

PRE-ANNEXATION COVENANT AND AGREEMENT

*for service connection to
City of Salisbury Water/Sewer Mains*

THIS PRE-ANNEXATION COVENANT AND AGREEMENT (hereinafter referred to as "Agreement") made and executed this 1st day of December, 2003, by and between the CITY OF SALISBURY, a municipal corporation of the State of Maryland, (hereinafter referred to as "City") and LOIS T. PERDUE (hereinafter referred to as "Owner"):

WHEREAS, Owner holds fee simple title to a tract of land located on the Southeasterly side of U. S. Route 50 (hereinafter referred to as "Property"), as shown in a deed recorded among the Land Records of Wicomico County, Maryland, in Liber A.J.S. No. 1100, Folio 351, and may request water and sewer utility service to the described Property utilizing City of Salisbury public utility mains.

NOW, THEREFORE, in consideration of the mutual understandings and agreements contained herein, the parties covenant and agree as follows:

- A. City will allow the extension of existing utilities outside the City corporate limits to serve the Property before annexation, but conditioned upon the agreement that the Owner shall petition for annexation of the Property into the City when the Property is sold, developed, or provided water and sewer service.
- B. When the Property is developed, Owner shall request sewer and water service.
- C. When sewer and water service is requested by Owner, Owner shall be responsible for all costs and fees associated with the connection of services as established by the policy of the City of Salisbury for utility construction and service connections.
- D. Owner shall not pay City taxes until annexation.
- E. The Owner shall:
 - 1. Dedicate to the City all easements and rights-of-way needed to serve Property with water and/or sewer utilities.
 - 2. Prepare and submit executed deeds for utility easement and/or right-of-way, when needed.
 - 3. Pay fees to the City of Salisbury required for hookup, inspection, and other costs associated with providing water and sewer service to the Property, when water and sewer service is requested by the Owner.
- F. The City shall:

- 1. Provide municipal water and sewer service to the Property after receipt of fees and costs.
- 2. Accept for perpetual maintenance the public utility service between the public main and the sanitary cleanout, excluding the cleanout assembly.
- 3. Accept for perpetual maintenance the public utility service between the public main and the water meter assembly tailpiece, including the water meter and vault.

G. This Covenant and Agreement is, and shall be, binding upon the Owner, its successors, heirs and assigns, and shall burden and run with the land. All future Owners shall be bound by this Covenant and Agreement. This Covenant and Agreement shall become null and void when the annexation of the Property into the City becomes effective.

WITNESS the hands and seals of the parties, the day and year set forth above.

ATTEST:

CITY OF SALISBURY

Michael J. Hyatt

By: *Barrie P. Tilghman* (SEAL)
Mayor Barrie P. Tilghman

Michael J. Hyatt

Lois T. Perdue (SEAL)
LOIS T. PERDUE, Owner

STATE OF MARYLAND, COUNTY OF WICOMICO, TO WIT:

I HEREBY CERTIFY that on this 15th day of December, 2003, before me, the subscriber, a Notary Public, for the state and county aforesaid, personally appeared BARRIE P. TILGHMAN, as Mayor of the CITY OF SALISBURY, a municipal corporation of the State of Maryland, and on its behalf did acknowledge the foregoing instrument to be the act and deed of said City of Salisbury.

AS WITNESS my hand and Notarial Seal.

Martha L. Minton
NOTARY PUBLIC

My Commission Expires: 12/01/05



LIBER 2177 FOLIO 554

STATE OF MARYLAND, COUNTY OF WICOMICO, TO WIT:

I HEREBY CERTIFY that on this 25th day of December, 2003, before me, the subscriber, a Notary Public, for the state and county aforesaid, personally appeared LOIS T. PERDUE, Owner and she acknowledged the foregoing to be her respective act and deed.

AS WITNESS my hand and Notarial Seal.

Martha B. Minter
NOTARY PUBLIC
WICOMICO COUNTY, MD.

My Commission Expires: 12/01/05

I HEREBY CERTIFY that I am an attorney admitted to practice before the Court of Appeals of Maryland, and that the foregoing instrument was prepared under my supervision.

Paul D. Wilber
Paul D. Wilber

MSB 1182
Jan 08, 2004 10:26 am

Received for record JAN 08 2004 and
recorded in the Land Records of Wicomico
County, Maryland in Liber M.S.B.
No. 2177 Folios 552-554
Mark S. Brown Clerk

Covenant.497-2.wpd

LAW OFFICES
BANKS, NASON & HICKSON, P.A.

A Professional Association
1117 Cotton Patch Island
Salisbury, Maryland 21801

EDWARD G. BANKS, JR. - *Of Counsel*
JOHN C. NASON - *Retired*
H. MICHAEL HICKSON

Telephone: 410-546-4644
Facsimile: 410-548-2568
e-mail: hickson@bnhlaw.com

October 6, 2017

William T. Holland
Director of Building, Permitting & Inspections
City of Salisbury
125 N. Division Street, B13
Salisbury, MD 21801

Re: Petition for Annexation of Choptank Electric Cooperative, Inc. parcel
Tax map 39, parcel 742; 6520 Walston Switch Road

Dear Mr. Holland:

I hereby submit the following to the City of Salisbury (hereafter the "City") on behalf of Choptank Electric Cooperative Inc. (the "Cooperative"):

1. The Cooperative's Petition For Annexation of the Cooperative's land (hereafter the "Subject Land") on which is located the Cooperative's Southern Regional Service Center, together with:
 - a. A copy of the Cooperative's deed to the Subject Land; and
 - b. A copy of a plat of the Subject Land, a full size electronic copy of which plat has previously been sent to Les Sherrill, Jack Lenox and you; and
2. The Cooperative's check made payable to the City in the amount of \$10,000.00, for the purposes and subject to the terms as described in your email to Bob Behlke (Cooperative VP of Member Affairs) at 9:44 a.m. on February 3, 2017 relative to the subject of this annexation.

Please let me know whether you need anything further from the Cooperative and/or me in order to initiate the requested annexation process.

You will note that the Petition For Annexation makes annexation of the Subject Land conditional upon:

- a. Classification of the Subject Land for zoning purposes and location thereof on the official City of Salisbury zoning maps entirely within the Mixed Use Non-Residential District, as described in Chapter 17.46 of the Salisbury Municipal Code; and
- b. Determination by the authorized City land use inspection and enforcement authorities that the use of the Subject Land, and the improvements thereon, as of the effective date of the annexation thereof to the City to be a Public Utility Operation Center that includes a Solar Farm, a use permitted by right under Section 17.46.020

William T. Holland, Director of Salisbury Building, Permitting & Inspections
Re: Petition for Annexation by Choptank Electric Cooperative, Inc.

October 6, 2017

Page 2

(Permitted Uses), Item D (Public Utility Operation Center), of the Salisbury Municipal Code.

By copy of this letter I am requesting that Mr. John F. Lenox initiate any and all processes to accomplish and complete the required City zoning of the Subject Land simultaneous with the annexation thereof by the City.

By this letter I am also requesting that you initiate and complete such procedures as are necessary to determine, simultaneous with the annexation of the Subject Land by the City, whether the use of the Subject Land is that of a Public Utility Operation Center that includes a Solar Farm, a use permitted by right under Section 17.46.020 (Permitted Uses), Item D (Public Utility Operation Center), of the Salisbury Municipal Code.

As we approach meetings and hearings at which the presence of one or more Cooperative officers and/or I would be appropriate, please coordinate with me before putting this matter on the schedule for any such meeting or hearing so that I can make sure the appropriate Cooperative officer(s) and I are available to be present.

Also, please contact me if you need anything further regarding any of the matters discussed in the letter, either now or as we proceed.

Thank you for your attention to this matter.

Very truly yours,



H. Michael Hickson

HMH/amt

Encl.

cc: John F. Lenox, Director, Salisbury /Wicomico Planning & Zoning, w enclosures
Michael I. Wheatley, President & CEO, Choptank Electric Cooperative, Inc., w enclosures

CITY OF SALISBURY

PETITION FOR ANNEXATION

To the Mayor and Council of the City of Salisbury:

Choptank Electric Cooperative, Inc., a Maryland electric cooperative, hereby requests annexation of the following described parcel of its land (hereafter the "Subject Land") to the City of Salisbury:

Parcel # 742 on Wicomico County Tax Map # 39; 6520 Walston Switch Road

Being all that parcel of land described in a Deed dated June 17, 2013 from WSR Houses LLC to Choptank Electric Cooperative, Inc., recorded among the Land Records of Wicomico County, Maryland in Liber M.S.B. No. 3592, Folio 519 *et seq.*, a copy of which Deed is submitted herewith and incorporated herein by reference; and

Being more particularly described in that Plat titled "Annexation Plat Of The Lands Of Choptank Electric Cooperative, Inc., Parsons Election District, Wicomico County, Maryland", prepared by Davis, Bowen & Friedel, Inc., and dated July 11, 2017, a copy of which Plat is submitted herewith and incorporated herein by reference.

So that the use of the Subject Land shall be a lawful conforming use under the Salisbury Municipal Code immediately upon its annexation to the City of Salisbury, the annexation of the Subject Land shall be subject to the following conditions:

1. That the Subject Land be classified for zoning purposes and located on the official City of Salisbury zoning maps as being entirely within the Mixed Use Non-Residential District, as described in Chapter 17.46 of the Salisbury Municipal Code; and
2. That the use of the Subject Land, and the improvements thereon, as of the effective date of the annexation thereof to the City shall be determined by the authorized City land use inspection and enforcement authorities to be a Public Utility Operation Center that includes a Solar Farm, a use permitted by right under Section 17.46.020 (Permitted Uses), Item D (Public Utility Operation Center), of the Salisbury Municipal Code.

