

**THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND
AGENDA**

August 2, 2022

6:00 PM Call to Order/Pledge of Allegiance/Moment of Silence

Meeting Announcements

Time Is Allotted At The End Of Each Meeting For The Commissioners To Receive
Comments From The Public

Consent Items

#1 - Regular Session Minutes, July 19, 2022

#2 - Liquor Minutes, July 19, 2022

#3 - Public Hearing Minutes, July 19, 2022

County Attorney

Thomas N. Yeager, County Attorney
Legislative Session Protocol

Legislative Session

Bill Mackey, Director, Planning, Housing and Zoning

Consider for a Vote, Code Home Rule Bill 6-2022, A Zoning Text Amendment

Bill Mackey, Director, Planning, Housing and Zoning

Consider for a Vote, Code Home Rule Bill 7-2022, A Zoning Text Amendment

Human Resources Director

Public Works- Environmental Operations
MEO II Contractual Positions

County Administrator

Clarification of Public Meeting Scheduled

Hunting Regulations

Cacaway Farm Cooperative Housing Corporation

Water and Wastewater Transfer Agreement Update

Letters for Signature

Citizen Interest Form

Property Tax Assessment Appeal Board

Citizen Interest Forms

Police Accountability Board

Public Comment/Media Review

Procedures For Public Comment

For Your Information

Cindy Stone, Director, Community Development Programs, Maryland Department of
Housing and Community Development

Maryland Community Development Block Grant Program

W.W. "Buck" Duncan, President, Mid-Shore Community Foundation

Thank You Letter

Contingency Fund

Contingency and Use of Fund Balance Report

American Rescue Plan Act Funds

American Rescue Plan Act (ARPA) Funds Spend Plan

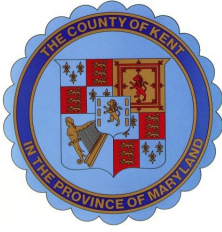
Closed Session

Marty Hale, Director, Human Resources

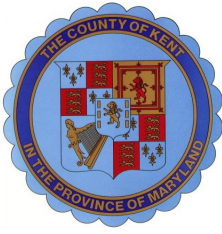
Personnel

The meeting was closed under the Annotated Code of Maryland, General Provisions Article § 3-305(b) (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals.

(Meetings are conducted in Open Session unless otherwise indicated. All or part of County Commissioners' meetings can be held in closed session under the authority of the MD Open Meetings Law by vote of the Commissioners. Breaks are at the call of the President. Please note that times listed for specific items on the agenda are only estimates, and that the order of agenda items may change as time dictates or allows. Meetings are subject to audio and video recordings.)



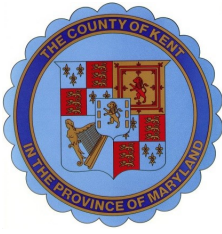
**Time Is Allotted At The End Of Each Meeting For The Commissioners
To Receive Comments From The Public
8/2/2022
County Commissioners Meeting**



**#1 - Regular Session Minutes, July 19, 2022
8/2/2022
County Commissioners Meeting**

ATTACHMENTS:

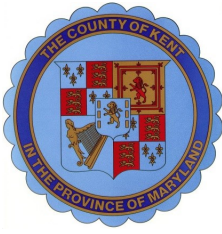
Description



**#2 - Liquor Minutes, July 19, 2022
8/2/2022
County Commissioners Meeting**

ATTACHMENTS:

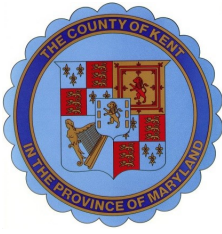
Description



**#3 - Public Hearing Minutes, July 19, 2022
8/2/2022
County Commissioners Meeting**

ATTACHMENTS:

Description



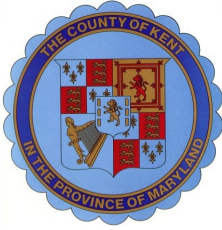
Thomas N. Yeager, County Attorney
8/2/2022
County Commissioners Meeting

Item Summary:

Legislative Session Protocol

ATTACHMENTS:

Description



Bill Mackey, Director, Planning, Housing and Zoning

8/2/2022

County Commissioners Meeting

Item Summary:

The proposed Code Home Rule Bill would amend Chapter 222, Zoning, of the County Code of Kent County, Maryland, also known as the Kent County Land Use Ordinance, by revising Article V., *District Regulations*, Section 7. *Village District*, 7.3 *Special Exceptions*, by adding a new sub-section 14, "Septic tank maintenance and excavation;" by revising Article VII., *Special Exceptions*, Section 6. *Procedures*, by adding the special exception as a new number 39.5 to the un-numbered sub-section that lists those uses requiring review by the Planning Commission prior to review by the Board of Appeals; by revising Article VII., *Special Exceptions*, Section 7. *Special Exceptions*, by creating a new sub-section 54.5 to provide for conditions for the special exception; and by clarifying the existing uses listed in the Land Use Ordinance by adding "and excavation" after "maintenance" in three places: Article V., *District Regulations*, Section 7. *Village District*, 7.2 *Permitted Principal Uses and Structures*, #27; Section 8. *Intense Village*, Section 8.2 *Permitted Principal Uses and Structures*, #10, and Section 9., *Intense Village Critical Area*, Section 9.2 *Permitted Principal Uses and Structures*, #13; and presented in the order that such provisions appear in the Land Use Ordinance.

