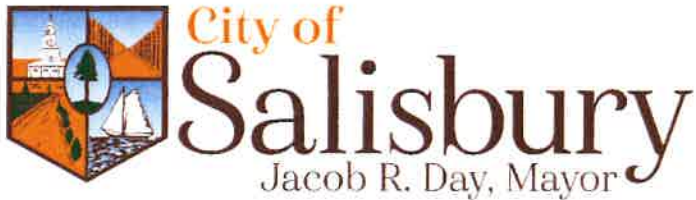
### III. DISCUSSION:

#### Approval History

In July 1989, the Salisbury Board of Zoning Appeals granted a special exception for the construction of Salisbury Marketplace shopping center. The Planning Commission granted approval of a Final Comprehensive Development Plan for the shopping center in 1990, followed by an approved Sign Plan in 1992. Various revised approvals for the shopping center and its signs have occurred over the years, with the most recent approval occurring in 2013 for a Sign Plan Amendment, which added blue to the approved color palette.

#### Revised Sign Plan

The applicant proposes to add the colors black and yellow to the previously approved colors of white, green, and blue. Specifically, a black Food Lion Logo is proposed to replace the existing logo located in the center of the existing wall sign. The overall square footage of the new Food Lion sign is considerably smaller in area than the existing sign. In addition, a white and yellow exterior window decal is proposed for the storefront near



the left/north entrance of the store. Specific details regarding the size of this sign were not included in applicant's submittal. Section 17.212.080B.2 of the Zoning Code indicates that only one sign is permitted per tenant in shopping centers. Permanent exterior window clings/decals meet the definition of a wall sign. However, the Planning Commission has historically approved multiple signs for larger shopping center tenants. **(Attachments 3 & 4)**

No color changes are proposed for the pylon sign, and it will remain as is, with green letters on a white background.

#### **IV. PLANNING CONCERNS**

Staff has no problem with adding two (2) new colors to the approved Sign Plan. Staff is also supportive of the applicant's request to add the window decal as a second wall sign.

#### **V. RECOMMENDATION**

Staff recommends approval for the proposed Sign Plan as submitted.





© All Pictom



A Company of

June 11, 2019

Karemore Properties, LLC  
Ms. Lindsay Hall  
c/o SVN-Miller Commercial Real Estate  
fbo Salisbury Marketplace  
206 E. Main St.  
Salisbury, Maryland 21801

Re: Approval of Proposed Improvements for Food Lion Store #0800, 817 Snow Hill Road, Unit 1, Salisbury, MD 21804

Dear Ms. Hall:

Food Lion desires to make certain improvements to the Demised Premises and/or Shopping Center area of **Store #0800** located at 817 Snow Hill Rd., Unit 1 in Salisbury, MD. Attached are drawings (**A0.02\_A\_LL**, **A1.01\_A\_LL**, **A1.06\_00**, **A2.01\_00**, along with a store front color rendering) which show the colors and store front sign changes that Food Lion would like to make at this location. We are excited about the proposed improvements and we believe they will increase our customer count, which could potentially benefit the entire Shopping Center. We hope you share our enthusiasm for this proposal.

We are seeking your approval on the store front changes mentioned above, as well as permission to hang/install up to (4) marquee signage frames on the exterior front wall of the Demised Premises. The frames are to be surface-mounted to the wall with appropriate anchors & screws and are to be located close to the store's entrance(s). (Please see the attached photo image.). As a part of any signage change (building or roadside), please advise (and include a copy to us) as to whether our proposed sign location is restricted by a municipal sign ordinance, Unity of Design Agreement, Master Sign Plan/Agreement, or any other signage guidelines that may be unique to this Shopping Center.

Additionally, during the improvement process, Food Lion's sign vendor may need your signature on certain improvements or store-specific building and pylon or monument Shopping Center signage in order to obtain permitting for the same. By signing this letter, Landlord herein agrees to cooperate with and assist Food Lion in obtaining any necessary permits, approvals, or licenses that may be required in order for Food Lion to install, at Food Lion's sole cost and expense, the improvements proposed herein and attached, and Landlord agrees to promptly execute and deliver evidence of Landlord's approval as may be required by any public authority for such purposes.

It is also important to note that "Vendor" benches must be removed as part of our remodel program. Therefore, if you have benches located in front of our store then please notify the



**Retail Business Services**

2110 Executive Drive  
Salisbury, NC 28147

A Company of

advertising vendor who may then contact the Food Lion Construction Supervisor to coordinate their removal.

Please review the contents of this letter and all attachments. If the proposal presented herein is acceptable to you, please acknowledge your consent by countersigning and returning a copy of this letter to me. You may return the letter by email (PDF) to the address listed below. Feel free to call me if you have any questions, concerns, or comments. Food Lion respectfully requests that you respond within two weeks of your receipt of this proposal.

Thank you very much.

Sincerely,

Jeffrey Maness  
Engineering Project Manager  
Retail Business Services LLC, an Ahold Delhaize company  
2110 Executive Drive | Salisbury, NC 28145  
704.310.2731  
Jeffrey.Maness@RetailBusinessServices.com

**AGREED TO BY:**

By:

Printed WASIM AMIR Name:

Its: 6-12-2019

Date:

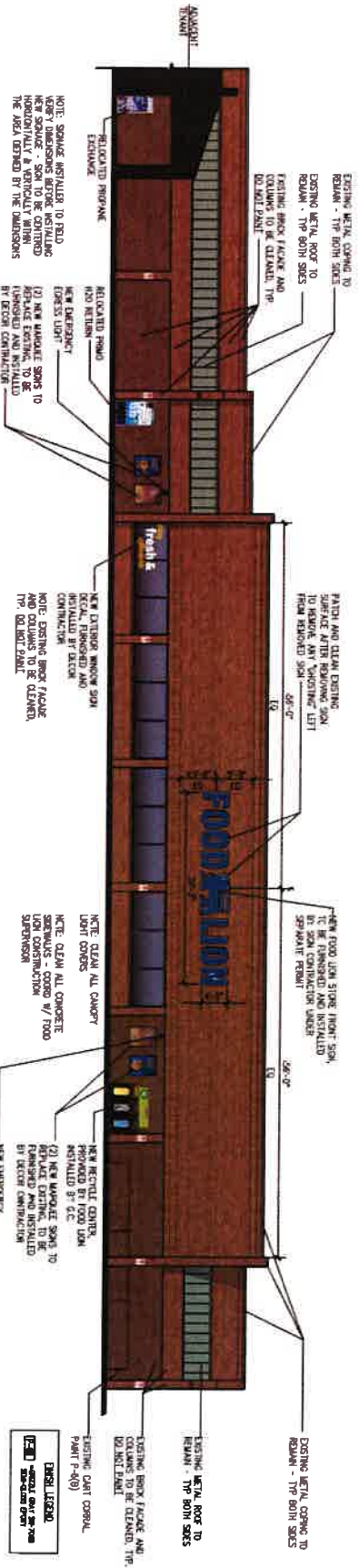
# FOOD LION

Salisbury, MD  
Front Elevation



Existing Elevation

Not to Scale



Proposed Elevation

Not to Scale

**PROPOSED FOR INITIAL PERMITS**

**Kieffer | Starlite**  
National Sign Manufacturers and Consultants  
Dallas, TX | North | Chicago | Shenyang | Charlotte

ACCOUNT: Food Lion #  
LOCATION: 817 Smd, John's Salisbury, Moore Hill  
ARCHITECT: M. Everhart  
DATE: 11/11/2019  
DESIGNER: M. Greenold  
CONTRACT FILES

REVISIONS

| NO. | DATE       | DESCRIPTION                      |
|-----|------------|----------------------------------|
| 1   | 11/11/2019 | ADD NEW SIGN FOR INITIAL PERMITS |
| 2   |            |                                  |
| 3   |            |                                  |
| 4   |            |                                  |
| 5   |            |                                  |
| 6   |            |                                  |
| 7   |            |                                  |
| 8   |            |                                  |
| 9   |            |                                  |
| 10  |            |                                  |

INITIALS DATE  
11/11/2019

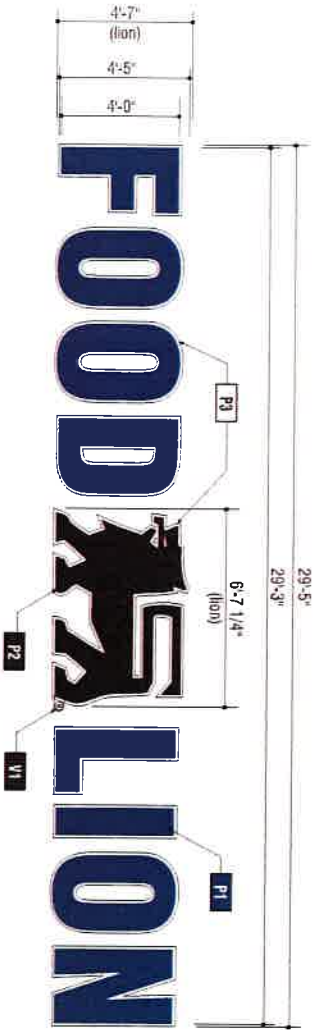
This is an optional registration drawing submitted for use in connection with a project being planned for you by Kieffer Starlite Co. It shall not be reproduced, copied or exhibited in any manner without the written permission of Kieffer Starlite Company.

For Contact Information  
Visit us at  
[www.kssigngroup.com](http://www.kssigngroup.com)

**KS1903788B**

# FOOD LION

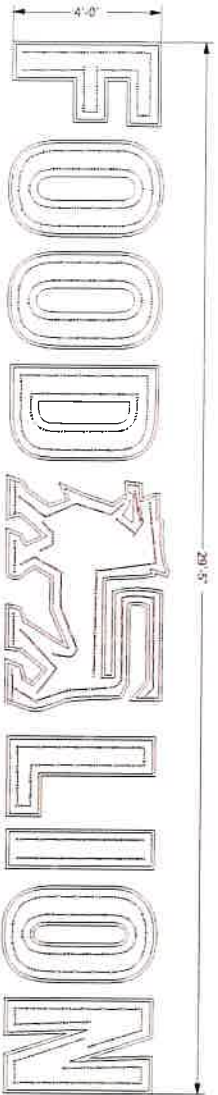
Salisbury, MD  
Reverse Lit Channel Letters



Reverse Lit Channel Letters  
Scale: 1/4" = 1'-0"  
**PROPOSED FOR VARIANCE**

(1) Set Required  
134.8 Sq. Ft.

- Notes:**
- 3" deep, reverse lit, channel letters.
  - Letters will be illuminated with LT\* (white) LED's mounted onto .187" clear polycarbonate backs.
  - The letters will have remote power supplies.
  - The letters will have remote power supplies.
  - Faces will be .125" aluminum with .063" aluminum returns that are welded to the face.
  - Letters and logo will be mounted on .080" pre-finisher matte white aluminum backer panels.
  - Prep, prime, and paint all aluminum surfaces.
  - Letters: PMS #647C
  - Logo: Black
  - Backer Panels: White
  - Letter & Logo Interior: White
  - Registration Mark will be clear polycarbonate with black opaque vinyl graphics.
  - Letters and logo will be mounted on (45) 2" stand-offs that will be painted white.
  - Lion & Eye will be fouled and backed with .187" white acrylic (7328).



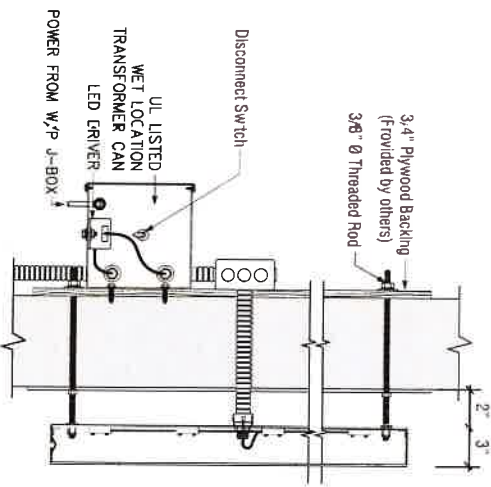
| LED Module         | ILT-1X3-W65-160 "K2 SUMMIT"                    |    |    |            |      |    |            |    |    |            |  |  |
|--------------------|------------------------------------------------|----|----|------------|------|----|------------|----|----|------------|--|--|
| Letters            | F                                              | O  | O  | D          | LOGO | L  | I          | O  | N  |            |  |  |
| Modules per letter | 24                                             | 33 | 33 | 34         | 65   | 19 | 14         | 33 | 34 |            |  |  |
|                    | PS# 1 60W                                      |    |    | PS# 2 100W |      |    | PS# 3 100W |    |    | PS# 4 100W |  |  |
| Total Modules      | 289                                            |    |    |            |      |    |            |    |    |            |  |  |
| Total Weight       | 289                                            |    |    |            |      |    |            |    |    |            |  |  |
| Power Supplies     | 1 Unit, ILT-LV-60-12N/ 3 Units, ILT-LV-100-12N |    |    |            |      |    |            |    |    |            |  |  |



**InternationalLight**  
Illumination  
10 Havelock Drive  
Riverton, UT 84065  
801-738-8141  
info@intligh.com

DATE: 09-29-17  
PROJECT: 00  
PROJECT #

FOOD LION



**COLOR SCHEDULE:**

Colors:  
VI Oracal HP Opaque Black Vinyl (751)

Paint Matches:  
P1 PMS 647C  
P2 Black  
P3 Food Lion White

**Kieffer | Starlite**  
National Sign Manufacturers and Consultants  
Dallas, Ft. Worth | Chicago | Shelbyville | Charlotte

ACCOUNT: Food Lion #  
LOCATION: 417 5th, Unit 1 Salisbury, Midway Hill  
ACCT. REP: M. Sturbit  
DATE: 11/11/2019  
DESIGNER: M. Sturbit  
CITY LISTED

INSTALL DATE: 11/11/2019

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For Contact Information visit us at [www.kssigngroup.com](http://www.kssigngroup.com)





WICOMICO COUNTY, MARYLAND  
DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT  
125 N. DIVISION STREET, ROOM 203  
P.O. BOX 870  
SALISBURY, MARYLAND 21803-0870  
PHONE: 410-548-4860 | FAX: 410-548-4955

Bob Culver  
County Executive

R. Wayne Strausburg  
Director of Administration

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## STAFF REPORT

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MEETING OF JUNE 18, 2020

### MARYLAND AGRICULTURAL PRESERVATION EASEMENT APPLICATION RECOMMENDATION TO COUNTY COUNCIL

#### I. PROPOSED AGRICULTURAL DISTRICT

NAME: MARVIC, LLC Easement Application  
Location: Both sides of Laws Road, Southwest of Powellville  
County Tax Map #60, Parcels #17 & 19, Grids #5 & 12  
Size: 167.29 Acres

#### II. INTRODUCTION

An application has been filed by MARVIC, LLC to sell an easement on their property on Laws Road to the Maryland Agricultural Land Preservation Foundation. (See Attachments #1, 2, and 3.)

Maryland's Agricultural Land Preservation Program requires the Planning Commission's review of applications to sell Agricultural Land Preservation Easements. The duties of the Planning Commission are as follows:

1. To advise County Council if the easement is compatible with existing and approved County Plans and overall County policy; and,
2. To recommend to County Council if an easement should be created.

