

# ANNUAL REPORT 2015

DEPARTMENT OF PLANNING, HOUSING, AND ZONING

KENT COUNTY, MARYLAND



COMPLETED JUNE 2016



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 2015. 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**

Amy G. Moredock, Director  
Carla Gerber, GIS Specialist  
Katrina Tucker, Community Planner  
Bill Kerbin, Housing & Critical Area Planner  
(January – May)  
Stephanie Jones, Critical Area Planner  
(December)

M. Richard Myers, Chief Enforcement Officer  
Bryan Foreman, Enforcement Officer  
Sandy Adams, Office Manager  
Tonya Thomas, Administrative Assistant  
Beth Grieb, Administrative Assistant

### **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 the Land Use Article 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  
James E. Saunders  
Ed Birkmire  
William Crowding, II

F. Joseph Hickman  
Kim Kohl  
William S. Sutton  
G. Mitchell Mowell, Esq., 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 2015, the Planning Commission met 10 times; as there were no projects for review in January, and since due to inclement weather the March meeting was canceled and the one project on the agenda was rescheduled to the April meeting.

## **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 2015, the Board of Appeals met only once.

### **MEMBERS**

Al Townshend, Chairman  
Allen Davis, member  
Trey Hill, member

P. Joan Horsey, alternate  
Funk & Bolton, Attorneys 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 2015, there were 7 applications for assistance submitted to the County. There was 4 applications approved and 4 individuals assisted. There was a slight increase in the number of applications submitted and approved from the 2014 cases.

There have been significant changes to the County Housing Program. In May 2015, longstanding Housing Planner Bill Kerbin left the County. The County had been contemplating a change in program implementation, as the program has been dwindling for many years. As such, the Housing Planner position was not filled. The County's attempt to subcontract the Housing Program to an outside agency met with little success in 2015. The County continues to reevaluate this program.

## **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 seven member 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 2015.

### **MEMBERS\***

Elizabeth Beckley, Chairman  
Carolyn Brooks  
Robert Busler

Max Ruehrmund  
Barton Ross  
Jeremy Rothwell (appointed April 2015)

\*Due to very specific membership criteria, one vacancy remained open in 2015.

## **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 seven member 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. This Commission did not meet in 2015.

### MEMBERS

W. Frank Barnes, Jr. (term expired in 2013)	Sean Jones (term expired 2014)
John Cahall	Craig McSparran (term expired 2013)
Herman E. Hill, Jr (term expired in 2013)	John Henry Myers, Jr. (term expired 2014)

Though terms of appointments have expired, members continue to serve until a replacement is appointed by the County Commissioners. While it has been a priority for staff and the Commissioners, finding replacement members has been a challenge.

## **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 (MALPF). These include applications to establish agricultural preservation districts, to sell permanent protective easements to the Maryland Agricultural Land Preservation Foundation, to create lot exclusions, and to subdivide properties in the preservation program. The five-member 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 once in 2015.

### MEMBERS

Jennifer Debnam, Chair	Bryan McDonald Ernest "Tot" Strong
Davidson Coleman	George Wiedenmayer

The Agricultural Land Preservation Advisory Board reviewed and approved tow applications to create local County Agricultural Preservation Districts. Since the MALPF Board of Trustees combined funding and conducted a two year cycle for the prior FY 2015-2016 Easement Acquisitions, MALPF did not accept applications in Calendar Year 2015.

## **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 2015.

#### MEMBERS

R. Allen Davis, Chairman	Emily Joyce, Cooperative Extension
William Bowdle (term expired in 2014)	Timothy Redman, Soil & Water Conservation
Edward Taylor (term expired in 2014)	District
William Washington	

Though terms of appointments have expired, members continue to serve until a replacement is appointed by the County Commissioners. While it has been a priority for staff and the Commissioners, finding replacement members has been a challenge.

### **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 2015.

#### MEMBERS

Three vacancies remained open in 2015.

### **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 met 5 times in 2015.

#### MEMBERS

Charles A. Langenfelder, Chairman	D. Michael Usilton
William S. Baldwin, Jr.	

### **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 2015.

#### MEMBERS

Nancy Dick	Charles W. Sommers
Janice Graham	

The positions for the two alternate members remained vacant in 2015.

## SPECIAL PROJECTS

Special Projects which involved Department of Planning, Housing, and Zoning staff in 2015 included:

- ☞ **Sea Level Rise and Climate Change Vulnerability Study:** In partnership with the Eastern Shore Land Conservancy the intent of this project is to understand the County's vulnerability to sea level rise and climate change impacts, and to identify potential actions the County can take to reduce risk and mitigate impacts. This project will employ the Vulnerability, Consequences, and Adaptation Planning Scenarios (VCAPS) methodology for assessing vulnerability. The results will enable the County to focus implementation of its Hazard Mitigation Plan strategies and its development of appropriate coastal resilience strategies in the update to the Comprehensive Plan.
- ☞ **Healthy Waters Round Table:** In collaboration with the supporting partners of the Chesapeake Bay Foundation, Eastern Shore Land Conservancy, Harry R. Hughes Center for Agro-Ecology, University of Maryland Sea Grant, and consultant services from Earth Data, Eastern Shore local leaders and representatives were brought together to achieve healthy waters of the Chesapeake. The round table is to help Eastern Shore government identify practical, cost effective solutions to achieve healthy water. With help from the supporting partners two sets of actions were generated, the initial actions that are within the ability of the supporting partners and the priority actions that require additional resources. To complete the priority actions work groups have been created within the round table to develop work plans and implementation of actions.
- ☞ **Renewable Energy Task Force:** In light of the controversial proposals relative to utility scale wind energy systems in the County and an incomplete text amendment process relative to utility scale solar energy systems, the County Commissioners became interested in reevaluating utility scale energy systems with a focus on solar energy systems. The County Commissioners reconvened the 2010 Renewable Energy Task Force either to affirm or update the 2010 White Paper recommendations based on renewable energy technology advancements in recent years. The Task Force reconvened with additional members and a new charge, and meets every other Friday beginning in October 2015.
- ☞ **Friends of Mill Creek:** Staff coordinated with residents in Chesapeake Landing who abut Mills Creek in order to assist them with a DNR Waterway Improvement Fund Grant. The project would cover the cost to dredge Mill Creek. The Organization received a permit from the MD Board of Public Works to mechanically dredge a 1,185-foot long by 25-foot wide main channel and a 400-foot long and 25-foot wide community boat ramp. This grant requires 50% local cash match; the Friends of Mill Creek will meet the local match requirement.
- ☞ **Aberdeen Joint Land Use Study:** Staff participated in the APG Joint Land Use Study which presents comprehensive and achievable strategies and goals aimed at supporting the current and future needs of our local communities and the military installation. Staff reviewed and comments upon the Draft Study. The Commissioners supported referencing the Joint Land Use Study in the Kent County Comprehensive Plan and pledged to full participation, as appropriate, in the Plan implementation phase.
- ☞ *Chesapeake Country National Scenic Byway:* The Scenic Byway Management Team continued to work on implementation of the Corridor Management Plan and Interpretive

Plan. Staff also attended meetings concerning the possible extension of the byway to include the mid-Shore and Lower Shore sections, Michener's Chesapeake Country and the Blue Crab 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.
- ☞ *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 began on a local level in Spring 2011 and the Kent County Phase II WIP was finalized in November 2012. Specific pollution allocation load numbers were 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. The County was unable to generate adequate strategies and best management practices in order to meet the large load reductions assigned to it; therefore, MDE suggested load reduction strategies in all source sectors. These additional strategies were not officially adopted by the County Commissioners.