The proposed amendment would add a new use to the Land Use Ordinance. Mr. Steven Green applied to amend the provisions for special exceptions in the Village District to include "septic tank maintenance and excavation." No other zoning district lists this specific use; however, "contractors' yards" are permitted in the Industrial District and as a special exception in AZD with an associated sand and gravel pit. The use "Home and business services such as grounds care, janitorial, exterminators, landscaping, and other repair and maintenance services, but not septic tank maintenance, subject to site plan review" is permitted in the Village, Intense Village, and Intense Village Critical Area zoning districts in the Land Use Ordinance. Crossroads Commercial zoning permits "home and business services such as ground care, cleaning, exterminators, landscaping, and other repair and maintenance services." There is no exclusion of septic tank maintenance, which would be interpreted to allow such a business under Crossroads Commercial.

Regarding the proposed use, special exceptions are permitted uses but due to their unique characteristics they require an additional level of review. Requiring review and approval by the Board of Appeals adds a level of protection for neighboring property owners. Consideration is given on a case-by-case basis of the impact of such uses on neighboring uses, the surrounding area, and of the particular use at the particular location. Specific conditions ensure the use's consistency with the character and activities at the location. Conditions are included in the proposed text amendment, as recommended by the Planning Commission.

On May 5, 2022, the Planning Commission held a public hearing and favorably recommended the zoning text amendment to the County Commissioners. A letter from the Planning Commission is attached. The Planning Commission noted that the public need is to support small businesses and allow their expansion in the proper places. The 2018 Kent County Comprehensive Plan recognizes the importance of supporting existing businesses and providing for more diversity in the size, number, and types of businesses by promoting the development of small, locally owned businesses.

On June 21, 2022, the County Commissioners introduced proposed CHR 6-2022, in order to schedule a Public Hearing on the proposed legislation.

On July 19, 2022, the Board of County Commissioners held a public hearing. No member of the public spoke at the hearing.

The item is presented tonight for adoption.

Staff recommends approval.

ATTACHMENTS:

Description

CHR Bill No. 6-2022 Septic Tank Maintenance and Excavation in the Village District DRAFT Legislation

Letter from the Planning Commission

ZTA Application by Steven Green

07.19.22 Testimony Log, Public Hearing, Code Home Rule 6-2022, Septic Tank Maintenance and Excavation in the Village District

THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND

_____, 2022
Legislative Session Day

Legislative Session Day
_____, 2022

CODE HOME RULE
BILL NO. 6-2022

INTRODUCED BY: P. Thomas Mason, President of the Board of County Commissioners for Kent County, Maryland.

AN ACT to amend Chapter 222, Zoning, of the County Code of Kent County, Maryland, also known as the Kent County Land Use Ordinance, by revising Article V., *District Regulations*, Section 7. *Village District*, 7.3 *Special Exceptions*, by adding a new sub-section 14, "Septic tank maintenance and excavation;" by revising Article VII., *Special Exceptions*, Section 6. *Procedures*, by adding the special exception as a new number 39.5 to the un-numbered sub-section that lists those uses requiring review by the Planning Commission prior to review by the Board of Appeals; by revising Article VII., *Special Exceptions*, Section 7. *Special Exceptions*, by creating a new sub-section 54.5 to provide for conditions for the special exception; and by clarifying the existing uses listed in the Land Use Ordinance by adding "and excavation" after "maintenance" in three places: Article V., *District Regulations*, Section 7. *Village District*, 7.2 *Permitted Principal Uses and Structures*, #27; Section 8. *Intense Village*, Section 8.2 *Permitted Principal Uses and Structures*, #10, and Section 9., *Intense Village Critical Area*, Section 9.2 *Permitted Principal Uses and Structures*, #13; and presented in the order that such provisions appear in the Land Use Ordinance.

THE COUNTY COMMISSIONERS OF KENT COUNTY

P. Thomas Mason, President

INTRODUCED, read the first time, _____, 2022, ordered posted and public hearing scheduled _____, 2022, at 6:00 p.m. in the County Commissioners Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, Maryland.

By order of:

Sondra M. Blackiston, Clerk

PUBLIC HEARING HAVING been posted and notice of time and place of hearing and copies having been made available to the public and the press, a public hearing was held on _____, 2020. Reported favorably [without] amendments; read a second time and ordered to be considered on _____, 2022, a legislative session day.

A BILL ENTITLED CHR 6-2022
SEPTIC TANK MAINTENANCE AND EXCAVATION IN THE VILLAGE DISTRICT

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND that the Kent County Land Use Ordinance is hereby amended as follows:

ARTICLE V.

DISTRICT REGULATIONS

...

SECTION 7. VILLAGE DISTRICT

...

7.2 PERMITTED PRINCIPAL USES AND STRUCTURES

...

26. Data processing centers, subject to *site plan* review.
27. Home and business services such as grounds care, janitorial, exterminators, landscaping, and other repair and maintenance services, but not septic tank maintenance **AND EXCAVATION**, subject to *site plan* review
-

ARTICLE V.

DISTRICT REGULATIONS

...

SECTION 7. VILLAGE DISTRICT

...

7.3 SPECIAL EXCEPTIONS

...

13. *Wind energy systems, small.*

14. SEPTIC TANK MAINTENANCE AND EXCAVATION, SUBJECT TO SITE PLAN REVIEW

BILL NO. 6-2022

CAPITALS AND BOLD INDICATE MATTER ADDED TO EXISTING LAW.

~~Strike through~~ indicates matter deleted from existing law.

ARTICLE V.

DISTRICT REGULATIONS

...

SECTION 8. INTENSE VILLAGE

...

8.2 PERMITTED PRINCIPAL USES AND STRUCTURES

...

9. Fire and rescue stations, subject to *site plan* review.
10. Home and business services such as grounds care, janitorial, exterminators, landscaping, and other repair and maintenance services, but not septic tank maintenance **AND EXCAVATION**, subject to site plan review
-

ARTICLE V.

