

Critical Area Commission

EXECUTIVE SUMMARY

April 23rd, 2025

APPLICANT:	Kent County
PROPOSAL:	Comprehensive Rezoning: Associated Growth Allocations and Downzoning per
COMMISSION ACTION:	Concurrence with the Chair's Determination of Refinement
STAFF RECOMMENDATION:	Approval
STAFF:	Katie Hayden
APPLICABLE LAW/REGULATIONS:	Natural Resources Article 8-1808.1(c) and 8-1809(r); COMAR 27.01.02.06 through .06-4, Growth Allocation

EXECUTIVE SUMMARY

Kent County is requesting approval of three growth allocations and one downzoning request as part of the county's comprehensive rezoning effort. The county proposes reclassifying the following four areas in the Critical Area:

1. Chester River Yacht & Country Club Marina: 1.438 acres of Limited Development Area (LDA) to Intensely Developed Area (IDA);
2. Haven Harbour South Marina: 3.139 acres of LDA to IDA;
3. Millington Crossing: 58.988 acres of Resource Conservation Area (RCA) to IDA; and
4. Lankford Bay Marina: downzoning of 1.216 acres of IDA to LDA.

On March 12, 2025, Chair Fisher determined that the request could be processed as a refinement. A copy of the rezoning maps is attached to the staff report.

GROWTH ALLOCATION REQUESTS

Marina Growth Allocations

In 2003, Kent County made a blanket application for growth allocation to reclassify all parcels with "Marine" zoning to also have an integrated Critical Area zoning designation of IDA. Under the current comprehensive rezoning effort, the two marina sites described below require the use of additional growth allocation in order to be consistent with the 2003 marina reclassifications.

Chester River Yacht & Country Club Marina (CRYCC) (*Request: 1.438 acres of LDA to IDA*) - CRYCC Marina (7738 Quaker Neck Road, Chestertown) has been in existence since 1929. The marina is developed with 53 slips, a boat ramp, dry storage, boat hoist, and sandy beach.

Currently, this marina is designated as Critical Area Residential, an integrated zoning district of the LDA. No development is currently proposed with this growth allocation request. This proposed growth allocation was presented to the Program Committee for preliminary review and feedback at the November 2024 meeting.

Haven Harbour South Marina (*Request: 3.139 acres of LDA to IDA*) – Haven Harbour South Marina (21144 Green Lane, Rock Hall) has been in existence since 2000. The marina includes 150 deep water slips and a full service yachting center with a pool and beach. The majority of the marina is designated as IDA; however, it also includes several parcels designated as Critical Area Residential (LDA). The growth allocation areas currently contain lawn, a portion of which is used for boat storage, and developed woodlands. No development is proposed at this time.

To review the growth allocation standards and factors for the marina growth allocations, please see page 2 of the Staff Report. For the additional statutory and regulatory requirements, please see Page 10. For State Agency Comments, please see Page 11.

Millington Crossing Growth Allocation

Kent County is requesting growth allocation for Millington Crossing (Tax Map 31, Parcel 6, and Tax Map 32, Parcels 355 and 366) to change approximately 58.988 acres of RCA to IDA. The site is proposed for future mixed-use development in accordance with the Kent County Comprehensive Plan, including a new wastewater treatment plant (WWTP) to serve the Town of Millington. The new WWTP is proposed to replace the existing WWTP that is over capacity and experiences flooding at its current location in the floodplain within the Queen Anne's County side of Millington on Sassafras Street. This growth allocation site currently consists of agricultural lands with some areas of forests. In September 2024, this growth allocation proposal was presented to the Program Committee for preliminary review and feedback.

To review both the local and state growth allocation standards, factors, and requirements for the Millington Crossing growth allocation, please see Page 7 of the Staff Report. For the additional statutory and regulatory requirements, please see Page 10. For State Agency Comments, please see Page 11.

DOWNZONING REQUEST

Kent County is requesting to downzone approximately 1.216 acres in the IDA to LDA at Lankford Bay Marina (22995 McKinleyville Rd, Rock Hall; Tax Map 52, Parcel 106. In 2002, the Critical Area Commission approved the rezoning of this area from LDA to IDA to match the underlying "Marine" zoning designation of this area. Since the growth allocation was approved, this particular parcel is no longer part of the Lankford Bay Marina. The site is residential in nature and contains areas of developed woodlands. The County is requesting a downzoning to make the entire site LDA. This change will require the site to meet LDA requirements regarding forest and developed woodland clearing, lot coverage limits, and use limits.

STAFF RECOMMENDATION

The proposed growth allocations and downzoning, as approved by the Kent County Commissioners and as shown on the rezoning maps and accompanying materials accepted by Commission staff on February 11, 2025, are consistent with the purposes, policies, and goals of the Critical Area Commission.

Because these proposed growth allocations meet the required standards for new IDAs under Natural Resources Article 8-1808.1(c), COMAR 27.01.02.06-3, and Article II Section 3.5 of Kent County's Growth Allocation Policy, and because the proposed downzoning creates a uniform Critical Area designation for a residential property that also provides RCA protections regarding forest clearing, lot coverage limits, and use limits, Commission staff recommends concurrence with the Chair's determination of refinement.

Further, Commission staff recommends that the Chair approve the growth allocation and downzoning requests as proposed.

Critical Area Commission

STAFF REPORT

April 23rd, 2025

APPLICANT:	Kent County
PROPOSAL:	Comprehensive Rezoning: Associated Growth Allocations and Downzoning per
COMMISSION ACTION:	Concurrence with the Chair's Determination of Refinement
STAFF RECOMMENDATION:	Approval
STAFF:	Katie Hayden
APPLICABLE LAW/REGULATIONS:	Natural Resources Article 8-1808.1(c) and 8-1809(r); COMAR 27.01.02.06 through .06-4, Growth Allocation

DISCUSSION

Kent County is requesting approval of three growth allocations and one downzoning request as part of the county's comprehensive rezoning effort. In June 2024, Kent County updated the County's official zoning maps via comprehensive rezoning pursuant to the County's 2018 Comprehensive Plan and the 2024 Land Use Ordinance update. The County proposes reclassifying the following four areas in the Critical Area:

1. Chester River Yacht & Country Club Marina: 1.438 acres of Limited Development Area (LDA) to Intensely Developed Area (IDA);
2. Haven Harbour South Marina: 3.139 acres of LDA to IDA;
3. Millington Crossing: 58.988 acres of Resource Conservation Area (RCA) to IDA; and
4. Lankford Bay Marina: downzoning of 1.216 acres of IDA to LDA.