This Committee continues to meet on a quarterly basis to address ongoing state reporting requirements and implementation efforts.

- ☞ *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.
- ☞ *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.



- ☞ *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. Staff continues to collaborate with the Core Group to track and evaluate the implementation of the SWAP strategies.

## **MEETINGS AND ORGANIZATIONS**

During 2015, 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:

- Agricultural Advisory Commission
- American Stormwater and Floodplain Managers
- Bay Area Association of Realtors Training Classes: Coldwell Banker and Heritage Properties
- CoastSmart Grant (County Vulnerability Analysis Project)
- Critical Area Commission – Chesapeake and Atlantic Coastal Bays
- Department of Social Services
  - Samaritan Group Grant meetings
  - County Homeless Services Exploratory Committee
- Eastern Shore Land Conservancy
  - Quarterly Planners Meetings
  - Annual Conference
  - Annual Conference Planning Committee
- Eastern Shore Local Government Exchange
- Eastern Shore Heritage, Inc. (Stories of the Chesapeake Heritage Area)
- Economic Development Advisory Board
- FEMA Meetings on insurance reform
- Healthy Waters Roundtable
  - Drafting Committee
  - BMP subcommittees
- Kent County Council of Government
- Kent County Economic Development Advisory Board
- Kent County Total Maximum Daily Load
  - Local Phase II WIP meetings
  - EPA TMDL meeting
  - Chesapeake Bay Foundation WIP meeting
  - Harry R. Hughes Center for Agro-Ecology WIP Seminars

- Local Management Board
- Local Emergency Planning Committee
- Maryland Agricultural Land Preservation Foundation
- Maryland Association of Counties:
  - Annual Summer Conference
  - Planning Officials Meetings
  - Critical Area Planners Meetings and workshops
  - Phase II WIP meetings
  - Infill, Redevelopment, and Revitalization (IRR) Workgroup
  - Governor's Intergovernmental Commission on Agriculture (GICA)
  - GICA Agribusiness Subcommittee
- Maryland Association of Floodplain and Stormwater Managers
  - Monthly Meetings
  - Annual Conference
- Maryland Department of Planning—Planning Directors Roundtable
- MEMA - MD Coastal Flooding Workshop
- Maryland Historical Trust – State Preservation Plan
- Maryland Municipal League Joint County/Municipal Planners Meeting
- Rebuilding Together
- Rural Legacy Advisory Board
- SOS/CDBG grant meetings
- State Highway Administration Pre Tour Meeting
- State Highway Administration Scenic Byway Workshop
- Upper Shore Regional Council

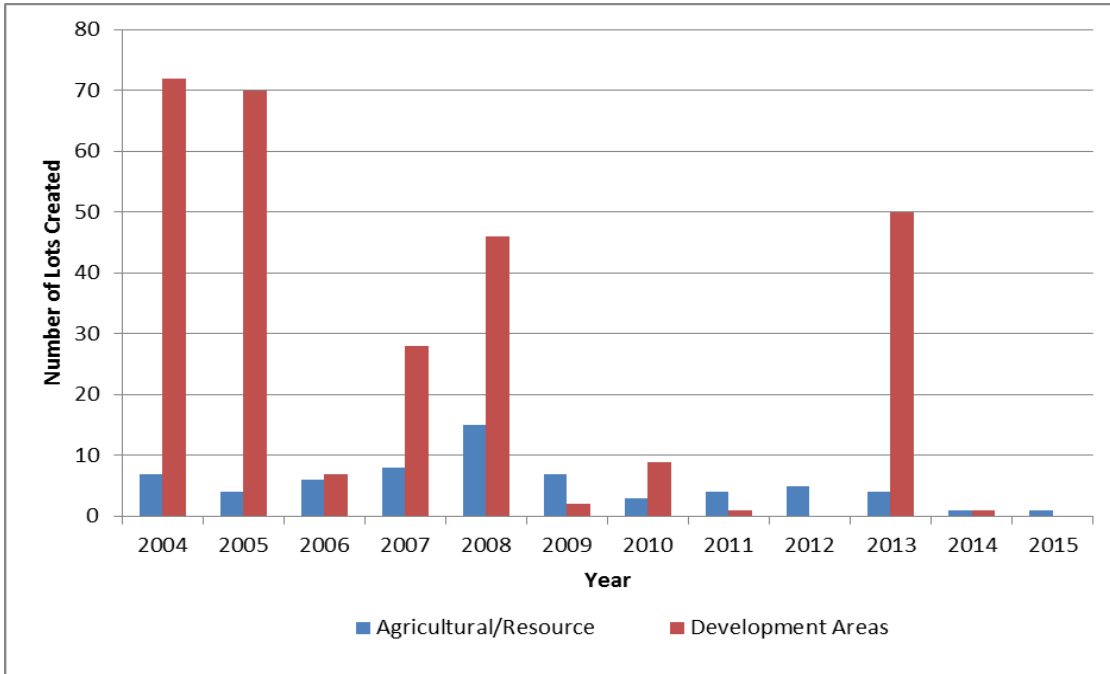
## **PLANNING & DEVELOPMENT**

All major and minor subdivision applications are reviewed by the Technical Advisory Committee. The Technical Advisory Committee also reviews all adjustments of lot lines, as well as all site plans. All major subdivision applications and site plans are reviewed by the Planning Commission, who makes the final decision on these 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.

In 2015 for the unincorporated area of the County there was only one minor subdivision approved that created a sole 3.0-acre lot on a farm. Subdivision activity has been quite minimal recently as only two (2) new residential lots were approved in 2014, when one (1) was located in a development area and the other being an agricultural lot. In 2013 there were 54 new lots, of which 50 were in the development areas, and of those 47 were in Phase II of the Village at Kennedyville.

