

ANNUAL REPORT 2016

DEPARTMENT OF PLANNING, HOUSING, AND ZONING

KENT COUNTY, MARYLAND



COMPLETED JUNE 2017

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 2016. 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, GIS Specialist	Sandy Adams, Office Manager
Katrina Tucker, Community Planner	Tonya Thomas, Project Technician
Stephanie Jones, Critical Area Planner	Beth Grieb, Permit Technician
M. Richard Myers, Chief Enforcement Officer	

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
James E. Saunders	Kim Kohl
Ed Birkmire	William S. Sutton
William Crowding, II	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 2016 the Planning Commission met monthly. Of their 12 meetings, since there were no projects on the agendas for September and December, rather than convening on Thursday afternoon, these two meetings were held on the evening of the first Wednesday of those two months to coincide with their work-sessions on the update to the County's Comprehensive Plan

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 2016, the Board of Appeals met six times.

MEMBERS

Dr. Albert Townshend, Chairman
P. Joan Horsey, member
John R. Massey, member

David Hill, 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 has historically been funded through grants from the Department of Housing and Community Development, Maryland Affordable Housing Trust and a County match with rehabilitation costs being capped at \$25,000.

There have been significant changes to the County Housing Program. The County had been contemplating a change in program implementation, as the program has been dwindling for many years. The County continues to evaluate the most appropriate path for the future of this Program implementation while the Planning Department continues to staff existing cases from historic implementation of the 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 five times in 2016.

MEMBERS

Elizabeth Beckley, Chairman
Carolyn Brooks
Robert Busler
Don Othoson (appointed April 2016)

Max Ruehrmund
Barton Ross
Jeremy Rothwell

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 on “as

needed” basis or by the call of the Chair, and an agenda is available from the Planning Department prior to the meeting. This Commission met once in 2016.

At their meeting on September 12, 2016, the Commission reviewed an application seeking special exception and site plan approval for a personal wireless facility tower (cell tower) that proposes the installation of a 199 foot monopole on a 10,000 square foot leased portion of a 121 acre farm on River Road. The Commission forwarded a favorable recommendation to the Planning Commission and Board of Appeals.

MEMBERS

W. Frank Barnes, Jr. (term expired in 2013)	Craig McSparran (term expired 2013)
John Cahall (term expired in 2015)	John Henry Myers, Jr. (term expired 2014)
Herman E. Hill, Jr (term expired in 2013)	Jennifer Debnam (appointed April 2016)
Sean Jones (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 three times in 2016.

MEMBERS

Jennifer Debnam, Chair (term exp. Jan. 2016)	Bryan McDonald
David Hill, Chair (appointed March 2016)	Ernest “Tot” Strong
Davidson Coleman	George Wiedenmayer

With the expiration of Ms. Jennifer Debnam’s term, the County Commissioners appointed Mr. David Hill to the Board in March of 2016. Mr. Hill is a farmer and farm owner and at the March 23rd meeting of the Board, Mr. Hill was elected as the Chair.

The Agricultural Land Preservation Advisory Board reviewed and forwarded recommendations to the Planning Commission on a total of five applications to create local County Agricultural Preservation Districts. At the March meeting The Board was also presented with an overview of the County’s update to the Comprehensive Plan by the project consultant who also engaged in a dialogue with the members of the Board with respect to concerns and issues associated with nature of agriculture in the County today, and other factors relevant to the agricultural elements of the Plan.

At their June meeting the Kent County MALPF Administrator from the Maryland Department of Agriculture reviewed the MALPF Annual Report with the Board. She also explained the Maryland Statute with respect to MALPF and the role of the local MALPF Program Administrators as well as offering an update on relevant legislative topics that were before this past session of the Maryland General Assembly.

Additionally, in 2016 the MALPF Board of Trustees accepted applications for Easement Acquisitions. There were 21 applications submitted in Kent County, all of which were reviewed, scored and ranked. At its June meeting the Board approved the rankings and forwarded its recommendation on the top 8 scored farms to the County Commissioners for their approval to submit to MALPF for easement acquisition. Among the top 8 scoring farms were two farms with the lowest asking prices.

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 2016.

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 2016.

MEMBERS

Three vacancies remained open in 2016.

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 2016.

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 2016.

MEMBERS

Nancy Dick
Janice Graham

Charles W. Sommers

The positions for the two alternate members remained vacant in 2016.

SPECIAL PROJECTS

Special Projects which involved Department of Planning, Housing, and Zoning staff in 2016 included:

- ☞ *Comprehensive Plan Update:* In 2016 the County commenced the update to the 2006 Comprehensive Plan. A contract was executed for consultant services with Earth Data, Inc., for the project. The "Background Report" was updated, a community survey both on-line and in paper was conducted, a Facebook page created for the project, and the consultant held information sessions with the students at the Kent County High School to introduce them to land use planning and involve them in the survey. The consultant, Commissioner William Short, and the Planning Director appeared on the Kent County High School Radio show on February 18th to talk about the Comprehensive Plan and lay the ground work to gather student interest. The consultant and staff conducted meetings with Stakeholder groups, and the Planning Commission held monthly work-sessions. A postcard announcing the update was sent to every property owner in the County prior to the first Community Forum that was held in July 2016. A second Community Forum was held in November, with the third one scheduled early in 2017. On April 19, 2016, the Planning Commission held a field trip in the County's 15-person van so that the entire Planning Commission, staff, consultant, and press (invited) were able travel together through the County and collectively discuss any concerns. By the end of 2016 the Planning Commission had reviewed and accepted the draft sections on the Economy, Towns and Villages, Countryside, Environment, Housing, Transportation, and Historic & Cultural Preservation. Only the Water Resources Element, the Community Facilities & Public Services section, along with the Introduction as well as the Implementation remained for review in 2017.

- ☞ *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.

- ☞ *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.
- ☞ *Friends of Mill Creek:* In 2015, 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. The project was approved during the FY17 state budget review. This project requires 50% local cash match; the Friends of Mill Creek will meet the local match requirement and has placed funds in a County escrow account to cover their obligation under the program. The County acts as a pass through agency for this program implementation; as such, the County Engineer is coordinating with the residents and the State to bid the project.
- ☞ *Growth Allocation:* Mr. John Stoltzfus requested a second extension of his growth allocation award that would expire on March 16, 2016. The original growth allocation award was granted March 2010. The Planning Commission favorably reviewed the initial application and also reviewed and sent a favorable recommendation for an extension to the growth allocation award in March 2013, citing that all conditions attached to the 2010 shall remain in effect. The Planning Commission unanimously concurred that the request should be reviewed favorably and granted by the County Commissioners. The Planning Commission noted that neither the Ordinance, the Growth Allocation Policy, the state Code, nor the circumstances under which the project was reviewed in 2010 have changed. The Commission also noted that the applicant may not put forward any alteration to the 2010 proposal. The County Commissioners granted an extension to that approval at their March 8th meeting.
- ☞ *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 completed an action plan: Making Healthy Waters a Reality: Eastern Shore Priority Actions 2016. The round table continued to meet in 2016 to begin the implementation of those Priority Actions through work groups formed to address the following topics: sewer extension, best management practices, and grant writing.
- ☞ *Historic Preservation Commission Stewardship Visits:* The Historic Preservation and staff conducted its first stewardship visits of the locally designated historic properties in the Kent County Register of Historic Places. The six (6) properties in the County's Local Historic District are required to seek approval from the HPC prior to making any exterior changes to ensure alterations comply with the standards that are based on the time period of the structure.

