

**Open Work Session
Poultry Houses
May 17, 2016**

Mr. Jack Lenox came before Council. Mr. Cannon announced that the map on the easel facing Council is the same map that is on the easel facing the audience. They are zoning maps. Mr. Cannon said it was decided at the last work session that they should be looking at poultry regulations from a zoning aspect and following zoning guidelines. It would be more specific, more exact, and a better solution to this issue. Mr. Lenox said he has provided Council with three documents. The updated legislation, which Mrs. Harris has made amendments to based on previous discussion. There has been a lot of community discussions and good ideas of various kinds raised. They have been very careful on the staff side to not make any additions or changes that did not reflect the previous discussions of Council. He said there is a reference for the first time strictly to zoning standards and zoning districts, so Council has a revised map that takes some editorial privilege with the zoning code because they have summarized some districts to try to reflect the last discussion. The third document is an attachment to the legislation that has to deal with poultry house standards. There are two categories, one has to do with road access and the other has the details on the vegetative buffer. Mr. Lenox said this has all been discussed and one of the issues that has been hanging out there has to do with specific standards for plantings. The only additions that were included in the handout today has to do with the size of the plant material and that shows both with the buffer around the active areas of the poultry operation as well as the details on the plantings of grasses at exhaust fans. Mr. Lenox continued, he said, as part of the discussion on zoning, when Council last met to discuss poultry, we got away from the discussion on the broad reference to the Designated Growth Areas. He said Council realized that the County is 400 square miles, so there are areas in the County that are distinctly different in character and the broad reference to Designated Growth Areas as opposed to the reference A-1 Agriculture needed a little bit of refinement. The map combines all the residential zoning districts, which shows as yellow. The white area on the map is A-1. The yellow is the summary of what Council determines, in zoning, in the planning, as residential districts. The teal green color is the town transition/village conservation areas. He said last time he was asked to present a map that would show what it would look like if you had poultry houses by special exception in the residential districts; that is the yellow area. The teal green represents two areas, one called town transition, which is a growth area that is around each of the cities and towns. It also includes something that was not discussed last time and that is whether or not Council's approach to allowing poultry houses by right in the town transition, if Council also wanted that to apply to village conservation. Village conservation is the unincorporated rural villages and that would be Quantico, Parsonsburg, Whitehaven, Bivalve, Tyaskin, Nanticoke, Powellville, and Allen. He said what was not discussed last time is the distinction between town transitional and village conservation. He said the reference to zoning would have A-1 allowed inherently, subject to all the buffers and setbacks that were previously discussed. Residential districts by special exception, subject to all the buffers and setbacks that Council previously discussed. There is a provision to modify no matter what zoning you are in, those setbacks and separations by special exception and public hearing, the Board of Appeals, which is the same process Council had before. Mr. Lenox said in reference to the road standards,

Council has gotten away a little bit from the details in the only detail he has is the 50 to 60 feet on a road opening. He said they have found out that the openings that we are requiring are much wider than that. Not referencing the wider opening is heading off someone from submitting an application stating there are at the minimum. Mr. Lenox said it is less defined than previously, but they can add any specifications that Council might agree on. Those specifications might also address site distances, construction standards, and all of those are meant to be reviewed with Public Works. Mr. Lenox continued, he said, in reference to the vegetative buffer, there are three staggered rows with the timing and with the performance guarantee that they maintain. There are some additional planting requirements in those that came from Mr. Passwaters having experience with poultry house plantings. Mr. Cannon clarified that the plant material is just a one gallon stocker approximately 18 inches, to which Mr. Lenox responded, yes, the details of the grasses as well, which we are now requiring. Mr. Lenox said that is in a lot more detail than what Council had discussed before, which is the plantings at all the exhaust fan locations. Mr. Kilmer asked how difficult would it be to change zoning, say someone wants to change his or her agriculture land into residential, what is the process. Mr. Lenox said in the State of Maryland there is something called the change or mistake rule. You must demonstrate to the public, initiating with the Planning Commission, through a public hearing, a recommendation to the Council to change zoning following a public hearing at legislation. You must document a change in the neighborhood, or a mistake in the original zoning, which means the designation from the start was wrong. For example, it was an oversight, or there has been a significant change in the area. He said that is State of Maryland criteria, but that is left to local discretion. It is more of how it ties back to the Comprehensive Plan. If the Comprehensive Plan is clear, then the County would what to encourage folks, when they say they want to change their zoning, you have to start with the Comprehensive Plan. You start with the Comprehensive Plan amendment and then do the zoning because you do not want to have zoning that is absolutely contrary to the Comprehensive Plan. Mr. Lenox said the change can be done with the major goals and objectives of the County, but you start with the Comprehensive Plan. Mr. Cannon said under setbacks, 2C, it states "the same setbacks specified in subsections A and B shall apply in reverse to adjacent development, proximate to active or inactive poultry houses. " He then asked in that context what does "reverse to adjacent development" mean, to which Mr. Lenox responded that was Council's direction to define those that are developing on property that is adjacent to a poultry house complex, and they would have to respect those additional setbacks. Mr. Cannon clarified that development means a proposed development and actual building, to which Mr. Lenox responded any of those things that prompt additional separations, so if you look at the list that includes, schools, daycares, mobile home parks, and churches. It would not be a shed or out building. Mr. Joe Holloway said he would like to see a minimum on the driveways and, if that did not work for people, they could ask for a special exception. Mr. Joe Holloway asked the other council members what they think about adding a minimum. Mr. Hall said he has a concern. The reason it said 50 to 60 feet was because the turning radius of the tractor trailer trucks. Mr. Hall said the minimum should be 60 feet. Mr. Weston Young, Public Works Director, came before Council. Mr. Young said the way they would handle it, when they look at development plans is they have transparent sheets that show the turning radius of different vehicles. They could easily take an 18-wheeler and, in this case, it is one inch equals a thirty-foot scale. He passed

