

Kent County Planning Commission

TELEPHONE 410-778-7475

Kent County Government Center
400 High Street
Chestertown, Maryland 21620

FACSIMILE 410-810-2932

County Commissioners Hearing Room **MEETING TO BE HELD VIRTUALLY via CONFERENCE CALL**

AGENDA

April 2, 2020

1:30 p.m.

COVID-19 Special Announcement Regarding Meeting Attendance

In response to the State of Emergency, individuals must refrain from attending meetings. Planning Commission meetings are live streamed, and citizens may call in with questions when the Chair opens the floor for comment.

To access the Kent County conference bridge service off site:

1. Call 410-810-2213.
2. Enter PIN number **55266** when prompted.
3. Announce yourself to the group. Please mute your phone / device until the Commissioner President opens the floor for comment.

Visit the County's website at <https://www.kentcounty.com> for the most up to date information regarding County Government operations.

MINUTES

February 6, 2020; and March 5, 2020

PUBLIC HEARING

20-13 County Commissioners of Kent County - Zoning Text Amendment – Directional Signs

AN ACT to amend Article VI. Special Provisions, Section 2. Signs, 2.4 Exemptions, by adding a new sub-section (§) 5, to address tourism-related signs erected by Kent County on public land for the public good, in order to assist the motoring public in locating tourism, heritage development, and marine uses situated within Kent County, Maryland.

APPLICATIONS FOR REVIEW

AGRICULTURAL PRESERVATION DISTRICTS

- APD # 19-08: Wayne H. Thieme –E/S of Massey, 258.57 acres
- APD # 19-09: Wayne H. Thieme –N/S of Walnut Tree Rd, 185 acres
- APD # 19-10: Wayne H. Thieme –S of Walnut Tree Rd, 185 acres
- APD # 20-01: Robin May & Jonathan Reed –Flatland Rd, 94 acres
- APD # 20-02: Robin May & Jonathan Reed –9600 Worton Rd, 250.79 acres
- APD # 20-03: Jonathan & Jane Reed –24913 Chestertown Rd, 233.52 acres
- APD # 20-04: Frank & Janet Lewis –30475 River Rd, 322 acres
- APD # 20-05: Timothy & Mary Redman –7939 Bakers Lane, 137.23 acres

20-11 Chester River Yacht and Country Club – Buffer Variance – Expansion of parking area
7738 Quaker Neck Road – Seventh Election District – Zoned Critical Area Residential “CAR,”
Community Residential “CR,” and Rural Residential “RR”PC Rec to BOA

20-12 Chester River Yacht and Country Club – Major Site Plan (Concept) – Expansion of parking area
7738 Quaker Neck Road – Seventh Election District – Zoned Critical Area Residential “CAR,”
Community Residential “CR,” and Rural Residential “RR”PC Review

POSTED ONLINE: March 24, 2020

REVISED: March 26, 2020 – Haven Emporium, LLC dba Haven Harbour South removed from agenda



19-35 Remus S. Butler, Jr. and Franklin C. & Wynne D. Butler – Variances (Side Yards and Lot Size) – Related to a Lot Line Adjustment to address non-conforming structures 8600 and 8610 Caulks Field Road – Sixth Election District – Zoned Village “V”PC Rec to BOA

20-13 County Commissioners of Kent County - Zoning Text Amendment – Directional Signs AN ACT to amend Article VI. Special Provisions, Section 2. Signs, 2.4 Exemptions, by adding a new sub-section (§) 5, to address tourism-related signs erected by Kent County on public land for the public good, in order to assist the motoring public in locating tourism, heritage development, and marine uses situated within Kent County, Maryland.....PC Rec to CCs

Office Building Recycling (OBR) Plan for Kent County – Senate Bill 370 As required by the Maryland Department of the Environment (MDE) in compliance with Section 9-507(a) of the Environment Article, Annotated Code of Maryland, Kent County must amend the 10-year Solid Waste/Recycling Management Plan to include the subject of *Office Building Recycling (OBR)* (Senate Bill 370). MDE is requiring that before the County adopts the OBR plan, “the County is required to comply with the requirements of Section 9-506(a) of the Environment Article, Annotated Code of Maryland, regarding submittal of the plan to the County’s planning agency for its certification of the OBR plan.” PC Review

STAFF REPORTS

GENERAL DISCUSSION

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.

Projects will not be reviewed prior to their scheduled time. All applications will be given the time necessary to assure full public participation and a fair and complete review of all projects. Therefore, the time each application is heard may be later than the time indicated on the agenda. Agenda items are subject to change due to cancellations.

Other business without assigned times may be discussed during the course of the meeting.

MINUTES

The Kent County Planning Commission met in regular session on Thursday, February 6, 2020, in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland, with the following members in attendance: Elizabeth Morris, Chairman; William Sutton, Vice Chairman; James Saunders; Joe Hickman; Kim Kohl; William Crowding; and Commissioner, P. Thomas Mason. Staff in attendance were Stephanie Jones, Environmental Planner; Robert Tracey, Community Planner; G. Mitchell Mowell, Planning Commission Attorney; and Sandy Adams, Clerk.

Ms. Morris called the meeting to order at 1:30 pm.

MINUTES – January 2, 2020, minutes were approved as written, with one additional statement added to the minutes.

PUBLIC HEARING

Ms. Morris closed the Planning Commission meeting and opened the public hearings.

19-73 Zoning Text Amendment - Agricultural Building Size Addendum

Mr. Tracey described the proposal: On September 3, 2019, the Board of County Commissioners adopted Code Home Rule Bill 5-2019 which increased the maximum allowable size of structures for the buying, processing, and sale of farm products related to agriculture from 25,000 to 50,000 square feet in AZD, subject to special exception approval. There were multiple locations within the Land Use Ordinance where the size limit needed to be increased from 25,000 to 50,000 square feet, and inadvertently, Code Home Rule Bill 5-2019 did not amend the size limit in Article VII. Special Exceptions, Section 6. Procedures of the Land Use Ordinance. Mr. Tracey said the sole purpose of the text amendment is to correct this omission. He said the Agricultural Advisory Commission met on January 22, 2020 and voted unanimously to send a favorable recommendation to the Planning Commission.

Ms. Morris asked for public comments and there were none.

Ms. Morris asked for additional staff comments. Mr. Tracey said this will not change the substance of the Bill, it is just a correction of the omission to the Land Use Ordinance.

With no further testimony being offered, Ms. Morris moved to the next public hearing.

20-02 Zoning Text Amendment – Data Processing Centers

Mr. Tracey described the proposal: The Maryland General Assembly is currently considering legislation that would change State tax law to make data processing centers eligible for tax advantages in all Maryland counties. Data processing centers have the potential to bring additional employment opportunities and economic development to the County. The County Commissioners of Kent County, introduced a proposed amendment to the Kent County Land Use Ordinance adding the use of data processing centers as a special exception in the Agricultural Zoning District and as a permitted principal use and structure in the following districts: Village, Intense Village, Commercial, Employment Center, and Industrial.

Ms. Morris asked for public comments and there were none.

Ms. Morris asked for additional staff comments and there were none.

Ms. Morris closed the public hearings and re-opened the Planning Commission meeting at 1:34 p.m.

APPLICATIONS FOR REVIEW:

19-73 Zoning Text Amendment - Agricultural Building Size Addendum – an addendum to a previous amendment.

Mr. Tracey gave an overview of the proposal, cited the applicable laws, the Comprehensive Plan, and staff comments.

Mr. Tracey said on September 3, 2019, the Board of County Commissioners adopted Code Home Rule Bill 5-2019 which increased the maximum allowable size of structures for the buying, processing, and sale of farm products related to agriculture from 25,000 to 50,000 square feet in AZD, subject to special exception approval. He said there were multiple locations within the Land Use Ordinance where the size limit needed to be increased from 25,000 to 50,000 square feet, and inadvertently, Code Home Rule Bill 5-2019 did not amend the size limit in Article VII. Special Exceptions, Section 6. Procedures of the Land Use Ordinance. He said the sole purpose of this text amendment is to correct the omission. He informed the Commission that the Agricultural Advisory Commission met on January 22, 2020, and voted unanimously to send a favorable recommendation to the Planning Commission. Mr. Tracey said staff recommends approval.

Ms. Morris asked the Commission if they have any questions or comments and there were none.

Ms. Morris asked for public comments and/or questions and there were none.

Ms. Morris asked for a motion.

Mr. Hickman made a motion to send a favorable recommendation based on the following findings:

- The public need is to support our Comprehensive Plan and agriculture as a key economic driver within the County.
- The proposed changes are technical in nature and do not change the substance of adopted Code Home Rule Bill 5-2019.
- The amendment was recommended by Staff and the Agricultural Advisory Commission.
- The amendment will maintain conformity between the Comprehensive Plan and the Land Use Ordinance.

Ms. Kohl seconded the motion, and the motion passed unanimously.

20-02 Zoning Text Amendment – Data Processing Centers

Mr. Tracey gave an overview of the proposal, cited the applicable laws, the Comprehensive Plan, and staff comments.

Mr. Tracey said the Maryland General Assembly is currently considering legislation, Senate Bill 397 sponsored by Senators Hershey and Peters, that would change State tax law to make data processing centers eligible for tax advantages in all Maryland Counties. Data processing centers have the potential to bring additional employment opportunities and economic development to the County. He said the County Commissioners of Kent County, introduced a proposed amendment (Resolution 2020-01) to the Kent

County Land Use Ordinance adding the use of data processing centers as a special exception in the Agricultural Zoning District and as a permitted Principal use and structure in the following districts: Village, Intense Village, Commercial, Employment Center, and Industrial. Mr. Tracey informed the Commission that the Agricultural Advisory Commission met January 22, 2020, (a letter to this body was included in the packet) and voted unanimously to recommend that the Commissioners include a provision in the special exception section of the Zoning Text Amendment that would require the Board of Appeals to “consider the proximity and effect on current and anticipated preserved land” in the review of applications. Mr. Tracey said staff recommends approval.

Present and duly sworn in were Emily McCoy, 8223 Tolchester Road, #4, Chestertown, Maryland, and Bill Mackey, Director of Planning, Housing, and Zoning.

Ms. McCoy spoke on behalf of the proposed zoning text amendment and on behalf of the Department of Economic Development. She said the reason for proposing that data centers be added in regard to where they can be located throughout the County, is because they have been identified as an environmentally friendly use of our fiber optic technology in which the County has invested \$7M. Ms. McCoy said by allowing Data Centers in various geographical locations within the County, it will provide tax advantages and allow the opportunity for bringing high paying jobs to the community.

Mr. Mackey explained the proposed zoning text amendment and discussed the research material he provided to the Commission. Mr. Mackey talked about, if approved, the data centers would have to comply with all design guidelines, including alternate design provisions. He said the Board of Appeals will be charged with a list of conditions for approving these types of facilities within the AZD. He said allowing Data Centers would help “pay the bills” and he talked about it being an economic development opportunity for farmers. He said it is a clean and growing industry and one that is sustainable.

Following staff’s report, testimony from Ms. McCoy and Mr. Mackey, and a lengthy discussion among the Commission members, Ms. Morris asked for a motion.

Mr. Hickman made a motion to send an unfavorable recommendation to the County Commissioners based on the following findings:

- The Commission understands the potential economic benefit of data processing centers and appreciates the Economic Development Commission’s work to encourage good business.
- The Commission understands the concerns of the Agricultural Advisory Commission to protect land in agricultural preservation.
- The use of data processing centers is not compatible and not clearly defined in the Village, Intense Village, and Agricultural Zoning Districts.
- No public need has been identified.
- The Commission felt that current zoning districts: Employment Center, Industrial, and Commercial are adequate to support this industry.
- The proposal is inconsistent with the Comprehensive Plan.
- If the County Commissioners were to include a future amendment, the Planning Commission would appreciate data on currently available land, a more stringent definition of data processing centers, and avoid residential districts where data processing centers could be a problem.

Ms. Kohl seconded the motion, and the motion passed unanimously.

19-30 The Animal Care Shelter of Kent County (The Humane Society and Kennedyville Properties, LLC) Concept Site Plan Review

Mr. Tracey, in describing the proposal, said The Humane Society and Kennedyville Properties, LLC, is requesting conceptual comments for constructing a 10,648 square-foot facility for the care and boarding of domestic animals. He said a minor subdivision was submitted and approved to create a second lot, of five acres, which is the proposed location for the new animal shelter. He said the facility will include an animal enrichment training center as well as a veterinary office. The property is located between Worton and Chestertown at 25546 Mary Morris Road, Chestertown, Maryland, in the Third Election District and is zoned Industrial (I). He said the parcel is comprised of an open field with trees along the edge of Route 297. He said the surrounding area is comprised of agricultural land and housing.

Ms. Morris wanted to know if any correspondence has been received.

Mr. Tracey said no correspondence has been received. Mr. Tracey said a citizen participation plan was held as part of the review and was well attended.

Present and speaking on behalf of the proposal were: Kevin Shearon, DMS and Associates, P.O. Box 80, Centreville, Maryland; and Richard Keaveney, Executive Director of the Kent County Animal Care Shelter, 102 S. Water Street, Chestertown.

Mr. Shearon said the current Kent County Humane Society is looking to relocate and rebrand. He said a new lot will be created off an industrial farm, and the access to the new 5-acre lot will come off Worton Road. He said they are working with an architect who specializes in animal care shelters and have designed the building, which is already ahead of the site plan process. Mr. Shearon said they will be catching up and coming back to the Planning Commission seeking preliminary and eventually final site plan approvals. Mr. Shearon said at present, they will be moving forward with the minor subdivision, already approved at the staff level, which will include the required 0.75 acres of afforestation. He said the new facility will provide a dog walk and a variety of dog runs and covered areas so that the dogs can go outside. In closing, he said it is a great location and positive feedback has been received.

Mr. Keaveney talked about the facility now being a no kill shelter and how they only euthanize animals who are severely ill or whose temperament is really bad. Mr. Keaveney said they have a very active farm cat adoption process, and the plan is to have a cat silo for housing farm cats, a space for veterinary services, and an enrichment building which will have a private area for when they do have to do euthanasia for providing a more humanistic approach. He said the building will also contain an indoor playground area for bad weather days when the animals cannot go outdoors. Mr. Keaveney said the cost of the overall project is approximately \$5M, and \$3.2M has been raised thus far. Mr. Keaveney said they are currently spending money to repair the current building which will eventually be sold. Mr. Keaveney said their hope is to break ground by the end of the summer, and the overall project will take approximately 13 months to complete.

Staff Reports

Rob Tracey:

- Mr. Tracey staffed the January Board of Appeals for the Fry variance for a waste management structure.
- Mr. Tracey conducted various site visits pertaining to demolition applications.

- The Ag Advisory Commission met to discuss the two zoning text amendments that were before the Commission today.
- Mr. Tracey attended the Maryland Stories of the Chesapeake annual meeting.
- Mr. Tracey informed the Commission of the Starkey Administrative Special Exception.
- The Historic Preservation Commission met approximately two weeks ago to discuss and review the demolition permit process and procedures.

Stephanie Jones:

- The County Commissioners will hold a public hearing on February 18th for the Campground Zoning Text Amendment, Growth Allocation Policy Amendment, and the Growth Allocation application. All three applications received favorable recommendation at the January Planning Commission meeting.
- Multiple administrative hearings have been heard and will be heard in the next month for accessory structures in the front yard of waterfront parcels and accessory structures over 1,200 square feet and 17 ft in height.
- The Critical Area Commission (CAC) is working with other counties and municipalities to discover how fees-in-lieu are being utilized and how they can be better utilized. Ms. Jones said the hurdles which we all experience were discussed. She said in Kent County, we very rarely collect fee-in-lieu and have minimal planting area. Ms. Jones said the CAC is looking into other ways of utilizing this money that is collected, besides planting.
- On February 5th, Ms. Jones updated the Economic Development Commission with regards to the Planning Commission and Board of Appeals agendas from January and today's meeting.
- While Ms. Jones is out on maternity leave, project review will be split between Rob Tracey and Carla Gerber.