Choptank Electric Cooperative, Inc.

By:

Michael I. Wheatley
Michael I. Wheatley, President & CEO

Date

10/3/17

City of Salisbury



MARYLAND



JACOB R. DAY
MAYOR

M. THOMAS STEVENSON, JR.
CITY ADMINISTRATOR

JULIA GLANZ
ASSISTANT CITY ADMINISTRATOR

125 NORTH DIVISION STREET
SALISBURY, MARYLAND 21801
Tel: 410-548-3170
Fax: 410-548-3107

AMANDA H. POLLACK, P.E.
DIRECTOR OF INFRASTRUCTURE
& DEVELOPMENT

CERTIFICATION

WALSTON SWITCH ROAD – CHOPTANK ELECTRIC 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: 11/7/17

Walston Switch Road – Choptank Electric Certif.

MEMORANDUM

To: Julia Glanz, City Administrator
From: Christopher Jakubiak, AICP
Date: January 9, 2018
Re: Fiscal Impact, Choptank Electric Cooperative, Inc. – Walston Switch Road Annexation

The Choptank Electric Cooperative, Inc. – Walston Switch Road Annexation would add 40.36 acres to the City zoned for mixed use, non-residential / commercial use. The subject property is developed with a 59,000-square foot building, parking and other site improvements. The annexation is expected to have an overall net positive fiscal impact to the City. This memorandum summarizes the costs and revenues associated with the Annexation.

Cost

Cost projections are based on a snapshot marginal cost approach. The current level of service (derived from the approved FY-2018 Approved Budget) is used to project new costs, using demand unit multipliers, which reflect how responsive a cost is to demand—that is, how much the City's cost of providing a service is likely to vary with each additional household or job and in the present case, solely jobs since the project is not residential. Some portion of all City services is fixed and therefore will remain constant in light of new development; this portion of the cost therefore is not assigned to new development. The estimated annual cost to the City is \$6,900.

Revenues

Choptank is a public utility. Under State law, the real and personal property that is owned by utilities is not assessed like standard property. The State Department of Assessments and Taxation assesses the value of a utility as a business operation aggregating values countywide then formulating a proportion of that overall value that will be taxable by the County and each of the municipalities wherein utility property is located. Therefore, a revenue estimate cannot be determined at this time. Once the Property is annexed, the State Department of Assessments and Taxation will amend its Choptank public utility valuation for Wicomico County and compute a value against which the City's tax rate will be charged.

For context, the public utility valuation for Choptank Electric Cooperative in Wicomico County is now \$4.2 million, according to the State assessor's office. It is reasonable to suppose that Choptank's 40.36-acre site at 6520 Walston Switch Road, which was purchased undeveloped for \$900,000 in 2015 and contains a new 59,000 square foot building space including modern business offices, represents a significant part of the overall valuation. If only 33 percent of this \$4.2 million valuation were allocated to the City for tax purposes and charged only at the City's real property rate (and not the personal property tax rate), the revenue generated would approximate \$13,600 per year (at \$0.9832 per \$100.00 of assessed value).

Conclusion

The Annexation would have a positive fiscal impact to the City.



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


JULIA GLANTZ
CITY ADMINISTRATOR

BOB CULVER
COUNTY EXECUTIVE

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

July 28, 2017

TO: Julia Glantz, City Administrator

FROM: John F. Lenox, AICP, Director, Salisbury/Wicomico Planning & Zoning 

SUBJECT: **PUBLIC HEARING – Text Amendment – To add the Definition of a Public Utility Operation Center and to Add Public Utility Operation Center to the Mixed Use Non-Residential District - Planning Commission Recommendation**

I. INTRODUCTION.

On July 20, 2017, the Salisbury Planning Commission held a public hearing on a request by Choptank Electric Cooperative, Inc. to amend the text of the Salisbury Municipal Code in order to add the Definition of a Public Utility Operation Center and to Add Public Utility Operation Center to the Mixed Use Non-Residential District. (See Attachments A-C.)

II. RECOMMENDATION.

The Salisbury Planning Commission forwarded a **Favorable** recommendation to the Mayor and Council for proposed amendments as follows.

(1) **AMEND SECTION 17.04.120, DEFINITIONS, BY ADDING THE FOLLOWING:**

“PUBLIC UTILITY OPERATION CENTER” MEANS FACILITIES, STRUCTURES AND ANY OR ALL USES DIRECTLY RELATING TO THE OPERATION AND MAINTENANCE OF A PUBLIC UTILITY:

(1) **INCLUDING, BUT NOT LIMITED TO:**

- (A) **OPERATING UTILITY SYSTEM CONTROLS;**
- (B) **BUSINESS OFFICES AND ASSOCIATED ACCESSORY USES;**
- (C) **INDOOR AND OUTDOOR REPAIR, MAINTENANCE AND/OR STORAGE OF MOTOR VEHICLES AND UTILITY CONSTRUCTION AND MAINTENANCE EQUIPMENT; AND ASSOCIATED STORAGE OF FUELS, LUBRICANTS, COOLANTS AND FLUIDS AND SUBSTANCES, NOT FOR SALE TO THE PUBLIC;**

- (D) **INDOOR AND OUTDOOR ASSEMBLY, REPAIR, MAINTENANCE, TESTING AND STORAGE OF UTILITY SYSTEM COMPONENTS, EQUIPMENT, TOOLS AND SUPPLIES; AND,**
 - (E) **STAGING AREA FOR CONTRACTORS CONSTRUCTING, REPAIRING, AND/OR MAINTAINING THE UTILITY SYSTEM.**
 - (F) **AND MAY INCLUDE A SOLAR FARM”**
- (2) **AMEND SECTION 17.04.120, DEFINITIONS AS FOLLOWS:**
- Solar farm - a utility-scale energy generation facility, principally used to convert solar energy to electricity for the primary purpose of **USE BY THE OWNER AND/OR** wholesale **AND/or** retail sales of said electricity.
- (3) **AMEND SECTION 17.46.020, PERMITTED USES, BY ADDING ITEM D:**
- D. PUBLIC UTILITY OPERATION CENTER**

Unless you or the Mayor has further questions, please forward this memo and its attachments to the City Council.

III. BACKGROUND.

Choptank Electric Cooperative, Inc., is the owner of a 40.36 acre parcel on Walston Switch Road that was developed in 2015 with a regional operation center. The property was developed under a pre-annexation agreement and is now being annexed into the City of Salisbury. It adjoins the southerly side of the Moore Property Planned Development District that is within the City of Salisbury.

The Zoning Code currently contains a definition for a public utility but does not include the components necessary for the electric cooperative. This proposal is designed to insure that upon annexation, the electric cooperative does not become a nonconforming use.

Attachments



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

JULIA GLANZ
 CITY ADMINISTRATOR

BOB CULVER
 COUNTY EXECUTIVE

R. WAYNE STRAUSBURG
 DIRECTOR OF ADMINISTRATION

July 24, 2017

**SALISBURY-WICOMICO
 FILE COPY
 PLANNING**

Mr. Michael Hickson
 Banks, Nason & Hickson
 P.O. Box 44
 Salisbury, MD 21803

#SP-1705 – PUBLIC HEARING – TEXT AMENDMENT – To add a Definition of Public Utility Operation Center and to add Public Utility Operation Center to the Mixed Use Non-Residential District.

Dear Mr. Hickson:

The Salisbury Planning Commission at its July 20, 2017, meeting, forwarded a **FAVORABLE** recommendation to the Mayor and City Council for the proposed amendments regarding a Public Utility Operation Center, as follows:

(1) AMEND SECTION 17.04.120, DEFINITIONS, BY ADDING THE FOLLOWING:

"PUBLIC UTILITY OPERATION CENTER" MEANS FACILITIES, STRUCTURES AND ANY OR ALL USES DIRECTLY RELATING TO THE OPERATION AND MAINTENANCE OF A PUBLIC UTILITY:

(1) INCLUDING, BUT NOT LIMITED TO:

- (A) OPERATING UTILITY SYSTEM CONTROLS;**
- (B) BUSINESS OFFICES AND ASSOCIATED ACCESSORY USES;**
- (C) INDOOR AND OUTDOOR REPAIR, MAINTENANCE AND/OR STORAGE OF MOTOR VEHICLES AND UTILITY CONSTRUCTION AND MAINTENANCE EQUIPMENT; AND ASSOCIATED STORAGE OF FUELS, LUBRICANTS, COOLANTS AND FLUIDS AND SUBSTANCES, NOT FOR SALE TO THE PUBLIC;**
- (D) INDOOR AND OUTDOOR ASSEMBLY, REPAIR, MAINTENANCE, TESTING AND STORAGE OF UTILITY SYSTEM COMPONENTS, EQUIPMENT, TOOLS AND SUPPLIES; AND,**
- (E) STAGING AREA FOR CONTRACTORS CONSTRUCTING, REPAIRING, AND/OR MAINTAINING THE UTILITY SYSTEM.**
- (F) AND MAY INCLUDE A SOLAR FARM"**

Mr. Michael Hickson
July 20, 2017

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(2) AMEND SECTION 17.04.120, DEFINITIONS AS FOLLOWS:

Solar farm - a utility-scale energy generation facility, principally used to convert solar energy to electricity for the primary purpose of **USE BY THE OWNER AND/OR wholesale AND/or retail sales** of said electricity.

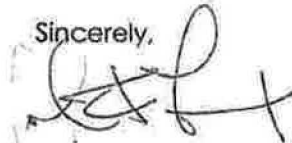
(3) AMEND SECTION 17.46.020, PERMITTED USES, BY ADDING ITEM D:

D. PUBLIC UTILITY OPERATION CENTER

These recommendations will be forwarded to the City Administrator for scheduling at a City Council Work Session or on the City Council Legislative Agenda. You will be notified of the meeting date or dates. Additional advertising fees will be required for the Council Public Hearing.