These first three rezonings require a deduction from the county's growth allocation allotment in accordance with Kent County's Growth Allocation Policy and COMAR 27.01.02.06. The policy, which was approved by the Critical Area Commission in November 2024, outlines the standards and factors specific to growth allocations that are requested as part of comprehensive rezoning actions. The final rezoning (Lankford Bay) is a downzoning request that is based on the site's characteristics and the fact that the site is no longer part of the existing marina.

In January 2025, the Kent County Commissioners approved the growth allocations and downzoning. Commission staff accepted these mapping amendments for processing on February 11, 2025. On March 12, 2025, Chair Fisher determined that the request could be processed as a refinement.

MARINA GROWTH ALLOCATION REQUESTS

In 2003, Kent County made a blanket application for growth allocation to reclassify all parcels with “Marine” zoning to also have an integrated Critical Area zoning designation of IDA. Under the current comprehensive rezoning effort, the two marina sites described below require the use of additional growth allocation in order to be consistent with the 2003 marina reclassifications. A copy of the rezoning map for each marina can be found on the second page of the *Rezoning Maps* attachment.

Chester River Yacht & Country Club Marina (CRYCC) (*Request: 1.438 acres of LDA to IDA*) - CRYCC Marina (7738 Quaker Neck Road, Chestertown) has been in existence since 1929. The marina is developed with 53 slips, a boat ramp, dry storage, boat hoist, and sandy beach. Currently, this marina is designated as Critical Area Residential, an integrated zoning district of the LDA. No development is currently proposed with this growth allocation request. This proposed growth allocation was presented to the Program Committee for preliminary review and feedback at the November 2024 meeting.

Haven Harbour South Marina (*Request: 3.139 acres of LDA to IDA*) – Haven Harbour South Marina (21144 Green Lane, Rock Hall) has been in existence since 2000. The marina includes 150 deep water slips and a full service yachting center with a pool and beach. The majority of the marina is designated as IDA; however, it also includes several parcels (23, 69, 141, 142) designated as Critical Area Residential (LDA). The growth allocation areas currently contain lawn, a portion of which is used for boat storage, and developed woodlands. No development is proposed at this time.

Habitat Protection Areas (HPAs)

COMAR 27.01.09.01 identifies the 100-foot Buffer, nontidal wetlands, threatened and endangered species, species in need of conservation, plant and wildlife habitat, and anadromous fish propagation waters as Habitat Protection Areas (HPAs). Given their water-dependent nature, portions of both marinas are located within the 100-foot Buffer. No disturbance to the Buffer is proposed at either marina at this time. No other HPAs are located within the marina growth allocation areas.¹ These sites must comply with Buffer requirements for water-dependent structures when future development is proposed.

Stormwater Management

Since no development is proposed at either marina, stormwater management is not required at this time. Any future development proposed in the IDA will need to meet both the Critical Area Commission’s 10% stormwater phosphorus reduction requirements and local stormwater requirements.

Growth Allocation Standards for the Marinas

Natural Resources Article §8-1808.1(c) requires the Critical Area Commission to ensure that the

¹ The County performed a GIS analysis of the marinas via the Department of Natural Resources’ MERLIN Online tool to determine that they are not located in a sensitive species project review area.

following standards have been applied in a manner that is consistent with the purposes, policies, goals, and provisions of the Critical Area law and criteria. The statutory requirements for growth allocation are organized under COMAR 27.01.02.06-3, *Requirements for New Intensely Developed Areas and Limited Development Areas*. Furthermore, the requirements below are consistent with the standards required to grant growth allocations for new IDAs as part of comprehensive rezoning per Article II Section 3.5 of Kent County's Growth Allocation Policy. These requirements, as submitted by Kent County separately for each marina, are summarized by Commission staff below as the responses were similar in nature:

1. *Locate a new IDA in an existing LDA or adjacent to an existing IDA.*

The proposed growth allocations meet this standard, as the CRYCC marina is currently designated LDA and the Haven Harbour South Marina parcels are designated LDA.

2. *Locate a new LDA adjacent to an existing LDA or an IDA.*

This standard is not applicable as no new LDA is proposed.

3. *Locate a new IDA or LDA in a manner that minimizes impacts to habitat protection areas as defined in COMAR 27.01.09, and in an area and manner that optimizes benefits to water quality and impacts to the defined land uses of the RCA.*

The areas proposed for growth allocation are almost entirely developed as existing marinas, with development existing in the Buffer. Inclusion in the IDA allows for reconfiguration projects (i.e., replacing/updating old infrastructure) that may require new environmental and conservation offsets.

4. *Locate a new IDA or LDA in a RCA at least 300 feet beyond the landward boundary of tidal wetlands or tidal waters, unless the local jurisdiction proposes, and the Commission approves, alternative measures for enhancement of water quality and habitat that provide greater benefits to the resources.*

This standard is not applicable as no land is located in the RCA.

5. *A new IDA shall be at least 20 acres.*

Regarding Haven Harbour South Marina, the portion of the marina currently designated as IDA is 21.5 acres. The proposed rezoning of 3.139 acres of LDA is adjacent to the 21.5 acres of IDA within the marina. Therefore, this standard is met.

For the CRYCC marina, there is no area adjacent to the marina that is IDA. Per COMAR 27.01.02.03B(2), an IDA may be located in an area of less than 20 adjacent acres if:

- a. As part of a local program, the Commission has approved an alternative standard for designation of an intensely developed area; and

- b. The area is part of a growth allocation approved by the Commission.

