



County Commissioners Hearing Room
400 High Street
Chestertown, Maryland

AGENDA
April 7, 2022
1:30 p.m.

Members of the public are welcome to attend meetings in person or via conference call. Please note that the County’s live stream video is temporarily unavailable.

Public participation and audio-only call-in number:

1. Dial **1-872-239-8359**
2. Enter Conference ID: **950 464 428#**

Members of the public are asked to mute their phones/devices, until the Commission Chair opens the floor for comment.

MINUTES

March 3, 2022

APPLICATIONS FOR REVIEW

- ALP 22-01 Harmony Crest Partnership – Ag Preservation District – 300 acres
28482 Lambs Meadow Road, Kennedyville, zoned Agricultural Zoning District (AZD).....Rec to CCs
- ALP 22-02 Harmony Crest Partnership – Ag Preservation District – 126.32 acres
Kentmore Park Road, Kennedyville, zoned Agricultural Zoning District (AZD).....Rec to CCs
- 22-08 26001 Still Pond Neck, LLC – Major Site Plan – Utility-Scale Solar (Concept)
26001 Still Pond Neck Road – Third Election District – Agricultural Zoning District (AZD)PC Review
- 22-09 26001 Still Pond Neck, LLC – Special Exception (Utility-Scale Solar)
26001 Still Pond Neck Road – Third Election District – Agricultural Zoning District (AZD).....Rec to BOA

GENERAL DISCUSSION

STAFF REPORTS

ADJOURN

Meetings are conducted in Open Session unless otherwise indicated. All or part of the Planning Commission meetings can be held in closed session under the authority of the MD Open Meetings Law by vote of the members. Breaks are at the call of the Chairman. Meetings are subject to audio and video recordings.

All applications will be given the time necessary to assure full public participation and a fair and complete review of all projects. Agenda items are subject to change due to cancellations.

MINUTES

The Kent County Planning Commission met in regular session on Thursday, March 3, 2022, in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland. It was a hybrid meeting, and the following members were in attendance: Chair F. Joseph Hickman, Vice Chair Paul Ruge, County Commissioner P. Thomas Mason; James Saunders; William Sutton; Ray Strong; and Cynthia L. McCann, Esq., Planning Commission Attorney. Tyler Brown was absent. Staff in attendance were William Mackey, Director; Carla Gerber, Deputy Director; Mark Carper, Associate Planner; and Michael Pelletier, Clerk.

Chair Hickman called the meeting to order at 1:30 p.m.

MINUTES, February 3, 2022

Ms. McCann noted a correction to page 3, third paragraph should read: Correspondence was received "from" and not "by". Ms. McCann recommended deleting the first sentence on page 5, fourth paragraph and leaving the following language, "Vice Chair Ruge moved to table the discussion...". Chair Hickman requested on page 7, first paragraph that "based on attorney advice" be added to the end of the sentence which begins with "Chair Hickman indicated the public will have an opportunity to comment...". Ms. McCann requested under the Staff Report section that her report be revised to read "Ms. McCann, not having received comments from Mr. Yeager, suggested the Forest Conservation Easement be forwarded to the County Commissioners." Mr. Sutton moved to accept the minutes as corrected, Mr. Strong seconded the motion; the motion passed with all in favor.

APPLICATIONS FOR REVIEW:

21-69 Zebulon Blyman – Zoning Text Amendment

Adding home and business services as a permitted use in the Village district

Chair Hickman noted that he has a business relationship with Mr. Blyman but stated he can be fair with this application.

Ms. McCann noted the Commission has two citizen sponsored text amendment requests and read for the record the Public Notice which was published in the Kent County News on February 24, 2022.

Zebulon Blyman, of Worton, Maryland, was sworn in.

Ms. Gerber noted that Mr. Blyman has submitted an application to amend Article V, Section 7.2 of the Village District, Permitted Uses, to include home and business services such as grounds care, janitorial, exterminators, landscaping, and other repair and maintenance services, but not septic tank maintenance, subject to site plan review. Ms. Gerber noted that before acting on a proposed amendment, the Planning Commission shall address the public need for the amendment and the extent to which the proposed amendment complies with or deviates from the Comprehensive Plan and the Critical Area law. Ms. Gerber added that the proposed text amendment is consistent with the Comprehensive Plan. Ms. Gerber noted that the public need for the amendment is to allow for development of neighborhood service businesses within the Village District which will expand opportunities for small businesses to open or expand, and the requirement for site plan review will ensure the proposed business is of an appropriate scale with the Village District. Ms. Gerber noted that Staff recommends sending a favorable recommendation to the Kent County Commissioners. Ms. Gerber added the department received a letter of support from Nick Mouldsdale on this zoning text amendment in the Commission's packet.

Mr. Blyman stated he desires to do some improvements on his property as some of the structures are in bad shape and having this text amendment passed would make it easier so he would not have to go through the special exception process again.

Chair Hickman inquired as to the number of employees employed by Mr. Blyman. Mr. Blyman responded he currently had three. Ms. Gerber added that Mr. Blyman's zoning text amendment would apply to the entire Village district.

Vice-Chair Ruge inquired as to whether this would require a Site Plan Review. Ms. Gerber responded that it would. Vice-Chair Ruge asked Mr. Blyman how this amendment would help him versus the process he had to undertake in the past. Mr. Blyman responded that he had to go to the Planning Commission and Board of Appeals, and this amendment would allow him to be more flexible with making changes to his property.

Ms. Gerber added this zoning text amendment would give Mr. Blyman more certainty with the use of his property in the future. She added that another owner had come to the Department with a similar need for their property. Ms. Gerber pointed out that the changes Mr. Blyman proposes to make would still go to the Technical Advisory Committee for minor site plan review, or if the changes were more extensive and require a major site plan review, then it would go to the Planning Commission.

Vice-Chair Ruge inquired as to the difference between Minor or Major Site Plan Review. Ms. Gerber turned to the Land Use Ordinance and provided examples from the Ordinance.

Mr. Saunders noted that Mr. Blyman was trying to improve his business which will benefit the County. Chair Hickman was in agreement.

Vice-Chair Ruge noted this amendment will affect a large portion of the County and the scope of the proposed uses might raise concerns, such as pesticides. He was concerned with some uses dealing with pesticides and janitorial supplies. Mr. Blyman noted that the pesticides are regulated by the State and have rules he must follow. Ms. Gerber gave some examples of the types of uses already allowed in the Village District. She added that having site plan review will ensure that these types of businesses are sited in compliance with the design standards.

Mr. Blyman added that he would be required to hold a state license and the property is subject to State inspections to ensure compliance.

Mr. Hickman noted that Staff indicated the public need supports existing businesses, expands businesses, and adds more diversity as to the types of businesses in the Village District.

Mr. Sutton moved to forward a favorable recommendation based on the fact that the public need is that it expands businesses in the Village District, and it is consistent with the Comprehensive Plan. The Motion was seconded by Mr. Strong. All were in favor and the motion carried unanimously (5-0).

**21-69 Kenah One Health Care Services – Zoning Text Amendment
Adding hospital, rehabilitation facility, or other similar institution as a special exception in the Village district**

The applicant, Latonya Cotton, of 308 N. Crain Highway, Glen Burnie, Md 21061, was present online and was sworn in to testify.

Mr. Carper noted the applicant proposes to amend Article V, Section 7.3 of the Village District, Special Exceptions, to include "Hospital, rehabilitation facility, or other similar institutions for human care, but not including animal hospitals." The proposed amendment would extend to the Village district by special exception a health-related service use that is currently permitted by special exception within the Intense Village and Intense Village Critical Area districts. This amendment reinforces a strong economic base and meets community needs, diversifying the health care industry, which is supported by the Comprehensive Plan. Mr. Carper noted that before acting on a proposed amendment, the Planning Commission shall address the public need for the amendment and the extent to which the proposed amendment complies or deviates from the Comprehensive Plan and the Critical Area law. The proposed text amendment is consistent with the Kent County Comprehensive Plan and the public need for the amendment is to allow for development of health-related services within a populated district. Staff recommends sending a favorable recommendation to the Kent County Commissioners.

Vice-Chair Ruge inquired as to why the applicant is requesting the change in use.

Ms. Cotton noted Kenah One intends to transition from assisted living to mental health. There are currently ten residents in the assisted living facility. Kenah One also operates two other homes like this for outpatient counseling and group meetings.

