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**BACKGROUND MEMORANDUM**

DATE: APRIL 26, 2022  
TO: QUEEN ANNE'S COUNTY COMMISSIONERS  
FROM: AMY G. MOREDOCK, DIRECTOR, PLANNING AND ZONING  
STEPHANIE JONES, PRINCIPAL PLANNER  
SUBJECT: 2022 QUEEN ANNE'S COUNTY COMPREHENSIVE PLAN AND  
KENT NARROWS COMMUNITY PLAN – FINAL REVIEW AND EDITING

**Introduction:** The final public hearing was held by the County Commissioners on 12 April 2022 regarding the Planning Commission-endorsed drafts of the 2022 Queen Anne's County Comprehensive Plan and Kent Narrows Community Plan. The final step in this public planning exercise is for the County Commissioners to give Planning and Wallace Montgomery staff (Staff) guidance regarding any suggested edits to those draft documents.

There are three items before the Board upon which Staff requests direction: 1) recommended actions regarding PUBLIC COMMENTS, 2) Planning Commission recommendations on the COMPREHENSIVE REZONING REQUESTS, and 3) Consideration of the GROWTH AREAS.

**1) PUBLIC COMMENTS**

The Commissioners received a public comment sheet on 12 April 2022 that captured all public input and Staff's recommended edits and actions. Leading up to and on that date, the Commissioners also received letters from the Bay Area Association of Realtors (BAAR), Corsica River Conservancy (CRC), Eastern Shore Land Conservancy (ESLC). In addition, the Kent Narrows Development Foundation (KNDF) submitted supplemental comments. Staff offers these recommendations for Commissioner consideration:

- BAAR – No change needed. The comments received seek further clarification and assurance of the County's stated short- and long-term goals to actively pursue solutions to the sewer capacity limitations within its Growth Area. In addition, there is a request to strike references to reserving existing capacity for commercial development. The Plan gives direction to both support infill and redevelopment which includes mixed use development (a combination of residential and commercial uses) and further to amend the Sewer Allocation Policy (revisit Resolution 04-68).
- CRC – No change needed. The comments received reiterate emphasis on implementation, enforcement, and updating the impervious coverage data. The Plan has addressed those concerns through recommended actions to report on Plan implementation annually and to update the impervious surface coverage data.
- ESLC – No changes proposed.
- KNDF – No change needed. The desired changes, namely those related to apartment uses and capital improvements are not appropriate to the community plan but would be appropriately articulated in a

Kent Narrows Strategic Plan. This planning exercise is noted in the Implementation Strategies section of the KN Community Plan.

In addition to the recommended actions within the public comment document and those noted above, Staff made technical edits to both Plans, having combed through the final draft and found typos, wording choices, and points of clarity/inconsistency. These edits apply to both text and maps. None of these technical edits were substantive in nature or impacted intended direction given by stakeholders.

### **SUGGESTED MOTION**

The County Commissioners have reviewed and considered the 2022 Queen Anne's County Comprehensive Plan and the Kent Narrows Community Plan and all comments received on those Plans. Therefore, the County Commissioners concur, in general, with the means of addressing comments provided by the Staff and direct Staff to amend the Planning Commission recommended Plans accordingly.

## 2) COMPREHENSIVE REZONING REQUESTS

The Technical Advisory Committee, comprised of staff, offered guidance and recommendations for each of the 48 comprehensive rezoning requests to the Planning Commission for consideration at its 8 July 2021 meeting. In general, the Planning Commission and the Technical Committee were in agreement on all requests but three – all three of which were requests for Growth Area expansion. In total there were four Growth Area expansion requests presented.

One of those four appropriately recognizes the results of past litigation and the Planning Commission's favorable recommendation should be updated.

### 1. CRR 45: Kent Island, LLC – Bay Bridge Cove, Stevensville

- The Technical Advisory Committee supported the Growth Area expansion for this parcel as it is in fact almost already fully developed to Growth Area standards pursuant to a November 5, 2007 order of the Circuit Court to immediately provide water and sewer service.

