

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor



Charles C. Deegan
Chairman
Katherine Charbonneau
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

June 9, 2020

William Mackey
Director of Planning, Housing, and Zoning
Kent County
400 High Street
Chestertown, Maryland 21620

Re: **Kent County Critical Area Program
Zoning Text Amendment
Code Home Rule Bill 1-2020**

Dear Mr. Mackey:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above-referenced amendment to the County's Critical Area Program. On June 3, 2020 the Critical Area Commission concurred with my determination that Code Home Rule Bill 1-2020 be reviewed as a refinement to the County's Growth Allocation Policy. I approved the refinement on the same day with the following condition:

1. The County must amend the Land Use Ordinance Section 2.2.17 and add Sections 2.2.18 and 2.7.A.7 as described in the attachment to this letter. Language in ~~striketrough~~ must be deleted and language that is **bolded and underlined** must be added.

Please note that the refinement must be reflected in the County's Critical Area Program within 120 days of the date of this letter. Please provide a copy of the amended ordinance to the Commission staff when it is available.

Thank you for your time and efforts regarding this program update. If you have any questions or concerns, please contact this office at (410) 260-3460.

Sincerely,

A handwritten signature in black ink that reads "Charles C. Deegan".

Charles C. Deegan
Chairman, Critical Area Commission
Chesapeake and Atlantic Coastal Bays

Enclosure

Article V. District Regulations, Section 2. Resource Conservation District, Section 2.2 Permitted Principal Uses and Structures.

17. Conference centers, resorts, retreats, ~~campgrounds~~, hotels, and motels existing and in use as of August 1, 1989 in the RCD. It is the intent of this section to provide for the continued existence and operation as well as the expansion of conference centers, resorts, retreats, ~~campgrounds~~, hotels and motels existing and in use as of August 1, 1989 in the RCD. It is not the intent to permit the creation of new conference centers, resorts, retreats, ~~campgrounds~~, hotels or motels, but rather to protect those enterprises that existed in the RCD on August 1, 1989. An expansion shall require site plan review by the Planning Commission and shall require a net improvement in water quality at or leaving the site. An expansion may require growth allocation.

18. Campgrounds existing and in use as of August 1, 1989 in the RCD. It is the intent of this section to provide for the continued existence and operation as well as the intensification or expansion of campgrounds existing and in use as of August 1, 1989 in the RCD. It is not the intent to permit the creation of new campgrounds, but rather to protect those enterprises that existed in the RCD on August 1, 1989. Any expansion or intensification of an existing campground, including the addition of sites or conversion of existing sites to allow for additional recreational vehicles, shall require growth allocation.

Article V. District Regulations, Section 2. Resource Conservation District, Section 2.7 Resource Conservation District Environmental Standards, A. Resource Conservation District General Environmental Standards

7. Growth Allocation

Any property that receives growth allocation shall comply with the requirements of COMAR 27.01.02.06 as well as the Kent County Growth Allocation Policy. In addition to the standards of 2.7.B. below, the following standards apply:

a. Water Quality

Within a new Intensely Developed Area, new development or redevelopment shall reduce the pollutant loadings leaving the site by at least 10%.

b. Setbacks

A new Intensely Developed Area or Limited Development Area shall be located at least 300 feet beyond the landward edge of tidal wetlands or tidal waters. An applicant must provide an equivalent offset if the setback requirement cannot be met.

c. Lot Coverage

Properties granted growth allocation in accordance with the Kent County Growth Allocation Policy may be exempt from the 15% lot coverage requirement.

**A BILL ENTITLED CHR 1-2020
CAMPGROUNDS AND RECREATIONAL VEHICLES**

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 III.
DISTRICTS AND DISTRICT MAPS**

SECTION 1. ESTABLISHMENT OF DISTRICTS

...

Within the Intense Development Area of the *Critical Area*:

Intense Village Critical Area (IVCA)
Marine (M)
Industrial Critical Area (ICA)
Conference centers, resorts, retreats, campgrounds and other uses that have received growth allocation.
Commercial Critical Area parcels that have received growth allocation

...

**ARTICLE V.
DISTRICT REGULATIONS**

...

SECTION 2. RESOURCE CONSERVATION DISTRICT

...

SECTION 2.2 PERMITTED PRINCIPAL USES AND STRUCTURES

A *building* or land shall be used only for the following purposes:

1. *Agriculture* including horticultural, hydroponics or general farming, orchards, groves, or nurseries for growing or propagation of plants, trees, and shrubs.

...

17. *Conference centers, resorts, retreats, **CAMPGROUNDS**, hotels, and motels* existing and in use as of August 1, 1989, in the Resource Conservation District. It is the intent of this section to provide for the continued existence and operation as well as the expansion of *conference centers, resorts, retreats, **CAMPGROUNDS**, hotels, and motels* existing and in use as of August 1, 1989 in the Resource Conservation District. It is not the intent to permit the creation of new *conference centers, resorts, retreats, **CAMPGROUNDS**, hotels, or motels*, but rather to protect those

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enterprises that existed in the Resource Conservation District on August 1, 1989. An expansion shall require *site plan* review by the *Planning Commission* and shall require a net improvement in water quality at or leaving the site. An expansion may require growth allocation.

ARTICLE XI. DEFINITIONS

...

SECTION 2. DEFINITIONS

For the purpose of this ordinance, certain terms and words are hereby defined.

1. Acceptable Outfall - The tidewater or that point as determined by the Kent County Soil and Water Conservation District where *stormwater* can be released to a channel without causing scouring, erosion, or resulting sedimentation to the receiving channel or its *floodplain*. (Where necessary, the outlet shall include structural and vegetative measures to assure non-erosive velocities.)

...

46. Campground - Any area or *tract* of land owned by a single entity to which accommodations for temporary and not year-round occupancy are located or may be placed including cabins, tents, **RECREATIONAL VEHICLES**, and campers, and which is used for recreational purposes and retains an open air or natural character.

...

BE IT FURTHER ENACTED by the County Commissioners of Kent County that this Act shall take effect on the 13~~th~~ day of March, 2020.

Read Third Time March 3, 2020

PASSED this 3rd day of March, 2020.

Failed of Passage _____

By order of:


Sandra M. Blackiston, Clerk


(SEAL)



THE COUNTY COMMISSIONERS OF KENT
COUNTY, MARYLAND


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.

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