If you have any questions concerning this matter, please don't hesitate to contact Gloria Smith or myself at 410-548-4860.

Sincerely,



John F. Lenox, AICP
Director

Salisbury/Wicomico Planning & Zoning

cc: Amanda Pollack, Infrastructure and Development
Assessments



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

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CITY ADMINISTRATOR

BOB CULVER
COUNTY EXECUTIVE

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

STAFF REPORT

MEETING OF JULY 20, 2017

CASE NO.: #SP-1705

APPLICANT: Choptank Electric Cooperative, Inc., rep. by Michael Hickson, Attorney

REQUEST: **PUBLIC HEARING – Text Amendment - To amend Title 17, Zoning, Section 17.04.120, Definitions – To Add a Public Utility Operation Center, and Section 17.46.020 – to add Public Utility Operation Centers to the Mixed Use Non-Residential District.**

I. REQUEST:

Mr. Michael Hickson, Attorney, on behalf of the Choptank Electric Cooperative, Inc., has submitted a request to amend the text of the Definitions Section of the Code by adding a Public Utility Operation Center and to add a Public Utility Operation Center to the Mixed Use Non-Residential District. (See Attachment #1.)

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 months) to the City Council. The City Council must also hold a public hearing before granting final approval to Code text amendments (by Ordinance).

II. DISCUSSION:

Choptank Electric Cooperative, Inc., is the owner of a 40.36 acre parcel on Walston Switch Road. The property was developed in 2015 with a regional operation center for the electric cooperative, consolidating centers that were previously located in Berlin, Pocomoke and elsewhere in Salisbury.

Attachment B

The property was developed under a pre-annexation agreement and is now being annexed into the City of Salisbury. It adjoins the southerly side of the Moore Property Planned Development District that is within the City of Salisbury.

The Zoning Code currently contains a definition for a public utility but does not include the components necessary for the electric cooperative. The applicants have proposed the following definition, closely mirroring the County definition currently applicable to the property:

“PUBLIC UTILITY OPERATION CENTER” MEANS FACILITIES, STRUCTURES AND ANY OR ALL USES DIRECTLY RELATING TO THE OPERATION AND MAINTENANCE OF A PUBLIC UTILITY:

- (1) INCLUDING, BUT NOT LIMITED TO:**
 - (A) OPERATING UTILITY SYSTEM CONTROLS;**
 - (B) BUSINESS OFFICES AND ASSOCIATED ACCESSORY USES;**
 - (C) INDOOR AND OUTDOOR REPAIR, MAINTENANCE AND/OR STORAGE OF MOTOR VEHICLES AND UTILITY CONSTRUCTION AND MAINTENANCE EQUIPMENT; AND ASSOCIATED STORAGE OF FUELS, LUBRICANTS, COOLANTS AND FLUIDS AND SUBSTANCES, NOT FOR SALE TO THE PUBLIC;**
 - (D) INDOOR AND OUTDOOR ASSEMBLY, REPAIR, MAINTENANCE, TESTING AND STORAGE OF UTILITY SYSTEM COMPONENTS, EQUIPMENT, TOOLS AND SUPPLIES; AND,**
 - (E) STAGING AREA FOR CONTRACTORS CONSTRUCTING, REPAIRING, AND/OR MAINTAINING THE UTILITY SYSTEM.**
 - (F) AND MAY INCLUDE A SOLAR FARM”**

In January 2017, the Council adopted Ordinance #2410 regarding Solar Farms, proposed by Faith Baptist Church, that included the following definition:

“Solar farm - a utility-scale energy generation facility, principally used to convert solar energy to electricity for the primary purpose of wholesale or retail sales of said electricity.” (See Attachment #2.)

The applicants propose the following amendments to the definition:

“Solar farm - a utility-scale energy generation facility, principally used to convert solar energy to electricity for the primary purpose of USE BY THE OWNER AND/OR wholesale AND/or retail sales of said electricity.”

Finally, the applicants propose the addition of Item D. Public utility operation center, to Section 17.46.020 (Permitted uses) in the Mixed Use Non-Residential District. This

proposal is designed to insure that upon annexation, the electric cooperative does not become a nonconforming use. (See Attachment #3.)

III. PLANNING COMMENTS/CONCERNS.

Unlike most text amendment requests, this proposal only affects one district, the Mixed Use Non-Residential District, and mostly likely, one property owner, Choptank Electric.

IV. RECOMMENDATION.

Staff recommends that the Commission forward a FAVORABLE recommendation to the Mayor and Council for the proposed amendments, as follows:

(1) AMEND SECTION 17.04.120, DEFINITIONS, BY ADDING THE FOLLOWING:

"PUBLIC UTILITY OPERATION CENTER" MEANS FACILITIES, STRUCTURES AND ANY OR ALL USES DIRECTLY RELATING TO THE OPERATION AND MAINTENANCE OF A PUBLIC UTILITY:

(1) INCLUDING, BUT NOT LIMITED TO:

- (A) OPERATING UTILITY SYSTEM CONTROLS;**
- (B) BUSINESS OFFICES AND ASSOCIATED ACCESSORY USES;**
- (C) INDOOR AND OUTDOOR REPAIR, MAINTENANCE AND/OR STORAGE OF MOTOR VEHICLES AND UTILITY CONSTRUCTION AND MAINTENANCE EQUIPMENT; AND ASSOCIATED STORAGE OF FUELS, LUBRICANTS, COOLANTS AND FLUIDS AND SUBSTANCES, NOT FOR SALE TO THE PUBLIC;**
- (D) INDOOR AND OUTDOOR ASSEMBLY, REPAIR, MAINTENANCE, TESTING AND STORAGE OF UTILITY SYSTEM COMPONENTS, EQUIPMENT, TOOLS AND SUPPLIES; AND,**
- (E) STAGING AREA FOR CONTRACTORS CONSTRUCTING, REPAIRING, AND/OR MAINTAINING THE UTILITY SYSTEM.**
- (F) AND MAY INCLUDE A SOLAR FARM"**

(2) AMEND SECTION 17.04.120, DEFINITIONS AS FOLLOWS:

Solar farm - a utility-scale energy generation facility, principally used to convert solar energy to electricity for the primary purpose of USE BY THE OWNER AND/OR wholesale AND/or retail sales of said electricity.

**(3) AMEND SECTION 17.46.020, PERMITTED USES, BY ADDING ITEM
D:**

D. PUBLIC UTILITY OPERATION CENTER

COORDINATOR: Gloria Smith, Planner
DATE: July 14, 2017

PETITION FOR AMENDMENTS TO THE SALISBURY CITY CODE

Choptank Electric Cooperative, Inc. (the "Cooperative"), an electric utility serving residents of all nine counties of the Eastern Shore of Maryland, in anticipation of its petition for simultaneous annexation to the City Of Salisbury ("City") and zoning by the City of its 40.36± acres of land and the facilities located thereon known as 6520 Walston Switch Road, located in Wicomico County, Maryland, hereby requests the following amendments to the Salisbury Code:

1. Amend Salisbury Code Title 17 (Zoning), Chapter 17.04 (General Provisions), Section 17.04.120 (Definitions), by inserting the definition of "public utility operation center" in alphabetical order after the definition of "public" or "private utility buildings and uses" and before the definition of "recreational establishment, indoor," which definition of "public utility operation center" shall be as follows:

"Public utility operation center" means facilities, structures and any or all uses directly relating to the operation and maintenance of a public utility:

- (1) **Including, but not limited to:**
 - (a) **Operating utility system controls;**
 - (b) **Business offices and associated accessory uses;**
 - (c) **Indoor and outdoor repair, maintenance and/or storage of motor vehicles and utility construction and maintenance equipment; and associated storage of fuels, lubricants, coolants and fluids and substances, not for sale to the public;**
 - (d) **Indoor and outdoor assembly, repair, maintenance, testing and storage of utility system components, equipment, tools and supplies;**
 - (e) **Staging area for contractors constructing, repairing, and/or maintaining the utility system; and**
 - (f) **May include a solar farm."**

2. **Amend Salisbury Code Title 17 (Zoning), Chapter 17.04 (General Provisions), Section 17.04.120 (Definitions), by amending the definition of "solar farm," which definition as amended shall be as follows:**

"Solar farm" means a utility-scale energy generation facility, principally used to convert solar energy to electricity for the primary purpose of use by the owner and/or wholesale and/or retail sales of said electricity.

3. **Amend Salisbury Code Title 17 (Zoning), Chapter 17.46 (Mixed Use Non-Residential District), Section 17.46.020 (Permitted uses), by adding the following Subsection D as a permitted use in the Mixed Use Non-Residential District.**

"D. Public utility operation center."

ORDINANCE NO. 2410

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND, PURSUANT TO CHAPTER 17.228 OF TITLE 17, ZONING OF THE SALISBURY MUNICIPAL CODE AND SECTION 4.04 OF ARTICLE 66B OF THE ANNOTATED CODE OF MARYLAND FOR THE PURPOSE OF AMENDING SECTIONS 17.156.030, 17.160.030, AND 17.04.120 TO ADD SOLAR FARMS AND A DEFINITION OF SOLAR FARMS IN THE R-5, R-8, R-10, R-5A, R-8A, AND R-10A RESIDENTIAL DISTRICTS.