DISTRICT REGULATIONS

...

SECTION 8. INTENSE VILLAGE CRITICAL AREA

...

9.2 PERMITTED PRINCIPAL USES AND STRUCTURES

...

12. Funeral homes, subject to *site plan* review
13. Home and business services such as grounds care, janitorial, exterminators, landscaping, and other repair and maintenance services, but not septic tank maintenance **AND EXCAVATION**, subject to *site plan* review
-

ARTICLE VII.

BILL NO. 6-2022

CAPITALS AND BOLD INDICATE MATTER ADDED TO EXISTING LAW.

~~Strike through~~ indicates matter deleted from existing law.

SPECIAL EXCEPTIONS

...

SECTION 6. PROCEDURES

...

The *Planning Commission* shall review and send a recommendation to the Board of Appeals on the following special exceptions:

...

39. Seafood processing

39.5 SEPTIC TANK MAINTENANCE AND EXCAVATION

40. *Sewage sludge land application*

...

ARTICLE VII.

SPECIAL EXCEPTIONS

...

SECTION 7. SPECIAL EXCEPTIONS

...

54. Seafood processing, including wholesale and retail sales in M provided:

...

54.5 SEPTIC TANK MAINTENANCE AND EXCAVATION IN V PROVIDED:

- a. **BUILDINGS ASSOCIATED WITH THE USE ARE NOT VISUALLY INTRUSIVE OR INAPPROPRIATE TO THE SETTING.**
- b. **NEW BUILDINGS AND EXPANSIONS SHALL BE DESIGNED IN KEEPING WITH OR TO ENHANCE THE CHARACTER OF OTHER BUILDINGS ON THE PROPERTY OR ADJACENT TO THE PROPERTY.**
- c. **ALL VEHICLES AND EQUIPMENT ASSOCIATED WITH THE BUSINESS MUST BE KEPT WITHIN A BUILDING OR SCREENED FROM THE VIEW OF PUBLIC ROADS AND ADJACENT PROPERTIES.**

BILL NO. 6-2022

CAPITALS AND BOLD INDICATE MATTER ADDED TO EXISTING LAW.

~~Strike through~~ indicates matter deleted from existing law.

- d. ALL FENCES AND LANDSCAPING MUST BE APPROVED BY THE PLANNING COMMISSION AS PART OF SITE PLAN REVIEW.**

55. *Sewage sludge land application* in AZD provided:

...

DRAFT

BE IT FURTHER ENACTED by the County Commissioners of Kent County that this Act shall take effect on the ____ day of _____.

Read Third Time _____

PASSED this ____ day of _____

Failed of Passage _____

By order of:

Sondra M. Blackiston, Clerk

THE COUNTY COMMISSIONERS OF KENT COUNTY

P. Thomas Mason, President

Ronald H. Fithian, Member

Robert N. Jacob, Jr., Member

ORDERED a fair summary thereof of the entire bill shall be published in at least one newspaper of general circulation in the County, not less than three times at weekly intervals within a four-week period.

BILL NO. 6-2022

CAPITALS AND BOLD INDICATE MATTER ADDED TO EXISTING LAW.

~~Strike through~~ indicates matter deleted from existing law.



Planning Commission
Department of Planning, Housing, and Zoning

May 31, 2021

The Honorable P. Thomas Mason, President
Kent County Board of County Commissioners
400 High Street
Chestertown, MD 21620

RE: Zoning Text Amendment related to adding “septic tank maintenance and excavation” to Village

Dear President Mason:

At its meeting on May 5, 2022, the Planning Commission reviewed an application for a zoning text amendment to amend Article V, Section 7.3 of the Village district, Special Exceptions, to include “septic tank maintenance and excavation,” which application was submitted by Steven Green of Green's Septic & Excavation, LLC.

Following a public hearing and discussion, the Planning Commission voted to make a favorable recommendation to the County Commissioners for the proposed zoning text amendment to add the use “septic tank maintenance and excavation” as a special exception to Article V, Section 7.3 as well as adding “and excavation” after the word maintenance to Section 7.2 #27, Section 8.2 #10, and Section 9.2 #13 of the Land Use Ordinance. The Planning Commission noted that the public need is to support small businesses and allow their expansion in the proper places. The Planning Commission also recommends the following conditions be added to the Special Exception:

- Buildings associated with the use are not visually intrusive or inappropriate to the setting.
- New buildings and expansions shall be designed in keeping with or to enhance the character of other buildings on the property or adjacent to the property.
- All vehicles and equipment associated with the business must be kept within a building or screened from the view of public roads and adjacent properties.
- All fences and landscaping must be approved by the Planning Commission as part of site plan review.

Sincerely,
Kent County Planning Commission

Joe Hickman
Chair

c: Shelley L. Heller, County Administrator

**APPLICATION FOR TEXT AMENDMENT TO THE
KENT COUNTY LAND USE ORDINANCE
KENT COUNTY, MARYLAND**

Kent County Department of Planning, Housing and Zoning

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

Pursuant to Article XII, "Administrative Procedures" Section 6, "Amendments", of the Kent County Land Use Ordinance, I/We Steven Green

of 10600 Hyala Ct Chestertown MD 21620 410-778-9294
Applicant's Name Telephone Number
Address

hereby petition the Kent County Commissioners to amend the Land Use Ordinance of Kent County, Maryland, as follows: Article V, Section 7.3 to add

Septic tank maintenance and excavation
and Article VII, Section 6 and Section 7
to add Septic tank maintenance and excavation

The purpose of the proposed amendment is to permit Septic maintenance
and excavation. TO be able to expand
an existing business.