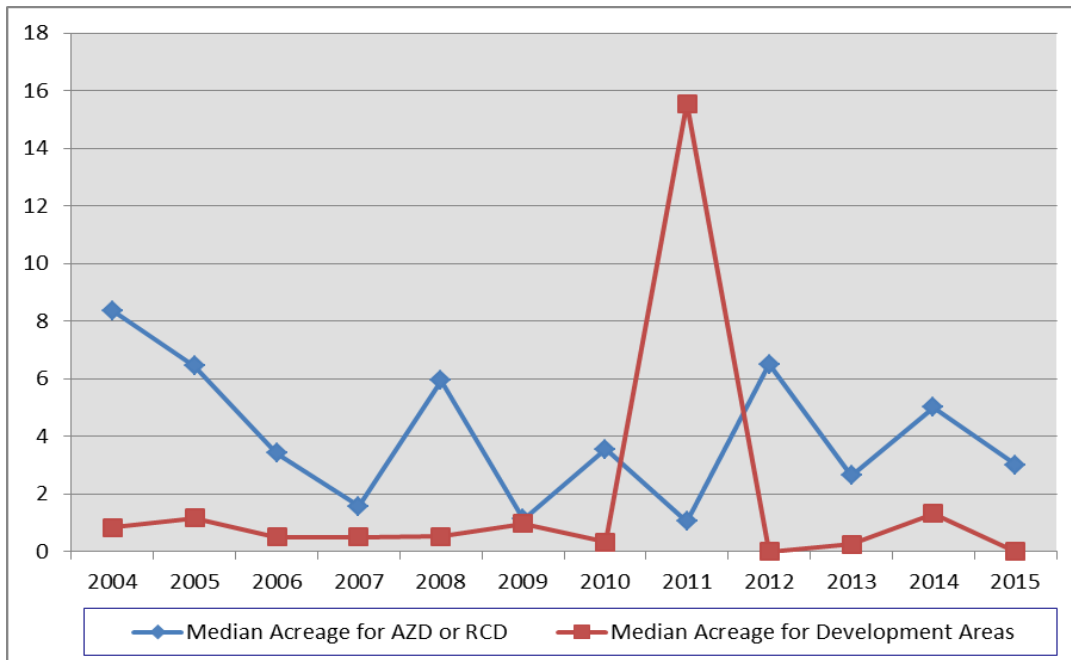
Figure 1 shows the development trends of lots approved by zoning type over the past decade. As reflected in Figure 1 the majority of new lots have been located within the development areas. This also shows how variable the amount of development activity can be within the unincorporated area of the County from one year to another.

**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 did not significantly change between 2014 and 2015 since only one 3.0-acre lot was created in 2015. 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 36,000 acres of farmland have been permanently protected. In 2014, almost 730 acres was placed under easement. Since the MALPF Board of Trustees combined funding and conducted a two year cycle for the prior FY 2015-2016 Easement Acquisitions, MALPF did not accept applications in Calendar Year 2015 so no new lands were placed under easement during 2015.

**Table 1: New Lots Created in 2015**

	Lots Created	Lot Size
Minor Subdivision in Agricultural & Resource Conservation Areas	1	3.0 acres
Minor Subdivision in Development Areas	N/A	N/A
Major Subdivision	N/A	N/A

**Table 2: New Lots Created by Zoning District in 2015**

Zoning District	Number of Lots
Agricultural Zoning District	1
Other Districts	N/A
Total	1

### Major Subdivisions

Major subdivisions contain 8 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.

Of the two major subdivisions reviewed in 2015 one was an amendment to change a plat note and the other remains pending. In 2015 there were no major subdivisions that created new lots.

*Langford Creek Properties, LLC:* The applicants requested comments from the Technical Advisory Committee regarding a proposed major subdivision and affiliated lot line adjustments. The proposal consists of 28 lots in both the Resource Conservation and Agricultural Zoning Districts on 810.57 acres, following the lot line adjustments. Twenty lots are proposed in the Resource Conservation District (RCD) of which 17 are proposed as waterfront lots, and 8 lots are proposed in the Agricultural Zoning District (AZD). In addition, the application includes a community pier and parking area, as well as a Forest Mitigation Bank proposal. The proposed lots will be served by a community wastewater collection system and private wells. The site is located on Broad Neck Road in the Seventh Election District. This application remains pending.

*Sassafras Holding Company / Wilson Point Estates:* The applicant requested a minor amendment to the 14-lot major subdivision plat approved in September 2010. Specifically, the applicant was granted approval in 2015 to change the plat note that stated the existing 2-story house would be relocated offsite to note instead that the existing 2-story house will be razed (demolished). The property is located on Wilson Point Road in the First Election District and is zoned Community Residential.

## Minor Subdivisions

There were five (5) minor subdivision applications were submitted to the Department of Planning, Housing, and Zoning during 2015. Of those applications, two were approved, but the only one recorded subdivided a 3.0 acre lot on a farm to transfer to the owner's son for a home-site. Of the other submittals, one is to create a lot in the industrial district and remains pending, another was withdrawn, one was simply a revision to the plat to remove an outdated note, and only one is to create a 5-acre residential lot and though approved in 2015 it has not yet been recorded.

*Mary Etta Stoltzfus:* This minor subdivision created a new lot by conveying 3.00 acres from a 220-acre farm, resulting in 217 acres remaining in the farm parent parcel. Prior subdivisions from parent parcel included creating a lot in 2005 consisting of 9 acres, and a 1 acre lot in 1971. The property is located on Morgnec Road in the Second Election District and is in the Agricultural Zoning District (AZD).

*Webb Blevins / Howell Point Farms:* This minor subdivision was initially submitted in 2013, and was revised and re-submitted in 2015. It has not yet been recorded. The applicant proposes to subdivide a 5-acre lot from his 376.4 acre property which is zoned Agricultural Zoning District (AZD) and Resource Conservation District (RCD). The proposed lot is a waterfront parcel located entirely in the Critical Area. The property is located at the west end of Howell Point Road in the Third Election District. This was approved but not yet recorded.

*Stephen J. and Sharon K. Redding:* Subsequent to a current soils percolation test by the Health Department the applicants requested that an out-of-date note be removed from the recorded plat so that a new single family dwelling could be constructed on the property. It is located at the corner of Maryland Route 290 and Jim Davis Road in the First Election District and is in the Agricultural Zoning District.

*Morgan Creek Land Holdings, LLC / Pharm Kent, LLC:* This property is on Morgnec Road in the Second Election District and is zoned Industrial, Resource Conservation District, and Industrial Critical Area. The applicant is requesting to subdivide the 190.633 acre parcel into two lots. Lot 1 will be 174.399 acres and Lot 2, which is in the Industrial zoning district, will be 16.234 acres. This minor subdivision remains pending.

*Earl William Schelts:* The applicant proposed to divide one 5- acre lot from a 200.43-acre farm. The property is on Chesterville Road in the First Election District and is Zoned Agricultural Zoning District. This was withdrawn by the applicant.

## 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 31 plats for adjustments of lot lines in 2015. Of those, 23 were recorded as well as one that was reviewed in 2014 but not recorded until 2015. The other 8 remained pending in 2015.

**Table 3: Lot Line Adjustment by Zoning District (Recorded)**

Zoning District	Number
Agricultural Zoning District	8
Agricultural Zoning District / Resource Conservation District	1
Critical Area Residential	6
Critical Area Residential / Resource Conservation District	1
Crossroads Commercial	1
Marine	1
Marine / Resource Conservation District	1
Resource Conservation District	1
Resource Conservation District / Rural Residential	1
Resource Conservation District / Community Residential	1
Village	2
<b>TOTAL</b>	<b>24</b>

### **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 14 site plans in 2015, of which 10 were major site plans. Of the major site plans there were 7 that received final approval, two remain pending, and one was withdrawn.

#### **Minor Site Plans Submitted in 2015**

*Daniel D. McHenry, et ux.:* The applicant was granted approval to construct an addition to the existing hair salon at a site on Still Pond Road in the Second Election District. The property is zoned Crossroads Commercial.