Per the approved Critical Area program language in Article II Section 3.5 of Kent County's Growth Allocation Policy, a new IDA may be less than 20 acres if the proposed area contains a grandfathered commercial, industrial, institutional, or marine use that existed as of April 12, 1988. The marina at CRYCC proposed for growth allocation has been used as a marina since 1929. Therefore, this standard is met for this 1.438-acre growth allocation request.

6. *A local jurisdiction may not use more than 1/2 of its total allotted growth allocation acreage to convert an RCA into a new LDA or IDA, except in Calvert, Caroline, Cecil, Charles, Dorchester, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester Counties.*

This standard is not applicable.

Growth Allocation Factors for the Marinas

In accordance with Natural Resources Article 8-1808.1(c)(4) and COMAR 27.01.02.06-3(G), and in accordance with Section 3.5 of the Kent County Growth Allocation Policy, the Commission shall consider the following factors when reviewing a map amendment or refinement involving the use of growth allocation. Below is a summary of the County's responses to address the factors to be considered for the marinas:

1. *Consistency with the jurisdiction's adopted comprehensive plan and whether the growth allocation would implement the goals and objectives of the adopted plan.*

The County determined that these growth allocations are consistent with the County's 2018 Comprehensive Plan, which identifies a strategy to promote Kent County as a boating center, which includes marinas. Specifically, "Kent County will promote use of its many assets to assure that a full range of boating related industries and businesses continue to be developed" (Page 16).

2. *Consistency with federal and state environmental protection policies concerning the protection of threatened and endangered species and species in need of conservation that may be located onsite or offsite.*

The areas are not within the mapped Habitat Connectivity Network and do not have Forest Interior Dwelling Bird habitat. They are not within any mapped sensitive species review areas but are within the floodplain. While no development is proposed, any additional development will comply with applicable regulations.

As part of site plan review and building permit review, Kent County planning staff will review all development submittals received. They will review for the presences of anadromous fish, forest interior dwelling birds, natural heritage areas, both tidal and nontidal wetlands, threatened and endangered species, tributary streams, vegetation, and

wildlife corridors, and ensure that Critical Area development requirements to protect these resources are met.

3. *Impacts on a priority preservation area, as defined under Agriculture Article, §2-518, Annotated Code of Maryland.*

The areas are not located within the County's Priority Preservation Area.

4. *Availability of public sewer and water.*

The marina within CRYCC is serviced by the CRYCC clubhouse located across the street which has public water and sewer. The Haven Harbour South Marina is on septic and has public water.

5. *For a new IDA, whether proposed development will:*
 - a. *Be served by a public wastewater system;*
 - b. *Have an allowed average density of at least 3.5 units per acre, as calculated under State Finance and Procurement Article, §5-7B-03(h), Annotated Code of Maryland;*
 - c. *For IDAs that are greater than 20 acres, be located in a priority funding area; and*
 - d. *Have a demonstrable economic benefit to the area.*

No development is proposed, so this factor does not apply.

6. *The use of existing public infrastructure, where practical.*

There is no existing public infrastructure for either site.

7. *Environmental impacts associated with wastewater and stormwater management practices and wastewater and stormwater discharges to tidal waters, tidal wetlands, and tributary streams.*

No development is currently proposed. Any future development proposed will comply with the County's stormwater requirements.

8. *Environmental impacts associated with location in a coastal hazard area or an increased risk of severe flooding attributable to the proposed development.*

No development is proposed. However, sea level rise vulnerability maps provided through the Maryland Department of Natural Resources' Coastal Atlas indicate that both properties are within the 2-to-5-foot inundation area.

MILLINGTON CROSSING GROWTH ALLOCATION

In addition to the two aforementioned marina growth allocations, Kent County is also requesting growth allocation as part of the comprehensive rezoning effort to change approximately 58.988 acres of RCA to IDA on Tax Map 31, Parcel 6, and Tax Map 32, Parcels 355 and 366. This area is part of the Millington Crossing Conceptual Plan, which proposes future mixed-use development in accordance with the Kent County Comprehensive Plan, including a new wastewater treatment plant (WWTP) to serve the Town of Millington. The new WWTP is proposed to replace the existing WWTP that is over capacity and experiences flooding at its current location in the floodplain within the Queen Anne's County side of Millington on Sassafras Street. This site consists mainly of agricultural lands with some areas of forests.

If the growth allocation is approved, the Critical Area designation will allow for commercial and institutional uses consistent with the integrated Mixed-Use District Critical Area designation (MXDCA, an integrated zoning district of the IDA).

In September 2024, this growth allocation was presented to the Program Committee for preliminary review and feedback. A map of the rezoning request, the conceptual plan, and WWTP site plan are provided in the *Millington Crossing* attachment.

300-foot Setback

In accordance with COMAR 27.01.02.06-3 E.(4) a new IDA proposed in an existing RCA must be at least 300 feet beyond the landward boundary of tidal wetlands or tidal waters, unless the local jurisdiction proposes, and the Commission approves, alternative measures for enhancement of water quality and habitat that provide greater benefits to the resources.

As shown on page 3 of the *Millington Crossing* attachment, a portion of the growth allocation is proposed within the 300-foot setback from tidal waters, which is partially forested. This is tied to the area that is currently reserved for the WWTP site. However, as shown on the WWTP site plan on page 3, the limit of disturbance is completely outside the 300-foot setback and no forest clearing is proposed. As explained below, additional clearing and development restrictions were provided within the County's Growth Allocation Policy and within the County's Land Use Ordinance to protect the 300-foot setback and forested areas for growth allocations associated with comprehensive rezonings in the MXDCA.

Habitat Protection Areas (HPAs)

Two nontidal wetlands and their buffers are delineated on the grading plan for the proposed WWTP. No disturbance to these areas is proposed for the WWTP or future development as shown in the conceptual plan. No other HPAs are located within the Millington Crossing growth allocation area.

Stormwater Management and Erosion and Sediment Control

Since no development is proposed at this time, stormwater management is not required. Any future development proposed in the IDA will need to meet both Critical Area 10% stormwater requirements and local stormwater requirements, including the proposed WWTP.