William Mackey:

- Mr. Mackey asked Ms. Morris to consider allowing the meeting minutes to be less lengthy and more in summary in nature due to the Planning Office's administrative team being short staffed.

General Discussion:

There being no further business for the good of the organization, the meeting was adjourned at 3:30 p.m.

Elizabeth Morris, Chairman

Sandy Adams, Clerk

MINUTES

The Kent County Planning Commission met in regular session on Thursday, March 5, 2020, in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland, with the following members in attendance: Elizabeth Morris, Chairman; William Sutton, Vice Chairman; James Saunders; Joe Hickman; Kim Kohl; and Commissioner, P. Thomas Mason. Staff in attendance were Carla Gerber, GIS Specialist; Robert Tracey, Community Planner; G. Mitchell Mowell, Planning Commission Attorney; and Sandy Adams, Clerk.

Ms. Morris called the meeting to order at 1:30 pm.

MINUTES

Approval of the minutes from the February 6, 2020, meeting was postponed pending changes requested by the members.

PUBLIC HEARING

Ms. Morris closed the Planning Commission meeting and opened the public hearing at 1:34 p.m.

20-08 Fifth Investments, LLC - Zoning Text Amendment - Existing Multi-Family Dwellings in AZD

Mr. Tracey described the proposal. He said Fifth Investment, LLC is requesting a zoning text amendment to amend the Land Use Ordinance of Kent County, Maryland, by adding subsection 10.5 to Article V, Section 1.2 to allow existing multi-family dwellings to become conforming uses in the Agricultural Zoning District (AZD) provided they existed prior to August 1, 1989 and are intended for sale or lease as affordable housing.

Ms. Morris asked for public comments and there were none.

Ms. Morris asked for additional staff comments. Mr. Tracey said no correspondence has been received.

Ms. Morris asked the Commission if they have any questions.

Mr. Hickman asked if the intention of the Agricultural Advisory Committee was to have the Zoning Text Amendment approved prior to the comprehensive rezoning process. Mr. Tracey said the Commission's recommendation was favorable with the recommendation to the County that they consider rezoning the property to a more residential zoning district during the comprehensive rezoning process.

With no further testimony being offered, Ms. Morris closed the public hearing at 1:38 p.m. and reopened the Planning Commission meeting.

APPLICATIONS FOR REVIEW:

20-08 Fifth Investments, LLC - Zoning Text Amendment - Existing Multi-Family Dwellings in AZD

Prior to considering the applicant's proposal, Planning Commission Member Joe Hickman said that upon his arrival to the meeting today, he discovered that Mr. Christopher Drummond is representing the applicant. He disclosed that he has used Mr. Drummond's legal services with clients in the past, but he does not believe that it will affect his ability to be objective and impartial.

Ms. Morris asked Mr. Drummond to state his name and address for the record. Mr. Drummond said he is the attorney representing the applicant, Fifth Investments, LLC, and he is located at 119 Lawyers Row, Centreville, Maryland.

Mr. Tracey described the proposal: Fifth Investment, LLC is requesting a zoning text amendment to amend the Land Use Ordinance of Kent County, Maryland, by adding subsection 10.5 to Article V, Section 1.2 to allow existing multi-family dwellings to become conforming uses in the Agricultural Zoning District (AZD) provided they existed prior to August 1, 1989 and are intended for sale or lease as affordable housing. The Technical Advisory Commission (TAC) met on February 20th to discuss the proposed amendment. Staff comments included the following recommendations:

1. Connection to public water and sewer be added.
2. That subsection (e) be clearly reviewed with the Land Use Ordinance to be sure that all requirements to be determined by the Planning Commission have been addressed.
3. That two-family dwellings be added.
4. Removal of the provision that allows for 150% expansion.

Mr. Tracey pointed the Commission to the revised text amendment language that is noted in staff's report and read aloud the applicable law and staff comments. Mr. Tracey said the amendment would have no impact on agricultural land that is currently in production; it would only apply to multi-family dwellings existing prior to August 1, 1989 (zoning code adoption). He said this proposed legislation is intended to allow the owner, Fifth Investment, LLC, of the Tolchester Heights condominiums, formerly Delta Heights, to submit a proposed plat in order to subdivide its property into individual townhouse-style lots with a single residential unit on each lot. He said Fifth Investment, LLC has represented that this is necessary for the individual units to be eligible to qualify for the FHA mortgage program. For the currently existing condominium units to sell as townhouse units, Fifth Investment, LLC has stated that the units must include the land under each unit as well as the building (residential unit) itself. The common parking lot could be included as a shared parcel. Mr. Tracey said staff recommends approval.

Mr. Drummond gave the following testimony: We are requesting a zoning text amendment in order to transpose from condominium units to townhomes. This will allow lots to be created and a homeowner's association, instead of a condominium association which currently exists. In doing this, the affordable housing language will remain. Mr. Drummond said prior to last year and before the site was renovated, all the units were rented. He said one unit has since been purchased and is occupied, but the rest remain empty because the investor does not wish to be a landlord. Mr. Drummond presented a condominium plat of the site. The plat was marked as Applicant's Exhibit #1.

A discussion ensued pertaining to common area maintenance and repairs and monthly association fees.

Ms. Morris asked for public comments and/or questions and there were none.

Ms. Morris asked for a motion.

Mr. Hickman made a motion to send a favorable recommendation to the County Commissioners based on the following findings:

- There is a public need for affordable housing.
- Two family dwellings be added.
- The dwellings will have connection to public water and sewer.

- There is an income restriction in the text amendment.
- There is a minimum size of 5 acres.
- There are minimum setback requirements.

Ms. Kohl seconded the motion, and the motion passed unanimously.

STAFF REPORTS

Sandy Adams

- Stephanie Jones gave birth to a beautiful baby girl, Macey Lee Jones, on Friday, February 28th.

Rob Tracey:

- The Agricultural Preservation Advisory Board will meet on March 10th.
- The MALPF deadline for applications is May 1st. Mr. Tracey has been helping landowners with their applications.
- There have been various Administrative Special Exception hearings and building permits.

Mitch Mowell:

- Mr. Mowell announced that this meeting is the last Planning Commission meeting he will attend. He thanked the members for their cooperation through the years. Mr. Mowell said he has been asked to stay on through the end of the month to assist with matters pertaining to the Public Service Commission hearing that is scheduled in April.

ELECTION OF OFFICERS

Mr. Mowell opened the annual election asking for a nomination for Chairman. Ms. Kohl nominated Ms. Morris for Chairman, and Mr. Hickman seconded the nomination. Mr. Hickman made a motion to close the nominations, and Mr. Saunders seconded the motion. The nomination for Ms. Morris to continue to serve the Commission as Chairman passed with all in favor. Ms. Morris opened the nominations for Vice Chairman. Mr. Hickman nominated Mr. Sutton for Vice Chairman, and Mr. Saunders seconded the nomination. Mr. Hickman made a motion to close the nomination; all were in favor. The nomination for Mr. Sutton to continue to serve the Commission as Vice Chairman passed with all in favor.

GENERAL DISCUSSION

Planning Director William Mackey provided the Planning Commission with a Comprehensive Rezoning Update. He said a date has been chosen for the first forum. He said the Comprehensive Rezoning will be a 24-month process with the focus being on text the first year and rezoning individual properties during the second year. He said the County has put out an RFP to choose a consultant. He said there will be public forums and public hearings along the way, and the goal of the first forum will pertain to the process itself.

There being no further business for the good of the organization, the meeting was adjourned at 2:37 p.m.

Elizabeth Morris, Chairman

Sandy Adams, Clerk

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
SUBJECT: Zoning Text Amendment – Tourism-related directional signs
DATE: March 26, 2020

DESCRIPTION OF PROPOSAL

On March 3, 2020, the County Commissioners adopted a resolution to consider a zoning text amendment to add a provision for tourism-related signs. The signs would be located within the public right-of-way and erected by Kent County. The desire is to assist the motoring public in locating tourism, heritage development, and marine uses that are not readily visible from major roads. The signs would be approved by the County Commissioners. General guidelines will be developed by appropriate County departments.

It is an act to amend Article VI, Section 2.4 (Sign Exemptions) by ADDING the following text:

5. Tourism-related signs erected by Kent County to direct the public to public, private, and non-profit enterprises related to tourism, heritage development, or marine uses and located on properties not readily visible to the motoring public from State highways and expressways or a County primary, secondary, or collector road. Such signs are considered a governmental use to serve the public good and may be approved by the County Commissioners as part of a comprehensive tourism signage package, or individually via a signed letter or petition from a private or non-profit entity engaged in tourism, heritage development, or marine uses.

APPLICABLE LAW

Article XII, Section 6 of the Kent County Land Use Ordinance establishes the standards for the review and approval of a zoning text amendment as follows.

Before taking any action on any proposed amendment, supplement, or change, the County Commissioners shall submit the proposal to the Planning Commission for review and recommendation. The Planning Commission may hold a hearing on any proposed amendment, supplement, or change before submitting its recommendation to the County Commissioners. The Planning Commission may request any pertinent data and information as it deems necessary. In its recommendation, the Planning Commission shall address:

- a. The public need for the proposed amendment; and
- b. The extent to which the proposed amendment complies with or deviates from the Comprehensive Plan and the Critical Area Law.

STAFF COMMENTS

The County Commissioners have recognized a need to allow limited, off-premise directional signs to help locate businesses that primarily serve a tourism-related function. Directional signs serve a critical function in creating a welcoming environment, and when they are well-designed and strategically placed, they can help reinforce local branding. The resolution to initiate this text amendment has been attached, and it lists a few of the reasons why the County Commissioners wished to seek this amendment. The signs would be reviewed and approved by the County Commissioners and placed only in Kent County public rights-of-way thereby maintaining control over the design and location. The signs would also be owned by the County and could be removed by the County at any time.

The proposal is consistent with numerous goals and strategies in the Comprehensive Plan:

Goal: Support existing business (page 8)

Strategy: Retain and promote existing businesses and assist in their growth

Goal: Maintain and strengthen working lands-based industries (page 15)

Strategy: Promote Kent County as a boating center

Strategy: Encourage the development of farm-based business including agri-tourism

Goal: Enhance and expand locally based tourism that is rooted in the unique natural, cultural and historic features and qualities of Kent County (page 18)

Strategy: Continue to support and coordinate the County's tourism marketing program

Strategy: Integrate Kent County sites, facilities, and activities with a coordinated regional tourism program

Strategy: Promote and expand facilities, services, and activities that support natural resource-based economic development

Goal: Promote heritage tourism as a means to enhance the County's economy through investment in historic, archeological, cultural, and scenic resources (page 127)

Strategy: Develop marketing approaches to promote and encourage heritage tourism

Preliminary Staff Report

To: Kent County Planning Commission
Subject: Ag Preservation District (Wayne Thieme, ALP 19-08)
Date: March 24, 2020

DESCRIPTION OF PROPOSAL

Wayne Thieme wishes to create an Agricultural Preservation District on his 258.572-acre farm located on Galena Road south of Massey in the first Election District. The farm consists of 253 acres of crop land and 4.5 acres of woodland. Approximately 94% of the soils are considered Class I, II or III. There are no dwellings on the property. The farm is zoned "AZD," Agricultural Zoning District. It is outside the 10-year water and sewer plan.

This farm is adjacent to a block of over 1,700 acres of districts and easements. This farm 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 or not 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.
- ⌘ Code of Public Laws of Kent County in Chapter 171-7. Sale of Easements, which provides that the sale of an easement shall be on the entire farm, except as provided in Chapter 171-7.
- ⌘ 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 property meets the criteria for creating an Agricultural Land Preservation District and complies with the goals of the Comprehensive Plan. A Soil and Water Conservation Plan and a Nutrient Management Plan have been implemented.

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-19-08

LANDOWNER(S): Wayne H. Thieme

LOCATION: Galena Road, south of Massey
TAX MAP, PARCEL #: Map 24, Parcel 15

SIZE: 258.572 acres

RELATIONSHIP TO OTHER PRESERVED LAND This property is adjacent to over 1,700 acres of districts and easements.

TOTAL LAND USE:

	<u>CROPLAND</u>	<u>PASTURE</u>	<u>WOODLAND</u>	<u>WETLAND</u>	<u>OTHER</u>
ACRES	252.972	0	4.5	0	0

DWELLINGS: No existing structures

GENERAL FARMING OPERATION: Grain

PART OF LARGER OPERATION: Yes

OWNER OPERATED: Yes

TOTAL QUALIFYING SOILS:

	<u>CLASS I</u>	<u>CLASS II</u>	<u>CLASS III</u>	<u>CLASS IV</u>	<u>GROUP 1</u>	<u>= TOTAL</u>
ACRES:	62.02	175.70	10.28	0.0	1.97	249.96
PERCENT:	24.50	69.30	4.10	0.0	0.80	98.70

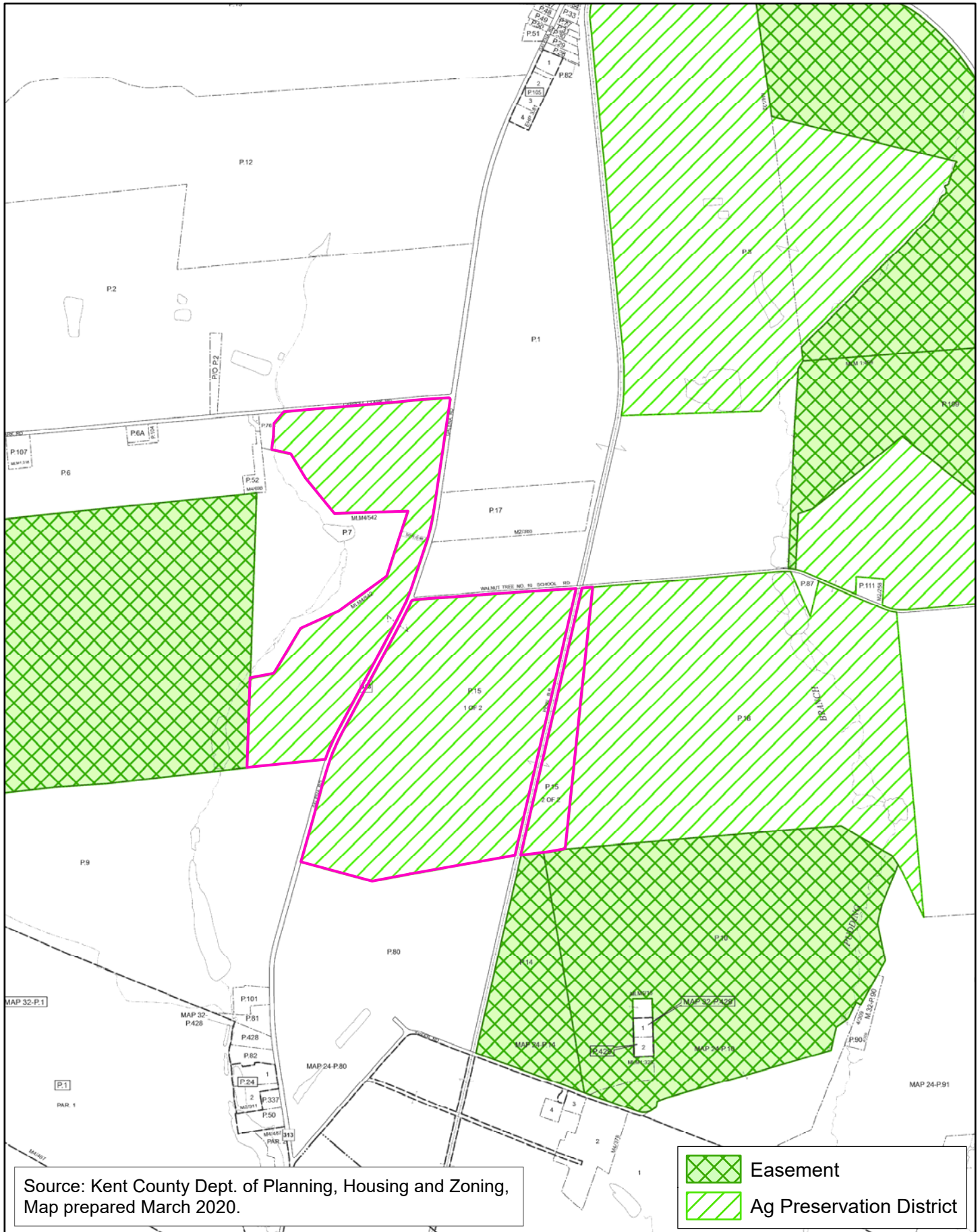
COUNTY ZONING/DENSITY: Agricultural Zoning District (AZD), base density 1:30

DEVELOPMENT PRESSURE: Moderate

ACREAGE WITHHELD: None

OTHER INFORMATION: Farm is located within the Priority Preservation Area. A Water and Soil Conservation Plan and a nutrient management plan have been submitted.