Bret Sullivan of Worton inquired whether this would affect the current residents, and Ms. Cotton confirmed that the current residents would continue to reside in the facility.

Vice-Chair Ruge expressed concern about this intense use and was not sure where districts will be impacted in the Comprehensive Rezoning process. It should be done by special exception and is not in favor of the proposed text amendment. This should wait until the Comprehensive Rezoning Process is complete.

Mr. Saunders raised a point that the applicant should not have to wait for the County to do its job, and Chair Hickman added there is a public need for mental health services.

Mr. Saunders made a motion to forward a favorable recommendation to the County Commissioners which was seconded by Mr. Sutton. Vice-Chair Ruge voted against the motion. The remainder of members voted in the affirmative, and the motion for a favorable recommendation carried (4-1).

CONTINUED DISCUSSION FROM FEBRUARY 3, 2022, MEETING

Resolution 2021-18, Resolution to Introduce a Text Amendment to Revise Chapter 222, Zoning, to Remove the Requirement Related to the Maximum Percentage of Property in Lots (10% rule) from the Agricultural Zoning District (AZD)

Ms. McCann noted that the following correspondence was entered into the record: Chris Drummond on behalf of Frank Lewis and Janet Christensen-Lewis; Buck Nickerson; Smart Growth Maryland; ShoreRivers; the American Farmland Trust; and Linda Roy Walls. Ms. Gerber indicated they were all distributed to the Planning Commission.

Mr. Mackey stated that at the last meeting the Commission requested additional information and the Department created packets related to the 10% rule and the animal-related setbacks proposed text amendment.

Turning to the first page of the packet, Ms. Gerber identified three main elements of subdivision in the AZD. The first is density. The second is lot size. The third is the maximum percentage of property in lots, or 10% rule.

The second page provided scenarios of subdivisions pertaining to the 10% rule. Ms. Gerber then discussed two hypothetical maps of a theoretical subdivision with the 10% rule and without the rule.

Ms. Gerber then discussed statistics about preserved land that is within the Agricultural Zoning District (AZD) or the Resource Conservation District (RCD). Ms. Gerber noted that there are almost 44,500 acres under some type of easement which represents 25.5 % of the unincorporated area of the County. There is an additional 4.4% that is in public lands. There is roughly 28% of the AZD and RCD under permanent easement.

Vice Chair Ruge inquired about what can be done with permanently protected lands and the preservation districts. Ms. Gerber confirmed that they are solely for farming. The easements are perpetual, except there are provisions which allow earlier easements to apply to purchase their development rights back, but the request has to be approved by the County Commissioners and the Maryland Agricultural Land Preservation Foundation Board of Trustees. This approval would not be easily achieved, and to date no farms have been approved for such purchase.

A discussion ensued on scenarios and how properties could extinguish their development rights and limited ways in which subdivisions could still be approved.

Jennifer Debman, Kennedyville, Maryland, Chair of the Ag Advisory Committee, commented that despite statements at the last Planning Commission meeting suggesting that the Agriculture Advisory Committee was confused, she affirmed that they were not in fact confused at all.

Albert Nickerson testified that he was opposed to changing the 10% rule.

Michael Pugh testified that he lives on agricultural land, and he would love to subdivide his land or dismantle his 18th century house and sell the bricks for money, but if looking at Middletown, Delaware, it's clear that removing the 10% rule would be a mistake.

Pat Langenfelder, of Kennedyville, Maryland, was opposed to the text amendment and believes in keeping the 10% rule. She discussed the deterioration of agricultural lands in Howard County and its continued development.

Bill Crowding, of Worton Maryland, testified and recited a definition of "public need," stating that this amendment falls short of that definition.

Judy Gifford opined that there is a conflict of interest by Commissioner Mason and contended that he should have recused himself. Ms. Gifford stated that 30-acre farms are a fiction. She also stated the proposed text amendment contradicts the intent of the Comprehensive Plan

Elizabeth Watson, of Chestertown, Maryland, testified that she is opposed to elimination of the 10% rule and asked the citizens in the room who are in favor of keeping the 10% rule to stand. A majority of them stood, and Ms. Watson stated that this should send a message that keeping the 10% rule is what the citizens want.

Doug West, of Chestertown, Maryland, is opposed to the elimination of the 10% rule and stated that it is a fallacy to conclude that divided land is going to stay in agriculture in some way and that a farmer could survive.

Janet Christensen-Lewis, of Millington, Maryland, testified that she is opposed to the elimination of the 10% rule. She inquired if Commissioner Mason should have recused himself due to a conflict of interest. Ms. McCann noted that Mr. Mason does not have a vote and that he is an ex-officio member. Ms. Christensen-Lewis also questioned the difference between the Staff's latest recommendation at the last meeting and its original recommendation

before the Task Force. She noted the original recommendation was that it be retained with waiver provisions. Ms. Christensen-Lewis stated that she believed this plan was unsound and was born of individual motives and urged the Commission to send an unfavorable recommendation to the County Commissioners.

Public comment was closed.

Mr. Saunders was opposed to elimination of the 10% rule as not a single person came before the Commission to support the elimination of the rule.

Commissioner Mason stated that those who support elimination are intimidated to come forward and some of his constituents fear losing clients. They will likely come to the Commissioners' hearing and testify. Commissioner Mason noted on the record that he has no intention of splitting his farms up. He noted that agriculture has changed, and the County needs to change, and elimination of the 10% rule is consistent with the times. Commissioner Mason provided several examples of the benefits of having small farms.

Chair Hickman stated the Planning Commission needed to address public need and consistency with the Comprehensive Plan and the recommendation from the Ag Advisory Commission.

Vice-Chair Ruge indicated he is not willing to change the 10% rule but thinks it needs to be discussed further and then a solid solution could be determined.

Mr. Strong moved to send an unfavorable recommendation to the County Commissioners as the amendment does not meet a public need due to lack of public support, is not consistent with the Comprehensive Plan as it specifically contains the 10% rule, and it was not supported by the Agricultural Advisory Commission. Mr. Sutton seconded the motion. The motion for an unfavorable recommendation carried unanimously (5-0)

The Planning Commission recessed at 3:45 pm for ten minutes, reconvening at 3:55 pm.

Resolution 2021-19, Resolution to Introduce a Text Amendment to Revise Chapter 222, Zoning, to Amend Setbacks for Certain Animal-Related Uses from 600 Feet and 400 Feet to 200 Feet in AZD

Mr. Mackey noted that when the Planning Commission met last, the members were discussing the effect of the proposed setbacks on an individual parcel in AZD versus an enclave. Mr. Mackey had suggested amending the text to add "and any residential uses" related to maintaining the 600- and 400-foot setbacks as a way to address the issue. The Planning Commission had asked at that time how much land would be affected. Ms. Gerber performed an analysis using GIS and concluded there are many farms with property lines that are not adjacent to residential uses. A map was provided in the packet showing the extent of the buffering affect when applied to non-farm-sized lots.

Vice-Chair Ruge asked whether the Planning Director has the authority to reduce the setback by 50%. Ms. Gerber confirmed that landowners may seek an administrative variance from the Director. A variance request of more than 50% of the requirement must go to the Board of Appeals.

Vice-Chair Ruge suggested a 400-foot setback rather than 200 feet. Ms. Gerber indicated the variance process has several specific reasons why a variance should be granted. Vice-Chair Ruge noted that if the elimination of the 10% rule were approved, then there would be less of a need for this amendment.

Janet Christensen-Lewis, of Millington, Maryland, noted that she is raising the same issues she raised at the last meeting about this amendment proposal. She asserted this amendment does not protect individual houses. She also stated that the Commission should not review this until they see a map of the carved-out lots in AZD which would be affected.

Judy Gifford, of Kennedyville, Maryland, was opposed, citing a lack of public need, and it goes against the Comprehensive Plan. She stated that it also seems unclear as to why the amendment is needed.

Sean Jones, of Massey, Maryland, member of the Agricultural Advisory Committee (AAC) noted that some items of information provided to the Planning Commission were not provided to the AAC, and that their recommendation did not include this information. Mr. Jones stated his opinion that there is merit in protecting individual houses.

Commissioner Mason asked why the AAC's recommendation was considered in the previous amendment and now the recommendation is not being considered.

Chair Hickman noted this was but one factor, and public need and consistency with the Comprehensive Plan are the two legal requirements.

