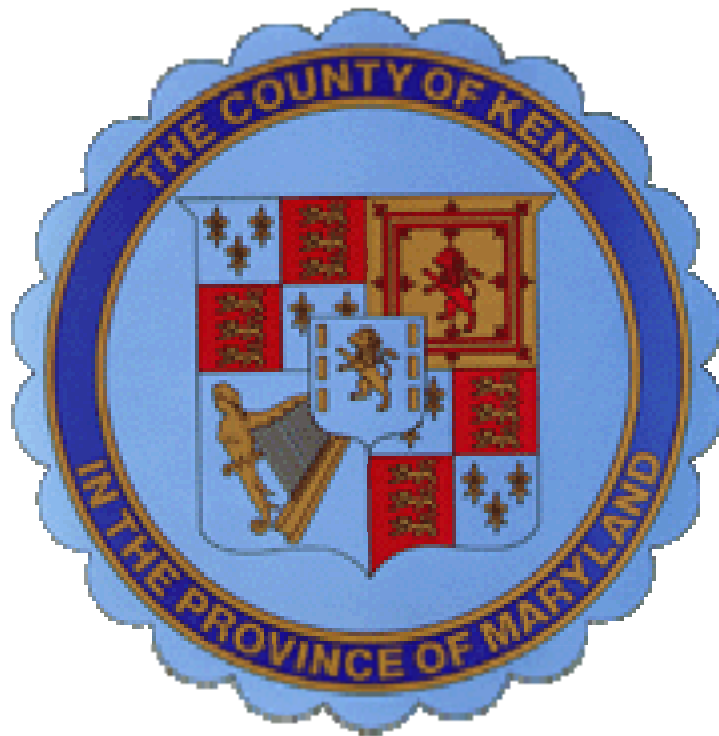


2010

Annual Report

Department of Planning, Housing & Zoning

Kent County, Maryland



Completed June 2011

This Annual Report is an opportunity to highlight the Department's achievements, identify development trends, and assess the planning and development process during calendar year 2010. This report will describe specific actions taken by the Kent County Planning Commission, Zoning Board of Appeals, Agricultural Advisory Commission, Agricultural Land Preservation Advisory Board, Historic Preservation Commission, Board of Electrical Examiners, Agricultural Resolution Board, Board of Housing Appeals, Board of Building Appeals, and Department of Planning, Housing and Zoning.

DEPARTMENT STAFF

Gail Owings, Director	Harold Coleman, Housing Inspector
Carla M. Gerber, Community Planner	Carolyn Brinkley, Office Manager
Bill Kerbin, Housing Planner	Kimberly Dixon, Secretary
Amy G. Moredock, Environmental Planner	Judy Hickman, Administrative Assistant
M. Richard Myers, Chief Inspector	Doris Olsen, Secretary
Bryan Foreman, Enforcement Officer	Michelle Wood, Admin. Aide (Jan. – June)

PLANNING COMMISSION

The Kent County Planning Commission, appointed by the County Commissioners of Kent County, acts as a citizen board for all planning matters. As set forth in Article 66B of the Annotated Code of Maryland, the Planning Commission makes recommendations to the County Commissioners on zoning map and text amendments and to the Board of Zoning Appeals on certain designated variances and special exceptions. The Commission may also prepare ordinances and plans for review by the County Commissioners. In its decision-making capacity, the Commission approves all major subdivisions and site plans.

MEMBERS

Elizabeth H. Morris, Chairman	Jay P. Lancaster
Roy W. Crow, ex officio	Patricia A. Langenfelder
Rev. Ruben Freeman	William S. Sutton
F. Joseph Hickman	G. Mitchell Mowell, Attorney

The Planning Commission meets the first Thursday of every month at 1:30 P.M., in the County Commissioners' Hearing Room in the County Government Center, 400 High Street, Chestertown. The agendas for all meetings are available from the Department of Planning, Housing and Zoning and on the County website prior to the meetings. The Planning Commission is a member of the Maryland Citizens Planners Association, and members attend training sessions and meetings. In 2010, the Planning Commission met 12 times.

COMMISSION TRAINING

□ *Eastern Shore Land Conservancy 11th Annual Planning Conference: "About Town: A Gathering to Uplift and Invest in our Eastern Shore Towns"*: Staff and planning commission members attended the Eastern Shore Land Conservancy's annual conference at Chesapeake College, Wye Mills.

□ Workshops in March for all Town and County Planning Commissions and Boards of Appeals. Using the Maryland Department of Planning's Education Course as a guide, staff developed three workshops to meet the training requirements of the Smart Sustainable Growth Act of 2009. All Kent County Planning Commission and Board of Appeals members completed the training course by July 1, 2010.

ZONING BOARD OF APPEALS

Appointed by the County Commissioners, the Zoning Board of Appeals hears and decides special exceptions, variances, and appeals of any decision or determination of the Zoning Administrator in the enforcement and administration of the Land Use Ordinance. The Zoning Board of Appeals meets on Monday evenings as may be required. In 2010, the Board of Appeals met 3 times.

MEMBERS

Albert Townshend, Chairman

Trey Hill, member

Allen Davis, member

P. Joan Horsey, alternate

Karen Ruff, Attorney for the Board

HOUSING

The Housing Improvement Program provides housing rehabilitation assistance to owners of substandard houses who meet certain income criteria. The repairs must address health and safety related matters. Repairs may include flooring, roofing, plumbing and electric systems, and well and septic systems. The program is generally funded through grants from the Department of Housing and Community Development, Maryland Affordable Housing Trust and a County match. Rehabilitation costs must not exceed \$25,000.

During 2010, there were 23 applications for assistance submitted to the County. There were four applications approved and for which work began in 2010. Another seven applications were approved but contracts were not awarded before the end of the year. Work was primarily for rehabilitation assistance, which improved the living conditions of 11 people. Both the number of applications submitted and approved decreased in 2010.

HISTORIC PRESERVATION COMMISSION

The Historic Preservation Commission is responsible for administering the Historic Preservation Ordinance which allows for the voluntary designation of Historic Sites and Districts in the unincorporated areas of the County. The Commission also reviews projects which may affect historic resources and makes recommendations to the Planning Commission on possible mitigation. The Commission is supported by staff from the Department of Planning, Housing and Zoning. The Commission meets on the last Monday of the month as needed and agendas are available prior to the meeting. The Commission met four times in 2010.

MEMBERS

Elizabeth Beckley, Chairman

Davy McCall

Janet Brandon

Max Ruehrmund

Carolyn Brooks

Bradley Skelcher

Susan Debnam

AGRICULTURAL ADVISORY COMMISSION

The Kent County Agricultural Advisory Commission provides advice to the County Commissioners of Kent County and the Kent County Planning Commission concerning any proposals that affect agriculture. Additionally, the Commission recommends changes to the Comprehensive Plan, Land Use Ordinance, and other programs which will improve and promote agriculture in Kent County. The Agricultural Advisory Commission is supported by staff from the Department of Planning, Housing and Zoning. The Commission meets as needed and an agenda is available from the Planning Department prior to the meeting. The Commission did not meet in 2010.

MEMBERS

Franklin Dill, Chairman
W. Frank Barnes, Jr.
David A. Hill
Herman E. Hill, Jr

Sean Jones
Craig McSparran
Jonathan Reed

AGRICULTURAL LAND PRESERVATION ADVISORY BOARD

The Agricultural Land Preservation Advisory Board reviews and approves all applications related to the Maryland Agricultural Land Preservation Foundation Program. These include applications to establish agricultural preservation districts, sell permanent protective easements to the Maryland Agricultural Land Preservation Foundation, create lot exclusions, and subdivide properties in the preservation program. The Board also establishes policies for ranking districts in the easement acquisition program. Staff for the Board is provided by the Department of Planning, Housing and Zoning. The Board meets as necessary and an agenda is available from the Planning Department prior to the meeting. The Board met four times in 2010.

MEMBERS

R. Allen Davis, Chairman
William Cooper
Jennifer Debnam

W. David Leager
Timothy Redman

The Board reviewed 2 applications to create Agricultural Land Preservation Districts. The County Commissioners approved all district applications. The Board also reviewed a request for an owner's lot release.

Districts Established in 2010

Owner	Address	Acres	Election Dist.
Southern Cattle Co, LLC	Morgnec Road	126	2
Mary Woodland Tan and Margaret Anne Cummings	Shallcross Wharf Road	220	2

**Note: See Appendix A for Map showing Kent County protected lands.*

AGRICULTURAL RESOLUTION BOARD

The Agricultural Resolution Board consists of five voting members appointed by the County Commissioners. A representative of the University of Maryland Cooperative Extension Service and a member of the Kent County Soil and Water Conservation District serve as non-voting members. The Board arbitrates and mediates disputes involving agricultural operations conducted on agricultural lands and issues findings concerning whether or not such operations are conducted in a manner consistent with generally accepted agricultural practices. The Board did not meet in 2010.

MEMBERS

R. Allen Davis, Chairman
William Bowdle
Michael Forney
Edward Taylor

William Washington
John Hall, Cooperative Extension
Timothy Redman, Soil & Water Conservation District

BOARD OF BUILDING APPEALS

The Board of Building Appeals hears and decides appeals of decisions of the Building Code Administrator in administering the Building Code. The Board consists of three members appointed by the County Commissioners and meets upon request. The Board did not meet during 2010.

