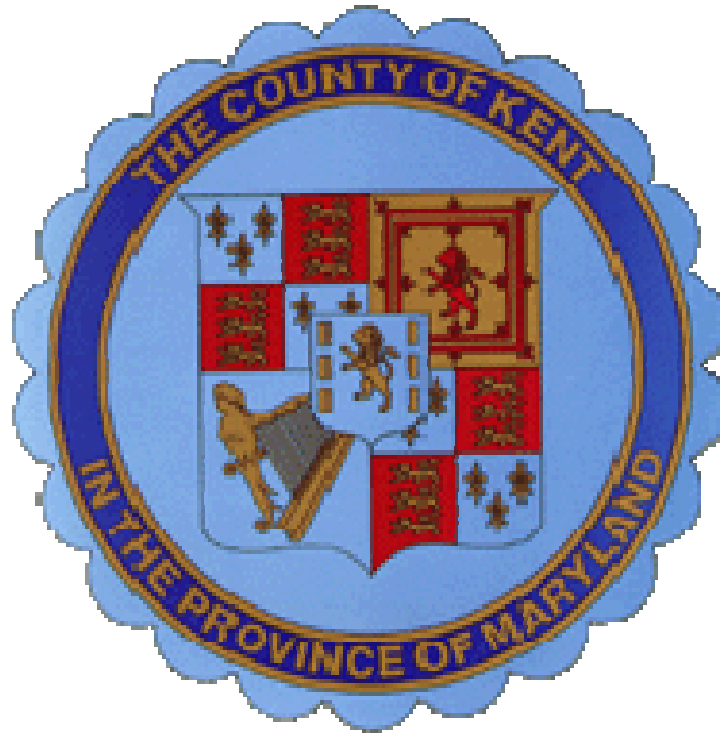


ANNUAL REPORT
2014

DEPARTMENT OF PLANNING, HOUSING, AND ZONING

KENT COUNTY, MARYLAND



COMPLETED JUNE 2015

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 2013. 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	Bryan Foreman, Enforcement Officer
Carla Gerber, Community Planner (January – July), then appointed as the GIS Specialist in July	Sandy Adams, Office Manager
Katrina Tucker, Community Planner (August – December)	Jennifer Butz, Administrative Assistant (January - May)
Bill Kerbin, Housing & Critical Area Planner	Tonya Thomas (May – December)
M. Richard Myers, Chief Enforcement Officer	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	F. Joseph Hickman
Randy Bellows (resigned in October)	Kim Kohl
James E. Saunders (Appointed in December)	William S. Sutton
Ed Birkmire	G. Mitchell Mowell, Attorney
William Crowding	

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 2014, the Planning Commission met 11 times.

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 2013, the Board of Appeals met 7 times.

MEMBERS

Al Townshend, Chairman	Trey Hill, member
Allen Davis, 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 2014, there were 9 applications for assistance submitted to the County. There was 1 application approved and 1 individual was assisted. Both the number of applications submitted and approved remain unchanged from the 2013 cases.

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 twice in 2014.

MEMBERS*

Elizabeth Beckley, Chairman	Susan Debnam (resigned in December 2014)
Carolyn Brooks	Max Ruehrmund
Robert Busler	Barton Ross (appointed April 2014)

*Due to very specific membership criteria, one vacancy remained open in 2014 and another vacancy created with the resignation of Susan Debnam at the end of the year.

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 met once in 2014.

MEMBERS

W. Frank Barnes, Jr.
John Cahall
Herman E. Hill, Jr

Sean Jones
Craig McSparran
John Henry Myers, Jr.

During 2014, four (4) vacancies remained and one (1) additional term expired resulting in five (5) vacancies on this Board. As new members had not been appointed, the sitting members held one (1) meeting in 2014 to advise the Planning Commission regarding a text amendment to add utility scale solar energy system provisions to the Agricultural and Resource Conservation Districts. The Commission sent an unfavorable recommendation to the Planning Commission.

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, 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 twice in 2014.

MEMBERS

Jennifer Debnam, Chair
William Cooper (term expired in 2013)
W. David Leager (term expired in 2013)
Timothy Redman (term expired in 2013)

Davidson Coleman (appointed July 2014)
Bryan McDonald (appointed July 2014)
Ernest "Tot" Strong (appointed July 2014)
George Wiedenmayer (appointed July 2014)

Several vacancies remained open during the first half of 2014, so the members with expired terms agreed to continue to serve until replacements were appointed in July of 2014. Four new members were then appointed.

The Board reviewed and approved a total of six applications to create local Agricultural Preservation Districts, a Child's Lot Request, the renewal of a spray irrigation agreement, and the proposed changes to the MALPF Agricultural Subdivision Regulations. Additionally, the

Board reviewed and approved the ranking of 16 applications for the FY 2015-2016 Easement Acquisition Cycle and forwarded the top 8 ranked farms to the County Commissioners with a recommendation to submit those to MALPF for consideration.

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 2014.

MEMBERS

R. Allen Davis, Chairman
William Bowdle
Edward Taylor

William Washington
Emily Joyce, Cooperative Extension
Timothy Redman, Soil & Water Conservation District

Two vacancies remained open in 2014

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 2014.

MEMBERS

Three vacancies remained open in 2014.

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 6 times in 2013.

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 2013.

MEMBERS

Nancy Dick
Janice Graham

Charles W. Sommers

The positions for the two alternate members remained vacant in 2014.