*Eastman Specialties Corporation:* The site plan was approved for the installation of a new membrane system manufactured by GE Water & Process Technologies for treatment of the site's industrial waste-water. The new system is composed of two new 5,000 gallon membrane tanks that contain the membrane modules to replace the existing secondary clarifier and improve the quality of the effluent from the plant's discharge point. The modification will provide a minimum 50% capacity increase to the existing waste-water treatment system. The site is located on Worton Road in the Third Election District and is zoned Industrial.

*Mary Morris Holdings, LLC:* The minor amendment to the previously approved site plan for the construction of a 448 square foot storage addition onto an existing machine shop on the property was approved. The addition will be used for equipment storage. The site is on Mary Morris Road in the Third Election District and is zoned Industrial Zoning District

*William R. Ashmore (Grays Inn Creek Marina):* This minor site plan for the construction of a 4,923 square foot gravel lot for boat storage was approved. The property is located at 21973 Kelleys Park Road in the Fifth Election District and is in the Marine zoning district.



## **Major Site Plans Submitted in 2015**

*Town of Galena (Upgrade to Wastewater Treatment Plant):* The applicant was granted a special exception in November of 2014 and major site plan approval in 2015 in order to convert the Public Utility for the Town Sewage Lagoon into a Public Wastewater Treatment facility. The Planning Commission approved the major site plan in February of 2015. The facility is located on Augustine Herman Highway, Galena, in the First Election District and is in the Resource Conservation Zoning District (RCD).

*Eastern Shore Tents & Events:* Shore Entities, LLC was granted site plan approval to operate its rental business, Eastern Shore Tents and Events, on its 5-acre lot located on Commerce Lane in the Worton Business Park. The project comprises a 31,250 square foot industrial warehouse that includes 2,500 square feet of office space. The property is zoned Industrial and is in the Third Election District.

*ISE America, Inc./Southern States Cooperative:* Southern States Cooperative was granted site plan approval for their facility on lands that are owned by ISE America, Inc., at 12201 Massey Road in the First Election District. The land is in the Employment Center zoning district. The facility consists of a 12,000 square foot warehouse building with a loading dock and office space, a 16,320 square foot dry bulk fertilizer building with an approximately 1,620 square foot blending and loading area, and 8 crop protectant tanks and 9 tanks each of which will contain 30,000 gallons of liquid fertilizer located within a containment wall with an approximate 3,200 square foot covered loading dock affiliated with the tanks, and an approximate 2,500 square foot truck shop, and a 900 foot proposed railroad spur. The total square footage of gross floor area of all buildings is approximately 35,460 square feet.

*Patsey J. Whitely and The McKee Group (A Storage Depot):* This project at 1002 Washington Avenue in the Fourth Election District was approved for the construction of a 5,808 square foot one story, climate controlled, self-storage center with ancillary retail as well as U-haul truck rentals. The existing building on the will be demolished. The property is in the Intense Village zoning district.

*OneEnergy Blue Star Solar, LLC [David A. Bramble, Inc.]:* The application seeking site plan review and approval on lands that are owned by David A. Bramble, Inc., for a proposed utility scale solar energy system was submitted in 2015 and remains pending. The system would be sited on a 35.33-acre leased portion of the 225-acre parcel and consists of 3 separate areas of ground-mounted solar panels with 5 inverter stations to be accessed by 25-foot wide gravel lanes. The solar panels are 12 feet in width and placed in rows approximately 265 feet in length. The overall height is 8 feet. The entire 36.64-acre area will be enclosed by an 8-foot high chain-link fence. The property is located at 12213 Galena Road in the First Election District and is zoned Industrial (I) and Employment Center (EC). Landscaping is proposed to screen portions of the system which are directly visible from Galena Road/Maryland Route 313. The property is currently comprised of an asphalt plant, a dwelling and accessory buildings, and agricultural land. The parcel is also comprised of areas of nontidal wetlands and affiliated 25-foot buffers, as well as an intermittent stream and the affiliated 100-foot stream protection corridor. The applicant also requested modification of the stream protection corridor provisions. The property is located along an existing railroad line. The applicant is seeking a Certificate of Public Convenience and Necessity (CPCN) from the Maryland Public Service Commission and at the end of 2015 it was still pending. If a CPCN is granted, then the applicant is requesting an exemption from the Forest Conservation Act (FCA) provisions under the Natural Resource Article.

*Oddmund & Hedvig Angell:* In 2015 the Planning Commission approved the site plan that had been initially submitted in 2013 for a retail business consisting of an initial 3,200-square foot building to house an antique store and a landscape supply store in the first phase. The second phase will include a 450 square foot office space and 2,100 square feet of covered retail and storage area. There will be an associated parking lot, bulk storage yard, and outdoor display areas. The site is on Rock Hall Road (Maryland Route 20) at the northeastern edge of the Town of Rock Hall adjacent to the Rock Hall Volunteer Fire Company, Inc. It is located in the Fifth Election District, and is zoned Village. The area is characterized by other retail and residential

uses. The property is improved with a single-family dwelling accessed by a driveway on Route 20. Prior to final site plan approval, a companion application for a minor subdivision divided a 0.900 acre lot for the existing dwelling located on the 14.339 acre property, resulting in a 13.439 acre parcel that is the subject of this site plan.

*Pharm Kent, LLC, / Morgan Creek Land Holdings, LLC:* The applicant, who is the contract purchaser of the property at 27030 Morgnec Road, submitted a site plan seeking approval for construction of a 45,287 square foot facility consisting of six conjoined greenhouses with office and processing areas for the cultivation of crops. The agricultural crop is medical marijuana. The entire developed area will be located within a secure, fenced-in area of approximately 3.5 acres on a 16.324-acre lot that will be subdivided from a 190.633 acre parcel owned by Morgan Creek Land Holdings, LLC. Once this minor subdivision is recorded, Lot 1 will be 170.633 acres, which will be retained by the current owners, and the 16.324 acres that is Lot 2 will be conveyed to Pharm Kent, LLC. Lot 2, the Pharm Kent, LLC, property, is zoned "I", Industrial. It adjoins Agricultural (AZD) zoned land along the eastern boundary, as well as to the south on the other side of Morgnec Road. Along the north and west boundaries of Lot 2 are the lands of Morgan Creek Land Holdings, which is Lot 1, and is zoned Industrial, Industrial Critical Area, and Resource Conservation District. The project remains pending while awaiting receipt of both grower and processor licenses issued by the Natalie M. LaPrade Maryland Medical Cannabis Commission.

*Zebulon E. Blyman:* The applicant was granted a special exception and site plan approval for an adaptive reuse of historic structures on his property located at 10700 Worton Road. Mr. Blyman will operate a land maintenance business out of 2 existing historic structures and a newly constructed 1,200 square foot pole building onsite. The property is currently improved with a metal garage and a block garage. The surrounding area is characterized by residential development. This property is located within 0.5 miles of the Industrial Zoning District to the south and 0.25 miles from the crossroad in Worton which is characterized by commercial development. The 2.6-acre property is zoned Village and located in the Third Election District in the Village of Worton.