MEMBERS

Richard Cookerly

William Issacs

James H. Smith

BOARD OF ELECTRICAL EXAMINERS

Appointed by the County Commissioners of Kent County, the Board of Electrical Examiners examines the qualifications and capabilities of all persons who are engaged in or desire to engage in the electrical business. The Board reviews applications for licenses and administers the homeowner's examination for those individuals desiring to perform electrical work in the individuals own home. The Electrical Board meets on the first Thursday of every month at 9 AM in the Department of Planning, Housing, and Zoning.

MEMBERS

Charles A. Langenfelder, Chairman
William S. Baldwin, Jr.

D. Michael Usilton

BOARD OF HOUSING APPEALS

A three member Board appointed by the County Commissioners, the Board of Housing Appeals hears and decides appeals of the Housing Code Official made in connection with the enforcement of the provisions of the Kent County Housing Code. The Board meets upon receipt of an appeal and did not meet in 2010.

MEMBERS

Nancy Dick
Janice Graham
Charles W. Summers

Ronald Kennard, alternate
Peter Newlin, alternate

SPECIAL PROJECTS

Special Projects which involved Department of Planning, Housing and Zoning staff in 2010 included:

2010 Census: Staff continued preparing for Census 2010. Staff conducted a complete count meeting with local representatives to encourage participation in the Census.

2010 Trust Fund: In partnership with the Chester River Association and Washington College, Kent County has been awarded the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund grant. This proposal focuses on achieving non-point source nutrient reductions. Specifically initiatives will address Agriculture Best Management Practices such as implementation of cover crop programs, switch grass plantings, precision farming techniques, and manure stockpiling. Marsh restoration has also been targeted to include wetland restoration ponds, marsh restoration, and urban stream restoration. In addition to agriculture best management practices and marsh restoration, denitrifying septic system education will be enhanced.

Chesapeake Country National Scenic Byway: The Scenic Byway Management Team continued to work on implementation of the Corridor Management Plan and Interpretive Plan. In 2010, the gateway sign initiative was completed, and a request for proposals was prepared for developing interpretive panels for a number of sites along the Byway.

Eastern Shore Heritage, Inc.: This is a cooperative project between Caroline, Kent, Queen Anne's, and Talbot Counties. The Heritage Area was certified in July 2008. Planning staff has supported ESHI's Stories of the Chesapeake and its adoption into the Comprehensive Plan. Staff has also acted as liaison between ESHI and the municipalities in the adoption of the Stories of the Chesapeake Heritage Area.

Early Action Compact: Staff reviews projects for conformance to the action strategies to reduce local emissions and improve air quality identified in the EAC. Kent and Queen Anne's Counties have been designated a nonattainment area by the Environmental Protection Agency. Both Counties continue to work with Maryland Department of the Environment and the Environmental Protection Agency to remove the two counties from the list of ozone nonattainment areas.

Hazard Mitigation Plan Update: Adopted by the Kent County Commissioners on October 24, 2004 and officially approved by the Federal Emergency Management Agency on November 28, 2005, the County Hazard Mitigation Plan is nearing its mandatory 5-year review and update. The 5 incorporated towns located within Kent County opted to be included in the County's Plan; therefore, the County update will also ensure the 5 towns' continued compliance with the Disaster Act of 2000, as well. To that end, the Planning Department submitted a Maryland Emergency Management Agency Mitigation Planning Grant Application to assist in funding the County update.

Kent County Total Maximum Daily Load Committee: The County formed a Kent County TMDL Committee which has been meeting since November 2006 to draft the Local Tributary Strategy Basin Implementation Plan. The draft was completed in March 2008 and represents a snapshot in time. This innovative Kent County Plan has been used as state model in the development of the Maryland Watershed Improvement Plan.

The Maryland Phase I Watershed Implementation Plan (WIP) process began in 2009 with that plan's two-year milestones established at that time. The Phase II WIP is proposed to begin on a local level in Spring 2011. Specific pollution allocation load numbers are to be provided to the counties and municipalities by Maryland Department of the Environment (MDE) in order for local jurisdictions to prepare its portion of the Phase II WIP.

Maryland Statewide Addressing Initiative: In partnership with ESRI, MSGIC (Maryland State Geographic Information Committee), and the Maryland Highway Safety Office, the Towson University Center for GIS (CGIS) worked with Maryland's counties and Baltimore City to complete the Maryland Statewide Addressing Initiative—Maryland's first statewide coordinated dataset. Project partners worked with Maryland's jurisdictions to obtain and/or synchronize their addressing data. Either by geodatabase replication or via FTP, all jurisdictions are now sharing their data to the statewide dataset housed at CGIS. Staff uploads updated centerline files at regular intervals.

Priority Preservation Area Element of the Comprehensive Plan: Under the Agricultural Stewardship Act of 2006, all counties with certified agricultural preservation programs must include a Priority Preservation Area Element within their Comprehensive Plans (PPA) by July 1, 2009. The County was granted conditional certification in June 2009 and the PPA was adopted on April 27, 2010.

Purchase of Development Rights Program: This program helps fund the purchase of conservation easements to assist in agricultural land preservation. The PDR program is required to remain a certified preservation program, thus allowing the county to keep 75 percent of the Agricultural Transfer tax.

Renewable Energy Task Force: In order for Kent County to address the opportunities and challenges presented by the development and use of clean renewable energy sources such as solar, wind, geothermal, methane, and biomass, the County Commissioners of Kent created a Renewable Energy Task Force to study the potential uses of renewable energy in the county and recommend appropriate policies and ordinance amendments. The Task Force met every other Friday from March until October producing recommendations in the form of a White Paper. The document was presented to the Planning Commission in November is currently under review.

Rural Legacy Program: The program is part of Smart Growth Initiatives and is aimed at preserving rural character through the purchase of development rights. The Agricultural Security Corridor (ASC) is sponsored by the Eastern Shore Land Conservancy and Cecil, Kent, Talbot, Caroline and Dorchester Counties. The ASC has received funding during each cycle of the Rural Legacy Program.

Sassafras River Association – Sassafras Watershed Action Plan: This project represents a collaborative effort between the SRA, state, local, and other stake holders to generate a watershed restoration action strategy. A core team of contributors was formed which compiled data for a stream protection corridor assessment and watershed characterization. Following community stakeholder meetings and core stakeholder group input, the watershed restoration goals and strategies were drafted and completed. The Environmental Protection Agency approved the SWAP and the core group continues to meet to discuss implementation and funding of the goals and strategies.

To that end, the Kent County Commissioners supported the application of the Sassafras River Association to Chesapeake & Atlantic Coastal Bays Trust Fund SFY12 to begin the implementation of the initiatives identified in the SWAP.

Stormwater Management Ordinance Revision: Staff prepared and submitted to the Maryland Department of the Environment the revised Stormwater Management Ordinance that reflects the Stormwater Management Act of 2007 and the modifications to Chapter 5 of the 2000 Maryland Stormwater Design Manual. The Stormwater Management text amendment was adopted on November 16, 2010.

Water Resources Element: The purpose of the Water Resources Element, as defined in Maryland House Bill 1141, is to establish a clear relationship between existing and proposed future development; it further establishes the relationship between drinking water sources and wastewater facilities that will be necessary to serve that development and measures to limit or control the stormwater and non-point source water pollution that will be generated by new development. The document identifies drinking water sources and wastewater treatment facilities needed to support the existing and future development. It also identifies suitable receiving waters for existing and future wastewater and stormwater discharges. Collaboratively, Kent County and the Towns of Betterton, Chestertown, Galena, Millington, and Rock Hall have prepared a Water Resources Element that will “focus growth to areas best suited to use the existing and planned water and wastewater infrastructure that will protect and preserve the natural environs, promote economic growth and support diversity of living environments in Kent County.”

The County received a grant from Maryland Department of Natural Resources Chesapeake and Coastal Program to complete the draft document. Staff provided the GIS data needed by the consultant to complete the project. The WRE was adopted as an amendment to the Comprehensive Plan on September 21, 2010.

MEETINGS AND ORGANIZATIONS

During 2010, in addition to meetings associated with special projects, the Department of Planning, Housing and Zoning Staff attended, participated on, or acted as liaison to the following meetings or organizations:

- 2010 Trust Fund Kent County Grant meetings
- Bay Area Association of Realtors Training Class
- Coastal and Watershed Resources Advisory Committee
- Critical Area Commission – Chesapeake and Atlantic Coastal Bays
- Critical Area Commission Buffer Regulations Training
- Chesapeake Country National Scenic Byway
- Chester River Association—Annual Snapshot
- Eastern Shore Land Conservancy – Annual Conference and quarterly planner’s meetings
- Eastern Shore Heritage, Inc. (Stories of the Chesapeake Heritage Area)
- Environmental Protection Agency Draft TMDL meeting
- Governor’s Commission on Agriculture
- Governor’s Housing Conference
- Kent County Chamber of Commerce – Workforce Housing Task Force
- Kent County Council of Government
- Kent County Renewable Energy Task Force
- Living Shorelines Workshop—Jefferson Patterson Park and Museum
- Local Emergency Planning Committee
- Maryland Agricultural Land Preservation Foundation
- Maryland Association of Counties:
 - Planning Official's Meetings
 - Critical Area Planners Meetings and workshops
- Maryland Department of the Environment: Bay TMDL/Watershed Implementation Plan Meetings
- Maryland Department of the Environment—Pier Review Task Force
- Maryland Department of the Environment: Understanding the Bay TMDL
- Maryland Department of Planning - Plan Maryland meeting
- Maryland Department of Planning—Planning Directors Roundtable
- MDP Smart, Green and Growing Training Sessions
- Maryland Growth Scenarios Project
- Maryland Small-Scale and Community Wind Energy Forum
- Preservation Maryland Annual Conference
- Priority Preservation Area – Public Meeting
- Rural Legacy Advisory Board
- Sassafras River Association—SWAP Core Team
- Sassafras River Association annual meeting
- Sea Level Rise Planning Workshop
- State Highway Administration—Route 213 Bypass meeting
- State Highway Administration Pre Tour Meeting
- Upper Chester River: Showcase Watershed Partners Meeting
- Upper Eastern Shore Tributary Team monthly meetings and wade in
- Upper Shore Regional Council
- Urieville Lake restoration meeting with USACE
- World Cafe Meeting