Additional Requirements for Growth Allocations Located on Lands Zoned as MXDCA

In November 2024, the Critical Area Commission approved the proposed updates to Kent County's Growth Allocation Policy for requests associated with comprehensive rezonings. The Commission's approval of this updated language included alternative location standards and the following requirements for growth allocation approvals located in land zoned MXDCA to provide further protections to forested areas and the 300-foot setback:

1. A minimum of 40% open space on each parcel of land;
2. Application of LDA requirements for forest and developed woodland clearing;
3. Requirement of a 300-foot setback from the landward edge of tidal wetlands and tidal waters, which can be reduced if:
 - a. The property is owned by Kent County;
 - b. The development is for an essential county or municipal wastewater treatment facility that requires access to surface waters; and
 - c. Mitigation is provided for:
 - i. All forest clearing within the setback at a 3:1 ratio;
 - ii. Any new lot coverage at a 1:1 ratio; or
 - iii. The applicant provides an equivalent offset for forest clearing and new lot coverage.

This language has since been incorporated into the County's Critical Area Zoning Ordinance. Should this growth allocation be approved, any future development on the Millington Crossing site shall adhere to these requirements.

Growth Allocation Standards for Millington Crossing

Kent County's responses to meeting both the statutory and local requirements for the Millington Crossing growth allocation are summarized by Commission staff below:

1. *Locate a new IDA in an existing LDA or adjacent to an existing IDA, unless the jurisdiction proposes, and the Commission approves, an alternative standard that is consistent with the jurisdiction's adopted comprehensive plan.*

Kent County has an alternative standard that permits a new IDA to be located in an existing LDA, adjacent to an existing IDA, or adjacent to an existing LDA. The area is adjacent to an existing LDA as shown in the attached zoning map.

2. *Locate a new LDA adjacent to an existing LDA or an IDA.*

This standard is not applicable.

3. *Locate a new IDA or LDA in a manner that minimizes impacts to habitat protection areas as defined in COMAR 27.01.09, and in an area and manner that optimizes benefits to water quality and impacts to the defined land uses of the RCA.*

The area is part of a larger, coordinated development that conceptually includes a continuous greenway that will connect existing forest and nontidal wetlands on the east side of the growth area with larger forest and stream corridor on the west side of US 301. The proposed development aims to provide measures to improve habitat, reduce erosion and sedimentation, and increase native plantings.

4. *Locate a new IDA or LDA in a RCA at least 300 feet beyond the landward boundary of tidal wetlands or tidal waters, unless the local jurisdiction proposes, and the Commission approves, alternative measures for enhancement of water quality and habitat that provide greater benefits to the resources:*

A portion of the area proposed for growth allocation (about 1 to 2 acres) is within the 300-foot setback and is primarily forested. At this time, no forest clearing or lot coverage are proposed within the setback. As outlined on Page 7 of this staff report, any future development on land designated as MXDCA that received growth allocation through comprehensive rezoning shall adhere to the requirements for impacts to the 300-foot setback.

5. *A new IDA shall be at least 20 acres.*

The proposed IDA is approximately 58.9 acres.

6. *A local jurisdiction may not use more than 1/2 of its total allotted growth allocation acreage to convert an RCA into a new LDA or IDA, except in Calvert, Caroline, Cecil, Charles, Dorchester, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester Counties.*

This standard is not applicable.

Growth Allocation Factors for Millington Crossing

Kent County's response to the growth allocation factors to be considered for the Millington Crossing growth allocation is summarized by Commission staff below:

1. *Consistency with the jurisdiction's adopted comprehensive plan and whether the growth allocation would implement the goals and objectives of the adopted plan.*

The county determined that this growth allocation is consistent with its 2018 Comprehensive Plan. One goal is to "coordinate growth planning with the Towns and in the Villages" to "develop designated growth areas in cooperation with the towns." Further, the comprehensive plan requests that the county's designated growth areas "be coordinated closely with the town's municipal growth areas and encompass existing development and identify areas for new compact, mixed use neighborhoods" (page 27). Finally, one of the plan's highest priorities is to "expand regulatory flexibility for the creation of and location of employment centers and industrial uses." This includes a

prioritization of the Worton area, the US 301 corridor, and the area between the Town of Millington (page 129).

2. *Consistency with federal and state environmental protection policies concerning the protection of threatened and endangered species and species in need of conservation that may be located onsite or offsite.*

The area is outside the floodplain, with the exception of the wooded stream that is not anticipated to be developed. The area is not within the mapped Habitat Connectivity Network and does not have Forest Interior Dwelling Bird habitat. It is also not within any mapped sensitive species review areas.

As part of site plan review and building permit review, Kent County planning staff will review all development submittals received. They will review for the presences of anadromous fish, forest interior dwelling birds, natural heritage areas, both tidal and nontidal wetlands, threatened and endangered species, tributary streams, vegetation, and wildlife corridors, and ensure that Critical Area development requirements to protect these resources are met.

3. *Impacts on a priority preservation area, as defined under Agriculture Article, §2-518, Annotated Code of Maryland.*

The area is not located within a Priority Preservation Area.

4. *Availability of public sewer and water.*

The area is within both the planned sewer service area and planned water service area.

5. *For a new IDA, whether proposed development will:*
 - a. *Be served by a public wastewater system;*
 - b. *Have an allowed average density of at least 3.5 units per acre, as calculated under State Finance and Procurement Article, §5-7B-03(h), Annotated Code of Maryland;*
 - c. *For IDAs greater than 20 acres, be located in a priority funding area; and*
 - d. *Have a demonstrable economic benefit to the area.*

The only development currently proposed is the WWTP. The new WWTP will allow for the retirement of the existing WWTP in Millington that is currently over capacity, in the floodplain, and has experience flooding events. The new WWTP will also service additional properties in the Millington area that are below the median household income. The County anticipates using the remaining space of this growth allocation for public improvements including a new school and park. Future mixed-use development will be proposed, but plans are conceptual in nature. The site is not located in a Priority Funding Area.

6. *The use of existing public infrastructure, where practical.*

There is no existing public infrastructure.