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Planning & Zoning Commission  
Natural Resources Conservation Advisory Committee  
Metropolitan Planning Organization  
Shore Housing Resource Board

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Wicomico County Board of Appeals  
Historic District Commission  
Agricultural Reconciliation Committee  
Agricultural Land Preservation Advisory Board

### **III. MARYLAND PROGRAM SUMMARY**

The following is a brief overview of Maryland's Agricultural Land Preservation Program. Participation in the program is entirely voluntary on the part of landowners:

- \* Agricultural Land Preservation Easements may be sold by landowners whose land meets eligibility requirements of the Maryland Agricultural Land Preservation Foundation;
- \* An Agricultural Easement is perpetual and the land must be kept in agriculture. The subdivision and development of land for residential, commercial or industrial purposes is prohibited;
- \* Support on an easement application is an official acknowledgment from the County and Foundation that farming is the preferred use of the land, which may aid farmers in defending against nuisance complaints;

### **IV. EASEMENT CRITERIA**

The qualifying criteria of the Foundation for sale of easements under the provisions of the Maryland Program are:

- \* Criterion #1: The land is currently being used for producing food or fiber or has the capability to do so.  
The land is suitable for grain production.
- \* Criterion #2: The majority of the land area of any district should consist of either of USDA Soil Capability Classes I, II, and III; USDA Woodland Groups 1 & 2; or at least 60 percent of the two classifications combined.  
The site contains 74 percent Class III soils.
- \* Criterion #3: An Agricultural Easement generally should not be less than 50 contiguous acres, unless certain conditions are met.  
The total size of the proposed easement is 167.29 acres.
- \* Criterion #4: Land within the boundaries of a 10-year water and sewerage service district may be included in an Agricultural Easement only if it is outstanding in productivity and of significant size.

The MARVIC, LLC property is not located within the boundaries of a 10-year water and sewer service district. The closest district is that of Pittsville located to the north.

**V. DESCRIPTION OF PROPOSED AGRICULTURAL EASEMENT**

The MARVIC, LLC property is located southwest of Powellville on both sides of Laws Road. The farm totals 167.29 acres and contains no structures.

**VI. COMPREHENSIVE WATER AND SEWERAGE PLAN**

The MARVIC, LLC property is not within the boundaries of a 10-year water and sewer service district. The closest district is that of Pittsville located approximately 6 miles to the north.

**VII. WICOMICO COUNTY COMPREHENSIVE PLAN**

The County Comprehensive Plan identifies the following policies, which pertain to agriculture/resource areas:

1. Support the agricultural industry and associated jobs.
2. Afford agricultural uses with maximum protection and freedom from nuisance complaints in zoning regulations and through “right to farm” ordinances.
3. Give priority to public improvements directed toward agriculture related uses.

In addition, with the adoption of the 2017 Comprehensive Plan, a Priority Preservation Area was adopted that includes all of the A-1 Agricultural-Rural zoned areas of the County.

The Plan’s Overall Development Policy concerning the formation of Agricultural Land Preservation Easements provides for their sale on farmland situated in the agricultural/resource areas when consistent with the criteria set forth in the Maryland Agricultural Land Preservation Act. The MARVIC, LLC property is located in an area designated as Agriculture/Resource and within the Priority Preservation Area in the County Plan, which encourages the sale of Agricultural Preservation Easements. In addition, the property is zoned Agricultural-Rural and is located in a predominantly agricultural area.

**VIII. ELIGIBILITY TO SELL AND EASEMENT**

The Planning Staff finds that the proposed easement meets the minimum criteria established by the Agricultural Land Preservation Foundation for the sale of an easement in regards to location, size and soils suitability.

**IX. COUNTY AGRICULTURAL ADVISORY BOARD ACTION**

State Law requires that the Wicomico County Agricultural Land Preservation Advisory Board review potential easements in regards to soils suitability, farm size, and other criteria described in Section IV. Staff will recommend that the Board forward a Favorable recommendation to the Council for the support of the sale of an Agricultural Land Preservation Easement on MARVIC, LLC farm as it meets the minimum requirement for size, soils suitability, and current production status. A Board meeting will be scheduled at a future date.



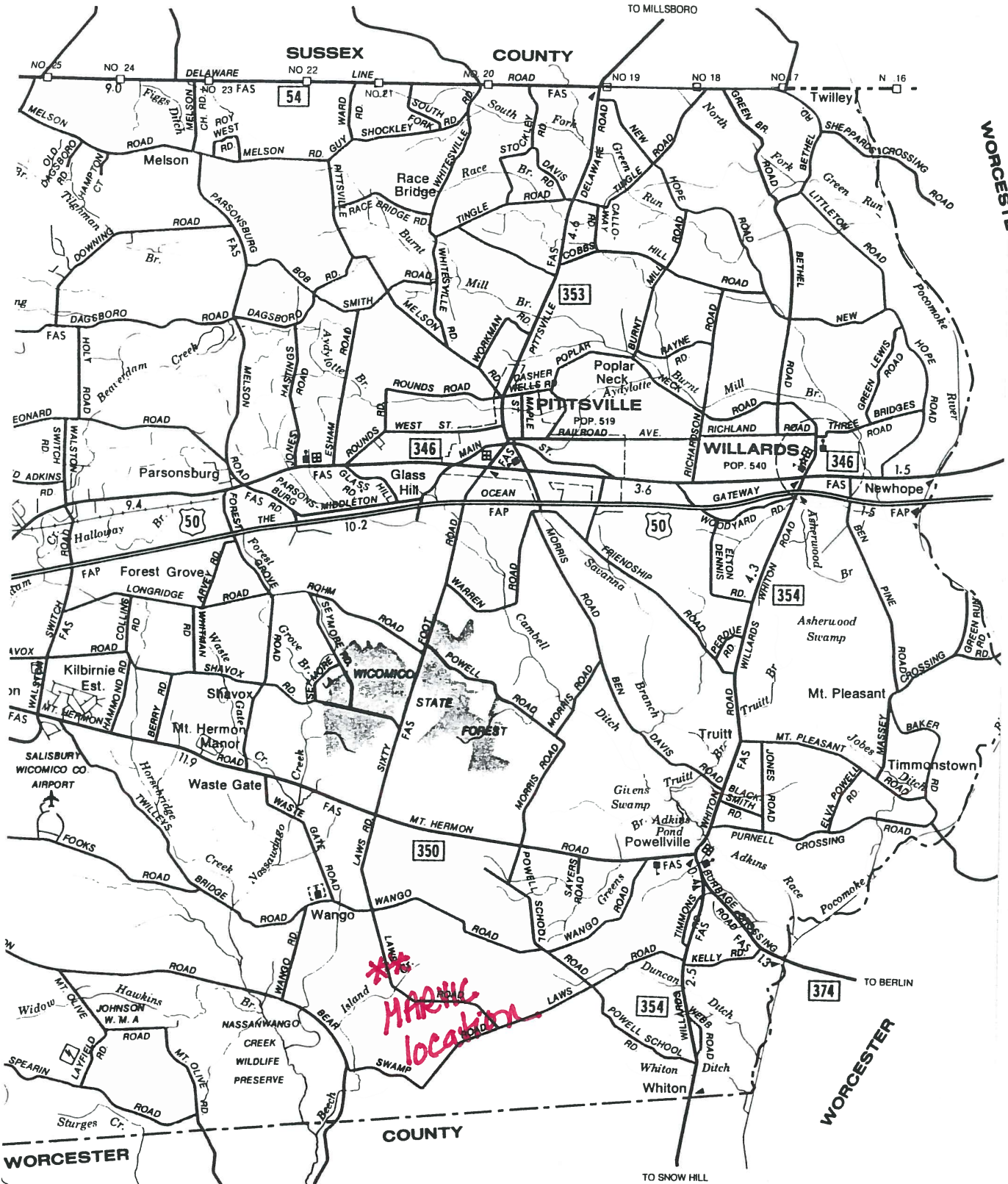
**X. PLANNING COMMISSION ACTION**

State Law requires that the Wicomico County Planning Commission review the request for consideration of the location of the proposed easement. The MARVIC, LLC property is located in an area designated Agriculture/Resource by the Comprehensive Plan and in the Agricultural-Rural zoning district, near Powellville. Staff recommends that the Commission forward a **Favorable** recommendation to the Council for support of the sale of an Agricultural Land Preservation Easement on the MARVIC, LLC property based on compliance with the County Comprehensive Plan.

