



Comprehensive Rezoning & Update 2020-2021 Task Force

PUBLIC FORUM SUMMARY

Hybrid In-Person/Remote Meeting
Wednesday, October 27, 2021, at 6:00 p.m.

I. Welcome and Roll Call – Task Force Member and Chair, Kim Kohl

Chair Kohl opened the meeting at 6:00 pm, conducting member roll call.

The following Task Force members were in attendance: Chair Kim Kohl, Vice Chair Joe Hickman, Al Nickerson, Bill Norris, Bill Sutton, Bryan Greenwood (remote), Buck Nickerson, Cindy Genter (remote), Jim Saunders, Pat Langenfelder, Paul Ruge, Sam Shoge (remote), Tom Mason, and Tyler Brown (remote).

The following staff attended: Planning Commission Attorney Cynthia McCann, Esq; DPHZ Director William Mackey, AICP; Deputy Director, Carla Gerber, AICP; Associate Planner, Mark Carper; and Clerk, Michael Pelletier.

County staff who attended remotely included: Jamie L. Williams, Director of Economic and Tourism Development.

Members of the public who attended in-person or remotely included: Janet Christensen-Lewis, Judy Gifford, Carroll Thompson, John H. Myers, Jr, John H. Myers, III, Michael A. Scott, Gary Lee Miller, Lance Young, Esq., Josh Dowling, Frank Lewis, Trey Hill (remote), Elizabeth Watson, (remote), William Crowding (remote), David Hill, Hugh Gibson (remote), Marian Fry (remote), Sara Ramotnik (remote), and Paula Reeder. The meeting was also livestreamed, and anyone could listen to the meeting, via the County's website.

II. Approval of the Summary for the Task Force Meeting on October 13, 2021

The October 13, 2021, Meeting Summary was accepted as submitted.

III. Purpose - Fair and Open Discussion on Proposed Text Amendments

Outcome - Staff is 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.

Adopted on November 10, 2021

- 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.

Chair Kohl added that at the Public Forum she will call the numbers for the public who wish to testify.

IV. Old Business

- A. Review of TF10 / TF 11 / TF 12 (related to modified and expanded buffers)
- B. Review of Second Revised Proposed Draft Task Force Recommendations
- C. Establishing the Task Force Recommendations for TF 10 / TF 11 / TF 12
- D. Discussion of format and process for Public Forum to be held October 27
- E. Discussion of Deadline for submittal of Requests for Specific Text Changes

There were no comments by the Task Force or the Public regarding the above-referenced Old Business Agenda items.

V. New Business

- A. Public Forum to receive comments on the Task Force's recommendations.

Carroll Thompson of Rock Hall

Mr. Thompson raised concerns about a potential annexation of his property into Rock Hall. Mr. Thompson was advised that this was not within the scope of the Comprehensive Rezoning process.

John Myers, Jr. of Worton Point

Mr. Myers opined that agricultural decisions need to consider the impact on the hunting industry for Kent County farmers, which has a huge economic impact for this County. Mr. Myers also felt that in regard to setbacks, many farms in the County cannot meet the 600-foot setback for animal-related structures and waste management structures. He suggested that the County look at 200 feet as a potential setback requirement. Mr. Myers further stated that the 10% rule should be allowed to be more flexible as long as the parcels created will remain in agriculture. He was, however, opposed to allowing farms to be split into two-acre farmettes.

Michael Scott of Chestertown

Mr. Scott was in opposition to retaining the 10% rule. He provided several examples for which, as a surveyor, the restrictions were burdensome and restricted various farmers from being able to divide their properties related to farming.

Jamie L. Williams, Director of Economic and Tourism Development. (remote)

Ms. Williams addressed concerns pertaining to P4 (Floating Zones) and P5 (allowing truck stops on the 291/301 corridor). It is this region and the Worton Industrial Area that are County priority areas for growth. She inquired as to what was the position of the Town of Millington and its Council on these

requests. Ms. Williams spoke in opposition to retaining the 10% rule, because many ag operations don't require as much land and smaller parcels allow for more diversification.

Lance Young, Esquire, of the McCleod Law Group

Mr. Young expressed his support for allowing truck stops in the Industrial District. His firm proposed two text amendments. The first one included truck stops in the Mixed-Use Development, and the second dealt with truck stops in the Industrial District. Mr. Young addressed concerns regarding the Town of Millington's opinion that these two proposals would have an adverse effect on the Town of Millington. The Town of Millington's opinion should not halt addressing the need for having these truck stops in the County.

Elizabeth Watson of Chestertown (remote)

Ms. Watson opined that too many changes were being proposed to the Land Use Ordinance when few changes are needed. Ms. Watson was concerned about overdevelopment in the County and the loss of the County's strong preservation ethic. She requested that the Task Force provide an analysis of how it reaches its recommendations on each topic of the proposed Land Use Ordinance. Ms. Watson cited the US 301 strategy but suggested following Millington's lead on direction, the strategy for increasing forested lands with no net loss and new forest added and closing the gap between currently protected lands and the 50% protection goals in the 2018 Comp Plan. Ms. Watson digitally submitted her comments in written form during the meeting.

