



CRU Task Force AGENDA

Wednesday, July 28, 2021, at 6 PM

Members of the public may participate by telephone conference call via Teams.

Dial 1-872-239-8359 and enter Conference ID 235 644 018 #

Please mute your device until the Chair opens the floor for public comments.

The public may view meetings live at <https://www.kentcounty.com/youtube-live>.

Archived videos may be viewed on the [Kent County Government YouTube channel](#).

MISSION STATEMENT: *We value our land, our families, our neighbors, our friends, and our diverse, rural community. Kent County's history, its location, and the land itself enrich our lives and our lifestyles every day. The CRU Task Force's mission is to preserve the best of Kent County, Maryland, including prime farmland, local culture, and its small businesses, while supporting opportunities for expanding into new economies, via innovative and thoughtful changes to the County's zoning regulations that simplify regulatory processes and add new uses.*

I. **Welcome and Roll Call**

Al Nickerson	Buck Nickerson	Joe Hickman	Sam Shoge
Bill Norris	Chikki Shajwani	Kim Kohl	Tom Mason
Bill Sutton	Cindy Genter	Pat Langenfelder	Tyler Brown
Bryan Greenwood	Jim Saunders	Paul Ruge	

II. **Approval of the Summary** for the Task Force Meeting on July 14, 2021.

III. **Purpose:** Fair and Open Discussion on Proposed Text Amendments

Outcome: Staff to summarize Task Force positions in Meeting Summary

Ground Rules

- A. Everyone is encouraged to share ideas openly and freely.
- B. There are no right or wrong inputs for discussion purposes.

Norms

- Participants speak ‘through the chair’. This means raising your hand if you want to speak, and waiting for the Chair to call on you.
- Don’t interrupt other people.
- Don’t talk/debate amongst yourselves.
- Respect other's views.
- Keep contributions short and to the point.
- Start and end on time.
- If online or on the phone: have your video ON and mute ON. Wait for the Chair to call your name before you unmute.

IV. Old Business

- A. Review the Results of the Task Force Member Questionnaire
- B. Review of a proposed Schedule for Task Force Conversations
- C. Review of S1 (accessory dwelling units to the Village zoning district)
- D. Review of S9 (demolition process as it relates to age of structure)
- E. Review of S13 (overall approach to short-term vacation rentals)

V. New Business

- A. Review of P7: Request to review lot coverage standards and other Critical Area provisions, lot line adjustments on parcels under 5 acres, and wastewater treatment

Public Comment

- B. Review of P10: Request for modified buffer in RCD for campgrounds, as defined in § 2.2 (18) – (allows for zoning to address Modified Buffer for one use; a State-approved buffer change will still be required to allow this, and a process to request a Modified Buffer would need to be adopted in order for any request to proceed)

Public Comment

Break – 10 minutes

- C. Review of TF9: Review elimination of the County’s maximum pier length of 150 feet. [In order to construct a pier, first one must apply to the MDE and Army Corps for a license. This application must be reviewed and approved by seven State and Federal agencies including Army Corps of Engineers, MDE, DNR, MHT, US Fisheries, US Fish & Wildlife, before the license is granted. Then it must go under County review at the local level.] ([See for example, Article V, Section 2.4.B.7 – private piers. Also, see definitions](#))

Public Comment

- D. Review of S14: Consider discussing climate change, resilience, and the floodplain regulations by potentially requiring Base Flood Elevation plus three feet for new projects

Public Comment

VI. Task Force Comments

VII. Adjournment



*Please note a quorum of the Board of County Commissioners
may be present at any meeting.*

Special Announcement Regarding Meeting Attendance

The following options are provided for the public to participate in the Task Force meeting.

Members of the public who would like to **attend the meeting in-person** are encouraged to register in advance by contacting Bill Mackey at 410-778-7423, ext. 9 (voice/relay), or by email at compzone@kentgov.org. The location is in the County Commissioners' Hearing Room at 400 High Street in Chestertown, MD.

Members of the public who wish to **participate via video in the Teams meeting** also need to register in advance by texting their name, street address for the record, and email address to 410-708-4063. Although not required, members of the public who wish to participate in the Teams meeting are encouraged to download the free app for Microsoft Teams, in order to improve their experience of the presentation. Prior to the meeting, a link to join Teams will be emailed to those who registered.