- ☞ *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.

MDE moved into Phase III WIP planning during 2016. Staff is coordinating directly with MDE and jurisdictions throughout the state to develop a Plan that will more-closely accommodate reasonable and achievable goals for local jurisdictions.

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

- ☞ *Maryland Agricultural & Resource Based Industry Development Corporation (MARBIDCO) and the Next Generation Farmland Acquisition Program (NGFAP):* Along with MALPF staff, and other County MALPF Program Administrators, Kent County staff participated in the crafting and process of MARBIDCO's application for the NGFAP conducted in meetings, by conference calls, and email exchanges. MARBIDCO will receive \$2.5 million in State funding in Fiscal Year 2017 to launch this program to help qualified young and beginner farmers enter the agricultural profession. The NGFAP is essentially a rapid response farmland conservation easement option purchase program that is designed to help facilitate the transfer of farmland to a new generation of farmers, while also effectively helping to preserve the farm from future development. The key tool is an "easement purchase option contract" which will ultimately result in a permanent easement sale in the future with the Maryland Agricultural Land Preservation Foundation (MALPF), the Rural Legacy Program, or a local land trust, or other such easement. The program makes money available for a down-payment so that the next generation farm is able to meet the equity requirement for a commercial loan. The application for this program will be released in 2017.

- ☞ *Maryland Department of Transportation (MTA) Railroad upgrade:* The MTA commenced design work for the rehabilitation of the railroad bed from Massey to Worton. The project was brought to staff's attention by a land owner that survey work had commenced without notification of property owners. Staff with the Office of Freight and Multimodalism at MDOT was contacted and the County provided them with a listing of the mailing addresses for all property owners adjoining the railroad, to whom MDOT sent letters by certified mail advising of the project and survey work; since additional surveying was still being conducted. County staff met with MDOT and their contractor on February 16, 2016, at which they advised that their surveyors in December 2015 had staked 128 steel pins on

tillable fields that are outside of the railroad right-of-way. The County staff requested that the steel pins be removed by March 1, 2016.

☞ *Public Service Commission/Certificate of Public Convenience and Necessity (CPCN) Cases:* The County has been involved in 3 CPCN cases involving utility scale solar energy system siting. Two of the 3 cases have been proposed in either Industrial (I) or Employment Center (EC) Zoning Districts in the village of Massey.

- OneEnergy Blue Star Solar, LLC proposes to lease approximately 35 acres of land owned by David A. Bramble, Inc. for the installation of a 6MW solar photovoltaic project in accordance with I and EC permitted use and design standard provisions. The applicant is pursuing the CPCN exception from compliance with Forest Conservation Ordinance provisions. The County is offering testimony and opposing any exceptions to Ordinance provisions.
- Massey/Community Solar, LLC proposes to lease approximately 96 acres from the Lands of the Benjamin C. Stafford Revocable Trust to construct a 5MW solar voltaic project on a 55-acre portion of that site in accordance with the EC permitted use and design standard provisions. In light of the OneEnergy appeal of Forest Conservation compliance, Massey Solar halted project review following conceptual site plan review by the Planning Commission. The County's position regarding compliance with all Ordinance provisions is consistent in both cases.
- Mills Branch Solar, LLC (Apex Clean Energy, Inc) proposed to construct a 60MW photovoltaic generating facility on two parcels of land totaling approximately 370 acres zoned Agricultural Zoning District (AZD). That zone limits the size of such a project to 5 acres. The County Commissioners intervened in this case seeking full compliance with the Ordinance provisions. This intervention was an active process during 2016 involving the submittal of testimony through legal briefs, attendance and full participation in prehearing conferences, and active participation in all hearings. In addition to the County, a grassroots organization, Keep Kent Scenic, also intervened in this case.

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

☞ *Renewable Energy Task Force:* In 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. In September of 2015 the County Commissioners reconvened the 2010 Renewable Energy Task Force with additional members. The Task Force was charged to either affirm or update the 2010 White Paper recommendations based on renewable energy technology advancements in recent years. The reconvened Task Force commenced meeting every other Friday beginning in October 2015 through April of 2016. Their recommendations were presented to the Planning Commission in July of 2016 and after a lengthy discussion the Planning Commission rejected the RETF's proposal. Nevertheless, the Planning

Commission acknowledged and commended the hard work and dedication evident in the Task Force's efforts.

- ☞ *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.

- ☞ *Sea Level Rise and Climate Change Vulnerability Study*: In partnership with the Eastern Shore Land Conservancy the Climate Change and Sea Level Rise Adaptation Report was finalized in September of 2016. 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 employs 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 better inform the next update to that Plan. Goals and strategies have been added to the draft Comprehensive Plan Update based upon the coastal resilience strategies identified in the Report.

MEETINGS AND ORGANIZATIONS

During 2016, 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
- Chestertown River Bridge Task Force
- CoastSmart Grant (County Vulnerability Analysis Project)
- Critical Area Commission – Chesapeake and Atlantic Coastal Bays
- Eastern Regional Climate Preparedness Conference
- Eastern Shore Land Conservancy
 - Annual Conference
 - Eastern Shore Climate Adaptation Partnership
 - Quarterly Planners Meetings
- Eastern Shore Local Government Exchange
- Eastern Shore Heritage, Inc. (Stories of the Chesapeake Heritage Area)
- Healthy Waters Roundtable
 - BMP and Sewer Extension subcommittees
 - Drafting Committee
 - Workshops
- Kent County Council of Government
- Kent County Economic Development Advisory Board
- Kent County Total Maximum Daily Load
 - Chesapeake Bay Foundation WIP meeting
 - EPA TMDL meeting
 - Harry R. Hughes Center for Agro-Ecology WIP Seminars
 - Local Phase II and III WIP meetings

