

Open Work Session
Poultry Houses
March 28, 2016

Mr. Jack Lenox, Director of Planning, Zoning and Community Development, and Mr. Wayne Strausburg, Director of Administration, came before Council. Mr. Jack Lenox provided an updated outline to Council members titled "Poultry House Standards-Discussion Draft (3-28-16)". Mr. Lenox said the draft outline is meant to address the points of agreement as discussed at the last work session. He explained that there are three parts, (1) points previously discussed, (2) vegetative buffer requirements and (3) an excerpt out of the zoning code about special exceptions. Mr. Lenox explained that it is important for Council to see the special exception criteria because the Board of Appeals, if Council chooses to involve them in this process, has to make findings, and they have to find that the proponent has met standards. He said he included in the handout packet the standards that are in the County Code for all special exceptions. Mr. Lenox said Council could add to the list if they would like to make additional findings. Mr. Lenox said in looking at the handout dated March 28, 2016, the wording in bold are points that have been added or modified since the last time the outline was discussed. He said he added the following wording, "Code should include, in conjunction with any specified setback or buffer requirements, that said requirements may be modified by Special Exception by the Board of Appeals. Such a Special Exception requires consistency with seven (7) standard code criteria (225-155C) as attached, as well as a finding that there are circumstances relative to soils; land cover; ownership relations; or property restrictions of record that warrant the requested modification." Mr. Lenox explained to Council that section would allow flexibility for setbacks. Mr. Hall asked Mr. Lenox how did he decide that the County Code should distinguish new poultry house construction from house replacement, and allow for expansion of an existing house foot print by 10%, to which Mr. Lenox responded that the wording came from a code in an adjacent community that had gone through the public process, but it is up for discussion. Mr. Lenox said he is not sure how many additions there will be to poultry houses, but that wording would allow for that. If it were an entirely new house, they would have to comply with the new requirements. This also leaves open, as zoning does generally, the Act of God clause. Mr. Lenox said we do not want to discourage people from improving their property, so if a farmer had a really old chicken house and wanted to replace it, that would be provided as well. Mr. Lenox continued, he said in terms of road access, Council is currently between introduction and adoption of a legislative bill that has to do with access to County roads, which will be discussed at an upcoming meeting. An alternative approach that was raised previously was that all chicken houses would be required when accessing a County road to have an access opening of between 50-60 feet. Keep in the mind that when accessing a state road, such as Snow Hill Road, the state would take care of the required access opening. This provision can be added and tied to all new poultry house development. Mr. Joe Holloway asked if they can do away with the legislative bill, to which Mr. Lenox responded, yes, they can do away with the bill, or they can keep the bill. He said if the focus is on poultry houses, this outline is for poultry houses. Mr. Creamer said that Mr. Lenox was referring to some of the standard provisions and requirements for special exceptions, and the language in those authorize the process to require certain studies of which among those studies that are already listed in the