Chair Hickman moved to forward an unfavorable recommendation to the County Commissioners, based on a lack of public need and that the proposed amendment conflicts with the Comprehensive Plan despite a favorable recommendation from the Agriculture Advisory Commission. Vice-Chair Ruge seconded the motion. The motion for an unfavorable recommendation carried unanimously (5-0).

STAFF REPORTS

Ms. Gerber noted that the Department has more building permits in process than this time last year, and the Department has been very busy.

Mr. Mackey noted that there are still challenges with staffing shortages, and the team is trying to move forward with the Task Force and are working on some materials with the consultant but do not yet have a schedule.

Mr. Carper stated that there was a training on Floodplain Management and Mitigation held. Twenty people were in attendance including colleagues from Queen Anne's and Cecil counties. Mr. Carper, and his new colleague, Michael O'Neill, will be attending a Floodplain Management training at Chesapeake College as well.

Ms. Gerber added that Mr. O'Neill is the Department's new Code Enforcement Officer.

ADJOURN

Chair Hickman made a motion to adjourn, seconded by Mr. Ruge. The meeting adjourned at 4:08 pm.

Joe Hickman, Chair

/s/ Michael Pelletier

Michael Pelletier, Clerk

DRAFT

To: Kent County Planning Commission
From: Carla Gerber, Deputy Director
Date: March 31, 2022
Subject: Preliminary Staff Report: Harmony Crest Partnership – Ag District

Memorandum

Description of Proposal

The owners of Harmony Crest Partnership LLC wish to create an Agricultural Preservation District on their 300-acre farm located at 28482 Lambs Meadow Road in the Second Election District. The farm consists of 217 acres of crop land and 70 acres of woodland. Approximately 78% of the soils are considered Class I, II or III. There are two dwellings on the property. The farm is zoned Agricultural Zoning District (AZD) and Resource Conservation District (RCD). It is outside the 10-year water and sewer plan.

The farm is adjacent to a 254-acre easement and is located within the Priority Preservation Area.

Relevant Issues

Agricultural Preservation District - Criteria

- A. Comprehensive Plan: "Large contiguous areas of prime agricultural land are critical to an expanding and prosperous agricultural industry. The preservation of such areas reduces the potential for conflicts between farmers and their non-farm neighbors, allows the diversification of agricultural operations and reduces the need for regulations governing the nuisances sometimes associated with agribusiness."
(p. 45)
- B. Applicable Laws: Code of Public Laws of Kent County in Chapter 171-5. Agricultural Preservation Districts, which sets forth the process and criteria for establishment of districts.
 - ↻ The Agricultural Preservation Advisory Board and the Planning Commission shall advise the County Commissioners as to whether the establishment of the district meets the criteria of the Agricultural Article, Title 2, Subtitle 5, of the Annotated Code of Maryland and is compatible with existing County plans and overall County policy.
 - ↻ The application shall be consistent with the criteria to sell an easement to the Maryland Agricultural Land Preservation Foundation (MALPF) established in the Agricultural Article, Title 2, Subtitle 5, of the Annotated Code of Maryland and Maryland Regulations 15.15.01.
 - a. The minimum size is 50 acres, unless the property is contiguous to an existing Agricultural Land Preservation District or Easement property.
 - b. At least 50% of the land consists of Soil Capability Classes I, II, or III or Woodland Groups 1 or 2.
 - c. Generally, the land lies outside the 10-year water and sewer service area.
 - d. The property consists of land which is either used primarily for the production of food or fiber or is of such open space character and productive capability that continued agricultural production is feasible.

- e. In its consideration, MALPF is to evaluate the land for location in a priority preservation area of the county (§2-509(d)(6)).
 - f. The land must have development potential.
- C. Staff Comments: The acreage, soils capability, and location within the PPA, as well as the farming operation comply with MALPF criteria for selling an easement. Therefore, the property meets or exceeds the criteria for creating an Agricultural Land Preservation District and complies with the goal of the Comprehensive Plan to preserve large blocks of contiguous prime agricultural land.

Recommendation: The Agricultural Preservation Advisory Board has reviewed this application and recommends approval of the district. Staff recommends forwarding a favorable recommendation to the County Commissioners for the establishment of an Agricultural Preservation District.

**PROPOSED AGRICULTURAL LAND PRESERVATION DISTRICT
STAFF REPORT SUMMARY**

FILE #: ALP- 22-01
LANDOWNER(S): Harmony Crest Partnership

LOCATION: 28482 Lambs Meadow Road
TAX MAP, PARCEL #: Map 13, Parcel 78 and Map 14, Parcel 12

SIZE: 300 acres

RELATIONSHIP TO OTHER PRESERVED LAND This property is adjacent to a 254 acre easement.

TOTAL LAND USE:	<u>CROPLAND</u>	<u>PASTURE</u>	<u>WOODLAND</u>	<u>WETLAND</u>	<u>OTHER</u>
ACRES	217.2	0	70	0	13

DWELLINGS: 2

GENERAL FARMING OPERATION: Grain

PART OF LARGER OPERATION: Yes

OWNER OPERATED: Crop share lease

TOTAL QUALIFYING SOILS:	<u>CLASS 1</u>	<u>CLASS II</u>	<u>CLASS III</u>	<u>CLASS IV</u>	<u>GROUP 2</u>	<u>= TOTAL</u>
ACRES:	5.4	175.9	23.4	29.2	4.5	238.4
PERCENT:	1.8	58.6	7.8	9.7	1.5	79.5

COUNTY ZONING/DENSITY: Agricultural Zoning District (AZD), base density 1:30
Resource Conservation District (RCD), 1:20

DEVELOPMENT PRESSURE: Low

ACREAGE WITHHELD: None

OTHER INFORMATION: Farm is located within the Priority Preservation Area. A Soil and Water Conservation Plan and Nutrient Management Plan are in effect.

RECOMMENDATION: Staff recommends approval.

To: Kent County Planning Commission
From: Carla Gerber, Deputy Director
Date: March 31, 2022
Subject: Preliminary Staff Report: Harmony Crest Partnership – Ag District

Memorandum

Description of Proposal

The owners of Harmony Crest Partnership LLC wish to create an Agricultural Preservation District on their 126.32-acre farm located on Kentmore Park Road in the Second Election District. The farm consists of 101 acres of crop land and 25 acres of woodland. Approximately 69.5% of the soils are considered Class II or III. There are no dwellings on the property. The farm is zoned Agricultural Zoning District (AZD) and Resource Conservation District (RCD). It is outside the 10-year water and sewer plan.

The farm is adjacent to over 9,100 acres of districts and easements that stretches from the Sassafra River to the Chester River and is located within the Priority Preservation Area.

Relevant Issues

Agricultural Preservation District - Criteria

- A. Comprehensive Plan: "Large contiguous areas of prime agricultural land are critical to an expanding and prosperous agricultural industry. The preservation of such areas reduces the potential for conflicts between farmers and their non-farm neighbors, allows the diversification of agricultural operations and reduces the need for regulations governing the nuisances sometimes associated with agribusiness."
(p. 45)
- B. Applicable Laws: Code of Public Laws of Kent County in Chapter 171-5. Agricultural Preservation Districts, which sets forth the process and criteria for establishment of districts.
 - The Agricultural Preservation Advisory Board and the Planning Commission shall advise the County Commissioners as to whether the establishment of the district meets the criteria of the Agricultural Article, Title 2, Subtitle 5, of the Annotated Code of Maryland and is compatible with existing County plans and overall County policy.
 - The application shall be consistent with the criteria to sell an easement to the Maryland Agricultural Land Preservation Foundation (MALPF) established in the Agricultural Article, Title 2, Subtitle 5, of the Annotated Code of Maryland and Maryland Regulations 15.15.01.
 - a. The minimum size is 50 acres, unless the property is contiguous to an existing Agricultural Land Preservation District or Easement property.
 - b. At least 50% of the land consists of Soil Capability Classes I, II, or III or Woodland Groups 1 or 2.
 - c. Generally, the land lies outside the 10-year water and sewer service area.
 - d. The property consists of land which is either used primarily for the production of food or fiber or is of such open space character and productive capability that continued agricultural production is feasible.

- e. In its consideration, MALPF is to evaluate the land for location in a priority preservation area of the county (§2-509(d)(6)).
 - f. The land must have development potential.
- C. Staff Comments: The acreage, soils capability, and location within the PPA, as well as the farming operation comply with MALPF criteria for selling an easement. Therefore, the property meets or exceeds the criteria for creating an Agricultural Land Preservation District and complies with the goal of the Comprehensive Plan to preserve large blocks of contiguous prime agricultural land.