RECOMMENDATION: Staff recommends approval.



Preliminary Staff Report

To: Kent County Planning Commission
Subject: Ag Preservation District (Wayne Thieme, ALP 19-09)
Date: March 24, 2020

DESCRIPTION OF PROPOSAL

Wayne Thieme wishes to create a 70.124 acre Agricultural Preservation District on a portion of his 185-acre farm, the remaining part of this farm has already been protected by a MALPF easement. The property is located between Maryland Line Road and Walnut Tree Road east of Massey in the First Election District. The proposed district consists entirely of crop land. Approximately 98% of the soils are considered Class I, II or III or Woodland Group 2. There are no dwellings on the property. The farm is zoned "AZD," Agricultural Zoning District. It is outside the 10-year water and sewer plan.

The farm is adjacent to a block of over 1,700 acres of districts and easements. This farm 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 or not 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.
 - ☞ Code of Public Laws of Kent County in Chapter 171-7. Sale of Easements, which provides that the sale of an easement shall be on the entire farm, except as provided in Chapter 171-7.
 - ☞ 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 property meets the criteria for creating an Agricultural Land Preservation District and complies with the goals of the Comprehensive Plan. A Soil and Water Conservation Plan and a Nutrient Management Plan have been implemented.

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-19-09

LANDOWNER(S): Wayne H. Thieme

LOCATION: Maryland Line Road east of Massey
TAX MAP, PARCEL #: Map 24, Parcel 109

SIZE: 70.124

RELATIONSHIP TO OTHER PRESERVED LAND: This property is adjacent to over 1,700 acres of districts and easements.

TOTAL LAND USE:	<u>CROPLAND</u>	<u>PASTURE</u>	<u>WOODLAND</u>	<u>WETLAND</u>	<u>OTHER</u>
ACRES	70.124	0	0	0	0

DWELLINGS: No existing structures

GENERAL FARMING OPERATION: Grain

PART OF LARGER OPERATION: Yes

OWNER OPERATED: Yes

TOTAL QUALIFYING SOILS:	<u>CLASS I</u>	<u>CLASS II</u>	<u>CLASS III</u>	<u>CLASS IV</u>	<u>GROUP 2</u>	<u>= TOTAL</u>
ACRES:	49.06	19.83	0.00	0.00	0.00	68.90
PERCENT:	70.00	28.30	0.00	0.0.	0.00	98.3

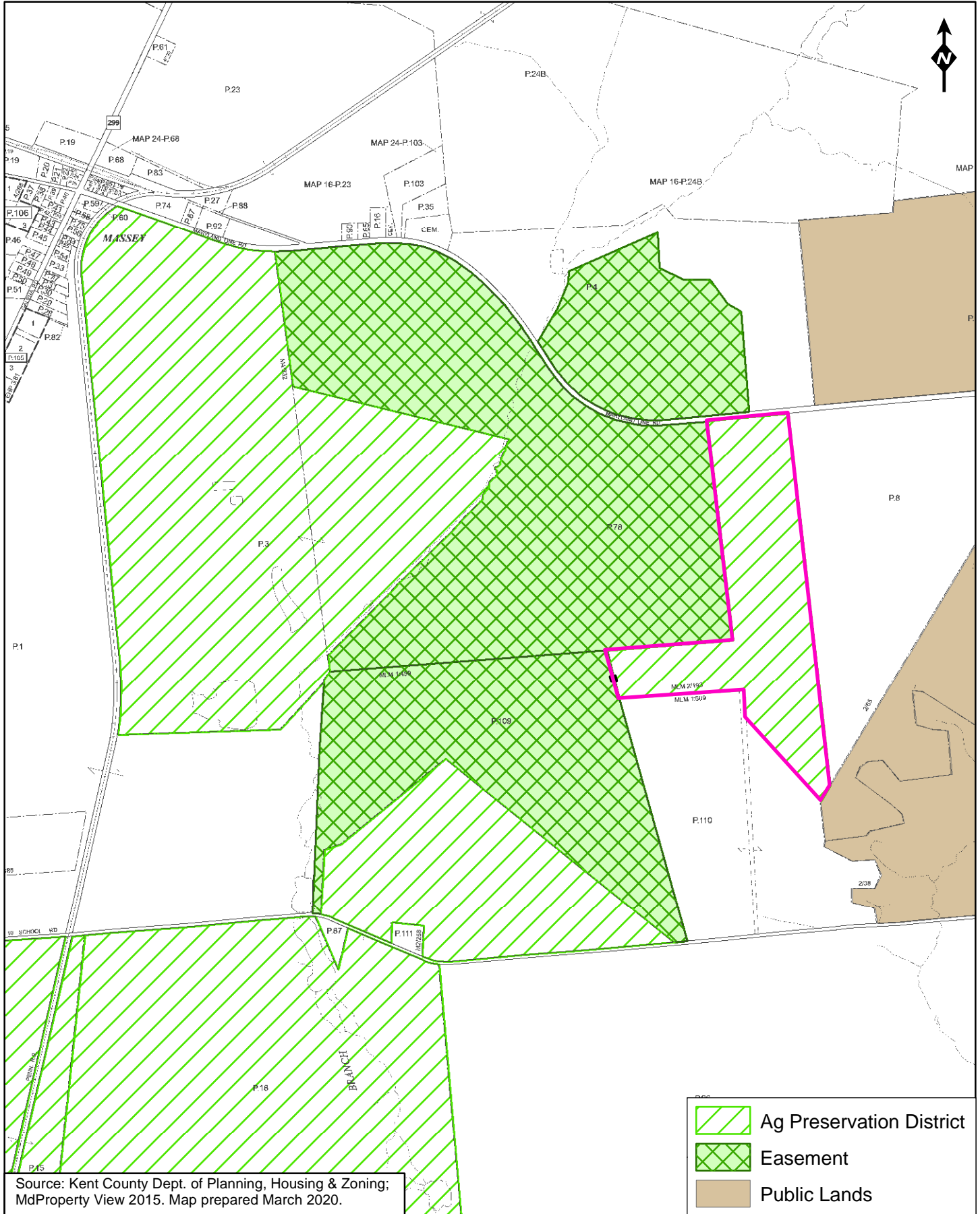
COUNTY ZONING/DENSITY: Agricultural Zoning District (AZD), base density 1:30

DEVELOPMENT PRESSURE: Moderate

ACREAGE WITHHELD: None

OTHER INFORMATION: Farm is located within the Priority Preservation Area. A Water and Soil Conservation Plan and a nutrient management plan have been prepared.

RECOMMENDATION: Staff recommends approval.



Preliminary Staff Report

To: Kent County Planning Commission
Subject: Ag Preservation District (Wayne Thieme, ALP 19-10)
Date: March 24, 2020

DESCRIPTION OF PROPOSAL

Wayne Thieme wishes to create an Agricultural Preservation District on his 295.897-acre farm located on Walnut Tree Road south of Massey in the First Election District. The farm consists of 252 acres of crop land and 21 acres of wetlands. Approximately 85% of the soils are considered Class I, II or III or Woodland Group 2. There are no dwellings on the property. The farm is zoned "AZD," Agricultural Zoning District. It is outside the 10-year water and sewer plan.

The farm is adjacent to a block of over 1,700 acres of districts and easements. This property 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 or not 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.
- ⌘ Code of Public Laws of Kent County in Chapter 171-7. Sale of Easements, which provides that the sale of an easement shall be on the entire farm, except as provided in Chapter 171-7.
- ⌘ 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 property meets the criteria for creating an Agricultural Land Preservation District and complies with the goals of the Comprehensive Plan. A Soil and Water Conservation Plan and a Nutrient Management Plan have been implemented.

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-19-10

LANDOWNER(S): Wayne H. Thieme

LOCATION: Walnut Tree Road south of Massey
TAX MAP, PARCEL #: Map 24, Parcel 18

SIZE: 295.897 acres

RELATIONSHIP TO OTHER PRESERVED LAND: This property is adjacent to over 1,700 acres of districts and easements.

TOTAL LAND USE:

	<u>CROPLAND</u>	<u>PASTURE</u>	<u>WOODLAND</u>	<u>WETLAND</u>	<u>OTHER</u>
ACRES	252.3	0	0	21.3	0

DWELLINGS: No existing structures

GENERAL FARMING OPERATION: Grain

PART OF LARGER OPERATION: Yes

OWNER OPERATED: Yes

TOTAL QUALIFYING SOILS:

	<u>Class I</u>	<u>Class II</u>	<u>Class III</u>	<u>Class IV</u>	<u>Group I</u>	<u>= TOTAL</u>
ACRES:	60.67	171.99	19.09	0.00	20.83	272.58
PERCENT:	20.50	58.10	6.50	0.00	7.00	92.10

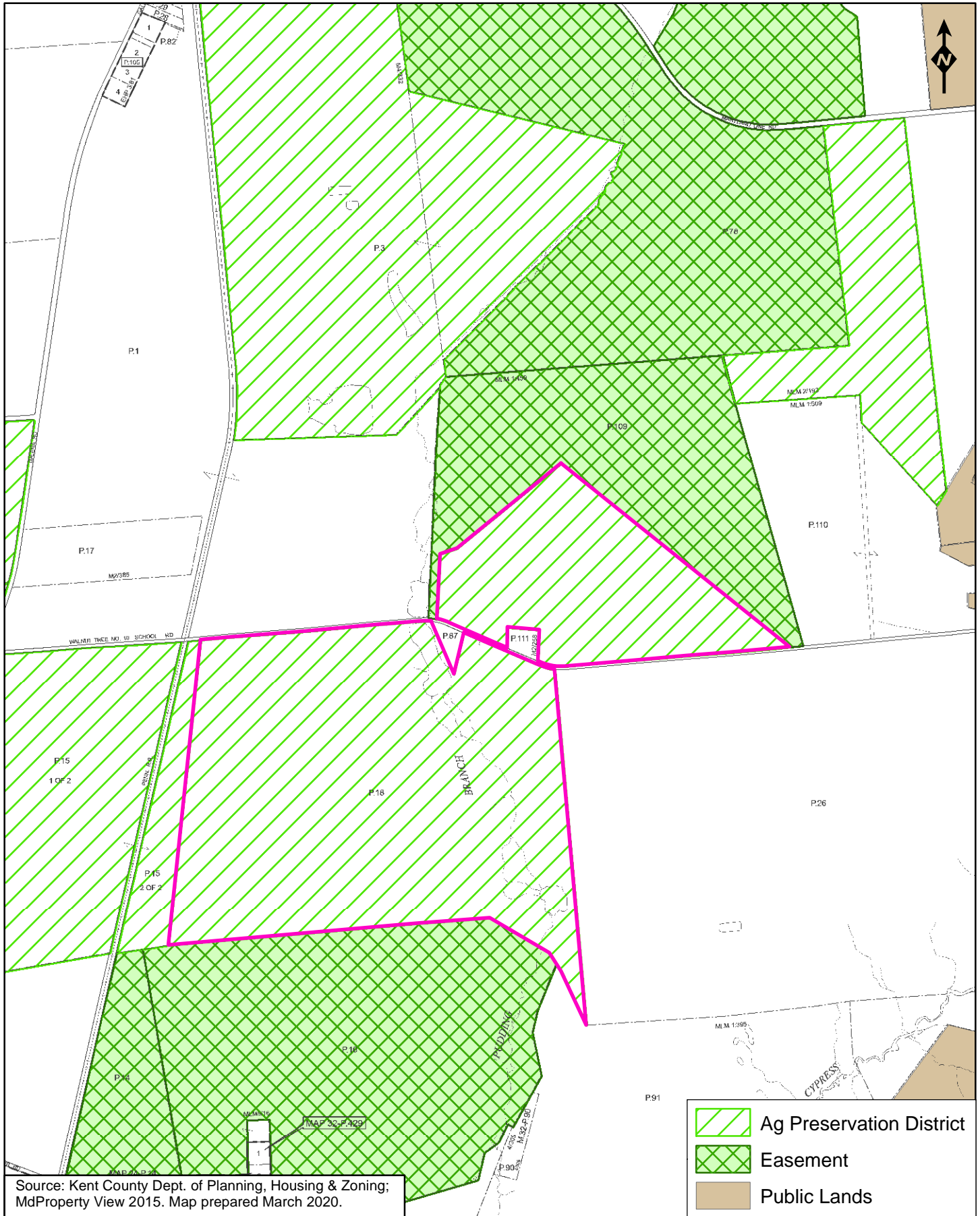
COUNTY ZONING/DENSITY: Agricultural Zoning District (AZD), base density 1:30




DEVELOPMENT PRESSURE: Moderate

ACREAGE WITHHELD: None

OTHER INFORMATION: Farm is located within the Priority Preservation Area. A Water and Soil Conservation Plan and nutrient management plan have been submitted.

RECOMMENDATION: Staff recommends approval.



-  Ag Preservation District
-  Easement
-  Public Lands

Source: Kent County Dept. of Planning, Housing & Zoning;
MdProperty View 2015. Map prepared March 2020.

Preliminary Staff Report

To: Kent County Planning Commission
Subject: Ag Preservation District (Robin Reed May and Jonathan Reed, ALP 20-01)
Date: March 24, 2020

DESCRIPTION OF PROPOSAL

Robin Reed May and Jonathan F. Reed wish to create an Agricultural Preservation District on their 94-acre farm located on Flatland Road outside Chestertown in the Third Election District. The farm consists of 87 acres of crop land and five acres of woodland. Approximately 92.5% of the soils are considered Class I, II or III or Woodland Group 2. There are no dwellings on the property. The farm is zoned "AZD," Agricultural Zoning District. It is outside the 10-year water and sewer plan.

The farm is adjacent to a block of over 4,000 of districts and easements. This property 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 or not 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.

☞ Code of Public Laws of Kent County in Chapter 171-7. Sale of Easements, which provides that the sale of an easement shall be on the entire farm, except as provided in Chapter 171-7.

☞ 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 property meets the criteria for creating an Agricultural Land Preservation District and complies with the goals of the Comprehensive Plan. A Soil and Water Conservation Plan and a Nutrient Management Plan have been implemented.

