

DORCHESTER COUNTY PLANNING COMMISSION

MINUTES –MARCH 4, 2015

The Dorchester County Planning Commission held their regular meeting on March 4, 2015 at 12:00 pm in the County Office Building, Room 110 in Cambridge MD. Members present were: Robbie Hanson, Laura Layton, Bill Giese, Jerry Burroughs and Ralph Lewis. Also present were Steve Dodd, Director, Rodney Banks, Deputy Director.

Mr. Hanson called the meeting to order at 12:00 p.m. A motion was made by Mr. Lewis to approve the minutes of the July 2, 2014 meeting. Seconded by Mr. Giese and carried. Mrs. Layton sustained.

NEW BUSINESS

- A. P&Z #1295 – Dorchester County Sanitary District, Inc. – Site plan approval to build a public or quasi-public building or structure.** Mr. Dodd presented the case and applicants were sworn in. Mr. Dodd then proceeded to present agency comments. The project is for a 1200 sq. foot, 2 story structure; quasi-public building located on the property of the Sanitary District property at the old US 50 and Tates Bank Road. Use of this property has been through the Board of Zoning Appeals and was granted a special exception for the purpose of storing equipment and vehicles for the Sanitary District. The Sanitary District then engaged Mr. Hughes to prepare a site plan. Mr. Dodd read agency comments from the Health Dept. which stated the plan was acceptable, but the well must be at least 20 ft. from the overhead power lines and 50 ft. from the pressure sewer and out of the drainage swale that runs along the north side of the property. Mr. Hughes presented a revised site plan that was done after agency comments were sent but Mr. Dodd was unaware of. All agency comments were addressed on prior site plans.

A motion was made by Mr. Burroughs for approval of updated site plan conditioned on compliance with Health Department comments, seconded by Mrs. Layton and carried.

- B. Referral to the Planning Commission from County Council for an investigation and recommendation to amend Chapter 155, entitled “Zoning Ordinance,” Section 155-50, LL Supplemental Use Regulations, and/or Section 155 Attachment 1 of the Dorchester County Code to require that utility scale solar energy systems only be allowed on commercial and industrial properties within the County.** Mr. Dodd presented the case and why the Planning Commission deferred the case until members from the Economic Development, Farm Bureau, Chamber of Commerce, and someone representing the solar farm industry could attend the meeting. Mr. Banks presented a GIS study representing commercial and industrial properties of 25 acres or more now required by the County for a solar farm. Out of the 19 parcels in the County that were suitable only 5 parcels met the criteria for a solar farm. Those 5 remaining parcels still have to meet other criteria including distribution lines and sub-stations for electrical connection. Mr. Banks submitted a letter from Gia Clark of One Energy to explain future demand in the County and the limitations. Ms. Deborah Divins Davison of the Dorchester Chamber of Commerce spoke of the declining interest in family farming from one generation to another, rising cost for the farmers today, and the government restrictions imposed on the farming community, speaking in favor of the farmer to use the property to their best advantage.

Mr. Layton of the Farm Bureau spoke in favor of the solar farms stating that this was a good way to supplement the income of the farmer and the right to choose how to use their land other than growing corn or soybeans, etc. Of the 424 farmers in the county the average acreage was 314 certainly not enough income generated to support a family. Ms. Keasha Haythe of the Dorchester Economical Development spoke in favor of the current law as it is written. Mr. Sutherland of Measureable Energy Solutions identifies sites for One Energy explained the process of selecting properties suitable for a solar farm and was based strictly upon economics. Mr. Sutherland stated that about 1/10 of a percent of agricultural land would be effected due to conditions and standards for a solar farm. Mr. Wendell Foxwell was concerned about limited income to the County. Further concern was brought up in reference to the future interest in solar farms and the removal of panels once the sites are decommissioned. Mr. Sutherland responded that if Congress does not renew the benefits for solar farms in 2016 that future sites would dwindle to little or none. Also in response to the question about the removal of panels after the site has been decommissioned by saying that the company is bonded for removal of panels. Mr. Dodd responded to Mr. Foxwell's question about the benefit the County would receive by stating he had spoken to the Tax Assessment Office and once the property converts to this use it would be assessed at a higher rate and some of these larger projects would be subject to utility tax assessment as well.

A motion was made by Mrs. Layton to keep our current ordinance, seconded by Mr. Giese and unanimously carried.

A brief recess was given for the court reporter to setup.

A motion was made by Mr. Hanson to go to close session.

C. P&Z# 1116A – WAYNE MARKEY – INTERFAMILY TRANSFER SUBDIVISION REQUEST

Motion was made by Mr. Hanson to go to closed executive session for advice with Council for the advice on a pending litigation matter, seconded by Mrs. Layton and unanimously carried.

Mr. Drummond explained the case filed in the Circuit Court in late January that the Planning Commission should approve his subdivision plat as proposed. After much discussion Mr. Drummond filed a motion to dismiss the pleas from Mr. Markey arguing that he has asked for (2) consistence kinds of relief. The question before the Planning Commission is to approve a subdivision plat that shows driveways that will in addition to having an impact on the critical area buffer for which there is a variance but also will have an impact on non-tidal wetlands beyond the buffer.

A motion to come out of closed session and back into open session made by Mr. Hanson, seconded by Mr. Giese and unanimously carried.

Mr. Drummond stated that now that the Planning Commission was now back in open session and that Mr. Markey is here that the executive session concluded the subject matters discussed were the litigation that was initiated in Circuit Court in Dorchester County, was dismissed on the basis Mr. Markey did not respond.

Mr. Markey and Mr. Dodd were sworn in.

Mr. Dodd stated that he did not generate a staff report and presented all exhibits that were known to Mr. Markey.

Mr. Hanson requested from Mr. Markey to focus on the Board of Appeals decision and to present his case today based on the Commission's authority to approve or not.

Mr. Drummond addressed the relevant issues today to be addressed by Mr. Markey.

Mr. Markey stated that he is here today representing his clients, his sons. Mr. Markey presented handouts and explained a brief history of the case. Mr. Drummond interrupted Mr. Markey to explain the case on the agenda at present is the plat before us which has two issues; 1) are you obliged to mitigate 2:1 for critical area disturbances, 2) Is the Planning Commission in a position to approve the plat?

After much argument from Mr. Markey from past appeal cases the Planning Commission decided on the following:

A motion for approval was made by Mrs. Layton from the subdivision plat subject to the following conditions which shall be satisfied prior to signature of the Commission Chairman and recordation of plat, need to provide the following:

- a) Still needs to provide 1:1 mitigation stated on plat #21
- b) Complies with issues outlined in Feb. 2, 2015 email from Mr. Dodd
- c) Extinguish shared driveway agreement
- d) Comply with Dept. of Public Works comments dated 12/4/2013 w/ exception of 2nd sentence of paragraph 3.

Motion seconded by Mr. Giese, all members except Mr. Burroughs voted in favor.

With no further business, Mr. Giese made a motion to adjourn. Seconded by Mrs. Layton and unanimously carried. The meeting was adjourned at 2:24 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rodney Banks", with a long horizontal line extending to the left.

Rodney Banks