Recommendation: The Agricultural Preservation Advisory Board has reviewed this application and recommends approval of the district. Staff recommends forwarding a favorable recommendation to the County Commissioners for the establishment of an Agricultural Preservation District.

**PROPOSED AGRICULTURAL LAND PRESERVATION DISTRICT
STAFF REPORT SUMMARY**

FILE #: ALP- 22-02
LANDOWNER(S): Harmony Crest Partnership

LOCATION: Kentmore Park Road
TAX MAP, PARCEL #: Map 6, Parcel 167

SIZE: 126.32 acres

RELATIONSHIP TO OTHER PRESERVED LAND This property is adjacent to a block of over 9,100 acres that stretches from the Sassafas River to the Chester River.

TOTAL LAND USE:

	<u>CROPLAND</u>	<u>PASTURE</u>	<u>WOODLAND</u>	<u>WETLAND</u>	<u>OTHER</u>
ACRES	101.2	0	25.12	0	0

DWELLINGS: No dwellings

GENERAL FARMING OPERATION: Grain

PART OF LARGER OPERATION: Yes

OWNER OPERATED: Crop share lease

TOTAL QUALIFYING SOILS:

	<u>CLASS 1</u>	<u>CLASS II</u>	<u>CLASS III</u>	<u>CLASS IV</u>	<u>GROUP 2</u>	<u>= TOTAL</u>
ACRES:	0	77.5	10.3	0	0	87.8
PERCENT:		61.3	8.2			69.5

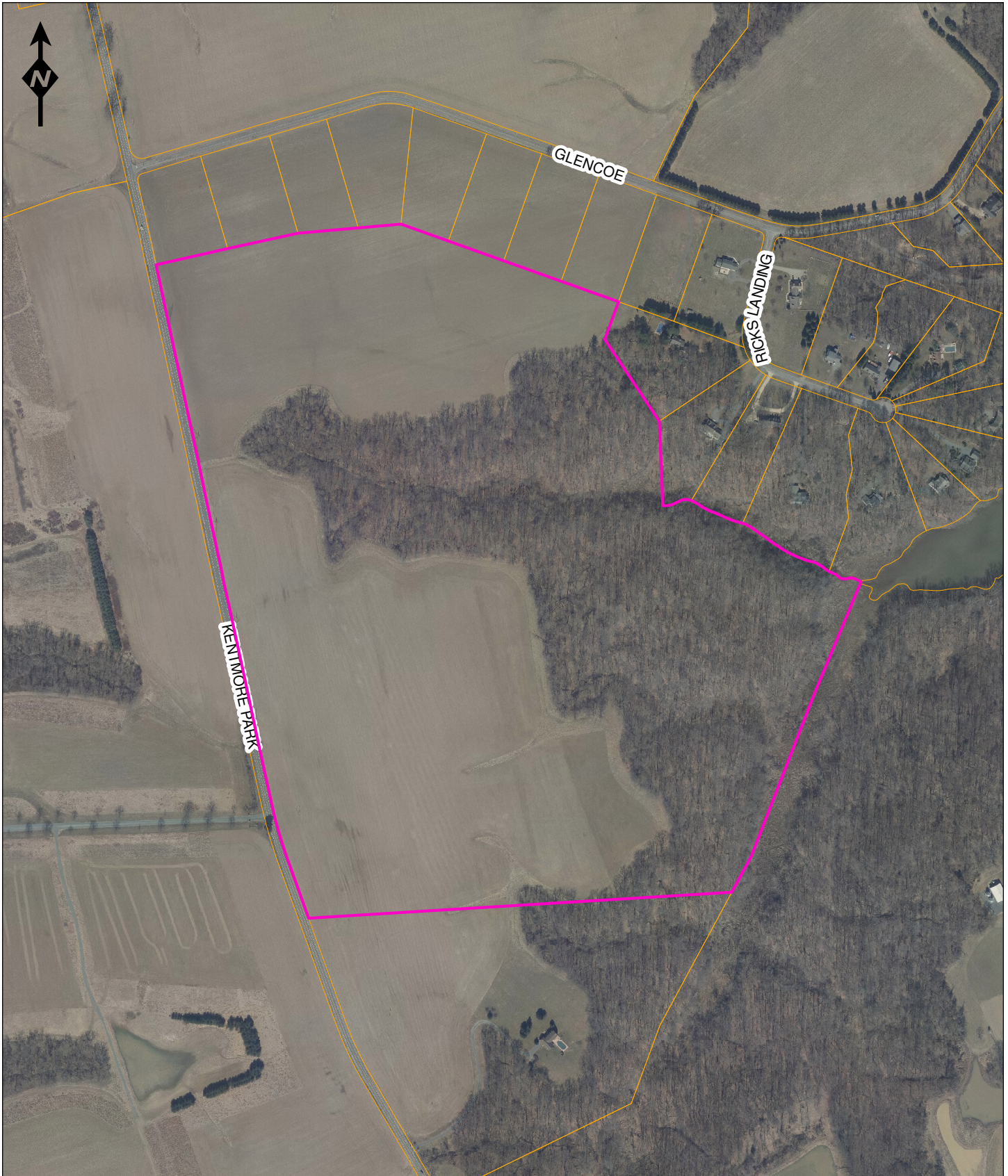
COUNTY ZONING/DENSITY: Agricultural Zoning District (AZD), base density 1:30
Resource Conservation District (RCD), 1:20