SPECIAL PROJECTS

Special Projects which involved Department of Planning, Housing, and Zoning staff in 2014 included:

- ☞ *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. 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 2013, 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
- Agricultural Advisory Commission
- Bay Area Association of Realtors Training Class
- Baywood Village Community Conversation coordinated by Sustainable Delmarva
- Coastal Communities Exchange workshop
- Critical Area Commission – Chesapeake and Atlantic Coastal Bays
- Department of Social Services, Samaritan Group Grant meetings
- Eastern Shore Land Conservancy
 - Quarterly Planners Meetings
 - Annual Conference
- Eastern Shore Heritage, Inc. (Stories of the Chesapeake Heritage Area)
- FEMA Meetings on new mapping and insurance reform
- Kent County Council of Government
- Kent County Economic Development Advisory Board
- Kent County Total Maximum Daily Load
 - Local Phase II WIP meetings
 - Chesapeake Bay Foundation WIP meeting
 - Harry R. Hughes Center for Agro-Ecology WIP Seminars
 - MDE WIP and MAST workshops
- Local Management Board
- Local Emergency Planning Committee
- Maryland Agricultural Land Preservation Foundation
- Maryland Association of Counties:
 - 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
- Maryland Department of Planning—Sustainable Growth Awards Program
- Maryland Department of Transportation Freight Lines Strategic Planning meeting
- MEMA - Hazard Mitigation Plan Update HIRA Committee
- 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

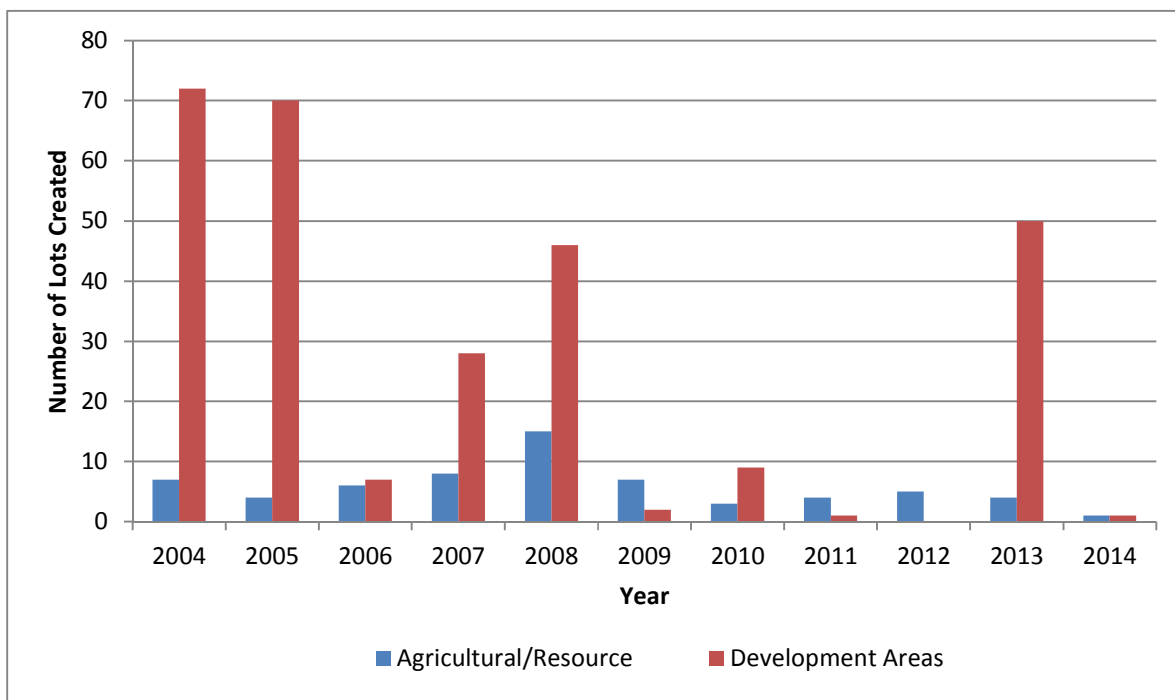
PLANNING & DEVELOPMENT

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.

Only two (2) new residential lots were approved in 2014 in the unincorporated area of the County; one (1) is located in a development area and the other is 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.

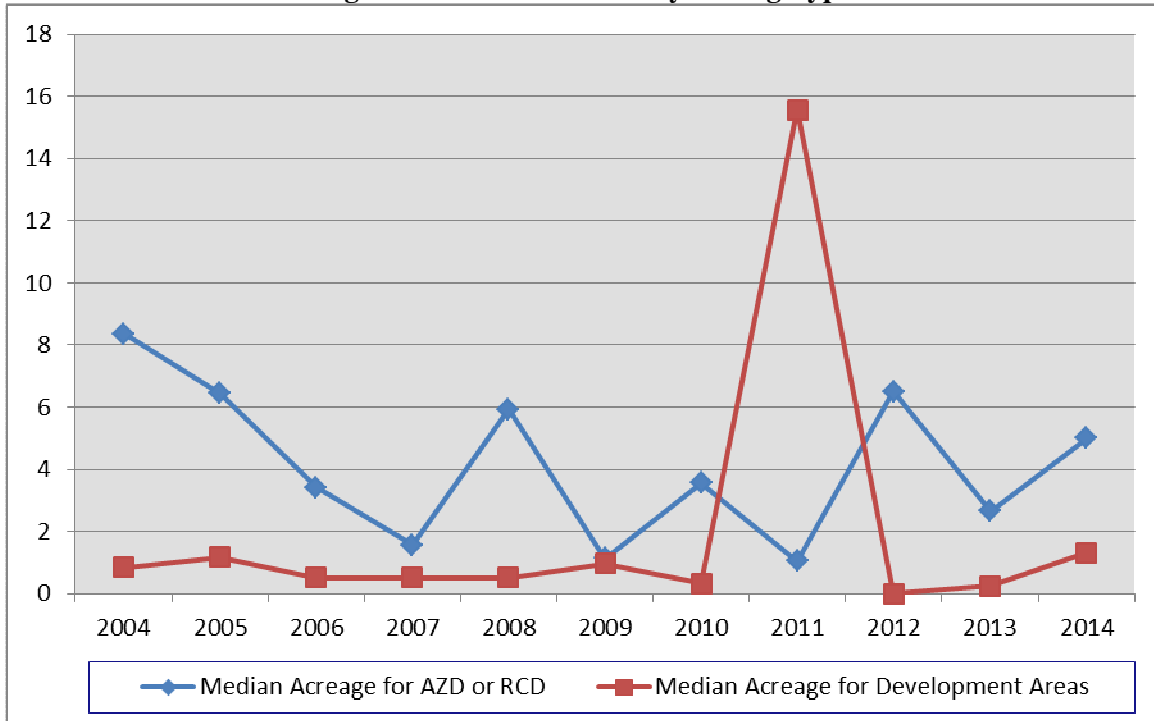
Figure 1 shows the development trends of lots approved by zoning type over the past decade. As reflected in Figure 1 the majority of new lots have been located within the development areas. This also shows how variable the amount of development activity can be within the unincorporated area of the County 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 increased in 2014. 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.