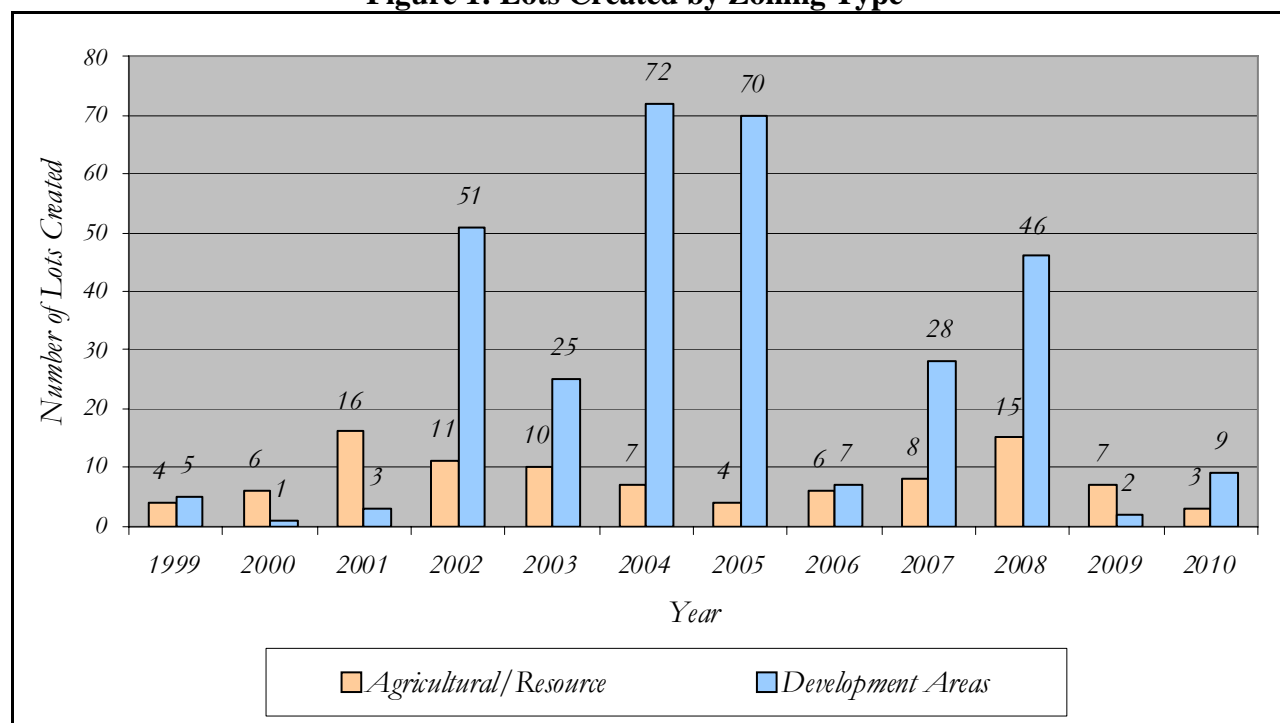
PLANNING & DEVELOPMENT

Within the unincorporated areas of the County, 12 new lots were approved in 2010. In addition, four major subdivision applications, consisting of a proposed 119 lots, are pending further action.

All major and minor subdivision applications are reviewed by the Technical Advisory Committee at least twice. The Technical Advisory Committee also reviews all adjustments of lot lines and any other site plan. All major subdivision applications and site plans are reviewed by the Planning Commission. The Planning Commission makes a final decision on all major subdivision and site plan applications. As a part of their review, the Planning Commission routinely consults with incorporated towns that may be affected by a project. As part of their findings, the Planning Commission is required to determine that the project is consistent with the Kent County Comprehensive Plan and other applicable plans or ordinances, including the Comprehensive Plans of the incorporated towns.

Of the 12 lots approved in 2010, only 3 were located in the Priority Preservation Area. However, as was the case in 2009, no one would consider 2010 to be a normal year. Department staff also is of the opinion that interest in locating development in designated growth areas remains strong. Figure 1 shows the development trends of lots approved by zoning type. Figure 1 also shows how variable the amount of development activity can be within the unincorporated areas of the County.

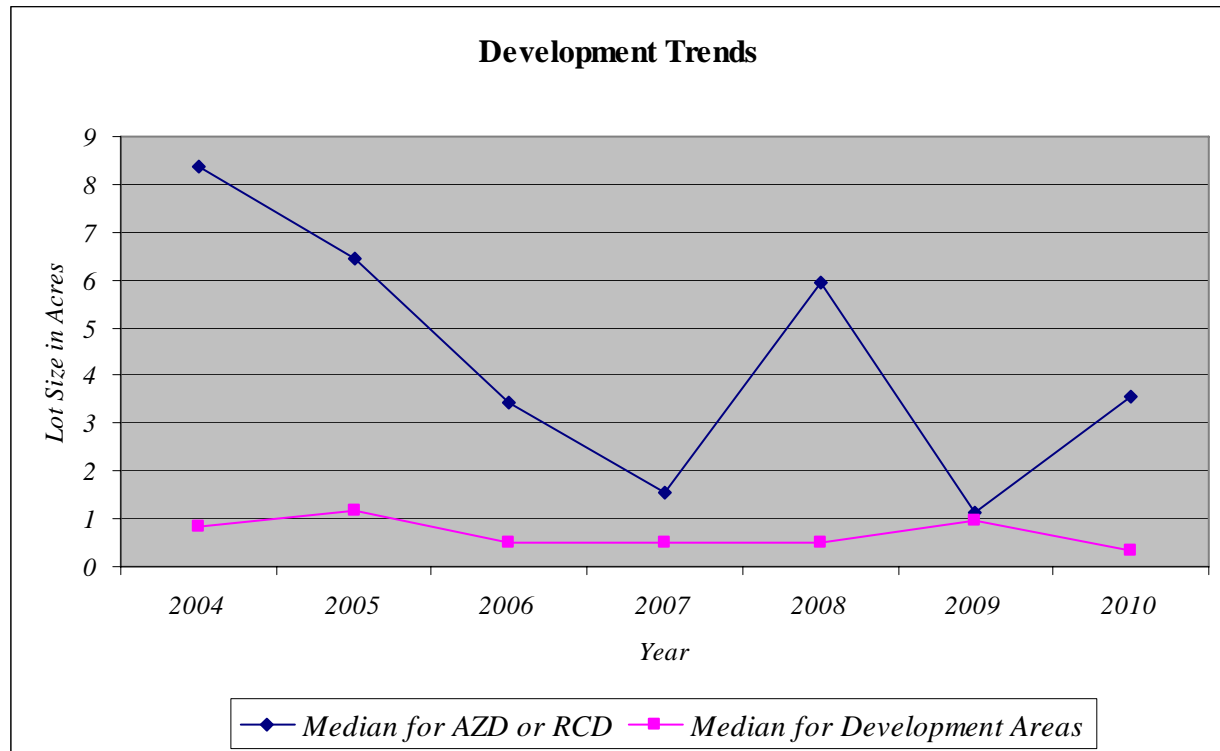
Figure 1: Lots Created by Zoning Type



Lot size is another variable to consider. Lots created in the Agricultural and Resource Conservation Districts tend to be larger because they are served by private wells and individual septic systems. The median lot size in the Agricultural and Resource Conservation Districts trended upward again in 2010. However, two lots were created around existing dwellings and

were intra-family transfers. The median lot size within the County's development areas has remained fairly constant and is 0.516 acres for 2004-2010. Figure 2 shows the development trends for median lot size by zoning type.

Figure 2: Median Lot Size by Zoning Type



Protecting farmland and natural resources from development and growth and encouraging growth in and around existing towns in the form of sustainable growth are fundamental goals of the Comprehensive Plan and Land Use Ordinance. Landowner interest in preserving farmland remains high. Since 1972, over 30,000 acres of farmland have been permanently protected.

Table 1: New Lots Created

	Lots Created	Median Lot Size
Major Subdivision	5	0.232 acres
Minor Subdivision	7	3.126 acres

Table 2: New Lots Created by Zoning District

Zoning District	Number of Lots
Agricultural	2
Resource Conservation District	1
Critical Area Residential	2
Crossroads Commercial	1
Intense Village	1
Village	5
Total	12

Major Subdivisions

Major subdivisions contain 6 or more lots, sites, parcels, tracts, or other divisions of land. All lots or other divisions of land recorded after December 23, 1969, from an original lot or parcel of land as described in the Land Records of Kent County are counted in determining the number of lots in a subdivision. The Technical Advisory Committee reviews and the Planning Commission approves major subdivisions in three phases: Concept, Preliminary, and Final Plan Review.