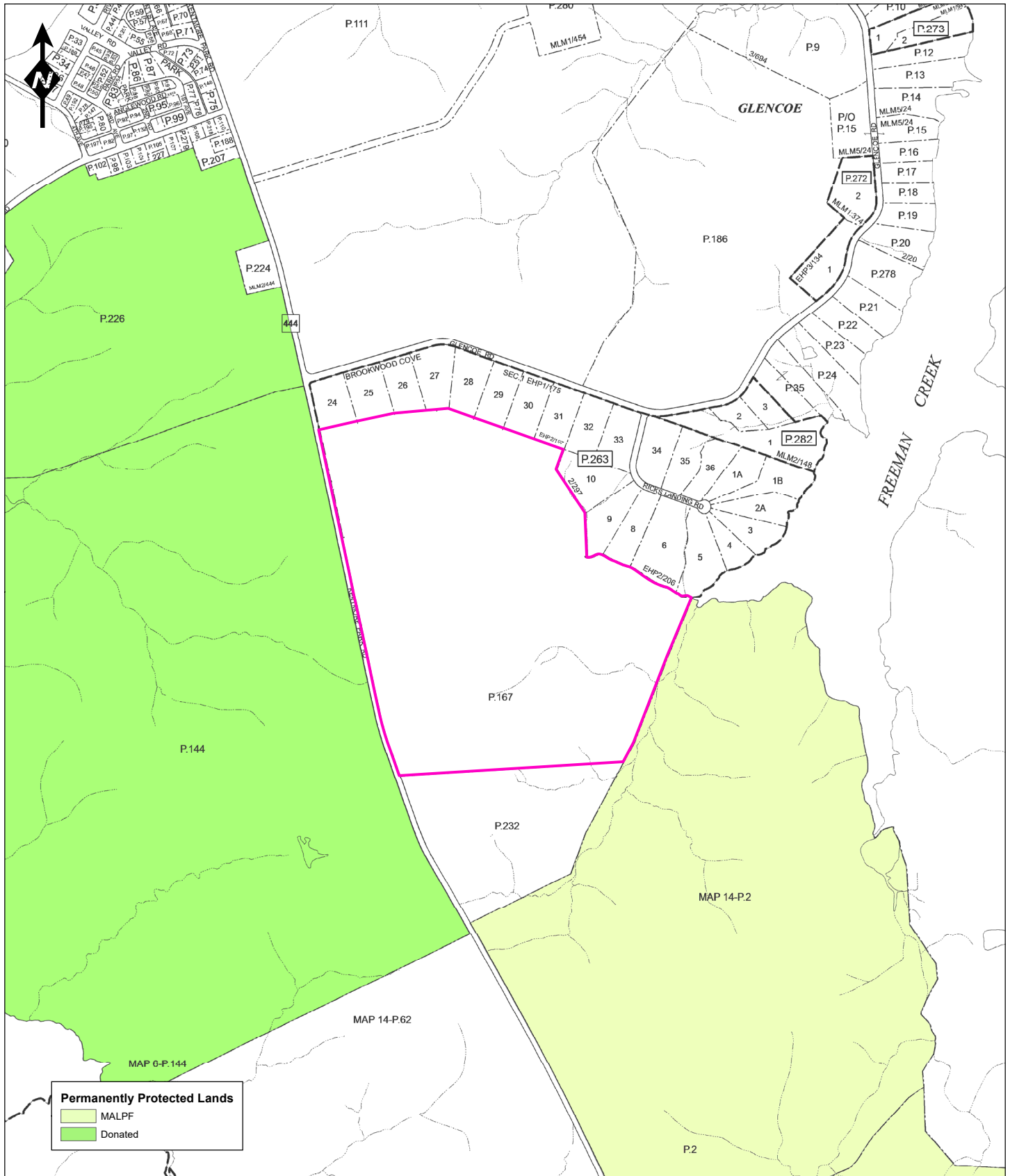
DEVELOPMENT PRESSURE: Moderate

ACREAGE WITHHELD: None

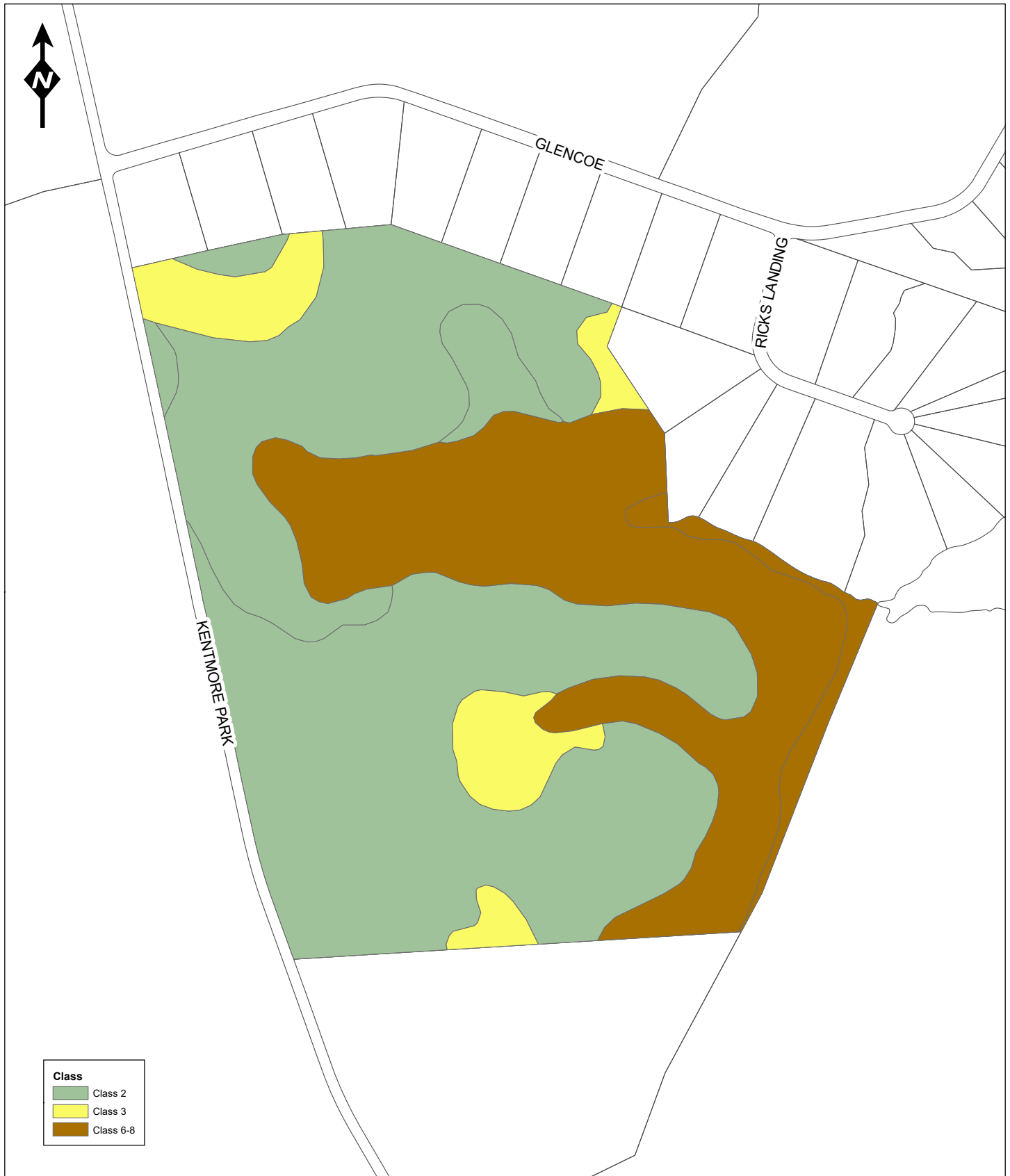
OTHER INFORMATION: Farm is located within the Priority Preservation Area. A Soil and Water Conservation Plan and Nutrient Management Plan are in effect.

RECOMMENDATION: Staff recommends approval.





Source: Kent County Department of Planning, Housing, and Zoning.
Aerial taken Spring 2019. Map prepared February 2022.





TO: Kent County Planning Commission
FROM: Mark Carper, Associate Planner
MEETING: April 7, 2022
SUBJECT: 26001 Still Pond Neck, LLC
Concept Site Plan and Special Exception – Utility-Scale Solar in the AZD

Memorandum

EXECUTIVE SUMMARY

Request by Applicant

The applicant, 26001 Still Pond Neck, LLC, is requesting concept site plan review and a special exception to construct and operate a utility-scale solar energy system in the Agricultural Zoning District (AZD) on an 85-acre farm owned by Raymond and Joyce Stoltzfus. The property is located on the southwest corner of the intersection of Still Pond Neck Road and Still Pond Road in the Third Election District.

Public Process

Article VII, Section 6 of the *Kent County Land Use Ordinance* establishes that the *Planning Commission* shall review and send a recommendation to the Board of Appeals on solar energy systems, utility scale on farms as a special exception.

Summary of Staff Report

The area is predominantly farmland with scattered residential properties. The proposed 1 MW array of panels will encompass approximately 5 acres on the northwestern corner of the property, and the entrance will be from Still Pond Neck Road. All setback, landscaping, and structural requirements have been addressed in the site plan. The proposal is not inconsistent with the Comprehensive Plan, and there will be no adverse impacts to adjacent properties of the surrounding area.

Recommendation

Staff recommends sending a favorable recommendation for the special exception to the Kent County Board of Zoning Appeals with the following conditions:

- All state and federal permits will be obtained by the applicant.
- An installation and maintenance plan to include cleaning and landscaping.
- The project shall comply with all the bond-related requirements as listed in Article VI, Section 11 of the Land Use Ordinance.
- Final site plan approval is granted by the Planning Commission.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
SUBJECT: MDL-118 Still Pond Neck Road - Solar
Concept Site Plan and Special Exception – Utility-Scale Solar in the AZD.
DATE: April 1, 2022

DESCRIPTION OF PROPOSAL

The applicant, 26001 Still Pond Neck, LLC, is requesting concept site plan review and a special exception to construct and operate a utility-scale solar energy system in the Agricultural Zoning District (AZD) on an 85-acre farm owned by Raymond and Joyce Stoltzfus. The proposed 1 MW array of panels will encompass approximately 5 acres on the northwestern corner of the property, and the entrance will be from Still Pond Neck Road.

The parcel has a newly created address of 26001 Still Pond Neck Rd and is located on the southwest corner of the intersection of Still Pond Neck Road and Still Pond Road in the Third Election District. The surrounding area is predominantly farmland and woodland.

RELEVANT ISSUES

I. SPECIAL EXCEPTION GENERAL REVIEW CRITERIA

A. Comprehensive Plan: “Quality of Life and Sustainability: A high quality of life is achieved through universal stewardship of the land, water, and air resulting in sustainable communities and protection of the environment.” (page 3)

B. Applicable Law:

Article V, Section 1.3.26.5 of the *Kent County Land Use Ordinance* establishes that solar energy systems, utility scale on farms, may be granted as a special exception in the Agricultural Zoning District (AZD).

