

**WORCESTER COUNTY PLANNING COMMISSION
MEETING MINUTES – April 4, 2024**

Meeting Date: April 4, 2024

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Jerry Barbierri, Chair
Mary Knight, Secretary
Ken Church
Marlene Ott
Phyllis Wimbrow
Kathy Drew

Staff

Jennifer Keener, Director, DRP
Matt Laick, Deputy Director, DRP
Kristen Tremblay, Zoning Administrator
Stu White, DRP Specialist
Bob Mitchell, Director, Environmental Programs

I. Call to Order

II. Administrative Matters

A. Review and approval of minutes, March 7, 2024

As the first item of business, the Planning Commission reviewed the minutes of the March 7, 2024, meeting.

Following the review, a motion was made by Ms. Ott to approve the minutes as written, Ms. Knight seconded the motion, and the motion carried unanimously with Ms. Wimbrow abstaining from the vote.

B. Board of Zoning Appeals Agendas, April 11, 2024

As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for April 11, 2024. Ms. Tremblay was present for the review to answer questions and address concerns of the Planning Commission.

No comments were forwarded to the Board.

C. Technical Review Committee Agenda, April 10, 2024

As the next item of business, the Planning Commission reviewed the agenda for the Technical Review Committee meeting scheduled for April 10, 2024. Mr. White was present for the review to answer questions and address any concerns of the Planning Commission.

No comments were forwarded to the Committee.

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III. Personal Storage Text Amendment

Mr. Jonathan Anders, applicant, and Mr. Jeff Mahan were present for the review. Mr. Anders explained that there were three partners in the venture who have common interests in the personal storage of cars, ATV's, minibikes and other similar items. They secured thirty acres on Worcester Highway and sought a contractor to assist them in constructing a pole building. The selected contractor misled them into believing that they could permit the structure as an agricultural pole building and use it for personal storage. The contractor also cut corners on the construction of the building. After seeking assistance from a new contractor, they learned that they needed to have a principal structure on the property to use the pole building for personal storage.

Mr. Anders explained that he applied for the text amendment because they didn't want to put a dwelling on the property that they had no intention of renting out. They also didn't want to run a business from the building. Mr. Mahan advised that there are other property owners that wish to use their property and/or buildings in a similar fashion.

The Planning Commission acknowledged Messrs. Anders' and Mahan's specific property circumstances, however noted that a text amendment applies countywide. Upon several questions, staff clarified that the proposed text amendment does not require that the property be under agricultural production, only that it would be permitted in the A-1 Agricultural zoning district as a special exception. Mr. Mahan stated that there are many agricultural buildings illegally utilized for personal storage now. Mr. Anders stated that the proposed use is as a special exception, so the county would have oversight for inspection. Upon concerns that the agricultural zoning district should be limited to agricultural uses, Mr. Mahan reiterated that to fix their specific issue, they could have a personal storage structure provided they put a dwelling on the property.

Following the discussion, a motion was made by Mrs. Knight to provide a favorable recommendation on the text amendment. Mrs. Wimbrow seconded the motion, and the motion carried with three in favor, Mr. Barbierrri opposed, and Ms. Ott and Mr. Church abstaining.

IV. Slaughter Text Amendment

Mr. Mark Cropper, Mr. Bob Ewell, Mr. Rod Ewell and Greg Wilkens, surveyor, were present for the review. Mr. Cropper inquired of Mr. Bob Ewell how long he has raised cattle, which was 65 years, with 30 of those being on the specific property where they are seeking a slaughter facility. They have always maintained cattle on the farm (12 months out of the year), and they have slaughtered some of his own cattle for personal use. The remainder is required to be transported to another state to be slaughtered and returned. Messrs. Ewell recently opened a

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roadside stand on US Route 113 (Worcester Highway), just north of Croppers Island Road. They also sell custom cut beef which is from Mr. Bob Ewell's cattle raised on his farm. The purpose of the text amendment is to eliminate the transportation of cattle to the slaughter facility and conduct the slaughtering activity in a way that is minimally disturbing and offensive to his neighbors on Croppers Island Road.