Table 1: New Lots Created in 2014

	Lots Created	Lot Size
Minor Subdivision in AZD and RCD	1	5.0 acres
Minor Subdivision in Development Areas	1	1.323 acres
Major Subdivision	N/A	N/A

Table 2: New Lots Created by Zoning District in 2014

Zoning District	Number of Lots
Agricultural Zoning District	1
Community Residential	1
Total	2

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.

There were no major subdivision applications submitted in 2014.

Minor Subdivisions

Four minor subdivision applications were submitted to the Department of Planning, Housing, and Zoning during 2014. Of those applications, only two were signed and recorded. The William Shahan minor subdivision subdivided a 5.0 acre agricultural lot from the 116-acre farm for the owner's son, and the other application by H. Allan Blizzard consisted of a lot line adjustment and minor subdivision of a 1.323 acre lot in the Community Residential zoning district.

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 26, and approved 22, adjustments of lot lines in 2014.

Table 3: Lot Line Adjustment by Zoning District

Zoning District	Number
Agricultural Zoning District	5
Agricultural Zoning District/ Resource Conservation District	1
Community Residential	1
Critical Area Residential	5
Critical Area Residential/Community Residential	1
Industrial	1
Marine	1
Resource Conservation District	2
Resource Conservation District/Rural Character	1
Resource Conservation District / Rural Residential	1
Village	3
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 17 site plans in 2014, of which 10 were major site plans. Ten received final approval and two are still under review.

Minor Site Plans Completed in 2014

Barry Burton c/o Aretha Dorsey: The applicant, Aretha Dorsey, proposed a minor site plan to operate a salon on the property owned by Barry Burton and located on Washington Avenue, Chestertown, in the Fourth Election District. The property is zoned Intense Village. Mr. Burton operates an accounting office at this location, at which he is the sole employee.

D & D Contracting (Chester River Behavioral Health, LLC): This minor site plan approved the operation an outpatient facility for the assessment and treatment of clients at the property located on Washington Avenue, Chestertown. The site is located in the Fourth Election District and is zoned Intense Village.

Rock Hub Investments LLC. (TNT Fireproofing): This proposed minor site plan in order to operate a fireproofing business at the property located on Northgate Drive in the Fourth Election District. The property is zoned Intense Village.

Todd & Diane Smith/Cleotrina Tinch (Beauty Salon/ Barber Shop): The applicant presented a minor site plan for the commercial redevelopment of an existing building in order to operate a Beauty Salon and Barber Shop. The property is on Morgnec Road in the Fourth Election District, and is zoned Intense Village (IV).

Kevin McKinney – Barbara Silcox (Kitchen School): The applicant obtained minor site plan approval for the commercial redevelopment of an existing building in order to open a Kitchen School and Retail Businesses. The property is on Spring Road in the Second Election District, and is zoned Village.

CHC-1 LLC- Morgan Wallace (Tattoo Shop): The applicant presented a minor site plan in order to operate a tattoo parlor and vintage retail shop.

County Commissioners of Kent County: This minor site plan was for the relocation of the paddle tennis courts from Washington College to Worton Community Park. The project includes two elevated courts, a deck which connects the courts, and a warming hut. Worton Community Park is located on Worton Road, in Third Election District, and is zoned Village.

Major Site Plans Completed in 2014

Samuel G. Alexander (Haunted House): The applicant is requesting a major site plan review to operate a haunted house for weekend use from September to November on the property located at 13335 Alexander Road, Massey, in the First Election District. The parcel is zoned Agricultural Zoning District (AZD). The site plan consists of the following improvements: two 3,000 square foot buildings, ticket booth, area for refreshment sales, portable restrooms, designated haunted hayride area, gravel driveway and parking area, grass parking area, dirt lane, and 50 foot landscape buffer along much of the site.

Roland Clayton Co LLC (Gravel Pit): This was a major site plan review for the applicant's gravel pit. The property is located on Walnut Tree Road in the First Election District and is zoned Agricultural Zoning District (AZD).

Eastern Shore Mushroom, Inc. – Final Site Plan Approval Extension (Additional 3 years): An additional three year extension was granted to the final major site plan approval. The project was previously granted a three year extension on October 6, 2011. The site is on Galena Road (MD Route 313) in the First Election District and is zoned AZD and Industrial.

Inn at Huntingfield Creek Retreat: The applicants submitted a major site plan review in order to expand their existing country inn into a retreat. An accessory structure will be constructed in order to house three additional guest rooms resulting in a total of 11 guest rooms at the Inn. The property is on Eastern Neck Road in the Fifth Election District, and is zoned Resource Conservation District (RCD) and AZD

Eastern Shore Tents & Events: This major site plan was for a 33,750 square foot warehouse facility with office to be used for his event rental business. The property is located on Commerce Lane in the Third Election District and is zoned Industrial.

Willards Agri-Service of Lynch, Inc.: The applicant submitted a major site plan to construct a new 7,200 square foot product and equipment warehouse facility and to convert 550 square feet within an existing building into office space at its Lynch facility. Storage tanks will be removed and relocated. Two new parking spaces will be created. The property is located on Lynch Road in Worton in the Second Election District and is zoned Village.

Tolchester Marina: The applicant submitted a major site plan for a 40 foot by 80 foot special events building at the marina. The property is located on Tolchester Beach Road, Chestertown, in the Sixth Election District. The property is zoned Marine/RCD/AZD, and the building is located within the Marine portion of the property.