William Crowding (remote)

Mr. Crowding agreed with Ms. Watson in her public comments. Mr. Crowding stated that with the various amendments to the Land Use Ordinance throughout the years, the ordinance is flexible the way it is written, and the Planning Commission and staff have been flexible in assisting applicants seeking text amendments.

Mr. Crowding raised concerns as to why the County is not adopting the recommendations of the consultants they hired when pursuing changes to the Land Use Ordinance. Mr. Crowding expressed that the Task Force should research what buffers are and find examples of the 10% rule by reaching out to staff.

Hugh Gibson (remote)

Mr. Gibson agreed with Ms. Watson that the Task Force should be guided by the Comprehensive Plan and that many changes do not need to be made. He added that preserving agriculture is about more than just the farming economy; the overall rural environment is Kent County's greatest asset.

Frank Lewis of Millington

Mr. Lewis complimented the Task Force and staff on the formulation of most of the recommendations. Mr. Lewis had concerns over a few recommendations. He opined that there needs to be a prohibition on industrial scale solar in the Agricultural Zoning District, especially considering tillable land and prime farmland. He was in support of the prohibition of Data Centers in the Agricultural Zoning District, noting that they use a lot of water and electrical power, and also noting that there are different levels of data

centers. Mr. Lewis added that he felt reducing setbacks to 200 feet was inappropriate regarding manure storage buildings. Mr. Lewis is in support of retaining the 10% rule, because elimination of the rule, over a long period of time, would fragment farmland.

Marian Fry of Chestertown (remote)

Ms. Fry spoke in support of retaining the 10% rule, as Kent County is one of the last counties in the State that protects agricultural zoning and offers opportunities for large farms. Ms. Fry also expressed strong support for retaining the present agricultural zoning.

Janet Christensen-Lewis of Millington

Ms. Christensen-Lewis relayed her thanks to the Task Force for its efforts. Ms. Christensen-Lewis expressed that regarding P4 and P5, Millington is saying that they want the opportunity to set their own regulations for zoning.

Ms. Christensen-Lewis raised concerns over eliminating the 10% rule. She also relayed that she was in support of allowing variances related to the 10% rule. Ms. Lewis cited the USDA 2017 Ag Census, stating that 221 of the 346 farms in Kent County are less than 179 acres. She expressed that this situation provided for plenty of opportunity for small farmers. Ms. Christensen-Lewis noted that farmettes are not smart growth, while also stressing support for both small and large farming operations. Ms. Christensen-Lewis concluded that it was unwise to eliminate this rule and allow larger farms to be split up. Ms. Christensen-Lewis noted that the purpose of zoning is not about property rights; it's about community investment. Ms. Christensen-Lewis values and hopes that Kent County retains its unique and rural character.

Sara Ramotnik with the Eastern Shore Land Conservancy (remote)

Ms. Ramotnik described the history and role of the Eastern Shore Land Conservancy, founded in 1990, in land preservation on the Eastern Shore and in Kent County in particular. The ESLC has preserved over 13,000 acres on 69 farms in Kent County to date. Ms. Ramotnik relayed that her organization opposes the elimination of the 10% rule. The ESLC also opposes non-agricultural uses in the agricultural zoning district. The ESLC supports Kent County's current strong Land Use Ordinance and farmland preservation.

David Hill

Mr. Hill is opposed to the elimination of the 10% rule and the resetting of the density as it opens up the door for more development. There are other and more appropriate tools available to farmers to address the problems these revisions seek to address. Mr. Hill suggested that using hardships would be the way to determine solutions.

Judy Gifford of Kennedyville (remote)

Ms. Gifford stated that she agreed with many of the comments made by Elizabeth Watson, Bill Crowding, and Janet Christensen-Lewis. Ms. Gifford raised concern over the analysis and process by which the Task Force reaches its recommendations. She asked, "How are these issues going to be resolved?" Ms. Gifford reminded the group that the guiding principle for its decision-making is the Comprehensive Plan. Ms. Gifford stated her belief that the current process is illegitimate.

Ms. Gifford was opposed to the elimination of the 10% rule. She also noted that a split vote is not sufficient for the Task Force to rule on the 600-foot setback requirement for manure storage. She cited how she went through the variance process to obtain approval for such a use and stated there are other mechanisms to achieve the same ends.

A ten-minute break commenced at 7:00 pm

B Public Forum - Continued

Paula Reeder of Still Pond

Ms. Reeder stated that she is a 30-year resident of Kent County who lives on a farmette. She has spent the 30 years planting trees and pollinator-friendly plantings. Ms. Reeder stated that she was appearing on behalf of the public, property owners, and business owners. She raised concern over the Comprehensive Rezoning process and the Task Force, citing that the majority of members were involved in agriculture, similar to other boards and committees in the County. Ms. Reeder stated that the group's recommendations are past-oriented. She cited recent Census changes to population and that 91% of land in the County was already dedicated to agriculture, questioning how much is enough.