- Local Management Board
- Local Emergency Planning Committee
- Maryland Agricultural Land Preservation Foundation
- Maryland Association of Counties:
 - Annual County Administrative Officers Conference
 - Annual Winter Conference
 - Critical Area Planners Meetings and workshops
 - Governor’s Intergovernmental Commission on Agriculture (GICA)
 - Planning Officials Meetings
- Maryland Association of Floodplain and Stormwater Managers
 - Annual Conference – Presented Abstract (Coastal Resiliency)
 - Monthly Meetings
- Maryland Department of Planning—Planning Directors Roundtable
- Maryland Historical Trust – State Preservation Plan
- Maryland Municipal League Joint County/Municipal Planners Meeting
- Maryland Planning Commissioners Association – Member of the Planning Commission
- Nutrient Trading Symposium
- Rock Hall Working Waterfront Committee
- Rural Legacy Advisory Board
- SOS/CDBG grant meetings
- State Highway Administration Pre Tour Meeting
- State Highway Administration Scenic Byway Workshop

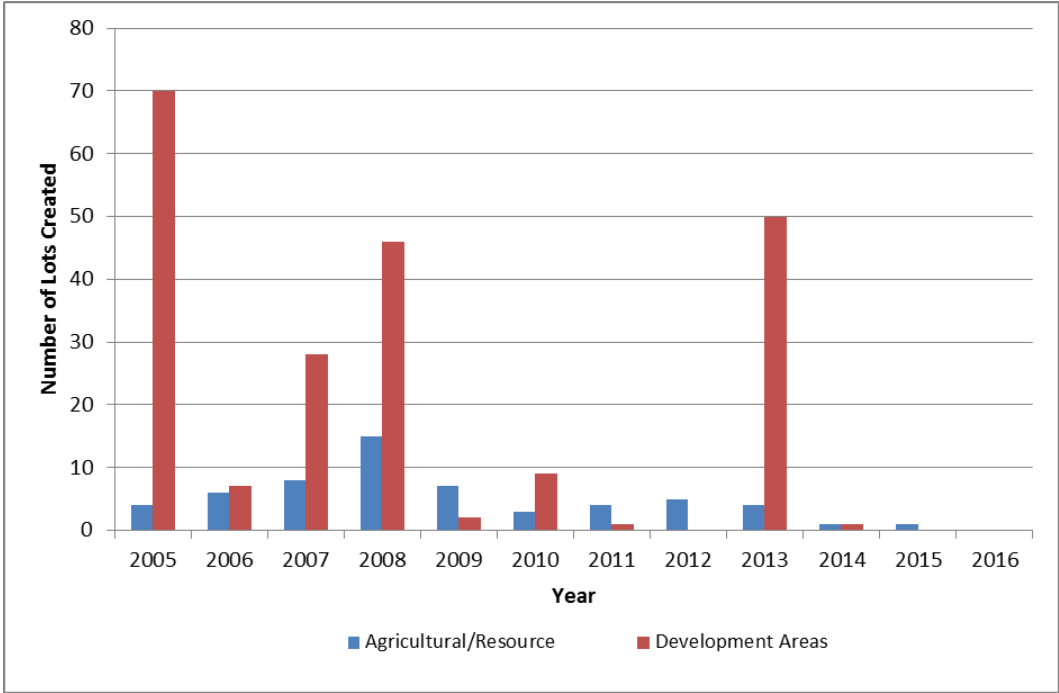
PLANNING & DEVELOPMENT

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 2016 for the unincorporated area of the County there were no major subdivision applications and only three applications for minor subdivisions. All three minor subdivisions remained pending at the end of 2016, so no subdivisions were recorded in 2016 and no new lots were created. 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. During 2015 only one minor subdivision was approved that created a sole 3.0 acre lot on a farm.

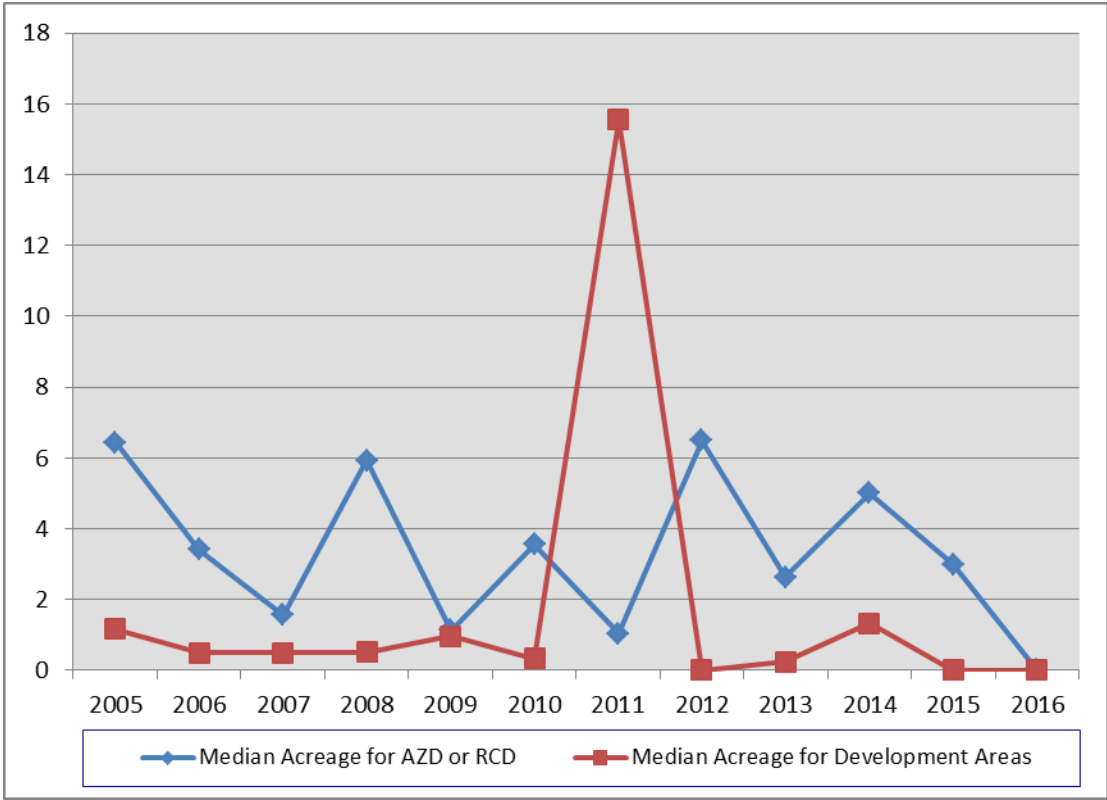
Figure 1 shows the development trends of lots approved by zoning type over the past decade. As reflected in Figure 1 the majority of new lots have been located within the development areas. This also shows how variable the amount of development activity can be within the unincorporated area of the County 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 2016 since only one 3.0-acre lot was created in 2015 and none were created in 2016. 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, in the County 38,496 acres of farmland have been permanently protected. In 2016, there were 1,391 acres placed under easement. The MALPF Board of Trustees in recent years has been combining funding and conducting a two year cycle for Easement Acquisitions. MALPF accepted applications to sell an easement in Calendar Year 2016 during which the County submitted 8 applications. Of the 8 applications submitted during the previous cycle in 2014, the owners of seven of those eight applications received and accepted offers in 2016.