Two new major subdivision applications were submitted and approved during 2010 resulting in the creation of 5 new lots. There are 4 applications in the system pending further action. The proposed subdivisions total 119 lots and all are located inside development areas.

Major Subdivisions Completed in 2010

Harambee, LLC: In June, Rev. Clarence Hawkins. subdivided 4 lots and in November he subdivided an additional lot from his 3.285 acre parcel bounded Martin Wagner Road, Johnson Road and Courts Road (now Obama Road), in the Fifth Election District. The property is zoned Village. The average lot size of the subdivision is 0.232 acres.

Bay Utilities, LLC – The Planning Commission reviewed an application for a re-subdivision of the Robin’s Way subdivision located north of Rock Hall in the Fifth Election District. A lot was relocated and the open space was reconfigured. Utility and slope easements were added along Fithian Drive and several properties lines were corrected.

Major Subdivisions Reviewed in 2010

Andover River Acres – Phase II: John Stoltzfus proposes to subdivide 34 lots additional lots from his 106-acre parcel located just east of Millington on MD Rt. 291. The average lot size in the proposed subdivision is approximately 0.75 acres. The parcel is located in the First Election District and is zoned Community Residential (CR). Originally submitted in 2006, this subdivision received preliminary approval in October 2009. In January 2010, the Planning Commission granted final approval contingent upon approval of letters of credit. Mr. Stoltzfus had not recorded the subdivision by the end of the year.

Minor Subdivisions

Thirteen minor subdivision applications were submitted to the Planning Department during 2010. Of those applications, 6 were approved consisting of 7 new lots. The median lot size for all lots approved in 2010 was 3.126 acres.

Minor Subdivisions Completed in 2010

Alton Farms, LLC: Julia Ridgely subdivided a 3.559 acre lot from her 92.705 acre farm on Eastern Neck Road in the Fifth Election District. The proposed lot is located within the Resource Conservation District.

David Bringman: subdivided a 1.508 acre lot from his 10.922 acre property on Morgnec Road near Chestertown in the Fourth Election District. The proposed lot is located in the Intense Village District (IV).

C. Russell Brown: subdivided two lots from his existing parcel on Mill Lane in the First Election District. Although considered a subdivision due to the principle of merger by operation of law, Mr. Brown was actually re-establishing parcel lines per the three parcels listed in his deed. No new lots were created.

Linda Kimble: subdivided a 3.0 acre lot with an existing dwelling from her 11.284-acre parcel located on Tolchester Road Sixth Election District. The proposed lot is zoned Crossroads Commercial.

R. Scott Mason: subdivided a 6.358 acre parcel with an existing dwelling from his 427.438-acre farm located on Augustine Herman Highway near Galena in the First Election District. The proposed parcel is zoned Agricultural Zoning District.

R. Scott Mason: subdivided a 2.536 acre parcel with an existing dwelling from his 272.915 acre farm located on Ireland's Corner Road in the First Election District. The proposed lot is zoned Agricultural Zoning District.

Road Waivers

Herman Hill: Mr. Hill was granted a waiver of the 50-foot private road width requirement and a waiver to permit a portion of Newt Downey Road to serve more than 5 properties. Mr. Hill requests these waivers so that he may subdivide his parcel. The property is zoned Critical Area Residential (CAR) and Marine (M).

Adjustment of Lot Lines

Adjustment of Lot Lines applications are reviewed by Planning and Zoning Staff and the Technical Advisory Committee. Planning Staff and TAC reviewed 22 adjustments of lot lines in 2010.

Table 3: Lot Line Adjustment by Zoning District

Zoning District	Number
Community Residential	5
Critical Area Residential	4
Agricultural Zoning District	3
Village	2
Resource Conservation District	2
Rural Character	1
Critical Area Residential/Rural Residential	1
Crossroads Commercial/Agricultural Zoning District	1
Agricultural Zoning District/Resource Conservation Dist.	1
Agricultural Zoning District/Intense Village	1
Resource Conservation District/Betterton R-2	1
TOTAL	22

Site Plan Reviews

Major site plan reviews are required for commercial development, industrial development, multifamily dwellings, special exceptions, quasi-public, and public facilities. The Technical Advisory Committee reviews and the Planning Commission approves these projects. Site plan review occurs in three stages: Concept, Preliminary, and Final Plans. Minor site plans are reviewed by the Technical Advisory Committee and may be approved by the Planning Director.

Staff reviewed 6 site plans in 2010, 4 of which were minor site plan reviews. All received final approval.

Site Plans Completed in 2010

Eastern Shore Bible Baptist Church: Proposal to construct a 7,200 square foot accessory building to provide space for Sunday School classes and a recreational gymnasium. The parcel is located on Gregg Neck Road in the First Election District. The parcel is zoned Rural Residential. This was a major site plan review because the building required a special exception.

Sempno 1, LLC: Proposal to construct a utility scale solar panel field on a 2 acre lot located in the Kent County Business Park at Worton in the Third Election District. The property is zoned Industrial. This was a major site plan review.

Delmarva Power: Proposal to upgrade a substation located on Lynch Road in the Third Election District. The parcel is zoned Village. This was a minor site plan review.

Kent County Board of Education: Proposal to locate a classroom trailer at Kent County High School in the Third Election District for use as the alternative school facility. The parcel is zoned Village. This was a minor site plan review.

Langford Bay Associates (Phase I: Pier and Parking): Proposal to rebuild an existing pier, replace an existing boat shed, provide dinghy storage, and provide adequate parking spaces as part of renovating an existing marina. The parcel is located on Kelly's Park Road in the Fifth Election District and is zoned Marine. This was a minor site plan review.

Wind River Associates: Proposal to operate an archery range as part of an existing sporting goods store. The parcel is located at the corner of Still Pond Road and Augustine Herman Highway in the Second Election District and is zoned Crossroads Commercial. This was a minor site plan review.

Zoning Text Amendments

Growth Allocation – The policy was amended to reflect comments from the Critical Area Commission and changes in Critical Area regulations. Policy revisions include such changes as noted below:

- ❖ Inserting a title
- ❖ Clearly stating that in order to receive growth allocation, the project must meet all the listed criteria

- ❖ Listing the criteria for locating new limited development areas and intensely developed areas; these include both the requirements of the Critical Area Commission, as well as local standards designed to provide some flexibility.
- ❖ Changing the stage of Planning Commission review for eligibility for growth allocation consideration to both concept and preliminary from solely conceptual review. This change is necessary for consistency with the items required by the Critical Area Commission review.

Solar Energy Systems in the Industrial District – The Employment Center and Industrial Districts were amended to allow as permitted uses utility scale solar energy systems provided the systems are located to avoid glare onto adjacent properties, are screened along the non-reflective axis, do not exceed height regulations and are registered with the Department of Emergency Services.

Other Projects Reviewed

Comprehensive Water and Sewer Plan Amendments: The Planning Commission reviewed three amendments to the Water and Sewer Plan. One amendment describes improvements to the Galena wastewater treatment plant and the other includes authorization for a feasibility study in the Still Pond/Colemans area. The third amendment prohibits deferred payment of sewer allocations. All three amendments were found to be consistent with the Comprehensive Plan.

Queen Anne's Comprehensive Plan: The Planning Commission reviewed and commented on the Draft Queen Anne's County Comprehensive Plan..

BUILDING PERMITS

Building permits are reviewed by Planning, Housing and Zoning Staff for consistency and compliance with the Comprehensive Plan, Land Use Ordinance, and Forest Conservation, Sediment Control, Floodplain, and Stormwater Management regulations. Staff reviewed 375 permits for the unincorporated areas of the County and 2 sediment control permits for Galena. The County issued 348 building permits, including 18 new single family dwelling permits 2010.

The highest percentage of new single family dwellings were constructed in the Second Election District (a total of 33.3 percent), followed by the Fifth Election District. No new homes were built in the unincorporated areas of the Fourth or Sixth Election Districts. Likewise, approximately 1/3 of all new homes were built in the Sassafras watershed. Only one dwelling, a replacement trailer, was located in the Priority Preservation Area. Additionally, 50 percent of the homes built in 2010 had a construction value of under \$200,000. Approximately 28 percent of homes built listed construction values between \$200,000 and \$450,000. Finally, 22 percent of homes built in 2010 listed construction values ranging from \$450,000 to \$750,000. These numbers do not reflect sale value but construction value as reported on building permit applications.