Members of the public may **call in with comments by phone** when the Chair opens the floor for comments. To participate via phone only (without video) via Microsoft Teams:

Call **1-872-239-8359** then enter Conference ID: **235 644 018 #**

Please mute your phone / computer / or other electronic device until the Chair opens the floor in order to invite the public's comments.

To listen to the meeting only, the meeting will be livestreamed on the County website at: <https://www.kentcounty.com/youtube-live>

To submit written comments in advance of the meeting, please email your comments to compzone@kentgov.org or mail your comments to:

Bill Mackey, AICP, Director, Department of Planning, Housing, and Zoning
400 High Street, Suite 130; Chestertown, MD 21620

To review agendas, adopted summary minutes, and all meeting materials online, please visit <https://www.kentcounty.com/compzone>. To receive printed copies of materials or review the materials on file in person, please contact Bill Mackey at 410-778-7423 ext. 9 (voice/relay), or at the email address above, or in writing at the address above. Please allow time for USPS delivery, if corresponding by post.

If you require communication assistance, please call (410) 778-7423 (voice/relay) or visit Maryland Relay at www.mdrelay.org, or email compzone@kentgov.org.

Thank you for your participation!



Kent County Department of Planning, Housing, and Zoning

To: Comprehensive Rezoning Update Task Force

From: Carla Gerber, AICP, Deputy Director

Meeting: July 28, 2021: Environment

Subject: P7: The following list of items was submitted as a requested text change from a property owner who built a replacement home on the Sassafra River in 2010:

- 1) allow paved driveways for home access in critical residential
- 2) require nitrogen reducing systems for septic but not double fields
- 3) give ability to remove fallen trees and debris from storms without exception
- 4) driveways do not count as impervious space
- 5) lot line adjustments should be allowed for less than 5 acres if buyer and seller are agreed and adjacent
- 6) farms, industrial, and government wastewater should have same restrictions as private land holders regards runoff and wastewater management

STAFF REPORT

Background

All land within 1,000 feet of mean high tide falls within the Chesapeake Bay Critical Area which is governed by State law. The County implements an approved Critical Area Program which dictates much of what is or isn't allowed and contains many provisions concerning lot coverage, septic systems, buffer protections, etc. The Critical Area Commission has published a model ordinance as a guide for Counties to implement the State regulations. The County cannot be less restrictive than the State law, but we can be more restrictive. Many of the comments in the requested text changes for this item are related to requirements found in State law.

Request

1) Allow paved driveways for home access and 4) Driveways do not count as impervious space

State law defines lot coverage as "the percentage of a total lot or parcel that is: occupied by a structure, accessory structure, parking area, driveway, walkway, or roadway; or covered with a paver, walkway gravel, stone, shell, impermeable decking, a paver, permeable pavement, or other any manmade material. Lot coverage includes the ground area covered or occupied by a stairway or impermeable deck, but does not include: a fence or wall that is less than one foot in width that has not been constructed with a footer; a walkway in the Buffer or expanded Buffer, including a stairway, that provides direct access to a community or private pier; a wood mulch pathway; or a deck with gaps to allow water to pass freely."

State law is very clear on what does and does not count as lot coverage. State law also dictates how much lot coverage is permitted. The limit varies based on the size of a parcel, with smaller parcels permitted to have more lot coverage as a percentage of the parcel than larger parcels. For lots greater than 36,301 square feet or lots created after July 1, 2008, the lot coverage limit is 15%. There are no exceptions for driveways, and if a property owner wants a long or wide driveway, then the footprint of other structures may be affected.

2) Require nitrogen reducing systems for septic but not double fields

The type and size of a septic system drain field is determined by the Health Department and the State regulations they must follow.

3) Give ability to remove fallen trees and debris from storms without exception

State law allows local jurisdictions to accept simplified forest clearing and buffer management plans following storm events. Staff allows homeowners to clean up storm damage after submitting a request and pictures by email with follow up later to address any requirements for mitigation. State law does grant authority for us to accept a simplified buffer management plan after the fact if the situation is an emergency. However, we cannot grant blanket approval to let homeowners remove fallen trees without exception following storms.