Mr. Cropper read the specific standards for the proposed text amendment. He noted that the significant setbacks and separation distance were to ensure to the Planning Commission, County Commissioners, and the neighbors that the use will be so far away from other uses along Croppers Island Road, it won't be seen or heard; "out of sight out of mind". Should the County Commissioners look favorably upon amendment, Mr. Ewell would have a refrigerated pickup truck deliver meat from slaughter facility to the roadside stand once per week.

Submitted as Applicant's Exhibit No. 1 was a three-page document outlining Friesla's Modular Meat Harvest Unit. Mr. Cropper stated that a cow walks in, the door is shut, and steaks come out the other end. The neighbors won't smell it, hear it, or know it is even happening. The proposed unit would be a total of 600 square feet, which is only a small portion of the generic building rendering in the exhibit. While this is proposed for the A-1 Agricultural District, Mr. Cropper noted that he recommended including it in the A-2 Agricultural District as well, as referenced in Ms. Tremblay's staff comments.

Submitted as Applicant's Exhibit No. 2 was a Google aerial photograph of the subject property. Mr. Wilkens identified the proposed location of the slaughterhouse, listed the proposed setbacks, and stated that it was over 1,500 feet from the facility to an adjoining dwelling. The building would not be visible from Croppers Island Road.

Submitted as Applicant's Exhibit No. 3 was an estimated annual cost (\$34,000) to have cows slaughtered off-site in Conowingo, Maryland. Mr. Cropper stated that is an agricultural use on agricultural land and asked that the Planning Commission give it a favorable recommendation.

The Planning Commission inquired about the process involved. Mr. Rod Ewell stated that if approved, on the day of slaughter, the facility will have a USDA certified inspector who is required to be on-site to inspect all aspects of the process. Darling International will pick up the remaining materials, and no waste will be processed on the farm. Mr. Cropper stated that the amendment is proposed as a special exception, therefore even if County Commissioners were to look favorable upon it, Messrs. Ewell would still need Board of Zoning Appeals approval of the use on this specific property. Mr. Barbierri noted that staff had provided copies of the public comments that were sent in and they are part of the record.

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Mrs. Wimbrow asked how the cows were killed, which was by a stun gun. While she was initially against the use, she grew up on a farm, and is familiar with the general process. While she had reservations, she felt slightly better by the special exception process. Mr. Church stated that he was reassured that they will hire a professional to take care of the remains. Mr. Barbierrri expressed concern that text amendments are applicable county-wide, and the testimony today was primarily geared toward Mr. Ewell’s property. Mrs. Knight was concerned about the terminology of a slaughterhouse. She went through the slaughtering process for poultry in Accomack County, and would prefer to have different language used, as “slaughter” has a negative connotation. She stated that in reading all the letters of concern, she found that there was nothing very specific, rather a focus on general environment, water quality, and negative impacts on health and safety. However, individuals did not provide any specific examples of those negative impacts. Ms. Drew noted that large farming equipment already travels the road on a regular basis. She’s been to many hog killings, she’s a poultry grower, and noted that Messer’s. Ewell could construct a poultry or hog farm, both of which would be more impactful than the proposed slaughter facility. Upon inquiry of how many properties could be impacted, staff noted that the 2017 Agricultural Census listed 39 farms, and the recently released 2022 Agricultural Census listed 38 farms. The census did not identify specific property locations, and staff acknowledged that it is only as good as the data reported.

Mr. Mitchell outlined the comments in his staff report and noted that he does not support the expansion of the use into the A-2 District. He recommended enhanced language for consideration of the special exception, like that provided in the I-2 Heavy Industrial District. Mr. Cropper believes that the Board of Zoning Appeals already has the right to impose additional standards as they deem necessary without such an amendment.

Following the discussion, a motion was made by Mrs. Knight to provide a favorable recommendation on the text amendment with additional language pertaining to the additional measures that the Board of Zoning Appeals may take for the use. Ms. Ott seconded the motion, and the motion carried 5 to 1 with Mr. Barbierrri opposed.

V. Adjourn



Mary Knight, Secretary



Stuart White, DRP Specialist