zoning code provides for traffic, which would also address the other legislative bill (Legislative Bill 2016-03). Mr. Lenox said that is correct, if they are applying for anything that is included as a special exception. Mr. Cannon clarified that the 50-60 feet access opening is for all chicken houses, to which Mr. Lenox responded, yes, but the traffic study that Mr. Creamer was referring to only applies if they are asking for a special exception. Mr. Lenox said due to the size of the trucks entering/exiting the poultry houses and potential traffic, you need a larger radius for the access opening. Mr. Lenox said this does not apply to the County road itself, but the radius opening up to the County road. Mr. Cannon asked what is the purpose for the larger opening radius, to which Mr. Lenox said for turning movements so the trucks can get on and off the County road without going onto adjacent property or impacting the surface of the road if the truck drivers have to turn sharply. Mr. Hall asked why Mr. Lenox did not use a fixed number rather than an either/or number. Mr. Lenox explained that is the number used by the Council previously, but you can go with either/or, but it does give some flexibility in terms of site locations. Mr. Lenox continued, he said looking at the standards, you have the A-1 Agriculture-Rural District and Designated Growth Areas. He said we are trying to make it more restrictive in the Designated Growth Areas. Mr. Lenox said any standards that are for the A-1 Agriculture-Rural District also apply to the Designated Growth Areas as well. He said number 1, under the Agriculture District, indicates, "A vegetative buffer, defined as attached, around all active portions of the poultry operation." Mr. Lenox continued, he read number 2, under the A-1-Agriculture District, which states "Minimum 400' setback from any legally established residential dwelling not located on the farm property; school; church; nursing home; daycare center; mobile home park; subdivision of 10 or more homes; or an approved Health Department septic system location to serve any of the above." He said they added the wording school, church, nursing home, daycare center, mobile home park, and subdivision of 10 or more homes since the last work session meeting. Continuing, Mr. Lenox said, in looking at number 3, under A-1 Agriculture District, there is now a minimum 200' setback from all property lines. He said previously that had read 100'. Mr. Joe Holloway asked if he added the distance from a center of a road, to which Mr. Lenox said he did not because the 200' is measured from a right-of-way. Mr. Cannon clarified that it would be 400' from a residential dwelling, to which Mr. Lenox said that is correct. Mr. Cannon then clarified that the setback applies in the Agriculture District, to which Mr. Lenox responded, yes. Mr. Lenox continued, he said in looking at the Designated Growth Areas, he would like to mention that for the purpose of drafting legislation, there is the A-1 Agriculture District and everything else is being called Designated Growth Areas, which includes commercial, industrial, and residential. Those Designated Growth Areas will have the proper zoning identified and shown on a map. He explained that he added the phrase, under Designated Growth Areas, "where Poultry Houses may otherwise be permitted". He explained that this implies that the County is not opening up any new areas. Mr. Lenox continued, he said in looking at the standards in the Designated Growth Areas, the first one listed is that they have to adhere to all minimum standards prescribed within the Agriculture-Rural District. Then he read a new provision that was added to the outline that indicates, "Minimum 500' setback from exhaust fans faced away from and a minimum 600' setback for exhaust fans facing toward; any legally established residential dwelling not located on the farm property; school; church; nursing home; daycare center; mobile home park; subdivision of 10 or more homes; or an approved Health Department septic system location to

serve any of the above." **Mr. Lenox said he struggled a little bit with whether it is a measurement from the exhaust fan or if it is a measurement from a house with an exhaust fan. He asked Council to please take a look at the language carefully.** Mr. Lenox continued, he said Council asked for an option for consideration that has to do with an additional review process in the Designated Growth Area and that would be the special exception process. Mr. Lenox said the language provided for consideration indicates, "All base zoning districts, other than Agriculture-Rural (A-1), would require that new Poultry Houses could only be established by Special Exception through the Board of Appeals. This would require consistency with the seven (7) standard code criteria (225-155c) as attached." In looking at the County Code and the reason he attached that section to the outline is because Council will see not only in paragraph C the seven standards, but Council will also see something under paragraph D which is that the County is already anticipating in certain districts that there will be an additional requirement having to do with an impact analysis at the expense of the proponent and potentially posting a surety guarantee. Therefore, there is a consideration that poultry houses could be required to provide an additional analysis relative to such factors as environmental impacts and traffic impacts, as well as posting of a financial surety guarantee. Mr. Lenox continued, he said as far as the buffer vegetative requirements, he had a very good discussion with Mr. Passwaters, who has done a lot of work in the area. Mr. Lenox said Council had asked him to look at the issue of deciduous trees. He said deciduous trees are leafy and seasonal rather than conifers, which are pine and stay green. He said deciduous trees are an option if Council would like them. They can be done for beautification reasons as well as the fact the root system goes pretty deep. He said it is more for appearance rather than the actual buffer. Mr. Lenox said Council spent quite a bit of time in discussing vegetative buffers. He said it was discussed that there would be three rows of buffers in the Agriculture District and, in the Designated Growth Areas, five rows would be appropriate. In either case, specifying the furthest row is the evergreen. Mr. Lenox said the outline takes out the requirement for the deciduous trees but, except for the back row, that would be an option if the owner chooses to use the deciduous trees. He said there is language in the outline for consistency with the established good practices. He did not require in the outline that the plan be put together by a particular professional, but it does refer to standards as it is worded in such a way that it would be administered internally. Mr. Lenox said he received some strong recommendations about the **planting of grasses at the exhaust fans**. He said if Council would like to add them, the distances are 20', and we would make that a part of the landscaping plan. He said, apparently, they are most effective at the tunnel areas. They grow quickly and are effective as far as the industry as a whole. He said that is a point that is not mentioned in the outline standards that he suggests Council consider. **Mr. Cannon said it is something that Council should consider and asked that Mr. Lenox please put include grasses in the standards.** Mr. Cannon said when it comes down to the final reading of the bill that will allow the Planning Commission to review that topic and Council can also amend it if they would like; it would not hurt to put it in the standards. Mr. Cannon asked regarding the difference between the three rows and five rows of vegetative buffers if Mr. Lenox thinks there is enough coverage with the three rows as opposed to the five rows. Mr. Lenox said he thinks the feeling is five rows are better than three rows. He said it is anticipated, in the Designated Growth Areas, that if there are not any homes in the vicinity now, there will be at some point in the future. Mr. Cannon said he was confused by number 3 of the