Steven Green

Applicant's Signature

3-29-22

Date

Please Note: The application for an amendment to the text of this Ordinance shall, at a minimum state in particular, the Article, Section, and paragraph sought to be amended. The application shall contain the language of the proposed amendment.

Instructions: The Land Use Ordinance requires that five (5) copies for Zoning Text Amendment be submitted to the Executive Assistant to the County Commissioners accompanied by \$500.00 filing fee, payable to the County Commissioners of Kent County.

For Office Use Only:

File Number _____
Date Filed _____
Date Referred to Planning Commission _____
Date Recommend. Rec'd from Plan. Comm. _____
County Comm. Public Hearing Date _____
County Commissioners Action _____
Date of Action _____
Property Posted _____

TESTIMONY LOG

PUBLIC HEARING

July 19, 2022

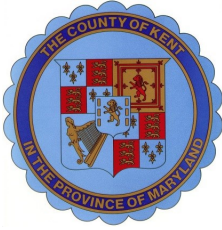
CODE HOME RULE 6-2022

Septic Tank Maintenance and Excavation in the Village District

PLEASE SIGN IF YOU WISH TO SPEAK:

NAME (Please Print)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____



Bill Mackey, Director, Planning, Housing and Zoning

8/2/2022

County Commissioners Meeting

Item Summary:

The proposed Code Home Rule Bill would amend Chapter 222, Zoning, of the County Code of Kent County, Maryland, also known as the Kent County Land Use Ordinance (LUO), Article VII, *Special Exceptions*, Section 7, *Special Exceptions*, §57.25, *Solar energy systems, utility scale*, on farms in the AZD and RCD, sub-section j and sub-section k., in order to clarify language that relates to the area of use for permitted solar arrays and the limitations set forth for adjacent properties under sub-section j., and to clarify the area developed under sub-section k.

On April 18, 2022, the Board of Appeals held a public hearing and reviewed a special exception for a *Solar Energy System, utility scale*. The Board of Appeals denied the application for the special exception and opined that the undefined term “area of use” in Section 7, §57.25 j. of the special exception provisions could be considered to include the solar array and equipment, perimeter landscaping, setback areas to the fencing, and access roadways. In order to clarify the meaning of the term “area of use,” the Board suggested that Planning staff draft a zoning text amendment to address it. Staff drafted the language and prepared to present it to the Agriculture Advisory Commission for its review and recommendation.

On May 11, 2022, the AAC met and reviewed the proposed language by staff and a letter submitted as part of the public process by the representative of the applicant for the denied special exception. The ACC voted to send a favorable recommendation to the Planning Commission and County Commissioners. The AAC noted the 10% rule applies per sub-section k., and staff made a note to address it as a text revision.

On May 18, 2022, the Board of Appeals met on another matter and discussed the proposed ZTA informally under its General Discussion item on the agenda. The Board was in favor of language that explicitly limits the area of use to those components of the energy system that are within the boundaries of the required perimeter security fence, which would not exceed 5 acres. The Board also suggested other minor edits.

On June 2, 2022, the Planning Commission held a public hearing and reviewed revised language proposed by staff based on the changes suggested by the Board of Appeals. The Planning Commission voted to send a favorable recommendation to the County Commissioners with one minor change to the proposed text.

On June 21, 2022, the County Commissioners introduced proposed CHR 7-2022, in order to schedule a Public Hearing on the proposed legislation.

On July 19, 2022, the Board of County Commissioners held a public hearing. Representatives from SGC-Power spoke in favor of the amendment. A letter that summarizes SGC-Power’s position was submitted. In the letter, a revision to the zoning text amendment is proposed. It is suggested for clarification that in the second sentence of sub-section j the term “to include” be replaced with “as” as follows: “The area of solar panel arrays shall be measured to include AS the area within the solar panel arrays’ security fence.”

The item is presented tonight for adoption as amended by interlineation.

Staff recommends approval.

ATTACHMENTS:

Description

CHR Bill No. 7-2022 Amended by Interlineation

CHR Bill No. 7-2022 Clarification of the Five-Acre Limitation For Certain Solar Arrays DRAFT Legislation

Letter to the CC from the PC re proposed ZTA

Letter to the PC from the AAC re proposed ZTA text

07.19.22 Testimony Log, Public Hearing, Code Home Rule 7-2022, Clarification of the Five-Acre Limitation for Certain Solar Arrays

THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND

June 21, 2022
Legislative Session Day

Legislative Session Day
June 21, 2022

CODE HOME RULE
BILL NO. 7-2022

INTRODUCED BY: P. Thomas Mason, President of the Board of County Commissioners for Kent County, Maryland.

AN ACT to amend Chapter 222, Zoning, of the County Code of Kent County, Maryland, also known as the Kent County Land Use Ordinance, Article VII, *Special Exceptions*, Section 7, *Special Exceptions*, §57.25, Solar energy systems, utility scale, on farms in the AZD and RCD, sub-section j and sub-section k., in order to clarify language that relates to the area of use for permitted solar arrays and the limitations set forth for adjacent properties under sub-section j., and to clarify the area developed under sub-section k.

THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND

P. Thomas Mason, President

INTRODUCED, read the first time, June 21, 2022, ordered posted and public hearing scheduled July 19, 2022, at 6:00 p.m. in the County Commissioners Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, Maryland.

By order of:

Sondra M. Blackiston, Clerk

PUBLIC HEARING

HAVING been posted and notice of time and place of hearing and copies having been made available to the public and the press, a public hearing was held on July 19, 2022. Reported favorably with a suggested amendment; read a second time and ordered to be considered on August 2, 2022, a legislative session day.