COORDINATOR: Gloria Smith, Planner  
DATE: June 9, 2020

Salisbury - Wicomico County Department Of

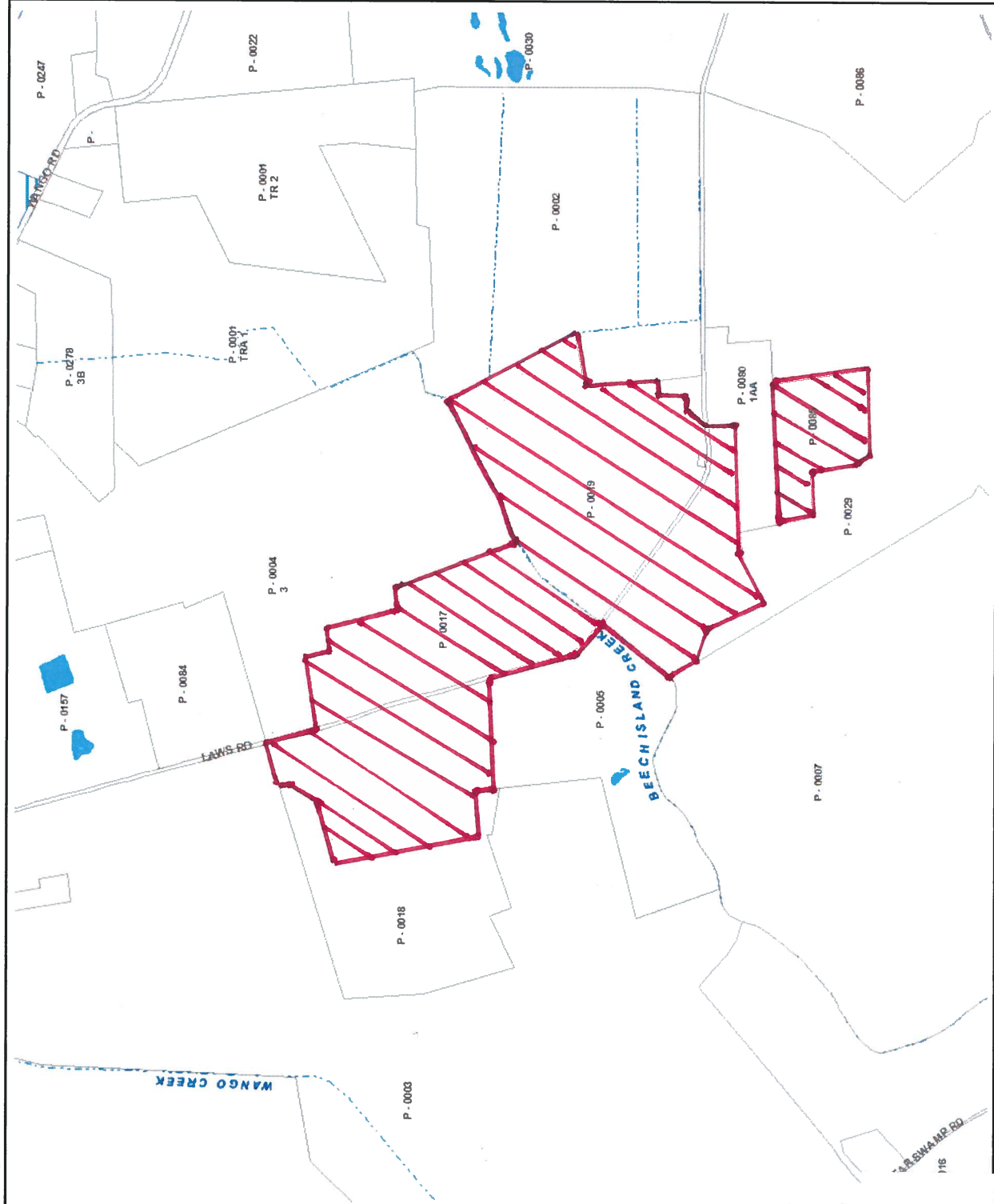
V A R E



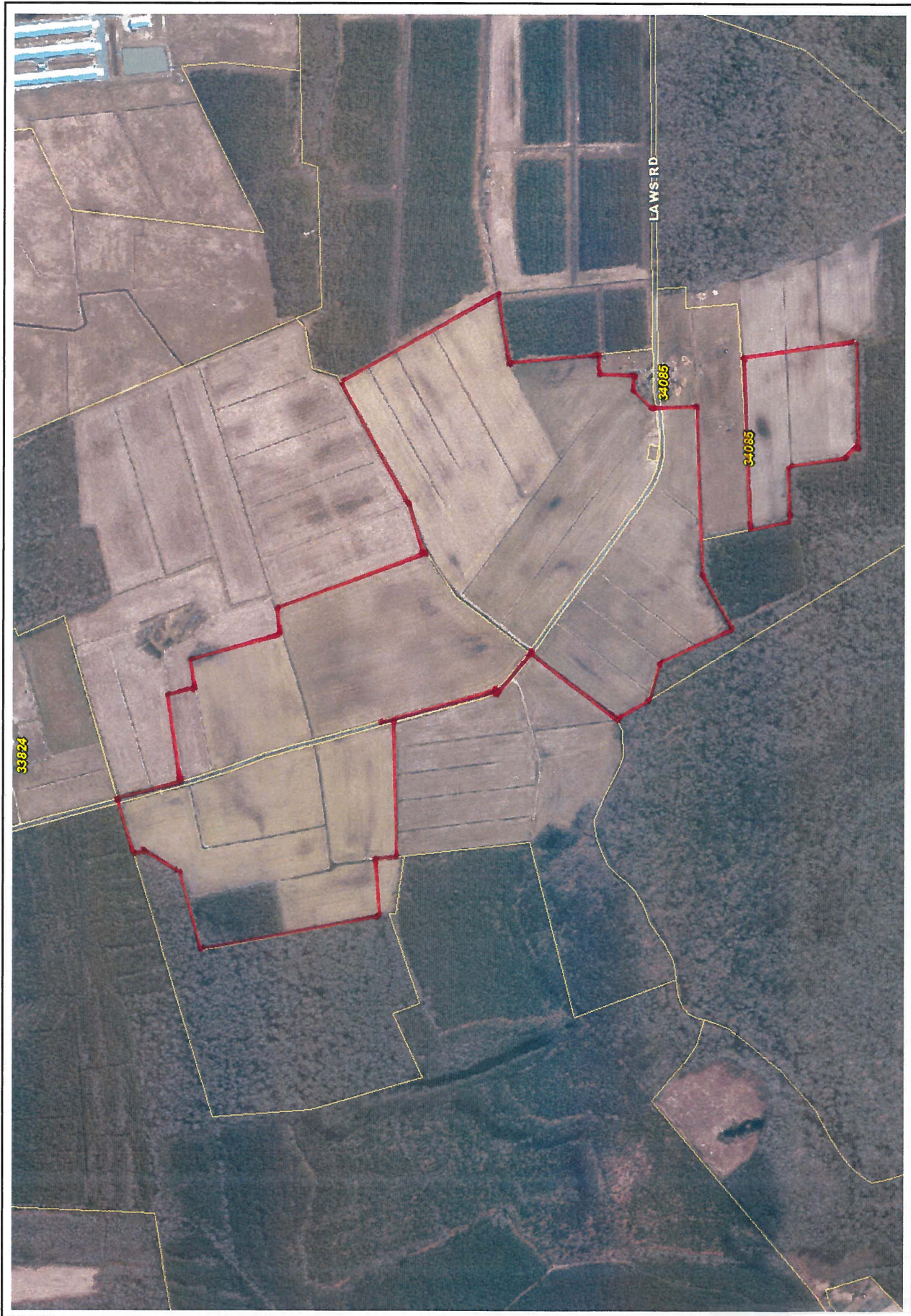
WORCESTER

WORCESTER

# WICOMICO COUNTY ZONING MAP



|                                    |                                         |                                         |
|------------------------------------|-----------------------------------------|-----------------------------------------|
| Bridges                            | Runway                                  | A - 1 Agricultural - Rural              |
| Railroads                          | Taxiway                                 | Airport Business Park                   |
| Chesapeake Bay Critical Area       | Municipal Areas                         | C - 1 Select Commercial                 |
| Historic Districts                 | Wicomico BZA Activity                   | C - 2 General Commercial                |
| 8000 ft Turning Radius             | Parcels                                 | C - 3 Regional Commercial               |
| Airport Overlay District           | Street Centerlines                      | CID Corporate Industrial District       |
| Neighborhood Preservation District | Streams                                 | I - 1 Light Industrial                  |
| Salisbury Critical Area            | Display Value 1                         | I - 2 Heavy Industrial                  |
| Wicomico County Boundary           | Display Value 2                         | LB - 1 Light Business & Institutional   |
| Building Permits                   | Display Value 3                         | LB - 2 Light Business & Residential     |
| Airport - Runways & Taxiways       | Display Value 4                         | R - 8 Residential                       |
| Runway                             | Display Value 5                         | R - 15 Residential                      |
| Taxiway                            | Display Value 6                         | R - 20 Residential                      |
| Municipal Areas                    | Display Value 7                         | R - 30 Residential                      |
| Wicomico BZA Activity              | Water Bodies                            | REC Residential, Educational & Cultural |
| Parcels                            | Wicomico Zoning                         | TT Town Transitional                    |
| Street Centerlines                 | A - 1 Agricultural - Rural              | VC Village Conservation                 |
| Streams                            | Airport Business Park                   | Municipality                            |
| Display Value 1                    | C - 1 Select Commercial                 |                                         |
| Display Value 2                    | C - 2 General Commercial                |                                         |
| Display Value 3                    | C - 3 Regional Commercial               |                                         |
| Display Value 4                    | CID Corporate Industrial District       |                                         |
| Display Value 5                    | I - 1 Light Industrial                  |                                         |
| Display Value 6                    | I - 2 Heavy Industrial                  |                                         |
| Display Value 7                    | LB - 1 Light Business & Institutional   |                                         |
|                                    | LB - 2 Light Business & Residential     |                                         |
|                                    | R - 8 Residential                       |                                         |
|                                    | R - 15 Residential                      |                                         |
|                                    | R - 20 Residential                      |                                         |
|                                    | R - 30 Residential                      |                                         |
|                                    | REC Residential, Educational & Cultural |                                         |
|                                    | TT Town Transitional                    |                                         |
|                                    | VC Village Conservation                 |                                         |
|                                    | Municipality                            |                                         |



**MARVIC, LLC**



DEPARTMENT OF AGRICULTURE
MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION

FISCAL YEAR 20
APPLICATION TO SELL AN EASEMENT

MALPF File Number (Provided by MALPF)

\*\*\*PLEASE READ ATTACHED INSTRUCTIONS BEFORE COMPLETING APPLICATION\*\*\*
THIS APPLICATION CANNOT BE CHANGED AFTER SUBMITTAL TO THE FOUNDATION.
PLEASE TYPE RESPONSES

Did you apply to sell an easement in the previous application cycle? Yes / No

PART A

I/We MARVIC Associates, LLC, landowner(s) of the property referenced herein, located in Wicomico County, Maryland, apply to the Maryland Agricultural Land Preservation Foundation (MALPF) to sell an agricultural land preservation easement, pursuant to Agriculture Article, Section 2-510, Annotated Code of Maryland.

This application to sell an easement and any subsequent offer to buy an easement, including any Deed of Easement to be recorded on this property, will cover the entire contiguous acreage referenced in the application. Acreage is not permitted to be withheld, unless it is for the permitted lot exclusions specified under Agriculture Article, Section 2-513, Annotated Code of Maryland, or the acreage to be withheld is approved by the Foundation (see Instructions A.1.).

For purposes of valuation, I/we affirm that the acreage of the total property, also referred to as the parent tract\*, was determined by one of the following (a copy of which is attached to this application) (see Instructions A.1.):

- property deed(s)
tax assessment records
survey
other (identify):

- a. The total acreage of property ("parent tract") is: 167.29
b. The number of Pre-Existing Dwelling(s) is (are):
c. The Acreage to be Withheld from the easement is:
d. Designated permitted envelope acreage (unpaid):
e. Other unpaid areas:
f. The Easement Payment Acreage is (a. minus b minus c minus d minus e):
g. Total acres to be encumbered by easement is (a. minus c.): 167.29

I am/We are willing to sell an easement on my/our land for \$ per acre.

I/We understand that the Foundation makes offers based on the lower of: (1) the asking price, (2) the calculated easement value, (3) a cap set by the County, or the statutory State cap of 75% of the recommended appraised value (see Instructions A.6.).

**\*Definition of Parent Tract:** The term Parent tract, as used by MALPF, is the total property described in this application. It refers to that entire contiguous acreage that is under common ownership. This may be a single tax map parcel or may include multiple tax map parcels, but should include the entire acreage on any parcel, even if only a portion of that parcel is being considered for easement sale.

- It includes any withheld acreage and unpaid acreage
- It does not include any tax map parcel which may be contiguous and under common ownership, but for which no portion is being considered for easement sale under this application.

**PART B**

(To be completed by the County Program Administrator or other County employee as necessary.)

Part B provides Instructions directly to the assigned appraisers. Completeness and accuracy is essential for the appraiser(s) to ascertain the farm’s maximum market value as of the date of valuation. All data should be as precise as possible. Do not round figures and please cite sources when possible.

**SECTION # 1: PLANNING AND ZONING INFORMATION**

(A) **ZONING** (See Instructions B.1.)

Current Zoning of Property:

**A-1 Agricultural-Rural**

Does the property lie within the boundaries of a planned 10-year water and sewer service district?

YES

NO

If yes, please describe: \_\_\_\_\_

Is the encumbrance of this property by an agricultural land preservation easement consistent with county plans? (Master Plan, Comprehensive Land-Use Plan Growth Management Plan, etc.)

YES

NO

Does the county zoning permit any farm use of the land?

YES

NO

If any limitations on farm use, describe (can attach if need more space): \_\_\_\_\_

(B) Is there withheld or permitted use envelope acreage?

YES

NO

Reason for the withheld acreage? \_\_\_\_\_

Reason for permitted use envelope? \_\_\_\_\_

(C) Is the property adjacent to other protected lands (fee or easement)?

YES

NO

If yes, what is the approximate size of protected block of land (without subject property acres included)? \_\_\_\_\_

(D) For Certified Counties, is the property located within a Priority Preservation Area?

YES

NO

(E) Is/are there a county-designated tenant house located on the property?

YES

NO

If yes, work with County to complete and submit a certification documentation for EACH proposed tenant house and included as part of the application submission. (See Instructions B.1.E.)

**SECTION #2: DEVELOPMENT RIGHTS**

**NOTE:** The development rights information provided in this application will be provided to the appraisers to determine the fair market value of the **property** and therefore the MALPF easement value. If this section is not completed, the application IS NOT complete and will be returned.

The term “development right(s)” as used by MALPF is the maximum number of residential structures legally allowed to be placed on the parent tract as of the date of the application.

“Legally allowed” takes into consideration such limiting factors such as: zoning, septic law, Chesapeake Bay Critical Areas regulations, existing easements, etc. It does not include any additional structures allowed by virtue of a specific owner (such as family lots), nor does it include any allotted transferrable development rights (“TDRs”). As used herein, “development rights” does not address TDRs. TDRs should be considered as an addition if a current market exists. See application **SECTION #3** below regarding TDRs.

**Lot Selection (see Instructions B. Section 2.):**

**When considering lot selection, please take into account that retaining a dwelling right with the property can benefit the long term viability of future farming operations.**

In the Deed of Easement, I/we hereby elect to (check one):

- reserve family lots, subject to density restrictions,
- reserve one (1) unrestricted lot that is either:
  - subdividable, or
  - a non-subdividable building envelope

waive all rights to lots

1. Has the County adopted a Tier Map under The Sustainable Growth & Agricultural Preservation Act of 2012 (Senate Bill 236), also known as the septic law?  Yes  No
2. If a Tier Map has been adopted, in which Tier is the subject property located? Tier: 4
3. What is the maximum number of residential lots permitted in a minor subdivision? 7

**Any discrepancies between this section and page one of this application should be reconciled or explained.**

|     | Permitted On-Site Development Rights                                                                                                                                                                                                                                                                                                                       | Dev. Rights | Acres         |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|---------------|
| (a) | Total development rights/acres associated with the parent tract [This takes into consideration lots previously subdivided from the property; underlying zoning; septic law restrictions; and any other known restrictions (for dev. rights, take into account Chesapeake Bay Critical Areas regulations, other easements or deed/plat restrictions, etc).] | <b>12</b>   | <b>167.29</b> |
| (b) | Total development rights/acres associated with pre-existing dwelling (within easement area)                                                                                                                                                                                                                                                                | <b>0</b>    | <b>0</b>      |
| (c) | Total development rights/acres associated with withheld acres (includes any dwelling(s) in withheld acres)                                                                                                                                                                                                                                                 | <b>0</b>    | <b>0</b>      |
| (d) | Total development rights associated with designated permitted use envelope area/s AND other unpaid acres.                                                                                                                                                                                                                                                  | <b>0</b>    | <b>N/A</b>    |
| (e) | Unrestricted lot option chosen:<br><input type="checkbox"/> Yes (deduct 1 development right)<br><input checked="" type="checkbox"/> No (deduct 0 development rights)                                                                                                                                                                                       | <b>0</b>    | <b>N/A</b>    |
|     | Total development rights to be extinguished / acres to be appraised by MALPF easement acquisition (a - b - c - d - e)                                                                                                                                                                                                                                      | <b>12</b>   | <b>167.29</b> |

**SECTION #3: TRANSFERABLE DEVELOPMENT RIGHTS PROGRAMS** (See Instructions B.3.)

- A. Does the County have a TDR program? Yes  No
- B. Is the subject property eligible to participate in the TDR program? Yes  No
- C. How many residual TDRs are associated with the subject property (including any withheld acres area) as of the date of the application submission? 12-167

**PART C**

1. **LANDOWNER INFORMATION** - necessary for all landowners of record. Attach a separate sheet, if needed. Also, enter primary contact information. The primary contact person will receive all correspondence from and is the individual to be contacted by the Foundation regarding the easement Application

**MAILING ADDRESS of Owner/Trust/Business Entity:**

MARVIC Associates, LLC

Name

P.O. Box 75

Address

Salisbury, MD 21803

City, State, Zip Code

410-749-7500

Phone #: (1<sup>st</sup>)

410-430-6465

(2<sup>nd</sup>)

viclaws@shore-lawyers.com

e-mail

**PRIMARY CONTACT PERSON:**

Victor Laws, III, Managing Member

Name

P.O. Box 75

Mailing Address

Salisbury, MD 21803

City, State, Zip Code

410-749-7500

Phone #: (1<sup>st</sup>)

410-430-6465

(2<sup>nd</sup>)

viclaws@shore-lawyers.com

e-mail

2. **ENTITY INFORMATION:** Please list all members/partners/trustees/shareholders of the ownership entity, if applicable (see Instructions C.2.). (Attach a separate sheet if necessary.)

Victor H. Laws, III

Managing Member

Lydia E. Welsh

Managing Member

George William Engle, Jr.

Gerald A. Laws

3. **LOCATION OF PROPERTY:**

**PLEASE NOTE: FOR PROPERTIES CONSISTING OF MORE THAN ONE TAX PARCEL, IF THE APPLICATION TO SELL AN EASEMENT TO MALPF IS SUCCESSFUL, THE PARCELS MUST REMAIN UNDER IDENTICAL COMMON OWNERSHIP, AND MAY NOT BE CONVEYED OFF FROM EACH OTHER UNLESS SPECIFICALLY APPROVED BY THE MALPF BOARD.**

Tax Map 0060 Grid 0005 Parcel # 0017

Tax ID# 06-002412  
(List all if more than one)

Tax Map 0060 Grid 0012 Parcel # 0019

Tax ID# 06-002404  
(List all if more than one)

Tax Map: Grid: Parcel #:

Tax ID#:  
(List all if more than one)



Property Address: (if different from mailing address)

**Laws Road, Parsonsburg, MD**

4. **DEED REFERENCE(S)** (see Instructions C.4.):

4253 / 0001 / / / / /  
liber folio liber folio liber folio

If acreage reflected in deed is different from acreage of proposed easement, please explain:

5. **EXISTING PROPERTY RESTRICTION(S)**: (see Instructions C.5.)

Please state whether there are any existing restrictive easements or covenants (such as Forest Conservation Easements, Open Space Easements, etc.) on your property and, if so, please explain:

6. **OTHER THIRD PARTY INTERESTS** (see Instructions C.6.):

a. Does anyone own or lease surface or subsurface rights on this property (including oil/gas/mineral, whether or not there has been any activity on the lease)?

YES  NO If yes, please explain: \_\_\_\_\_

b. Does anyone hold a lease, right of first refusal, or option to purchase for this property?

YES  NO If yes, please explain: \_\_\_\_\_

c. Has any mining been done on the property?

YES  NO If yes, please explain: \_\_\_\_\_

d. Are there any other third party interests in this property? (For example, life estate, right-of-ways, renewable energy operations, telecommunication company leases, ground leases in excess of 20 years, etc.)

YES  NO If yes, please explain: **Farm lease through 2022**

If you answered yes to any of the questions a. through d., please provide name and contact information for the third party interest; signatures of such parties will be required on the Option Contract and Deed of Easement if the Foundation extends you an easement offer.

**Lloyd B. Brittingham & Son**

Name of Other Third Party Interest

Name of Other Third Party Interest

**4570 Powell School Road**

Address

Address

**Parsonsburg, MD 21849**

City, State, Zip Code

City, State, Zip Code

**410-742-2249**

Phone #

Phone #

**Farm lease**

Nature of Third Party Interest

Nature of Third Party Interest

7. **MORTGAGES OR LIENS:**

Is there a mortgage or other lien on this property, including equity line of credit?

YES  NO

If yes, signatures and addresses of such holders will be required on the Option Contract and Deed of Easement, if the Foundation extends an easement offer to you.