7. *Environmental impacts associated with wastewater and stormwater management practices and wastewater and stormwater discharges to tidal waters, tidal wetlands, and tributary streams.*

The WWTP has not been reviewed by the County for stormwater management at this time, as this would typically occur during site plan review. The concept plan shows all development located outside the 300-foot setback. Future development of the WWTP and any mixed-use development will be required to comply with both Critical Area 10% stormwater requirements and the County's local stormwater requirements.

8. *Environmental impacts associated with location in a coastal hazard area or an increased risk of severe flooding attributable to the proposed development.*

According to DNR's Coastal Atlas, the proposed footprint of the WWTP is outside the FEMA floodplain, will not be impacted by sea level rise inundation, and is not located in a wetland adaptation area. A portion of the site, specifically some of the existing forested area along an area of nontidal wetlands is within the floodplain, within a wetland adaptation area, and within the 5 – 10 foot sea level rise inundation area. However, no development is proposed in these forested areas at this time.

ADDITIONAL STATUTORY AND REGULATORY REQUIREMENTS

In addition to the Growth Allocation Standards and Growth Allocation Factors discussed in the previous section above, the statute also addresses the following requirements for growth allocation:

1. *New IDAs or LDAs involving the use of growth allocation shall conform to all criteria of the Commission and shall be designated on the comprehensive zoning map submitted by the local jurisdiction as part of its application to the Commission for program approval or at a later date in compliance with Natural Resources Article 8-1809 (g).*

Regarding the marinas, although no development is proposed at this time, any future development will comply with the provisions for development in the IDA.

Regarding the Millington Crossing area, the WWTP will conform to the requirements for water-dependent projects. Any future development in the Millington Crossing area will comply with the provisions for development in the IDA and clearing within this area will comply with LDA clearing requirements per the County's Land Use Ordinance as noted above.

2. *The area of expansion of IDA or LDA, or both, may not exceed an area equal to 5 percent of the county's portion of the RCA lands that are not tidal wetland or federally owned.*

The County currently has 1,069.23 acres of growth allocation available; the proposed request of 63.57 acres will not exceed this remaining amount.

STATE AGENCY COMMENTS FOR ALL THREE GROWTH ALLOCATION SITES

Commission staff submitted preliminary plans and information to the other State agencies who are members of the Commission (Agriculture, Commerce, Environment, Housing and Community Development, Natural Resources, Planning, and Transportation). Here is a summary of the comments received:

The Maryland Department of the Environment (MDE) commented that future development should prioritize avoidance, and where avoidance is not feasible, minimization of adverse impacts to the Critical Area and its associated resources. Haven Harbour South Marina is home to valuable woodlands, a resource that merits careful consideration in any development plans. Protecting these natural assets should be a key focus to ensure an ecological balance in the area.

The Maryland Department of Natural Resources (DNR) provided separate comments on the Millington Crossing proposal and the marina proposals. Regarding Millington Crossing, DNR notes that the County did not provide a Wildlife and Heritage Service (WHS) letter to confirm any impacts on threatened and endangered species and species in need of conservation². DNR further notes that portions of the surrounding area that are currently forested are identified as important for maintaining water quality; continued forest cover would aid in continued protection of water quality for local aquatic species such as fish species. Lastly, regarding the Millington Crossing site, DNR notes that any future development and future restoration should consider the pockets of wetland adaptation areas on the site (i.e., those within the currently forested area of the site). Regarding the marinas, DNR notes that the availability of public water at the Haven Harbour South marina is unclear. Additionally, DNR acknowledges that the marinas are almost entirely developed and encourages the marinas to consider participation in the Maryland Clean Marina program by becoming a certified Clean Marina to further protect local habitat and water quality.

The Maryland Department of Planning (MDP) provided separate comments on the Millington Crossing proposal and the marina proposals. Regarding the marinas, MDP noted that sea level rise vulnerability maps (MD DNR's Coastal Atlas) indicate that both properties are within the 2-to-5-foot inundation area. While no additional development is proposed at this time, any renovations or modifications to the marina facilities should consider this vulnerability. Regarding the Millington Crossing growth allocation, MDP notes that the proposed WWTP has not been proposed or approved by MDE, including its future location and design capacity. MDP also notes that portions of the site are not within the Priority Funding Area. Regarding the use of

² When future development is proposed, a letter from DNR WHS is required as part of subdivision and site plan review.

existing public infrastructure, MDP notes that the Millington Crossing area has frontage to public roadways but will require a network of internal roadways as the project progresses. Lastly, MDP notes that the sea level rise vulnerability maps (MD DNR's Coastal Atlas) indicate that a portion of the property (particularly the site where the WWTP is proposed) is within the 5-to-10-foot inundation area and is also located within the CS-CRAB boundary³.

The Maryland Department of Commerce reviewed the proposal and has no comments at this time but noted that they may have comments if future development in these areas will have an economic impact on the County.

The Maryland Department of Housing and Community Development reviewed the proposal and has no comments at this time.

The Maryland Department of Agriculture (MDA) reviewed the proposal and has no concerns with the proposal at this time. MDA noted that their records show no recent activity or investment in the agricultural fields for the Millington conceptual plan.

DOWNZONING REQUEST

Kent County is also requesting to downzone approximately 1.216 acres in the IDA to LDA at Lankford Bay Marina (22995 McKinleyville Rd, Rock Hall; Tax Map 52, Parcel 106). In 2002, the Critical Area Commission approved the rezoning of this area from LDA to IDA to match the underlying "Marine" zoning designation of this area. Since the growth allocation was approved, this particular parcel is no longer part of the Lankford Bay Marina. The site is residential in nature and contains areas of developed woodlands. Due to an administrative correction, parcel 106 is considered IDA. Since this parcel is no longer part of the existing marina, the county is requesting to downzone this parcel to its original designation as LDA. This change will require the site to meet LDA requirements regarding forest and developed woodland clearing, lot coverage limits, and use limits.

STAFF RECOMMENDATION

The proposed growth allocations and downzoning, as approved by the Kent County Commissioners and as shown on the rezoning maps and accompanying materials accepted by Commission staff on February 11, 2025, are consistent with the purposes, policies, and goals of the Critical Area Commission.