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- 20-01
LANDOWNER(S): Robin Reed May & Jonathan F. Reed

LOCATION: Stanton Farm, Flatland Rd
TAX MAP, PARCEL #: Map 37, Parcel 400

SIZE: 94 acres

RELATIONSHIP TO OTHER PRESERVED LAND This property is adjacent to over 4,000 acres of districts and easements.

TOTAL LAND USE:	<u>CROPLAND</u>	<u>PASTURE</u>	<u>WOODLAND</u>	<u>WETLAND</u>	<u>OTHER</u>
ACRES	87.0	0.0	5.0	2.0	0.0

DWELLINGS: No existing dwellings.

GENERAL FARMING OPERATION: Grain Farm

PART OF LARGER OPERATION: Yes

OWNER OPERATED: Yes

TOTAL QUALIFYING SOILS:	<u>CLASS 1</u>	<u>CLASS II</u>	<u>CLASS III</u>	<u>CLASS IV</u>	<u>GROUP 1</u>	<u>= TOTAL</u>
ACRES:	37.71	40.10	5.44	0.00	3.89	87.14
PERCENT:	40.10	42.70	5.80	0.00	4.10	92.70

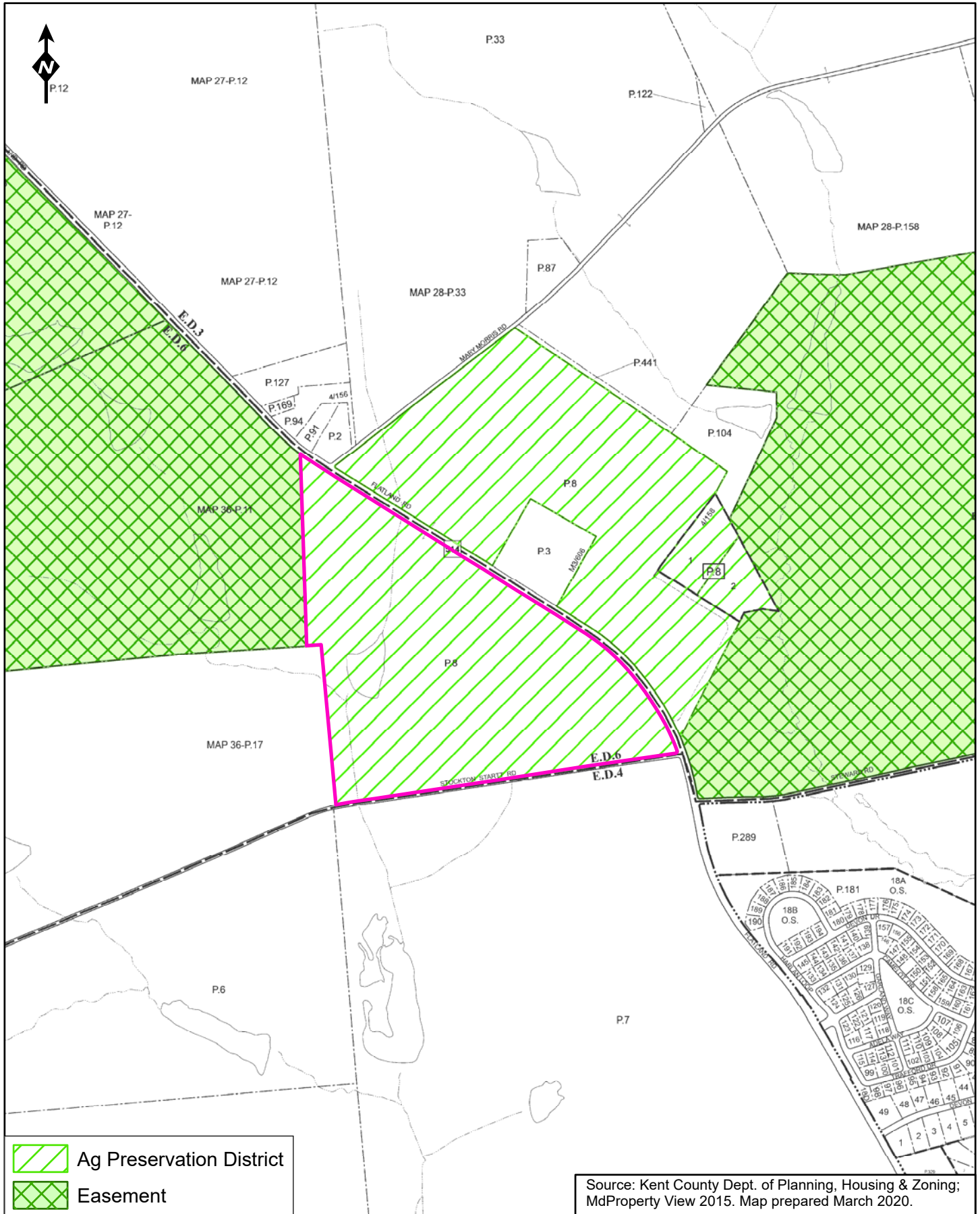
COUNTY ZONING/DENSITY: Agricultural Zoning District (AZD), base density 1:30

DEVELOPMENT PRESSURE: Moderate

ACREAGE WITHHELD: No

OTHER INFORMATION: Farm is located within the Priority Preservation Area. A Soil and Water Conservation Plan and Forestry Stewardship Plan are being prepared. A Nutrient Management plan has been prepared and the farm is in compliance.

RECOMMENDATION: Staff recommends approval.



Preliminary Staff Report

To: Kent County Planning Commission
Subject: Ag Preservation District (Robin Reed May and Jonathan Reed, ALP 20-02)
Date: March 24, 2020

DESCRIPTION OF PROPOSAL

Robin Reed May and Jonathan F. Reed wish to create an Agricultural Preservation District on their 250.794-acre farm located at 9600 Worton Road outside Chestertown in the Third Election District. The farm consists of 228 acres of crop land and 10 acres of woodland. Approximately 74% of the soils are considered Class I, II or III or Woodland Group 2. There is one dwelling on the property. An approximately 3 acre gravel pit is located on the south east portion of the farm. Because MALPF regulations prohibit this use, it is being excluded from the ag preservation district. If the farm were to receive an easement offer, MALPF would require the gravel pit to be surveyed so the acreage could be withheld from the easement. The farm is zoned "AZD," Agricultural Zoning District. It is outside the 10-year water and sewer plan.

The farm is adjacent to a block of over 4,000 acres of districts and easements. This property 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 or not 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.
 - ∞ Code of Public Laws of Kent County in Chapter 171-7. Sale of Easements, which provides that the sale of an easement shall be on the entire farm, except as provided in Chapter 171-7.
 - ∞ 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 property meets the criteria for creating an Agricultural Land Preservation District and complies with the goals of the Comprehensive Plan. A Soil and Water Conservation Plan has been implemented. A Soil and Water Conservation Plan and a Nutrient Management Plan have been implemented.

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- 20-02
LANDOWNER(S): Robin Reed May & Jonathan F. Reed

LOCATION: 9600 Worton Rd
TAX MAP, PARCEL #: Map 37, Parcel 90

SIZE: 250.794 acres

RELATIONSHIP TO OTHER PRESERVED LAND This property is adjacent to over 4,000 acres of districts and easements.

TOTAL LAND USE:	<u>CROPLAND</u>	<u>PASTURE</u>	<u>WOODLAND</u>	<u>WETLAND</u>	<u>OTHER</u>
ACRES	228.49	3.30	10.00	6.00	3.00

DWELLINGS: One existing dwelling.

GENERAL FARMING OPERATION: Grain Farm

PART OF LARGER OPERATION: Yes

OWNER OPERATED: Yes

TOTAL QUALIFYING SOILS:	<u>CLASS 1</u>	<u>CLASS II</u>	<u>CLASS III</u>	<u>CLASS IV</u>	<u>GROUP 1</u>	<u>= TOTAL</u>
ACRES:	52.41	78.82	44.86	0.00	10.00	186.10
PERCENT:	20.90	31.40	17.90	0.00	4.00	74.20

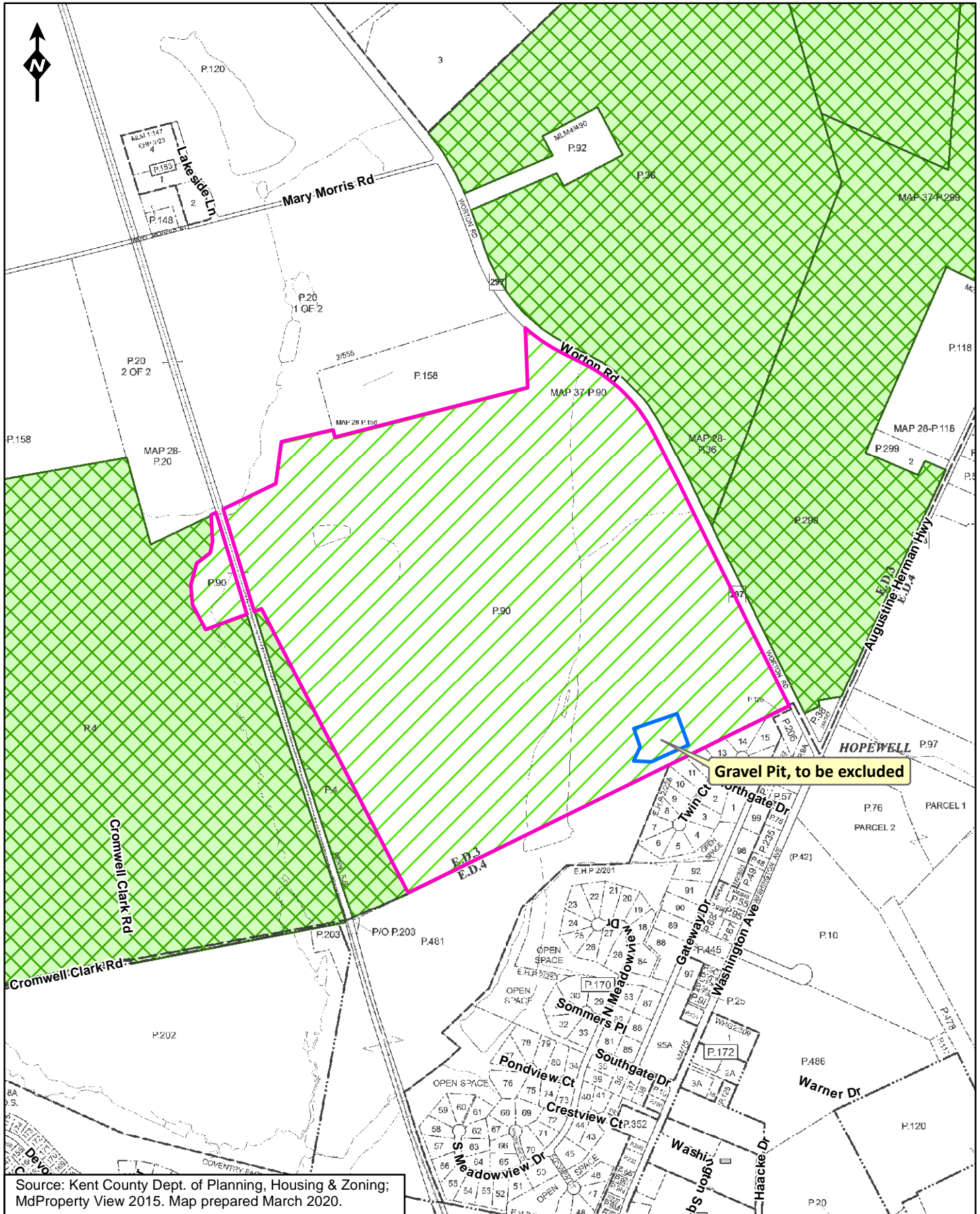
COUNTY ZONING/DENSITY: Agricultural Zoning District (AZD), base density 1:30

DEVELOPMENT PRESSURE: Moderate

ACREAGE WITHHELD: Yes (Gravel pit- 3 acres of land)

OTHER INFORMATION: Farm is located within the Priority Preservation Area. A Water and Soil Conservation Plan and Forestry Stewardship Plan are being prepared. A nutrient management plan is on file and is in compliance.

RECOMMENDATION: Staff recommends approval.



Preliminary Staff Report

To: Kent County Planning Commission
Subject: Ag Preservation District (Jonathan and Jane Reed, ALP 20-03)
Date: March 24, 2020

DESCRIPTION OF PROPOSAL

Jonathan and Jane Reed wish to create an Agricultural Preservation District on their 233.52-acre farm located at 24913 Chestertown Road outside Chestertown in the Seventh Election District. The farm consists of 217 acres of crop land and 10 acres of woodland. Approximately 77% of the soils are considered Class I, II or III or Woodland Group 2. There is one dwelling on the property. The farm is zoned "AZD," Agricultural Zoning District. It is outside the 10-year water and sewer plan.

The farm is adjacent to a block of almost 480 acres of easements 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 or not 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.

☞ Code of Public Laws of Kent County in Chapter 171-7. Sale of Easements, which provides that the sale of an easement shall be on the entire farm, except as provided in Chapter 171-7.

☞ 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 property meets the criteria for creating an Agricultural Land Preservation District and complies with the goals of the Comprehensive Plan. A Soil and Water Conservation Plan has been implemented. A Soil and Water Conservation Plan and a Nutrient Management Plan have been implemented.

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- 20-03
LANDOWNER(S): Jonathan F. and Jane L. Reed

LOCATION: 24913 Chestertown Rd, Chestertown, MD 21620
TAX MAP, PARCEL #: Map 44, Parcel 115

SIZE: 233.52 acres

RELATIONSHIP TO OTHER PRESERVED LAND This farm is adjacent almost 480 acres of easements.

TOTAL LAND USE:	<u>CROPLAND</u>	<u>PASTURE</u>	<u>WOODLAND</u>	<u>WETLAND</u>	<u>OTHER</u>
ACRES	217.12	0	10.0	1.5	4.9

DWELLINGS: One existing dwelling.

GENERAL FARMING OPERATION: Grain Farm

PART OF LARGER OPERATION: Yes

OWNER OPERATED: Yes

TOTAL QUALIFYING SOILS:	<u>CLASS 1</u>	<u>CLASS II</u>	<u>CLASS III</u>	<u>GROUP 1</u>	<u>= TOTAL</u>
ACRES:	37.08	144.30	0.00	0.00	181.38
PERCENT:	15.90	61.80	0.00	0.00	77.70

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

DEVELOPMENT PRESSURE: Moderate

ACREAGE WITHHELD: No

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

RECOMMENDATION: Staff recommends approval.

Preliminary Staff Report

To: Kent County Planning Commission
Subject: Ag Preservation District (Frank and Janet Lewis, ALP 20-04)
Date: March 24, 2020

DESCRIPTION OF PROPOSAL

Frank R. Lewis, Jr. and Janet C. Lewis wish to create an Agricultural Preservation District on their 322-acre farm located at 30475 River Road near Millington in the First Election District. The farm consists of 236 acres of crop land, 15 acres of pasture, and 52 acres of woodlands. Approximately 89% of the soils are considered Class I, II or III or Woodland Group 2. There is one dwelling on the property. The farm is zoned "AZD," Agricultural Zoning District and "RCD," Resource Conservation District. It is outside the 10-year water and sewer plan.

The farm is adjacent to a block of 10,220 acres of districts and easements. This property 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 or not 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.
 - ∞ Code of Public Laws of Kent County in Chapter 171-7. Sale of Easements, which provides that the sale of an easement shall be on the entire farm, except as provided in Chapter 171-7.
 - ∞ 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 property meets the criteria for creating an Agricultural Land Preservation District and complies with the goals of the Comprehensive Plan. A Soil and Water Conservation Plan, Nutrient Management Plan, and Forest Stewardship Plan have been implemented.