Name of Mortgage or Lien Holder

Name of Mortgage or Lien Holder

Address

Address

City, State, Zip Code

City, State, Zip Code

Phone #

Phone #

8. **LAND USE (round to whole number):**

|                                                 |                      |       |
|-------------------------------------------------|----------------------|-------|
| Tillable Cropland:                              | <b><u>167.29</u></b> | acres |
| Pasture:                                        | _____                | acres |
| Woodland:                                       | _____                | acres |
| Wetland(s):                                     | _____                | acres |
| Orchard; Nursery:                               | _____                | acres |
| Structure(s):<br>(Farm buildings and dwellings) | _____                | acres |
| Pond/lake:                                      | _____                | acres |
| Other: _____<br>(Describe other land use)       | _____                | acres |
| <b>TOTAL ACRES:</b>                             | <b><u>167.29</u></b> | acres |

(Acres must equal Part A: f, on Page 1 – rounded to a whole number)

9. **PROPERTY USE:**

|                                                                                                                                                                                                                                                                    | YES                      | NO                                  | DON'T KNOW               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------|--------------------------|
| a. Has the property been used for a purpose other than agricultural operations and residential use (for example, landfill, commercial cell tower, commercial energy production, sand and gravel extraction, railroad right-of-way)?<br>If so indicate use/explain. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Have any chemicals been used on the property beyond what could reasonably be expected in normal and customary agricultural practices?<br>If so indicate type of chemicals.                                                                                      | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Has the property ever contained areas used to dispose of waste other than normal and customary household and agricultural waste?<br>If yes, indicate the kinds of material disposed and method of disposal.                                                     | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Has there ever been a chemical spill or leak on the property to your knowledge?<br>If yes, indicate what was spilled, where it was spilled, approximately how much was spilled, and what actions were taken in response.                                        | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. Have any previous environmental assessments/tests/samplings/impact statements been conducted for the property, to your knowledge?<br>If so, attach copies.                                                                                                      | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f. Has any government entity ever investigated, cited, or been involved with any violations or regulatory actions regarding this property to your knowledge? If so, explain.                                                                                       | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g. Are there/have there been any disputes, including claims of adverse possession, or written or oral agreements with adjacent landowners regarding boundary lines?<br>If so, explain and provide detail on map                                                    | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**IF YOU ANSWERED YES TO ANY OF THE ABOVE QUESTIONS, PLEASE EXPLAIN BELOW OR ATTACH A LETTER OF EXPLANATION ALONG WITH ANY SUPPORTING DETAILS TO THE APPLICATION.**

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10. **STRUCTURES** List and briefly describe any/all structures currently existing on the property including agricultural, residential and non-agriculturally-related structures existing at the time of application. On a current aerial map, locate and label by corresponding letter (a, b, c, d, etc.) all structures listed here. A current aerial map may be obtained through the county program administrator. Use separate page if necessary.

| <u>Structure</u> | <u>Approximate Dimensions or Capacity</u> |
|------------------|-------------------------------------------|
| a. _____         | _____                                     |
| b. _____         | _____                                     |
| c. _____         | _____                                     |
| d. _____         | _____                                     |
| e. _____         | _____                                     |
| f. _____         | _____                                     |
| g. _____         | _____                                     |
| h. _____         | _____                                     |
| i. _____         | _____                                     |
| j. _____         | _____                                     |

11. **FARM OPERATION:**

Describe the farming operation(s): Grain crops (corn & soybeans)

Owner operated:  Leased:  Both:

12. **QUALIFYING SOILS: (To be completed by the County Program Administrator, see Instructions C.12.)**

Total acreage/percentage may not exceed 100% (may not count soils in both Class and Group categories.)

|                   | <u>CLASS I</u> | <u>CLASS II</u> | <u>CLASS III</u> | <u>GROUP 1</u> | <u>GROUP 2</u> | <u>= TOTAL</u> |
|-------------------|----------------|-----------------|------------------|----------------|----------------|----------------|
| ACRES:            | _____          | _____           | <u>123.7</u>     | _____          | _____          | <u>123.7</u>   |
| PERCENT OF TOTAL: | _____          | _____           | <u>74.0</u>      | _____          | _____          | <u>74.0%</u>   |

Other information: \_\_\_\_\_  
 (Please indicate if the wetland acres were not counted when calculating the percent of total figure.)

13. **CERTIFICATION OF SOIL CONSERVATION & WATER QUALITY PLAN** (see Instructions C.13.):

Property Owners: **MARVIC Associates**

Phone Number: **410-749-7500**

Property Address: **Laws Road, Parsonsburg, MD 21849**

Tax Map: **0060** Parcel: **17, 19** Conservation Tract No: \_\_\_\_\_ Farm No: \_\_\_\_\_

The **Wicomico** \_\_\_\_\_ County Soil Conservation District hereby certifies that the landowner(s) listed on the front of this Application to Sell an Easement has had a complete soil conservation and water quality plan prepared for the subject property.

\_\_\_\_\_  
 Signature and Title of Soil Conservation District Official

\_\_\_\_\_  
 Date

## 14. IF PROPERTY HAS 25 ACRES OR MORE OF CONTIGUOUS WOODLAND, A FOREST STEWARDSHIP PLAN IS REQUIRED

- a) Is a Forest Stewardship Plan required:  Yes  No
- b) If yes, is it in effect  Yes  No  
(If yes, submit evidence of the Plan)

15. **REQUIRED DOCUMENTATION** to be included with this Application to Sell an Easement:

- a. All deeds, surveys, and/or plats that describe the property.
- Md. Ann. Code Agriculture Article, § 2-510(b)(3) requires that an Application to Sell An Easement be accompanied by a complete description of the property to be encumbered by an Easement. Failure to submit a complete description with the Application to Sell an Easement may result in rejection of the Application.
- b. If property owned by an entity, provide necessary organizational documents (See Instructions Part C.2).
- c. Assessments and Taxation Data sheet from website (County administrator can provide)
- d. A tax map outlining property boundaries, and clearly indicating withheld acreage, if any, including legal and practical access to the withheld acreage.
- e. Aerial map with identified structures on the property located, as instructed in Part B #10.
- f. Forest Stewardship Plan, if one is required and completed
- g. Annual Implementation Review Sheet for the Nutrient Management Plan, if one is available.

**PART D**

**Note: All landowners of record must sign this application. If the property is owned by an entity, all entity members must sign in their capacity as designated in the entity's organizational documents. Attach a separate sheet if necessary. Please note that if there are any life estate interests or right of first refusal in another person or entity, they must also sign this application.**

I/We confirm my/our understanding that I/we may not change the lot selection unless I/we withdraw my/our application and apply in a subsequent cycle.

I/We acknowledge that the land on which I am/we are applying to sell an easement shall not be subdivided (including lot releases), conveyed to others, altered in its configuration, or encumbered by a restriction during the application process without prior written approval of the Foundation. Failure to comply with this restriction may result in withdrawal of the application.

I/We acknowledge that the land on which I am/we are applying to sell an easement consists of only the paid acres as described on page 1 of this application. I/We acknowledge that any acres identified on page 1, Part A, paragraphs d. and e., are voluntarily and willing incorporated into the easement for no compensation. In addition, when determining the agricultural value of the land (per COMAR 15.15.02.06), only the paid acres shall be considered.

I/We confirm my/our understanding that if the property contains at least 25 acres of contiguous woodland, I/we must submit evidence of a complete Forest Stewardship Plan performed by a forester certified in the State of Maryland prior to settlement and that delay in providing such evidence to the Foundation will delay settlement of the easement. I/we also confirm our understanding that the plan must include methods of management and a schedule of implementation. I/we also understand that the plan must have been created and/or updated for sufficiency within the last ten years, and I/we confirm our understanding that the Forest Stewardship Plan must be followed according to its schedule for implementation. If an easement is purchased on this property, I/we confirm our understanding of the responsibility for implementing the plan as outlined according to the schedule of implementation.

I/We confirm my/our understanding that a current Nutrient Management Plan must be implemented for the property prior to the sale of the MALPF easement on the property under the following circumstances: (i) an easement offer is extended and accepted, and (ii) if the property is required to have a Nutrient Management Plan under Md. Code Ann., Agric. Section 8-801 et seq. (associated regulations are located in COMAR 15.20.07-08).

I/We confirm my/our understanding that the Department of General Services shall be reviewing title to the property and may request additional documentation, require certain actions by me/us to clear title to the property, or may require me/us to provide a modern boundary survey of the property, at my/our expense, prior to settlement and that delay in providing such evidence to the Foundation will delay settlement of the easement. In addition, if there are multiple tax parcels being placed under one easement, then we may be required to combine those tax parcels into one account and parcel number.

I/We give MALPF permission to conduct appraisals on my/our property upon reasonable notification. I am/We are aware that any approval to obtain an option contract for the purchase of an agricultural land preservation easement made by the Foundation is subject to Board of Public Works approval and available funds.

I/We understand that there is no guarantee that an offer will be made or accepted for the purchase of an agricultural land preservation easement on this property.

I/We assert that all representation and information regarding the property are, to the best of my/our knowledge, accurate and complete. Additionally, I/we assert that there is no known reason (e.g. environmental or otherwise) why the property cannot be productively farmed.

In addition, I/we are aware that both Parts A and B of this Application to Sell an Easement must be completed and submitted to the County's Program Administrator, along with all necessary documentation. I/we understand that an incomplete application will be returned.

  
Landowner Signature  
6-4-2020  
Date

\_\_\_\_\_  
Landowner Signature Date

Victor H. Laws, III, Managing Member

\_\_\_\_\_  
Print Full Name

\_\_\_\_\_  
Print Full Name

\_\_\_\_\_  
Landowner Signature Date

\_\_\_\_\_  
Landowner Signature Date

\_\_\_\_\_  
Print Full Name

\_\_\_\_\_  
Print Full Name

I hereby affirm, to the best of my knowledge, information and belief, that this application to sell an easement is complete and accurate.

\_\_\_\_\_  
County Program Administrator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name



WICOMICO COUNTY, MARYLAND  
DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT  
125 N. DIVISION STREET, ROOM 203  
P.O. BOX 870  
SALISBURY, MARYLAND 21803-0870  
PHONE: 410-548-4860 | FAX: 410-548-4955

Bob Culver  
County Executive

R. Wayne Strausburg  
Director of Administration

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## STAFF REPORT

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MEETING OF JUNE 18, 2020

### MARYLAND AGRICULTURAL PRESERVATION EASEMENT APPLICATION RECOMMENDATION TO COUNTY COUNCIL

#### I. PROPOSED AGRICULTURAL DISTRICT

NAME: William D/ Todd Easement Application  
Location: Southerly side of Cross Road, South of Sharptown  
County Tax Map #6, Parcel #146, Grid #15 & 16  
Size: 87.9 Acres

#### II. INTRODUCTION

An application has been filed by William D. Todd to sell an easement on their property on Cross Road to the Maryland Agricultural Land Preservation Foundation. (See Attachments #1, 2, and 3.)

Maryland's Agricultural Land Preservation Program requires the Planning Commission's review of applications to sell Agricultural Land Preservation Easements. The duties of the Planning Commission are as follows:

1. To advise County Council if the easement is compatible with existing and approved County Plans and overall County policy; and,
2. To recommend to County Council if an easement should be created.

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Planning & Zoning Commission  
Natural Resources Conservation Advisory Committee  
Metropolitan Planning Organization  
Shore Housing Resource Board

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Wicomico County Board of Appeals  
Historic District Commission  
Agricultural Reconciliation Committee  
Agricultural Land Preservation Advisory Board

### **III. MARYLAND PROGRAM SUMMARY**

The following is a brief overview of Maryland's Agricultural Land Preservation Program. Participation in the program is entirely voluntary on the part of landowners:

- \* Agricultural Land Preservation Easements may be sold by landowners whose land meets eligibility requirements of the Maryland Agricultural Land Preservation Foundation;
- \* An Agricultural Easement is perpetual and the land must be kept in agriculture. The subdivision and development of land for residential, commercial or industrial purposes is prohibited;
- \* Support on an easement application is an official acknowledgment from the County and Foundation that farming is the preferred use of the land, which may aid farmers in defending against nuisance complaints;

### **IV. EASEMENT CRITERIA**

The qualifying criteria of the Foundation for sale of easements under the provisions of the Maryland Program are:

- \* Criterion #1: The land is currently being used for producing food or fiber or has the capability to do so.

The land to be included in the easement is suitable for grain and timber production.

- \* Criterion #2: The majority of the land area of any district should consist of either of USDA Soil Capability Classes I, II, and III; USDA Woodland Groups 1 & 2; or at least 60 percent of the two classifications combined.

The area to be included in the easement contains 63 percent Class II, and III and Woodland Group I soils.

- \* Criterion #3: An Agricultural Easement generally should not be less than 50 contiguous acres, unless certain conditions are met.

The total size of the proposed easement is 87.9 acres.

- \* Criterion #4: Land within the boundaries of a 10-year water and sewerage service district may be included in an Agricultural Easement only if it is outstanding in productivity and of significant size.

The Todd property is not located within the boundaries of a 10-year water and sewer service district. The closest district is that of Sharptown located to the north.



**V. DESCRIPTION OF PROPOSED AGRICULTURAL EASEMENT**

The Todd property is located south of Sharptown on the southerly side of Cross Road. The farm totals 128.0 acres and contains two residences and several outbuildings. The property is located between the Allen and Batchelor MALPF easements and is also bordered by the Banks Wicomico County easement. (See Attachment #2.)

**VI. COMPREHENSIVE WATER AND SEWERAGE PLAN**

The Todd property is not within the boundaries of a 10-year water and sewer service district. The closest district is that of Sharptown located to the north.

**VII. WICOMICO COUNTY COMPREHENSIVE PLAN**

The County Comprehensive Plan identifies the following policies, which pertain to agriculture/resource areas:

1. Support the agricultural industry and associated jobs.
2. Afford agricultural uses with maximum protection and freedom from nuisance complaints in zoning regulations and through “right to farm” ordinances.
3. Give priority to public improvements directed toward agriculture related uses.

In addition, with the adoption of the 2017 Comprehensive Plan, a Priority Preservation Area was adopted that includes all of the A-1 Agricultural-Rural zoned areas of the County.

The Plan’s Overall Development Policy concerning the formation of Agricultural Land Preservation Easements provides for their sale on farmland situated in the agricultural/resource areas when consistent with the criteria set forth in the Maryland Agricultural Land Preservation Act. The Todd property is located in an area designated as Agriculture/Resource and within the Priority Preservation Area in the County Plan, which encourages the sale of Agricultural Preservation Easements. In addition, the property is zoned Agricultural-Rural and is located in a predominantly agricultural area.

**VIII. ELIGIBILITY TO SELL AND EASEMENT**

The Planning Staff finds that the proposed easement meets the minimum criteria established by the Agricultural Land Preservation Foundation for the sale of an easement in regards to location, size and soils suitability.

**IX. COUNTY AGRICULTURAL ADVISORY BOARD ACTION**

State Law requires that the Wicomico County Agricultural Land Preservation Advisory Board review potential easements in regards to soils suitability, farm size, and other criteria described in Section IV. Staff will recommend that the Board forward a Favorable recommendation to the Council for the support of the sale of an Agricultural Land Preservation Easement on Todd farm as it meets the minimum requirement for size, soils suitability, and current production status. A Board meeting will be scheduled at a future date.