Figure 3: New Single Family Dwellings by Zone Type

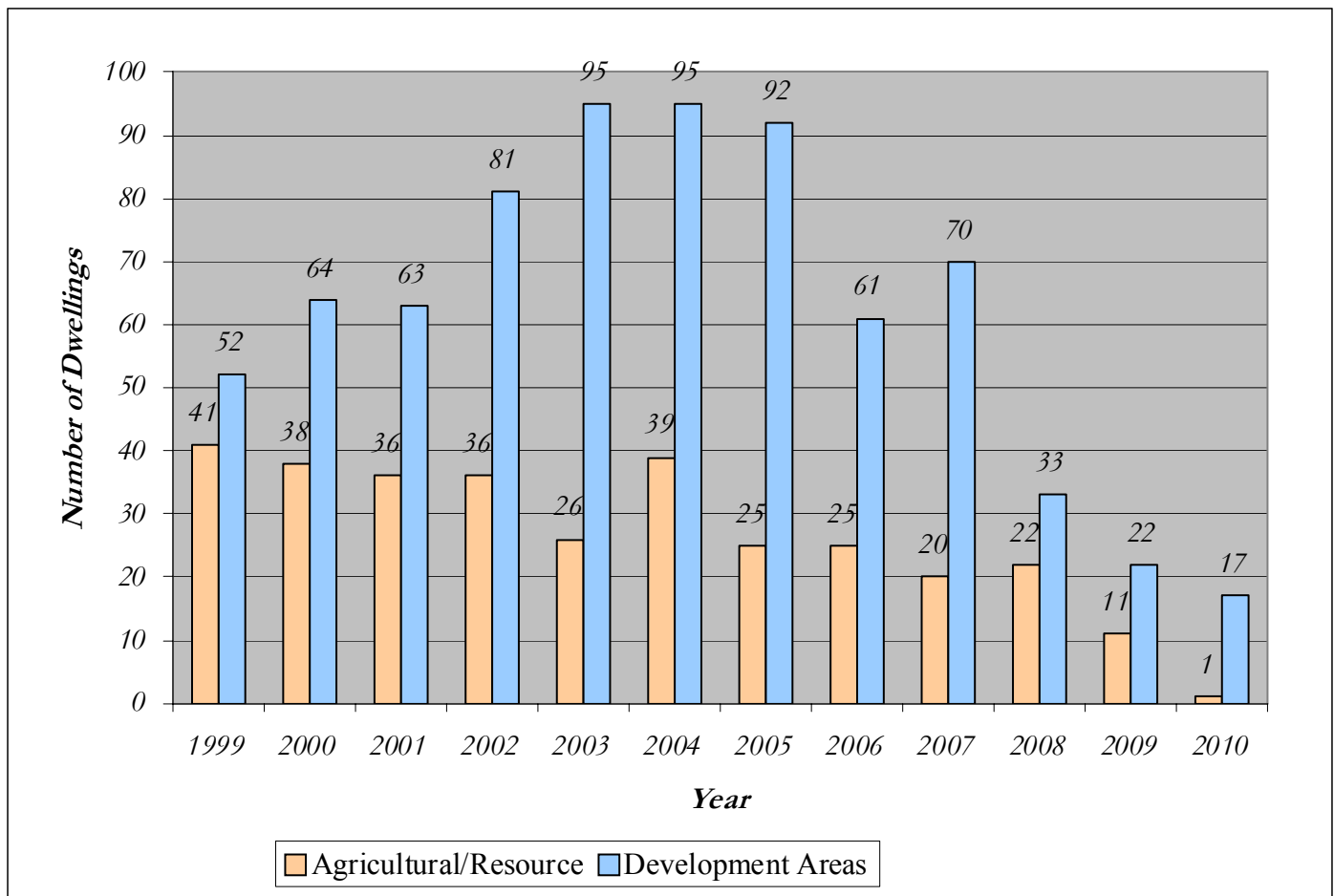


Table 4: Building Permits by Type

Application Type	Number	Percentage
Accessory Building	67	17.8
Agricultural Building	17	4.5
Commercial Addition/Alteration	8	2.1
Deck/porch	32	8.5
Demolition	37	9.8
Dog Kennel	1	0.3
Garage	6	1.6
Logging	9	2.4
New Commercial Building	2	0.5
New Single Family Dwelling	18	4.8
Other	25	6.6
Pier	8	2.1
Residential Addition/Alteration	70	18.6
Sediment Control	19	5.0
Sign	7	1.9
Swimming Pool/Spa	11	2.9
Use	6	1.6
Bulkhead	5	1.3
Closed, pending, denied, or withdrawn	29	7.7
Total	377	100.0

Figure 4: Building Permits by Type

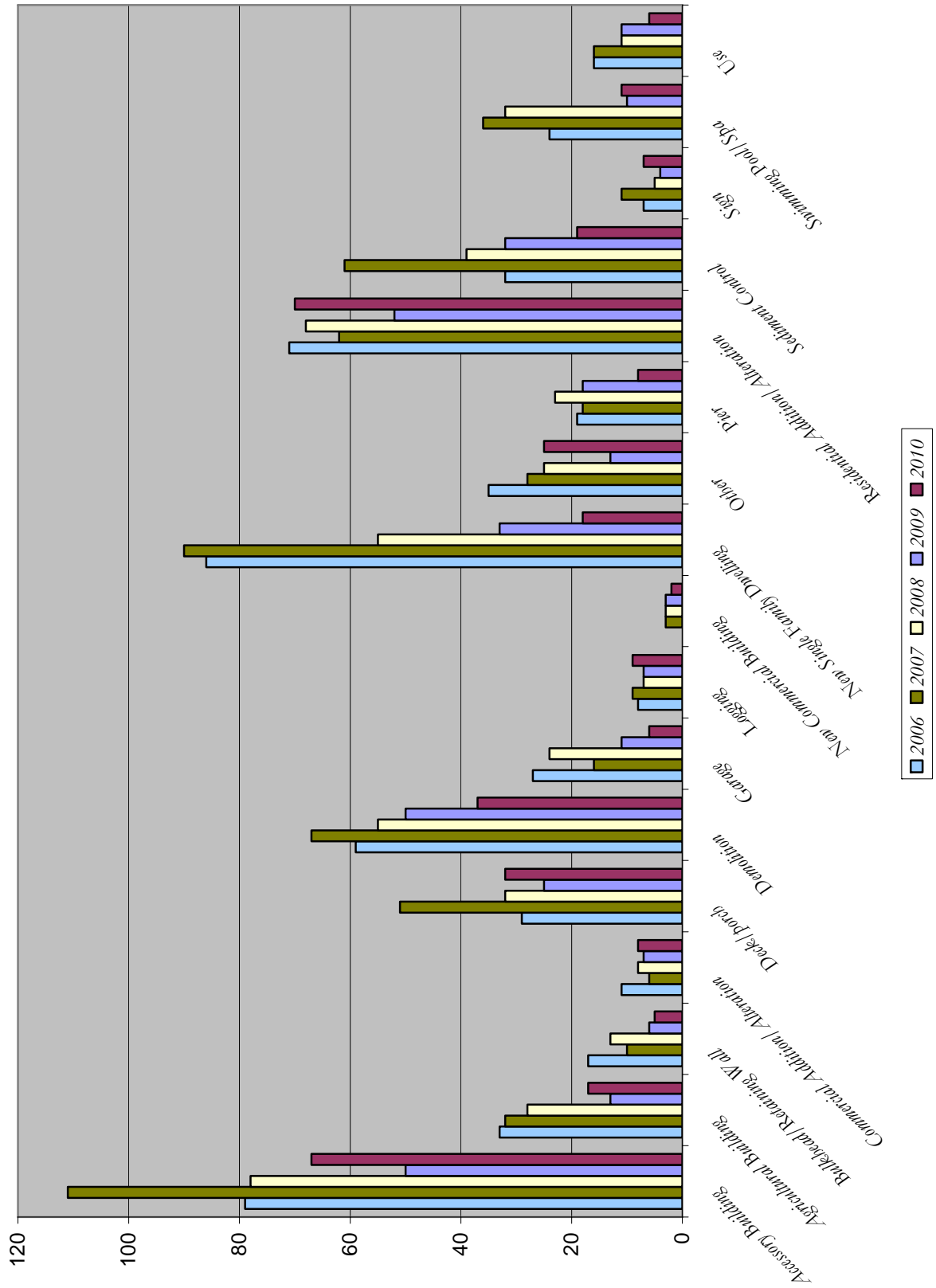


Table 5: New Single Family Dwellings by Zoning District*

Zoning District	Total	Percentage
Agricultural Zoning District	1	5.6
Community Residential	5	27.8
Village	3	16.7
Critical Area Residential	8	44.4
Rural Residential	1	5.6
Total	18	100.0

**Note: See Appendix B for Map showing locations of New Single Family Dwellings and Subdivisions*

Table 6: New Single Family Dwellings by Election District*

Election District	Number	Percent
First	3	16.7
Second	6	33.3
Third	2	11.1
Fourth	0	0.0
Fifth	4	22.2
Sixth	0	0.0
Seventh	3	16.7
Total	18	100.0

**Note: See Appendix C for Election District Map.*

Table 7: New Single Family Dwellings by Watershed*

Watershed	Number	Percent
Langford	0	0.0
Lower Chester	4	22.2
Middle Chester	5	27.8
Sassafras	6	33.3
Still Pond/Fairlee	2	11.1
Upper Chester	1	5.6
Total	18	100.0

**Note: See Appendix D for Watershed Map.*

Table 8: Value of New Single Family Dwellings*

Construction Value	Number	Percent
\$0-\$49,999	1	5.6
\$50,000-\$99,999	2	11.1
\$100,000-\$149,999	4	22.2
\$150,000-\$199,999	2	11.1
\$200,000-\$249,999	1	5.6
\$250,000-\$299,999	1	5.6
\$300,000 -\$349,999	2	11.1
\$350,000-\$399,999	0	0.0
\$400,000-\$449,999	1	5.6
\$450,000-499,999	3	16.7
\$500,000+	1	5.6
TOTAL	18	100.0

** As reported on building permit applications.*

SEDIMENT CONTROL/STORMWATER MANAGEMENT

The Planning and Zoning Staff is directly involved in permitting and enforcing the Erosion and Sediment Control and Stormwater Management Ordinances. During 2010, the Staff was involved with 155 sediment control and stormwater management permits for single family dwellings, sediment control and floodplain. Each permit requires a minimum of 1 site inspection.