BILL NO. 7-2022, as amended by interlineation, indicated by ~~double strike through~~ for deletions and double-underlining for additions and **highlighted** for ease of location.
CAPITALS AND BOLD INDICATE MATTER ADDED TO EXISTING LAW.
~~Strike through~~ indicates all matter deleted from existing law in the introduced BILL.

**A BILL ENTITLED CHR 7-2022
CLARIFICATION OF THE FIVE-ACRE LIMITATION FOR
CERTAIN SOLAR ARRAYS**

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND that the Kent County Land Use Ordinance is hereby amended as follows:

ARTICLE VII.

SPECIAL EXCEPTIONS

...

SECTION 7. SPECIAL EXCEPTIONS

Buildings, structures, and uses for which special exceptions may be authorized and the additional standards relative thereto are as follows:

1. Accessory storage *structures* with a *floor area* of more than 1,200 square feet or a height that exceed 17 feet on parcels less than 5 acres in AZD, RCD, RC, RR, CAR, and CR.

...

57.25 *Solar energy systems, utility scale, on farms in AZD and RCD provided:*

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

- h. All solar collection devices shall register with the Department of Emergency Services and shall submit a map noting the location of the solar collection devices and the panel disconnect.
- i. Other than wire size, there shall be no alteration of utility infrastructure to accommodate the system.
- j. The area of ~~use~~ **SOLAR PANEL ARRAYS** may not exceed 5 acres ~~onsite~~. **THE AREA OF THE SOLAR PANEL ARRAYS SHALL BE MEASURED TO INCLUDE AS THE AREA WITHIN THE SOLAR PANEL ARRAYS' SECURITY FENCE.** Adjacent properties shall not aggregate solar collection panels to achieve an area exceeding 5 acres.
- k. In AZD, **ONLY the FIVE-ACRE MAXIMUM area OF SOLAR PANEL ARRAYS, AS MEASURED IN SUBSECTION J.,** developed by a utility scale solar energy system is considered *development* and counted toward the maximum percentage of the property in lots.
- l. Tree removal shall be minimized, and any removal shall be mitigated in accordance with the Critical Area Program requirements.
- m. The applicant shall demonstrate that a utility scale solar energy system shall not unreasonably interfere with the view of, or from, sites of significant public interest such as public parks, a national or state designated scenic byway, a *structure* listed in the Kent County Historic Site Survey, an historic district, or the Chesapeake Bay and its tributaries

57.5 *Solar energy systems, utility scale*, in CC, C, and CCA provided:

- a. A solar collection device or combination of devices are designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.
- b. Screening, capable of providing year-round screening, is provided along all sides that do not collect energy.
- c. Roof mounted solar collection devices shall not extend more than 10 feet from the top of the roof. The total height of the *building*, including the solar collection devices, shall comply with the height regulations established for each zoning district.
- d. Solar collection devices shall not exceed 45 feet in height
- e. All solar collection devices shall register with the Department of Emergency Services and shall submit a map noting the location of the solar collection devices and the panel disconnect.
- f. The applicant shall demonstrate that a utility scale solar energy system shall not unreasonably interfere with the view of, or from, sites of significant public interest such as public parks, a national or state designated scenic byway, a *structure* listed in the Kent County Historic Site Survey, an historic district, or the Chesapeake Bay and its tributaries.

...

BE IT FURTHER ENACTED by the County Commissioners of Kent County that this Act shall take effect on the ____ day of _____.

Read Third Time _____

PASSED this ____ day of _____

Failed of Passage _____

By order of:

Sondra M. Blackiston, Clerk

THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND

(SEAL)

P. Thomas Mason, President

Ronald H. Fithian, Member

Robert N. Jacob, Jr., Member

ORDERED a fair summary thereof of the entire bill shall be published in at least one newspaper of general circulation in the County, not less than three times at weekly intervals within a four-week period.

BILL NO. 7-2022, as amended by interlineation, indicated by ~~double strike through~~ for deletions and double-underlining for additions and **highlighted** for ease of location. **CAPITALS AND BOLD INDICATE MATTER ADDED TO EXISTING LAW.** ~~Strike through~~ indicates all matter deleted from existing law in the introduced BILL.

THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND

_____, 2022
Legislative Session Day

Legislative Session Day
_____, 2022

CODE HOME RULE
BILL NO. 7-2022

INTRODUCED BY: P. Thomas Mason, President of the Board of County Commissioners for Kent County, Maryland.

AN ACT to amend Chapter 222, Zoning, of the County Code of Kent County, Maryland, also known as the Kent County Land Use Ordinance (LUO), Article VII, *Special Exceptions*, Section 7, *Special Exceptions*, §57.25, Solar energy systems, utility scale, on farms in the AZD and RCD, sub-section j and sub-section k., in order to clarify language that relates to the area of use for permitted solar arrays and the limitations set forth for adjacent properties under sub-section j., and to clarify the area developed under sub-section k.

THE COUNTY COMMISSIONERS OF KENT COUNTY

P. Thomas Mason, President

INTRODUCED, read the first time, _____, 2022, ordered posted and public hearing scheduled _____, 2022, at 6:00 p.m. in the County Commissioners Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, Maryland.

By order of:

Sondra M. Blackiston, Clerk

PUBLIC HEARING HAVING been posted and notice of time and place of hearing and copies having been made available to the public and the press, a public hearing was held on _____, 2022. Reported favorably [without] amendments; read a second time and ordered to be considered on _____, 2022, a legislative session day.

BILL NO. 7-2022

CAPITALS AND BOLD INDICATE MATTER ADDED TO EXISTING LAW.