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- 20-04
LANDOWNER(S): Frank R. Lewis, Jr. & Janet C. Lewis

LOCATION: 30475 River Rd, Millington, MD 21651
TAX MAP, PARCEL #: Map 31, Parcel 7

SIZE: 322 acres

RELATIONSHIP TO OTHER PRESERVED LAND This property is adjacent to 10,220 acres of districts and easements.

TOTAL LAND USE:	<u>CROPLAND</u>	<u>PASTURE</u>	<u>WOODLAND</u>	<u>WETLAND</u>	<u>OTHER</u>
ACRES	236	15.5	52.5	7.0	13.7

DWELLINGS: One existing dwelling.

GENERAL FARMING OPERATION: Corn, Soybeans, Alfalfa, and wheat

PART OF LARGER OPERATION: No

OWNER OPERATED: Yes

TOTAL QUALIFYING SOILS:	<u>CLASS I</u>	<u>CLASS II</u>	<u>CLASS III</u>	<u>CLASS IV</u>	<u>GROUP 1</u>	<u>= TOTAL</u>
ACRES:	55.99	177.55	53.68	0.00	1.41	288.63
PERCENT:	17.40	55.10	16.70	0.00	0.4	89.6

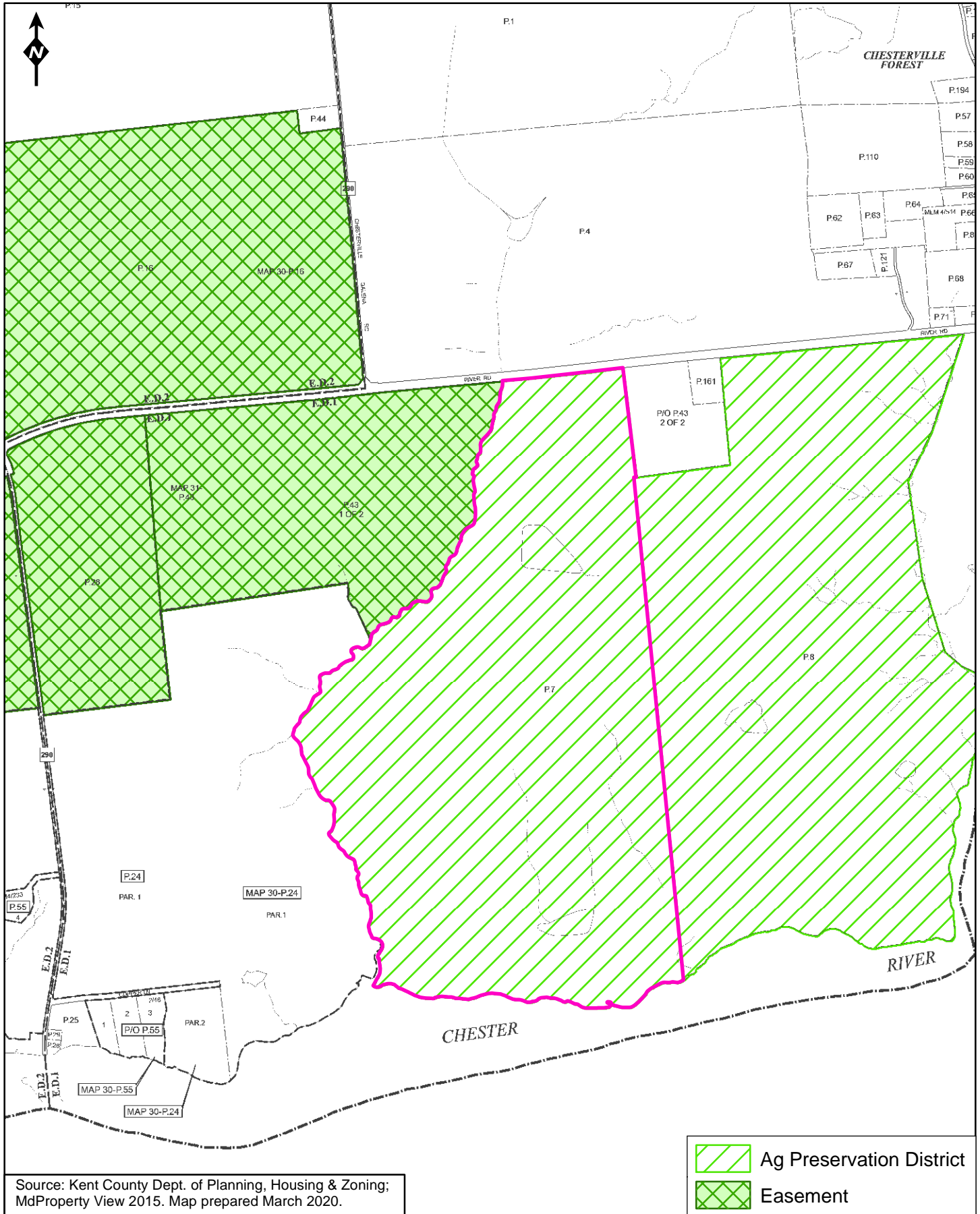
COUNTY ZONING/DENSITY: Agricultural Zoning District (AZD), base density 1:30
Resource Conservation District (RCD), base density 1:20

DEVELOPMENT PRESSURE: Moderate

ACREAGE WITHHELD: No

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

RECOMMENDATION: Staff recommends approval.



Preliminary Staff Report

To: Kent County Planning Commission
Subject: Ag Preservation District (Tim and Cathy Redman, ALP 20-05)
Date: March 24, 2020

DESCRIPTION OF PROPOSAL

Timothy and Mary Catherine Redman wish to create an Agricultural Preservation District on their 137-acre farm located at 7939 Bakers Lane outside Chestertown in the Sixth Election District. The farm consists of 131 acres of crop land and four acres of wood lands. Approximately 73% of the soils are considered Class I, II or III or Woodland Group 2. There is one dwelling on the property. The farm is zoned "AZD," Agricultural Zoning District. It is outside the 10-year water and sewer plan.

The farm is adjacent to a block of over 5,360 acres of districts and easements 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 or not 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.
 - ∞ Code of Public Laws of Kent County in Chapter 171-7. Sale of Easements, which provides that the sale of an easement shall be on the entire farm, except as provided in Chapter 171-7.
 - ∞ 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 property meets the criteria for creating an Agricultural Land Preservation District and complies with the goals of the Comprehensive Plan. A Soil and Water Conservation Plan and a Nutrient Management Plan have been implemented.

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- 20-05
LANDOWNER(S): Timothy A. & Mary Catherine Redman

LOCATION: 7939 Bakers Lane, Chestertown, MD 21620
TAX MAP, PARCEL #: Map 43, Parcel 16

SIZE: 137.23 acres

RELATIONSHIP TO OTHER PRESERVED LAND This property is adjacent to over 5,360 acres of districts and easements.

TOTAL LAND USE:	<u>CROPLAND</u>	<u>PASTURE</u>	<u>WOODLAND</u>	<u>WETLAND</u>	<u>OTHER</u>
ACRES	131.5	0	4.0	1.0	1.0

DWELLINGS: One existing dwelling.

GENERAL FARMING OPERATION: Grain Farm

PART OF LARGER OPERATION: Yes

OWNER OPERATED: Yes

TOTAL QUALIFYING SOILS:	<u>CLASS 1</u>	<u>CLASS II</u>	<u>CLASS III</u>	<u>CLASS IV</u>	<u>GROUP 1</u>	<u>= TOTAL</u>
ACRES:	0.00	91.08	7.92	0.00	1.33	100.34
PERCENT:	0.00	66.40	5.80	0.00	1.00	73.10

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

DEVELOPMENT PRESSURE: Moderate

ACREAGE WITHHELD: No

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.

PRELIMINARY STAFF REPORT

To: Kent County Planning Commission
Subject: Chester River Yacht and Country Club
Site Plan Review – Concept
Buffer Variance
Date: March 27, 2020

Description of Proposal

The applicants wish to increase their onsite parking for an existing Private Club and Golf Course. In addition to site plan review, the applicants request a variance to allow 828 square feet of lot coverage within the 100-foot Critical Area Buffer. The expanded parking lot will provide 37 additional spaces. The 175-acre property is located on Quaker Neck Road in the Seventh Election District. The property is currently comprised of a private country club, a golf course, a swimming pool, a pier, a boathouse, and accessory buildings incidental to the maintenance of a private club and golf course. The surrounding area is characterized by single-family residential development and is zoned Critical Area Residential, “CAR”, Community Residential, “CR” and Rural Residential “RR”. The parking lot expansion is entirely within the CAR district.

BUFFER VARIANCE

Relevant Issues

I. Area, Height, Width and Yard Requirements

- A. *Applicable Law:* Article V, Section 5.5 of the Kent County Land Use Ordinance requires the minimum yard:

Front	50 ft
Side	15 ft
Rear	30 ft
Waterfront	Minimum 100 ft buffer*

- B. *Staff and TAC Comments:* A variance is required to place 828 square feet of lot coverage within the buffer.

II. Buffer Requirements

- A. *Comprehensive Plan:* “Maintain, enforce, and if necessary, strengthen regulations for floodplains and buffers.” (Page 86)

- B. *Applicable Law:* Article V, Section 5.7.B3a of the Kent County Land Use Ordinance addresses 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 water-dependent facilities that meet the criteria set forth below.

- ii. New or expanded development activities may be permitted in the minimum 100-foot buffer, provided:
 - a) The use is water dependent.
 - b) The project meets a recognized private right or public need.
 - c) Adverse effects on water quality and fish, plant, or wildlife habitats are minimized.
 - d) In so far as possible, non-water dependent structures or operations associated with water dependent projects or activities are located outside the minimum 100-foot buffer.

C. *Staff and Comments:* The applicants have applied for a variance to construct a portion of their proposed parking area within the buffer. A total of 828 square feet of lot coverage is proposed in the buffer. A portion of the lot coverage in the buffer will be impervious pavement that is necessary for the access lane to the parking area; and the remainder will be pervious pavers used for the parking spaces. Six of the 37 parking spaces are at least partially within the buffer. The applicant has proposed mitigation of 3:1 for the disturbance within the buffer and 1:1 for disturbance outside the buffer. A total of 13,225 square feet of mitigation is proposed. Mitigation will be a combination of native grasses, shrubs, and canopy and understory trees.

III. Variance

A. *Applicable Law:* Article IX Section 2.2 of the Kent County Land Use Ordinance authorizes the Board of Appeals to grant variances from the yard (front, side, or rear), height, bulk, parking, loading, shoreline cliff, 15% slope, pier length, impervious surface, stream protection corridor, and buffer requirements so as to relieve practical difficulties or other injustices arising out of the strict application of the provisions of this Ordinance.

Such granting of a variance shall comply, as nearly as possible, in every respect to the spirit, intent, and purpose of this Ordinance.

In the Critical Area, for a variance of 15% slope, impervious surface, or buffer requirements, it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable and exceptional unwarranted hardship as distinguished from variations sought by applicants for purposes or reasons of convenience, profit, or caprice.

In order to grant a variance, the Board of Appeals must find all of the following:

- a. That the variance will not cause a substantial detriment to adjacent or neighboring property.
- b. That the variance will not change the character of the neighborhood or district.
- c. That the variance is consistent with the Comprehensive Plan and the general intent of this Ordinance.
- d. That the practical difficulty or other injustice was caused by the following:
 - i. Some unusual characteristic of size or shape of the property.
 - ii. Extraordinary topographical or other condition of the property.

- iii. The use or development of property immediately adjacent to the property, except that this criterion shall not apply in the Critical Area.
- e. That the practical difficulty or other injustice was not caused by the applicant's own actions.
- f. That within the Critical Area for variances of 15% slope, impervious surface, or buffer requirements:
 - i. The granting of a variance will be in harmony with the general spirit and intent of the Critical Area Law and the regulations adopted by Kent County.
 - ii. That the granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat.
 - iii. That the application for a variance will be made in writing with a copy provided to the Critical Area Commission.
 - iv. That the strict application of the Ordinance would produce an unwarranted hardship.
 - v. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
 - vi. The authorization of such variance will not be a substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.
 - vii. That a literal interpretation of this Ordinance deprives the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of Kent County.
 - viii. That the granting of a variance will not confer upon an applicant any special privilege that would be denied by this Ordinance to other lands or structures.
 - ix. Due to special features of a site, or special conditions or circumstances peculiar to the applicant's land or structure, a literal enforcement of this Ordinance would result in unwarranted hardship to the applicant.
 - x. The Board of Appeals finds that the applicant has satisfied each one of the variance provisions.
 - xi. Without the variance, the applicant would be deprived of a use of land or a structure permitted to others in accordance with the provisions of the critical area program.
- g. In considering an application for a variance, the Board shall consider the reasonable use of the entire parcel or lot for which the variance is requested.
- h. In considering an application for a variance, the Board of Appeals shall presume that the specific development activity in the Critical Area that is subject to the application and for which a variance is required does not conform with the general purpose and intent of this Ordinance and the Critical Area Law.
- i. The Board may consider the cause of the variance request and if the variance request is the result of actions by the applicant, including the commencement of development activity before an application for a variance has been filed.

- B. *Staff and TAC Comments:* It is staff’s opinion that granting a variance will not cause a substantial detriment to neighboring properties or change the character of the neighborhood or district. The Chester River Yacht and County Club has existed at this location for many years; the existing parking area is setback from the road and is an accepted feature of the property. The existing property configuration already has some buffer encroachment, and the existing building is located in such a manner that any other parking lot arrangement would require much more lot coverage in the form of long drives. Additionally, due to the property being split by a State highway, the current parking scenario requires some individuals to cross the State highway in order to access the primary use on the property. Although this was not due to any action by the applicant, but a peculiar condition of the property, thereby creating a practical difficulty, the test for a variance of the Critical Area buffer is an unwarranted hardship. An unwarranted hardship occurs when, without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

Staff recognizes the proposed incursion in the 100-foot buffer is minimal and the row of parking closest to Quaker Neck Road will be constructed using pervious pavers. However, staff are unable to recommend favorably based on a plain reading of the requirements. That being said, the applicant will present the project and can provide additional, clarifying evidence and testimony at the public hearing.

Staff Recommendation: Staff recommends careful consideration of the application with conditions for mitigation. If the board is inclined to grant approval, staff recommends that mitigation be set at a ratio of 3:1 for buffer disturbance and that the areas of mitigation be planted with native cultivars and approved by the Planning Commission during site plan review.

SITE PLAN REVIEW—CONCEPT

Relevant Issues

I. Area, Height, Width and Yard Requirements

- A. *Applicable Law:* Article V, Section 5.5 of the Kent County Land Use Ordinance requires the minimum yard:
- | | |
|------------|-----------------------|
| Front | 50 ft |
| Side | 15 ft |
| Rear | 30 ft |
| Waterfront | Minimum 100 ft buffer |
- B. *Staff and TAC Comments:* A variance is required to locate parking spaces within the buffer.

II. Site Plan Review

- A. *Comprehensive Plan:* “Implement thorough design review for new development and major renovations.” (Page 33)

- B. *Applicable Law:* Article VI, Section 5.3 of the Kent County Land Use Ordinance establishes site plan review procedures. The Planning Commission shall prepare findings of fact concerning the reasonable fulfillment of the objectives listed below.
- 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 applicant's efforts to design the development to complement and enhance the rural and historic nature of the County including incorporating into the project forms and materials that reflect the traditional construction patterns of neighboring communities.
 - k. 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.
- C. *Staff and TAC Comments:* The applicants need to make every effort to integrate the proposed parking area into the existing landscape by providing an adequate vegetative buffer, roadside plantings, and landscaping within the proposed parking area. The applicant needs to present landscaping plans before final site plan review.