VARIANCES

The Planning Commission forwards recommendations to the Zoning Board of Appeals concerning all variance applications except variances of the Floodplain Ordinance. During 2010, 2 applications for variances were submitted, and the Board heard 1 of the applications. Of the 2 variance requests, 1 was granted, and 1 was not heard because an associated special exception was denied.

Table 9: Variances Granted and Denied by Type*

Variance Type	Total	Granted	Denied	Withdrawn	Tabled
Buffer	1	1	0	0	0
Setback	1			1	
Total	2	1	0	1	0

Administrative Variances*

Beginning in October 2003, the Planning Director, or Planning Director's designee, gained the authority to grant Administrative Variances. Applicants may apply for an Administrative Variance from the yard but not buffer, height, parking, and loading requirements that do not exceed 50 percent of the required yard for the applicable zoning district so as to relieve practical difficulties or other injustices arising out of the strict application of the Ordinance. These hearings do not go before the Planning Commission but may be submitted, at the Planning Director's discretion, to the Board of Appeals for approval. The Planning Director and her designee reviewed a total of 4 variance requests in 2010. All were approved by the Planning Director.

** See Appendices E1 and E2 for a list of Variances and Administrative Variances and decisions.*

SPECIAL EXCEPTIONS

The term "Special Exception" was adopted in the 2002 Land Use Ordinance and replaces the term "Conditional Use". These terms are used interchangeably throughout the state. Kent County adopted the term "Special Exception" to become more consistent with other Maryland Counties. The purpose of the Special Exception is to provide for certain uses, which because of their unique characteristics cannot be distinctly listed as a permitted use in a particular District. These special exceptions may be approved by the Board of Zoning Appeals, or where applicable the Planning Director (see below), after consideration in each case of the impact of such uses upon neighboring uses, the surrounding area and the public need for the particular use at the particular location. The Board may authorize buildings, structures, and uses as special exceptions in specific instances and particular zoning districts. In 2010, Staff worked on 4 applications for special exception.

Table 10: Special Exceptions Granted and Denied by Type*

Special Exception	Total	Granted	Denied	Withdrawn
Accessory Use – House of Worship	1	1	0	0
Continue operation of sand & gravel pit	1	1	0	0
Convalescent Home	1	1	0	0
Raising of Livestock	1	0	1	0
Total	4	3	1	0

Administrative Special Exceptions*

Along with administrative variances, the Planning Director, or Planning Director's designee, may hear and decide the following special exceptions: accessory storage structures, accessory structures in the front yard requirement of waterfront parcels, accessory structures in the front yard of a through lot, and day care group. This provision, adopted in the 2002 Land Use Ordinance, allows for the aforementioned cases to be decided by the Planning Director rather than the Board of Appeals, thus lessening the number of cases that appear before the Board. The Planning Director and her designee heard a total of 5 administrative special exception cases in 2010.

**See Appendices E3 and E4 for a list of Special Exceptions and Administrative Special Exceptions and decisions.*

DETERMINATION OF NON-CONFORMING USE

In 2010, there was an application for a determination of non-conforming use which involved the stabling of horses on a small parcel. The Planning Director found sufficient evidence that horses had been kept on the property prior to 1969 and granted the use.

CODES ENFORCEMENT

Kent County's Land Use Ordinance is directly enforced by the Department of Planning, Housing and Zoning Staff. In 2010, staff was involved with 49 violation cases, including 3 Critical Area violations. Each case requires a minimum of two inspections. In addition to inspections resulting in citations, staff routinely responds to potential violation concerns expressed by property owners.

The Department of Planning, Housing and Zoning collected \$12,500 in Critical Area fines. The nature of the fines collected in 2010 mainly was related to applicants building or clearing vegetation within the Critical Area Buffer prior to obtaining permits.

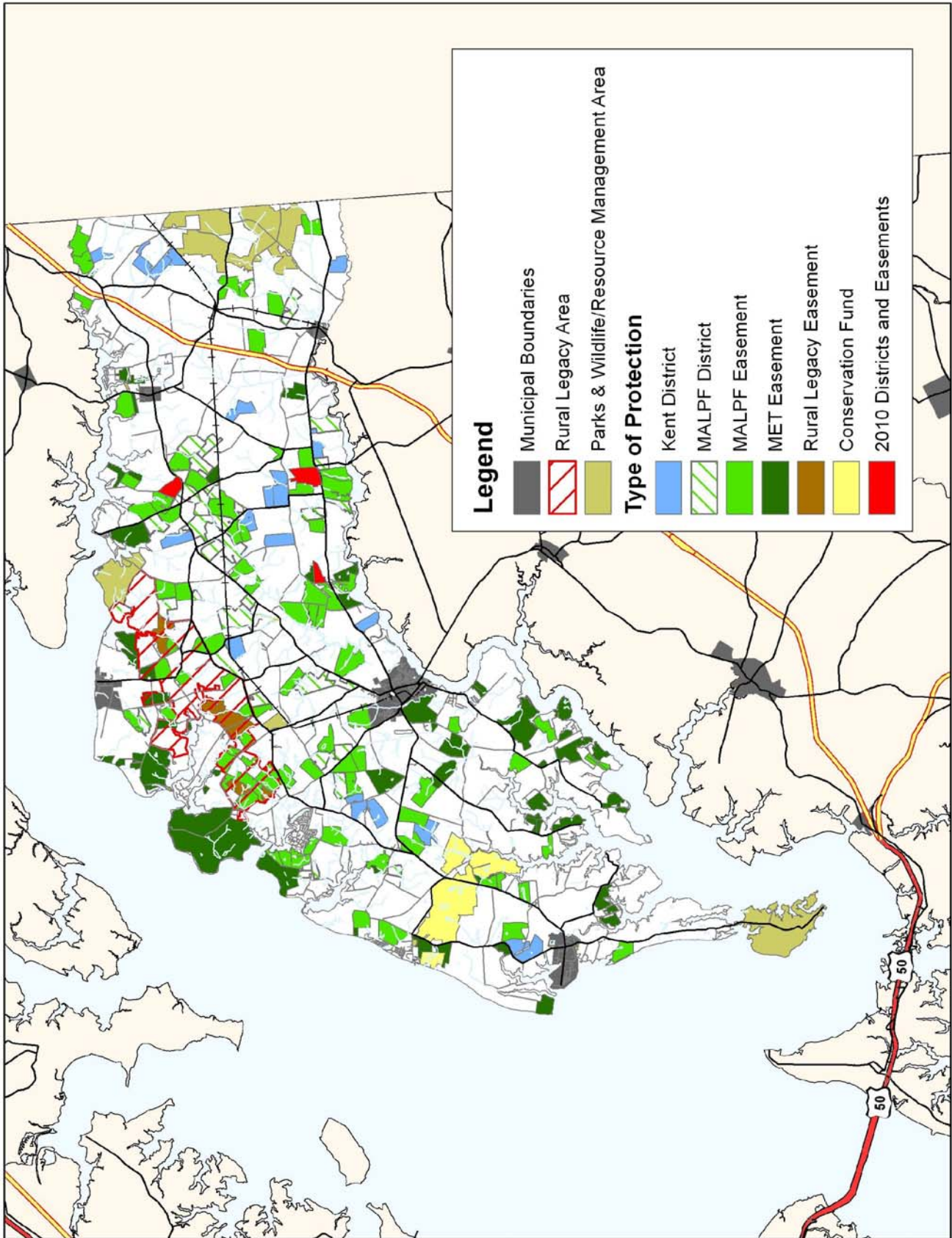
In addition, there were 74 Critical Area Buffer Management Plans and 140 Critical Area Forest Clearing Plans.

Staff spends a significant amount of time meeting onsite with property owners in an effort to reduce code violations; staff conducted more than 200 Critical Area site inspections related to tree or vegetation removal and replacement, potential projects, and staff reports. In addition to specific violation cases, staff conducted approximately 150 inspections related to enforcement of sediment control, stormwater management and floodplain regulations.