~~Strike through~~ indicates matter deleted from existing law.

**A BILL ENTITLED CHR 7-2022
CLARIFICATION OF THE FIVE-ACRE LIMITATION FOR
CERTAIN SOLAR ARRAYS**

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND that the Kent County Land Use Ordinance is hereby amended as follows:

ARTICLE VII.

SPECIAL EXCEPTIONS

...

SECTION 7. SPECIAL EXCEPTIONS

Buildings, structures, and uses for which special exceptions may be authorized and the additional standards relative thereto are as follows:

1. Accessory storage *structures* with a *floor area* of more than 1,200 square feet or a height that exceed 17 feet on parcels less than 5 acres in AZD, RCD, RC, RR, CAR, and CR.

...

57.25 *Solar energy systems, utility scale, on farms in AZD and RCD provided:*

- a. A solar collection device or combination of devices are designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.
- b. Screening, capable of providing year-round screening, is provided along all sides that do not collect energy.
- c. Roof mounted solar collection devices shall not extend more than 10 feet from the top of the roof. The total height of the *building*, including the solar collection devices, shall comply with the height regulations established for each zoning district.
- d. Solar collection devices shall not exceed 38 feet in height.
- e. The solar collection system shall be incidental to the use of the farm.
- f. Installation of the solar collection system shall not adversely impact adjacent properties.
- g. All *structures* associated with the solar collection system shall be neither visually intrusive nor inappropriate to their setting.
- h. All solar collection devices shall register with the Department of Emergency Services and shall submit a map noting the location of the solar collection devices and the panel disconnect.
- i. Other than wire size, there shall be no alteration of utility infrastructure to accommodate the system.
- j. The area of ~~use~~ **SOLAR PANEL ARRAYS** may not exceed 5 acres ~~onsite~~. **THE AREA OF THE SOLAR PANEL ARRAYS SHALL BE MEASURED TO INCLUDE THE**

AREA WITHIN THE SOLAR PANEL ARRAYS' SECURITY FENCE. Adjacent properties shall not aggregate solar collection panels to achieve an area exceeding 5 acres.

- k. In AZD, **ONLY the FIVE-ACRE MAXIMUM area OF SOLAR PANEL ARRAYS, AS MEASURED IN SUBSECTION J.,** ~~developed by a utility scale solar energy system~~ is considered *development* and counted toward the maximum percentage of the property in lots.
- l. Tree removal shall be minimized, and any removal shall be mitigated in accordance with the Critical Area Program requirements.
- m. The applicant shall demonstrate that a utility scale solar energy system shall not unreasonably interfere with the view of, or from, sites of significant public interest such as public parks, a national or state designated scenic byway, a *structure* listed in the Kent County Historic Site Survey, an historic district, or the Chesapeake Bay and its tributaries

57.5 *Solar energy systems, utility scale*, in CC, C, and CCA provided:

- a. A solar collection device or combination of devices are designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.
- b. Screening, capable of providing year-round screening, is provided along all sides that do not collect energy.
- c. Roof mounted solar collection devices shall not extend more than 10 feet from the top of the roof. The total height of the *building*, including the solar collection devices, shall comply with the height regulations established for each zoning district.
- d. Solar collection devices shall not exceed 45 feet in height
- e. All solar collection devices shall register with the Department of Emergency Services and shall submit a map noting the location of the solar collection devices and the panel disconnect.
- f. The applicant shall demonstrate that a utility scale solar energy system shall not unreasonably interfere with the view of, or from, sites of significant public interest such as public parks, a national or state designated scenic byway, a *structure* listed in the Kent County Historic Site Survey, an historic district, or the Chesapeake Bay and its tributaries.

...

BE IT FURTHER ENACTED by the County Commissioners of Kent County that this Act shall take effect on the ____ day of _____.

Read Third Time _____

PASSED this ____ day of _____

Failed of Passage _____

By order of:

Sondra M. Blackiston, Clerk

THE COUNTY COMMISSIONERS OF KENT COUNTY

P. Thomas Mason, President

Ronald H. Fithian, Member

Robert N. Jacob, Jr., Member

ORDERED a fair summary thereof of the entire bill shall be published in at least one newspaper of general circulation in the County, not less than three times at weekly intervals within a four-week period.

BILL NO. 7-2022

CAPITALS AND BOLD INDICATE MATTER ADDED TO EXISTING LAW.

~~Strike through~~ indicates matter deleted from existing law.



Department of Planning, Housing, and Zoning

June 9, 2021

The Honorable P. Thomas Mason, President
Kent County Board of County Commissioners
400 High Street
Chestertown, MD 21620

RE: Zoning Text Amendment related to *Solar Energy Systems, utility scale*, in AZD and RCD

Dear President Mason:

At its meeting on June 2, 2022, the Planning Commission reviewed an application for a zoning text amendment to amend the Land Use Ordinance (LUO), Article VII, *Special Exceptions*, Section 7, *Special Exceptions*, §57.25, *Solar energy systems, utility scale*, on farms in the AZD and RCD, sub-section j and sub-section k., in order to clarify language that relates to the area of use for permitted solar arrays and the limitations set forth for adjacent properties under sub-section j., and to clarify the area developed under sub-section k.

Following a public hearing, the Planning Commission voted to make a favorable recommendation to the County Commissioners for the proposed zoning text amendment noting the following:

- Elimination of the proposed phrase “by erecting solar panel arrays in close proximity to each other” in the second sentence of sub-section j., and
- Supporting staff’s recommendation in sub-section k.