III. Stormwater and Sediment Control

- A. *Comprehensive Plan:* "Encourage comprehensive stormwater management." (Page 23)
- B. *Applicable Law:* Article VI, Section 10 of the Kent County Land Use Ordinance establishes stormwater management measures that control or manage runoff.
- C. *Staff and TAC Comments:* Applicants need to submit stormwater management and sediment control plans before final site plan review.

BOARD OF APPEALS APPLICATION

✓ PD \$350.00
DMS check # 9036

Kent County Department of Planning, Housing and Zoning

Kent County Government Center
400 High Street • Chestertown, MD 21620
410-778-7475 (phone) • 410-810-2932 (fax)

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

Chester River Yacht & Country Club
7738 Quaker Neck Road
Chestertown, Maryland 21620
Phone: (410) 778-3818

Email: kjs@dmsandassociates.com

For Office Use Only:
Case Number/Date Filed: 20-11
Filed by: DMS & Assoc.
Applicant:
Planning Commission:
Date of Hearing:
Parties Notified:
Notice in Paper:
Property Posted:

TO THE KENT COUNTY BOARD OF APPEALS: In accordance with Article V Section 5.7.B.3(a)(1) of the Kent County Zoning Ordinance, as amended, request is hereby made for:

_____ Appealing Decision of Kent County Zoning Administrator Variance
_____ Special Exception _____ Non-conforming Use

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) 7738 Quaker Neck Road, Chestertown, Maryland 21620
In the 7th Election District of Kent County.

Size of lot or parcel of Land: 173.9 acres
Map: 44 Parcel: 15 Lot #: n/a Deed Ref: 10/518

List buildings already on property: Clubhouse, Poolhouse, Cart Barn, Marina Building, various support buildings associated with the golf course and yacht club.

If subdivision, indicate lot and block number: n/a
If there is a homeowners association, give name and address of association: n/a

PRESENT ZONING OF PROPERTY: CAR, CR, RR

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) Requesting a variance to allow 828-sf of impervious cover within the 100-ft shore buffer associated with the proposed parking lot expansion.

If appealing decision of Zoning Administrator, list date of their decision: n/a

Present owner(s) of property: Chester River Yacht & Country Club Telephone: (410) 778-3818

If Applicant is not owner, please indicate your interest in this property:

Has property involved ever been subject to a previous application? yes

If so, please give Application Number and Date: 05-127 buffer variance, 08-030 variance, 16-66 pier length variance

DEPARTMENT OF
PLANNING, HOUSING & ZONING
RECEIVED 2/27/2020

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: (see attached)

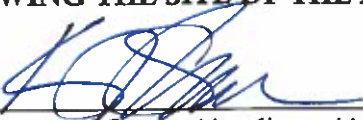
Owner(s) on the South: (see attached)

Owner(s) to the East: (see attached)

Owner(s) to the West: (see attached)

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.



Signature of Owner/Applicant/Agent or Attorney

2/27/2020

Date

Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$350.00** filing fee made payable to the Board of Appeals. If you have any questions, contact Clerk at 410-778-7467.

NOTICE: Neither the Board of Appeals or the Planning Office is required to make out this Application. Application should be filled in by applicant or its agent. 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 Government Center
400 High Street • Chestertown, MD 21620
410-778-7475 (phone) • 410-810-2932 (fax)

SITE PLAN APPLICATION

File Number: 20-12 Amount Paid: _____ Date: 2/27/20

Project Name: Chester River Yacht & Country Club (CRYCC) Parking Lot Expansion

District: 7th Map: 44 Parcel: 15 Lot Size: 173.9 Deed Ref: 10/518 Zoning: CAR,CR,RR

LOCATION: The property is located at 7738 Quaker Neck Road, Chestertown, Maryland 21620

PROPOSED USE: The use as a golf course will continue. This application is for an expanded vehicle parking area.

OWNER OF LAND:

Name: Chester River Yacht & Country Club Telephone: (410) 778-3818

Address: 7738 Quaker Neck Road, Chestertown, Maryland Email: dcurran@buytri.com

APPLICANT:

Name: (same as owner) Telephone: _____

Address: _____ Email: _____

AGENT/ATTORNEY (if any):

Name: _____ Telephone: _____

Address: _____ Email: _____

REGISTERED ENGINEER OR SURVEYOR:

Name: DMS & Associates (Kevin Shearon) Telephone: (443) 262-9130

Address: P.O. Box 80, Centreville, Maryland 21617 Email: kjs@dmsandassociates.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: kjs@dmsandassociates.com

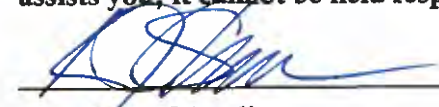
Water Supply: Public System On lot system (no additional service needed for this project)

Sewerage: Public System On lot system (no additional service needed for this project)

TELEPHONE SERVICED BY: Verizon

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.



Signature of Applicant

DEPARTMENT OF
PLANNING, HOUSING & ZONING
RECEIVED 2/27/2020

2/27/2020

Date

Concept Plan Approving Authority: _____ Date: _____

Preliminary Approving Authority: _____ Date: _____

Final Approving Authority: _____ Date: _____



STATEMENT OF PURPOSE AND INTENT

THE SITE IS LOCATED ON THE NORTH SIDE OF QUAKER NECK ROAD, SOUTH OF THE TOWN OF CHESTERTOWN. IT IS THE CURRENT LOCATION OF THE CHESTER RIVER YACHT AND COUNTRY CLUB. THE INTENT OF THIS CONCEPT PLAN IS TO ADD ADDITIONAL PARKING SPACES TO THE EXISTING PARKING AREA. A PORTION OF THE ADDITIONAL PARKING IS PROPOSED WITHIN THE 100' SHORE BUFFER WHICH WILL REQUIRE A VARIANCE FOR LOT COVERAGE WITHIN THE 100' SHORE BUFFER.

THE PURPOSE OF THIS CONCEPT PLAN IS TO OBTAIN A FAVORABLE RECOMMENDATION FROM THE KENT COUNTY PLANNING COMMISSION AND AN APPROVAL FROM THE KENT COUNTY BOARD OF APPEALS FOR THE VARIANCE ASSOCIATED WITH THE PROPOSED IMPROVEMENTS ON THE SITE.

FOR DETAILED INFORMATION, SEE SHEET 2 OF 2

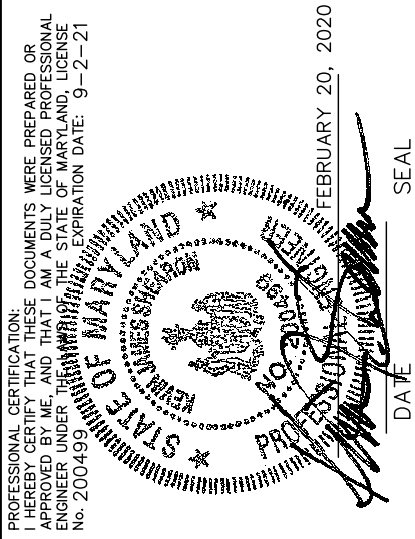


VICINITY MAP
SCALE 1" = 3000'

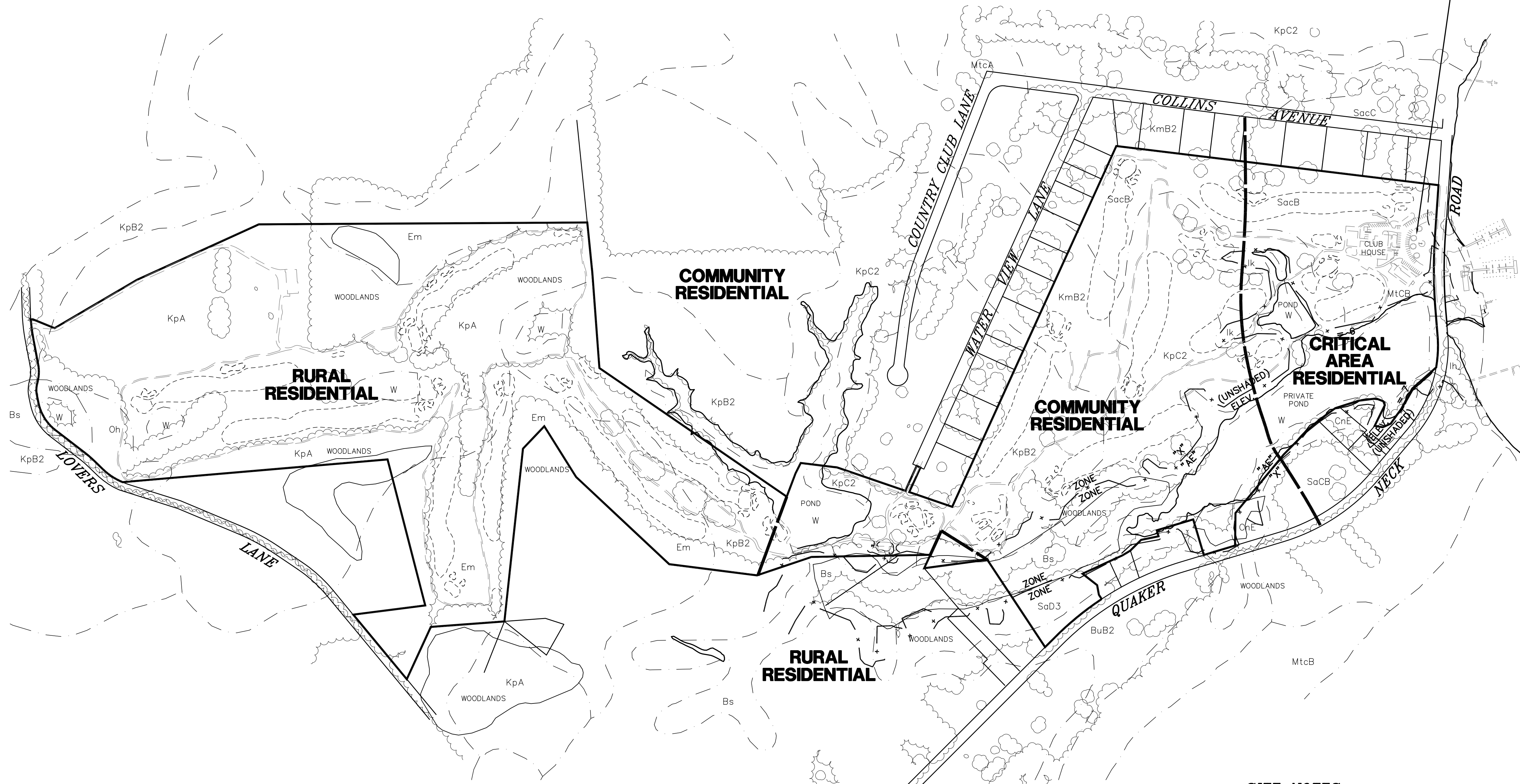
GENERAL NOTES

- These drawings show information obtained from the best available records regarding pipes, conduits, telephone lines, and other structures and conditions which exist along the lines of the work both at and below the surface of the ground. The owner and engineer disclaim any responsibilities for the accuracy or completeness of said information being shown only for the convenience of the contractor, who must verify the information to his own satisfaction. If the contractor relies on said information, he does so at his own risk. The giving of the information on the contract drawings will not relieve the contractor of his obligations to support and protect all pipes, conduits, telephone lines, and other structures.
- The contractor shall notify the following two (2) weeks prior to the start of construction and shall coordinate construction with the utility companies involved:

Delmarva Power & Light Company ----- 1-800-375-7117
Miss Utility ----- 1-800-441-8355
DMS & Associates, LLC ----- 1-443-262-9130
Kent Co. Sediment & Erosion Control Inspector - 1-410-778-7437
Maryland Department of the Environment-----1-410-631-3510
- All construction shall be marked for traffic and pedestrian safety.
- The Contractor shall provide all equipment, labor, and materials for any miscellaneous or test pit excavations required by the Engineer.
- The owner is responsible for the acquisition of all easements, both permanent and temporary.
- The Contractor assumes all responsibility for any deviations from these plans unless said deviation is approved by the Engineer. Contractor shall receive written permission from the Engineer if a deviation of the plans is necessary.
- All disturbed areas shall be smoothly graded to provide positive drainage in the direction of flow arrows herein and stabilized with topsoil, seed, and mulch. If settlement occurs, topsoil, seeding, and mulching shall be repeated until settlement subsides (See Erosion and Sediment Control Specifications).
- All trash, trees, and underbrush are to be cleared and removed off site to an approved dump site by the contractor.
- Any excess excavated material shall be removed off site by the contractor or material shall be placed on site as directed by the Engineer and/or Owner.
- Any existing survey monumentation that is disturbed during construction shall be replaced by a registered surveyor at the contractor's expense.
- The Contractor shall conduct his work in easements so that there will be a minimum of disturbance of the properties crossed. Any disturbed areas shall be restored to its original condition.
- All materials and methods of construction shall conform to the drawings, specifications, local building codes, and the standard specifications and details of Kent County.
- All drainage structures and swales shall remain functional during construction unless otherwise indicated on the plans.
- All water valves, boxes and hydrants shall be set and adjusted to finish grade.
- Wherever sewer or water mains or services run parallel to each other, a minimum horizontal separation of 10' shall be provided.
- Minimum cover over the sewer main shall be 42".
- All concrete used for utility work shall be in accordance with MD SHA Standards and Specifications for Mix No. 2.
- All paving materials and methods shall be in accordance with the latest MD SHA Standards and Specifications and be supplied by a State Certified plant.
- Trenches shall not remain open overnight. If it is necessary for trenches to remain open, steel plates capable of bearing traffic shall be used to completely cover the trench openings.
- Erosion and Sediment Control will be strictly enforced by the Kent County Sediment and Erosion Control Inspector.

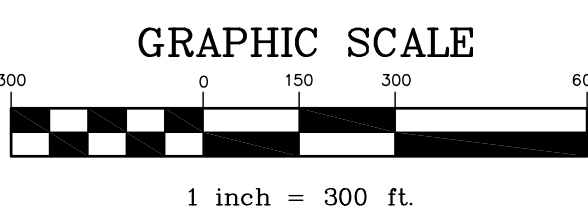


DAVIS, MOORE, SHEARON & ASSOCIATES, LLC
ENGINEERING, DRAFTING/DESIGN, ENVIRONMENTAL SERVICES & SURVEYING
P.O. BOX 80
CENTREVILLE, MARYLAND 21617
PHONE: 1-443-262-9130
FAX: 1-443-262-9148



LEGEND

- ZONING LINE
- EDGE OF WOODLANDS
- SOILS LINE AND TYPE (KpA, Em)
- FLOODPLAIN LINE



SITE NOTES

- PROPERTY LINE INFORMATION SHOWN HEREON IS TAKEN FROM DEED INFORMATION ONLY AND IS NOT THE RESULT OF A FIELD RUN SURVEY AT THIS TIME.
- FOR DEED REFERENCE, SEE LIBER 10, FOLIO 518.
- CURRENT ZONING CLASSIFICATION - CRITICAL AREA RESIDENTIAL, COMMUNITY RESIDENTIAL AND RURAL RESIDENTIAL
- THE PROPERTY IS PARTIALLY LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA DESIGNATION - LDA (LIMITED DEVELOPMENT AREA).
- SITE IS PARTIALLY LOCATED WITHIN 100 YEAR FLOODPLAIN AS SCALED FROM FLOOD INSURANCE RATE MAP COMMUNITY PANEL No. 240290279D AND 24029C290 (ZONE "AE") (ELEV. = 6 & 7), DATED JUNE 9, 2014.
- EXISTING IMPROVEMENTS WITHIN THE DEVELOPMENT AREA ARE THE RESULT OF A FIELD RUN SURVEY BY MICHAEL A. SCOTT, INC. IN NOVEMBER, 2019. HORIZONTAL DATUM IS NAD 83/91.
- EXISTING CONTOURS WITHIN THE DEVELOPMENT AREA ARE THE RESULT OF A FIELD RUN SURVEY BY MICHAEL A. SCOTT, INC. IN NOVEMBER, 2019. VERTICAL DATUM IS NAVD 88.
- SOILS SHOWN ONSITE CONSIST ARE SCALED FROM THE WEBSITE: <http://websoilsurvey.nrcs.usda.gov> FOR KENT COUNTY.