*Leonard P. Fletcher:* The applicant sought a special exception and site plan approval for a cottage industry in order to continue to operate a mowing and landscaping business from his property located at 7824 Country Club Lane in the Seventh Election District. The 0.735-acre property is zoned Community Residential and located in the Country Club Estates subdivision. The property currently improved with a two-story frame dwelling, a garage, and three sheds, as well as the driveway and a gravel storage area at the rear of the property. The surrounding area is characterized by residential development on lots ranging from a little less than three quarters of an acre to slightly more than one acre in size. This application was withdrawn.

*Community Energy Solar, LLC. (Revocable Trust of Benjamin Stafford):* This project on lands that are owned by The Revocable Trust of Benjamin C. Stafford proposes a utility scale solar energy system and approval remained pending through 2015. The property is located on the west side of Massey-Sassafras Road, just north of the intersection with Galena Road. The site is in the First Election District and is zoned Employment Center (EC). The current use of the property is tilled agricultural land, and the remainder 53.041 acres of the 95.541 acres of the total property that is not part of the project area is intended to continue as farmland. The solar energy system is proposed to occupy 42.50 acres of the 95.541-acre parcel and consists of three (3) separate areas of ground mounted solar panels with five (5) inverter stations to be accessed by a 20-foot wide



stone road located along the southern and western edge of the project area. The ground mounted solar panels are 12 feet in width and placed in rows approximately 260 feet in length. The overall height is approximately eight (8) feet to the top of the panels. The entire 42.5-acre project will be enclosed by an 8-foot high chain-linked fence. Landscaping is proposed to screen portions of the system which are directly visible from Maryland Route 299 (Massey-Sassafras Road) and adjoining agriculturally zoned properties. Community Energy Solar, LLC, is seeking a Certificate of Public Convenience and Necessity (CPCN) from the Maryland Public Service Commission (PSC) for this project. This site adjoins the eastern boundary of the property owned by David A. Bramble, Inc., on which another utility scale solar energy system project submitted by OneEnergy Blue Star Solar, LLC, is pending.

### **Zoning Text Amendments**

There were two petitions proposing amendments to the Kent County Land Use Ordinance submitted in 2015. These “Zoning Text Amendments” included the following:

*Rural Inn as a Special Exception use:* Submitted in 2014, this amendment to Land Use Ordinance created and defined a Rural Inn as a new Special Exception use in the Agricultural, Rural Character, Rural Residential, Community Residential, and Village Zoning Districts. It also added performance standards and defined Rural Inn. It was presented to the Planning Commission at their on 5 February 2015 and adopted by the County Commissioners on 8 April 2015.

*P. Thomas Mason and Oxford Development, Inc. – Amend the Sign Provisions:* The applicants petitioned for a zoning text amendment to the Kent County Land Use Ordinance to amend Article VI, Section 2.5 by revising sign provisions in the Commercial Crossroads, Commercial, Commercial Critical Area, Village, Intense Village, Intense Village Critical Area, Marine, Employment Center, Industrial, Industrial Critical Area-LDA, and Critical Area Districts. The applicants also propose to enhance the bonus signage criteria found in Article VI, Section 2.7 of the Ordinance. This was submitted in December of 2015 and reviewed by the Technical Advisory Committee. It remained pending in 2015.

### **Other Projects Reviewed**

*Amendment to the 2012 Water and Wastewater Plan – Fairlee Water Service Area (Section 3.5.9 Delta Heights)* – The County proposed an amendment to Chapter 3, Section 3.5.9 (Water/Water Supply Systems/Delta Heights) in order to allow the County to extend a water line from the Fairlee Service District to serve the Delta Heights Condominium Project (which is being renovated and will be known as Tolchester Village). The community currently is served by a private water treatment facility owned and operated by Fifth Investments, LLC, and that system is in poor repair. The capacity of the proposed line is adequate to serve the nearby Tolchester Estates in the future. The private water treatment plant will be taken out of service when the new line from Fairlee is connected to the Tolchester Village water distribution system. This situation involves a community water system which is regulated by the Maryland Department of the Environment (MDE) who has identified public health and drinking water safety concerns. The project is currently served by public sewer. At its November 2014 meeting the Planning Commission forwarded a favorable recommendation to the County Commissioners based on the following findings:

- The proposed extension of water service is consistent with the Comprehensive Plan goal to protect drinking water quality.

- The Comprehensive Plan specifies that public water and/or sewer systems will not be extended into the Countryside except to correct public health emergencies. The Commission finds that adequate documentation exists from the Maryland Department of the Environment establishing that health concerns exist.
- A precedent has been established as the site is currently served by public sewer.
- No additional growth is proposed.
- The installation of the proposed water line places the County in a desirable position to address a potential public health emergency situation in nearby Tolchester Estates which is already served by the County sewerage system.

This amendment to the 2012 Water and Wastewater Plan was adopted by the County Commissioner's at the public hearing held on January 13, 2015.

*Realtor Training:* The Department's staff conducted training classes for the local realtors on January 15, 2015 and March 17, 2015. The trainings addressed floodplain, critical area, stormwater management, and sediment control.

*Kent County TMDL Committee:* The Center for the Watershed Protection (CWP) approached the Committee about implementing a pilot project to test a "Clean Water Optimization Tool" and the County Commissioners supported a grant on their behalf to implement this project. There are four counties included in this CWP project to review best management practices and conduct a cost analysis of the implementation of those practices.