Stephen R. Stoltzfus (Delmarva Feed & Farm): The applicant obtained a Special Exception and approval of a major site plan to construct a 4,680 square foot addition to the existing commercial building. The structure is for the buying, processing, and sale of farm products related to agriculture, including the sale of fertilizer and seed but not including animal products, which exceeds 10,000 square feet but is less than 25,000 square feet. The site is on Morgnec Road in the Second Election District, and is zoned AZD

Oddmund & Hedvig Angell: The applicant submitted a major site plan for a retail business consisting of an initial 3,200-square foot building which will 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 in the Fifth Election District, and is zoned Village

Town of Galena (Upgrade to Wastewater Treatment Plant): The applicant sought a special exception and major site plan approval in order to convert the Public Utility for the Town Sewage Lagoon into a Public Wastewater Treatment facility. The facility is located on Augustine Herman Highway, Galena, and is in the Resource Conservation Zoning District (RCD).

Town of Chestertown (Gateway Park): The Town of Chestertown was granted final site plan approval for Mabel Mumford-Pautz Gateway Park. The park plans include a basketball court, walking path to a 10' x 12' observation deck, picnic tables, a bike rack, and a 10-space parking lot. The 11 acre parcel is located on the south side of Route 20, near the intersection with

Flatland Road, adjacent to the town limits in the Seventh Election District. The park site is zoned “AZD” Agricultural Zoning District and the area is characterized by a mix of commercial/industrial, residential and agricultural uses.

Zoning Text Amendments

There were five petitions proposing amendments to the Kent County Land Use Ordinance submitted in 2014. These “Zoning Text Amendments” included the following:

Outdoor Storage and Display in the Village District: The Land Use Ordinance was amended to allow neighborhood retail businesses in the Village District to have outdoor storage or display areas at the discretion of the Planning Commission. Prior to this amendment all storage and display areas had to be conducted entirely within a building. This change made this use in the Village District consistent with other village and commercial zoning districts.

Rural Inn as a Special Exception use: 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.

Keeping of Backyard Chickens: This amendment to the residential and village zoning districts allows the keeping of backyard chickens as an accessory use under specific conditions.

Marine and Other Commercial Uses to the Village District: This amendment to Village District added new permitted uses that includes a marine supply store subject to site plan review, new and used boat sales, boat and outboard repairs and boat storage with certain limitations, and up to 30 self-storage units in one building that does not exceed 100 square feet of floor space per unit provided that the property has frontage on two public roads.

Utility Scale Solar Energy Systems: This proposed an increase in the allowable area of utility scale solar system usage from 5 acres up to 60 acres in the Agricultural Zoning District (AZD) and the Resource Conservation District (RCD), which marked a substantive change to the County’s existing utility scale solar energy system provisions. Subsequent to the Planning Commission’s Public Hearing held on November 6, 2014, it was withdrawn by the applicant.

Other Projects Reviewed

Hazard Mitigation Plan Update: This plan is mandated for local jurisdictions through the Disaster Mitigation Act of 2000 that established a national Pre-Disaster Mitigation Grant Program to provide funding for completion of local mitigation projects. Local Plans must be current in order to be eligible for certain mitigation grant funding. Initially adopted by the Kent County Commissioners on October 24, 2004 and officially approved by the Federal Emergency Management Agency (FEMA) on November 28, 2005, the County received a MEMA Mitigation Planning Grant to assist in funding the required update of the Plan. The Planning Commission

held a public hearing on the draft plan in November of 2013 prior to submission to FEMA and MEMA for review. Some of the comments received from FEMA that were addressed during 2014, were minor such as clarifying definitions, and other changes to the draft were more significant and included the following additions to the Plan:

- A background section to provide more information about Kent County;
- An earthquake section;
- A completed mitigation projects section; and
- List of Planning Team Members.

The Planning Commission forwarded a favorable recommendation to the County Commissioners to approve the updated plan in September 2014. And, by Resolution 2014-04 the County Commissioners adopted the Hazard Mitigation Plan on November 25, 2014, and it was subsequently also approved by the Maryland Emergency Management Agency and FEMA.

Floodplain Ordinance & Maps Update - The update to the Kent County Ordinance was mandated in accordance with the requirements of the Code of Maryland Regulations (COMAR) 26.17.04; Environment Article, §§1-404, 5-501—514, Annotated Code of Maryland; and the community participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations (CFR) at 44 CFR Section 59.22. It was necessary to adopt the updated Floodplain Ordinance and Maps before June 9, 2014 to coincide with the National Flood Insurance Program (NFIP) updated Flood Insurance Rate Map (FIRM) release that was scheduled to occur on that date.

Therefore, on April 3, 2014, the Planning Commission held a Public Hearing. New additions to the floodplain ordinance include the way the floodplains are identified, the increase in the floodplain protection elevation from one (1) foot above the floodplain to two (2) feet above base flood elevation, an elimination of the provision on the limit of fill which used to be 600 cubic yards; however, there is an impact analysis that must be completed. A community worksession was held so that property owners were provided the opportunity to become familiar with the online resource that will identify properties within the floodplain.

Following the April Public Hearing, the Planning Commission sent a favorable recommendation to the Kent County Commissioners regarding the update of the Kent County Floodplain Maps and Ordinance, as well as accompanying amendments to the Specific Design Standards in each Zoning District and the Definitions Section of the Land Use Ordinance. In May the Planning Commission was informed that the draft Floodplain Ordinance had been accepted by FEMA. The County Commissioners held a Public Hearing on May 27, 2014, and the updated Floodplain Management Ordinance and Maps were adopted by CHR 1-2014 on June 3, 2014.

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 is scheduled before the County Commissioner's at their meeting to be held on January 13, 2015.

Realtor Training: The Department's staff conducted a training class for the Bay Area Association of Realtors on January 9, 2014. The training discussed floodplain, critical area, stormwater management, and sediment control. This training is required for realtor continuing education.

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.