Ms. Reeder stated that she was in agreement with Jamie Williams' comments. Ms. Reeder supports utility scale renewable energy operations and data centers in AZD, and she stated that the 10% rule needs to allow for more flexibility. She does not support the variance process as a solution; variances benefit people of means who can afford professional representation.

Written Public Comments

Mr. Mackey read 13 letters into the record:

1. McCleod Law Group dated October 26, 2021: The firm identified the various clients they represent in presenting this letter and identified support letters, which are attached, from two of their clients. They added that the Task Force should consider the proposed text amendment as a unique opportunity to implement the 2018 Kent County Comprehensive Plan at the Route 301/291 interchange as designated growth and priority funding areas. They added that the text amendment for mixed-use zoning sets the stage for advantageous coordinated master planning.
2. Stonehill Farms, LLC dated October 12, 2021: They endorse and support the proposed zoning amendment presented by Richardson Fresh Ponds, LLC, Kent Mill, LLC, and Joseph Smith. They requested that the Task Force consider the suggested text revisions to assist in the development, infrastructure, annexation, economic development, and smart growth in Millington.
3. Little Bohemia Creek Farm dated October 26, 2021: This correspondence is in support of removing the 10% rule as it will be more in line with young farmers and first-generation farmers with small farms. The 10% rule also hinders selling part of a farm if the farmer needs to raise retirement money or pay for medical bills.
4. Federal Hill Farm dated October 12, 2021: They support the changes suggested in the Comprehensive Zoning draft and request adding Agri-Tourism as a Permitted Use in the

Agricultural and Rural Residential Districts. They also recommend adding a category allowing for the cutting of Christmas trees to the allowed activities in the definition of special events.

5. John Lysinger email dated October 27, 2021: Mr. Lysinger commends the hard work of the Task Force members. He also raised concern that time constraints have prevented the Task Force from reaching a consensus. His opinion is that no proposal should be forwarded to the County Commissioners unless and until there is a 100% agreement amongst the Task Force members.
6. Doug West email dated October 27, 2021: Mr. West is opposed to repealing the 10% rule as it would have an adverse effect on farmers in Kent County.
7. William and Ann Norris email dated October 27, 2021: As farmers, they are in support of elimination of the 10% rule as it causes hardships to farmers who do not qualify for land preservation status, and it prohibits farmers from leaving equal shares of their farms to family members. The rule also prohibits farmers from selling various tracts of land that are woodland and not suitable for farming.
8. Hans Singer of Durham Point Farms dated August 19, 2021: They raised concerns regarding the proposed changes in the Land Use Ordinance. They requested the County retain the 10% rule and should not reset or change the Zoning density. They further oppose any rules that will allow non-agricultural uses in the zoning districts such as data centers, solar farms, and wind turbines. They further stated that the use of chicken litter stored in permanent storage facilities should not be closer than the 600-foot setbacks.
9. Fairlee Farms Partnership dated August 20, 2021: They are opposed to the elimination of the 10% rule and adding data centers as an agricultural use. They also opined that the setback for chicken litter storage facilities should be at least 600 feet from a property line.
10. Carl Behr with New Hope Farm: They requested that the County retain its current zoning rules. They are opposed to resetting the zoning densities or changing the 10% rule. They requested the County keep manure storage to at least 600 feet from any property line. They also do not support allowance of non-ag uses such as data centers in the Agricultural Zoning District.
11. Melton Point Duck Club, LLC dated August 21, 2021: They requested the County keep manure storage buildings at least 600 feet from property lines. They added they would like to see data centers remain outside of agricultural areas and be instead in Industrial Districts. They also were opposed to the elimination of the 10% rule.
12. Watts Farm, LLC dated August 23, 2021: They were opposed to increasing the building density in the agricultural districts and felt that large housing developments should be constructed where there is public sewer. They further agreed with retaining the current setbacks for manure storage and livestock buildings at least 600 feet.
13. Kurhessen Trust: They opined that manure storage buildings should be at least 600 feet from their property line and were opposed to the removal of the 10% rule. They believe data centers and non-agricultural uses should not be in the Agricultural Zoning District.

VI. Task Force Comments – A discussion ensued among members and staff concerning revisiting topics. The Chair informed the Task Force that these matters can be raised as Old Business and to notify staff of any topics to reconsider or raise so that it can properly be addressed in the next agenda. Mr. Mackey stated that the Task Force Recommendations are ongoing and can be revisited anytime.

The Chair reminded everyone that the deadline for submitting additional requests for specific text changes is October 31.

VII. Public Comments – There were no additional comments.

VIII. Adjournment

Chair Kohl adjourned the meeting at 8:05 pm.