Article VII, Section 2 of the *Kent County Land Use Ordinance* establishes the following standards for consideration of special exceptions:

The Board shall make findings on the following where appropriate:

1. The nature of the proposed *site*, including its size and shape and the proposed size, shape, and arrangement of *structures*;
2. Traffic Patterns;
3. Nature of surrounding area;
4. Proximity of dwellings, *houses of worship*, schools, public *structures*, and other places of public gathering;
5. The impact of the *development* or project on community facilities and services;
6. Preservation of cultural and historic landmarks, significant *natural features* and trees;
7. Probable effect of noise, vibration, smoke and particulate matter, toxic matter, odor, fire or explosion hazards, or glare upon surrounding properties;
8. The purpose and intent of this Ordinance as set forth in Article II;
9. Design, environmental, and other standards of this Ordinance as set forth in Article V;

10. The most appropriate use of land and *structure*;
11. Conservation of property values;
12. The proposed *development's* impact on water quality;
13. Impact on fish, wildlife and *plant habitat*;
14. Consistency with the *Comprehensive Plan*, Land Use Ordinance, and where applicable the Village Master Plan;
15. Consistency with the *Critical Area Program*; and
16. Compatibility with existing and planned land use as described in the *Comprehensive Plan*, Land Use Ordinance, and where applicable the Village Master Plan.

C. Staff Comments:

- The entrance of this project is Still Pond Neck Road, which is a gateway road into the Village of Coleman, and, as such, a vegetated buffer of 60 feet around the perimeter of the site area is required.
- Traffic patterns will not be affected.
- The surrounding area of the proposed site is predominantly farmland and woodland. The southern portion of the property is wooded, and a Forest Stand Delineation has been submitted for the 19.4 acres of existing forest.
- Two residential properties are adjacent to the farm on the eastern side, and the Village of Coleman is approximately a half mile to the west. Landscape screening surrounding the energy system is planned as to the specifications of the Land Use Ordinance.
- There will be no impact on community facilities and services.
- The proposal is consistent with the Comprehensive Plan as it will provide zero emissions solar generating facilities to which DP&L customers would be eligible to sign up for the Community Solar benefits with a potential savings on electricity.
- The proposal is consistent with the general intent and the use, design, and environmental standards found in the Land Use Ordinance.

II. UTILITY-SCALE SOLAR ENERGY SYSTEMS SPECIAL EXCEPTION REVIEW CRITERIA

A. Applicable Law: Article VI, Section 7.57.25 of the Kent County *Land Use Ordinance* grants the Board of Appeals the authority to grant a special exception for solar energy systems, utility scale, on farms in the AZD and RCD provided:

- a. A solar collection device or combination of devices are designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.
- b. Screening, capable of providing year-round screening, is provided along all sides that do not collect energy.
- c. Roof mounted solar collection devices shall not extend more than 10 feet from the top of the roof. The total height of the *building*, including the solar collection devices, shall comply with the height regulations established for each zoning district.
- d. Solar collection devices shall not exceed 38 feet in height.
- e. The solar collection system shall be incidental to the use of the farm.
- f. Installation of the solar collection system shall not adversely impact adjacent properties.
- g. All *structures* associated with the solar collection system shall be neither visually intrusive nor inappropriate to their setting.
- h. All solar collection devices shall register with the Department of Emergency Services and shall submit a map noting the location of the solar collection devices and the panel disconnect.

- i. Other than wire size, there shall be no alteration of utility infrastructure to accommodate the system.
- j. The area of use may not exceed 5 acres onsite. Adjacent properties shall not aggregate solar collection panels to achieve an area exceeding 5 acres.
- k. In AZD, the area developed by a utility scale solar energy system is considered *development* and counted toward the maximum percentage of the property in lots.
- l. Tree removal shall be minimized and any removal shall be mitigated in accordance with the Critical Area Program requirements.
- m. The applicant shall demonstrate that a utility scale solar energy system shall not unreasonably interfere with the view of, or from, sites of significant public interest such as public parks, a national or state designated scenic byway, a *structure* listed in the Kent County Historic Site Survey, an historic district, or the Chesapeake Bay and its tributaries.

B. Staff Comments:

- The proposed project will not interfere with traffic or create a safety hazard.
- Year-round screening, as specified in the Land Use Ordinance, shall be provided, and the panel array will be lower than the maximum allowable height.
- The solar collection system will be incidental to use of the farm, and it will not adversely impact adjacent properties.
- The area of use will not exceed 5 acres on site. The area of use does not include the required landscape buffers.
- The applicant will need to demonstrate that the proposed energy system will not interfere with the view of, or from, sites of significant public interest.
- A Citizen Participation Plan is included.

III. SITE PLAN REVIEW

A. Comprehensive Plan: “Conserve existing woodlands, encouraging reforestation, and promote proper forest management practices” (page 80)

B. Applicable Law:

Article VI, Section 5 of the Kent County Land Use Ordinance outlines the procedures and requirements for site plan review.

Site Development Plans are required to ensure that new development complies with the Comprehensive Plan, Land Use Ordinance, Village Master Plans and other agency requirements, thereby promoting the health, safety, and general welfare of Kent County residents.

All other commercial and industrial development, multi-family dwellings, special exceptions, public facilities, and quasi-public facilities require Major Site plan Review - Concept Plan, Preliminary Plan and Final Plan. The Technical Advisory Committee reviews these projects. The Planning Commission reviews and approves major site plans. Where deemed appropriate by the Planning Director, the final site plan may be combined with the preliminary site plan. In unusual cases with a minor impact on the community, and with approval of the Planning Director, the concept, preliminary and final site plans may be combined.

At each stage of review the *Planning Commission* shall review the *site plan* and supporting documents taking into consideration the reasonable fulfillment of the following objectives:

- a. Conformance with the *Comprehensive Plan* and, where applicable, the Village Master Plan.

- b. Conformance with the provisions of all applicable rules and *regulations* of county, state, and federal agencies.
- c. Convenience and safety of both vehicular and pedestrian movement within the *site* and in relationship to adjoining ways and properties.
- d. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate lighting, and internal traffic control.
- e. Reasonable demands placed on public services and infrastructure.
- f. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing *soil erosion* both during and after construction.
- g. Protection of abutting properties and County amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, *stormwater* runoff, etc.
- h. Minimizing the area over which existing vegetation is to be removed. Where *tree* removal is required, special attention shall be given to planting of replacement trees.
- i. The applicant's efforts to integrate the proposed *development* into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of *open space* and agricultural land.
- j. The building setbacks, area, and location of parking, architectural compatibility, signage, and landscaping of the *development*, and how these features harmonize with the surrounding townscape and the natural landscape.

Article VI, Section 5.3.B.6 of the *Kent County Land Use Ordinance* establishes the standards for the review of Concept Major Site Plans as follows:

The *Planning Commission* will comment and provide guidance as to the feasibility, design, and environmental characteristics of the proposal based on the standards set forth in this Ordinance, the Village Master Plans, and *Comprehensive Plan*.

C. Staff Comments:

- The proposal is consistent with the Comprehensive Plan, the general intent and the use, design, and environmental standards found in the Land Use Ordinance.
- The proposed project will not interfere with traffic or create a safety hazard.
- Year-round screening and fencing, as specified in the Land Use Ordinance, shall be provided, and the panel array will be lower than the maximum allowable height.
- The southern portion of the property is wooded, and a Forest Stand Delineation has been submitted for the 19.4 acres of existing forest. A Forest Conservation Plan and easement will be required for the proposed 2.22 acres that will be permanently protected.

STAFF RECOMMENDATION:

Staff recommends sending a favorable recommendation for the special exception to the Kent County Board of Zoning Appeals with the following conditions:

- All state and federal permits will be obtained by the applicant.
- An installation and maintenance plan to include cleaning and landscaping.
- The project shall comply with all the bond-related requirements as listed in Article VI, Section 11 of the Land Use Ordinance.
- Final site plan approval is granted by the Planning Commission.