Town of Chestertown Comprehensive Plan Update: The Planning Commission's review of the update to the Town's Comprehensive Plan found the Plan to be well-written, organized, and informative. The Plan is also full of laudable initiatives such as its seven areas of focus within the town limits; walking and biking path implementation and planned expansion; environmental site design focus; streetscape and traffic-calming initiatives; and pocket park enhancements. The Planning Commission further noted its appreciation of the Town's continued support of the Chestertown Parkway Bypass. The Planning Commission offered the comments to the Town for consideration.

Millington Comprehensive Plan Update: The Kent County Planning Commission reviewed the update to the Town of Millington Comprehensive Plan and found the Plan to be well-written, organized, and informative. The County Planning Commission offered the comments to the Town for consideration.

Planning Commission Bylaws: The members reviewed several example bylaws concerning meeting attendance and unexcused absences. The members agreed to update the bylaws to reflect a policy on attendance and staff modified the bylaws accordingly.

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 2014 there were 529 permits submitted for the unincorporated areas of the County plus 1 sediment control permit for the Town of Millington. The County issued 476 building permits, including 50 new single family dwelling permits in 2014. The total number of permits issued and the number of new single family dwellings increased by approximately 60 permits from 2013. Since the year 2000, the most permits reviewed in a single year occurred during 2004; while the fewest number of permits were in 2010. With the exception of a modest decrease in 2012, the number of permits reviewed has been increasing since 2010.

Of the 50 building permits issued for new single family dwellings in 2014 in the County, seventeen (17) were located in a Priority Funding Area (PFA) and nineteen (19) were in the Priority Preservation Area (PPA), with the remaining fourteen (14) in development areas. Just over half of the new single family dwellings were constructed in the First and Fifth Election Districts. Twenty-eight (28) percent of all new homes were built in the Sassasfras River watershed, with 24 percent constructed in the Lower Chester River watershed. Twenty-two (22) of the total new dwellings were replacements for demolished houses.

Although nineteen (19) new dwellings were located in the PPA, only one was located on a newly-subdivided lot created in 2014, and one other permit was issued for a lot in the PPA that was created in 2012. Ten (10) of these 19 permits were located on existing parcels that predated the establishment of the PPA in 2010. Within the PPA, seven (7) of the new dwellings were located on parcels of more than 20-acres.

Furthermore, 62 percent of the homes built in 2014 had a construction value of under \$200,000. These numbers do not reflect sale value but construction value as reported on building permit applications.

Figure 3: New Single Family Dwellings by PPA

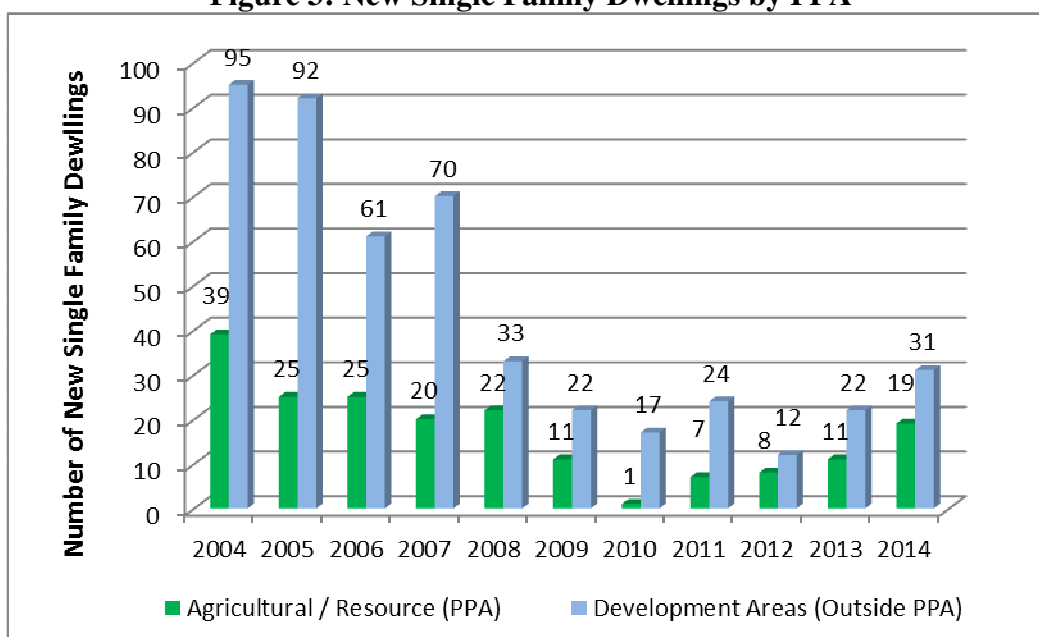


Table 4: Building Permits by Type

Application Type	Number	Percentage
Accessory Building	53	11.1 %
Agricultural Building	30	6.3 %
Commercial Addition/Alteration	30	6.3 %
Deck/porch	30	6.3 %
Demolition	76	16.0 %
Garage	3	0.6 %
Logging	21	4.4 %
New Commercial Building	10	2.1 %
New Single Family Dwelling	50	10.5 %
Other	24	5.0 %
Pier	22	4.6 %
Residential Addition/Alteration	52	10.9 %
Satellite Dish	9	1.9 %
Sediment Control	26	5.5 %
Sign	7	1.5 %
Swimming Pool/Spa/Tennis Court	7	1.5 %
Use	21	4.4 %
Bulkhead/Retaining Wall	5	1.1 %
Total	476	100%
Closed, pending, denied, or withdrawn	21	