Because these proposed growth allocations meet the required standards for new IDAs under Natural Resources Article 8-1808.1(c), COMAR 27.01.02.06-3, and Article II Section 3.5 of Kent County's Growth Allocation Policy, and because the proposed downzoning creates a uniform Critical Area designation for a residential property that also provides RCA protections

³ The WWTP site includes a forested area. A portion of the forested area is within the 5-to-10-foot sea level rise inundation area. However, as shown on the attached WWTP site plan, the footprint for the WWTP and proposed limit of disturbance is outside the forested area.

regarding forest clearing, lot coverage limits, and use limits, Commission staff recommends concurrence with the Chair's determination of refinement.

Further, the Commission staff recommends that the Chair approve the growth allocation and downzoning requests as proposed.

Growth Allocation Request - Chester River Yacht & Country Club

Kent County, Maryland Proposed Zoning

Incorporated Town

Chestertown

ZONING

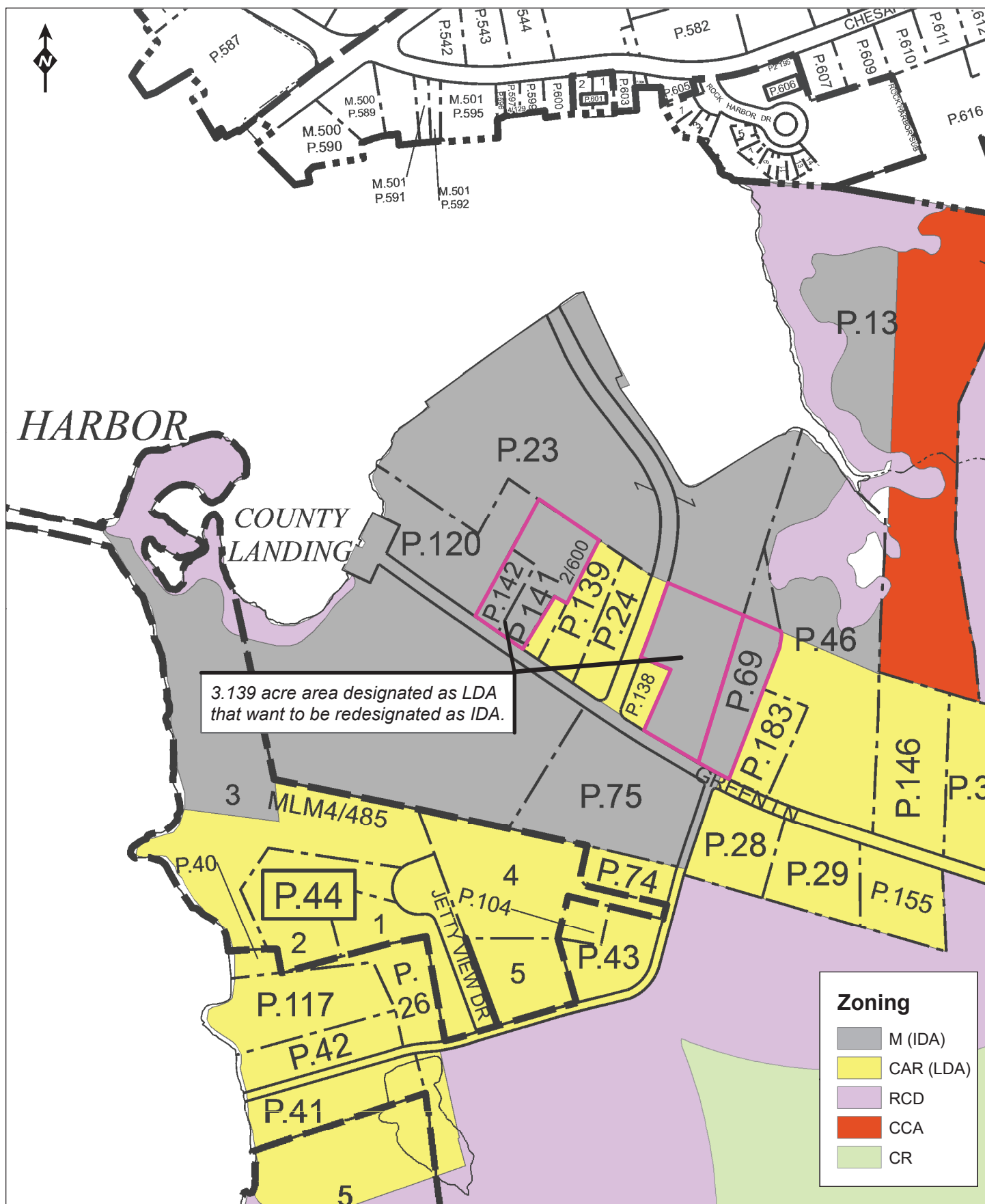
- AZD (Agricultural Zoning District)
- RCD (Resource Conservation District)
- RC (Rural Character)
- CR (Community Residential)
- CAR (Critical Area Residential) - LDA
- M (Marine) - IDA

(LDA to IDA)

Source: Kent County Department of Planning, Housing, and Zoning.
Map prepared September 2024.

