

## **M I N U T E S**

The Kent County Planning Commission met in regular session on Thursday, February 4, 2010, in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland, with the following members in attendance: Elizabeth H. Morris, Chairman; F. Joseph Hickman; Rev Ruben Freeman; Jay Lancaster; Pat Langenfelder; William Sutton; Roy Crow, Ex-Officio Member; Gail W. Owings, Planning Director; Carla Gerber, Community Planner; Amy Moredock, Environmental Planner; G. Mitchell Mowell, Planning Commission Attorney, and Kim Dixon, Secretary.

Ms. Morris called the meeting to order at 1:30 p.m.

### **MINUTES**

The Minutes of the January 7, 2010 meeting were approved.

### **APPLICATIONS FOR REVIEW**

**Southern Cattle Co., LLC (John Dean Orndorff) – Agricultural Preservation District –** Dean Orndorff of Southern Cattle Co., LLC wishes to create an Agricultural Preservation District on his 126-acre farm located on Morgnec Road in the Second Election District. The farm consists of 10 acres of crop land, 87 acres of pasture, and 13 acres of woodland. Over 85% of the soils are considered Class II or III. There is no dwelling on the property. The farm is zoned Agricultural Zoning District and is outside the 10-year water and sewer plan.

This farm is adjacent to over 1,700 acres of land protected by easements. It is generally surrounded by farmland with the village of Morgnec just to the south. It is located within the Agricultural Priority Area.

Ms. Gerber reviewed the Agricultural Preservation District criteria.

Staff noted that the property meets or exceeds the criteria for creating an Agricultural Land Preservation District and complies with the goal of the Comprehensive Plan to preserve large blocks of contiguous prime agricultural land. A Soil and Water Conservation Plan is being prepared. The Agricultural Preservation Advisory Board has reviewed this application and the members recommend approval.

Staff recommends forwarding a favorable recommendation to the County Commissioners.

There was no correspondence in this matter.

Present and duly sworn was John Dean Orndorff.

Mr. Hickman stated he has an interest in an adjacent property; however, that will not influence his decision.

Mr. Orndorff stated he has thought a lot about putting his property into this program. He feels this is a good program to support agriculture. He would like to keep his land out of development.

Ms. Langenfelder asked if the property's placement in a district will have an impact on the applicant's ability to build a home on the property. Ms. Gerber stated that he could construct a dwelling on the property.

There were no comments from the audience.

Ms. Langenfelder made a motion to send a favorable recommendation to the County Commissioners finding:

- This district will connect to over 1,700 acres of protected land.
- The property is in the Agricultural Priority Preservation Area.
- The property exceeds the criteria.
- The Agricultural Preservation Advisory Board made a favorable recommendation.

The motion was seconded and approved unanimously.

**Prestwick Woods – Extension of Approval of Major Subdivision** –Lawrence and Associates requests an extension of the final approval of the Prestwick Woods Major Subdivision which will otherwise expire in March 2010.

Ms. Owings reviewed the staff report to include the history and relevant issues. She reviewed Applicable Law Article VI, Section 6.2.6 which states that subdivisions, both major and minor, shall be recorded with 6 months of approval or shall expire after 6 months. When the applicant can show that the project is in the process of obtaining permits from the county, state or federal agencies and that these permits have been pursued diligently, the Planning Commission shall grant a twelve-month extension. A subdivision may receive more than one extension.

Staff recommends approval with the same contingencies which were applied to the previous approval. The completion of the necessary extension of public sewer line from Quaker Neck Road has not occurred. Completion of the line is not anticipated until late 2010. The regulations governing subdivision approval have not changed. However, the stormwater management regulations are scheduled to change in May 2010. This extension will not exempt the subdivision from compliance with the new stormwater provisions if the stormwater management plan is not otherwise grandfathered.

There was no correspondence regarding this matter.

Present and duly sworn was Kent Lawrence.

Mr. Lawrence stated that he is asking for an extension of his subdivision because the sewer line has not been installed on Lover's Lane.

There were no comments from the audience.

Mr. Lancaster made a motion to extend the Major Subdivision approval for twelve months (until March 2011) finding:

- The application is in good standing.
- The Quaker Neck sewer has not been completed, making development impossible.
- The same contingencies as imposed in the previous approval still apply.

The motion was seconded and approved unanimously.

**Gene and Nancy Foehl – Setback Variance** – The applicant did not appear for the hearing. This application will be heard at the March 2010 Planning Commission meeting.

**Amendments to the Growth Allocation policy** – Ms. Owings reviewed the amendments to the Growth Allocation policy. She stated that some of the amendments are a result of comments from the Critical Area Commission and changes in the 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.

Mr. Crow stated the Commissioners will hold a public hearing regarding this matter.

After a discussion, Ms. Langenfelder made a motion to send a favorable recommendation to the County Commissioners regarding the Growth Allocation policy revisions. In its recommendation, the Commission found that the Growth Allocation Policy as proposed is consistent with the Kent County Comprehensive Plan and Critical Area Program.

The motion was seconded and approved unanimously.

**General Discussion:** Craig O'Donnell, reporter for the *Kent County News*, stated the newspaper received an email from the Chester Harbor Civic Association stating as long as Fey Road is not blocked, the Association is happy to have the bypass.

## **STAFF REPORTS**

**Amy Moredock** – Ms. Moredock stated the County has agreed to partner with the Chester River Association and the Environmental Defense Fund (among other local partners) in an Upper

Chester River Conservation Initiative grant. This grant program provides funding to incorporate many of the best management practice initiatives that were developed in the Upper Chester River Watershed Restoration Action Strategy. The grant application was submitted last week. The commitment on the County level will be for the Planning Department to provide outreach to homeowners and nurseries.

Ms. Moredock also reported that staff continues to work on the revisions to the Water Resources Element to meet the State requirements. They are hoping to meet the deadline established by the extension granted by the state; however, a second extension may be required. Ms. Moredock said the Hazard Mitigation Plan is due for an update and that revision is required by 2011. The County has applied for a grant to cover the cost of the update; however, the grant funding will not be awarded until this summer. The County will update its Hazard Mitigation Plan which will also be adopted by the five municipalities.

**Carla Gerber** – Ms. Gerber stated staff is continuing to prepare for the 2010 Census. The US Census Bureau is hiring part-time employees. She also said an informational meeting will be held to discuss the Priority Preservation Area amendment to the Comprehensive Plan on February 18, 2010 at 7:00 p.m. in the Commissioners Hearing room at 400 High Street.

**Mitch Mowell** – Mr. Mowell had nothing to report.

**Gail Owings** – Ms. Owings stated staff has been working with Maryland Department of the Environment on the changes to the Stormwater Management program; the changes are significant. The Maryland General Assembly Oversight Committee held a hearing and most of the discussion centered on how they are going to grandfather projects and how redevelopment will be treated. Kent County has received comments on its program, none of which were significant. Kent County has delegation of sediment control enforcement and every two years MDE looks at County records and conducts site visits to make sure the program is being implemented properly. The County received a glowing report during this year's review.

Ms. Owings asked when the Planning Commission members would like to host the mandatory MDP Smart, Green and Growing Training sessions. These sessions will allow all county and municipal planning commission members to meet the training requirements. The Commission decided on the following dates: March 2, 9, 16 and 30, 2010. The classes will last about 2½ hours each night and will begin at 7 p.m.

There being no further business the meeting was adjourned at 2:45 p.m.

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Elizabeth Morris, Chairman

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Kim Dixon, Secretary