WHEREAS, the ongoing application, administration and enforcement of Title 17, Zoning of the Salisbury Municipal Code, demonstrates a need for periodic review, evaluation, and amendments that will keep Title 17 current; and

WHEREAS, the Mayor and City Council may amend Title 17, Zoning, of the Salisbury Municipal Code, pursuant to the authority granted by Article 66B of the Maryland Annotated Code and in accordance with specific provisions of Chapter 17.228, Amendments and Rezoning, of Title 17, Zoning; and

WHEREAS, the Mayor and City Council requested that the Salisbury Planning and Zoning Commission periodically review Title 17 in light of existing procedural practices and input from the City Council and members of the public; and

WHEREAS, Pastor Robert C. Reinert, Jr. of Faith Baptist Church submitted an application to amend the text of the Residential Districts; and

WHEREAS, a Public Hearing on the proposed amendment was held by the Planning Commission in accordance with the provisions of Chapter 17.228, of Title 17, Zoning, of the Salisbury Municipal Code on October 20, 2016; and

WHEREAS, the Planning Commission did recommend approval of the proposed text amendments to Sections 17.156.030, 17.160.030, and 17.04.120;

Attachment #2

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY OF SALISBURY, MARYLAND, that Title 17, Zoning, of the Salisbury Municipal Code is hereby amended as follows:

AMEND SECTION 17.156.030, USES PERMITTED BY SPECIAL EXCEPTION, BY ADDING THE FOLLOWING ITEM:

F. SOLAR FARM.

AMEND SECTION 17.160.030, USES PERMITTED BY SPECIAL EXCEPTION, BY ADDING THE FOLLOWING ITEM:

F. SOLAR FARM.


AMEND SECTION 17.04.120 BY ADDING THE FOLLOWING ITEM:

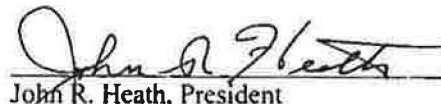
SOLAR FARM - A UTILITY-SCALE ENERGY GENERATION FACILITY, PRINCIPALLY USED TO CONVERT SOLAR ENERGY TO ELECTRICITY FOR THE PRIMARY PURPOSE OF WHOLESALE OR RETAIL SALES OF SAID ELECTRICITY.

AND BE IT FURTHER ORDAINED BY THE CITY OF SALISBURY, MARYLAND, that this Ordinance shall take effect from and after the date of its final passage, but in no event until ten (10) days after the date of the Council's Public Hearing, and

THE ABOVE ORDINANCE was introduced at a meeting of the Council on the 12th day of December, 2016, and thereafter, a statement of the substance of the ordinance having been published as required by law, in the meantime, was finally passed by the Council on the 9th day of January, 2017.

ATTEST:


Kimberly R. Nichols
City Clerk


John R. Heath, President
Salisbury City Council

Approved by me this 14th
day of JANUARY, 2017.



Jacob K. Day
Mayor, City of Salisbury

ORDINANCE NO. 2433

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND, PURSUANT TO CHAPTER 17.228 OF TITLE 17, ZONING OF THE SALISBURY MUNICIPAL CODE AND SECTION 17.04.120, DEFINITIONS AND SECTION 17.46.020, MIXED USE NON-RESIDENTIAL DISTRICT TO ADD PUBLIC UTILITY OPERATION CENTER.

WHEREAS, the ongoing application, administration and enforcement of Title 17, Zoning of the Salisbury Municipal Code, demonstrates a need for periodic review, evaluation, and amendments that will keep Title 17 current; and

WHEREAS, the Mayor and City Council may amend Title 17, Zoning, of the Salisbury Municipal Code, pursuant to the authority granted by Article 66B of the Maryland Annotated Code and in accordance with specific provisions of Chapter 17.228, Amendments and Rezoning, of Title 17, Zoning; and

WHEREAS, the Mayor and City Council requested that the Salisbury Planning and Zoning Commission periodically review Title 17 in light of existing procedural practices and input from the City Council and members of the public; and

WHEREAS, Choptank Electric Cooperative, Inc. submitted an application to amend the text of the Code relative to the addition of a definition for a Public Utility Operation Center and the addition of a Public Utility Operation Center in the Mixed Use Non-Residential District; and

WHEREAS, a Public Hearing on the proposed amendments were held by the Planning Commission in accordance with the provisions of Chapter 17.228, of Title 17, Zoning, of the Salisbury Municipal Code on July 20, 2017; and

WHEREAS, the Planning Commission did recommend approval of the proposed text amendments to Sections 17.04.120, and 17.46.020;

Attachment C

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY OF SALISBURY, MARYLAND, that Title 17, Zoning, of the Salisbury Municipal Code is hereby amended as follows:

- (1) AMEND SECTION 17.04.120, DEFINITIONS, BY ADDING THE FOLLOWING:**

“PUBLIC UTILITY OPERATION CENTER” MEANS FACILITIES, STRUCTURES AND ANY OR ALL USES DIRECTLY RELATING TO THE OPERATION AND MAINTENANCE OF A PUBLIC UTILITY:

- (1) INCLUDING, BUT NOT LIMITED TO:**
- (A) OPERATING UTILITY SYSTEM CONTROLS;**
 - (B) BUSINESS OFFICES AND ASSOCIATED ACCESSORY USES;**
 - (C) INDOOR AND OUTDOOR REPAIR, MAINTENANCE AND/OR STORAGE OF MOTOR VEHICLES AND UTILITY CONSTRUCTION AND MAINTENANCE EQUIPMENT; AND ASSOCIATED STORAGE OF FUELS, LUBRICANTS, COOLANTS AND FLUIDS AND SUBSTANCES, NOT FOR SALE TO THE PUBLIC;**
 - (D) INDOOR AND OUTDOOR ASSEMBLY, REPAIR, MAINTENANCE, TESTING AND STORAGE OF UTILITY SYSTEM COMPONENTS, EQUIPMENT, TOOLS AND SUPPLIES; AND,**
 - (E) STAGING AREA FOR CONTRACTORS CONSTRUCTING, REPAIRING, AND/OR MAINTAINING THE UTILITY SYSTEM.**
 - (F) AND MAY INCLUDE A SOLAR FARM”**

- (2) AMEND SECTION 17.04.120, DEFINITIONS AS FOLLOWS:**

Solar farm - a utility-scale energy generation facility, principally used to convert solar energy to electricity for the primary purpose of USE BY THE OWNER AND/OR wholesale AND/or retail sales of said electricity.

- (3) AMEND SECTION 17.46.020, PERMITTED USES, BY ADDING ITEM D:**

D. PUBLIC UTILITY OPERATION CENTER

AND BE IT FURTHER ORDAINED BY THE CITY OF SALISBURY, MARYLAND, that this Ordinance shall take effect from and after the date of its final passage, but in no event until ten (10) days after the date of the Council's Public Hearing, and

THE ABOVE ORDINANCE was introduced at a meeting of the Council on the 28th day of August, 2017, and thereafter, a statement of the substance of the ordinance having been published as required by law, in the meantime, was finally passed by the Council on the 25th day of September, 2017.

ATTEST:

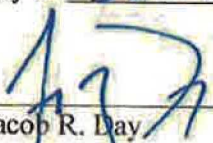


Kimberly R. Nichols
City Clerk



John R. Heath, President
Salisbury City Council

Approved by ~~me~~ this 28th
day of September, 2017.



Jacob R. Day
Mayor of the City of Salisbury



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

Bill Holland



JACOB R. DAY
MAYOR

TOM STEVENSON
CITY ADMINISTRATOR

BOB CULVER
COUNTY EXECUTIVE

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

November 20, 2017

Mr. Michael Hickson
1117 Cotton Patch Island
Salisbury, MD 21801

RE: ANNEXATION ZONING – Choptank Electric Cooperative, Inc. –Walston Switch Road Annexation – Walston Switch Road – 40.36 acres; M-39; G-11; P-742.

Dear Mr. Hickson:

The Wicomico County Planning Commission at its November 16, 2017, meeting, forwarded a **FAVORABLE** recommendation to the Mayor and City Council for this property to be zoned **Mixed Use Non-Residential** upon annexation.

The Commission also forwarded a **FAVORABLE** recommendation to the Wicomico County Council for their consent to the proposed zoning as it provides for certain uses in addition to those under the current Wicomico County Zoning.

If you have any questions concerning this matter, please don't hesitate to contact Gloria Smith or myself at 410-548-4860.

Sincerely,

John F. Lenox, AICP
Director

Salisbury/Wicomico Planning & Zoning

cc: Amanda Pollack, Director of City Infrastructure & Development
Bill Holland, City Infrastructure and Development
Dallas Baker, Wicomico County Public Works Dept.
Assessments



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

JULIA GLANTZ
CITY ADMINISTRATOR

BOB CULVER
COUNTY EXECUTIVE

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

STAFF REPORT

MEETING OF NOVEMBER 16, 2017

NAME: Choptank Electric Cooperative, Inc. –
Walston Switch Road Annexation

APPLICANT: The City of Salisbury - Referral

LOCATION: Easterly side of the City of Salisbury, on the
westerly side of Walston Switch Road, 6520
Walston Switch Road
Tax Map #39, Parcel #742, Grid #11

REQUEST: Annexation Zoning – 40.36 acres

I. BACKGROUND DATA:

A. Introduction.

The City Administration has referred the Choptank Electric Cooperative, Inc. – Walston Switch Road annexation located on the easterly side of Salisbury to the Planning Commission for review and recommendation of an appropriate zoning designation. The property is located on the westerly side of Walston Switch Road and consists of 40.36 acres. (See Attachments #1 - 4.)

Under the procedures established by the Mayor and City Council in 1987, the zoning classification of the area will be included in the resolution that annexes the property to the City. Prior to this policy, annexations were conducted by resolution and the zoning category established by a separate ordinance on a separate time schedule. This policy now puts the zoning classification and annexation on the same schedule.