around transparent sheets for Council to review. He said you could lay the transparent sheets right over the plans to see if the driveway is sufficient. Mr. Hall asked if the radius of the largest truck should be what is required. Mr. Young said they would want to look at the land use itself. The turning radius for the largest trucks that go to a poultry facility would be a tractor-trailer and they would want to make sure that it could handle the turning radius of the tractor-trailer safely. In some cases, if the driveway is too narrow or, if the road that they are turning onto or from is too narrow, you can have safety issues because the truck swinging too far out. Mr. Young said the templates that he passed around are an easy way of setting them on the plans and seeing if for this particular vehicle type that it can make the turn safely. Mr. Young said it is a good idea to have a minimum, and he thinks 60 feet would be sufficient, however, if the road they are turning onto is sufficiently wide, they could go with a narrower driveway. He said many of the County's rural tar and chip roads are 18 feet wide, so they would need a much larger driveway to safely turn on that road. Mr. Young said there would not be as much traffic, so they could go onto the passing lane. He said for safety purposes these vehicles could turn to and from the site without cutting into the opposing lane. He said from a standpoint, if the driveway in the construction plans can adequately show they can handle the 18-wheeler ingress/egress, they would be satisfied with whatever that driveway width was. Mr. Joe Holloway asked Mr. Young if he thinks Council should have a minimum 60 feet, subject to special exception, to which Mr. Young responded that a minimum would not hurt. There was a consensus among Council to include a minimum 60 feet driveway. Mr. Kilmer asked if the standards document will be sent to the Planning Commission with the legislation. Mr. Lenox said he thinks it is a good idea to send them both because the supplemental document is mentioned in the legislation. Mr. Cannon asked Mr. Lenox to fine-tune all the specifics and get the changes back to Council. Mr. Lenox asked if there was anything else in addition to the 60 feet change, to which Mr. Cannon said he thinks that is the only change. Mr. Lenox asked Council if they looked at the town transition areas the same way as the villages, to which several council members responded, yes. Mr. Joe Holloway asked if that makes a difference. Mr. Lenox said you are making them inherently permitted in areas where you have concentrations of residences right now in certain villages. He said you could just have poultry houses in town transition and make them a special exception in villages. Mr. Lenox said Council would have to distinguish between town transitional and village conservation. Mr. Kilmer said there is already a lot of critical areas, especially on the western side of the County, so it is already more difficult to build in accordance with state law. Mr. Lenox said he did not want to leave that issue hanging because the last time he spoke of it, it was entirely town transitional, but now that Council sees that there is a difference, but the difference is not significant, they can just go with the way it is written. By consensus of the Council, the poultry legislation and standards will be sent to the Planning Commission for review. Mr. Creamer asked if it would be appropriate to have the draft legislation, standards, and map posted on the website for the public to view, to which Mr. Cannon responded, yes.

Signatures are on the next page.

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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