BOARD OF APPEALS APPLICATION

Kent County Department of Planning, Housing and Zoning

Kent County Government Center
400 High Street • Chestertown, MD 21620
410-778-7423 (phone) • 410-810-2932 (fax)

**IN THE MATTER OF THE APPLICATION OF:
(Name, Address and Telephone Number of Applicant))**

26001 Still Pond Neck, LLC

6865 Deerpath Road Suite 330

Elkridge, MD 21075

Email: cory.mccandless@sgc-power.com

For Office Use Only:

Case Number/Date Filed: _____
Filed by: _____
Applicant: _____
Planning Commission: _____
Date of Hearing: _____
Parties Notified: _____
Notice in Paper: _____
Property Posted: _____

Please provide the email of the one person who will be responsible for responding to comments. Only this person will be contacted by staff and will be the person responsible for forwarding the comments or requests for additional information to any other interested parties. EMAIL: cory.mccandless@sgc-power.com

TO THE KENT COUNTY BOARD OF APPEALS: In accordance with Article 1 Part 8 Section 11

of the Kent County Zoning Ordinance, as amended, request is hereby made for:

Appealing Decision of Kent County Zoning Administrator Variance
 Special Exception Nonconforming Use

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) 26001 Still Pond Neck Road *Corner of Still Pond Neck Road and Still Pond Road*

In the Third Election District of Kent County.

Size of lot or parcel of Land: 85 acres
Map: 12 Parcel: 98 Lot #: N/A Deed Ref: 424/ 342

List buildings already on property: N/A

If subdivision, indicate lot and block number: N/A

If there is a homeowner's association, give name and address of association: N/A

PRESENT ZONING OF PROPERTY: Agricultural Zoning District (AZD)

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) N/A

If appealing decision of Zoning Administrator, list date of their decision: _____

Present owner(s) of property: Raymond & Joyce Stoltzfus Telephone: (717) 471-3130

If Applicant is not owner, please indicate your interest in this property: 26001 Still Pond, LLC has entered into an
land-lease agreement with the landowners for a 1 MW AC solar energy array.

Has property involved ever been subject to a previous application? N/A

If so, please give Application Number and Date: N/A

PLEASE FILL IN BELOW, OR ATTACH HERETO, A SKETCH OF THIS PROPERTY.

List all property measurements and dimensions of any buildings already on the property.

Put distances between present buildings or proposed buildings and property lines.

NAMES OF ADJOINING PROPERTY OWNERS:

Owner(s) on the North: Thomas Simmons, Jr.
26004 Still Pond Neck Road, Still Pond MD, 21667


Owner(s) on the South: Nancy Miller
26050 Bessicks Corner Road, Still Pond, MD 21667

Owner(s) to the East: Robert & Jean Payne
25809 Still Pond Neck Road, Still Pond, MD 21667

Owner(s) to the West: Cannery Road Farm, LLC
5376 Easter Neck Road, Rock Hall, MD 21661

Homeowners Association, name and address, if applicable: N/A

BY SIGNING THIS APPLICATION, I GRANT MEMBERS AND ALTERNATE OF THE BOARD OF ZONING APPEALS THE RIGHT TO ENTER ONTO THE PROPERTY FOR THE PURPOSE OF VIEWING THE SITE OF THE APPLICATION OR APPEAL.

 2/17/2021
Signature of Owner/Applicant/Agent or Attorney Date

Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$350.00** filing fee made payable to the **County Commissioners of Kent County**. The filing fee for appeals of a Zoning Administrator's decision is \$250.00. If you have any questions, please contact the Clerk at 410-778-7467.

NOTICE: Neither the Board of Appeals nor the Planning Department is required to make out this Application. If the Planning Department assists you, it cannot be held responsible for its contents.

Applicants arriving more than 10 minutes after the scheduled hearing will not be heard and will be re-scheduled at the applicant's expense.

Kent County Department of Planning, Housing and Zoning

Kent County Government Center
400 High Street • Chestertown, MD 21620
410-778-7423 (phone) • 410-810-2932 (fax)

SITE PLAN APPLICATION

File Number: _____ **Amount Paid:** _____ **Date:** _____

Project Name: _____

District: Third Map: 12 Parcel: 98 Lot Size: 85 ac. Deed Ref: 424/ 342 Zoning: AZD

LOCATION: 26001 Still Pond Neck Road, Still Pond, MD 21667

PROPOSED USE: Utility Scale Solar Energy System

OWNER OF LAND:

Name: Raymond & Joyce Stoltzfus Telephone: (717) 471-3130

Address: 267 Riverview Road, Peach Bottom, PA 17563 Email: sell3130@gmail.com

APPLICANT:

Name: 26001 Still Pond Neck, LLC Telephone: (410) 803-6244

Address: 6865 Deerpath Rd. Suite 330 Elkridge, MD 21075 Email: cory.mccandless@sgc-power.com

AGENT/ATTORNEY (if any):

Name: _____ Telephone: _____

Address: _____ Email: _____

REGISTERED ENGINEER OR SURVEYOR:

Name: Becker Morgan Group, Inc. Telephone: 410-546-9100

Address: 312 West Main Street Email: thastings@beckermorgan.com

Please provide the email of the one person who will be responsible for responding to comments. Only this person will be contacted by staff and will be the person responsible for forwarding the comments or requests for additional information to any other interested parties. EMAIL: cory.mccandless@sgc-power.com

Water Supply: Public System On lot system N/A

Sewerage: Public System On lot system N/A

TELEPHONE SERVICED BY: N/A

ELECTRIC SERVICED BY: Delmarva Power

NOTICE: The Planning Office is not required to make out this Application. If the Planning Department assists you, it cannot be held responsible for its contents.

 _____ Mike Sloan - Managing Partner 2/17/2021

Signature of Applicant _____ **Date**

Concept Plan _____ Approving Authority: _____ Date _____

Preliminary _____ Approving Authority: _____ Date _____

Final _____ Approving Authority: _____ Date _____



PROJECT NARRATIVE

26001 Still Pond Neck Road-Solar
Project Number: 2022004.00
Date: March 31, 2022

Becker Morgan Group, Inc.

312 West Main Street
Suite 300
Salisbury, Maryland 21801
410-546-9100

BECKER
MORGAN
GROUP

ARCHITECTURE
ENGINEERING

1.0 GENERAL SITE INFORMATION

PROJECT NAME: 26001 Still Pond Neck Road - Solar

PROJECT LOCATION:
Address: Still Pond Neck Road
City, State, Zip: Still Pond, Maryland 21667
County: Kent
Nearest Intersection: Still Pond Neck Road and Still Pond Road
Primary Street: Still Pond Neck Road
Secondary Street: Still Pond Road

PARCEL NUMBER(s): 98

DEED(S): 424/ 342

PLAT(S) None Available

JURISDICTION: Kent County

DATE PREPARED: March 31, 2022

PREPARED BY: Becker Morgan Group, Inc.
Address: 312 West Main Street, Suite 300
City, State, Zip: Salisbury, Maryland 21801
Contact Person: Edward (Ted) Hastings
Phone: 410-546-9100
Email: thastings@beckermorgan.com

LANDOWNER: Raymond & Joyce Stoltzfus
Address: 267 Riverview Road
City, State, Zip: Peach Bottom, Pennsylvania 17563-9717
Contact Person: Raymond Stoltzfus
email: sell3130@gmail.com

DEVELOPER: 25809A Still Pond Neck, LLC
Address: 6865 Deerpath Road, Suite 330
City, State, Zip: Elkridge, Maryland 21075
Contact Person: Cory McCandless
Phone: 410-779-9377 ext. 608

PROPOSED BUILDING AREA: N/A

LOT SIZE: 85.00 acres

TYPE OF PROJECT: Solar

2.0 EXISTING SITE CONDITIONS:

- Total Site 85.00 acres±
- Wooded 19.35 acres±
- Agricultural Use 65.65 acres±
- Impervious 1,035 sq.ft.±
- Hydraulic Soils Rating B & C Soils (proposed array entirely in C Soils)
- FEMA 24019C0215E
- Flood Zone Determination Zone X – Areas outside the 0.2% annual chance flood
- Existing Zoning AZD – Agricultural Zoning District
- Adjacent Zoning
 - North AZD – Agricultural Zoning District
 - South AZD – Agricultural Zoning District
 - East AZD – Agricultural Zoning District
 - West AZD – Agricultural Zoning District
- Environmental Concerns: None Known
- Road Frontage(s) Still Pond Neck Road and Still Pond Road
- Site Access Still Pond Neck Road
- State Wetlands One small area onsite not within the project area.
Source: MD Merlin Online
- Streams Yes. Not within the project area.
- Stream Buffer Yes. 100' buffer not within the project area.
- Water N/A
- Sewer N/A
- Natural Gas N/A
- Electric Delmarva Power
- Communications N/A

SYNOPSIS

The existing site is predominantly an active farm field with 19.35-acre wooded area located on the southernly portion of the parcel along a well-defined gully. A blue line stream, as shown on MD Merlin, is located on the west side of the site approximately 970 feet from Still Pond Neck Road. A 100-foot buffer is shown as stream protection. An approximate 495-foot compacted dirt access road is located off Still Pond Neck Road, that leads to a 1,035 sq.ft. concrete pad and a few scattered trees. What

appears to be an abandoned irrigation well is located on the east side of the existing compacted dirt road, approximately 525 feet from Still Pond Neck Road.