vegetative buffer requirements that indicates, "Plant material spacing within the rows shall be as follows: . . ." and then there are six different choices. He said he is not sure how they all come together. Mr. Lenox said he cannot address the individual spacing as that wording carried over from another jurisdiction. It indicates that different trees are planted at different separations. Mr. Lenox said he is going to look to Mr. Matt Holloway and others for clarification. Mr. Matt Holloway said they are just standards that come from most landscaping plans. Mr. Cannon said that section mentions large deciduous trees and small deciduous trees. He then asked if both have to be used. Mr. Matt Holloway said it is a guideline so that if you plan on using these varieties then this is the different criteria you should go by. Mr. Cannon clarified that it defines the spacing for the health of the trees, to which Mr. Matt Holloway responded, yes, they are taking into consideration the maximum size of the planting once it is fully grown. Mr. Joe Holloway asked what is the requirement for buffers now, to which Mr. Lenox responded right now there is no requirement. Mr. Joe Holloway said voluntary the owners put buffers in as his neighbor has two rows. He said his neighbor has a row of the evergreens and a row of the deciduous trees and that seems to do an adequate job. Mr. Joe Holloway said if we go to five rows, the poultry houses will be very well buffered, depending on how they grow and if they grow. Mr. Cannon said a comment was made that it is important to put a time frame on when the buffers are required to be planted. Mr. Cannon said he thinks Council needs to set some guidelines for when the buffers are first planted. Mr. Lenox said when the stormwater issue first came up, the state wanted the County to make sure the stormwater work was being done. The building permit and occupancy permit is dependent on the completion of the stormwater. **Mr. Lenox said we could make the building permit and occupancy permit conditional on the planting.** Mr. Dodd clarified that when a building permit is issued someone is going to go onsite to check to see that the plantings are done before an occupancy permit can be issued. Mr. Lenox said a building permit authorizes them to build, then they build and then the County goes out to inspect to see if they have done what they were suppose to do, which includes stormwater and Council can have it to include buffering. **Mr. Joe Holloway clarified as well as the entrance to the lane,** to which Mr. Lenox confirmed that is correct. Mr. Kilmer asked what the process is if Council came to a consensus today on enacting zoning laws. Mr. Lenox said it is his understanding that Council intends to draft legislation that includes standards, which would be referred to the Planning and Zoning Commission, who would then review the legislative bill and forward recommendations. Council would then hold a public hearing and the bill would take effect in the standard time period. Mr. Kilmer clarified that Council has to draft legislation and then the legislation gets sent to Planning and Zoning. Mr. Lenox said that was his understanding. Mr. Kilmer said they are two parties, the Council and then it has to be signed or vetoed by the County Executive. He does not want to go through this process and then have the Executive veto the bill asking if Council is on the right path to what is acceptable to the Executive. Mr. Strausburg said that both he and the Executive reviewed the proposed standards, and they are prepared to move forward with discussion on the matters that Mr. Lenox has raised. Mr. Cannon asked Mr. Lenox if he had the opportunity to review the legislative bill that was initially proposed. Mr. Lenox said he recalls two legislative bills, one being much longer than the other. Mr. Cannon said there were some things in the legislative bills that he thought Council would have to review before the new legislation goes to the Planning Commission. He said he is not sure if Council is prepared to review the initial