5) Lot line adjustments should be allowed for less than 5 acres if buyer and seller are agreed and adjacent

Lot line adjustments are permitted so long as the adjustment doesn't create a non-conforming lot or make a lot less non-conforming and it complies with any other applicable County or State regulations.

6) Farms, industrial, and government wastewater should have same restrictions as private land holders regards runoff and wastewater management

Farms, industrial properties and government properties are required to comply with applicable County and State regulations. Most regulations concerning runoff and wastewater management are established by the State. The County may implement a local program, but it still has to comply with State law.

Review

Counties implement a number of State mandated programs that require a minimum level of regulations. There is very little that staff can do to alter these regulations.

Staff is completing a review of Critical Area regulations to ensure that our zoning regulations meet at least the minimum requirements. Specific differences will be highlighted in the draft ordinance as the new document is written.

Recommendation

There are no specific text changes to implement based on this request.

c: file



Kent County Department of Planning, Housing, and Zoning

To: Comprehensive Rezoning Update Task Force
From: Carla Gerber, AICP, Deputy Director
Meeting: July 28, 2021: Environment
Subject: P10: allow modified buffer in the RCD for campgrounds as defined in Section 2.2(18)

STAFF REPORT

Background

The Critical Area Law requires a buffer of at least 100-feet as a means of protecting water quality; however, State law contains a process to map Modified Buffer Areas and to adopt standards that reduces the width of the buffer.

Definitions from Model Ordinance:

“Buffer” means area that based on conditions at the time of development, is immediately landward from mean high water of tidal waterways, the edge of bank of a tributary stream, or the edge of a tidal wetland; and the area exists, or may be established in, natural vegetation to protect a stream, tidal wetland, tidal waters or terrestrial environments from human disturbance. The Buffer includes an area of at least 100-feet, even if that area was previously disturbed by human activity, and also includes any expansion for contiguous areas, including a steep slope, hydric soil, highly erodible soil, nontidal wetland, or a Nontidal Wetland of Special State Concern as defined in COMAR 26.23.01.01.

“Modified Buffer Area (MBA)” means an area officially mapped by the County and approved by the Critical Area Commission as a Modified Buffer Area, where it has been sufficiently demonstrated that the existing pattern of residential, industrial, commercial, institutional, or recreational development prevents the Buffer from fulfilling its water quality and habitat functions, and where development in accordance with specific BMA provisions can be permitted in the Buffer without a variance.

“Bufferyard” means an area at least 25 feet wide, located between development activity and tidal waters, tidal wetlands, or a tributary stream, planted with vegetation consisting of native canopy trees, understory trees, shrubs, and perennial herbaceous plants that is used in Modified Buffer Areas to provide water quality and habitat benefits. This area is to be managed and maintained in a manner that optimizes these benefits.

Request

[proposed text changes indicated in brackets]

Article V, Section 2.5: DENSITY, AREA, HEIGHT, WIDTH AND YARD REQUIREMENTS –

Waterfront Minimum 100-foot buffer **[or modified buffer*]**

[*For campgrounds as defined in Section 2.2(18)]

2.7, B. RESOURCE CONSERVATION DISTRICT SPECIFIC ENVIRONMENTAL STANDARDS

3. Buffer

a. Development in the Buffer

i. Development activities, including structures, roads, parking areas, and other impervious surfaces, mining, and related activities, or septic systems shall not be permitted within the minimum 100-foot buffer. This restriction does not apply to **[(i)]** water-dependent facilities that meet the criteria set forth below or **[(ii)]** **campgrounds as defined in section 2.2(18)].** "

Review

This request actually has multiple parts. The first part is to establish a process by which new Modified Buffer Areas may be requested and mapped. When the County initially adopted its Critical Area Program in the late 1980s, modified buffers were not included. With the current Land Use Ordinance, modified buffers were mapped as part of the comprehensive rezoning and remapping process, but no process was included to allow requests for the mapping of new modified buffer areas.