1 inch = 1,000 feet

Growth Allocation Request - Haven Emporium LLC

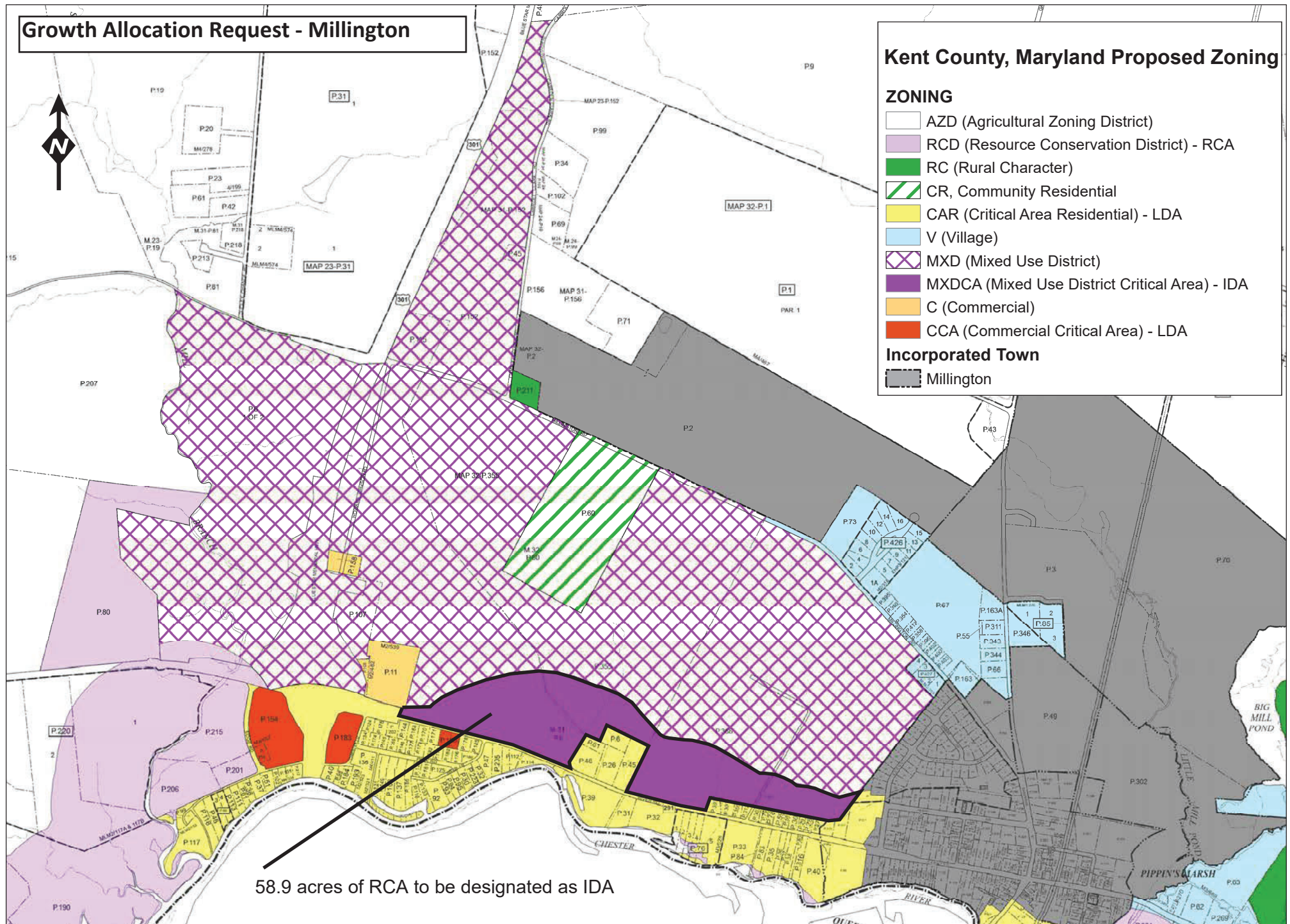


Source: Kent County Department of Planning, Housing, and Zoning.
Aerial taken Spring 2022. Map prepared December 2024.