B. Area Description.

This annexation area consists of one parcel 40.36 acres in size and that is developed with the electric cooperative regional office, parking and related amenities.

II. ZONING ANALYSIS.

A. Existing Zoning.

The annexation area and the adjoining County area (south and east) is zoned A-1 Agricultural-Rural and Airport Overlay. (See Attachments #3 and 4.) The Public Utility Operations Center was established by Special Exception under the County Code, as issued by the Board of Appeals,

B. Zoning History.

The proposed annexation area was zoned A-2 Airport District by the County on April 1, 1968. During the most recent Comprehensive Rezoning in September 2004, the area was reclassified as A-2 Airport Overlay District with the underlying zoning being A-1 Agricultural Rural.

C. County Plan.

Wicomico County's Comprehensive Plan was adopted on March 21, 2017. This site is located within the area designated as Agricultural Resource.

D. 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.

III. DEVELOPMENT SCENARIO.

A. Proposed Use.

As previously noted, the property is developed with the electric cooperative regional office, parking and amenities. No further development is planned at this time.

B. Access.

The property currently has one access point on Walston Switch Road.

C. Configuration and Design

The annexation area is irregular in shape but adjoins the existing City boundary along the southerly side of the Moore Planned Development District.

VI. ZONING RECOMMENDATION.

- A.** The specific purpose of the Planning Commission's review is to make a zoning recommendation for the annexation area that is currently zoned A-1 Agricultural-Rural and Airport Overlay in the County.

The adopted Salisbury Comprehensive Plan designates this area as "Mixed Use". **Mixed Use Non-Residential**, and this zoning is proposed for the property upon annexation to the City. The text of the Mixed Use Non-Residential District is included as **Attachment #5**. The text of the District was recently amended to permit a Public Utility Operation Center and a Solar Farm as uses permitted inherently.

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** upon annexation.

- B.** Although the Utility Operations Center fully conforms to County Zoning, the Mixed Use Non-Residential District in the City includes other commercial uses that substantially exceed those permitted in the County Code. Staff recommends that the Commission recommend **Favorably** to the Wicomico County Council for their consent to the zoning upon annexation.

COORDINATOR: Gloria Smith, Planner
DATE: November 9, 2017

LAW OFFICES
BANKS, NASON & HICKSON, P.A.
A Professional Association
1117 Cotton Patch Island
Salisbury, Maryland 21801

EDWARD G. BANKS, JR. - Of Counsel
JOHN C. NASON - Retired
H. MICHAEL HICKSON

Telephone: 410-546-4644
Facsimile: 410-548-2568
e-mail: hickson@bnblaw.com

October 6, 2017

William T. Holland
Director of Building, Permitting & Inspections
City of Salisbury
125 N. Division Street, B13
Salisbury, MD 21801

Re: Petition for Annexation of Choptank Electric Cooperative, Inc. parcel
Tax map 39, parcel 742; 6520 Walston Switch Road

Dear Mr. Holland:

I hereby submit the following to the City of Salisbury (hereafter the "City") on behalf of Choptank Electric Cooperative Inc. (the "Cooperative");

1. The Cooperative's Petition For Annexation of the Cooperative's land (hereafter the "Subject Land") on which is located the Cooperative's Southern Regional Service Center, together with:
 - a. A copy of the Cooperative's deed to the Subject Land; and
 - b. A copy of a plat of the Subject Land, a full size electronic copy of which plat has previously been sent to Les Sherrill, Jack Lenox and you; and
2. The Cooperative's check made payable to the City in the amount of \$10,000.00, for the purposes and subject to the terms as described in your email to Bob Behlke (Cooperative VP of Member Affairs) at 9:44 a.m. on February 3, 2017 relative to the subject of this annexation.

Please let me know whether you need anything further from the Cooperative and/or me in order to initiate the requested annexation process.

You will note that the Petition For Annexation makes annexation of the Subject Land conditional upon:

- a. Classification of the Subject Land for zoning purposes and location thereof on the official City of Salisbury zoning maps entirely within the Mixed Use Non-Residential District, as described in Chapter 17.46 of the Salisbury Municipal Code; and
- b. Determination by the authorized City land use inspection and enforcement authorities that the use of the Subject Land, and the improvements thereon, as of the effective date of the annexation thereof to the City to be a Public Utility Operation Center that includes a Solar Farm, a use permitted by right under Section 17.46.020

Attachment #1

William T. Holland, Director of Salisbury Building, Permitting & Inspections
Re: Petition for Annexation by Choptank Electric Cooperative, Inc.
October 6, 2017
Page 2

(Permitted Uses), Item D (Public Utility Operation Center), of the Salisbury Municipal Code.

By copy of this letter I am requesting that Mr. John F. Lenox initiate any and all processes to accomplish and complete the required City zoning of the Subject Land simultaneous with the annexation thereof by the City.

By this letter I am also requesting that you initiate and complete such procedures as are necessary to determine, simultaneous with the annexation of the Subject Land by the City, whether the use of the Subject Land is that of a Public Utility Operation Center that includes a Solar Farm, a use permitted by right under Section 17.46.020 (Permitted Uses), Item D (Public Utility Operation Center), of the Salisbury Municipal Code.

As we approach meetings and hearings at which the presence of one or more Cooperative officers and/or I would be appropriate, please coordinate with me before putting this matter on the schedule for any such meeting or hearing so that I can make sure the appropriate Cooperative officer(s) and I are available to be present.

Also, please contact me if you need anything further regarding any of the matters discussed in the letter, either now or as we proceed.

Thank you for your attention to this matter.

Very truly yours,


H. Michael Hickson

HMH/amt
Encl.

cc: John F. Lenox, Director, Salisbury /Wicomico Planning & Zoning, w enclosures
Michael I. Wheatley, President & CEO, Choptank Electric Cooperative, Inc., w enclosures

CITY OF SALISBURY

PETITION FOR ANNEXATION

To the Mayor and Council of the City of Salisbury:

Choptank Electric Cooperative, Inc., a Maryland electric cooperative, hereby requests annexation of the following described parcel of its land (hereafter the "Subject Land") to the City of Salisbury:

Parcel # 742 on Wicomico County Tax Map # 39; 6520 Walston Switch Road

Being all that parcel of land described in a Deed dated June 17, 2013 from WSR Houses LLC to Choptank Electric Cooperative, Inc., recorded among the Land Records of Wicomico County, Maryland in Liber M.S.B. No. 3592, Folio 519 *et seq.*, a copy of which Deed is submitted herewith and incorporated herein by reference; and

Being more particularly described in that Plat titled "Annexation Plat Of The Lands Of Choptank Electric Cooperative, Inc., Parsons Election District, Wicomico County, Maryland", prepared by Davis, Bowen & Friedel, Inc., and dated July 11, 2017, a copy of which Plat is submitted herewith and incorporated herein by reference.

So that the use of the Subject Land shall be a lawful conforming use under the Salisbury Municipal Code immediately upon its annexation to the City of Salisbury, the annexation of the Subject Land shall be subject to the following conditions:

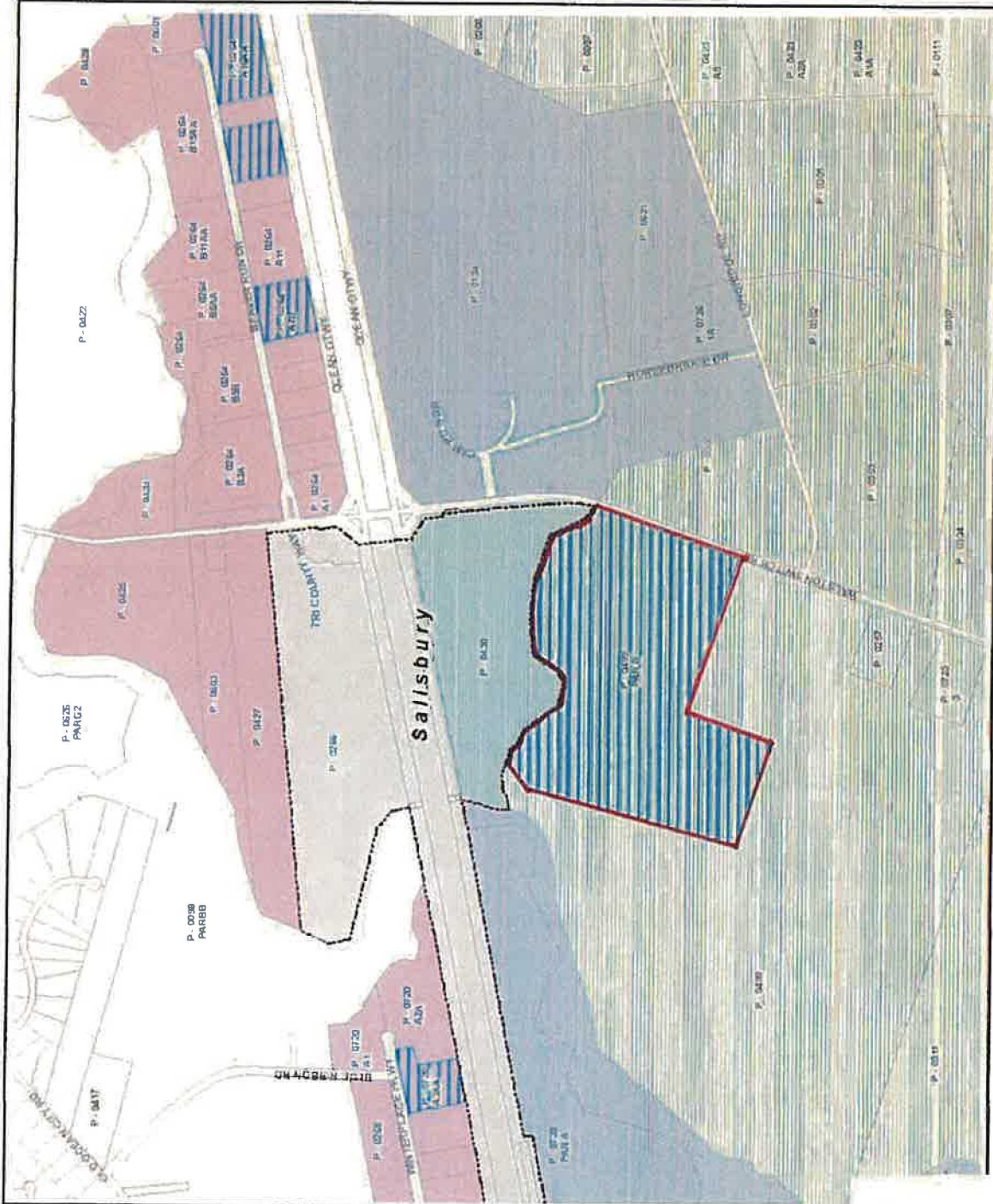
1. That the Subject Land be classified for zoning purposes and located on the official City of Salisbury zoning maps as being entirely within the Mixed Use Non-Residential District, as described in Chapter 17.46 of the Salisbury Municipal Code; and
2. That the use of the Subject Land, and the improvements thereon, as of the effective date of the annexation thereof to the City shall be determined by the authorized City land use inspection and enforcement authorities to be a Public Utility Operation Center that includes a Solar Farm, a use permitted by right under Section 17.46.020 (Permitted Uses), Item D (Public Utility Operation Center), of the Salisbury Municipal Code.