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.

In 2016 there were no major subdivisions that created new lots.

Minor Subdivisions

There were three (3) minor subdivision applications submitted to the Department of Planning, Housing, and Zoning during 2016, all of which remained pending at the end of the calendar year.

Duane Lindstrom: The applicant proposes to subdivide one lot from a 122-acre property for the purposes of transferring a lot surrounding the existing house to his son. The proposed lot will consist of 3.5 acres surrounding the existing house, and the remainder tract will comprise 118.5 acres. Though the property does not have frontage on Still Pond Neck Road, its address is on Still Pond Neck Road since historical access to the property has been from Still Pond Neck Road via a 16.5 right-of-way across the adjoining land. The property on either side of this existing right-of-way is not owned by the applicant, which presents the hardship in providing the required 50-foot width. Therefore, the applicant was also granted a waiver from the Planning Commission to the 50-foot right-of-way for a private road. The property is in the Agricultural Zoning District (AZD),

P. Thomas & Alice Mason/Oxford Chase Development (Dollar General): The applicants are proposing to subdivide a 1.178 acre lot from the existing 28.014 acre parcel, located in Worton at the corner of Route 297 and Porters Grove Road, and to concurrently gain site plan approval to construct a 9,115 square foot Dollar General retail store. The property is zoned Village (V). This minor subdivision remained pending in 2016.

John L. Chance: The applicants are requesting to subdivide a 2.197 acre parcel off the southeast corner of the parent 134.17 acre parcel to be conveyed to their grandson. Though the property has frontage on both Dudley Chance Road and Lambson Forest road, and the newly subdivided parcel will have access to Lambson Forest Road. The property is in the Agricultural 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 33 plats for adjustments of lot lines in 2016. Of those, 24 were recorded. The other 9 remained pending in 2016.

Table 1: Lot Line Adjustment by Zoning District (Submitted in 2016)

Zoning District	Number
Agricultural Zoning District	10
Agricultural Zoning District / Critical Area Residential	1
Critical Area Residential	9
Critical Area Residential / Community Residential	1
Community Residential	2
Crossroads Commercial / Agricultural Zoning District	1
Resource Conservation District	2
Village	7
TOTAL	33

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 16 site plans in 2016, of which 11 were major site plans. Of the major site plans there were 8 that received final approval, and three remain pending.

Minor Site Plans Submitted in 2016

Bonnie Plants, Inc.: The applicant was granted minor site plan approval to construct a 4,992 square foot warehouse used for storing soil, peat cups, trays, and other sundry items used in greenhouse plant production.

CHC-1, LLC. (Tenant: James Christy): The applicant was granted minor site plan approval to operate a barber shop in the space that was previously occupied by a tattoo parlor.

CK Properties, LLC: The applicant was granted minor site plan approval to open a grounds care and landscaping business in an existing structure at a site on Still Pond Road in the Crossroads Commercial zoning district. The business, Greenscapes Land Care, LLC, provides landscaping, hardscaping, turf care, excavation, snow removal and other related services. No new site improvements were proposed.

County Commissioners of Kent (Georgetown Yacht Basin, Inc.): The County requested review of a minor site plan to construct a sewage pump station to service parts of Galena and Georgetown located in an area to be leased from Georgetown Yacht Basin, Inc. This site plan review was not finalized in 2016.

Creafill Fibers Corporation: The Planning Commission granted the 20% bonus sign area for the installation of a 29.69 square foot detached sign in a landscape planter having an area twice the area of the sign. The sign is internally illuminated with a height of 13.33 feet and is located at the entrance to the site.

Major Site Plans Submitted in 2016

Brickyard Land Holding, LLC (Gillespie Precast, LLC): Concept and Preliminary Site Plan review was conducted for the proposed expansion of the applicant's existing finished product storage area by creating a 1.32 acre stone yard north of their existing material storage bins. This site is located on Morgnec Road and is zoned Industrial (I). This site plan remained pending in 2016.

CHC-1, LLC (Shane Bender): The project on Morgnec Road was approved for the operation of an automobile repair shop, Shane's Auto Repair, in an existing 4,046 square foot building on the property owned by CHC-1, LLC, that is in the Intense Village (IV) zoning district.

David A. Bramble, Inc. (Marie L. Orem) (Sand and Gravel Pit): The applicant was granted approval of the renewal of its site plan that accompanies the special exception to continue operation of the sand and gravel pit on a parcel owned by Marie. L. Orem located on Rock Hall Road. The property is in the Agricultural Zoning District (AZD).

Delmarva Power & Light Company: Approval of this site plan permitted the applicant to upgrade its existing substation by replacing an existing electric transformer and associated transmission pole. The site is in Massey and zoned Industrial.

Duane Lindstrom (Sand & Gravel Pit and Excavation Contractor's Yard): The applicant was granted approval of the renewal of its site plan, including the excavation contractor's yard, which accompanies the special exception to continue operation of the sand and gravel pit. The property is in the Agricultural Zoning District (AZD).

Julie Brice-Nickerson: The Planning Commission granted combined preliminary and final site plan review for a cottage industry to allow a land surveying and civil engineering business to operate from a portion of the 5.0 acre property located on Ricauds Branch Road in the Sixth Election District. The Special Exception for the cottage industry was approved by the Board of Appeals subsequent to their public hearing held on 22 February 2016, and a waiver to the rear yard parking requirement of Article VI, Section 1.4.B.3 was granted by the Planning Commission on 4 February 2016 during concept review. The property is in the Agricultural Zoning District and the surrounding area is characterized by farms.

Millard F. Reed, Jr.: The applicant was granted approval of the renewal of its site plan that accompanies the special exception to continue operation of the sand and gravel pit on this property which is in the Agricultural Zoning District (AZD).

P. Thomas and Alice M. Mason/Oxford Development, Inc. (Dollar General): The applicants are proposing to construct a 9,115 square foot *Dollar General* retail store on a 1.178 acre lot proposed to be subdivided from the existing 28.014 acre parcel, located in Worton at the corner of Route 297 and Porters Grove Road. The property is zoned Village (V). The Planning Commission reviewed the Concept Plan and granted Preliminary Site Plan approval; however, the Final Site Plan remained pending in 2016.