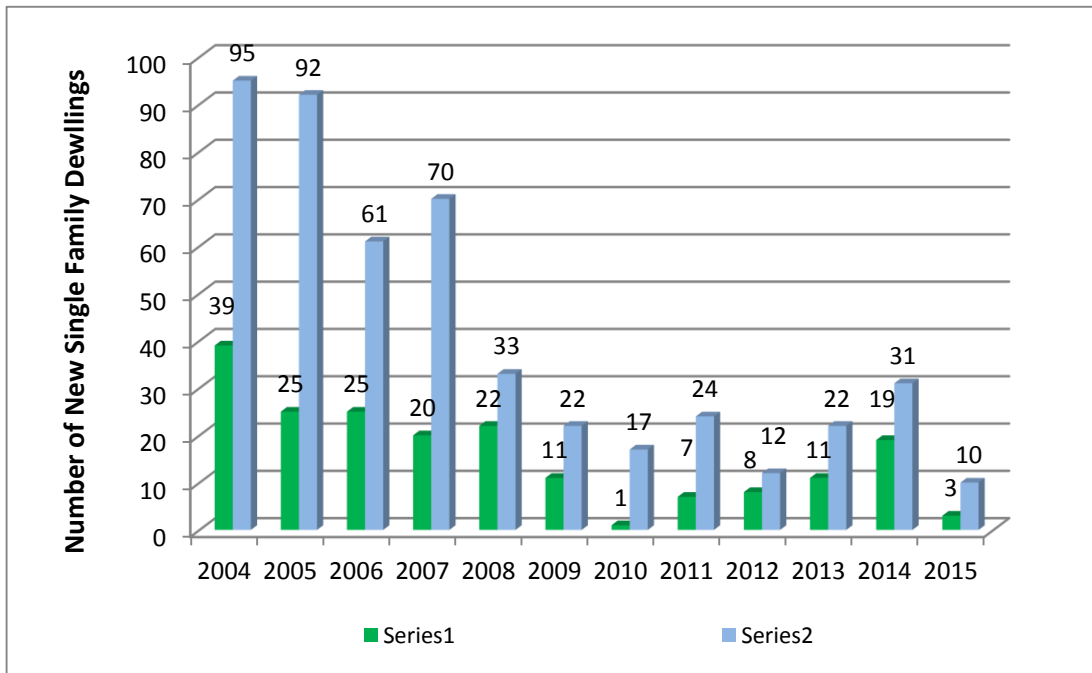
## **BUILDING PERMITS**

Building permits are reviewed by Planning, Housing, and Zoning Staff for consistency and compliance with the Comprehensive Plan, Land Use Ordinance, Forest Conservation Act, Sediment Control, Floodplain, and Stormwater Management regulations. In 2015 there were 440 permits submitted for the unincorporated areas of the County. Staff issued 425 building permits, including 13 new single family dwelling permits. The total number of permits issued and the number of new single family dwellings decreased from 2014. There were a total of 476 permits issued in 2014, of which 50 were for new single family dwellings. The number of permits reviewed had been slowly increasing from 2009 to 2014, but then declined again in 2015.

Of the 13 building permits issued for new single family dwellings in 2015 in the County, three (3) were located in a Priority Funding Area (PFA) and three (3) were in the Priority Preservation Area (PPA), with the remaining seven (7) in development areas. Most, equating to five (5), of the new single family dwellings were constructed in the Third Election Districts. The numbers of new homes were generally equally located in the Sassasfras River watershed, the Still Pond/Fairlee watershed, and the Middle Chester watershed. There were four new homes in each of those watersheds that equated to 30.8% of new homes per watershed. Only one new home was in the Lower Chester River watershed, or 7.7% of the new homes. Of the total 13 new dwellings six (6) were replacements for demolished houses.

Although three (3) new dwellings were located in the PPA, two were replacements for demolished houses located on farms of over 200-acres and the other permit was on an existing lot of record that predated the establishment of the PPA in 2010. Furthermore, 69 percent of the homes built in 2015 had a construction value of under \$250,000. These numbers do not reflect sale value but construction value as reported on building permit applications.

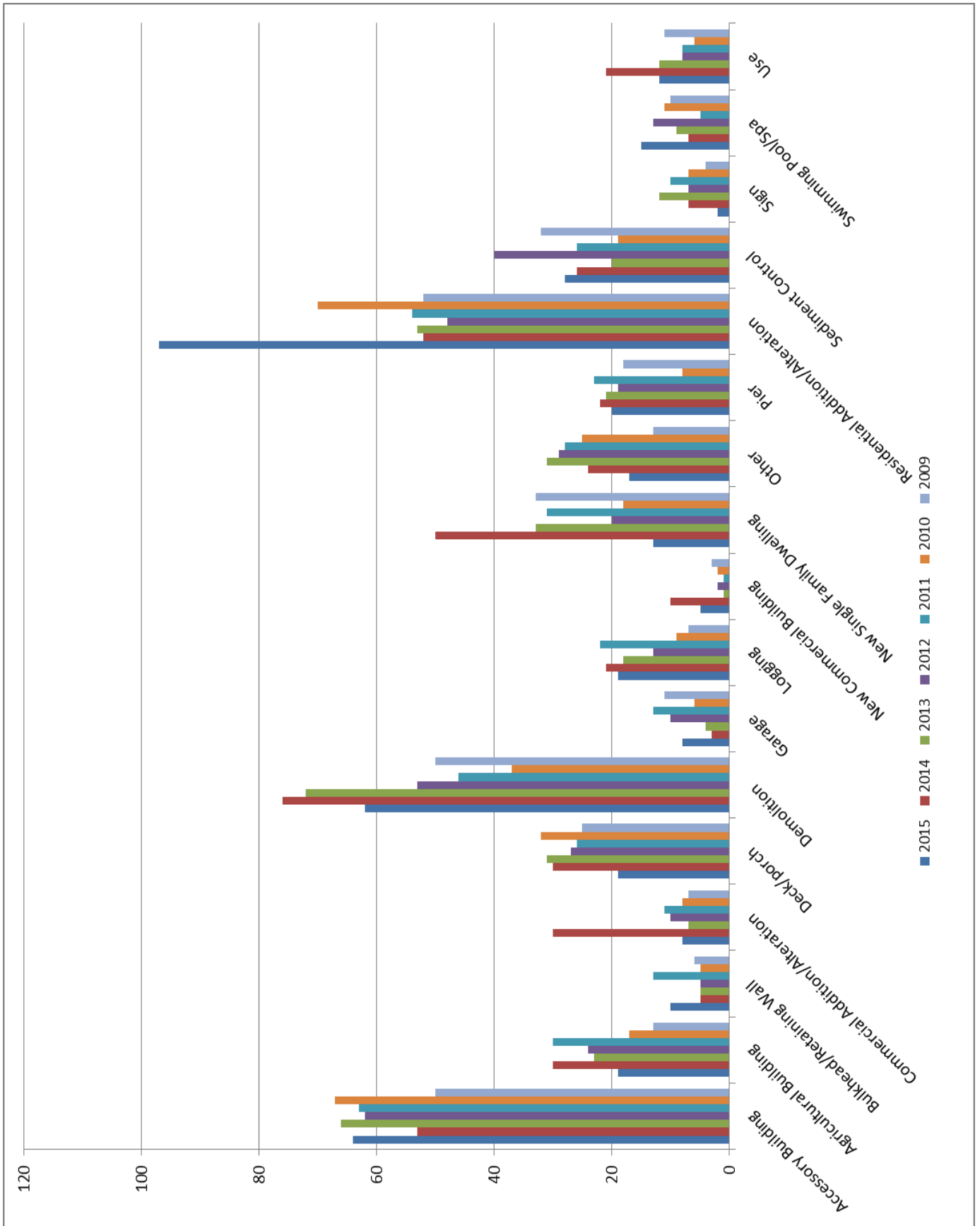
**Figure 3: New Single Family Dwellings by PPA**



**Table 4: Building Permits by Type**

Application Type	Number	Percentage
Accessory Building	64	15%
Agricultural Building	19	4%
Commercial Addition/Alteration	8	2%
Deck/porch	19	4%
Demolition	62	15%
Garage	8	2%
Logging	19	4%
New Commercial Building	5	1%
New Single Family Dwelling	13	3%
Other	17	4%
Pier	20	5%
Residential Addition/Alteration	97	23%
Satellite Dish	7	2%
Sediment Control	28	7%
Sign	2	0%
Swimming Pool/Spa/Tennis Court	15	4%
Use	12	3%
Bulkhead/Retaining Wall	10	2%
<b>Total</b>	<b>425</b>	<b>100%</b>
Closed, pending, denied, or withdrawn	15	