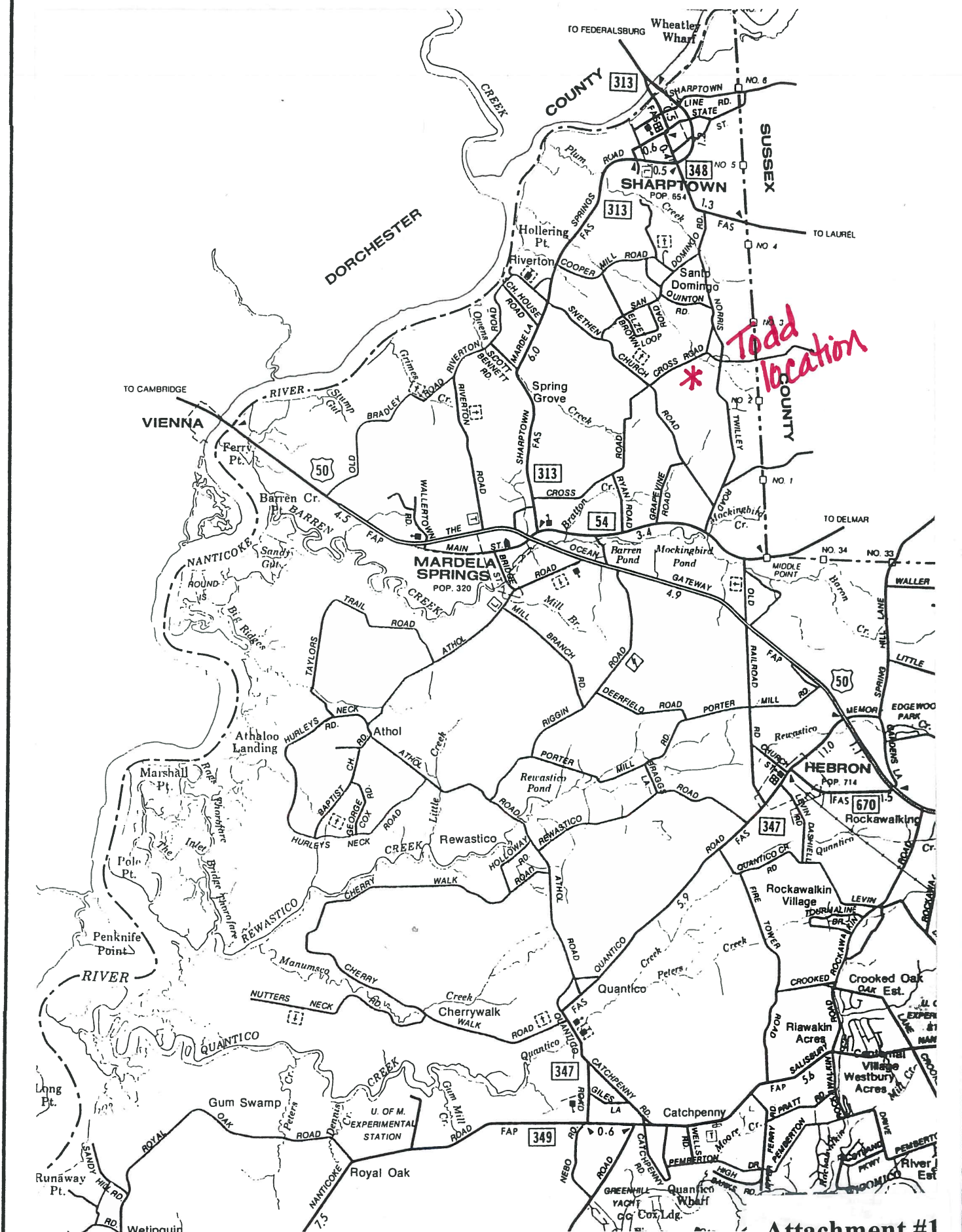
**X. PLANNING COMMISSION ACTION**

State Law requires that the Wicomico County Planning Commission review the request for consideration of the location of the proposed easement. The Todd property is located in an area designated Agriculture/Resource by the Comprehensive Plan and in the Agricultural-Rural zoning district, near Sharptown. Staff recommends that the Commission forward a **Favorable** recommendation to the Council for support of the sale of an Agricultural Land Preservation Easement on the Todd property based on compliance with the County Comprehensive Plan.

COORDINATOR: Gloria Smith, Planner

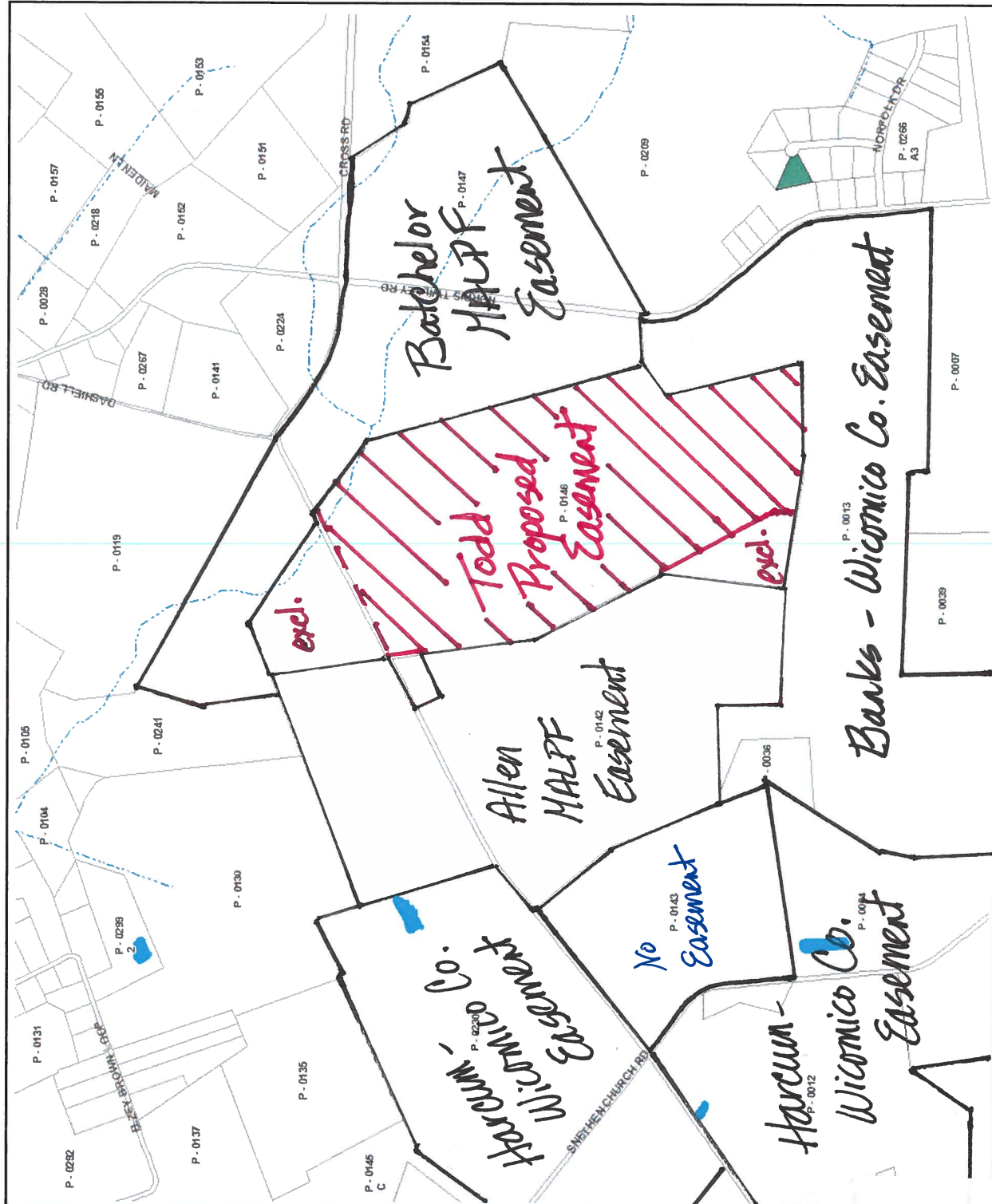
DATE: June 4, 2020

Salisbury - Wicomico County Department Of



Attachment #1

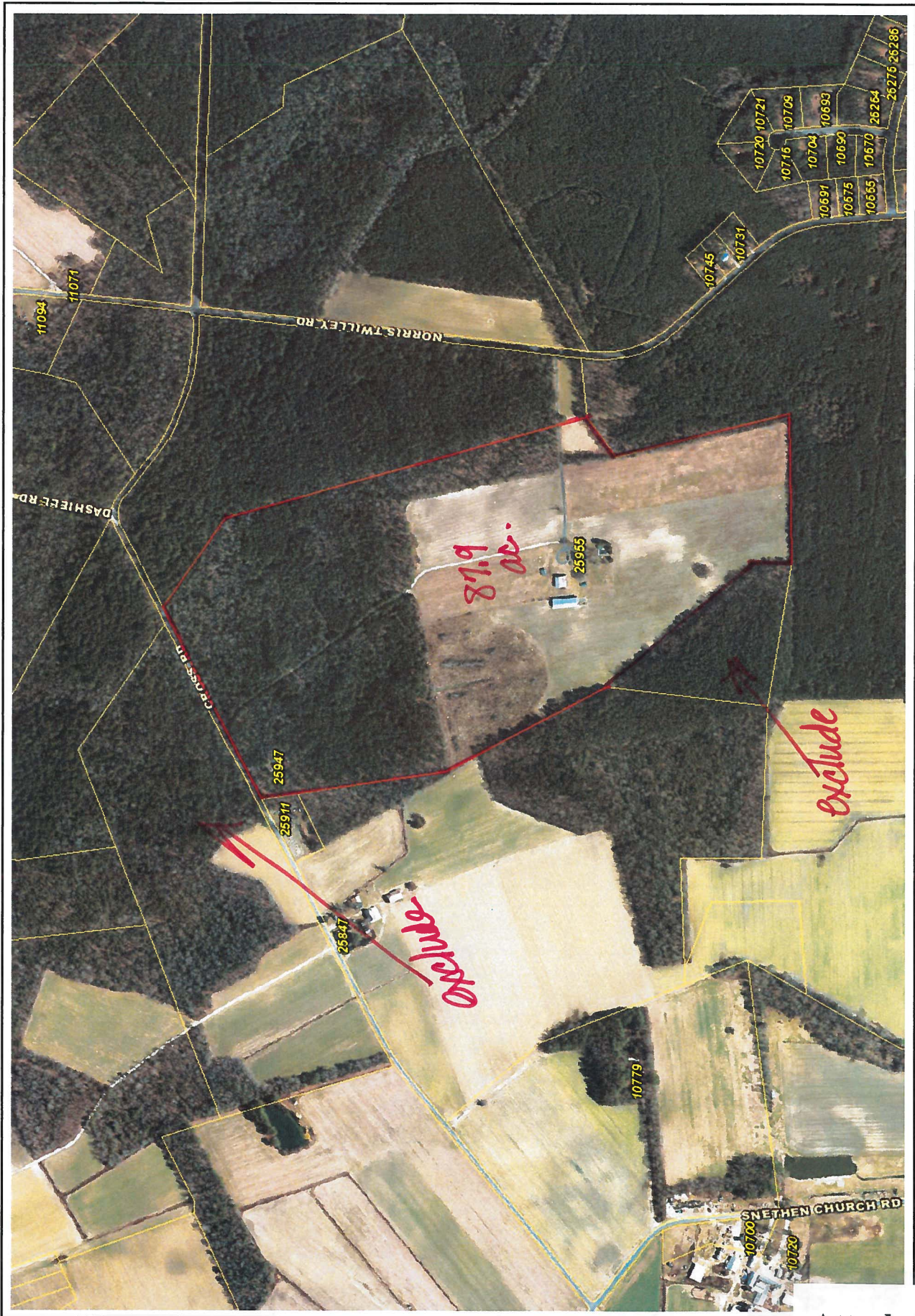
# WICOMICO COUNTY ZONING MAP



Todd

295 ft

|  |                                    |  |                                         |
|--|------------------------------------|--|-----------------------------------------|
|  | Bridges                            |  | A-1 Agricultural - Rural                |
|  | Railroads                          |  | Airport Business Park                   |
|  | Chesapeake Bay Critical Area       |  | C-1 Select Commercial                   |
|  | Historic Districts                 |  | C-2 General Commercial                  |
|  | 8000 ft Turning Radius             |  | C-3 Regional Commercial                 |
|  | Airport Overlay District           |  | CID Corporate Industrial District       |
|  | Neighborhood Preservation District |  | I-1 Light Industrial                    |
|  | Salisbury Critical Area            |  | I-2 Heavy Industrial                    |
|  | Wilcomico County Boundary          |  | LB-1 Light Business & Institutional     |
|  | Building Permits                   |  | LB-2 Light Business & Residential       |
|  | Airport - Runways & Taxiways       |  | R-8 Residential                         |
|  | Runway                             |  | R-15 Residential                        |
|  | Taxiway                            |  | R-20 Residential                        |
|  | Municipal Areas                    |  | R-30 Residential                        |
|  | Wilcomico BZA Activity             |  | REC Residential, Educational & Cultural |
|  | Parcels                            |  | TT Town Transitional                    |
|  | Street Centerlines                 |  | VC Village Conservation                 |
|  | Streams                            |  | Municipality                            |
|  | Display Value 1                    |  |                                         |
|  | Display Value 2                    |  |                                         |
|  | Display Value 3                    |  |                                         |
|  | Display Value 4                    |  |                                         |
|  | Display Value 5                    |  |                                         |
|  | Display Value 6                    |  |                                         |
|  | Display Value 7                    |  |                                         |
|  | Water Bodies                       |  |                                         |
|  | Wilcomico Zoning                   |  |                                         |





DEPARTMENT OF AGRICULTURE
MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION

FISCAL YEAR 20
APPLICATION TO SELL AN EASEMENT

MALPF File Number (Provided by MALPF)

\*\*\*PLEASE READ ATTACHED INSTRUCTIONS BEFORE COMPLETING APPLICATION\*\*\*
THIS APPLICATION CANNOT BE CHANGED AFTER SUBMITTAL TO THE FOUNDATION.
PLEASE TYPE RESPONSES

Did you apply to sell an easement in the previous application cycle? Yes / No

PART A

I/We William D. & Mary H. Todd, landowner(s) of the property referenced herein, located in Wicomico County, Maryland, apply to the Maryland Agricultural Land Preservation Foundation (MALPF) to sell an agricultural land preservation easement, pursuant to Agriculture Article, Section 2-510, Annotated Code of Maryland.

This application to sell an easement and any subsequent offer to buy an easement, including any Deed of Easement to be recorded on this property, will cover the entire contiguous acreage referenced in the application. Acreage is not permitted to be withheld, unless it is for the permitted lot exclusions specified under Agriculture Article, Section 2-513, Annotated Code of Maryland, or the acreage to be withheld is approved by the Foundation (see Instructions A.1.).

For purposes of valuation, I/we affirm that the acreage of the total property, also referred to as the parent tract\*, was determined by one of the following (a copy of which is attached to this application) (see Instructions A.1.):

- checkbox property deed(s)
checkbox survey
checkbox tax assessment records
checkbox other (identify):

Table with 2 columns: Question (a-g) and Answer. a. Total acreage of property: 128.0; b. Number of Pre-Existing Dwelling(s): 2; c. Acreage to be Withheld: 40.1; d. Designated permitted envelope acreage: 0; e. Other unpaid areas: 0; f. Easement Payment Acreage: 85.9; g. Total acres to be encumbered: 85.9

I am/We are willing to sell an easement on my/our land for \$ per acre. I/We understand that the Foundation makes offers based on the lower of: (1) the asking price, (2) the calculated easement value, (3) a cap set by the County, or the statutory State cap of 75% of the recommended appraised

value (see Instructions A.6.).

**\*Definition of Parent Tract:** The term Parent tract, as used by MALPF, is the total property described in this application. It refers to that entire contiguous acreage that is under common ownership. This may be a single tax map parcel or may include multiple tax map parcels, but should include the entire acreage on any parcel, even if only a portion of that parcel is being considered for easement sale.

- It includes any withheld acreage and unpaid acreage
- It does not include any tax map parcel which may be contiguous and under common ownership, but for which no portion is being considered for easement sale under this application.