Figure 4: Building Permits by Type

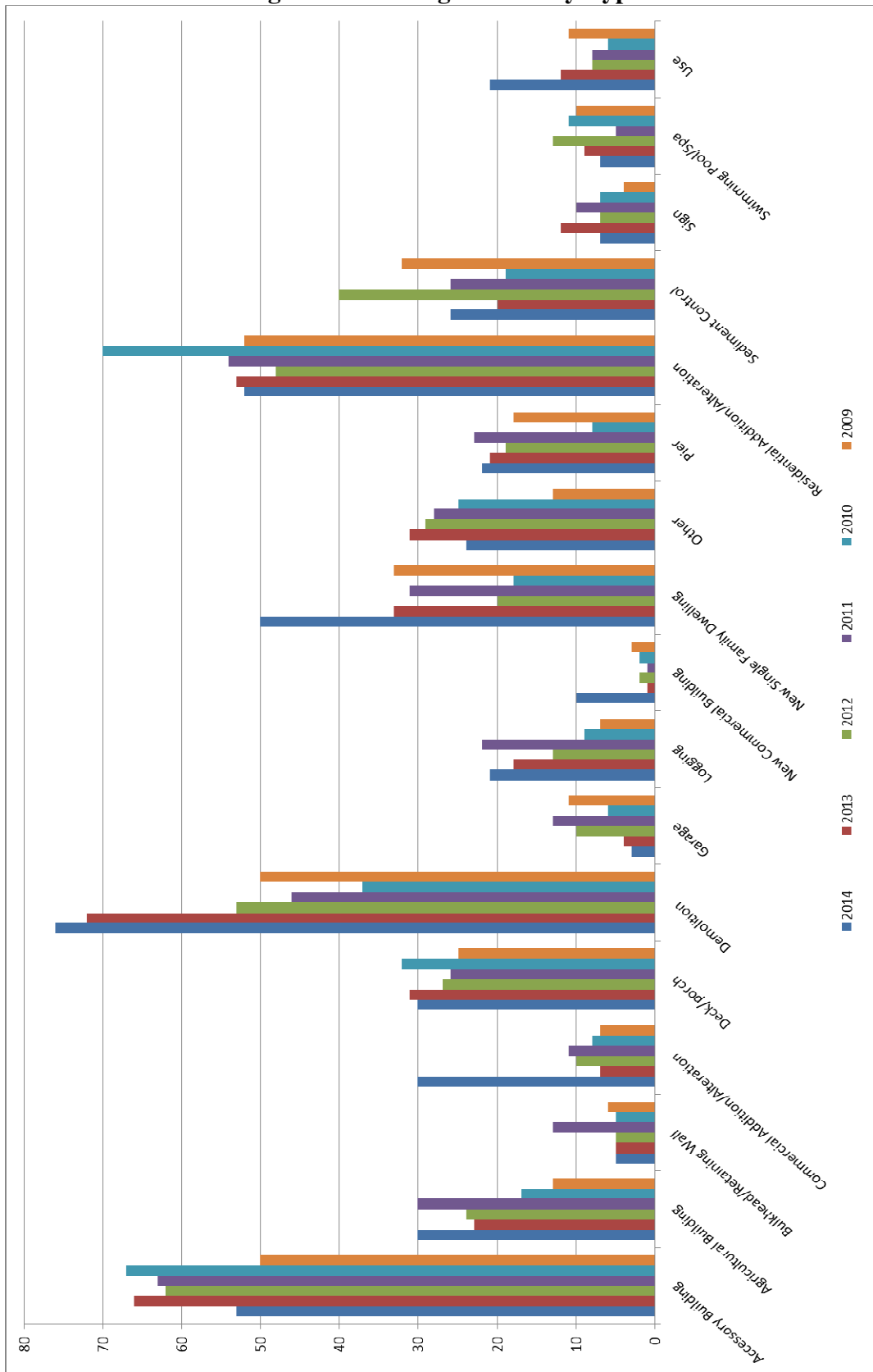


Table 5: New Single Family Dwellings by Zoning District*

Zoning District	Total	Percentage
Agricultural Zoning District	13	26 %
Agricultural Zoning District / Resource Conservation District	1	2 %
Resource Conservation District	3	6 %
Rural Character	2	4 %
Rural Residential	2	4 %
Community Residential	10	20 %
Critical Area Residential	9	18 %
Critical Area Residential / Community Residential	1	2 %
Critical Area Residential / Marine	1	2 %
Village	8	16 %
Total	50	100 %

**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	14	28 %
Second	10	20 %
Third	3	6 %
Fourth	1	2 %
Fifth	12	24 %
Sixth	9	18 %
Seventh	1	2 %
Total	50	100 %

Table 7: New Single Family Dwellings by Watershed*

Watershed	Number	Percent
Langford	4	8.0 %
Lower Chester	12	24.0 %
Middle Chester	5	10.0 %
Sassafras	14	28.0 %
Still Pond/Fairlee	10	20.0 %
Upper Chester	5	10.0 %
Total	50	100.0 %

Table 8: Value of New Single Family Dwellings*

Construction Value	Number	Percent
\$0-\$49,999	2	4.0 %
\$50,000-\$99,999	6	12.0 %
\$100,000-\$149,999	13	26.0 %
\$150,000-\$199,999	10	20.0 %
\$200,000-\$249,999	10	20.0 %
\$250,000-\$299,999	3	6.0 %
\$300,000 -\$349,999	1	2.0 %
\$350,000-\$399,999	0	0.0 %
\$400,000-\$449,999	2	4.0 %
\$450,000-499,999	2	4.0 %
\$500,000+	1	2.0 %
TOTAL	50	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 2014, the Staff was involved with 119 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. During 2014, there were six (6) applications for variances submitted. Three of the applications were granted, one was denied, and two were withdrawn before being heard by the Planning Commission.

Table 9: Variances Granted and Denied by Type*

Variance Type	Total	Granted	Denied	Withdrawn
Buffer	1		1	
Setback	4	2		2
Pier Length	1	1		
Total	6	3	1	2

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 reviewed eight (8) administrative variance requests in 2014, of which six (6) were setback variances and two (2) were for replacement septic systems in the 100-foot Critical Area Buffer. All were granted.

* See Appendices C1 and C2 for a list of Variances and Administrative Variances and decisions.

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 2014 there were five applications presented to the Board of Appeals seeking a special exception, all of which were granted.

Table 10: Special Exceptions Granted and Denied by Type*

Special Exception	Total	Granted	Denied	Withdrawn
Renewal for wireless facility tower	1	1		
Commercial Building greater than 10,000 sq. ft. for sale of farm products related to agriculture in the AZD	1	1		
Renewal for continued operation of sand & gravel pit	1	1		
Retreat	1	1		
Public Waste-Water Treatment Facility	1	1		
Total	5	5	-	-

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 2014, all of which were granted.