The Critical Area Law contains the following standards for mapping of new Modified Buffer Areas, as copied from the model ordinance:

- (1) Only lots of record as of December 1, 1985, are eligible for mapping as Modified Buffer Areas (MBAs).
- (2) The parcel or lot being considered for MBA status shall contain a Buffer that was significantly impacted by development at the time of program adoption and that prevent the Buffer from fulfilling its functions.
- (3) Developed parcels or lots shall contain a Buffer intrusion by the principal structures (excluding utilities or septic systems).
- (4) Undeveloped or vacant parcels or lots (i.e., infill) may be designated as a MBA if development within the Buffer cannot be avoided based on the size of the parcel or lot, area of the parcel or lot within the Buffer, or the surrounding pattern of development.
- (5) If only part of a parcel or lot meets the criteria for designation as a Modified Buffer Area, then only portions of the parcel or lot shall be designated as a Modified Buffer Area. The portion of the parcel designated as a Modified Buffer Area will be subject to the Modified Buffer Area requirements. Portions of the property that are not designated as a Modified Buffer Area shall comply fully with the 100-foot Buffer restrictions.
- (6) Any proposal by the County for designation of an area as a MBA shall include, at a minimum, a written evaluation and supporting reasons which demonstrate the degree to which the proposed MBA does not perform each of the following Buffer functions:
 - (a) Provide for the removal or reduction of sediments, nutrients, and potentially harmful or toxic substances in runoff entering the Bay and its tributaries;
 - (b) Minimize the adverse effects of human activities on wetlands, shorelines, stream banks, and aquatic resources;
 - (c) Maintain an area of transitional habitat between aquatic and upland communities;
 - (d) Maintain the natural environment of streams; and
 - (e) Protect riparian wildlife habitat.

Anne Arundel County has an administrative process for property owners to request designation as a Modified Buffer Area which is located within the Critical Area Overlay section of the Zoning Ordinance:

https://codelibrary.amlegal.com/codes/annearundel/latest/annearundelco_md/0-0-0-21830#JD_18-13-301.

Talbot County allows for the creation of or revision to Modified Buffer Areas following the process used for other amendments to the Official Zoning Maps. Individual property requests are limited to commercial, institutional, or industrial sites, or properties adjacent to an existing mapped Modified Buffer Area. The standards for decision are as found in the Critical Area Law.

The second part of the request is to include Modified Buffer provisions in the Resource Conservation District. The requestor has provided a proposal as noted above. The Critical Area Commission has suggested that the County include language similar to what is found in the Modified Buffer sections of the Commercial Critical Area and Marine districts to address campgrounds:

4. *Modified Buffer*

a. *Development in the Modified Buffer.*

- i. No new *development* shall encroach within 25 feet of mean high tide or 25 feet of the edge of a *tidal wetland*. Expansion to the side or rear but not closer to the water may be permitted as long as the expansion is designed and located to maximize the distance from the shoreline or to enhance or protect the environmentally sensitive features on the *site*.
- ii. An area of existing *impervious surface on-site* equal to or greater than the area of new *development* shall be removed and revegetated, or
- iii. A *forest buffer* will be planted *on-site* equal to three times the amount of newly developed *impervious surface* within the minimum 100-foot *buffer* (equal areas to be planted for other disturbance outside of the minimum 100-foot *buffer*); if there is not enough available space on the *lot* to create a *buffer*, the property owner must plant the required amounts *on-site* outside the *buffer*, *off-site*, or must pay a fee-in-lieu.

b. *Vegetative Protection within the Modified Buffer*

Natural vegetation within the *modified buffer* shall be preserved and protected unless one of the following apply:

- i. An approved *forest* harvesting plan is followed.
- ii. Individual trees may be cut for personal use provided this cutting does not impair the water quality or existing habitat value or other functions of the *buffer*. Trees shall be replaced on an equal basis for each *tree* cut.
- iii. Trees which are leaning over the water may be cut, but their stumps and roots shall not be disturbed.
- iv. The disturbance provides access for water-dependent facilities or shore *erosion* protection *structures*.
- v. Landowners may treat trees and shrubs to maintain or improve their health.