**PART B**

(To be completed by the County Program Administrator or other County employee as necessary.)

**Part B provides Instructions directly to the assigned appraisers. Completeness and accuracy is essential for the appraiser(s) to ascertain the farm’s maximum market value as of the date of valuation. All data should be as precise as possible. Do not round figures and please cite sources when possible.**

**SECTION # 1: PLANNING AND ZONING INFORMATION**

(A) **ZONING** (See Instructions B.1.)

Current Zoning of Property:

**A-1 Agricultural-Rural**

Does the property lie within the boundaries of a planned 10-year water and sewer service district?

YES  NO

If yes, please describe: \_\_\_\_\_

Is the encumbrance of this property by an agricultural land preservation easement consistent with county plans? (Master Plan Comprehensive Land-Use Plan Growth Management Plan, etc.)

YES  NO

Does the county zoning permit any farm use of the land?

YES  NO

If any limitations on farm use, describe (can attach if need more space):  
\_\_\_\_\_

(B) Is there withheld or permitted use envelope acreage?

YES  NO

Reason for the withheld acreage?

**Non-qualifying soils**

Reason for permitted use envelope?  
\_\_\_\_\_

(C) Is the property adjacent to other protected lands (fee or easement)?

YES  NO

If yes, what is the approximate size of protected block of land (without subject property acres included)?  
\_\_\_\_\_

(D) For Certified Counties, is the property located within a Priority Preservation Area?

YES  NO

(E) Is/are there a county-designated tenant house located on the property?

YES  NO

If yes, work with County to complete and submit a certification documentation for EACH proposed tenant house and included as part of the application submission. (See Instructions B.1.E.)

**SECTION #2: DEVELOPMENT RIGHTS**

**NOTE:** The development rights information provided in this application will be provided to the appraisers to determine the fair market value of the **property** and therefore the MALPF easement value. If this section is not completed, the application IS NOT complete and will be returned.

The term “development right(s)” as used by MALPF is the maximum number of residential structures legally allowed to be placed on the parent tract as of the date of the application.

“Legally allowed” takes into consideration such limiting factors such as: zoning, septic law, Chesapeake Bay Critical Areas regulations, existing easements, etc. It does not include any additional structures allowed by virtue of a specific owner (such as family lots), nor does it include any allotted transferrable development rights (“TDRs”). As used herein, “development rights” does not address TDRs. TDRs should be considered as an addition if a current market exists. See application **SECTION #3** below regarding TDRs.

**Lot Selection (see Instructions B. Section 2.):**

**When considering lot selection, please take into account that retaining a dwelling right with the property can benefit the long term viability of future farming operations.**

In the Deed of Easement, I/we hereby elect to (check one):

- reserve family lots, subject to density restrictions,
- reserve one (1) unrestricted lot that is either:
  - subdividable, or
  - a non-subdividable building envelope
- waive all rights to lots

1. Has the County adopted a Tier Map under The Sustainable Growth & Agricultural Preservation Act of 2012 (Senate Bill 236), also known as the septic law?  Yes  No
2. If a Tier Map has been adopted, in which Tier is the subject property located? Tier: 4
3. What is the maximum number of residential lots permitted in a minor subdivision? 7

**Any discrepancies between this section and page one of this application should be reconciled or explained.**

|     | Permitted On-Site Development Rights                                                                                                                                                                                                                                                                                                                       | Dev. Rights | Acres       |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------|
| (a) | Total development rights/acres associated with the parent tract [This takes into consideration lots previously subdivided from the property; underlying zoning; septic law restrictions; and any other known restrictions (for dev. rights, take into account Chesapeake Bay Critical Areas regulations, other easements or deed/plat restrictions, etc).] | <b>7</b>    | <b>87.9</b> |
| (b) | Total development rights/acres associated with pre-existing dwelling (within easement area)                                                                                                                                                                                                                                                                | <b>2</b>    | <b>2.0</b>  |
| (c) | Total development rights/acres associated with withheld acres (includes any dwelling(s) in withheld acres)                                                                                                                                                                                                                                                 | <b>0</b>    | <b>0</b>    |
| (d) | Total development rights associated with designated permitted use envelope area/s AND other unpaid acres.                                                                                                                                                                                                                                                  | <b>0</b>    | <b>N/A</b>  |
| (e) | Unrestricted lot option chosen:<br><input type="checkbox"/> Yes (deduct 1 development right)<br><input type="checkbox"/> No (deduct 0 development rights)                                                                                                                                                                                                  |             | N/A         |
|     | Total development rights to be extinguished / acres to be appraised by MALPF easement acquisition (a - b - c - d - e)                                                                                                                                                                                                                                      | <b>5</b>    | <b>85.9</b> |



**SECTION #3: TRANSFERABLE DEVELOPMENT RIGHTS PROGRAMS** (See Instructions B.3.)

- A. Does the County have a TDR program? Yes  No
- B. Is the subject property eligible to participate in the TDR program? Yes  No
- C. How many residual TDRs are associated with the subject property (including any withheld acres area) as of the date of the application submission? 7 to 128

**PART C**

- 1. **LANDOWNER INFORMATION** - necessary for all landowners of record. Attach a separate sheet, if needed. Also, enter primary contact information. The primary contact person will receive all correspondence from and is the individual to be contacted by the Foundation regarding the easement Application

**MAILING ADDRESS of Owner/Trust/Business Entity:**

William Douglas Todd, Jr.

Name

P.O. Box 248

Address

Mardela Springs, MD 21837

City, State, Zip Code

443-497-2721

Phone #: (1<sup>st</sup>) (2<sup>nd</sup>)

william.d.todd@gmail.com

e-mail

**PRIMARY CONTACT PERSON:**

William D. Todd, Jr.

Name

Same

Mailing Address

City, State, Zip Code

443-497-2721

Phone #: (1<sup>st</sup>) (2<sup>nd</sup>)

william.d.todd@gmail.com

e-mail

- 2. **ENTITY INFORMATION:** Please list all members/partners/trustees/shareholders of the ownership entity, if applicable (see Instructions C.2.). (Attach a separate sheet if necessary.)

|       |       |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

- 3. **LOCATION OF PROPERTY:**

**PLEASE NOTE: FOR PROPERTIES CONSISTING OF MORE THAN ONE TAX PARCEL, IF THE APPLICATION TO SELL AN EASEMENT TO MALPF IS SUCCESSFUL, THE PARCELS MUST REMAIN UNDER IDENTICAL COMMON OWNERSHIP, AND MAY NOT BE CONVEYED OFF FROM EACH OTHER UNLESS SPECIFICALLY APPROVED BY THE MALPF BOARD.**

Tax Map 0006 Grid 0022 Parcel # 0146

Tax ID# 01-000098

(List all if more than one)

Tax Map \_\_\_\_\_ Grid \_\_\_\_\_ Parcel # \_\_\_\_\_

Tax ID# \_\_\_\_\_

(List all if more than one)

Tax Map: \_\_\_\_\_ Grid: \_\_\_\_\_ Parcel #: \_\_\_\_\_

Tax ID#: \_\_\_\_\_

(List all if more than one)

Property Address: (if different from mailing address)

**25955 Cross Road**

4. **DEED REFERENCE(S)** (see Instructions C.4.):

1566 / 0208      \_\_\_\_\_ / \_\_\_\_\_      \_\_\_\_\_ / \_\_\_\_\_  
liber      folio      liber      folio      liber      folio

**If acreage reflected in deed is different from acreage of proposed easement, please explain:**

5. **EXISTING PROPERTY RESTRICTION(S)**: (see Instructions C.5.)

Please state whether there are any existing restrictive easements or covenants (such as Forest Conservation Easements, Open Space Easements, etc.) on your property and, if so, please explain:

6. **OTHER THIRD PARTY INTERESTS** (see Instructions C.6.):

- a. Does anyone own or lease surface or subsurface rights on this property (including oil/gas/mineral, whether or not there has been any activity on the lease)?  
 YES       NO      If yes, please explain: \_\_\_\_\_
- b. Does anyone hold a lease, right of first refusal, or option to purchase for this property?  
 YES       NO      If yes, please explain: \_\_\_\_\_
- c. Has any mining been done on the property?  
 YES       NO      If yes, please explain: \_\_\_\_\_
- d. Are there any other third party interests in this property? (For example, life estate, right-of-ways, renewable energy operations, telecommunication company leases, ground leases in excess of 20 years, etc.)  
 YES       NO      If yes, please explain: \_\_\_\_\_

If you answered yes to any of the questions a. through d., please provide name and contact information for the third party interest; signatures of such parties will be required on the Option Contract and Deed of Easement if the Foundation extends you an easement offer.

\_\_\_\_\_  
Name of Other Third Party Interest

\_\_\_\_\_  
Name of Other Third Party Interest

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Phone #

\_\_\_\_\_  
Phone #

\_\_\_\_\_  
Nature of Third Party Interest

\_\_\_\_\_  
Nature of Third Party Interest

7. **MORTGAGES OR LIENS:**

Is there a mortgage or other lien on this property, including equity line of credit?

YES     NO

If yes, signatures and addresses of such holders will be required on the Option Contract and Deed of Easement, if the Foundation extends an easement offer to you.

**Hebron Savings Bank**

\_\_\_\_\_  
Name of Mortgage or Lien Holder

\_\_\_\_\_  
Name of Mortgage or Lien Holder

**P.O. Box 9**

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

**Hebron, MD 21830**

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
City, State, Zip Code

**410-749-1185**

\_\_\_\_\_  
Phone #

\_\_\_\_\_  
Phone #

8. **LAND USE (round to whole number):**

|                                                 |                     |       |
|-------------------------------------------------|---------------------|-------|
| Tillable Cropland:                              | <b><u>40.0</u></b>  | acres |
| Pasture:                                        | <b><u>6.0</u></b>   | acres |
| Woodland:                                       | <b><u>79.0</u></b>  | acres |
| Wetland(s):                                     | _____               | acres |
| Orchard; Nursery:                               | _____               | acres |
| Structure(s):<br>(Farm buildings and dwellings) | <b><u>3.0</u></b>   | acres |
| Pond/lake:                                      | _____               | acres |
| Other: _____<br>(Describe other land use)       | _____               | acres |
| <b>TOTAL ACRES:</b>                             | <b><u>128.0</u></b> | acres |

(Acres must equal Part A: f, on Page 1 – rounded to a whole number)

9. **PROPERTY USE:**

|                                                                                                                                                                                                                                                                    | YES                      | NO                                  | DON'T KNOW               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------|--------------------------|
| a. Has the property been used for a purpose other than agricultural operations and residential use (for example, landfill, commercial cell tower, commercial energy production, sand and gravel extraction, railroad right-of-way)?<br>If so indicate use/explain. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Have any chemicals been used on the property beyond what could reasonably be expected in normal and customary agricultural practices?<br>If so indicate type of chemicals.                                                                                      | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Has the property ever contained areas used to dispose of waste other than normal and customary household and agricultural waste?<br>If yes, indicate the kinds of material disposed and method of disposal.                                                     | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Has there ever been a chemical spill or leak on the property to your knowledge?<br>If yes, indicate what was spilled, where it was spilled, approximately how much was spilled, and what actions were taken in response.                                        | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. Have any previous environmental assessments/tests/samplings/impact statements been conducted for the property, to your knowledge?<br>If so, attach copies.                                                                                                      | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f. Has any government entity ever investigated, cited, or been involved with any violations or regulatory actions regarding this property to your knowledge? If so, explain.                                                                                       | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g. Are there/have there been any disputes, including claims of adverse possession, or written or oral agreements with adjacent landowners regarding boundary lines?<br>If so, explain and provide detail on map                                                    | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**IF YOU ANSWERED YES TO ANY OF THE ABOVE QUESTIONS, PLEASE EXPLAIN BELOW OR ATTACH A LETTER OF EXPLANATION ALONG WITH ANY SUPPORTING DETAILS TO THE APPLICATION.**

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10. **STRUCTURES** List and briefly describe any/all structures currently existing on the property including agricultural, residential and non-agriculturally-related structures existing at the time of application. On a current aerial map, locate and label by corresponding letter (a, b, c, d, etc.) all structures listed here. A current aerial map may be obtained through the county program administrator. Use separate page if necessary.

| <u>Structure</u>                    | <u>Approximate Dimensions or Capacity</u> |
|-------------------------------------|-------------------------------------------|
| a. <u>Primary Residence</u>         | <u>2000 sf</u>                            |
| b. <u>Pole building - shop</u>      | <u>60 x 60</u>                            |
| c. <u>Pole building - equipment</u> | <u>42 x 120</u>                           |
| d. <u>Pole building - storage</u>   | <u>16 x 28</u>                            |
| e. <u>Animal shelter</u>            | <u>16 x 24</u>                            |
| f. <u>Pool House</u>                | <u>16 x 24</u>                            |
| g. <u>Tenant House</u>              | <u>1800 sf</u>                            |
| h. <u>Storage shed</u>              | <u>10 x 10</u>                            |
| i. _____                            | _____                                     |
| j. _____                            | _____                                     |

11. **FARM OPERATION:**

Describe the farming operation(s): Small grain

Owner operated:  Leased:  Both:

12. **QUALIFYING SOILS: (To be completed by the County Program Administrator, see Instructions C.12.)**  
 Total acreage/percentage may not exceed 100% (may not count soils in both Class and Group categories.)

|                   | <u>CLASS I</u> | <u>CLASS II</u> | <u>CLASS III</u> | <u>GROUP 1</u> | <u>GROUP 2</u> | <u>= TOTAL</u> |
|-------------------|----------------|-----------------|------------------|----------------|----------------|----------------|
| ACRES:            | _____          | <u>21.3</u>     | <u>23.0</u>      | <u>13.9</u>    | _____          | <u>55.5</u>    |
| PERCENT OF TOTAL: | _____          | <u>24.2</u>     | <u>23.0</u>      | <u>15.8</u>    | _____          | <u>63.0</u>    |

Other information: \_\_\_\_\_  
 (Please indicate if the wetland acres were not counted when calculating the percent of total figure.)

13. **CERTIFICATION OF SOIL CONSERVATION & WATER QUALITY PLAN** (see Instructions C.13.):

Property Owners: **See attached.** Phone Number: \_\_\_\_\_

Property Address: \_\_\_\_\_

Tax Map: \_\_\_\_\_ Parcel: \_\_\_\_\_ Conservation Tract No: \_\_\_\_\_ Farm No: \_\_\_\_\_

The \_\_\_\_\_ County Soil Conservation District hereby certifies that the landowner(s) listed on the front of this Application to Sell an Easement has had a complete soil conservation and water quality plan prepared for the subject property.