Sincerely,

Joe Hickman
Chair

c: Shelley L. Heller, County Administrator



Agriculture Advisory Commission
Department of Planning, Housing, and Zoning

May 23, 2022

Joe Hickman, Chair
Kent County Planning Commission
400 High Street
Chestertown, MD 21620

RE: Zoning Text Amendment to amend Article VII, *Special Exceptions*, Section 7, *Special Exceptions*, §57.25, *Solar energy systems, utility scale*, on farms in AZD and RCD, sub-section j.

Dear Mr. Hickman:

The Kent County Agriculture Advisory Commission has reviewed the proposed amendment to the *Kent County Land Use Ordinance*, Article VII, *Special Exceptions*, Section 7, *Special Exceptions*, §57.25, *Solar energy systems, utility scale*, on farms in AZD and RCD, sub-section j., in order to clarify language that relates to the area of permitted solar arrays and referred to as “area of use” and to clarify the limitations set forth for adjacent properties. The members found that there is a need to clarify the language and voted to recommend the following:

“The area of use may not exceed 5 acres onsite. **Area of use means the area within the solar array’s security fence or approved barrier.** Adjacent properties shall not aggregate solar collection panels to achieve an area exceeding 5 acres.”

If you have any questions or concerns in this regard, kindly contact our staff in the Department of Planning, Housing, and Zoning.

Sincerely,

/s/ Jennifer Debnam

Jennifer Debnam
Chair

TESTIMONY LOG

PUBLIC HEARING

July 19, 2022

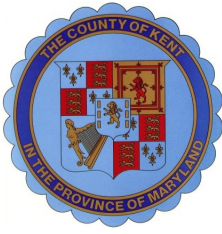
CODE HOME RULE 7-2022

Clarification of the Five-Acre Limitation For Certain Solar Arrays

PLEASE SIGN IF YOU WISH TO SPEAK:

NAME (Please Print)

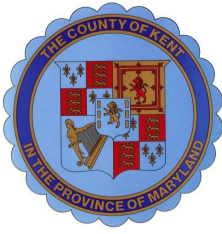
1. Tyler Jones - SGC Power
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____



Public Works- Environmental Operations 8/2/2022 County Commissioners Meeting

Item Summary:

MEO II Contractual Positions



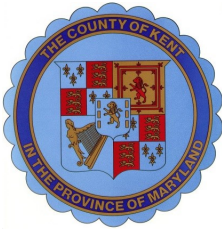
Clarification of Public Meeting Scheduled 8/2/2022 County Commissioners Meeting

Item Summary:

Hunting Regulations

ATTACHMENTS:

Description



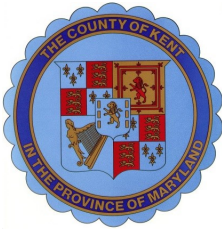
Cacaway Farm Cooperative Housing Corporation
8/2/2022
County Commissioners Meeting

Item Summary:

Water and Wastewater Transfer Agreement Update

ATTACHMENTS:

Description



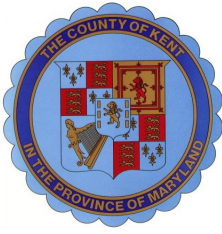
Citizen Interest Form
8/2/2022
County Commissioners Meeting

Item Summary:

Property Tax Assessment Appeal Board

ATTACHMENTS:

Description



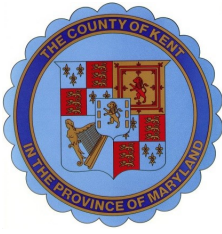
Citizen Interest Forms 8/2/2022 County Commissioners Meeting

Item Summary:

Police Accountability Board

ATTACHMENTS:

Description



Procedures For Public Comment 8/2/2022 County Commissioners Meeting

ATTACHMENTS:

Description

Press and Public Comments 2022

08.02.22 Public Comments Sign In Sheet

Press and Public Comments

Time is allotted at the beginning and end of each meeting for the Commissioners to receive comments from the public. Anyone interested in speaking must sign up on the provided The Public Comment sign-up sheet is located on the table inside the meeting room.

The President of the Board will call the names of the listed individuals when it is time to speak. When making comments, individuals are asked to speak slowly, clearly, and concisely. Precede all comments with your name and address and speak only on the subject under discussion.

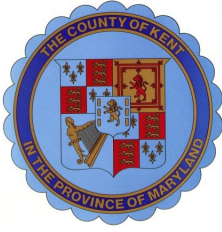
Comments in writing are welcomed and should be given to the staff after your presentation. Any person making personal, impertinent, or slanderous remarks, or whose speech or actions become disruptive, will be asked to leave the meeting.

Interested parties may address the Commissioners in writing at any time about any matter pertaining to County business. Written statements can be hand-delivered or mailed to:

The County Commissioners of Kent County, Maryland
400 High Street
Chestertown, MD 21620

**PUBLIC COMMENTS
SIGN IN SHEET
August 2, 2022**

NAME (please print)	ADDRESS	TOPIC
Nick Watson	21908 Yerkey Rd Rock Hall	Sewer Allocation - Allens Ln



**Cindy Stone, Director, Community Development Programs, Maryland
Department of Housing and Community Development**

8/2/2022

County Commissioners Meeting

Item Summary:

Maryland Community Development Block Grant Program

ATTACHMENTS:

Description

08.02.22 Cindy Stone, Director, Community Development Programs, Maryland Department of Housing and Community Development, National Objective, MD CDBG Program, Grant Number CV-1-7 Legal Services



LARRY HOGAN
Governor
BOYD K. RUTHERFORD
Lt. Governor
KENNETH C. HOLT
Secretary
OWEN MCEVOY
Deputy Secretary

July 6, 2022

The Honorable P. Thomas Mason
President
Board of County Commissioners
Kent County
400 High Street
Chestertown MD 21620

Re: National Objective
Maryland Community Development Block Grant Program
Grant Number: CV-1-7 Legal Services

Dear President Mason:

This letter is in response to your recent letter regarding the above referenced Maryland Community Development Block Grant project. It was estimated by the County that, by the end of the grant period, that 123 households would benefit from legal services required as a result of COVID-19. Per your letter, County staff request an amendment to lower the estimated number of households from 123 households to 24 households, to lessen demand of administrative documentation that would otherwise need to be completed by Midshore Pro Bono.