Recommendation

Staff supports adding a process for property owners to request designation as a Modified Buffer Area. Staff also supports adding Modified Buffer language to the Resource Conservation District as recommended by the Critical Area Commission. The text proposed by the requestor may be too unrestricted. The minimum requirements of the Critical Area Law still need to be met.

c: file



Kent County Department of Planning, Housing, and Zoning

To: Comprehensive Rezoning Update Task Force
From: Bill Mackey, AICP, Director DPHZ
Meeting: July 28, 2021: Environment
Subject: TF9. Review elimination of the County’s maximum pier length of 150 feet

STAFF REPORT

Background

The Task Force’s specific text request included the following to explain the request and its context:

Maximum pier length of 150’ – In order to construct a pier, first you must apply to the MDE and Army Corps for a license. This application must be reviewed and approved by seven State/Federal agencies including Army Corps of Engineers, MDE, DNR, MHT, US Fisheries, US Fish & Wildlife, before the license is granted. Then it must go under County review at the local level [*This request then goes on to suggest removal of the zoning requirement for pier length*].

The request also included an opinion that the County was not able to regulate pier length; however, based on the review of neighboring Counties, they also have zoning regulations that limit the length of piers.

Queen Anne’s County and Talbot County both include a 150-foot maximum as part of their regulations.

Queen Anne’s	A pier may not extend into any body of water a distance greater than 150 feet, as measured from the mean high water line, unless the Board of Appeals allows a greater length as a conditional use. In no case may the length of a pier exceed 1/2 of the distance from the mean high water line to the center line of the body of water. The distance is hereby established as the tributary harbor line. All proposed piers must obtain the approval of the U.S. Army Corps of Engineers and the State of Maryland as necessary. <i>§ 18:1-41 Piers. A.</i>
Talbot	New piers, or any portion thereof, including outboard pilings, finger piers, catwalks, boat or personal watercraft lifts, platform areas or floating docks shall extend 150 feet or less in length measured from the mean high-water, unless otherwise authorized by Subsection D.9 below. Notwithstanding any other section of this chapter, this limitation shall not be subject to modification by either a special exception or a variance. <i>§ 190-31 Marine uses. 1</i>

Cecil	No structure connected to the shoreline, such as a dock, pier, boathouse, etc., shall extend outward from the Mean High Water Line from where the structure is connected to the shoreline, more than twenty-five (25) percent of the distance to the upland on the opposite shore, or more than three hundred (300) feet, whichever is the lesser distance. Notwithstanding this provision, no dock or pier shall extend to within the boundaries of any defined navigation channel established by a state or federal agency. <i>Section 169. Structure Limits Over Water</i>
Kent	Private piers, community piers, and private shared piers, not to exceed 25% of the width of the waterway, the edge of the channel, or 150 feet in length, whichever is less and subject to the stipulations of Article VI, Section 3.7 of the Ordinance. <i>Article V, Section 2. RCD §2.4.B.7, p.33; Article V, Section 5. CAR, 5.4.8, p. 81</i>

Request

The request is to eliminate the County’s maximum pier length provisions, which limit piers to 150 feet.

Review

The 2018 Comprehensive Plan includes the following related to the impact of piers.

Strategy: Encourage the protection of important aquatic resources.

Submerged aquatic vegetation (SAV) serves as important food, nursery, and habitat for many species of fish and fowl. In recent times, SAV in Kent’s tributaries have followed a recurring pattern of abundant beds in some years followed by severe declines and then full recovery in a few years. [¶] Shellfish beds are both an economic and a natural resource. The bottom (benthic) community provides food for bottom feeding fish such as yellow perch and spot. Activities such as pier construction and sewage outfalls must be limited and those permitted must be designed to minimize their impacts. Guidelines are available from the State to design such facilities properly. (p. 63).

The State regulations on piers and boathouses, Md. Code Regs. 26.24.04.02, are found [here](#). Under section B. Piers, § 2 (b) states that “A pier shall meet the minimum extended property line set-back requirements established by the local jurisdiction in which the activity is proposed.” Thus, a local standard is expected.

Kent County has limited its pier lengths to a 150-foot maximum. Queen Anne’s County and Talbot County both have similar provisions, while Cecil County allows up to 300 feet. Talbot Country Planning reported that Talbot County established its maximum allowable length, because of a history of people building or asking to build 200- to 300-foot piers that were considered intrusive, so a limit was set out in the law. Anecdotally, this seems to have been the case in Kent County as well, although why the exact length of 150 feet was chosen is not known. Perhaps, it was to mirror the more restrictive, surrounding jurisdictions.