\_\_\_\_\_  
 Signature and Title of Soil Conservation District Official

\_\_\_\_\_  
 Date

10. **STRUCTURES** List and briefly describe any/all structures currently existing on the property including agricultural, residential and non-agriculturally-related structures existing at the time of application. On a current aerial map, locate and label by corresponding letter (a, b, c, d, etc.) all structures listed here. A current aerial map may be obtained through the county program administrator. Use separate page if necessary.

| <u>Structure</u>                  | <u>Approximate Dimensions or Capacity</u> |
|-----------------------------------|-------------------------------------------|
| a. <u>Primary Residence</u>       | <u>2000sf</u>                             |
| b. <u>Pole building Shop</u>      | <u>60x60</u>                              |
| c. <u>Pole Building equipment</u> | <u>42x 120</u>                            |
| d. <u>Pole building storage</u>   | <u>16x28</u>                              |
| e. <u>Animal shelter</u>          | <u>16x 24</u>                             |
| f. <u>Pool House</u>              | <u>16x24</u>                              |
| g. <u>Tennant house</u>           | <u>1800 sf</u>                            |
| h. <u>Storage shed</u>            | <u>10x10</u>                              |
| i. _____                          | _____                                     |
| j. _____                          | _____                                     |

11. **FARM OPERATION:**

Describe the farming operation(s): small grain ,

Owner operated:  Leased:  Both:

12. **QUALIFYING SOILS: (To be completed by the County Program Administrator, see Instructions C.12.)**

Total acreage/percentage may not exceed 100% (may not count soils in both Class and Group categories.)

|                   | <u>CLASS I</u> | <u>CLASS II</u> | <u>CLASS III</u> | <u>GROUP 1</u> | <u>GROUP 2</u> | <u>= TOTAL</u> |
|-------------------|----------------|-----------------|------------------|----------------|----------------|----------------|
| ACRES:            | _____          | _____           | _____            | _____          | _____          | _____          |
| PERCENT OF TOTAL: | _____          | _____           | _____            | _____          | _____          | _____          |

Other information: \_\_\_\_\_  
 (Please indicate if the wetland acres were not counted when calculating the percent of total figure.)

13. **CERTIFICATION OF SOIL CONSERVATION & WATER QUALITY PLAN** (see Instructions C.13.):

Property Owners: William & Mary Todd Phone Number: 443 497 2721

Property Address: 21944 Cross Rd. Mardela Springs Md. 21837

Tax Map: 0006 Parcel: 0146 Conservation Tract No: \_\_\_\_\_ Farm No: \_\_\_\_\_

The Wicomico County Soil Conservation District hereby certifies that the landowner(s) listed on the front of this Application to Sell an Easement has had a complete soil conservation and water quality plan prepared for the subject property.

Shirley Dijk MDA Planner  
 Signature and Title of Soil Conservation District Official

2/26/2020  
 Date

14. IF PROPERTY HAS 25 ACRES OR MORE OF CONTIGUOUS WOODLAND, A FOREST STEWARDSHIP PLAN IS REQUIRED

- a) Is a Forest Stewardship Plan required:  Yes  No
- b) If yes, is it in effect  Yes  No  
(If yes, submit evidence of the Plan)

15. **REQUIRED DOCUMENTATION** to be included with this Application to Sell an Easement:

- a. All deeds, surveys, and/or plats that describe the property.
- Md. Ann. Code Agriculture Article, § 2-510(b)(3) requires that an Application to Sell An Easement be accompanied by a complete description of the property to be encumbered by an Easement. Failure to submit a complete description with the Application to Sell an Easement may result in rejection of the Application.
- b. If property owned by an entity, provide necessary organizational documents (See Instructions Part C.2).
- c. Assessments and Taxation Data sheet from website (County administrator can provide)
- d. A tax map outlining property boundaries, and clearly indicating withheld acreage, if any, including legal and practical access to the withheld acreage.
- e. Aerial map with identified structures on the property located, as instructed in Part B #10.
- f. Forest Stewardship Plan, if one is required and completed
- g. Annual Implementation Review Sheet for the Nutrient Management Plan, if one is available.

## PART D

**Note: All landowners of record must sign this application. If the property is owned by an entity, all entity members must sign in their capacity as designated in the entity's organizational documents. Attach a separate sheet if necessary. Please note that if there are any life estate interests or right of first refusal in another person or entity, they must also sign this application.**

I/We confirm my/our understanding that I/we may not change the lot selection unless I/we withdraw my/our application and apply in a subsequent cycle.

I/We acknowledge that the land on which I am/we are applying to sell an easement shall not be subdivided (including lot releases), conveyed to others, altered in its configuration, or encumbered by a restriction during the application process without prior written approval of the Foundation. Failure to comply with this restriction may result in withdrawal of the application.

I/We acknowledge that the land on which I am/we are applying to sell an easement consists of only the paid acres as described on page 1 of this application. I/We acknowledge that any acres identified on page 1, Part A, paragraphs d. and e., are voluntarily and willing incorporated into the easement for no compensation. In addition, when determining the agricultural value of the land (per COMAR 15.15.02.06), only the paid acres shall be considered.

I/We confirm my/our understanding that if the property contains at least 25 acres of contiguous woodland, I/we must submit evidence of a complete Forest Stewardship Plan performed by a forester certified in the State of Maryland prior to settlement and that delay in providing such evidence to the Foundation will delay settlement of the easement. I/we also confirm our understanding that the plan must include methods of management and a schedule of implementation. I/we also understand that the plan must have been created and/or updated for sufficiency within the last ten years, and I/we confirm our understanding that the Forest Stewardship Plan must be followed according to its schedule for implementation. If an easement is purchased on this property, I/we confirm our understanding of the responsibility for implementing the plan as outlined according to the schedule of implementation.

I/We confirm my/our understanding that a current Nutrient Management Plan must be implemented for the property prior to the sale of the MALPF easement on the property under the following circumstances: (i) an easement offer is extended and accepted, and (ii) if the property is required to have a Nutrient Management Plan under Md. Code Ann., Agric. Section 8-801 et seq. (associated regulations are located in COMAR 15.20.07-08).

I/We confirm my/our understanding that the Department of General Services shall be reviewing title to the property and may request additional documentation, require certain actions by me/us to clear title to the property, or may require me/us to provide a modern boundary survey of the property, at my/our expense, prior to settlement and that delay in providing such evidence to the Foundation will delay settlement of the easement. In addition, if there are multiple tax parcels being placed under one easement, then we may be required to combine those tax parcels into one account and parcel number.

I/We give MALPF permission to conduct appraisals on my/our property upon reasonable notification. I am/We are aware that any approval to obtain an option contract for the purchase of an agricultural land preservation easement made by the Foundation is subject to Board of Public Works approval and available funds.

I/We understand that there is no guarantee that an offer will be made or accepted for the purchase of an agricultural land preservation easement on this property.

I/We assert that all representation and information regarding the property are, to the best of my/our knowledge, accurate and complete. Additionally, I/we assert that there is no known reason (e.g. environmental or otherwise) why the property cannot be productively farmed.

In addition, I/we are aware that both Parts A and B of this Application to Sell an Easement must be completed and submitted to the County's Program Administrator, along with all necessary documentation. I/we understand that an incomplete application will be returned.

\_\_\_\_\_  
Landowner Signature Date

\_\_\_\_\_  
Landowner Signature Date

\_\_\_\_\_  
Print Full Name

\_\_\_\_\_  
Print Full Name

\_\_\_\_\_  
Landowner Signature Date

\_\_\_\_\_  
Landowner Signature Date

\_\_\_\_\_  
Print Full Name

\_\_\_\_\_  
Print Full Name

I hereby affirm, to the best of my knowledge, information and belief, that this application to sell an easement is complete and accurate.

\_\_\_\_\_  
County Program Administrator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name





WICOMICO COUNTY, MARYLAND  
DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT  
125 N. DIVISION STREET, ROOM 203  
P.O. BOX 870  
SALISBURY, MARYLAND 21803-0870  
PHONE: 410-548-4860 | FAX: 410-548-4955

Bob Culver  
County Executive

R. Wayne Strausburg  
Director of Administration

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## COUNTY SUBDIVISION ANALYSIS

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### MEETING OF JUNE 18, 2020

**Subdivision Name:** Michael A. & Candice C. Davis      **Section:** N/A  
**Location:** 7029 Levin Dashiell Road      **DPW#:**  
**Map:** 28      **Parcel:** 115      **Grid:** 22      **Acres:** 51.84 +/- acres  
**Subdivision Acreage:** 16.97 +/- acres      **Lots:** 5  
**Applicant & Owner:** Michael and Candice Davis  
7029 Levin Dashiell Road  
Hebron, MD 21830

**Zoning:** R-20 and I-2 (Heavy Industrial)

**Jurisdiction:** Wicomico County      **Type of Plat:** Preliminary/Final Plat

**Type of Development Proposed:** Residential

#### I. EXPLANATION OF REQUEST.

Parcel 115 consists of the original 42+/- acres, plus an additional 15 acres conveyed to the Davis' by Wicomico County and made a part of the original farm, less 4 +/- acres conveyed by the Davis' to Wicomico County for use of the Westside Collector Phase II. The Westside Collector Road, now known as Naylor Mill Road, cut through the Davis' farm leaving a little over 8 acres on the northerly side of the new road.

The County's subdivision regulations consider lands separated by a new public road to be two separate parcels of land and subject to the three-lot allowance afforded to all qualifying parcels. This proposed subdivision shows that portion of Parcel 115 which lies on the northerly side of Naylor Mill Road to create two new lots with the remainder being Lot 3.

On the southerly side of Naylor Mill Road, the Davis' propose the creation of two new building lots with remaining lands of 34.67+/- acres. The remaining lands have an approved on-site sewage reserve area. Lot 1 through 3 of Parcel 75 were subdivided from Parcel 115 previous to the Davis' ownership.

The majority of the southerly portion of the parcel lies within the R-20 zone, with the balance located in the Heavy Industrial (I-2) zone. Conversely, all of Lot 3 and most of Lot 2 located on the northerly side of the road lie within the Heavy Industrial zone, and Lot 1 lies within the R-20 zone. Minimum lot sizes for the two zoning designations are 20,000 sq. ft. for R-20 and 25,000 for I-2.

In an agreement with Wicomico County - as part of the construction of the Westside Collector - the Davis' are entitled to two new entrances on the northerly portion of the road, 2 new entrances on the southerly portion of the road (one entrance is shown as existing on the proposed subdivision plat); and they are able to maintain the existing entrance on Levin Dashiell Road, which is also shown as existing on the proposed subdivision plat.

## **II. RECOMMENDATION.**

The Planning Staff recommends approval of the Minor Subdivision and Simplified Forest Conservation Plan as presented.

## **III. SUBDIVISION STATUS.**

### **A. WAIVERS REQUIRED:**

N/A

### **B. FOREST CONSERVATION:**

An approved Forest Conservation Plan is required.

### **C. CHESAPEAKE BAY CRITICAL AREA:**

N/A

### **D. PROPOSED CONDITIONS:**

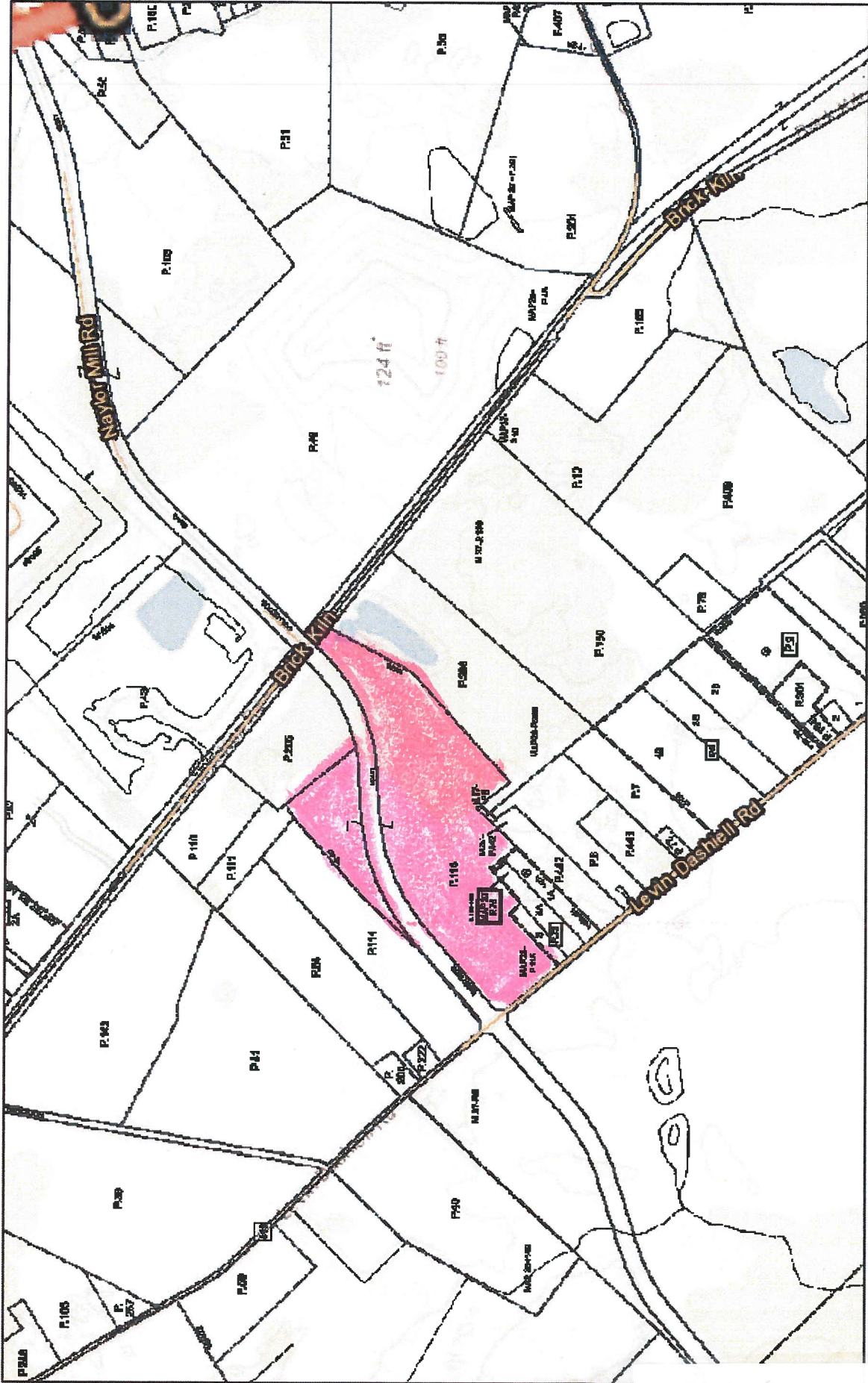
1. The Final Plat shall comply with all requirements of the Wicomico County Subdivision Regulations.
2. Health Department approval is required prior to the recordation of the Final Plat.
3. The Final Plat shall comply with all requirements of the forest conservation regulations and a Long-term Management Agreement must be recorded in the land records for Wicomico County prior to the recording of the subdivision plat.
4. All new road entrances must be approved by the Wicomico County Department of Public Works.
5. Ingress/egress easements for Lots 1 and 2 and for Lot 4 and the Remaining Lands must be recorded in the land records for Wicomico County prior to the recordation of the subdivision plat.
6. This approval is subject to further review and approval and conditions imposed by the Planning and Zoning and Public Works Departments.

Michael and Candice Davis  
June 18, 2020

**E. PLANNING/PUBLIC WORKS STAFF COMMENTS:**

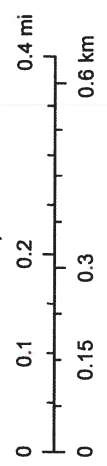
During the 2007 negotiations for the Westside Collector Road, the County worked with the Davis' to ensure that their ability to further subdivide their property was preserved. This proposed subdivision is in compliance with subdivision regulations and it also embodies the earlier negotiations.