legislative bills, or if Council just wants to review Mr. Lenox's discussion draft. Mr. Cannon said there are some measures in the initial draft bills that have to be reworked. Mr. Cannon then asked Council if they are comfortable with reviewing the initial draft bills, or if they would prefer to address those measures in another work session. Mr. Kilmer said if Council came to a consensus today, he trusts that Mr. Lenox could draft legislative language that reflects exactly what Council has come to a consensus on. He said Council could review the points of discussion at the next meeting, as well as the process for referring the zoning legislation to Planning and Zoning. Mr. Kilmer continued, he said he does not think Mr. Lenox's legislative drafting would deviate from what Council agrees to. Mr. Lenox said, in reviewing the initial draft legislation, he took from the draft bills what he felt were Wicomico County issues. He said, certainly, there might be other things that he did not include that Council may wish to include, which is why we will have successive drafts. Mr. Cannon said in reviewing the prior bills, there were **references to traffic studies that had not been implemented by the Council. There were also some posting of permits that were required that were listed in the prior legislation.** Mr. Cannon said he knows from speaking with Mr. Lenox that normally posting a permit is only required when a variance is involved. He said these are issues that Council can discuss when the bill is actually brought back to the table, unless Council would like to address them now. Mr. Lenox said his intention was that the legislative bill would be drafted off his discussion points. Mr. Cannon said that is okay. Mr. Joe Holloway said there have been some concerns about people not knowing what is going to happen in their neighborhood. He said he did some research, and he thinks the first thing a person does when they go to build a poultry house is they go to Soil Conservation. He then asked Mr. Lenox if he is correct, to which Mr. Lenox responded that is probably the first public step. He said there are probably chicken house proposals out there that are in the design phase that property owners are working with their engineer and trying to review various codes, such as building codes, stormwater, erosion and sediment control, and then ultimately the CAFO. Mr. Lenox said their first public step is their erosion and sediment control as that is the first time it shows up on a public list somewhere. Mr. Joe Holloway said on the MDE website there is a "Notice of Intent" that tells you every farm that is already here or coming. Mr. Joe Holloway asked at what point in time does that get posted. He said what he is trying to find out is when can a person know that an operation is coming to their neighborhood. Mr. Lenox said from his stand point, people will just call up and say "what do you mean you do not know about this poultry house," so he will then check with the Public Works Department for stormwater, and Erosion and Sediment Control to find out what is on their list. Mr. Lenox said he is not familiar with the "Notice of Intent" that Mr. Joe Holloway is referring to. Mr. Joe Holloway said the "Notice of Intent" is on the MDE website. Mr. Lenox asked if that pertains to CAFOs, to which Mr. Joe Holloway responded, yes. Mr. Lenox said that could come much later in the process. Mr. Joe Holloway said he had a situation on the east side where apparently someone spread the news that a lot of chicken houses were coming to the northwest corner of Walston Switch and Shavox Road. He said he researched everything that he could and even went to the owner of the property and asked if the property was going to be used for poultry houses or if the property was for sale. Mr. Joe Holloway said the property is not for sale, and it is not going to be used for poultry houses. He said was wondering where this information came from. He said Soil Conservation did not know anything about it, MDE did not know anything about it, the tenant that takes care of the farm did not know anything