3.0 PROPOSED SITE CONDITIONS:

The site is to be the location for a 1 MW Solar Array. The array footprint will be a maximum of five acres in size with fencing encompassing the entire array, with a 20' wide maintenance area located between the fence and the array. The site is in conformance with the following requirements as stated in SECTION 11. COUNTYWIDE STANDARDS FOR UTILITY-SCALE SOLAR ENERGY SYSTEMS:

- 200 feet from any lot line
- 200 feet from any road and/or right-of way
- 200 feet from any road / right-of-way within ½ mile of a town or village boundary that is the gateway into a town or village
- 200 feet from any residential use or zoning district
- The solar array shall be enclosed by a fence or other appropriate barrier at the interior edge of the required landscape buffer, or immediately adjacent to the solar array. The fence or barrier shall:
 - Secure the facility at all times to prevent unauthorized persons or vehicles from gaining access.
 - All access gates will provide a sign that identifies the responsible parties or owners with current contact information.
- Landscaping will be provided as follows:
 - Still Pond Neck Road has been established as gateway to Still Pond, Maryland, per the TAC meeting held on March 9, 2022, therefore a 60-foot-wide landscaped buffer will be provided along Still Pond Neck Road. The other three sides of the array will have the standard 50-foot-wide landscaped buffer.
 - We are respectfully requesting a waiver for the 3-foot-tall berm to protect and maintain the existing drainage patterns of the site. The conditions for elimination of the berm as stated in SECTION 11. COUNTYWIDE STANDARDS FOR UTILITY-SCALE SOLAR ENERGY SYSTEMS will be met and shown in a landscaping plan, as designed by a licensed Landscape Architect.
- The Forest Conservation requirements will be met by on-site conservation. A Forest Stand Delineation has been submitted to Kent County for review.
- Stormwater management will be met by utilizing non-structural practices and by following MDE Stormwater Design Guidance for Solar Panel Installations. A Concept Stormwater Report has been submitted to Kent County for review.

- The limits of disturbance for the site does not contain any wetlands, wetland buffers, streams, and stream buffers.
- Installation and maintenance will follow the Solar Standards, as stated in Section 11.
- Noise levels produced will be below the 45 dBAs threshold, as measured at the property line.

COMPLIANCE WITH KENT COUNTY ARTICLE VII, SECTION 7.57.25

- A single axis tracking system is being proposed for this site. The panels will remain perpendicular to the sun, therefore eliminating glare to any surrounding properties and roadways.
- Screening is being provided on all sides of the array in accordance with Section 11. View of the array will be completely obscured by both landscaping and fencing.
- The array will not exceed 38 feet in height.
- The array is situated so that the rest of the land can continue to be utilized for agricultural use.
- The installation for the system will take place entirely on the parcel it is to be located with only one access off of Still Pond Neck Road.
- The panel area is no larger than the 5-acre threshold on-site.
- Other than wire size, there shall be no alteration of utility infrastructure to accommodate the system.
- No trees are to be removed as part of the project.
- The site is located outside the Critical Areas.

COMPLIANCE WITH KENT COUNTY COMPREHENSIVE PLAN

The project has taken into consideration Maryland's Twelve Planning Visions, as stated in the Kent County Comprehensive Plan and are as follows:

- Quality of Life and Sustainability: The use of solar energy generating facilities help protect the environment by creating emission free energy source that does not impact the environment.
- Public Participation: SGC Power sent a letter to the adjoining property owners explaining the project and that DP&L customers would be eligible to sign up for the Community Solar benefits with a potential savings up to 10% on their electric bill.
- Growth Areas: Not applicable to this project.
- Community Design: Not applicable to this project.
- Infrastructure: This additional electric infrastructure will allow residents to subscribe to the solar program to decrease their current electric bill.
- Transportation: Not applicable to this project.
- Housing: Not applicable to this project.

- Economic Development: Not applicable to this project.
- Environmental Protection: Though this project will utilize existing farmland, once the life cycle of the solar array is completed, the site will be decommissioned and returned to the existing conditions. The site could be returned to agricultural use after the removal of the system.
- Resource Conservation: A portion of the site will be put into a forest conservation area as a result of this project.
- Stewardship: The Community Solar provides the community with an opportunity to reduce their electric bill while protecting the natural resources since the site can be returned to agricultural use once the site has been decommissioned.
- Implementation: This site is in line with the State of Maryland goal of 50% of the State's energy coming from renewable sources by the year 2030.

SCHEDULE (PRELIMINARY)

Approval from all Agencies	February 2023
Obtain Permits	March 2023 – June 2023
Notice to Proceed	September 2023
Start Construction	December 2023
End Construction	May 2024

Note: These dates are estimated and may vary dependent on availability of materials and contractors.



Re: SGC Power, LLC
6865 Deerpath Rd. Suite 330
Elkridge, MD 21075

Re: Madison Energy Investments, Inc.
8100 Boone Blvd, Suite 310
Vienna, VA 22182

Re: Kent County Government
Planning, Housing and Zoning
400 High St.
Chestertown, MD 21620

Re: <Adjacent Neighbors (see list below)>

Dear <Neighbor>,

Please find enclosed a summary of the proposed solar project located on Still Pond Neck Rd in Still Pond, MD 21667:

Property Owner: Mr. Ray Stoltzfus and Mrs. Joy Stoltzfus
Location: 26001 Still Pond Neck Rd. Still Pond, MD 21667
District: Dist. 3, Tax Map 12, Parcel 98
Size of Parcel: 85 acres
Size of Project (MW's AC and acreage): 1 MW AC and 5 acres
Zoning: AZD

As part of Kent County's Citizen Participation Plan, SGC Power is reaching out to the adjoining neighbors of this parcel to include Kent County residents and citizens on the development process of the solar array. The existing site is predominantly a seasonally fielded farm field on an estimated 85 acre site. The new development will be an estimated 5 acres in size and will not require any tree clearing or removal. This solar array is allowed as a special exception per Kent County's ordinance as outlined in Article VI, Section 7.57.25.

Once built and connected to the grid, local residents and DPL customers will be eligible to sign up for Community Solar benefits. This can amount to a savings up to 10% off of the customer's DPL electricity bill.

SGC Power is a national renewable energy company with a core focus on distributed energy systems and community solar projects. Headquartered in Maryland, our team has decades of combined solar experience, developing hundreds of megawatts of renewable energy across the country.

If you have any concerns or questions, please do not hesitate to reach out to an SGC representative. Our contact information and role description is included below. Thank you for reading and we look forward to continue working with the citizens and residents of Kent County, MD.

Sincerely,

Cory McCandless

Project Manager, SGC Power, LLC

Office: 410-779-9377 ext. 608

Mobile: 410-803-6244

cory.mccandless@sgc-power.com

Addresses for the Recipients (7):

1) PAYNE ROBERT P & JEAN C
25809 STILL POND NECK RD
STILL POND MD 21667-1359

Tax Account ID: 1503014592

2) SIMMONS THOMAS BRITTON JR

26004 STILL POND NECK RD 26004 STILL POND NECK RD
BETTERTON 21610-0000

Tax Account ID: 1503016676

3) MITZEL BRANDON RAYMOND
MITZEL JORY MARIE
13361 STILL POND RD
STILL POND MD 21667-0000

Tax Account ID: 1502023555

4) CANNERY ROAD FARM LLC
5376 EASTERN NECK RD
ROCK HALL MD 21661-1663

Tax Account ID: 1502009471

5) SILVA JOAQUIM
SILVA ARLENE T
13246 STILL POND RD
STILL POND MD 21667-0000

Tax account #: 1503006336

6) GREENWOOD JAMES CARSON II ETALS

11490 STILL POND ROAD
STILL POND MD 21667
Tax Account ID: 1503006441

7) MILLER NANCY F
26050 BESSICKS CORNER ROAD
STILL POND MD 21667

Tax Account ID: 1503012824