COORDINATOR: Marilyn Williams, Technical Review  
DATE: June 10, 2020



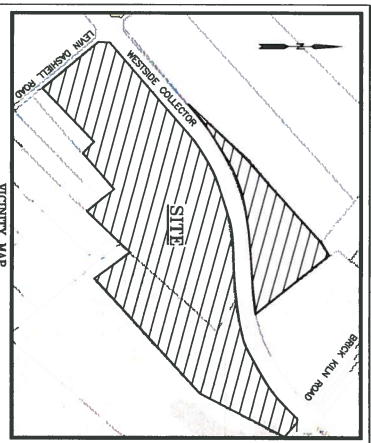
June 11, 2020

1:15,160

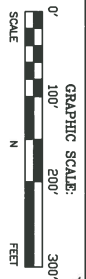
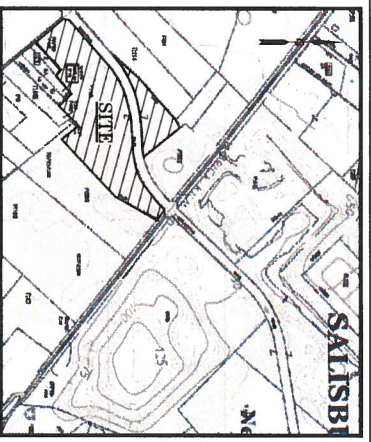




Attachment #B – Aerial view



| Net Total Area | Total Area | Acres | % of Total |
|----------------|------------|-------|------------|
| A              | 5.15       | 5.15  | 100.00     |
| B              | 0.00       | 0.00  | 0.00       |
| C              | 0.00       | 0.00  | 0.00       |
| D              | 0.00       | 0.00  | 0.00       |
| E              | 0.00       | 0.00  | 0.00       |
| F              | 0.00       | 0.00  | 0.00       |
| G              | 0.00       | 0.00  | 0.00       |
| H              | 0.00       | 0.00  | 0.00       |
| I              | 0.00       | 0.00  | 0.00       |
| J              | 0.00       | 0.00  | 0.00       |
| K              | 0.00       | 0.00  | 0.00       |
| L              | 0.00       | 0.00  | 0.00       |
| M              | 0.00       | 0.00  | 0.00       |
| N              | 0.00       | 0.00  | 0.00       |
| O              | 0.00       | 0.00  | 0.00       |
| P              | 0.00       | 0.00  | 0.00       |
| Q              | 0.00       | 0.00  | 0.00       |
| R              | 0.00       | 0.00  | 0.00       |
| S              | 0.00       | 0.00  | 0.00       |
| T              | 0.00       | 0.00  | 0.00       |
| U              | 0.00       | 0.00  | 0.00       |
| V              | 0.00       | 0.00  | 0.00       |
| W              | 0.00       | 0.00  | 0.00       |
| X              | 0.00       | 0.00  | 0.00       |
| Y              | 0.00       | 0.00  | 0.00       |
| Z              | 0.00       | 0.00  | 0.00       |
| Total          | 5.15       | 5.15  | 100.00     |



**PURPOSE STATEMENT:**  
THE PURPOSE OF THIS SURVEY IS TO ESTABLISH LOTS 1-5, PARCELS 4-6 AND 11-13 FOR CONSERVATION DESIGN BY A FOREST CONSERVATION PLAN.  
THIS PLAN IS BOUND BY THE AGREEMENT AS SET FORTH IN FCJ202-\_\_\_ ON FILE IN THE PLANNING OFFICE.

**SOILS:**  
Cea - CONSICA MUDRY LOAM (0-2% SLOPES)  
Fm - FOREST LOAMY SAND (0-2% SLOPES)  
La - LEVIN SANDY LOAM (0-2% SLOPES)  
Rm - ROCKWELL LOAMY SAND (2-5% SLOPES)  
Zs - ZEPHYRUS SILT LOAM (FREQUENTLY FLOODED)

**AREA CALCULATIONS:**  
TOTAL AREA = 5.15 AC.  
NET AREA = 5.15 AC.  
TOTAL AREA = 5.15 AC.  
NET AREA = 5.15 AC.

**ROAD DEDICATION:**  
LEVIN DASHIELL RD. NO. 418  
NAYLOR MILL ROAD - CO. RD. NO. 431 (130' R.O.W.)  
BRICK KILN ROAD

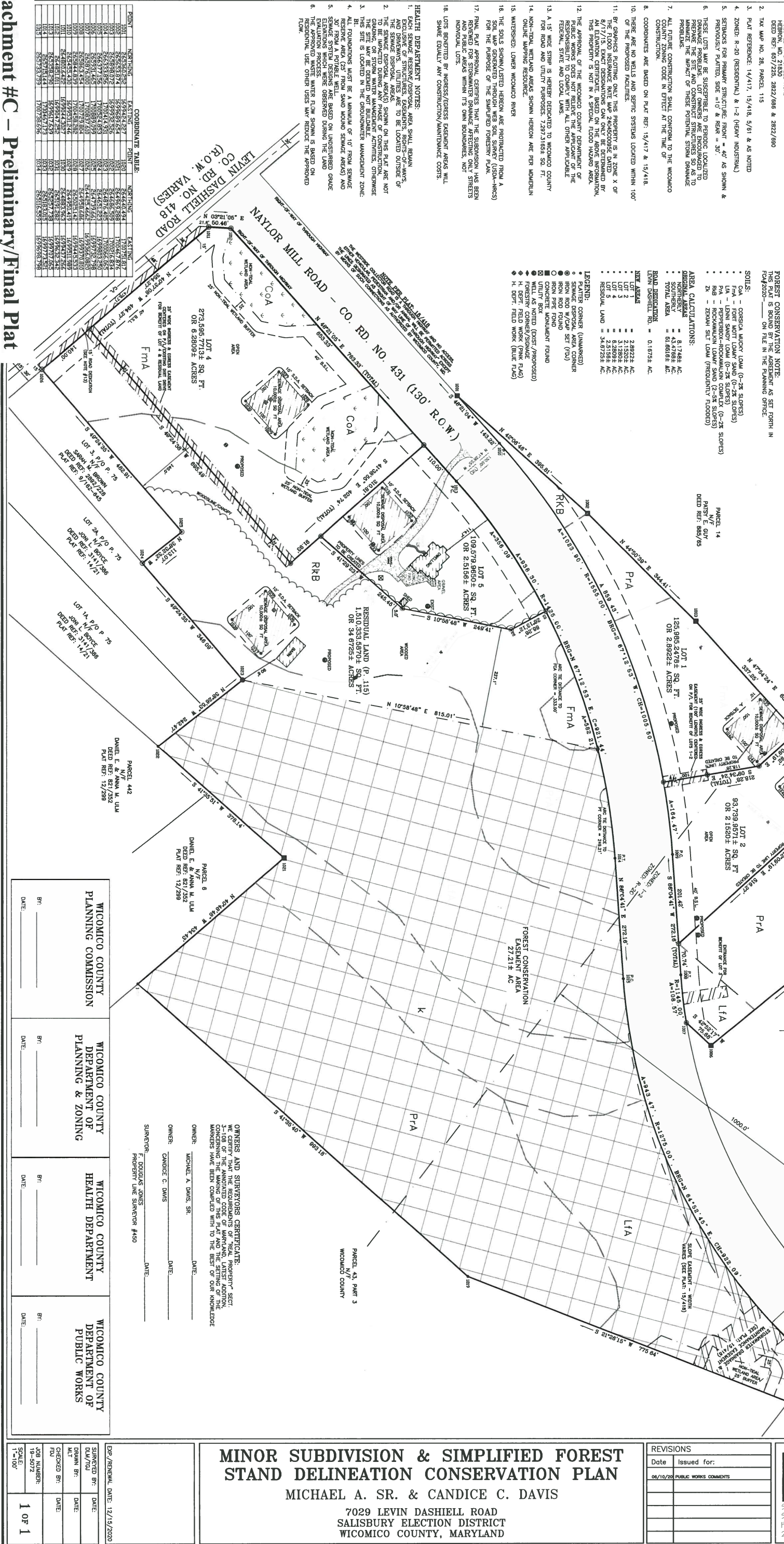
**LEGEND:**  
FLATIRON CORNER (UNMARKED)  
FLATIRON CORNER (MARKED)  
IRON ROD FOUND  
IRON PIPE FOUND  
UTILITY BOX  
WELL AS NOTED (EXIST./PROPOSED)  
FORESTRIE CORNER/SIGNAGE FLAG  
H. BENT; FIELD MARK (1/4" DIA.)

**HEALTH DEPARTMENT NOTES:**  
1. EACH SEWAGE RESERVE/DISPOSA AREA SHALL REMAIN EXCLUSIVE OF STRUCTURES, EASEMENTS, RIGHTS-OF-WAYS, AND SEWAGE TREATMENT SYSTEMS.  
2. THE SEWAGE DISPOSAL AREAS SHOWN ON THIS PLAN ARE NOT TO BE IMPACTED DURING ANY PHASE OF CONSTRUCTION. THE SITE WAY BE CEDED NOT BUILDABLE OTHERWISE.  
3. THIS SITE IS LOCATED IN THE GROUNDWATER MANAGEMENT ZONE 4. ALL FOUNDATIONS MUST BE A MINIMUM OF 10' FROM SEWAGE RESERVE AREA (25' FROM SAND MOUND SEWAGE AREAS) AND 50' FROM A PORTABLE WELL.  
4. ELEVATIONS WHICH WERE OBSERVED DURING THE LAND EVALUATION PROCESS. WATER FLOW SHOWN IS BASED ON RESIDENTIAL USE. OTHER USES MAY REDUCE THE APPROVED FLOW.

**GENERAL NOTES:**  
1. OWNER OF RECORD/PREMIER ADDRESS: 7029 LEVIN DASHIELL ROAD HEERON, MD. 21830  
DEED REF: 85/725, 282/288 & 282/289  
2. TAX MAP NO. 28 PARCEL 115  
3. PLAT REFERENCE: 14/417, 13/418, 5/81 & 5 NOTED  
4. ZONED: R-20 (RESIDENTIAL) & 1-2 (HEAVY INDUSTRIAL)  
5. SETBACKS FOR PRIMARY STRUCTURE FRONT = 40' AS SHOWN & PREVIOUSLY PLATED, SIDE = 10' & REAR = 30'.  
6. THESE LOTS MAY BE SUSCEPTIBLE TO PERIODIC LOCALIZED DRAINAGE PROBLEMS. LOT OWNERS ARE ENCOURAGED TO PREPARE THE SITE AND CONSTRUCTION STRUCTURES SO AS TO PREVENT THE WAYS OF THESE PERIODIC DRAINAGE PROBLEMS.  
7. ALL FUTURE CONSTRUCTION SHALL CONFORM TO THE WICOMICO COUNTY ZONING CODE IN EFFECT AT THE TIME OF CONSTRUCTION.  
8. COORDINATES ARE BASED ON PLAT REF: 15/417 & 15/418.  
9. THERE ARE NO WELLS AND SEPTIC SYSTEMS LOCATED WITHIN 100' OF THE PROPOSED RESERVES.  
10. BY ORDERING PLATING ONLY THIS PROPERTY IS IN ZONE X OF 8/17/15. EXACT DESIGNATIONS CAN ONLY BE DETERMINED BY AN ELEVATION CERTIFICATE BASED ON THE ABOVE INFORMATION. THIS PROPERTY IS NOT IN A SPECIAL FLOOD HAZARD AREA.  
11. THE APPROVAL OF THE WICOMICO COUNTY DEPARTMENT OF PLANNING AND ZONING IS NECESSARY FOR THE SUBDIVISION OF THIS PROPERTY INTO LOTS 1-5 AND PARCELS 4-6 AND 11-13. ALL OTHER APPLICABLE FEDERAL, STATE AND LOCAL LAWS.  
12. A 15' WIDE STRIP IS HEREBY DEDICATED TO WICOMICO COUNTY FOR ROAD AND UTILITY PURPOSES: 7287.3185± SQ. FT. ONLINE MAPPING RESOURCE.  
13. NON-TOTAL WETLAND AREAS SHOWN HEREON ARE PER UNDERLYN ONLINE MAPPING RESOURCE.  
14. WATERSHED: LOWER WICOMICO RIVER  
15. THE SOILS SHOWN/LISTED HEREON ARE PROTECTED FROM A FUTURE CONSTRUCTION OF ANY KIND.  
16. FOR THE PURPOSE OF THE SHIPPLERS FORESTRY PLAN (FCJ-1603) FOR THE PURPOSE OF THE SHIPPLERS FORESTRY PLAN (FCJ-1603) INDIVIDUAL LOTS.  
17. FINAL PLAT APPROVAL, CERTAINS THAT THE SUBDIVISION HAS BEEN REVIEWED FOR COMPLIANCE WITH THE WICOMICO COUNTY HEALTH DEPARTMENT AND PUBLIC AREAS WITHIN ITS OWN BOUNDARIES, NOT INDIVIDUAL LOTS.  
18. LOTS BENTED BY INGRESS/EGRESS/EASEMENT AREAS WILL SHARE EQUALLY ANY CONSTRUCTION/MAINTENANCE COSTS.

**COORDINATE TABLE:**

| POINT | NORTHING  | EASTING    |
|-------|-----------|------------|
| 1001  | 565959.82 | 170079.817 |
| 1002  | 565959.82 | 170079.817 |
| 1003  | 565959.82 | 170079.817 |
| 1004  | 565959.82 | 170079.817 |
| 1005  | 565959.82 | 170079.817 |
| 1006  | 565959.82 | 170079.817 |
| 1007  | 565959.82 | 170079.817 |
| 1008  | 565959.82 | 170079.817 |
| 1009  | 565959.82 | 170079.817 |
| 1010  | 565959.82 | 170079.817 |
| 1011  | 565959.82 | 170079.817 |
| 1012  | 565959.82 | 170079.817 |
| 1013  | 565959.82 | 170079.817 |
| 1014  | 565959.82 | 170079.817 |
| 1015  | 565959.82 | 170079.817 |



**OWNERS AND SURVEYORS CERTIFICATE:**  
WE CERTIFY THAT THE REQUIREMENTS OF REAL PROPERTY SECT. 1-203 OF THE ANNOTATED CODE OF MARYLAND, LATEST ADPTION, HAS BEEN COMPLIED WITH TO THE BEST OF OUR KNOWLEDGE. THE MARKERS HAVE BEEN COMPLIED WITH TO THE BEST OF OUR KNOWLEDGE.

**OWNER:** MICHAEL A. DAVIS, SR. DATE: \_\_\_\_\_  
**OWNER:** CANDICE C. DAVIS DATE: \_\_\_\_\_

**SURVEYOR:** F. DOUGLAS JONES DATE: \_\_\_\_\_  
**PROPERTY LINE SURVEYOR #450**

| SYMBOL | DESCRIPTION | DATE  |
|--------|-------------|-------|
| 1      | ISSUED BY:  | DATE: |
| 2      | CHANGED BY: | DATE: |
| 3      | CHECKED BY: | DATE: |
| 4      | JOB NUMBER: | DATE: |
| 5      | SCALE:      | DATE: |

1 of 1

## MINOR SUBDIVISION & SIMPLIFIED FOREST STAND DELINEATION CONSERVATION PLAN

MICHAEL A. SR. & CANDICE C. DAVIS

7029 LEVIN DASHIELL ROAD  
SALISBURY ELECTION DISTRICT  
WICOMICO COUNTY, MARYLAND

|            |                       |
|------------|-----------------------|
| DATE       | ISSUED FOR:           |
| 08/10/2020 | PUBLIC WORKS COMMENTS |
|            |                       |
|            |                       |
|            |                       |
|            |                       |

F. Douglas Jones  
Surveying Associates  
540 Riverside Drive, Unit 14  
P.O. Box 2658  
Salisbury, Maryland 21801  
Phone: 410-543-2615  
Email: fjoness@jonessurveying.com

**REVISIONS**