Rhesa K. Antone: The applicant was granted approval of the renewal of its site plan that accompanies the special exception to continue operation of the sand and gravel pit on this property which is in the Agricultural Zoning District (AZD).

TowerCo, LLC – Verizon (Casey and Megan Owings): TowerCo is proposing to install a 199 foot monopole for a Personal Wireless Facility (cell tower) on a 10,000 square foot leased portion of the 121.12-acre property owned by Casey and Megan Owing on River Road. The site is in the Agricultural Zoning District and approval remained pending in 2016. This site plan accompanies the special exception application for the Personal Wireless Facility that was also submitted in 2016 and remains pending as well.

Willards Agri-Service of Lynch, Inc.: The site plan was approved for construction of 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 Willard’s facility in Lynch. Existing storage containers were removed off-site and two new parking spaces were created in that location. The property is zoned Village.

Zoning Text Amendments

There were two petitions proposing amendments to the Kent County Land Use Ordinance submitted in 2016. These “Zoning Text Amendments” included the following:

Bayshore Land Holdings, LLC/Frederick J. Wick (#16-44): The petition to amend the Land Use Ordinance proposes amendments Article III, Section 1 (Establishment of Districts, Intense Development Area), Article V, Section 2.2.17 (Resource Conservation District, Permitted Uses and Structures), and Article XI, Section 2.46 (Definitions) in order to allow the expansion of campgrounds within the Resource Conservation District that were in existence prior to August 1, 1989. This petition was submitted in June of 2016 and reviewed by the Technical Advisory Committee. It remained pending at the end of the calendar year.

Bayshore Land Holdings, LLC/Frederick J. Wick (#16-44): The applicants propose to amend Article II, Section 2.2 of the County’s Growth Allocation Policy. The purpose of this amendment is to allow growth allocation for expansion of certain lawfully existing uses and to provide an alternative review to the adjacency provisions. This petition was submitted in August of 2016 and reviewed by the Technical Advisory Committee. It remained pending at the end of the calendar year.

Zoning Map Amendments

The following petition seeking a zoning map amendment, or rezoning, was submitted in 2016:

Frederick Keer (c/o Kelly Holton) (#16-10): The application filed an application for a zoning map amendment for the lands known as Tax Map 43, Parcel 4 located at 7710 Brices Mill Road in the Seventh Election District. The property was split zoned Resource Conservation (RCD), Agricultural (AZD), and Rural Character (RC). The applicants contented that it was the intent of the property owner to include the entire parcel within the Resource Conservation Area during the initial 1989 mapping of the Critical Area line. The applicant sought rezoning of the entire property to RCD. Staff further contented that a bone fide mapping error occurred during the drafting of the zoning map in this location.

In June 2016 the Critical Area confirmed that a mapping error had occurred and approved with conditions the map amendment as a refinement to the county’s Critical Area program.

The County Commissioners amended the zoning map by resolution based on the favorable recommendation of the Planning Commission and approval by the Critical Area Commission.

Other Projects Reviewed

Radcliffe Cross (HPC 1-001): The County Commissioners approved and executed the Historic District Agreement, which was then recorded in the County Land Records. This became the seventh site to obtain this County designation. The nomination form was submitted by John and Elionora Silbersack who are the owners of the property at 8046 Quaker Neck Road who sought its designation as a Historic Site and listing in the Kent County Register of Historic Places. The main house has been documented in the Maryland Inventory of Historic Properties (MIHP) as K-86, Radcliffe Cross (also known as Ratcliffe or Ratcliff Crosse). Both the Historic Preservation Commission and the Planning Commission favorably reviewed this application.

Town of Chestertown Annexation: The Town of Chestertown annexed four properties consisting of Parcels 10, 486, 172 (lot 1) and 20 on Tax Map 37. This also included a 1.02-acre unidentified parcel/right-of-way. The County's zoning of several parcels was Commercial (C) which was rezoned to the Town's "RB, Professional Office District," and "LI-1, Limited Light Industrial." The other parcels were in the County's Intense Village (IV) District and were rezoned to the Town's "LI-1, Limited Light Industrial. The Town's zoning was determined to be consistent with the County's zoning such that a waiver of the zoning was not necessary. Both the Planning Commission and the County Commissioners favorably reviewed this application for annexation.

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 2016 there were 455 permits submitted for the unincorporated areas of the County. Staff issued 427 building permits, including 23 new single family dwelling permits. The total number of permits issued and the number of new single family dwellings increased from 2015. There were a total of 425 permits issued in 2015, of which 13 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. A slight increase is reflected with the 2016 data.

Of the 23 building permits issued for new single family dwellings in 2016 in the County, four (4) were located in a Priority Funding Area (PFA) and eight (8) were in the Priority Preservation Area (PPA), with the remaining eleven (11) in development areas. Most, equating to seven (7), of the new single family dwellings were constructed in the Seventh Election District. The numbers of new homes were generally equally located in the Langford River watershed, and the Lower Chester watershed. There were five new homes in each of those watersheds that equated to 21.7% of new homes per watershed. Of the total 23 new dwellings fourteen (14) were replacements for demolished houses.

Although eight (8) new dwellings were located in the PPA, six (6) were replacements for demolished houses located on farms and the other two permits were for accessory dwellings, one of which is a dwelling for a farm employee. Furthermore, 78 percent of the homes built in 2016