about it, and the owner of the property did not know anything about it. Apparently, there is some misinformation being spread around and that does not need to happen. Mr. Joe Holloway said he wants to know how people can find out what is true and what is not true. Mr. Matt Holloway said the Notice of Intent is required if you are disturbing over an acre of land through soil and erosion control. Mr. Joe Holloway said this misinformation has gotten a lot of people upset which is uncalled for. Mr. Cannon said what Council is looking to do today is finalize what the Council's responsibilities are as far as zoning regulations are concerned. Mr. Cannon said there has been a lot of discussion over environmental issues, health issues, and things of that nature. He said the idea of a moratorium has been suggested, but he does not think Council has any inclination to impose a moratorium. If Council enacted a moratorium, it would only delay the process for the poultry houses that are currently being reviewed. Mr. Cannon said a lot of people in the audience are attending the work session because of the Naylor Mill Road poultry houses that have been proposed. Mr. Cannon said he does not have a specific answer for anyone, but he is under the impression these particular poultry houses could not be stopped. He does not think, as far as what he has witnessed regarding their progression in the pipeline, that Council has the authority to stop these poultry houses. Mr. Cannon said he is not sharing this information because that is what he wants to happen. He thinks Council is at a point where it is restricted as to what it can do as a government agency. Mr. Cannon said he thinks whatever Council attempts to do can be challenged in court and, in his opinion, he thinks they probably would have a good case. Mr. Cannon said he is trying to get confirmation, and he is trying to make everyone aware from his side of the table on where we are as a group and as a community. He said there are many people who are looking at health standards and environmental issues, and he appreciates those concerns. He said he has addressed these concerns with other staff members and what he has been told and what they are trying to confirm at this time is very important. They are trying to look to see what might be done in terms of safeguards in reference to the Paleo Channel. It was pointed out to him that MDE will be going back to the poultry houses every five years. A restriction might be that the County would go out every year to make sure the water quality is safe. Mr. Cannon said he was informed that if there are any state regulations overseeing any specific industry, the County does not have the authority to impose any additional health regulations on that specific industry. Mr. Cannon said that is very important to understand. The EPA and MDE are establishing guidelines, and they are setting down what they think are the principals necessary. For a local jurisdiction to get involved, they have to defer it to the state agency or federal agency. He said that is something the group needs to be aware of as well. Mr. Cannon continued, he said in regards to the forum the other night, he thought, without being biased one way or another, there was some degree in comfort when the manager for the CAFOs made the comment that there is zero discharge. There were rumblings from the audience in response to Mr. Cannon's statement. Mr. Cannon said they are trying to find out if that is a valid point. Mr. Cannon explained that he said "zero discharge," and he was told that people are washing out the chicken houses with hoses and things like that, so he assumed the chicken houses are being washed out with hoses, but that is not happening. He said if there is information that contradicts what he was told, then please let Council know. Please keep in mind that we have federal and state agencies that are involved in this process. Mr. Cannon explained that no matter what his opinion is whether he agrees or disagrees with them, as he understand it, the state and federal

agencies are in control in what is dictated to the local jurisdictions. Mr. Ernie Davis said he attended the forum and a question was raised that if something were to happen to the manure sheds if they spilled over the Paleo Channel, what would be the likelihood of it contaminating the Paleo Channel and how much contamination would there be, but no one on the panel could answer the question. Mr. Davis said another question was raised concerning the nitrates. Someone asked the question what is the difference between a residential sewer system and chicken houses as to which one puts out the most nitrates and, again, no one on the panel could answer the question. Mr. Davis said they are supposed to be the experts, but they could not answer the questions. The audience applauded. Mr. Cannon said he is not biased one way or another, he is just trying to follow what the law is; the environmental issues are under the jurisdiction of the State of Maryland. The County is in charge of building permits and things of that nature. He said it is our responsibility to make sure that manure sheds or poultry houses are built according to standards. Mr. Cannon said he thought it was necessary to let the public know because Council is getting a lot of information and there are a lot of concerned citizens. He said Council does not turn a deaf ear to them, but they try to make sure before they make any statements that they know exactly what Council's position is, exactly what its responsibilities are and what its limitations might be. Mr. Cannon said if there was a tattoo parlor and Council wanted to impose restrictions, it would be able to do that because there are no state regulations on a tattoo parlor. He said when you are talking about poultry houses and the poultry industry, there are already regulations established by state law. Mr. Cannon said he encourages the public to find any points in reference to local jurisdiction control versus state control and to please share with Council the information. Mr. Joe Holloway said he spoke to a gentleman at Tyson who said anyone can buy a farm and hire a consultant, and they can draw however number of chicken houses will fit on a piece of property before they even get involved with Soil Conservation. They may be wasting money when they do that, but the reason they do that is because the consultant is going to charge them so much money anyway, so they tell them the most number of chicken houses they can have. Mr. Joe Holloway said he was told that they never intended to put 13 chicken houses on the farm on the Westside. Mr. Joe Holloway said he knows that most people would say there is not much of a difference between 13 and 10, and they can only put 10 on the property if they fit a certain way. Mr. Joe Holloway said they could hire a consultant and put together a drawing and basically get ready to do what they what to do on that property before they even go to Soil Conservation. Mr. Lenox confirmed that they can do that, and they have seen that in the past with certain residential dwelling applications. Mr. Lenox explained that someone will come in with the most number of dwellings they perceive that they can possibly get, and then they start to work with the Health Department, so it is not uncommon in development for a property owner to go with the highest number and then come back. Mr. Davis asked if the permit for the N. West Road project has been issued, to which Mr. Lenox responded, no, it has not been issued. Mr. Cannon explained that what comes into play is the degree of processes that the owners have gone through as to whether or not they could justify in a court of law as to whether they have followed obligations that were imposed on them by any agency, state agency or local jurisdiction, whether or not a court would decide yes or no they have followed through with a strong enough commitment that by law would allow them to finish the project. Mr. Davis asked what processes have they been through. Mr. Lenox said the owners of the N. West Road project have been through