Choptank Electric Cooperative, Inc.

By: Michael I. Wheatley
Michael I. Wheatley, President & CEO

10/3/17
Date

WICOMICO COUNTY ZONING MAP



Choptank Electric - County Zoning

252 ft

<ul style="list-style-type: none"> Nodes Chesapeake Bay Critical Area Historic Districts 8000 ft Turning Radius Airport Overlay District Neighborhood Preservation District Salisbury Critical Area Wicomico County Boundary Wicomico SDE Railroads Wicomico SDE Airport Runways/Taxways Wicomico SDE Municipal Areas Wicomico BZA Actvity Parcels Municipal Names Street Centerlines Wicomico Zoning 	<ul style="list-style-type: none"> A-1 Agricultural - Rural Alpion Business Park C-1 Selected Commercial C-2 General Commercial C-3 Regional Commercial CID Corporate Industrial District I-1 Light Industrial I-2 Heavy Industrial 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
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Chapter 17.46

Mixed Use Non-Residential District

17.46.010 Purpose.

The purpose of the mixed-use non-residential district is to provide areas for well-designed, functional, and attractive development with indoor retail, office, services, and institutional uses. Land uses are envisioned that promote the best possible building designs, development of public streets and utilities, and conservation of environmentally sensitive areas. The district should be located in areas that continue orderly development and concentration of moderate commercial uses on or within close proximity to major thoroughfares.

The uses permitted in this district are those that may benefit from the high degree of visibility but do not generate large volumes of traffic. Major retail users are discouraged and residential uses are prohibited in the district.

The following uses, standards, and area regulations have been developed based upon this purpose, which is in accord with the findings and recommendations of the Salisbury Comprehensive Plan.

17.46.020 Permitted uses.

Permitted uses shall be as follows:

- A. Same as the Light Business and Institutional district (section 17.28.020), except residential uses.
- B. Same as the Neighborhood Business District (section 17.32.020).
- C. Same as the Select Commercial District (section 17.44.020), except residential uses or retail uses over 30,000 gross square feet of floor area.
- D. Public utility operation center.

17.46.030 Uses permitted by special exception.

Uses permitted by special exception shall be as follows:

- A. Same as the Light Business and Institutional district (section 17.28.030), except residential uses.
- B. Same as the Select Commercial district (section 17.44.030), except shopping centers over 30,000 gross square feet of floor area.

17.46.040 Accessory uses and structures.

Accessory uses and structures shall be as follows:

- A. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use;

17.46.050 Development standards.

Development standards for the (mixed use non residential) district shall be as follows:

- A. **Prior approval requirements.** Prior to the development of a tract, lot, parcel or any part of the district, a Comprehensive Development Plan, as defined in section 17.04.120, shall be submitted to the Planning Commission for review and approval in accordance with chapter 17.180.
- B. **Minimum lot requirements.** All lots hereafter established shall meet the following minimum requirements:
 - 1. Lot area: twenty-five thousand (25,000) square feet;
 - 2. Interior lot width: one hundred (100) feet;
 - 3. Corner lot width: one hundred twenty (120) feet.
- C. **Minimum yard requirements shall be as follows:**
 - 1. Front: forty-five (45) feet from property line;
 - 2. Side, interior: two required, ten feet each, except thirty (30) feet where adjacent to a residential district;
 - 3. Side, corner: forty-five (45) feet from property line;
 - 4. Rear: thirty (30) feet from property line.
- D. The height limitation shall be forty (40) feet.
- E. Parking, loading and unloading shall be in accordance with chapter 17.196.
- F. Access. Direct access onto a street or highway shall be reduced or eliminated wherever the City Department of Public Works determines that alternate or unified points of access are available to a site resulting in better traffic flow and less traffic congestion.
- G. Signs. Signage shall be in accordance with the provisions of section 17.216.120, Light Business and Institutional District.
- H. Lighting. Lighting shall be designed so as not to throw glare onto surrounding properties. Flashing lights are prohibited.
- I. Landscaping and screening. In addition to the requirements of Chapter 17.220, the following shall be required:
 - 1. All areas not devoted to building or required parking areas shall be landscaped as defined in Section 17.04.120 and maintained in accordance with Section 17.220.080.

RESOLUTION NO. 2806

A RESOLUTION of the City of Salisbury to adopt an annexation plan for a certain area of land contiguous to and binding upon the Corporate Limit of the City of Salisbury to be known as "Walston Switch Road – Choptank Electric Property Annexation" beginning for the same point on the Corporate Limit, said point lying on the westerly right of way line of Walston Switch Road running by and with the centerline of Horsebridge Creek, thence South and East around the property boundary back to Walston Switch Road and thence North to the point of beginning.

WHEREAS the City of Salisbury is considering the annexation of a parcel of land contiguous to and binding upon the Corporate Limit of the City of Salisbury beginning for the same point on the Corporate Limit, said point lying on the westerly right of way line of Walston Switch Road and running by and with the centerline of Horsebridge Creek, thence South and East around the property boundary back to Walston Switch Road and thence North to the point of beginning, and being more particularly described on Exhibit "A" attached hereto and made a part hereof; and

WHEREAS the City of Salisbury is required to adopt an annexation plan for the proposed area of annexation pursuant to the Local Government Article (formerly Article 23(A) Section 19(O)) of the *Maryland Annotated Code*; and

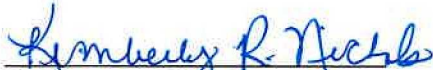
WHEREAS the public hearing is scheduled for March 26, 2018, at 6:00p.m.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY THAT the annexation plan for the "Walston Switch Road – Choptank Electric Property," as set forth in Exhibit "B" attached hereto and made a part hereof, is adopted for that area of land located and binding upon the westerly right of way line of Walston Switch Road thence running by and with the centerline of Horsebridge Creek, thence South and East around the property boundary back to Walston Switch Road and thence North to the point of beginning, being more particularly described on Exhibit "A" hereto; said parcel being contiguous to and binding upon the corporate limit of the City of Salisbury.


AND BE IT FURTHER RESOLVED BY THE CITY OF SALISBURY, THAT the Council hold a public hearing on the annexation plan hereby proposed on March 26, 2018, at 6:00p.m. in the Council Chambers at the City-County Office Building and the City Administrator shall cause a public notice of time and place of said hearing to be published not fewer than four (4) times at not less than weekly intervals, in a newspaper of general circulation in the City of Salisbury, which said notice shall specify a time and place at which the Council of the City of Salisbury will hold a public hearing on the Resolution.

The above Resolution was introduced and read and passed at the regular meeting of the Council of the City of Salisbury held on the 12th day of February, 2018, having been duly published as required by law in the meantime a public hearing was held on March 26, 2018, and was finally passed by the Council at its regular meeting held on the 26th day of March 2018.

ATTEST




Kimberly R. Nichols,
City Clerk



John R. Heath,
Council President

APPROVED BY ME this 27th day of MARCH, 2018.