Regarding the other 3 applications, and the legal opinion following the Planning Commission's recommendations, the County is in a position to consider rejecting the Planning Commission recommendations. To do otherwise, in accordance with the legal opinion, places the County at risk of liability in 'promising' to provide an essential service which it cannot readily provide within the time horizon of this Plan. In addition, the Commissioners should consider even shrinking the Growth Area in Chester which is a location at which a project has consistently received well-documented confirmation that public sewer (public infrastructure) is insufficient. See below for thorough explanations of these three requests.

### 2. CRR 02: Dream Farm, LLC c/o Tracy T. Schulz – Map 57, Parcel 68, 200 Dream Farm Lane, Chester

- The Technical Advisory Committee opposed expansion of the Growth Area due to nearing limits of adequate public facilities including transportation infrastructure, school capacity, and sewage capacity permit restrictions at the KNSG WWTP.
- Development meeting Growth Area densities would require considerable Critical Area Growth Allocation.

### 3. CRR 05: Chesterhaven Beach Partnership, LLP – Map 57, Parcel 25, 2501 Piney Creek Road, Chester

- The Technical Advisory Committee opposed expansion of the Growth Area due to the fact that nothing has materially changed since the original removal from the Growth Area in 2007. Note: transportation and infrastructure (sewer capacity) have become worse.
- There are already 180 legal lots of record on this parcel.

- Sewer allocation has been granted for the 180 lots, and a nonrefundable deposit to DPW has been submitted.
  - Including the parcel in the Growth Area makes it eligible for County water and the potential of an intensification of the property beyond what the sewer allocation envisioned at its granting.
4. CRR 07: Cliff and Danielle Lowe – Map 48, Parcel 11, Walker Road, Stevensville
- The Technical Advisory Committee opposed expansion of the Growth Area due to nearing limits of adequate public facilities including transportation infrastructure, school capacity, and sewage capacity permit restrictions at the KNSG Wastewater Treatment Plan. This parcel is also included in the Priority Preservation Area.

The issue before the County Commissioners now includes consideration and final votes on the 48 Comprehensive Rezoning Requests (which were characterized in the Wallace Montgomery Status Briefing Memo #18 presented at the 12 April 2022 public hearing).

### SUGGESTED MOTION

The County Commissioners have reviewed and considered the 48 Comprehensive Rezoning Requests and all comments received on those Plans. Therefore, the County Commissioners concur, in general, with the means of addressing the CRR requests as recommended by the Planning Commission with the exception of requests CRR 02, CRR 05, and CRR 07.

In these three cases, the Commissioners follow the Technical Committee’s recommendations to oppose those requests. The Commissioners find that, in accordance with legal guidance received on this matter, expanding the Growth Area places the County at risk of liability in ‘promising’ to provide an essential service which it cannot readily provide within the time horizon of this Plan. The Commissioners further state that the County is committed to working with both the Environmental Protection Agency and Maryland Department of the Environment to analyze options to create additional sewer treatment capacity at the KN/S/G sewer treatment plant. Should a condition arise that will allow the County to provide additional sewer service, then such a change in circumstance would prompt the County to amend this Plan accordingly, as outlined in Md. LAND USE Code Ann. § 3-204(c).

### 3) GROWTH AREAS

As outlined in the legal guidance provided to the County, the Commissioners should consider shrinking the Growth Area in Chester which is a location at which a project has consistently received well-documented confirmation that public sewer (public infrastructure) is insufficient. The following parcels should be considered for removal/alteration from the Stevensville/Chester Growth Area. These parcels, and only these parcels, are zoned Neighborhood Village Center District, NVC.