Recommendation

Staff recommends that the Task Force consider maintaining the current standard of a 150-foot pier length. As a compromise, the Task Force may wish to consider allowing an administrative variance procedure for applicants to request a percentage increase based on special circumstances that applicants would need to bring forth and prove, such as unusual topography, channel location, or other unique conditions.

c: file



Kent County Department of Planning, Housing, and Zoning

To: Comprehensive Rezoning Update Task Force

From: Bill Mackey, AICP, Director DPHZ

Meeting: July 28, 2021: Environment

Subject: S14. Consider discussing climate change, resilience, and the floodplain regulations by potentially requiring Base Flood Elevation plus three feet for new projects

STAFF REPORT

Background

On May 12, 2021, the revised list of the staff suggestions for the Task Force's consideration was presented. This item was included. A general version of this item without reference to Base Flood Elevation appears on the original, uncondensed staff list for March 10, 2021. Additional freeboard (three feet) was added as a potential, concrete way to address climate change and resiliency.

Request

This staff suggestion raises the issue of potentially addressing climate change through a specific measure.

The Land Use Ordinance contains Article VI, Section 7, entitled "Floodplain Management." The section contains provisions based on the model code provided by the State of Maryland for local communities. The MDE website quoted below describes the federal insurance program and the State's model ordinance.

National Flood Insurance Program

The State of Maryland's Coordinating Office for the National Flood Insurance Program (NFIP) is in the Water and Science Administration of MDE. In order to participate in the NFIP, local communities must adopt and enforce a floodplain management ordinance containing minimum requirements specified by federal law, which apply in floodplain areas mapped by Federal Emergency Management Agency (FEMA). In addition, the ordinance should reflect State laws and policies. ...

Maryland Model Floodplain Management Ordinance (FPMO)

The Maryland Model Floodplain Management Ordinance, developed through a coordinated effort with local communities, integrates NFIP and the State permit requirements. After the devastation of Hurricane Isabel in 2003, additional provisions to enhance floodplain management have been recommended such as coastal communities must implement a minimum two foot freeboard (additional elevation requirement), all new and replaced HVAC units must be elevated, and all fuel storage tanks must be anchored or elevated (MDE website at <https://mde.maryland.gov/programs/water/floodhazardmitigation/pages/permitting.aspx>).

Currently, Kent County requires that the elevation of the lowest floor of all new or substantially improved structures, including manufactured homes, in the floodplain must be elevated at least two feet above the elevation of the 1-percent annual chance (100-year) flood. Flood proofing measures are permitted for non-residential structures. Additional freeboard, for example, three feet above the flood elevation, would provide for extra protection; however, this would also be a substantial requirement that would only be applied to a certain percentage (23%) of County properties. There are 3,056 properties with some area located in the 100-year floodplain, and 13,348 properties in total located in Kent County. Staff is aware that many of the properties with areas in the floodplain do not have structures located in the floodplain.