Jacob R. Day,
Mayor

EXHIBIT "A"

WALSTON SWITCH ROAD – CHOPTANK ELECTRIC PROPERTY ANNEXATION

A CERTAIN AREA OF LAND contiguous to and binding upon the easterly Corporate Limit of the City of Salisbury to be known as "Walston Switch Road – Choptank Electric Property Annexation" beginning for the same at a point on the Corporate Limit, said point lying on the westerly right-of-way line of Walston Switch Road X 1,228,892.66 Y 199,633.32; thence running by and with the centerline of Horsebridge Creek the following sixteen courses: (1) North fifty-eight degrees ten minutes eighteen seconds West (N 58° 10' 18" W) sixty decimal four, zero (60.40) feet to a point X 1,228,841.34 Y 199,665.17; (2) North forty-six degrees twenty-four minutes three seconds West (N 46° 24' 03" W) thirty-one decimal five, seven (31.57) feet to a point X 1,228,818.48 Y 199,686.95; (3) North twenty-five degrees twenty-one minutes twenty-four seconds West (N 25° 21' 24" W) two hundred and nine decimal seven, five (209.75) feet to a point X 1,228,728.66 Y 199,876.49; (4) North seventy degrees twenty-four minutes seventeen seconds West (N 70° 24' 17" W) two hundred and fifty-one decimal six, six (251.66) feet to a point X 1,228,491.57 Y 199,960.89; (5) North eighty-one degrees fifty-three minutes fifty-seven seconds West (N 81° 53' 57" W) sixty-three decimal nine, nine (63.99) feet to a point X 1,228,428.22 Y 199,969.91; (6) North eighty-four degrees thirty-four minutes forty-eight seconds West (N 84° 34' 48" W) one hundred and thirty-four decimal three, three (134.33) feet to a point X 1,228,294.49 Y 199,982.59; (7) South eighty-six degrees forty-one minutes nineteen seconds West (S 86° 41' 19" W) seventy-one decimal zero, four (71.04) feet to a point X 1,228,223.57 Y 199,978.49; (8) South eighty-four degrees five minutes fifty-seven seconds West (S 84° 05' 57" W) one hundred and seventy decimal zero, four (170.04) feet to a point X 1,228,054.43 Y 199,961.01; (9) South thirty-seven degrees fifty-one minutes eighteen seconds West (S 37° 51' 18" W) sixty-nine decimal five, one (69.51) feet to a point X 1,228,011.77 Y 199,906.13; (10) South twenty degrees fifty-two minutes five seconds West (S 20° 52' 05" W) sixty-eight decimal zero, seven (68.07) feet to a point X 1,227,987.53 Y 199,842.52; (11) South fifty-five degrees forty-seven minutes four seconds West (S 55° 47' 04" W) ninety-one decimal six, one (91.61) feet to a point X 1,227,911.77 Y 199,791.01; (12) North seventy-eight degrees zero minutes eleven seconds West (N 78° 00' 11" W) one hundred and thirty-eight decimal zero, eight (138.08) feet to a point X 1,227,776.71 Y 199,819.71; (13) North thirty-five degrees forty-six minutes forty-four seconds West (N 35° 46' 44" W) two hundred and forty-five decimal four, five (245.45) feet to a point X 1,227,633.20 Y 200,018.84; (14) North sixty-three degrees forty-seven minutes eleven seconds West (N 63° 47' 11" W) seventy-five decimal nine, seven (75.97) feet to a point X 1,227,565.05 Y 200,052.40; (15) North forty-one degrees four minutes eleven seconds West (N 41° 04' 11" W) fifty-six decimal three, one (56.31) feet to a point X 1,227,528.05 Y 200,094.85; (16) North seventy-three degrees four minutes fifty-eight seconds West (N 73° 04' 58" W) seventy-three decimal seven, six (73.76) feet to a point X 1,227,457.49 Y 200,116.31; thence South fifty-one degrees zero minutes thirty-three seconds West (S 51° 00' 33" W) one hundred ninety-four decimal three, nine (194.39) feet to a point X 1,227,306.40 Y 199,994.01; thence South fourteen degrees fifty-seven minutes fifty-one seconds West (S 14° 57' 51" W) one thousand two hundred six decimal eight, zero (1206.80) feet to a point X 1,226,994.79 Y 198,828.13; thence South seventy-one degrees fourteen minutes fifty-five seconds East (S 71° 14' 55" E) six hundred thirteen decimal seven, zero (613.70) feet to a point X 1,227,575.92 Y 198,630.85; thence North eighteen degrees fifty minutes fifty-five seconds East (N 18° 50' 55" E) five hundred twelve decimal five, eight (512.58) feet to a point X 1,227,741.51 Y 199,115.94; thence South seventy-one degrees four minutes twenty seconds East

(S 71° 04' 20" E) nine hundred seventeen decimal three, zero (917.30) feet to a point on the westerly right of way line of Walston Switch Road X 1,228,609.21 Y 198,818.40; thence along the westerly side of Walston Switch Road North nineteen degrees ten minutes forty-three seconds East (N 19° 10' 43" E) eight hundred sixty-two decimal eight, one (862.81) feet to the point of beginning and containing 40.040 acres, being the lands of Choptank Electric Cooperative and a portion of Walston Switch Road. All bearings and coordinates are referenced to the Maryland State Coordinate System, 1927 datum.

Exhibit B

REPORT OF ANNEXATION PLAN

for the

CHOPTANK ELECTRIC COOPERATIVE, INC.-WALSTON SWITCH ROAD
ANNEXATION
TO THE CITY OF SALISBURY

December 28, 2017

The Choptank Electric Cooperative, Inc.-Walston Switch Road Annexation Property is subject to a Pre-Annexation Covenant and Agreement (at LIBER 2177 FOLIO 552) executed December 1, 2003, which allowed the City to extend existing utilities to serve the property prior to annexation provided the owner petition to be annexed when the property was sold, developed, or provided with water and sewer service. Each of these events has occurred by virtue of the subdivision of the original tract of land and the subsequent development of the specific 40+/- acres that are the subject of this report. The Choptank Electric Cooperative, Inc. petition to the City for Annexation was made on October 3, 2017.

This Annexation Plan is consistent with the Municipal Growth Element of the City of Salisbury's adopted Comprehensive Plan. The following are milestones in the public review and consideration of the proposed Annexation.

- At a work session on November 6, 2016, the Salisbury City Council reviewed the proposed annexation request.
- On November 16, 2017, the City of Salisbury / Wicomico County Planning Commission reviewed the proposed annexation and approved a favorable recommendation to the Salisbury City Council for the proposed zoning of the Property.
- At a Salisbury City Council work session on February 5, 2018, the City Council *reviewed the draft annexation agreement and the draft version of this Annexation Plan and directed that an Annexation Resolution be drafted for review – (text in italics is written prospectively).*
- A City Council meeting held on February 12, 2018 the Council formally reviewed this Annexation Plan and the Annexation Resolution and directed that a date for a public hearing be established. The Council further directed that the Annexation Plan be forwarded to the Maryland Department of Planning and the Wicomico County Council for comment within 30 days of the public hearing as provided for by State law.

1.0

GENERAL INFORMATION AND DESCRIPTION

1.1 Petitioners

The petitioner is Choptank Electric Cooperative, Inc. whose address is P.O. Box 430 Denton, Maryland 21629.

1.2 Location

The Property's address is 6520 Walston Switch Road located on the westerly side of Walston Switch Road, roughly one-quarter mile south of MD Route 50. The Property's description is Tax Map 39, Parcel 742

1.3 Property Description

Attachment 1 shows a subdivision plat of the original tract of land and subdivision lines that form the 40 +/- acre Annexation Property along with the specific metes and bounds description for the Annexation Property. The site actually consists of 40.36 acres. A portion of the site is improved with the Cooperative's Southern Regional Service Center.

1.4 Existing Zoning

The Property is now zoned A-1 Agricultural-Rural and Airport Overlay (A-2) District under the Wicomico County Code. The Airport Overlay District is shown in a partial shaded pattern on Exhibit 1, which is an excerpt from the Wicomico County Zoning Map below. The Property's northern lot line adjoins the municipal limits (shown in grey), which is zoned Planned Development District. Exhibit 2, which is an excerpt of the City Zoning Map, provides more detail. The Property is shaded yellow.

Exhibit 1

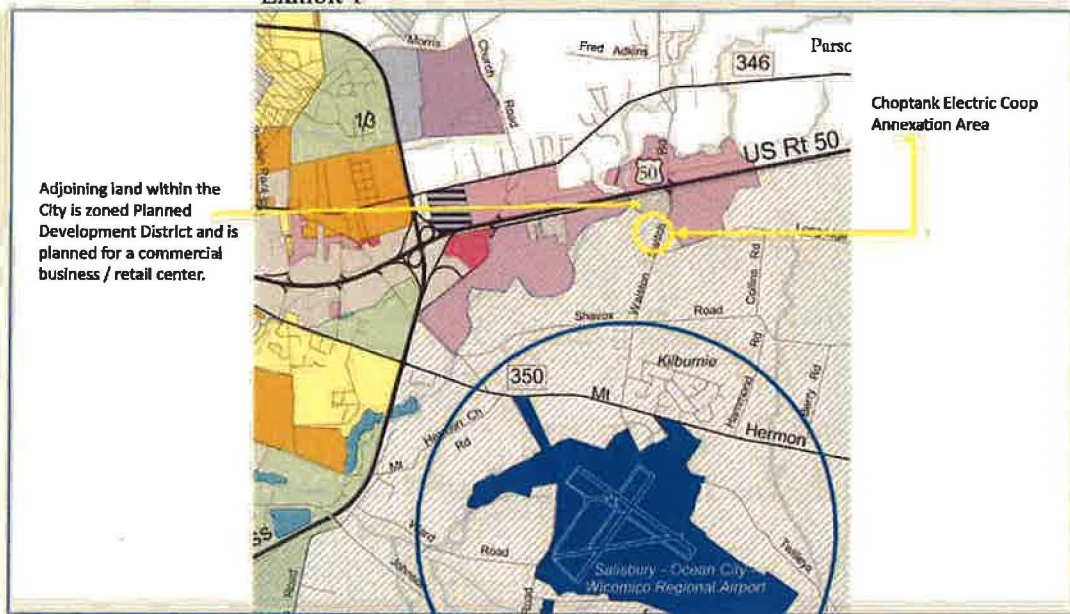
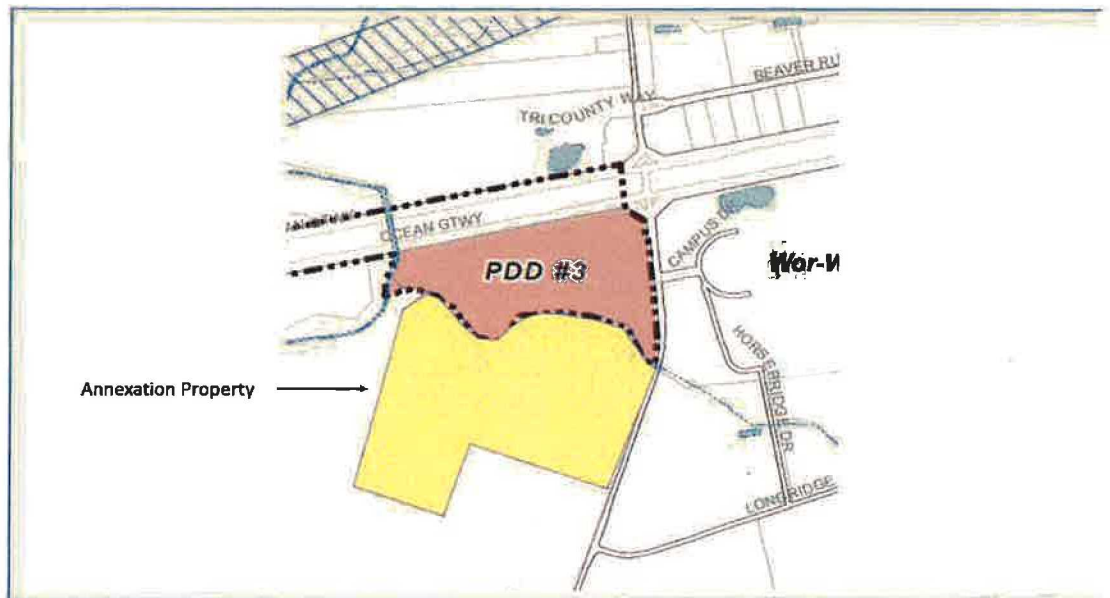