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

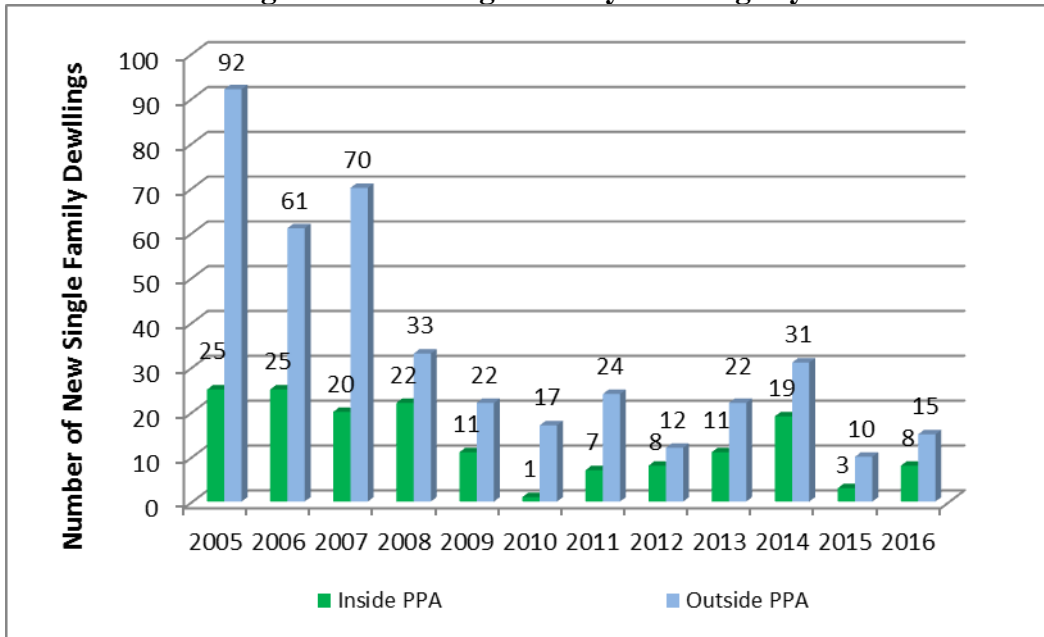


Table 4: Building Permits by Type

Application Type	Number	Percentage
Accessory Building	65	15.2%
Agricultural Building	13	3.0%
Commercial Addition/Alteration	7	1.6%
Deck/porch	24	5.6%
Demolition	69	16.2%
Garage	3	0.7%
Logging	11	2.6%
New Commercial Building	6	1.4%
New Single Family Dwelling	23	5.4%
Other	13	3.0%
Pier	13	3.0%
Residential Addition/Alteration	105	24.6%
Satellite Dish	6	1.4%
Sediment Control	27	6.3%
Sign	7	1.6%
Swimming Pool/Spa/Tennis Court	18	4.2%
Use	13	3.0%
Bulkhead/Retaining Wall	4	0.9%
Total	427	100%
Closed, pending, denied, or withdrawn	28	

Figure 4: Building Permits by Type

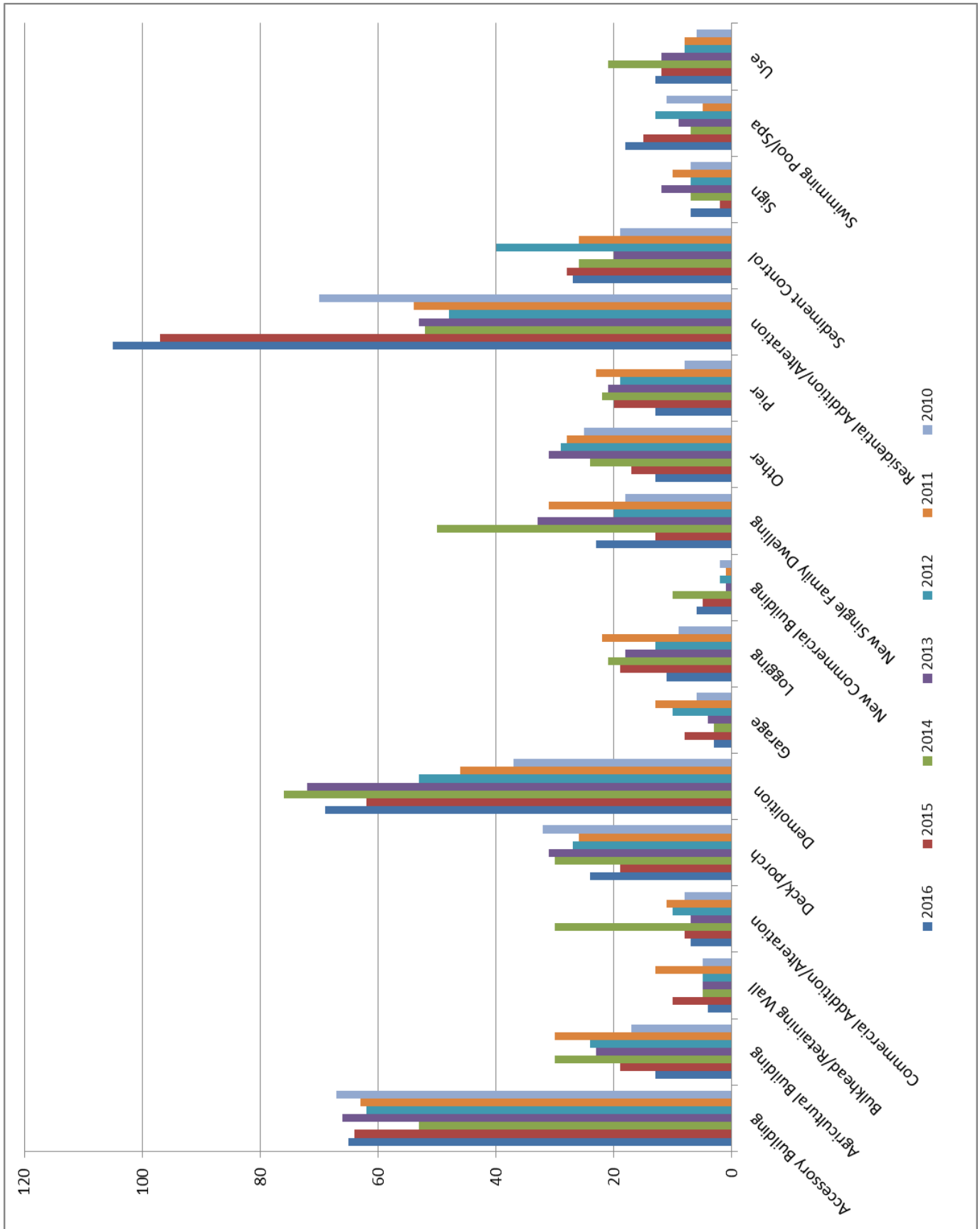


Table 5: New Single Family Dwellings by Zoning District*

Zoning District	Total	Percentage
Agricultural Zoning District	5	21.7%
Agricultural Zoning District / Resource Conservation District	-	-
Resource Conservation District	3	13%
Rural Character	-	-
Rural Residential	2	8.7%
Community Residential	5	21.7%
Critical Area Residential	5	21.7%
Critical Area Residential / Community Residential	-	-
Critical Area Residential / Marine	-	-
Village	3	13%
Total	23	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	5	21.7%
Second	1	4.3%
Third	3	13%
Fourth	1	4.3%
Fifth	4	17.4%
Sixth	2	8.7%
Seventh	7	30.4%
Total	23	100%

Table 7: New Single Family Dwellings by Watershed*

Watershed	Number	Percent
Langford	5	21.7%
Lower Chester	5	21.7%
Middle Chester	4	17.4%
Sassafras	3	13%
Still Pond/Fairlee	3	13%
Upper Chester	3	13%
Total	23	100%

Table 8: Value of New Single Family Dwellings*

Construction Value	Number	Percent
\$0-\$49,999	2	8.7%
\$50,000-\$99,999	4	17.4%
\$100,000-\$149,999	5	21.7%
\$150,000-\$199,999	6	26.1%
\$200,000-\$249,999	1	4.3%
\$250,000-\$299,999	-	-
\$300,000-\$349,999	1	4.3%
\$350,000-\$399,999	1	4.3%
\$400,000-\$449,999	1	4.3%
\$450,000-499,999	-	-
\$500,000+	2	8.7%
TOTAL	23	100%

** 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 2016, the Staff was involved with 78 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 four applications for variances submitted in 2016, one of was withdrawn prior to being presented to the Board of Appeals.

