

# DORCHESTER COUNTY PLANNING COMMISSION

MINUTES –APRIL 2, 2014

The Dorchester County Planning Commission held their regular meeting on April 2, 2014 at 12:00 pm in the County Office Building, Room 110 in Cambridge MD. Members present were: Laura Layton, Robbie Hanson, Bill Giese, Ralph Lewis, David Andrews, Jerry Burroughs, and attorney Chad Malkus. Also present were Steve Dodd, Director of Planning, Rodney Banks, Deputy Director, and Merris Hurley, recording. Absent was Pam Jackson.

Mr. Hanson called the meeting to order at 12:00 p.m. A motion was made by Mr. Giese to approve the minutes of the March 5, 2014 meeting. Seconded by Mr. Andrews and carried.

Mr. Hanson informed the audience that public comment on the following text amendment will be open until the end of April, 2014, Mr. Burroughs made a motion that the Commission go to the Public Hearing. Seconded by Mr. Giese and carried.

## **OLD BUSINESS:**

**A. Text Amendment “Produce Market” – Public Hearing to review and receive testimony regarding amendment # 328-01-2014.** Mr. Dodd informed the Commission and the audience that the Jackson’s had requested a text amendment regarding produce markets and then hired Ryan Showalter to help them and make revisions to this amendment.

Ryan Showalter explained to the Commission that Emily’s Produce started out as a small farm stand but has evolved and grown beyond what the zoning ordinance permits. After reviewing the original draft of the proposed text amendment, he believes that some of it is good, but some of it is too restrictive. Mr. Showalter submitted a revised version of the text amendment as well as an article regarding agritainment.

Mr. Showalter then started sharing the revisions that he and the Jackson’s made to the proposed text amendment. The definition of a Produce Market being a structure or building of 500 square feet or more to be used for the display and retail sale of consumer agricultural products with at least 85% of the annual consumer agricultural products revenue shall be derived from locally produced consumer agricultural products. The definition of locally produced being products and goods produced within the same state or 250 miles of the location at which the final product is marketed. Mr. Showalter said the Jackson’s agreed with the five acre minimum for a produce market, but would like there to be no limitation on size of structures. If the Planning Commission is unwilling to set no size limitations, they wish the principal structure be limited to 15,000 square feet and the accessory structure be limited to 12,000 square feet. They agreed that a produce market should not include a full-service restaurant. Retail sales of merchandise other than consumer agricultural products is permitted, provided the annual retail sales of such goods shall not exceed 30% of the total annual revenue generated by the product market. Mr. Dodd told the Commission that there is no way for staff to monitor or enforce this issue. Mr. Showalter explained that if staff asked for this information, the produce market would have to supply it. Mr. Showalter explained that they agreed with keeping the setback limitations of the original proposal as well as the buffers, parking and signage requirements.

Mr. Lewis asked if 85% of the annual consumer agricultural products revenue would be enough at certain times of the year. Mr. Showalter said that it would. Mr. Lewis also asked about the five acre minimum and Mr. Showalter agreed with staff on that issue.

Chip Fleming of Linkwood, Maryland, spoke in support of the Jackson's. He believes that agritainment and agritourism are a new trend and should be allowed in this county with no limitations.

William Layton of the Farm Bureau came forward in opposition to this text amendment. Farming is currently allowed in this county and should be a permitted use. Farming is also changing and he believes that a produce market is also a normal farming practice.

Mr. Hanson explained that Mr. Layton's letter and the Farm Bureau's letter are a part of the record.

Allen Nelson, 4330 Maple Dam Road, Cambridge, Maryland, came forward in support of the Jackson's. He believes that there are too many regulations in this country and there should be no limitations on what the Jackson's are doing.

Deborah Divins of the Chamber of Commerce, spoke in support of the Jackson's. She believes that agritourism is important to all citizens of the county, individuals as well as businesses.

Mr. Hanson said that Ms. Divins letter was a part of the record also.

Emmett Dunnock of Chelsea's Produce came forward in support of the Jackson's. He disagrees with the size limitation of a parcel. Some of the larger farms are on back roads and need to sell their produce at a different location.

Danny Sirman came forward in support of the Jackson's saying that small farms can't make it financially anymore and must supplement their income like the Jackson's are doing.

Chip Fleming spoke again questioning the need for a limit on what times of the year a produce market can operate.

Mr. Showalter commented that they would like there to be no limitations on parcel size or building size.

Mr. Lewis asked Mrs. Jackson how many students she employs. Mrs. Jackson said that she employs 26 people.

Bill Lowe of Springdale spoke in support of the Jackson's.

At this time, Mr. Giese made a motion to adjourn the public hearing. Seconded by Mr. Burroughs and carried.

Mr. Banks informed the Commission that he did a survey of other jurisdictions to determine how he wrote the proposed text amendment. Some counties have produce stands as a permitted use and some have it as a special exception. Most jurisdictions had produce markets or farm markets with a structure size limit or as a special exception and some had limits on hours of operation. Mr. Dodd explained that this proposed amendment would not change the roadside stand uses.

Mr. Dodd explained that as these operations grow bigger, the neighbors have rights also and he believes that is why a special exception is needed for uses.

Mrs. Layton doesn't agree with the need for a special exception. She said that these hearings have been advertised. She also commented about the right to farm. Mr. Dodd

disagreed with her regarding the advertising saying that advertising for this public hearing is different than advertising for a special exception. He also said that the right to farm act was for nuisance problems, not zoning issues.

Mr. Lewis commented that a five acre limitation is wrong. Mr. Andrews agreed with Mr. Lewis.

Mrs. Layton stated again that she doesn't like the special exception. She believes that this is an agricultural business on agriculturally zoned land and wants a produce market to be a permitted use. Mr. Giese and Mr. Hanson agreed that they want the produce market to be a special exception while Mr. Burroughs, Mr. Lewis, Mr. Andrews and Mrs. Layton wanted this as a permitted use.

Mr. Lewis stated again that he wants the minimum acreage down to three acres and all of the Commission agreed.

The Commission agreed that the 15,000 square feet limitation on a principal structure is needed.

Mr. Burroughs stated that he didn't want a limit on what time of year these produce markets can operate. Mrs. Layton agreed, saying take out the term seasonal.

The Commission all agreed with the terms agritourism and agritainment.

There was some discussion on the paragraph E/G on setbacks and the need for screening. All agreed that this section of the amendment was fine as it stands.

There was more discussion about the rest of the amendment including whether or not a sign can be illuminated. The Commission agreed that a sign cannot be illuminated.

Mr. Dodd reiterated the staff's recommendation for a special exception use.

#### **NEW BUSINESS: Board of Appeals Cases – Review and recommendation.**

Case #2451 - Roger Bowen, Owner  
Ryan Showalter, Applicant

To request a (supplemental) tidewater buffer variance to Board of Appeals Case #1099 to allow a deck (part of) to be located in the tidewater buffer. Property located at 2452-2 Hoopers Island Road and contains .33 acres. V, Village Zoning District. The Planning Commission, based on the information presented, gave a favorable recommendation of this request.

With no further business, Mr. Giese made a motion to adjourn. Seconded by Mr. Burroughs and unanimously carried. The meeting was adjourned at 2:00 PM.

Respectfully submitted,



Steve Dodd