Exhibit 2



2.0 LAND USE PATTERN PROPOSED FOR THE AREA TO BE ANNEXED

2.1 Comprehensive Plan

The City of Salisbury adopted the current Comprehensive Plan in 2010. The Property is located within the City's designated

municipal growth area and is designated for planned land use purposes as "Mixed-Use Non-Residential".

The Comprehensive Plan's goal as it pertains to annexations is as follows: "To encourage the orderly growth and expansion of the City of Salisbury by annexing selected areas and by providing public services to newly developing areas without over burdening these facilities while continuing to maintain a high level of services to existing developments and residents of the City".

2.2 Proposed Zoning

Upon annexation, the Property is proposed to be zoned Mixed Use Non-Residential District under the City Zoning Ordinance. Per Section 17.46.010 of the City Zoning Ordinance, the purpose of the District is "to provide areas for well-designed, functional, and attractive development with indoor retail, office, services, and institutional uses." The uses permitted in this District include "public utility operation center". The current use is a permitted use in the proposed District.

The City of Salisbury – Wicomico County Department of Planning, Zoning and Community Development found that the proposed zoning is acceptable.

2.3 Proposed Land Use

The petitioner does not propose to change the use of the Property, and there is no further substantial development of the Property contemplated for the near future. The existing outdoor utility lineman training area may be enlarged and possibly moved in the near future. Therefore, there is no need for the standard concept development plan for an annexation property. Any future development would be governed by City zoning regulations pertaining to the proposed Mixed Use Non-Residential District, as may be amended from time to time, or any successor zoning district which may be approved by the City in the future

3.0

THE PUBLIC FACILITIES AND SERVICES NEEDED BY THE DEVELOPMENT AND THE METHODS TO PROVIDE SUCH FACILITIES AND SERVICES TO THE ANNEXED PARCEL

3.1 Roads

Access to the Property is provided via Walston Switch Road.

3.2 Water and Wastewater Treatment

The Property is presently served with municipal water and sewerage. There is no further substantial development of Property being contemplated for the near future. The existing outdoor lineman training area may be enlarged and possibly

moved in the near future. There is no impact to existing public water and sewerage facilities anticipated.

3.3 Schools

As a non-residential use, the Property would not generate pupil enrollment and have no impact of school capacity.

3.4 Parks and Rec.

As a non-residential use in this case, the Property would have no impact on park and recreational facilities or generate a demand for them.

3.5 Fire, E.M., and
Rescue Services

The Salisbury Fire Department would provide fire suppression, technical rescue, special operations, and advanced life support (ALS-EMS) emergency medical treatment and transport services to the Property.

3.6 Police

The City of Salisbury Police Department would provide services to the Property.

3.7 Stormwater Management:

Stormwater management is governed by the Maryland Stormwater Management regulations administered locally.

3.8 Waste Collection

Commercial development in the City is served by independent waste haulers.

4.0

**HOW DEVELOPMENT OF THE ANNEXED PARCEL
WOULD RELATE TO EXISTING/PLANNED LAND USE
DEVELOPMENT, STREETS, PUBLIC FACILITIES AND
SERVICES, OPEN SPACES AND NATURAL AREAS.**

The Property is already developed and no further substantial development is contemplated for the near future. The existing outdoor utility lineman training area may be enlarged and possibly moved in the near future.

Attachment 1: Metes and Bounds Description and Annexation Plat, attached

Attachment 1
Metes And Bounds Description

WALSTON SWITCH ROAD – CHOPTANK ELECTRIC PROPERTY ANNEXATION

A CERTAIN AREA OF LAND contiguous to and binding upon the easterly Corporate Limit of the City of Salisbury to be known as "Walston Switch Road – Choptank Electric Property Annexation" beginning for the same at a point on the Corporate Limit, said point lying on the westerly right-of-way line of Walston Switch Road X 1,228,892.66 Y 199,633.32; thence running by and with the centerline of Horsebridge Creek the following sixteen courses: (1) North fifty-eight degrees ten minutes eighteen seconds West (N 58° 10' 18" W) sixty decimal four, zero (60.40) feet to a point X 1,228,841.34 Y 199,665.17; (2) North forty-six degrees twenty-four minutes three seconds West (N 46° 24' 03" W) thirty-one decimal five, seven (31.57) feet to a point X 1,228,818.48 Y 199,686.95; (3) North twenty-five degrees twenty-one minutes twenty-four seconds West (N 25° 21' 24" W) two hundred and nine decimal seven, five (209.75) feet to a point X 1,228,728.66 Y 199,876.49; (4) North seventy degrees twenty-four minutes seventeen seconds West (N 70° 24' 17" W) two hundred and fifty-one decimal six, six (251.66) feet to a point X 1,228,491.57 Y 199,960.89; (5) North eighty-one degrees fifty-three minutes fifty-seven seconds West (N 81° 53' 57" W) sixty-three decimal nine, nine (63.99) feet to a point X 1,228,428.22 Y 199,969.91; (6) North eighty-four degrees thirty-four minutes forty-eight seconds West (N 84° 34' 48" W) one hundred and thirty-four decimal three, three (134.33) feet to a point X 1,228,294.49 Y 199,982.59; (7) South eighty-six degrees forty-one minutes nineteen seconds West (S 86° 41' 19" W) seventy-one decimal zero, four (71.04) feet to a point X 1,228,223.57 Y 199,978.49; (8) South eighty-four degrees five minutes fifty-seven seconds West (S 84° 05' 57" W) one hundred and seventy decimal zero, four (170.04) feet to a point X 1,228,054.43 Y 199,961.01; (9) South thirty-seven degrees fifty-one minutes eighteen seconds West (S 37° 51' 18" W) sixty-nine decimal five, one (69.51) feet to a point X 1,228,011.77 Y 199,906.13; (10) South twenty degrees fifty-two minutes five seconds West (S 20° 52' 05" W) sixty-eight decimal zero, seven (68.07) feet to a point X 1,227,987.53 Y 199,842.52; (11) South fifty-five degrees forty-seven minutes four seconds West (S 55° 47' 04" W) ninety-one decimal six, one (91.61) feet to a point X 1,227,911.77 Y 199,791.01; (12) North seventy-eight degrees zero minutes eleven seconds West (N 78° 00' 11" W) one hundred and thirty-eight decimal zero, eight (138.08) feet to a point X 1,227,776.71 Y 199,819.71; (13) North thirty-five degrees forty-six minutes forty-four seconds West (N 35° 46' 44" W) two hundred and forty-five decimal four, five (245.45) feet to a point X 1,227,633.20 Y 200,018.84; (14) North sixty-three degrees forty-seven minutes eleven seconds West (N 63° 47' 11" W) seventy-five decimal nine, seven (75.97) feet to a point X 1,227,565.05 Y 200,052.40; (15) North forty-one degrees four minutes eleven seconds West (N 41° 04' 11" W) fifty-six decimal three, one (56.31) feet to a point X 1,227,528.05 Y 200,094.85; (16) North seventy-three degrees four minutes fifty-eight seconds West (N 73° 04' 58" W) seventy-three decimal seven, six (73.76) feet to a point X 1,227,457.49 Y 200,116.31; thence South fifty-one degrees zero minutes thirty-three seconds West (S 51° 00' 33" W) one hundred ninety-four decimal three, nine (194.39) feet to a point X 1,227,306.40 Y 199,994.01; thence South fourteen degrees fifty-seven minutes fifty-one seconds West (S 14° 57' 51" W) one thousand two hundred six decimal eight, zero (1206.80) feet to a point X 1,226,994.79 Y 198,828.13; thence South seventy-one degrees fourteen minutes fifty-five seconds East (S 71° 14' 55" E) six hundred thirteen decimal seven, zero (613.70) feet to a point X 1,227,575.92 Y 198,630.85; thence North eighteen degrees fifty minutes fifty-five seconds East (N 18° 50' 55" E) five hundred twelve decimal five, eight (512.58) feet to a point X

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Attachment 1

Annexation Plat