Table 9: Variances Granted and Denied by Type

Variance Type	Total	Granted	Denied	Withdrawn
Pier Length	2	1	1	-
Buffer	2	1	-	1
Total	4	2	1	1

Table 10: Variances

Case #	Applicant	Type	Decision
16-23	Harry H. Austin	Buffer Variance	Withdrawn
16-25	Christian Havemeyer	Pier Length	Denied
16-35	Mitchell Lewis & Kathy Lawler	Buffer Variance	Granted
16-66	Chester River Yacht & Country Club	Pier Length	Granted

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 heard six (6) administrative variance requests in 2016, all of which were granted. One was a setback variance and five (5) were for replacement septic systems in the 100-foot Critical Area Buffer.

Table 11: Administrative Variances

Case #	Applicant	Type	Decision
15-68	Charles O. Hubbs	Administrative Setback Variance	Granted
16-39	Eleanor Voshell Connolly	Buffer Variance (BAT Septic upgrade)	Granted
16-55	Lenore Michelinie	Buffer Variance (BAT Septic upgrade)	Granted
16-68	Carol B. Lyons	Buffer Variance (BAT Septic upgrade)	Granted
16-69	Betley Farm LP (William Betley)	Buffer Variance (BAT Septic upgrade)	Granted
16-81	Deborah L. Manning	Buffer Variance (BAT Septic upgrade)	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 2016 there were seven applications submitted seeking a special exception. Six were heard by the Board and granted, and one remains pending and has not yet been presented to the Board.

Table 12: Special Exceptions Granted and Denied by Type

Special Exception	Total	Granted	Denied	Withdrawn
Cottage Industry	1	1		
Gravel Pit Renewal	4	4		
Auto Repair	1	1		
Total	6	6		

Table 13: Special Exceptions

Case #	Applicant	Type	Decision
15-60	Julie Brice-Nickerson	Cottage Industry	Granted
16-07	Duane Lindstrom	Sand & Gravel Pit Renewal & Excavation Contractor's Yard	Granted
16-13	David A. Bramble, Inc. (Marie L. Orem)	Sand & Gravel Pit Renewal	Granted
16-26	Rhesa K. Antone (Jeffrey Bartsch)	Sand & Gravel Pit Renewal	Granted
16-47	Millard F. Reed, Jr.	Sand & Gravel Pit Renewal	Granted
16-50	CHC-1, LLC / Shane Bender	Auto Repair Shop in Intense Village District	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 received a total of nine administrative special exception cases in 2016, one of which was postponed. The other six were granted, and two remained pending at the end of the calendar year.

Table 14: Administrative Special Exceptions

Case #	Applicant	Type	Decision
16-03	Randall & Debra Davidson	Accessory Structure exceeding 1,200 sq. ft. area limit on parcel less than 5 acres	Granted
16-06	Robert E. & Barbara E. Goyne (c/o Charles J. & Patricia Marchesani)	Pool in front yard of waterfront property	Granted
16-11	Paul W. & Violet M. Wallace, Jr.	Accessory Structure exceeding 1,200 sq. ft. area limit on parcel less than 5 acres	Granted
16-12	Scott S. & Sandra I. Pepler	Pool in front yard of waterfront property	Postponed
16-19	Lewis Edward Nicholson	Accessory Structure exceeding 1,200 sq. ft. area limit on parcel less than 5 acres	Granted
16-32	William L. Cording, Jr.	Accessory Structure exceeding 1,200 sq. ft. area limit on parcel less than 5 acres	Granted
16-73	Robin & Holly Peirce (c/o George E. & Karen J. McLaughlin)	Pool in front yard of waterfront property	Granted
16-86	Fitzpatrick Rev. Trust	Accessory Structure exceeding 1,200 sq. ft. area limit on parcel less than 5 acres	Pending
16-87	Andrew Bradley & Assoc., LLC	Pool in front yard of waterfront property	Pending

CODES ENFORCEMENT

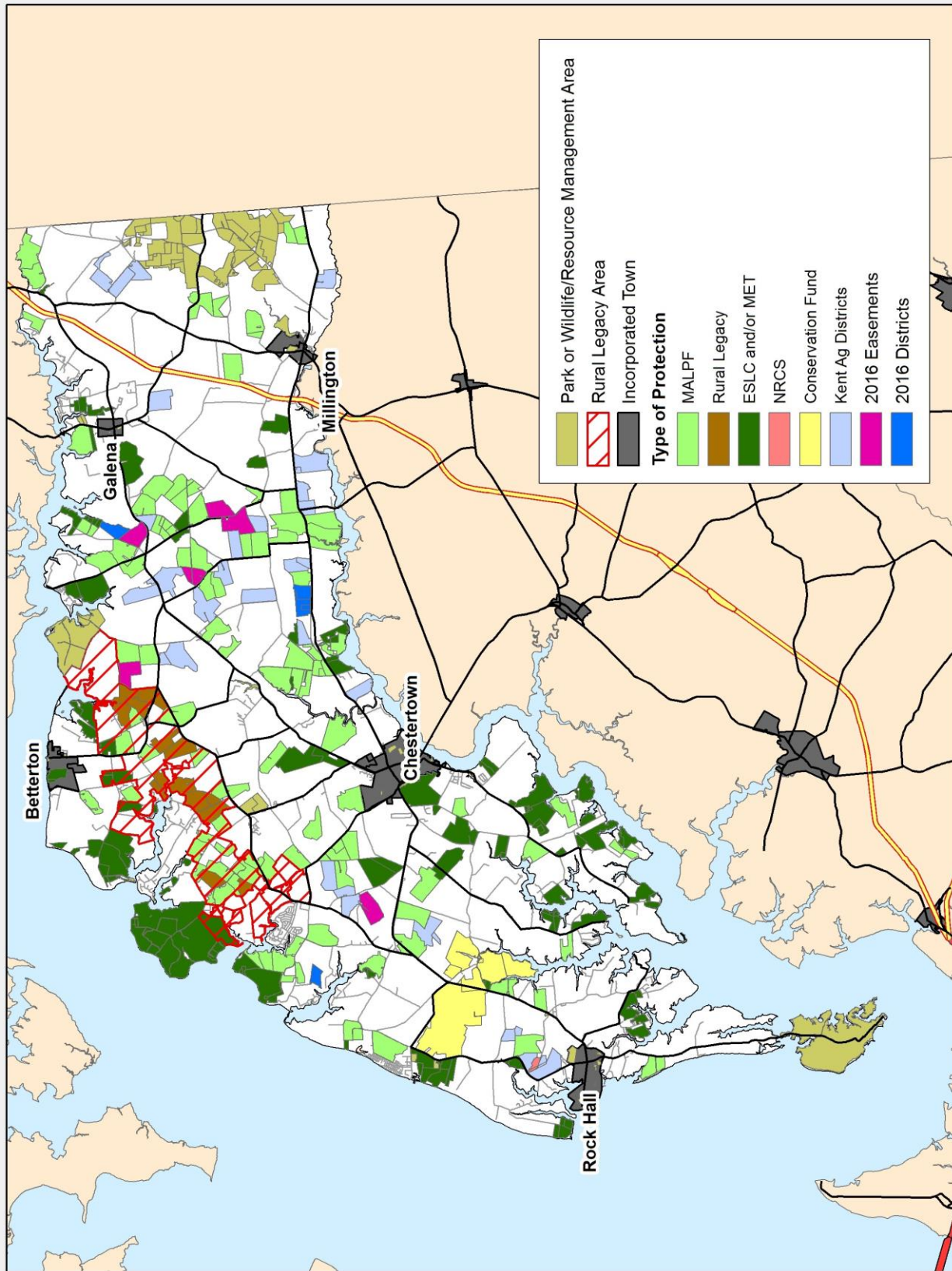
Kent County’s Land Use Ordinance is directly enforced by the Department of Planning, Housing, and Zoning Staff. In 2016, staff was involved with 26 violation cases, including 8 Critical Area violations. Each case requires a minimum of two inspections. In addition to inspections resulting in citations, staff routinely responds to potential violation concerns expressed by property owners. In 2016, the Department collected \$5,200 in fines. In addition, there were 104 Critical Area Buffer Management/Enhancement Plans and 160 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 243 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 140 inspections related to enforcement of sediment control and stormwater management including logging, as well as 120 site inspections dealing with floodplain permits.