* See Appendices C3 and C4 for a list of Special Exceptions and Administrative Special Exceptions and decisions.

CODES ENFORCEMENT

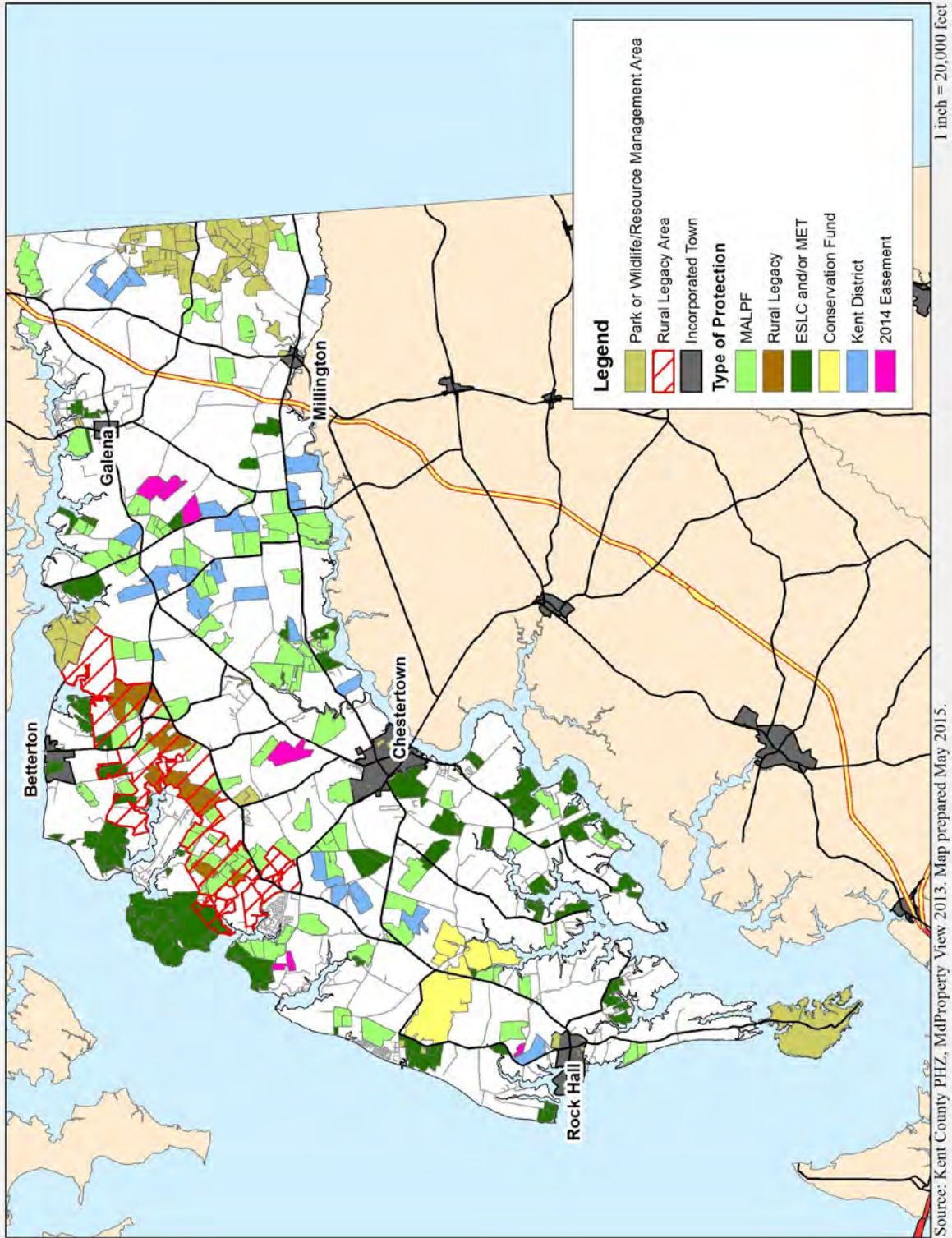
Kent County's Land Use Ordinance is directly enforced by the Department of Planning, Housing, and Zoning Staff. In 2014, staff was involved with 38 violation cases, including 2 Critical Area violations. Each case requires a minimum of two inspections. In addition to inspections resulting in citations, staff routinely responds to potential violation concerns expressed by property owners. In 2014, the Department of Planning, Housing and Zoning collected \$9,400 in fines. In addition, there were 50 Critical Area Buffer Management/Enhancement Plans and 143 Critical Area Forest Clearing Plans, and one Water Quality Management Plan.

Staff spends a significant amount of time meeting onsite with property owners in an effort to reduce code violations; staff conducted more than 247 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 175 inspections related to enforcement of sediment control and stormwater management, as well as 50 site inspections dealing with floodplain permits.