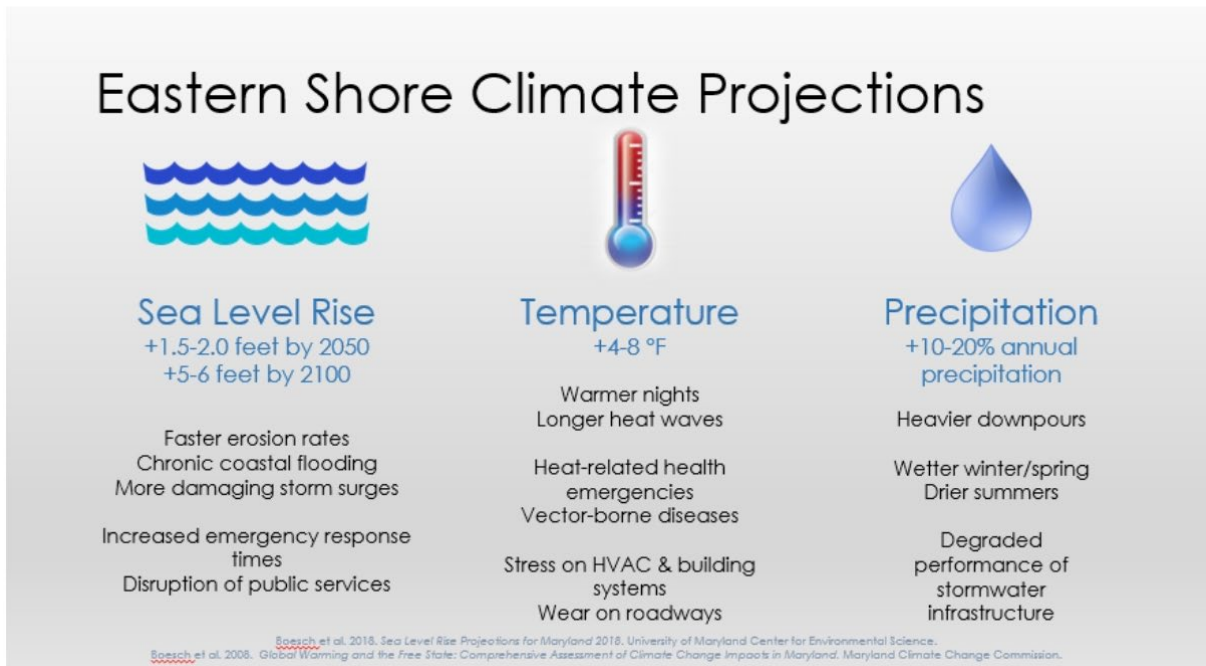
Additional freeboard could also have the effect of lowering annual premiums for FEMA insurance policy holders, which is a benefit that could accrue to property owners, if the County were to participate in the Community Rating Service program; however, the number of beneficiaries would be quite limited. There are 573 FEMA flood insurance policies in place in a County with over 8,000 households (less than 8%).

Review

The 2018 Comprehensive Plan includes specific language related to the floodplain under Environment.

Strategy: Maintain, enforce and if necessary, strengthen existing regulations for floodplains and buffers. [¶] Kent County's existing regulations address building, filling and other disturbances within stream buffers, shoreline cliffs, and floodplains for their flood reduction and habitat protection benefits. The County will keep its floodplain regulations current with standard practice and attain higher levels of protection as appropriate (p. 86).

The purpose and timeframe for the Comprehensive Rezoning Update is to address zoning issues raised in the 2018 Comprehensive Plan until the next anticipated Plan update in 2028. Local projections anticipate sea level rise of 1.5 to 2 feet along with increased coastal flooding by 2050. With the additional freeboard



Source: <https://www.eslc.org/people/coastal-resilience-program/>

of two feet already required and a timeframe of ten years, this might appear to be adequately addressed. However, in the 2016 [Kent County Climate Change Adaptation Report](#), prepared by the Eastern Shore Land Conservancy, it is recommended that the Planning Department “Explore the feasibility of a 3-foot freeboard requirement for new construction and significant improvements in order to be consistent with federal guidance.” There are many other recommendations included; additional freeboard is only one.

The County has also addressed nuisance flooding in its recent Kent County Nuisance Flooding Plan, which was used as a model Statewide. The KC Nuisance Flooding Plan may be found [here](#) for reference. Although its focus is on documentation, the Nuisance Flooding Plan mentions additional freeboard as a structural tool to reduce flooding. A recommendation to raise it above the current standard is included in the text.

Since most of the effected properties would be waterfront or have water access, such a provision might impact an important sector of the economy by deterring vacation and seasonal home construction, when such homes must be located in the floodplain due to lot constraints. In many jurisdictions, such properties pay higher taxes while requiring less services. The financial impacts of increasing the required freeboard are not understood, and the two reports cited above do not address costs. Certainly, there will be increased costs, and they will have effects on the decisions that people make to construct new projects.

Recommendation

Staff recommends that the Task Force consider suggesting additional freeboard as a recommendation, based on the recommendations in the 2016 Kent County Climate Change Adaptation Report and the 2019 Kent County Nuisance Flooding Plan. Comprehensive Rezoning is an appropriate time to make this change.

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