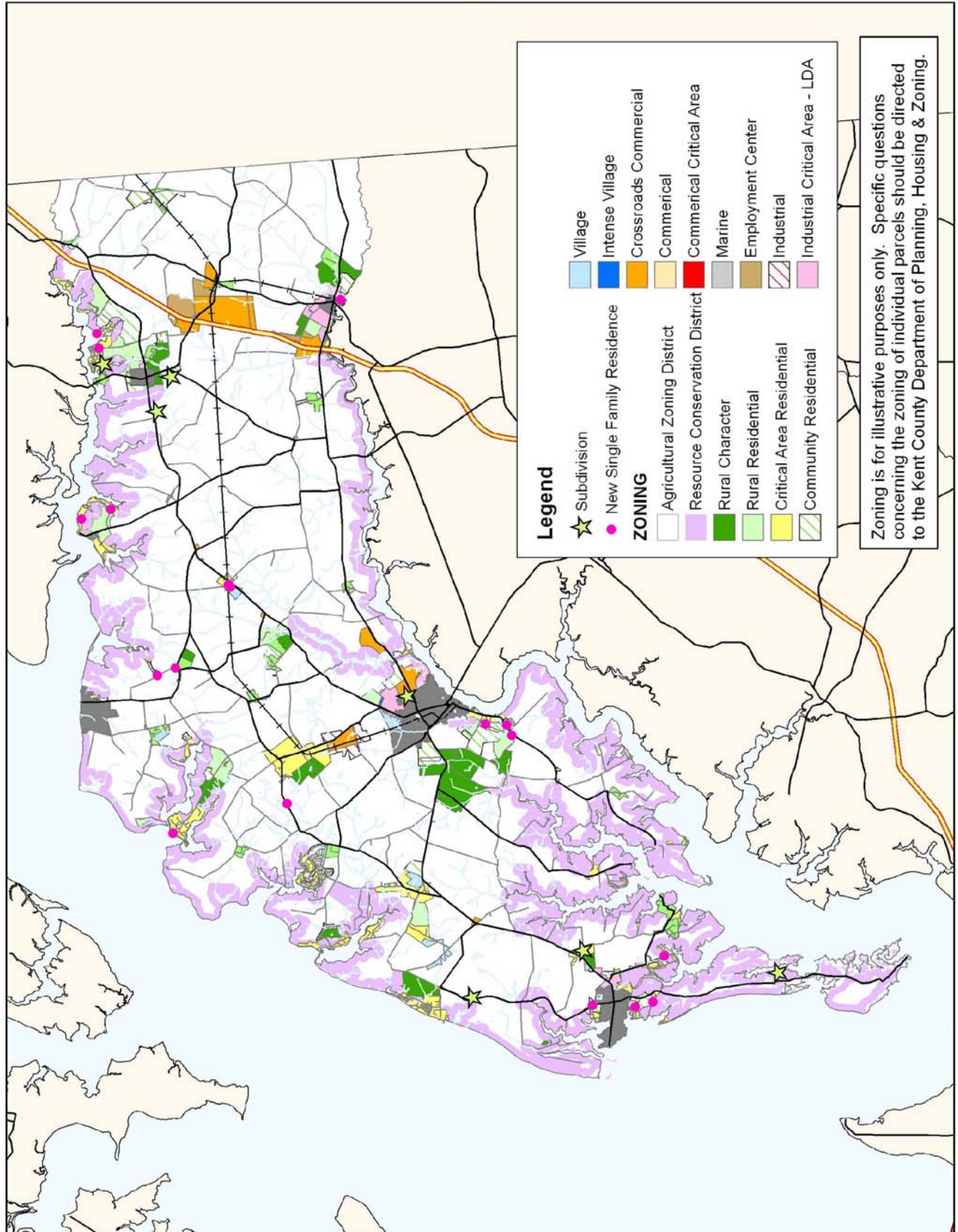
Table 11: Violations by Type

Case Type	Number of Cases
Building without a permit	3
Clearing in the Buffer	2
Clearing in the Forest in the CA	1
Junk and Debris	3
Illegal Signs/Use	4
Unsafe Property	12
Unregistered Vehicle	17
Other	7
TOTAL	49

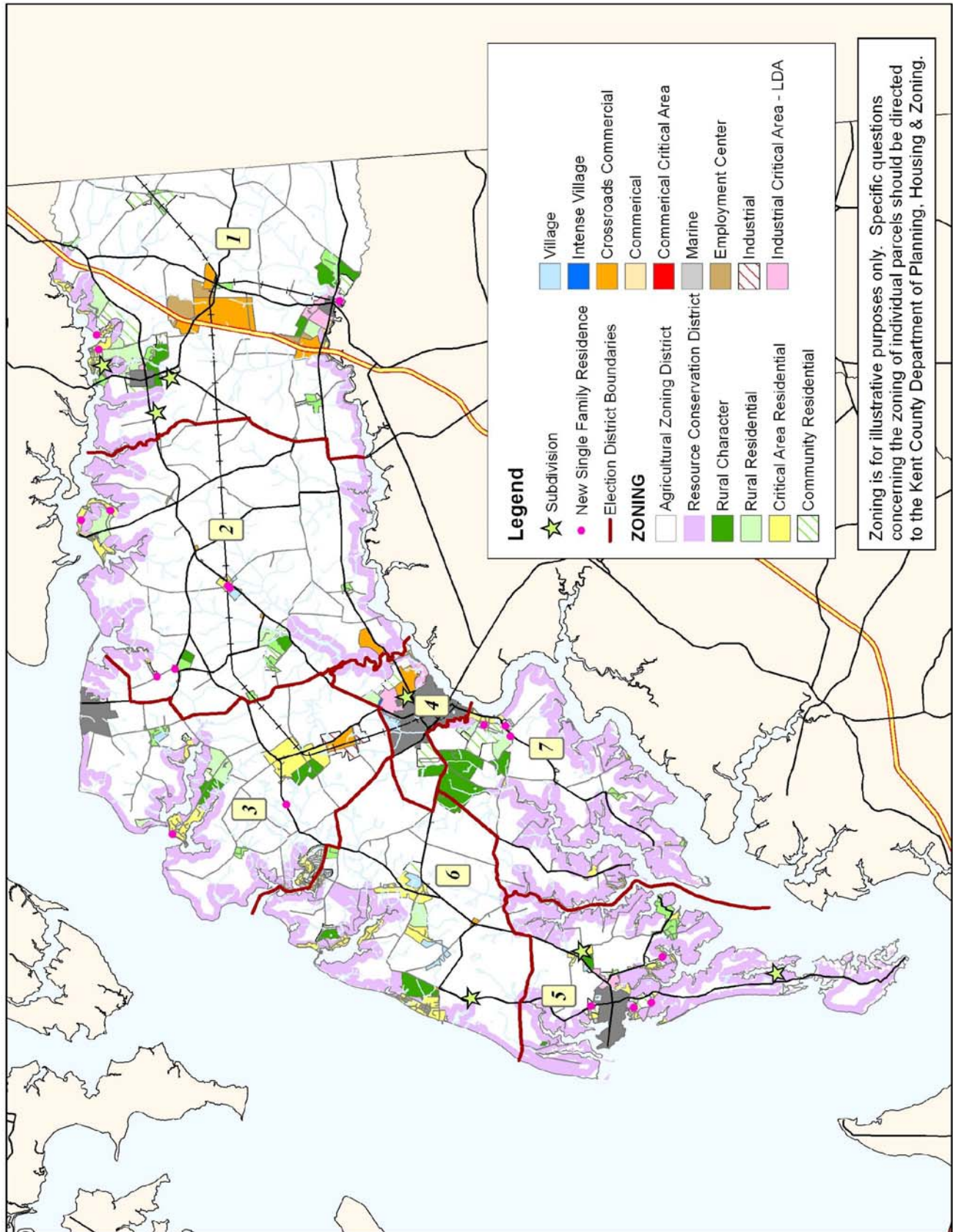
Appendix A: Kent County Protected Lands



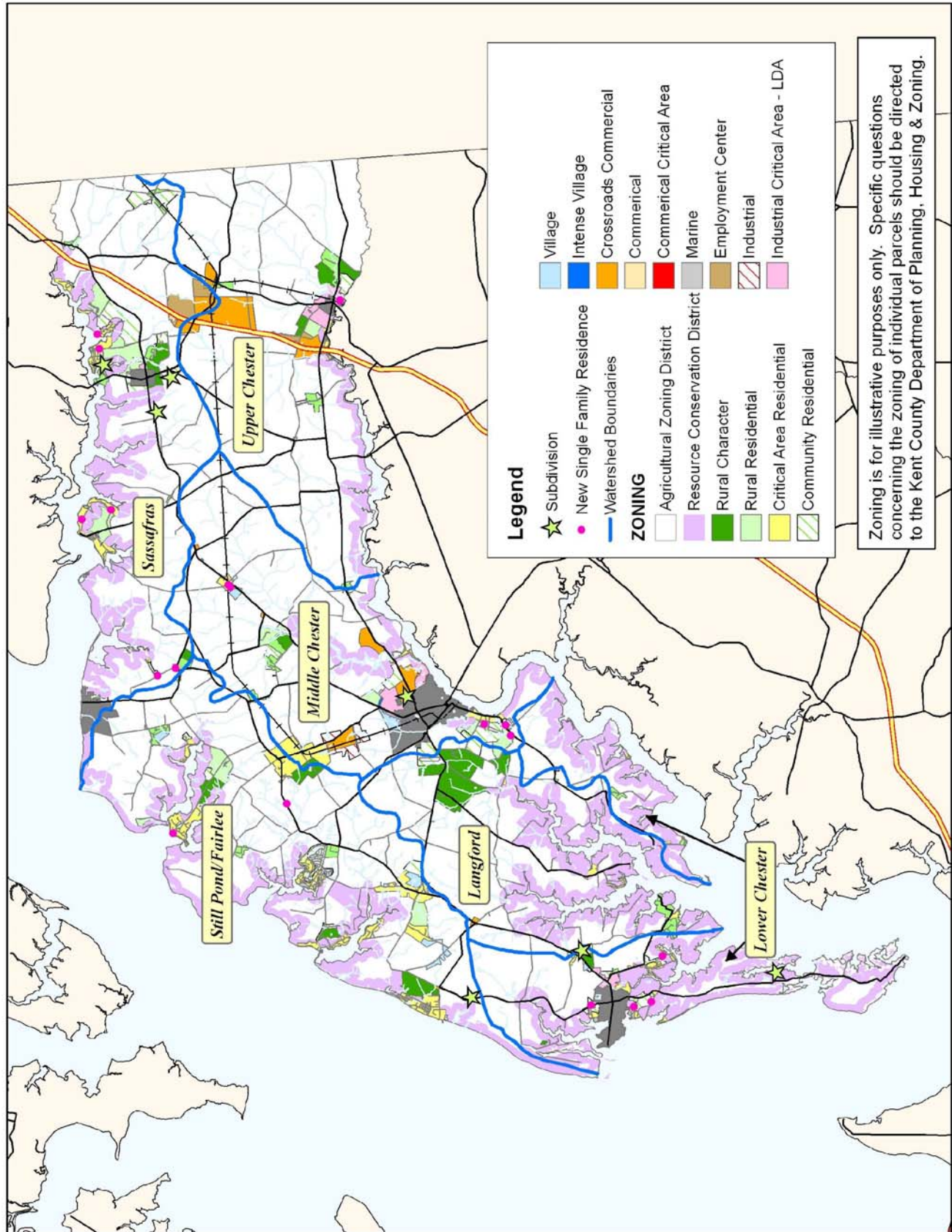
Appendix B: New Single Family Dwellings/Subdivisions