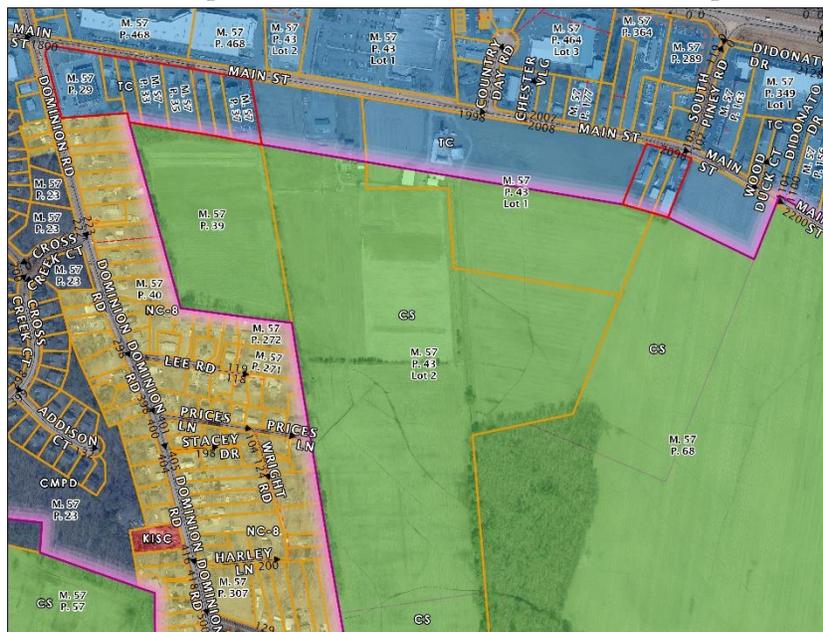
1. Dream Farm LLC. - Map 27, Parcel 68 (roughly 16 ac): The northwest portion of this parcel is included within the Stevensville/Chester Growth Area. CRR 02 has requested that the remaining portion of the parcel (138 ac) be included within the Growth Area.
2. Lowery, John Claude Jr. & JoAnn – Map 57, Parcel 43, Lot 1 (17.216 ac)
3. Lowery, John Claude Jr. & JoAnn – Map 57, Parcel 43, Lot 2 (52.0 ac)
4. Gardner’s Purchase Inc., - Map 57, Parcel 39 (10.602 ac): Should this parcel remain within the Growth Area to serve mixed use infill opportunities, the zoning should be changed to NC-8 during the Comprehensive Zoning Update to remove the NVC District.



There are several options for consideration of the removal of these parcels from the Growth Area:

1. Completely remove all four parcels from the Growth Area in their entirety and redesignate them Rural Agricultural Areas (RAA) and Agriculture & Open Space and rezone Countryside.
2. Remove 3 parcels (43 (lot 1), 43 (lot 2), and 68) from the Growth Area and redesignate them Rural Agricultural Areas (RAA) and Agriculture & Open Space and rezone Countryside. Retain parcel 39 as Established Residential Areas (ERA) and Low Density Residential and rezone it NC-8.
3. Remove all 4 parcels (39, 43 (lot 1), 43 (lot 2), and 68) from the Growth Area and redesignate them Rural Agricultural Areas (RAA) and Agriculture & Open Space and rezone Countryside; however, allow the portion of parcels 43 (lot 1), 43 (lot 2), and 68 zoned NVC which are directly adjacent to Route 18 to be designated Rural Business Employment Center (RBEC) and Commercial Mixed Use (CMU) and rezoned Town Center in line with the existing parcels that are zoned Town Center (see red outline) to be Commercial & Mixed Use and eventually zoned Town Center. This would be consistent with previous zoning history.

Staff recommends option #3, as it offers a reasonable application of the legal guidance provided to the County while affording an opportunity for commercial and mixed use development consistent with previous zoning history. The recommended change to the Chester Growth Area and zoning would result in the following map:



## **SUGGESTED MOTION**

The County Commissioners have reviewed and considered Staff's recommendation in light of the legal guidance the County has received and seek to reasonably apply that guidance. Therefore, the Commissioners direct staff to reduce the Growth Area and assign the following land use and zoning designations in Chester as follows:

Remove all 4 parcels (39, 43 (lot 1), 43 (lot 2), and 68) from the Growth Area and redesignate them Rural Agricultural Areas (RAA) and Agricultural & Open Space and rezone Countryside; however, allow the portion of parcels 43 (lot 1), 43 (lot 2), and 68 zoned NVC which are directly adjacent to Route 18 to be designated Rural Business Employment Center (RBEC) and Commercial Mixed Use (CMU) and rezoned Town Center in line with the existing parcels that are zoned Town Center (see red outline) to be Commercial & Mixed Use and eventually zoned Town Center. This would be consistent with previous zoning history.

## **SUGGESTED MOTION: FINAL 2022 QUEEN ANNE'S COUNTY COMPREHENSIVE PLAN AND KENT NARROW COMMUNITY PLAN**

The County Commissioners herein accept the final Plans as supported within the motions made above and direct Staff and Wallace Montgomery to edit both documents in accordance with the direction of the County Commissioners to be presented before the Board for final adoption at a future meeting.