Erosion and Sediment Control, they had stormwater approval, they submitted for a building permit application, the County required a signoff from the integrator, the integrator saw the plans and said this is not what I want to build, and the applicant has gone back to redesign. He said it is his understanding that they will resubmit stormwater, resubmit erosion and sediment control and then reapply for a building permit with a reduced number. Mr. Lenox said that is what they are expecting, but they have not resubmitted those plans. Mr. Cannon said he is not advocating for them, he is only saying that is where it is in the pipeline right now, and he has not heard anything positive that this project can be stopped. Mr. Cannon said he could be wrong or he could be right. He is just trying to give the public an idea of where Council is in the process. Mr. Dodd asked if the project originally proposed 13 chicken houses, and then they broke it down to two 5 chicken houses projects by two separate families, if that is the situation, why was that decided and would they have to have two separate erosion and sediment control plans. Mr. Lenox said he is not sure about the ownership, but what they have found out is that when you go to Erosion and Sediment Control there is an amount of land, which he is not sure of the number, that can be disturbed at any one time. In order to meet those requirements, you design it so that if you build half of the project, it can stand on its own, and then you can build the second half of it. Mr. Lenox said that is a logistical question regarding the sequencing of it in how construction goes. In terms of the 13 poultry houses at N. West Road, they have been advised by the integrator it will be 10 poultry houses, and the property owner has indicated that they will be redesigning to 5 and 5, so further from the residential area to the northwest, but they have not seen those plans yet. Mr. Kilmer asked where is Council at in the process of finalizing the legislation. Mr. Cannon said he was under the impression that Mr. Lenox was going to try to work with the Law Department to fashion a legislative bill based on the draft standards Council has reviewed, asking Mr. Lenox if that is correct. Mr. Lenox said, as he understands it from administration, he can assist, but he is not the lead drafter of the legislative bill. Mr. Lenox said he will continue to work with Council and its designee. Mr. Cannon asked if the legislative bill will be based on the guidelines Council has reviewed, to which Mr. Lenox responded, yes. Mr. Kilmer asked about the options for consideration that are shown on the draft outline, as they have not been agreed to yet. Mr. Kilmer said he is trying to clarify what exactly Council has agreed to. He then asked if that is everything above options for considerations. Mr. Cannon said Mr. Lenox has said before that asking for special exceptions would make it practically impossible to even consider poultry houses in the Designated Growth Areas. He said in reviewing the requirements, he thought some of them were very vague, and the way it is structured leaves it open to interpretation, but he is interested in Council's input. Mr. Joe Holloway said there might be the situation where there are poultry houses in the Designated Growth Areas and someone wants to add another one, or a situation where a poultry house burns down, asking if someone would have to go through the special exception process. Mr. Lenox said if you are going to add to the number of chicken houses, it would be a special exception, but if you are just replacing a chicken house, it would not be a special exception. Mr. Strausburg said it would be grandfathered. Mr. Lenox explained that the nature of special exception is generally saying that the use is acceptable in the zone subject to the additional considerations, with the biggest being the yellow sign that goes out that states the public gets to speak and present factors for consideration. Mr. Cannon said there were also notations made to number 2 in the paragraph that starts "The vegetative buffer shall be installed as