Appendix C: New Single Family Dwellings/Subdivisions by Election District



Appendix D: New Single Family Dwellings/Subdivisions by Watershed



Appendix E1: Variances

Application	Applicant	Type	Decision
09-83	Gene and Nancy Foehl	Buffer to construct new septic system	Granted 4/19/10

Appendix E2: Administrative Variances

Application	Applicant	Type	Decision
10-19	Richard McClure	Setback requirement – accessory building	Granted 4/22/10
10-38	Sandra and Chris Mulligan	Setback requirement – replacement dwelling	Granted 6/28/10
10-39	James Baxter	Setback requirement – swimming pool	Granted 6/28/10
10-45	The Peoples Bank	Setback requirement – addition to dwelling	Granted 8/25/10

Appendix E3: Special Exceptions

Application	Applicant	Type	Decision
10-12	Eastern Shore Bible Baptist Church	Accessory Building – House of Worship	Granted 4/19/10
10-18	Duane Lindstrom	Sand and Gravel Pit/ Contractor's Yard	Granted 5/17/10
10-49	My Abode, LLC	Convalescent Home with 7 beds	Granted 10/18/10
10-34	David Weinmann and Anita and Louise Fries	Raising of livestock and fowl. Setback variance withdrawn.	Denied 10/18/10

Appendix E4: Administrative Special Exceptions

Application	Applicant	Type	Decision
10-06	Thomas and Bonnie Tucker	Assisted Living Facility with up to 8 beds	Granted 3/3/10
10-48	William and Susanne Newbraugh	Swimming pool in front yard of waterfront property	Granted 9/8/10
10-55	Russell Chin	Accessory structures in front yard of waterfront property	Granted 10/21/10
10-58	Wallace Reynolds	Swimming pool in front yard of waterfront property	Granted 11-1/10
10-62	Jonathan King	Accessory structure with a height greater than 17 feet	Granted 1/3/11

Appendix F: Annual Report Forms

Annual Report on Smart Growth Goals, Measures and Indicators And Implementation of Planning Visions Per SB 276/HB 295

Kent County

Prepared by the Kent County Planning Commission for the period
January 2010 through December 2010

Submitted on _____

Measures and Indicators

Amount and share of growth that is being located inside and outside the PFA:

Five of the eighteen new dwelling permits issued for the unincorporated areas of the County were located in a PFA. Only 1 new dwelling permit was issued within the Priority Preservation Area and it was for a replacement trailer. Twenty-five new dwelling permits issued by municipalities were in a PFA.

Net density of growth that is being located inside and outside the PFA:

The mean lot size for new dwellings inside a PFA was 0.42 acres. The mean lot size for new dwellings outside a PFA was 2.043 acres. The mean lot size for new dwellings within municipalities was 0.28 acres.

Creation of new lots and the issuance of residential and commercial building permits inside and outside the PFA:

Six of twelve new lots in the unincorporated areas of the County were created within a PFA. Only three lots were created within the Priority Preservation Area, and two of those lots were subdivisions of existing dwellings. The total acreage of the six lots in a PFA is 2.791 acres.

No new commercial buildings were constructed in the unincorporated areas of the County.

Development capacity analysis, updated once every 3 years or when there is a significant zoning or land use change:

Development capacity analysis was completed in 2009 as part of the Water Resources Element. No significant zoning or land use changes have occurred.

Number of acres preserved using local agricultural land preservation funding:

One 336-acre farm was preserved through the Maryland Agricultural Land Preservation Foundation. Funding was a combination of local matching funds, state and federal funds. No additional easements were recorded in 2010.

For all of the above indicators, a map should also be included that represents the spatial pattern of the indicator. If possible, please submit these areas to MDP in a geospatial format, or in a digital format.

Map showing new single family dwellings and subdivisions is attached.

Map showing protected lands is attached.

Geospatial data will be provided.

Local Land Use Goal

Local Goal:

In 2007, the Kent County Commissioners signed the revised “Eastern Shore 2010: A Regional Vision” agreement which calls for annually guiding at least 80 percent of growth into designated growth areas.

For 2010, Kent County achieved this goal with 98% of new dwellings being constructed in locally designated growth areas. In addition, no new development occurred in the Priority Preservation Area.

The County has also adopted a Priority Preservation Area element which has a goal of preserving 114,340 acres. The County currently has 30,110 acres of private land that has been placed under some type of easement. An additional 7,950 acres is owned as park, recreation or resource management land. Therefore, approximately 38,060 acres, or 33.3% of the goal has been attained.

**Annual Report on Growth Related Changes
Per SB 280/HB 295, effective June 1, 2009**

Kent County

Prepared by the Kent County Planning Commission for the period
January 2010 through December 2010

Submitted on _____

1. **Development Patterns** – List all changes in development patterns that have occurred over the past year, including:

(a) New subdivisions created:

Twelve new lots were approved in 2010. Three were located within the Priority Preservation Area and the other nine were located within locally designated growth areas. The average lot size for the three lots in the PPA was 4.151 acres. The average lot size for the nine lots in growth areas was 1.371.

(b) New building permits issued:

The County issued 348 total permits for 2010, but only 18 permits for new single family residences, less than 5% of all permits. Accessory buildings and residential additions/alterations account for almost 40% of permits issued.

(c) Zoning map amendments:

No zoning map amendments were reviewed in 2010.

(d) Zoning text amendments that resulted in changes in development patterns:

Two zoning text amendments were adopted in 2010 but neither resulted in changes in development patterns. One text amendment allows utility scale solar energy systems in the Industrial and Employment Center Districts. The other repealed and reenacted the Stormwater Management provisions as required by State Law.

(e) New Comprehensive Plan or plan elements adopted:

The Priority Preservation Area element was adopted on April 27, 2010.
The Water Resources Element was adopted on September 21, 2010.

(f) New roads or substantial changes in roads or other transportation facilities:

No new roads were constructed nor were there any other substantial changes in transportation facilities.

(g) New schools or additions to schools:

Following the consolidation and reorganization of the school system, a trailer for use as the Alternative School was located adjacent to Kent County High School.

(h) Other changes in development patterns:

There were no other changes in development patterns.

2. **Map** – *Attach a map that shows the above changes in development patterns (the map should identify new subdivisions, zoning map changes, etc.)*

A map showing the location of new single family residences and subdivisions has been attached.

3. **Consistency** – *Determine and state whether all of the changes in development patterns listed above are or are not consistent with:*

(a) *Each other;*

(b) *The recommendations of the last annual report;*

(c) *The adopted plans of the local jurisdiction;*

(d) *The adopted plans of all adjoining local jurisdictions; and*

(e) *The adopted plans of State and local jurisdictions that have responsibility for financing or constructing public improvements necessary to implement the local jurisdiction’s plan.*

All new subdivisions are consistent with a – e.

4. **Process Improvements** – *Statements and recommendations for improving the planning and development process within the local jurisdiction.*

Kent County strives to maintain a fair and consistent development review process. The Department of Planning and Zoning annually conducts a continuing education class for the local Realtor’s Association, as well as, an annual workshop for County and Town Planning Commissions and Boards of Appeals. In addition, staff occasionally solicits recommendations from the Planning Commission for ways to improve how applications are presented and reviewed.

The Comprehensive Plan contains a strategy to “assist employers through the permit process,” and Planning and Zoning staff work actively with Tourism and Economic Development to help businesses locate or expand within the County.

Finally, several text amendments are under review that will result in several changes. First, the Planning Commission has recommended approval of a text amendment to establish a demolition review process which the County hopes will encourage the reuse of historic structures, but at a minimum will result in documentation and where practical salvage of building materials. The Planning Commission has also reviewed text amendments which resulted from the Renewable Energy Task Force that will allow utility scale solar installations and easier permitting of private small wind and solar energy systems.

5. **Ordinances and/or Regulations** – *List zoning ordinances or regulations that have been adopted or changed to implement the planning visions in §1.01 of Article 66B.*

Other than the adoption of the two elements of the Comprehensive Plan, Kent County did not adopt any new regulations specifically to implement the planning visions in Section 1.01 of Article 66B of the Annotated Code of Maryland.

Map of New Single Family Dwellings/Subdivisions in County and Municipalities