OWNER/DEVELOPER:
CHESTER RIVER YACHT & COUNTRY CLUB
7738 QUAKER NECK ROAD
CHESTERTOWN, MARYLAND 21620
PHONE No. 1-410-778-3818

SURVEYOR
MICHAEL A. SCOTT, INC.
400 SOUTH CROSS STREET, SUITE 3
CHESTERTOWN, MARYLAND 21620
PHONE No. 1-410-778-2310

ENGINEER
DMS & ASSOCIATES, LLC
P.O. BOX 80
CENTREVILLE, MARYLAND 21617
PHONE No. 1-443-262-9130

DATE	FEBRUARY 20	SCALE	1" = 300'
JOB No.	2019034	DRAWN BY	WJM
FOLDER #&#	44-2019.34	DESIGNED BY	RJS
SHEET No.	1 OF 2		
CADD FILE	19034CP1		

OVERALL CONCEPTUAL SITE PLAN - PHASE 1
ON THE LANDS OF
CHESTER RIVER YACHT & COUNTRY CLUB
NEAR THE TOWN OF CHESTERTOWN
TAX MAP - 44, GRID - 30, PARCEL - 15
SEVENTH ELECTION DISTRICT, KENT COUNTY, MARYLAND
PREPARED FOR : CHESTER RIVER YACHT & COUNTRY CLUB

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
SUBJECT: #19-35 – Remus S. Butler, Jr. and Franklin C. and Wynnee D. Butler
Variances – Side Setbacks and Minimum Lot Size
DATE: March 25, 2020

Description of Proposal

In order to complete an adjustment of lot lines, Remus S. Butler, Jr. is requesting a 4-foot and 0.3-foot variance from the minimum 8-foot side yard setback requirement for a dwelling and a 2,530.4 square foot variance from the 9,500 square foot minimum lot size requirement that will help minimize existing nonconformities on two parcels. As part of the same application, Franklin C. and Wynnee D. Butler are requesting a 3-foot variance from the minimum 8-foot side yard setback requirement for an accessory structure. The properties are located at 8600 and 8610 Caulks Field Road in the Sixth Election District and are zoned Village.

This application involves three parcels that are being reconfigured in order to make each one less nonconforming. Parcel 61 (Remus S. Butler, Jr.) was inadvertently subdivided into 2 parcels when the deed for Parcel 58 (Edward E. Butler) was recorded in 1973. Parcel 61, Parcel 1 became landlocked and Parcel 61, Parcel 2 is a 6,185.5 square foot triangle with a small, uninhabitable house located on it. Parcel 60 (Franklin and Wynnee Butler) ended up with 2 dwellings, one occupied by Frank and Wynnee Butler and one occupied by Remus Butler. The family is now trying to adjust the property lines so that there is one dwelling per parcel and so that the landlocked parcel has access to Caulks Field Road. It is impossible to accomplish this goal without variances.

Relevant Issues

- I. Density, Height, Width, Bulk, and Fence Requirements
 - A. *Comprehensive Plan*: “Ensure that all new development or redevelopment meets a high standard of planning, workmanship, and design.” (Page 31)
 - B. *Applicable Law*: Article V, Section 7.5 of the *Kent County Land Use Ordinance* establishes the density, height, width, bulk, and fence requirements for the Village District.

Minimum Yard	
Front	20 feet
Side	8 feet
Rear	10 feet

Minimum Lot Size – 9,500 square feet
Minimum Lot Frontage – 50 feet

- A. *Staff and TAC Comments*: Multiple variances are needed in order to complete the adjustment of lot lines.

Parcel 61, Parcel 2 is being adjusted to provide adequate lot frontage to Parcel 61, Parcel 1. It will go from being triangular to rectangular; and although it will be slightly larger in size, it will not meet the minimum lot size requirement. The resulting area will be 6,969.6 square feet. A variance

of 2,530.4 square feet is necessary. Parcel 61, Parcel 2 will also require a side yard setback variance of 4 feet for the dwelling.

Parcel 61, Parcel 1 is being adjusted so that it won't be landlocked and so the owner's house will be on his property. The house is currently on Parcel 60. The proposed lot lines have been located to work around existing structures and driveways. Parcel 61, Parcel 1 requires a side yard variance of 4 feet and 0.3 feet.

Parcel 60 requires a variance of 3 feet for an accessory structure that will no longer meet the side yard setback requirement.

II. Variance

- A. *Applicable Law*: Article IX, Section 2.2 of the Kent County Land Use Ordinance authorizes the Board of Appeals to grant variances from the yard (front, side, or rear), height, bulk, parking, loading, shoreline cliff, 15% slope, pier length, impervious surface, stream protection corridor, and buffer requirements so as to relieve practical difficulties or other injustices arising out of the strict application of the provisions of this Ordinance.

Such granting of a variance shall comply, as nearly as possible, in every respect to the spirit, intent, and purpose of this Ordinance; it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable practical difficulties as distinguished from variations sought for purposes or reasons of convenience, profit, or caprice.

In order to grant a variance, the Board of Appeals must find all the following:

- a. That the variance will not cause a substantial detriment to adjacent or neighboring property.
- b. That the variance will not change the character of the neighborhood or district.
- c. That the variance is consistent with the Comprehensive Plan and the general intent of this Ordinance.
- d. That the practical difficulty or other injustice was caused by the following:
 - i. Some unusual characteristic of size or shape of the property.
 - ii. Extraordinary topographical or other condition of the property.
 - iii. The use or development of property immediately adjacent to the property, except that this criterion shall not apply in the Critical Area.
- e. That the practical difficulty or other injustice was not caused by the applicants' own actions.
- g. In considering an application for a variance, the Board shall consider the reasonable use of the entire parcel or lot for which the variance is requested.
- h. In considering an application for a variance, the Board of Appeals shall presume that the specific development activity in the Critical Area that is subject to the application and for which a variance is required does not conform with the general purpose and intent of this Ordinance and the Critical Area Law.
- i. The Board may consider the cause of the variance request and if the variance request is the result of actions by the applicant, including the commencement of development activity before an application for a variance has been filed.

- B. *Staff and TAC Comments:* The variance will not cause a substantial detriment to adjacent or neighboring properties and will not change the character of the neighborhood. The Comprehensive Plan is neutral on this application. The applicants are trying to improve the situation which is caused by the unusual size and shape of the parcels. The practical difficulty was not caused by the applicants' actions. The lot line adjustment is a reasonable request and allows for reasonable use of the properties.

STAFF RECOMMENDATION

Staff recommends approval of:

- 1) A 4-foot variance of the side yard setback requirement and a 2,530.4 square foot variance of the minimum lot size requirement for Parcel 61, Parcel 2.
- 2) A 4-foot and 0.3-foot variance of the side yard setback requirements for Parcel 61, Parcel 1.
- 3) A 3-foot variance of the side yard setback requirement for Parcel 60.

Staff recommends as a condition that the variance will lapse after the expiration of two years, if the lot line adjustment presented herein is not recorded.

BOARD OF APPEALS APPLICATION

Kent County Department of Planning, Housing and Zoning

Kent County Government Center
400 High Street • Chestertown, MD 21620
410-778-7475 (phone) • 410-810-2932 (fax)

✓ PD \$200.00
7/1/19 OK 7224
✓ PD Remaining
\$150.00 3/17/2003
check # 7333

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

Remus S. Butler Jr.
8610 CAULKS FIELD ROAD
CHESTERTOWN, MD 21620
410-778-2299

For Office Use Only:	
Case Number/Date Filed:	<u>19-35</u>
Filed by:	<u>KIRBY & ASSOC., INC.</u>
Applicant:	
Planning Commission:	<u>4/2/2020</u>
Date of Hearing:	<u>BOA: 4/20/2020</u>
Parties Notified:	
Notice in Paper:	
Property Posted:	

Email: _____
TO THE KENT COUNTY BOARD OF APPEALS: In accordance with Article _____ Section _____
of the Kent County Zoning Ordinance, as amended, request is hereby made for:

_____ Appealing Decision of Kent County Zoning Administrator Variance
_____ Special Exception _____ Non-conforming Use

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) CAULKS FIELD ROAD
In the 6TH Election District of Kent County.

Size of lot or parcel of Land: _____
Map: 35 Parcel: 61 Lot #: 1 & 2 Deed Ref: EHP 255/190
PARCELS

List buildings already on property: _____

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

If there is a homeowners association, give name and address of association: N/A

PRESENT ZONING OF PROPERTY: VILLAGE

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) APPLICANT IS REQUESTING RELIEF FROM SIDE YARD & REAR YARD
ADD LOT WIDTH REQUIREMENTS TO MINIMIZE EXISTING NON-CONFORMANCES

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

Present owner(s) of property: Remus S. Butler Jr Telephone: 410-778-2299

If Applicant is not owner, please indicate your interest in this property: _____

Has property involved ever been subject to a previous application? 19-36 (Lot Line Revision)

If so, please give Application Number and Date: _____
Revised - 04/09/08

RECEIVED
PLANNING, HOUSING & ZONING
MAY 10 3/17/2020

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: SECRETARY OF HOUSING & URBAN DEVELOPMENT
SHEPHERD MAIL OFFICE COMPLEX, SUITE 10 OKLAHOMA CITY, OK 73107

Owner(s) on the South: IRENE E. MOORE
P.O. BOX 424, CHESTERTOWN, MD. 21620

Owner(s) to the East: HILL FAMILY LIMITED PART.
5376 EASTERN HEDGE ROAD, ROCK HALL, MD. 21661

Owner(s) to the West: _____
(UNKNOWN OPERATOR)

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.

[Signature]
Signature of Owner/Applicant/Agent or Attorney

3/17/20
Date

Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$350.00** filing fee made payable to the Board of Appeals. If you have any questions, contact Clerk at 410-778-7467.

NOTICE: Neither the Board of Appeals or the Planning Office is required to make out this Application. Application should be filled in by applicant or its agent. If the Planning Office assists you, they 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.

PLAT BOOK: M.L.M. 222/534

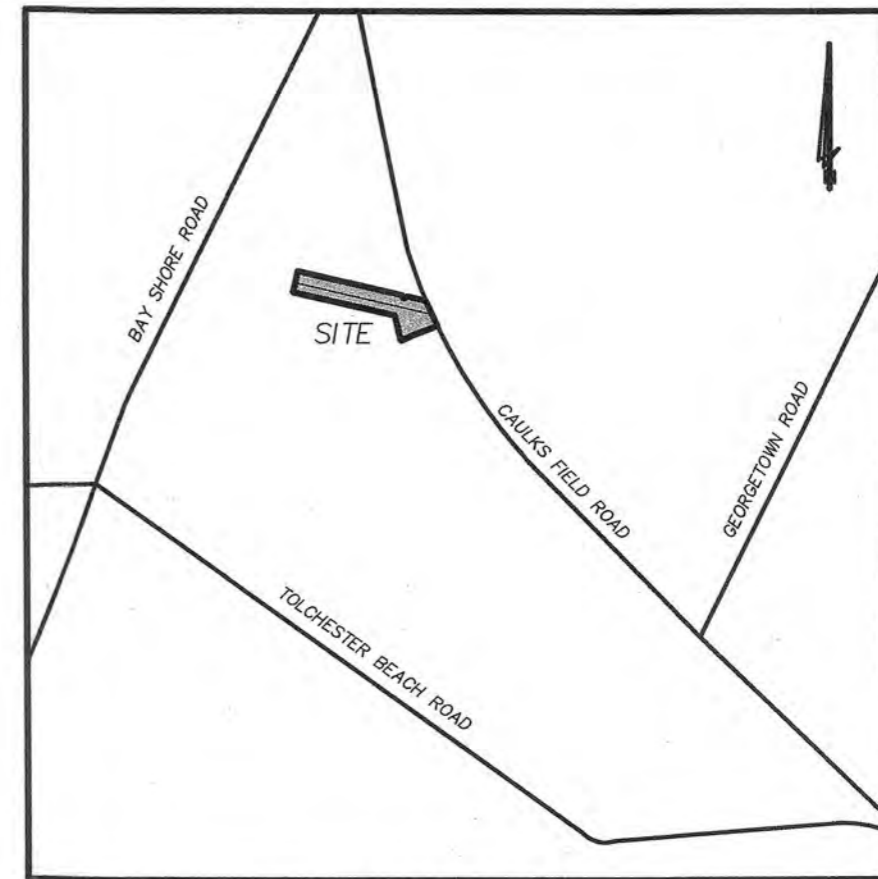
LEGEND

- DENOTES COMPUTED POINT UNLESS OTHERWISE SPECIFIED
- IRS DENOTES CAPPED IRON ROD TO BE SET
- IRF DENOTES IRON ROD FOUND
- N/F DENOTES NOW OR FORMERLY
- R/W DENOTES RIGHT-OF-WAY
- DWLG. DENOTES DWELLING

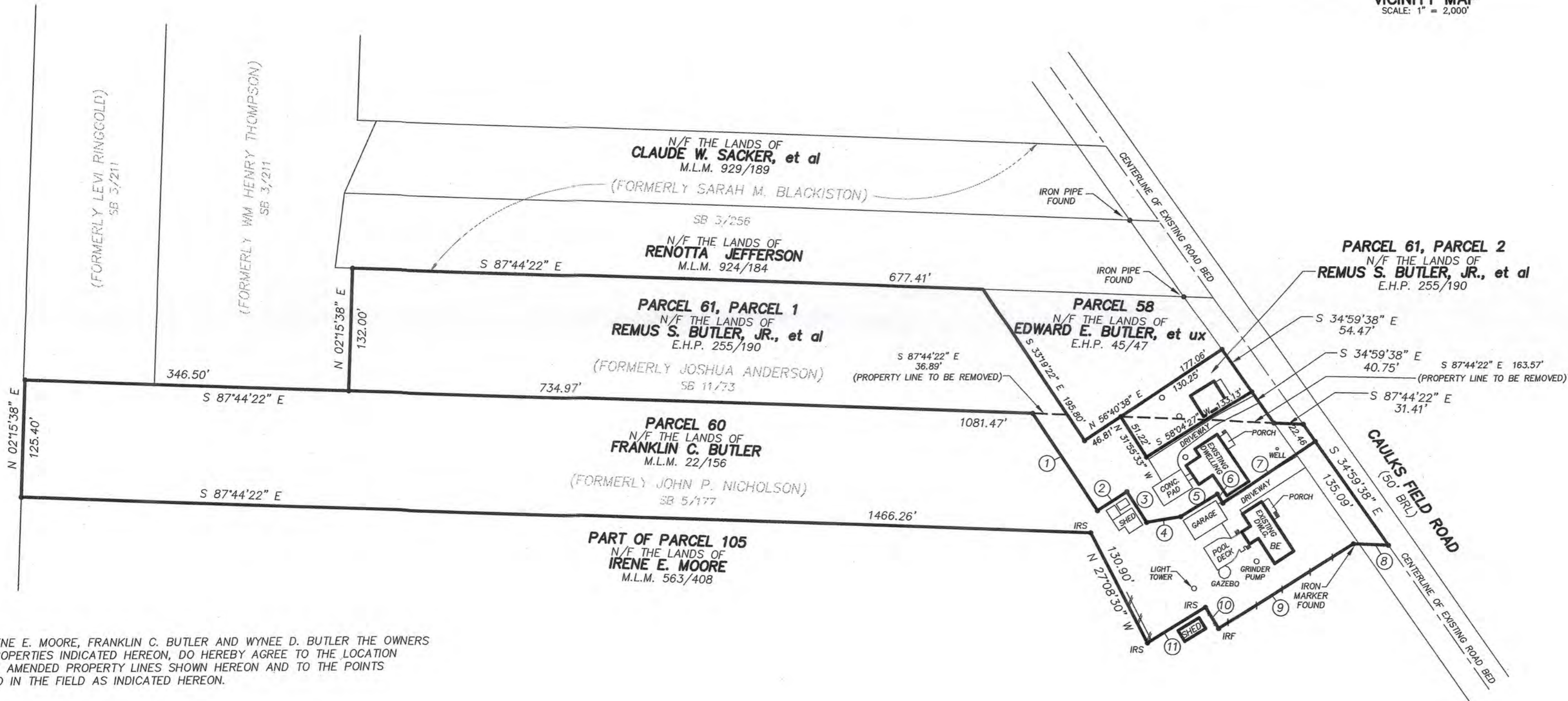
APPROVED: _____ DATE: _____ KENT COUNTY DIRECTOR OF PLANNING

APPROVED: _____ DATE: _____ KENT COUNTY HEALTH DEPARTMENT APPROVING AUTHORITY

APPROVED: _____ DATE: _____ KENT COUNTY DEPARTMENT OF WATER & WASTEWATER



VICINITY MAP
SCALE: 1" = 2,000'



WE, IRENE E. MOORE, FRANKLIN C. BUTLER AND WYNEE D. BUTLER THE OWNERS THE PROPERTIES INDICATED HEREON, DO HEREBY AGREE TO THE LOCATION OF THE AMENDED PROPERTY LINES SHOWN HEREON AND TO THE POINTS MARKED IN THE FIELD AS INDICATED HEREON.

