

# Kent County Planning Commission

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Kent County Government Center  
400 High Street  
Chestertown, Maryland 21620

FACSIMILE 410-810-2932

July 13, 2020

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

Re: Amendment to Growth Allocation Policy – Adoption by Resolution, Critical Area Commission Conditions

Dear Mr. Mason:

At its July 2, 2020 meeting, the Kent County Planning Commission reviewed and discussed revisions to the Kent County Growth Allocation Policy per conditions of the Critical Area Commission refinement approval. At their June 3, 2020 meeting the Critical Area Commission reviewed the previously adopted Growth Allocation Policy. The resolution (2020-03) was determined to be a refinement of the County's Critical Area Program which required approval by the Critical Area Commission. The refinement to the Policy was approved with conditions.

The conditions include revisions to the adopted resolution in order for it to be consistent with the Critical Area Law and formatting changes to improve the readability. The required revisions and additions to Section 2.2.g through 2.2.j are in **BOLD, CAPITAL LETTERS** and deletions are in ~~strike through~~ as follows:

- g. New Intensely Developed Areas shall be located in ~~(1)-a~~ **AN EXISTING** Limited Development Areas, or ~~(2)~~ adjacent to an existing Intensely Developed Area, ~~or (3) be~~ **UNLESS:**
  - i. **THE PROJECT IS** related To A Tourism, Heritage Development, Or Marine Use ~~That Is Part Of A Project~~ that will expand or intensify a lawfully existing intensive use;
  - ii. **IS CURRENTLY SERVED BY PUBLIC SEWER, OR WILL USE A BEST AVAILABLE TECHNOLOGY (BAT) ONSITE SEWAGE DISPOSAL SYSTEM; AND**
  - iii. **IS CONSISTENT WITH THE COMPREHENSIVE PLAN.**
- i. h. All new IDAs shall be located:
  - a. i. Within a planned, designated growth area that has been identified by the Comprehensive Plan; or
  - b. ii. ~~Within~~ a previously developed commercial and/or industrial area with public water and sewer and other public infrastructure; or
  - c. iii. Outside of a designated growth area, where the nature of the proposed IDA requires such location and is also part of a project that will expand or intensify a lawfully existing intensive use that existed as of April 12, 1988.
- ii. i. All new IDAs shall have a minimum area of at least 20 acres, unless:

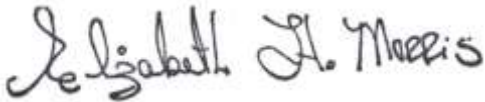


- ~~a.~~ **i.** The proposed area is contiguous to an existing IDA or LDA, which is at least 20 acres in size;  
or  
~~b.~~ **ii.** The proposed area contains a grandfathered commercial, industrial, institutional, or marine  
use that existed as of April 12, 1988.

- ~~h.~~ **j.** The application for growth allocation shall comply with the requirements found in Natural  
Resources Article 8-1808.1(c) **AND COMAR 27.01.02.06 - .06-4.**

Following a discussion, the Planning Commission voted unanimously to send a favorable recommendation for the amendment to the Kent County Growth Allocation Policy to reformat Section 2.2.g through 2.2.j to be consistent with the Critical Area Law and the conditions placed on the previous Resolution.

Sincerely,  
Kent County Planning Commission

A handwritten signature in cursive script that reads "Elizabeth H. Morris".

Elizabeth H. Morris  
Chairman  
EHM/sij