No amendment is needed at this time. The County will be expected to meet and provide full documentation for all households that benefit, by the end of the grant term on July 31, 2023. The County will not be penalized if the number does not meet the estimated number of households.

If you have any questions or concerns, please contact your Project Manager, Justin Fair, via the office phone number, 301-429-7499. Thank you for your time and attention to this matter.

Sincerely,

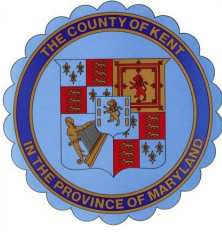
Cindy Stone
Director
Community Development Programs

cc: William Mackey, County
Justin Fair, CDBG

County Commissioners
Office

Date 7-11-22 LLC





**W.W. "Buck" Duncan, President, Mid-Shore Community Foundation
8/2/2022
County Commissioners Meeting**

Item Summary:

Thank You Letter

ATTACHMENTS:

Description

08.02.22 W.W. (Buck) Duncan, President, Mid Shore Community Foundation, Thank You Letter, Allocation of Funds



Mid-Shore
Community Foundation

The Bullitt House, 102 East Dover Street, Easton, MD 21601 | 410.820.8175 | MSCF.ORG

July 20, 2022

Ms. Shelley Heller
Kent County Commissioners
400 High Street
Chestertown, MD 21620

Dear Ms. Heller,

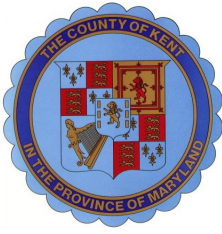
Thank you for your gift of \$1,000.00 (check #139883) to the **Imagination Library Kent County Fund**, a component fund of the Mid-Shore Community Foundation, which we received on July 12, 2022. It is this kind of generosity and understanding of the impact of local giving that enables us to support and facilitate philanthropy in our community. The Kent County Commissioners's support of the Mid-Shore Community Foundation and its various causes is greatly appreciated.

Sincerely,

W.W. "Buck" Duncan
President

County Commissioners
Office

Date 7-25-22 *LL*



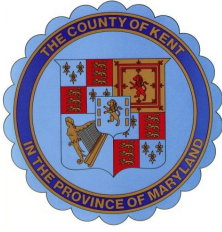
Contingency and Use of Fund Balance Report 8/2/2022 County Commissioners Meeting

ATTACHMENTS:

Description

7-17-2022 Commissioner Report Contingency

[illegible]



American Rescue Plan Act (ARPA) Funds Spend Plan 8/2/2022 County Commissioners Meeting

ATTACHMENTS:

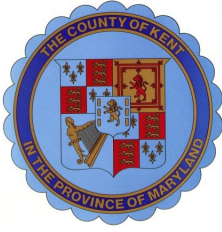
Description

7-17-2022 ARPA Fund Commissioner Report

**FY22 AMERICAN RESCUE PLAN ACT FUND
AS OF COMMISSIONER MEETING MINUTES DATED
7/17/2022**

AMERICAN RESCUE PLAN ACT FUND

DATE APPROVED	DEPARTMENT	AMOUNT APPROVED	DESCRIPTION
8/31/2021	Water & Wastewater Fund	\$ 275,000	Clariflocculator Replacement Project
9/21/2021	KC Local Management Board	112,800	Feed the Elderly Year 1
10/26/2021	Information Technology	67,429	AV System
10/26/2021	Information Technology	27,095	IT Software
12/14/2021	Information Technology	665,000	Neighborhood Grants & Infrastructure Grants Office of Statewide Broadband
1/11/2022	Water & Wastewater Fund	2,817	Change order #1 equipment and cabinet, Fairlee Clariflocculator Replacement Project
1/11/2022	Water & Wastewater Fund	90,642	Change order #2 Demo, aeration tower, Fairlee Clariflocculator Replacement Project
2/1/2022	Emergency Operations Center	14,087	A/V equipment in EOC-video conferencing
2/8/2022	Water & Wastewater Fund	110,065	SCADA Pump Station Monitoring
2/8/2022	Water & Wastewater Fund	57,500	Kent County Regional Wastewater Treatment Plant Feasibility Study-Millington/Rt 301
2/8/2022	Water & Wastewater Fund	52,910	Tolchester Wastewater Treatment Plant Influent Screen Replacement Project-design services
3/8/2022	KC Local Management Board	204,115	Feed the Elderly Year 2 and Year 3
3/22/2022	Water & Wastewater Fund	32,981	Worton WWTP influent lagoon-engineering- Design and bid services
AMOUNT OF FUNDS COMMITTED		<u>\$ 1,712,441</u>	
AMOUNT OF ARPA FUNDS		<u>\$ 3,766,777</u>	
BALANCE OF ARPA FUNDS REMAINING		<u>\$ 2,054,336</u>	



Marty Hale, Director, Human Resources
8/2/2022
County Commissioners Meeting

Item Summary:

Personnel

The meeting was closed under the Annotated Code of Maryland, General Provisions Article § 3-305(b) (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals.

ATTACHMENTS:

Description