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WORKING SESSION MINUTES

The Salisbury-Wicomico County Planning and Zoning Commission ("Commission") met in a special work session on October 18, 2021, in Room 301, Council Chambers, Government Office Building with the following persons participating:

COMMISSION MEMBERS:

Charles "Chip" Dashiell, Chairman
Dr. James McNaughton
Jim Thomas
Jack Heath
Mandel Copeland
Joe Holloway

PLANNING STAFF:

Lori A. Carter, MBA, Director, Wicomico County Planning, Zoning, and Community Development ("PZCD")
Keith D. Hall, AICP, Deputy Director, PZCD
Clark Meadows, Zoning Administrator, PZCD
Adam Gibson, GIS Analyst, PZCD

Paul Wilber, Wicomico County Department of Law

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

Chairman Dashiell welcomed everyone to the work session of the Salisbury-Wicomico County Planning and Zoning Commission. He asked Ms. Carter to proceed with the presentation.

Ms. Carter introduced the Staff presenting the proposed legislation about the open top storage tanks. She introduced Adam Gibson, GIS Analyst, and Clark Meadows the Zoning Administrator.

Chairman Dashiell requested everyone allow Mr. Meadows and Mr. Gibson to present their materials and hold all questions until they have completed their presentations. Also, he reminded the public that a Public Hearing will occur on Thursday, October 21, 2021, where their comments can be heard. He mentioned today's work session is not opened up to public comments.

Mr. Meadows presented the County Council's proposed legislation. He stated under consideration is a revision to the County Zoning Code, Chapter 225 including basic definitions and interpretations of open top storage tanks.

Mr. Gibson proceeded with presenting what the current regulations and proposed legislation looks like using GIS mapping tools. The first image depicted where a storage tank is and is not currently permitted in Wicomico County. The second image illustrated tank locations permitted based on the proposed legislation. The last image showed the eligible and ineligible parcels in the proposed zoning districts of I-1 and I-2.

There was a discussion amongst Staff and Commissioners about the proposed location in context to the designated growth areas for the municipalities and the County. Mr. Hall added if the proposed legislation was enacted it would include portions of the designated growth areas for Salisbury, Delmar, and Fruitland. He noted these growth areas are also County growth areas.

Mr. Hall gave an overview of the eligibility map, as well as noted this proposed legislation will make the storage of DAF a specific use rather than being included as part of the agricultural use.

Dr. McNaughton inquired about if the legislation was about the application, which Mr. Wilber stated it's about the storage. Emphasized the need to understand how this proposed text amendment is interpreted. Mr. Hall explained the text amendment with regard to creating a new individual use.

Mr. Heath inquired if the agricultural zoning district was considered as an area appropriate for locating a tank. Also, he expressed concern about the proximity of industrially zoned areas to growth areas. Mr. Hall responded in the affirmative and the first version of the proposal included Agricultural and Village

Conservation Zoning Districts, which were removed per the request of the County Council. He mentioned there is limited availability of land in industrially-zoned areas, as well as the prohibitive cost of land in those districts.

Dr. McNaughton discussed the need for more oversight of application and including language in the text amendment designed to ensure application is consistent with MDA expectations.

Mr. Holloway stated the County Council deliberated about the wording of the distribution process and that is part of why it was forwarded to the Planning Commission. He noted the restriction to industrial zones will be a little short-sided and affect the agricultural industry. The concern about the existing tank expressed by the citizens was lack of a voice during the process. Mr. Holloway discussed the Zoning Code has multiple uses in the agricultural zone requiring a special exception and would like to see moving back to a special exception for some tanks. He discussed setbacks, which Mr. Hall responded zoning districts, setbacks, lot sizes, and development standards are all items that can be under the purview of the Commissioners.

Dr. McNaughton inquired if this proposed legislation is a direct conflict with the Right to Farm laws. Mr. Wilber stated the Right to Farm laws have been a subject of litigation and conversation in several states. There is an ongoing debate between Zoning Code and how it is setup versus the Right to Farm laws and Mr. Wilber does not have the final answer.

Mr. Holloway mentioned the legislation is about a storage tank, but does that solve the other concerns.

Dr. McNaughton talked about the need for restrictions on the tank design and neutralizing the smell at the processing site can be done.

Mr. Holloway stated the poultry industry is working on the smell.

Mr. Hall concurred with the statement about the industry addressing the smell.

Chairman Dashiell asked if there were any questions or comments, there were none. He thanked the Staff for their presentations.

Mr. Hall stated a Public Hearing will occur at the end of the regularly scheduled meeting on Thursday, October 21st; the Public Hearing will commence at 2:30 p.m. Also, the public review and comment period is open until October 29th at 5:00 p.m.

Chairman Dashiell thanked everyone for attending the work session. There being no further business, upon a motion by Mr. Heath, seconded by Mr. Thomas

and with all members voting in favor the Commission work session meeting was adjourned.

The next regular Commission meeting will be on November 18th.

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.


Charles "Chip" Dashiell, Chairman


Keith D. Hall, AICP, Secretary


Janae Merchant, Recording Secretary