**Figure 4: Building Permits by Type**



**Table 5: New Single Family Dwellings by Zoning District\***

Zoning District	Total	Percentage
Agricultural Zoning District	2	15.4%
Agricultural Zoning District / Resource Conservation District	1	7.7%
Resource Conservation District	-	-
Rural Character	-	-
Rural Residential	3	23.1%
Community Residential	1	7.7%
Critical Area Residential	4	30.8%
Critical Area Residential / Community Residential	-	-
Critical Area Residential / Marine	-	-
Village	2	15.4%
<b>Total</b>	<b>13</b>	<b>100%</b>

*\*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	23.1%
Second	1	7.7%
Third	5	38.5%
Fourth	-	-
Fifth	-	-
Sixth	1	7.7%
Seventh	3	23.1%
<b>Total</b>	<b>13</b>	<b>100%</b>

**Table 7: New Single Family Dwellings by Watershed\***

Watershed	Number	Percent
Langford	-	-
Lower Chester	1	7.7%
Middle Chester	4	30.8%
Sassafras	4	30.8%
Still Pond/Fairlee	4	30.8%
Upper Chester	-	-
<b>Total</b>	<b>13</b>	<b>100%</b>

**Table 8: Value of New Single Family Dwellings\***

Construction Value	Number	Percent
\$0-\$49,999	-	-
\$50,000-\$99,999	1	7.7%
\$100,000-\$149,999	3	23.1%
\$150,000-\$199,999	2	15.4%
\$200,000-\$249,999	3	23.1%
\$250,000-\$299,999	-	-
\$300,000-\$349,999	2	15.4%
\$350,000-\$399,999	1	7.7%
\$400,000-\$449,999	-	-
\$450,000-499,999	-	-
\$500,000+	1	7.7%
<b>TOTAL</b>	<b>13</b>	<b>100%</b>

*\* 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 2015, the Staff was involved with 83 sediment control and stormwater management permits for single family dwellings/commercial buildings, sediment control, logging, living shorelines/bulkhead/retaining walls and floodplain. Each permit requires a minimum of 2 site inspections.

**VARIANCES**

The Planning Commission forwards recommendations to the Zoning Board of Appeals concerning all variance applications except variances of the Floodplain Ordinance. There were no applications for variances submitted in 2015.

**Table 9: Variances Granted and Denied by Type**

Variance Type	Total	Granted	Denied	Withdrawn
No applications submitted	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**Table 10: Variances**

Case #	Applicant	Type	Decision
No applications were submitted in 2015			

### Administrative Variances

The Planning Director, or Planning Director’s designee, may hear and decide Administrative Variances. Applicants may apply for an Administrative Variance from the yard requirements that do not exceed 50 percent of the required yard for the applicable zoning district. Applicants may also apply for an Administrative Variance from the buffer requirements for parcels that existed on or before December 1, 1985 for the repair, replacement and installation of septic systems. 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 received five (5) administrative variance requests in 2015, one of which was withdrawn. Of the remaining four, all of which were granted, two (2) were setback variances and two (2) were for replacement septic systems in the 100-foot Critical Area Buffer.

**Table 11: Administrative Variances**

Case #	Applicant	Type	Decision
15-01	William R. Ashmore	Variance to Side Yard Setback	Withdrawn
15-42	William McCormick, Jr.	Variance to the Front Yard Setback	Granted
15-50	Barbara H. Miller	Administrative Buffer Variance	Granted
15-65	Antonia B. Davis	Administrative Buffer Variance	Granted
15-68	Charles O. Hubbs	Variances to Rear Yard Setbacks	Granted

### SPECIAL EXCEPTIONS

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 2015 there were two applications submitted seeking a special exception, but one was withdrawn prior to being presented to the Board of Appeals. The other special exception was granted.

**Table 12: Special Exceptions Granted and Denied by Type**

Special Exception	Total	Granted	Denied	Withdrawn
Cottage Industry	1			1
Adaptive Reuse of Historic Structures	1	1		
<b>Total</b>	<b>2</b>	<b>2</b>	<b>-</b>	<b>1</b>

**Table 13: Special Exceptions**

Case #	Applicant	Type	Decision
15-55	Leonard P. Fletcher	Cottage Industry	Withdrawn
15-58	Zebulon E. Blyman	Adaptive Reuse of Historic Structures	Granted

### **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. The Planning Director or her designee heard a total of seven administrative special exception cases in 2015, all of which were granted. The last case was submitted in December, so it was still pending in 2015.

**Table 14: Administrative Special Exceptions**

Case #	Applicant	Type	Decision
15-13	Sara Shea and Michael Christian	Accessory structure in front yard of waterfront property	Granted
15-19	Percy Robinson	Structure exceeding 1,200 square foot accessory building limit on a parcel less than 5 acres	Granted
15-32	Ralph E. White, Vickie White Blizzard and Melissa Ann White	Structure exceeding 1,200 square foot accessory building limit on a parcel less than 5 acres	Granted
15-36	Herschell B. Claggett	Accessory structure in front yard of waterfront property	Granted
15-38	Holden T. and Megan E. Smith	Structure exceeding 1,200 square foot area for an accessory building and 17 foot height limitation on a parcel less than 5 acres	Granted
15-46	Michael and Wendy Moore	Accessory structure in front yard of waterfront property	Granted
15-53	Michael A. and Diann M. Black	Structure exceeding 1,200 square foot area for an accessory building and 17 foot height limitation on a parcel less than 5 acres	Granted

### **CODES ENFORCEMENT**

Kent County’s Land Use Ordinance is directly enforced by the Department of Planning, Housing, and Zoning Staff. In 2015, staff was involved with 23 violation cases, including 2 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. In 2015, the Department collected \$600 in fines. In addition, there were 124 Critical Area Buffer Management/Enhancement Plans and 74 Critical Area Forest Clearing Plans.