REMUS BUTLER

FRANKLIN C. BUTLER

WYNEE D. BUTLER

NOTES:

- FOR CURRENT DEED REFERENCE SEE:
PARCEL 61, PARCEL 1 - E.H.P. 255/190
PARCEL 60 - M.L.M. 22/156
- PROPERTY ADDRESS: PARCEL 61, PARCEL 1 - 8610 CAULKS FIELD ROAD
PARCEL 60 - 8600 CAULKS FIELD ROAD
- THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A REVIEW OF AN ABSTRACT OF TITLE, WHICH MAY INDICATE EASEMENTS, RIGHTS-OF-WAY, OR OTHER ENCUMBRANCES THAT MAY NOT BE INDICATED ON THIS PLAT.

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THE LOT LINE ADJUSTMENT SHOWN HEREON IS CORRECT BASED UPON EVIDENCE AND INFORMATION IN MY POSSESSION AND WAS PREPARED BY KIRBY & ASSOCIATES, INC. AT WHICH TIME THE UNDERSIGNED REGISTERED SURVEYOR WAS IN RESPONSIBLE CHARGE OF ITS PREPARATION AND THE SURVEYING WORK REFLECTED IN IT IS IN COMPLIANCE WITH THE REQUIREMENTS STATED IN REGULATION 09.13.06.03 OF THE MARYLAND MINIMUM STANDARDS FOR SURVEYORS.

JOHN P. KIRBY _____ DATED _____
PROFESSIONAL LAND SURVEYOR No. 21151
LICENSE EXPIRES: 1/28/2021

LINE	BEARING	DISTANCE
8	N 87°44'22" W	37.59'
9	S 58°02'14" W	170.53'
10	N 31°58'09" W	26.45'
11	S 58°55'25" W	72.78'

EXISTING AREA

PARCEL 61	-	2.196 Ac.±
PARCEL 2	-	0.142 Ac.±
PARCEL 60	-	4.465 Ac.±

RESULTING AREA

PARCEL 61	-	2.657 Ac.±
PARCEL 2	-	0.160 Ac.±
PARCEL 60	-	3.986 Ac.±

NEW PROPERTY LINES

LINE	BEARING	DISTANCE
1	S 33°19'22" E	125.02'
2	N 57°22'41" E	37.49'
3	S 32°37'19" E	38.70'
4	N 80°55'32" E	37.06'
5	N 58°28'49" E	46.00'
6	S 31°31'11" E	11.22'
7	N 56°06'24" E	119.62'

KIRBY & ASSOCIATES, INC.
Professional Land
Surveying Services

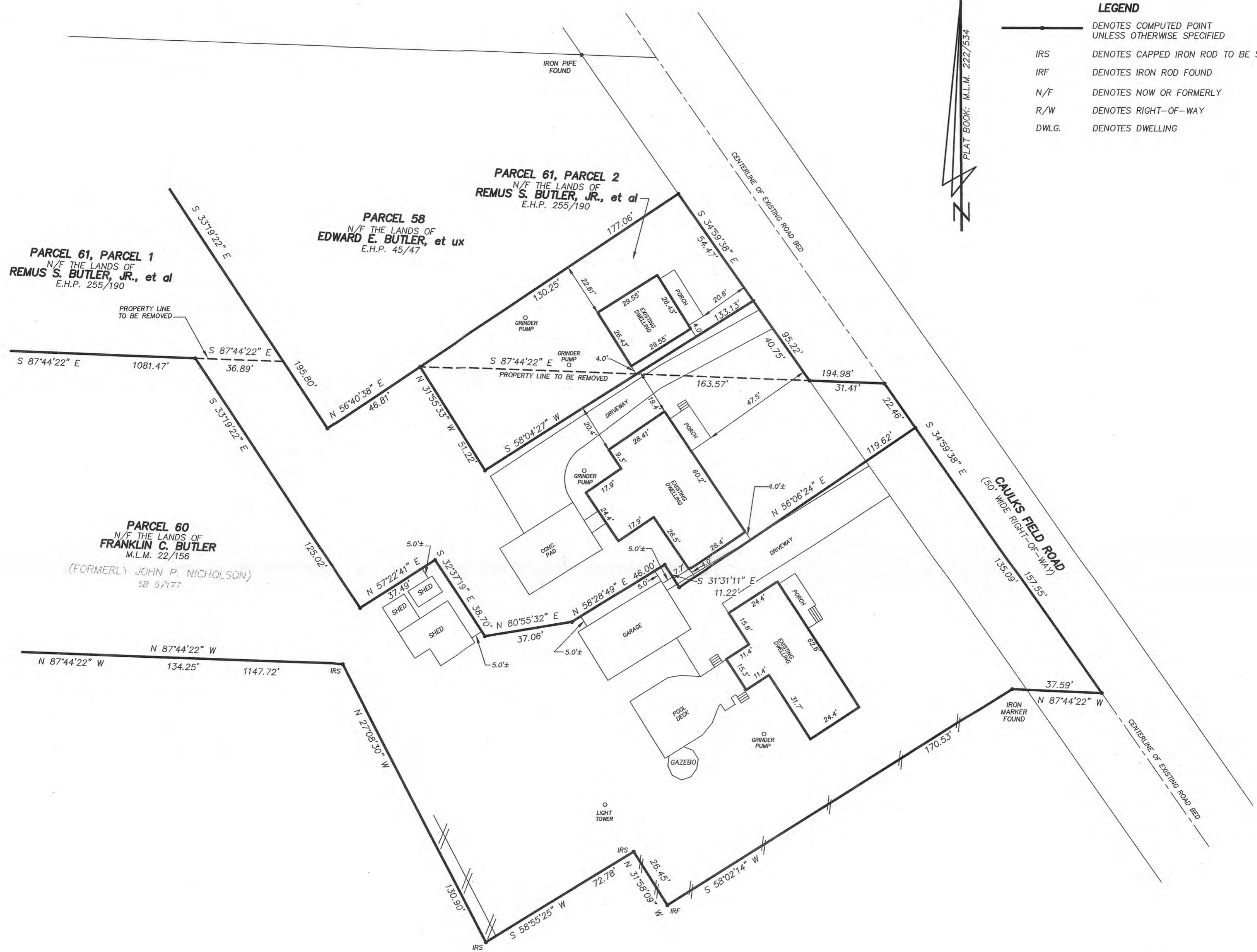
P.O. Box 27
206A Banjo Lane
Centreville, Maryland 21617
(410) 758-2726 Fax (410) 758-2312

DATE	REVISION	SCALE	DRAWN BY	DESIGNED BY	APPROVED BY	SHEET NO.	CADD FILE
JUNE 2019		1"=100'	KIRBY	KIRBY		1 OF 2	19-077

LOT LINE ADJUSTMENT
BETWEEN THE LANDS OF
FRANKLIN C. & WYNEE D. BUTLER
& **REMUS D. BUTLER, JR., et al**

TAX MAP 42 GRID 1C PARCEL 60
TAX MAP 35 GRID 4C PARCEL 61, PARCEL 1
SIXTH ELECTION DISTRICT, KENT COUNTY, MARYLAND

DATE: 3/16/20
SEAL



PLAT BOOK: M.L.M. 222/534

LEGEND

- DENOTES COMPUTED POINT UNLESS OTHERWISE SPECIFIED
- IRS DENOTES CAPPED IRON ROD TO BE SET
- IRF DENOTES IRON ROD FOUND
- N/F DENOTES NOW OR FORMERLY
- R/W DENOTES RIGHT-OF-WAY
- DWLG. DENOTES DWELLING

SEAL

3/16/20
DATE

LOT LINE ADJUSTMENT
BETWEEN THE LANDS OF
FRANKLIN C. & WYNEE D. BUTLER
& **REMUS S. BUTLER, JR., et al**
TAX MAP 42 GRID 1C PARCELS 60
TAX MAP 35 GRID 4C PARCEL 61, PARCEL 1
SIXTH ELECTION DISTRICT, KENT COUNTY, MARYLAND

KIRBY & ASSOCIATES, INC.
Professional Land
Surveying Services

P.O. Box 27
206A Banjo Lane
Centreville, Maryland 21617
(410) 758-2726 Fax (410) 758-2312

DATE	JUNE 2019	SCALE	1"=50'
JOB NO.	K-19-077	DRAWN BY	KIRBY
FOLDER REF	K-100	DESIGNED BY	KIRBY
		APPROVED BY	
SHEET NO.	1 OF 2		
CADD FILE	19-077		

- NOTES:**
1. FOR CURRENT DEED REFERENCE SEE:
PARCEL 61, PARCEL 1 - E.H.P. 255/190
PARCEL 60 - M.L.M. 22/156
 2. PROPERTY ADDRESS: PARCEL 105 - 8610 CAULKS FIELD ROAD
PARCEL 60 - 8600 CAULKS FIELD ROAD
 3. PROPERTIES INDICATED HEREON ARE SERVICED BY PUBLIC WATER & SEWER.
 4. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A REVIEW OF AN ABSTRACT OF TITLE, WHICH MAY INDICATE EASEMENTS, RIGHTS-OF-WAY, OR OTHER ENCUMBRANCES THAT MAY NOT BE INDICATED ON THIS PLAT.

EXISTING AREA	
PARCEL 61	- 2.196 Ac.±
PARCEL 2	- 0.142 Ac.±
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PARCEL 61	- 2.657 Ac.±
PARCEL 2	- 0.160 Ac.±
PARCEL 60	- 3.986 Ac.±

DEPARTMENT OF
PLANNING, HOUSING & ZONING
RECEIVED 3/17/2020

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
SUBJECT: Office of Building Recycling (OBR) Plan for Kent County – Amendment to Solid Waste/Recycling Management Plan
DATE: March 24, 2020

DESCRIPTION OF PROPOSAL

The Office Building Recycling Plan (OBR) outlines the County's plan for managing a major source of materials to be recycled. It is intended to be an added component to the County's current plan for solid waste and recycling. As required by the Maryland Department of the Environment in compliance with Section 9-507(a) of the Environment Article, Annotated Code of Maryland, Kent County must amend its 10-year Solid Waste/Recycling Management Plan to include the subject of Office Building Recycling (OBR) (Senate Bill 370). The Maryland Department of the Environmental (MDE) is requiring that before the County adopts the OBR plan, it complies "with the requirements of Section 9-506(a) of the Environment Article, Annotated Code of Maryland, regarding submittal of the plan to the County's planning agency for its certification of the OBR plan."

COMPREHENSIVE PLAN

- The proposal is consistent with the comprehensive plan which encourages household and business recycling (Page 111, of the Kent County Comprehensive Plan).

STAFF COMMENTS

The Office Building Recycling Plan is consistent with the Kent County Comprehensive Plan which encourages household and business recycling.

STAFF RECOMMENDATION

Staff recommends approval.

3.6 Office Building Recycling Program

In 2019, the Maryland General Assembly passed Senate Bill 370, Environment-Recycling-Office Buildings, requiring the collection of recyclable materials from office buildings that have 150,000 square feet or greater of office space; requiring each owner of an office building to provide recycling receptacles for the collection of recyclable materials and for the removal of certain materials for further recycling by October 1, 2021; authorizing certain enforcement units to conduct certain inspections.

By October 1, 2021, unless otherwise agreed upon between an office building owner and a tenant of the office building, as specified, each owner of an office building must provide recycling receptacles for the collection of recyclable materials and for the removal (for further recycling) of the specified materials, as determined by the county or municipality in which the building is located.

Collection and Marketing of Materials

Office building owners, tenants, or through contracting with a private sector company, are responsible for providing all containers, labor, and equipment necessary to fulfill recycling requirements throughout their office buildings. The office building owner or tenants must ensure collection and transportation of recyclable materials to markets, or other legal recycling destinations.

Materials Required to be Recycled

Office building owners/tenants shall recycle the following materials:

- Corrugated Cardboard
- Mixed Paper
- Acceptable Plastic Bottles & Jugs
- Tin/Aluminum Beverage Containers

Responsible Parties

Entities that will be involved in implementing the Office Building Recycling Program include the office building owners and tenants of applicable office buildings, Kent County or its municipalities.

Newly Established/Renovated Office Buildings with at least 150,000 square feet of Office Space

At the time of implementation of this requirement, Kent County had no properties/office buildings that fell within the guidelines. Information was obtained from the Kent County Economic Development Department and SDAT records.

Newly constructed/renovated office buildings that meet the Annotated Code of Maryland, Office Building Recycling Program requirements shall begin participating in the program within three months of being notified by a Kent County agent or its municipalities.

Development/Implementation Schedule for the Office Building Recycling Program

- Kent County is required to amend its recycling plan within the Solid Waste Management Plan by October 1, 2020
- Office building owners/tenants shall provide recycling receptacles for the collection of recyclable materials (cardboard, paper, plastic bottles, tin/aluminum cans) by October 1, 2021.

Program Monitoring

Monitoring of the collection of recyclable materials required in office buildings will be conducted by the office building owners and/or tenants.

Kent County may require the office building owner to submit an annual report (recycling survey form) detailing the recycling tonnages removed from the office buildings and the name of markets or legal recycling destinations for the materials.

Kent County may provide an exemption or alter the requirements of this plan for an office building owner or tenant due to special circumstances identified in a written request, or in response to recycling market trends/conditions that affect the county or municipalities.

Program Enforcement

The County is not required to manage or enforce the recycling activities of an office building located within the boundaries of one of its municipalities; however, an enforcement agent of the County or municipality may conduct inspections in order to enforce this program.

The Environmental Operations Division will notify the office building owners/tenants of the implementation requirements in accordance with Sections 9-1714 of the Environment Article, Annotated Code of Maryland. The County Commissioners or the County Attorney will determine if the County should enforce the law and what level of enforcement actions should be used.