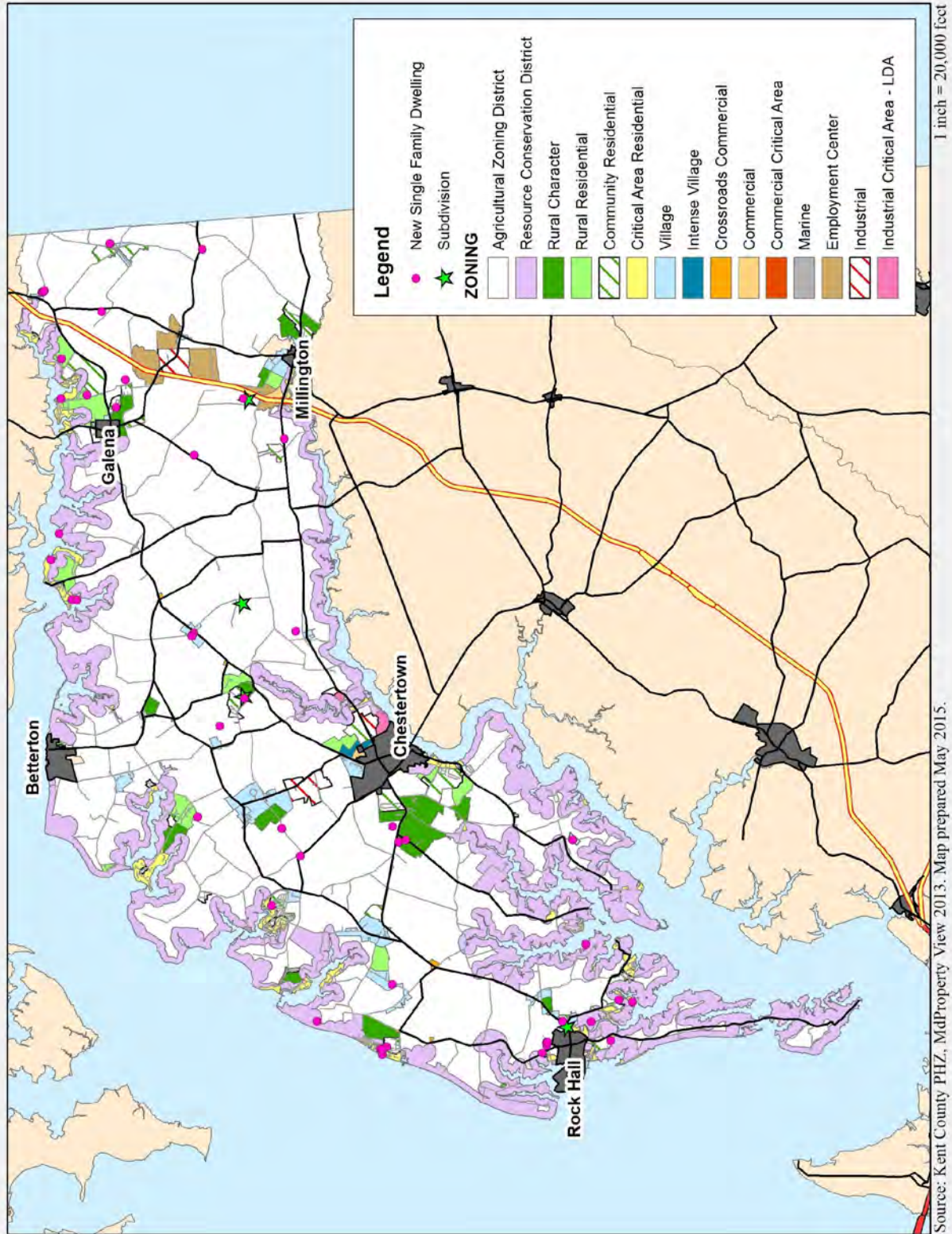
Table 11: Violations by Type

Case Type	Number of Cases
Building without a permit	5
Building in the Buffer	1
Clearing in the Forest in the CA	
Junk and Debris	5
Illegal Signs/Use	
Unsafe Property	7
Unregistered Vehicle	3
Other	3
TOTAL	

Appendix A: Kent County Protected Lands



Appendix B: New Single Family Dwellings/Subdivisions



Appendix C1: Variances

Application	Applicant	Type	Decision
14-11	Robert & Lonnise Gilley	Side and Rear Yard Setbacks	Granted
14-49	Carol Van Veen (Brady)	Front and Rear Yard Setbacks	Withdrawn
14-51	Jack & Deb Lynch	Constructed Patio in 100 foot Critical Area Buffer without a Permit – Sought Variance to retain the patio in the location constructed	Denied
14-66	ISE America	Setback Variance to Rebuild two Chicken Houses	Granted
14-68	Erin Gillespie	Pier Length	Granted
14-86	Gary Ward	Side Yard Setback – Carport Constructed without Permit	Withdrawn

Appendix C2: Administrative Variances

Application	Applicant	Type	Decision
14-39	J. Laucik & J. Baker	Rear Yard Setback	Granted
14-43	Kimberly Kirk Finn	Rear Yard Setback	Granted
14-64	Debra Woodruff Capper	Replace Septic System within 100 foot Critical Area Buffer	Granted
14-67	Raymond D'Esposito	Rear Yard Setback	Granted
14-74	R. Van Culin	Front Yard Setback	Granted
14-75	Charles O. Hubbs	Replace Septic System within 100 foot Critical Area Buffer	Granted
14-79	Kathryn A & J Kirk Wise	Side Yard Setback	Granted
14-82	Lester C. Jones & Sons, Inc.	Rear Yard Setback	Granted

Appendix C3: Special Exceptions

Application	Applicant	Type	Decision
14-17	Verizon Wireless	Special Exception Renewal authorizing a wireless facility tower	Granted
14-37	Delmarva Feed & Farm Service, LLC (Stephen R. Stoltzfus)	Commercial Building greater than 10,000 sq. ft. for sale of farm products related to agriculture in the AZD	Granted
14-48	Kent Sand & Gravel, LLC	Renewal for continued operation of sand & gravel pit	Granted
14-55	Inn at Huntingfield Creek (James and Joanne Rich)	Retreat	Granted
14-69	Town of Galena	Public Waste-Water Treatment Facility	Granted

Appendix C4: Administrative Special Exceptions

Application	Applicant	Type	Decision
14-14	Chris Shorter, Sr.	Accessory structure exceeding 1,200 sq. ft. on parcels less than 5 acres	Granted
14-22	Austin Griffith Reed	Accessory structure exceeding 1,200 sq. ft. on parcels less than 5 acres	Granted
14-26	Alan & Mary Scott	Accessory structure exceeding 1,200 sq. ft. on parcels less than 5 acres	Granted
14-27	Russell Neavling	Accessory structure exceeding 1,200 sq. ft. on parcels less than 5 acres	Granted
14-38	Patricia Lynn Ervin & Kenneth Ervin	Accessory structure exceeding 1,200 sq. ft. on parcels less than 5 acres	Granted
14-72	Austin Griffith Reed	Accessory structure in the front yard of a Waterfront Property	Granted
14-85	Michael and Suzanne Hanlon	Accessory structure in the front yard of a Waterfront Property	Granted