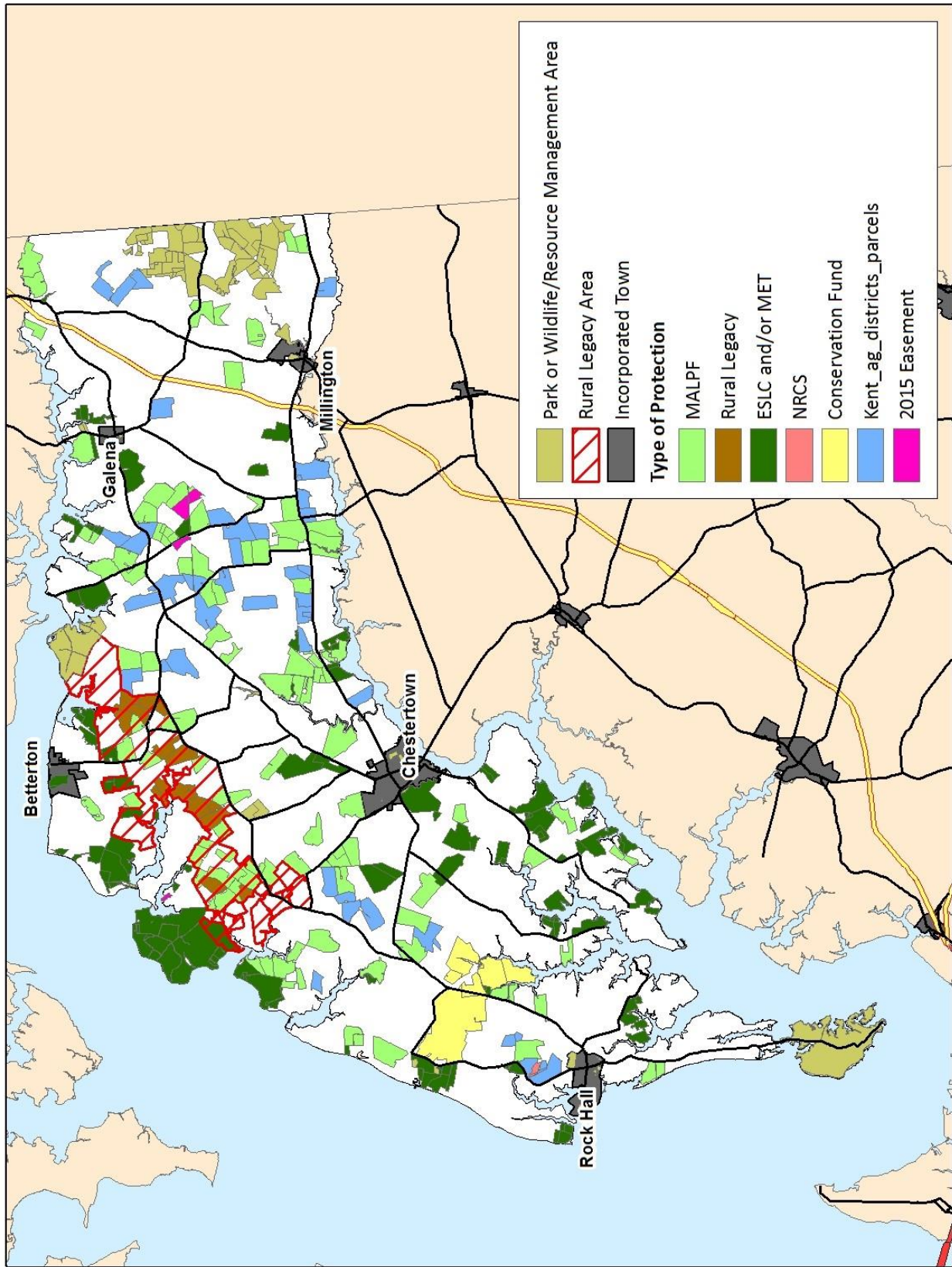
Staff spends a significant amount of time meeting onsite with property owners in an effort to reduce code violations; staff conducted more than 226 site inspections related to tree or vegetation removal and replacement in the Critical Area, potential projects, and staff reports. In addition to specific violation cases, staff conducted approximately 235 inspections related to enforcement of sediment control and stormwater management, as well as 50 site inspections dealing with floodplain permits.



**Table 11: Violations by Type**

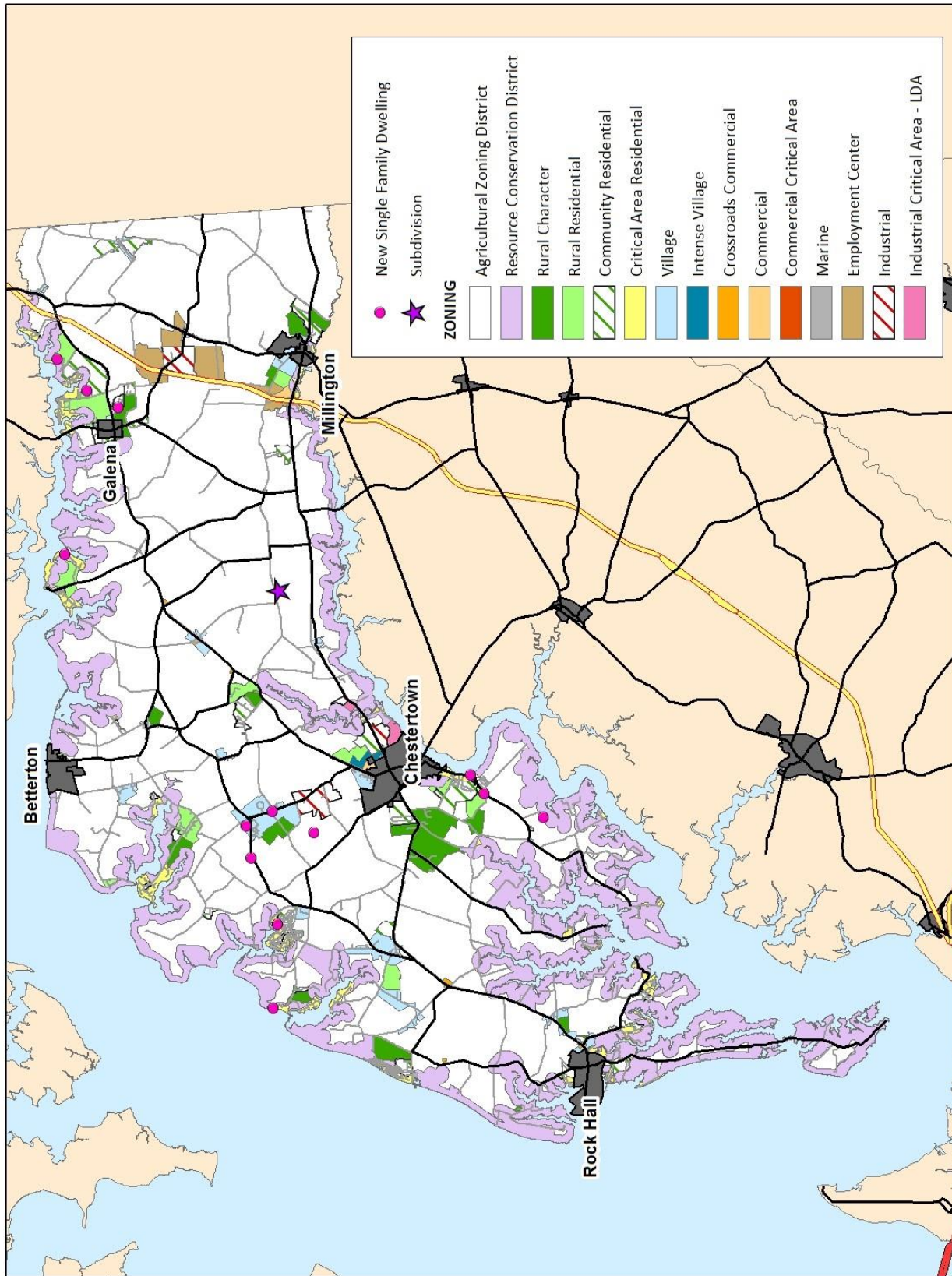
Case Type	Number of Cases
Building without a permit	8
Building in the Buffer	1
Clearing of Property in the CA	1
Junk and Debris	2
Illegal Signs/Use	3
Unsafe Property	5
Unregistered Vehicle	2
Other	1
<b>TOTAL</b>	<b>23</b>

## Appendix A: Kent County Protected Lands



Source: Kent County PHZ, MdProperty View 2013. Map prepared May 2016.

## Appendix B: New Single Family Dwellings/Subdivisions



Source: Kent County PHZ, MdProperty View 2013. Map prepared May 2016.