Table 11: Violations by Type

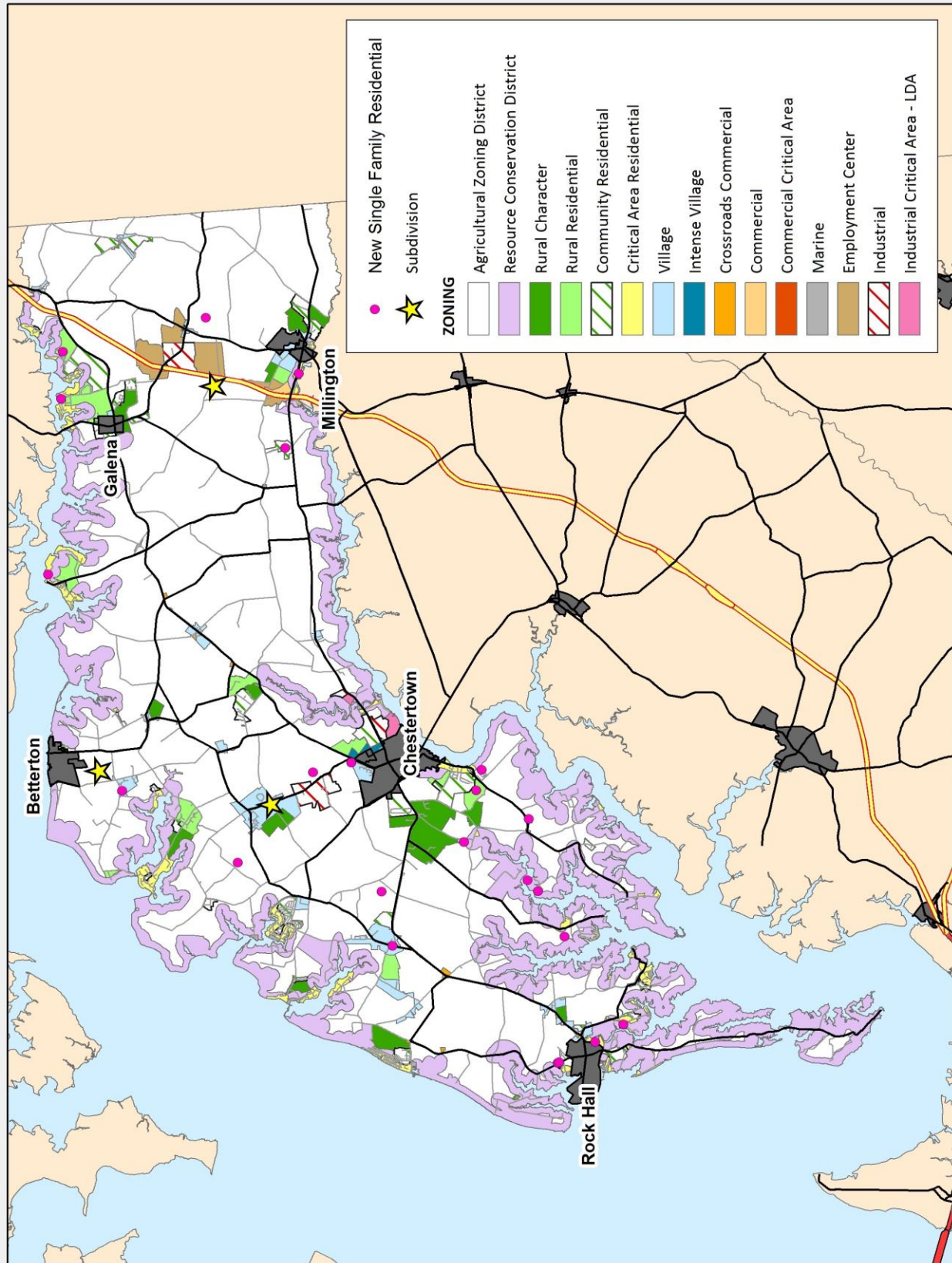
Case Type	Number of Cases
Building without a permit	6
Building in the Buffer	5
Clearing of Property in the CA	3
Junk and Debris	3
Illegal Signs	1
Illegal Use	2
Unsafe Property	4
Unregistered Vehicle	2
Other	-
TOTAL	26

Appendix A: Kent County Protected Lands



Source: Kent County PHZ, MdProperty View 2013. Map prepared May 2017.

Appendix B: New Single Family Dwellings/Subdivisions



Source: Kent County PHZ, MdProperty View 2013. Map prepared May 2017.