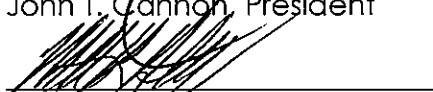
follows . . ." Mr. Lenox said he recalls that discussion, and he was viewing that as a condition that would be attached to a building permit like any requirement. For example, if the building permit is issued, then it is done in accordance with the driveway opening, stormwater, and planting requirements. Mr. Cannon said number 2 references the Delmarva Poultry Industry twice, and he is curious as to why, as he does not want County law to be based on an industry standard. Mr. Lenox said if Council does not want to reference any agency, then it could be a reference to best management practices. Mr. Cannon asked if the best management practices would be included in the bill, to which Mr. Lenox said it would be difficult without including a landscape detail. Mr. Cannon asked if the bill could **reference a particular document that the County itself could prepare, to which Mr. Lenox said they could do that.** Mr. Cannon said that way every time something changes, it does not have to be an amendment to the legislation. Mr. Cannon said the standards should be established by the Planning and Zoning Department, not by any outside sources. Mr. Lenox said you would be deferring that to the administrative function that the County shall establish policies. Mr. Joe Holloway clarified that the Designated Growth Areas do not just apply to the City of Salisbury, but also include all the municipalities, the cities and towns, to which Mr. Lenox responded, yes, and all the rural villages. Mr. Joe Holloway said that is a concern. Mr. Strausburg said there is a whole list of zoning classifications that Council should be made aware of in terms of a proposed special exception clause/language because there are a number of zoning classifications that would be impacted. Mr. Lenox explained to Council that the map they looked at in a different context, it is any area in a particular color and any area in white is agriculture. Mr. Lenox said Council can protect Hebron the same way it can protect Salisbury as well as Parsonsburg and Pittsville. Mr. Matt Holloway asked how Council feels about adding the special exception. Mr. Joe Holloway said he is trying to count in his head how many poultry houses are in the in Willards, Pittsville, and Parsonsburg, and how they would not be there if that restriction is in the Designated Growth Areas. He said they are not laid out the way Salisbury is, as they go from the town center and then it turns rural from there. Mr. Lenox explained that it is not the incorporated areas. He said they have difficulty were some folks swear they live in Salisbury but, they do not, but they do have a Salisbury mailing address. Mr. Joe Holloway clarified that they do have growth areas around them, to which Mr. Lenox responded, yes, they do. Mr. Joe Holloway said one of the biggest farmers the County has is between Pittsville and Willards. Mr. Lenox said, in that situation, it would be by special exception. Mr. Strausburg asked Mr. Lenox to discuss who would have standing in a special exception. Mr. Lenox said adjacent property owners. It is not someone on the other side of the County, it is not someone from a different County, and it is not just someone who considers themselves to have interest in the property. Mr. Lenox said the term "legal standing" is defined, and he will defer to the County Attorney for further guidance. Mr. Cannon said the zoning map has been provided to Council in an electronic file as well as in a packet previous provided to Council. Mr. Creamer said the zoning map is also online. Mr. Lenox said the zoning map shows what the County considers the Designated Growth Areas around the towns and villages. Mr. Joe Holloway asked how can Council alleviate the problem other than by special exception. Mr. Cannon said what has been previously discussed is different standards for the Designated Growth Areas. Mr. Cannon asked if Council has any questions regarding the criteria for the special exception. He said it is part of what has been supplied to Council by Mr. Lenox. Mr. Matt Holloway asked how

everyone felt about the special exception, asking if they want it included in the standards. **Mr. Cannon said he thinks it is important that Council distinguishes between the requirements in the Agriculture District and the Designated Growth Areas and that is sufficient, but that is just one opinion and there should be some type of consensus. Several Council members agreed with Mr. Cannon's opinion.** Mr. Joe Holloway said he agrees, but he thinks Council still needs to look at the areas. Mr. Cannon informed Mr. Lenox that right now Council wants to go with the restrictions he has recommended prior to this recommendation. Mr. Lenox clarified that he is not to include the special exception for the Designated Growth Areas in the draft standards, to which Mr. Cannon confirmed that is correct. Mr. Lenox said through the public hearing process if folks decide that it should be included, the special exceptions can be added.

**Open Work Session
Poultry Houses
March 28, 2016**



John T. Cannon, President



Matt Holloway, Vice President



Ernest F. Davis, District 1



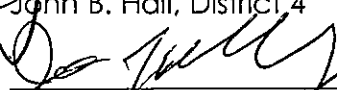
Marc Kilmer, District 2



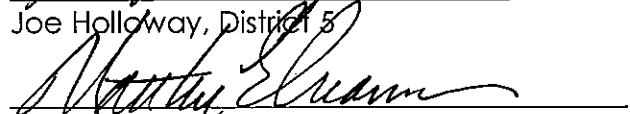
Larry W. Dodd, District 3



John B. Hall, District 4



Joe Holloway, District 5



Matthew E. Creamer, Council Administrator