Downzoning Request - Lankford Bay Marina

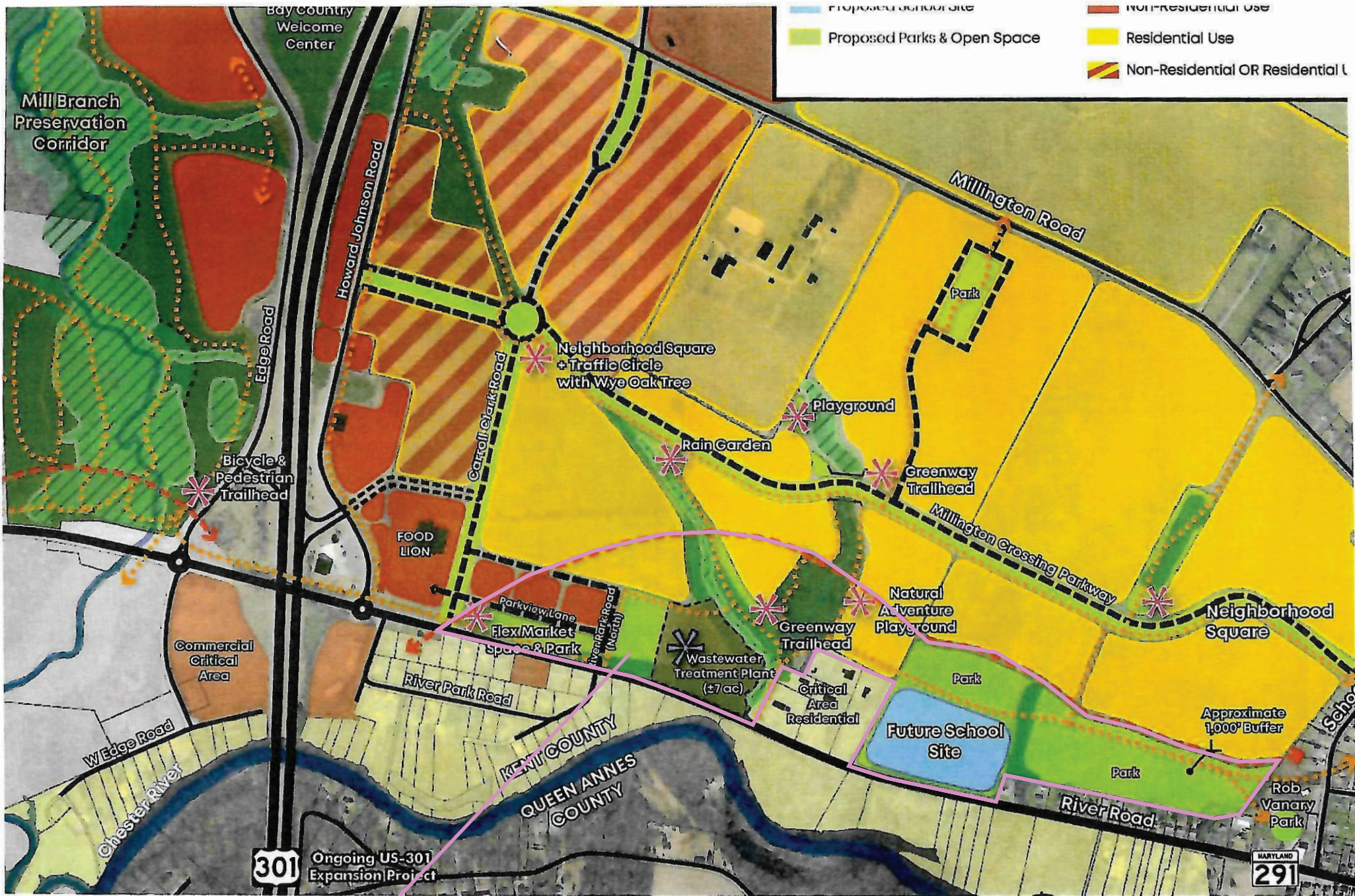


Growth Allocation Request - Millington



Source: Kent County Department of Planning, Housing, and Zoning.
Map prepared August 2024.

1 inch = 0.25 miles



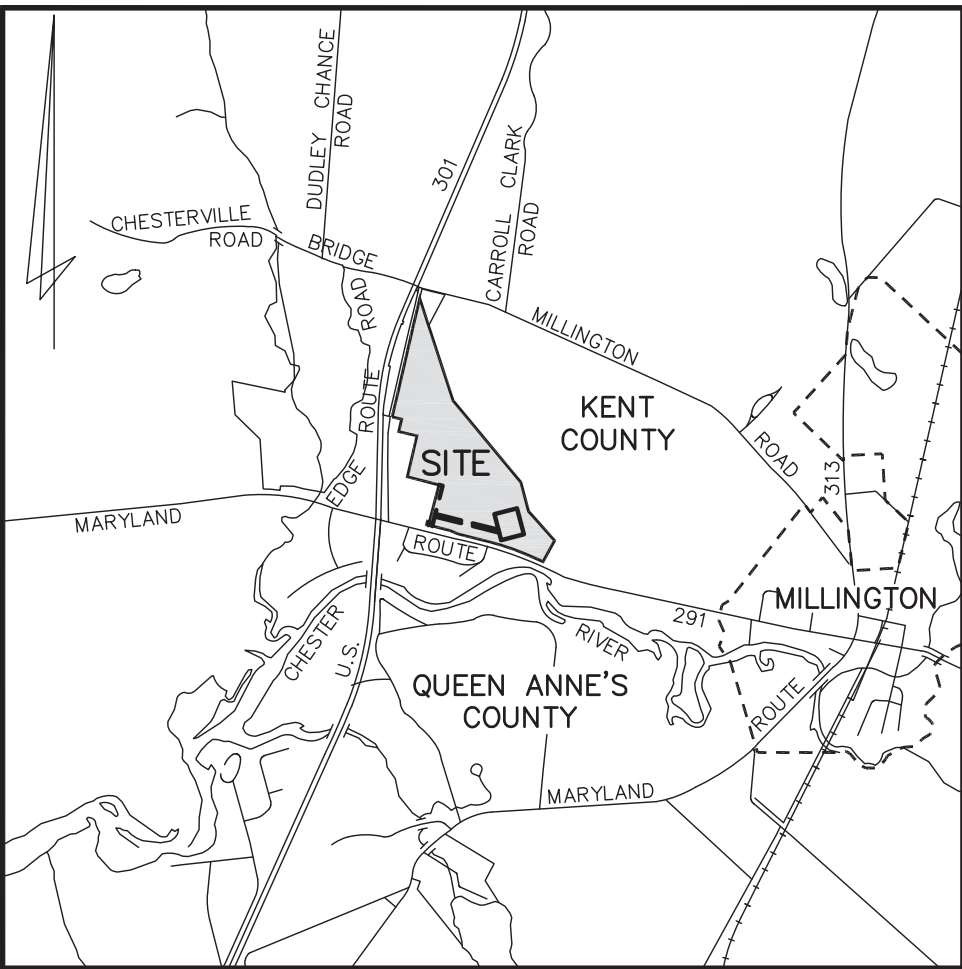
ington
ossing

MU-4: CONCEPT PLAN FOR OPEN SPACE & CIRCULATION NETWORK

Critical Area

Project Location: Millington, Kent County, Maryland

August 18, 2023 | Last Revised May 3rd, 2024




VICINITY MAP
SCALE 1" = 3000'

OWNER:
MILLINGTON CROSSING
ASSOCIATES 1, LLC
c/o RUSS RICHARDSON
P.O. BOX 546
CHESTER HEIGHTS, PA 19017
PHONE No. 1-410-275-2714

SURVEYOR:
MICHAEL A. SCOTT, INC.
c/o MIKE SCOTT
400 SOUTH CROSS STREET
CHESTERTOWN, MARYLAND 21620
PHONE No. 1-410-778-2310

ENGINEER:
DMS & ASSOCIATES, LLC
c/o KEVIN J. SHEARON, P.E. LEED AP
P.O. BOX 80
CENTREVILLE, MARYLAND 21617
PHONE No. 1-443-262-9130

 DEPICTS LIMITS OF DISTURBANCE
AREA = 7.78 AC.±

REVIEWED FOR THE KENT SOIL AND WATER CONSERVATION DISTRICT AND MEET TECHNICAL REQUIREMENTS

APPROVED:

KENT SOIL AND WATER CONSERVATION DISTRICT _____ DATE _____

NOTE: KENT SOIL AND WATER CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE EROSION CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.

DEVELOPERS CERTIFICATION

I (WE) CERTIFY THAT:

A. ALL DEVELOPMENT AND CONSTRUCTION WILL BE DONE IN ACCORDANCE WITH THIS SEDIMENT AND EROSION CONTROL PLAN AND/OR STORMWATER MANAGEMENT PLAN, AND FURTHER, AUTHORIZED THE RIGHT OF ENTRY FOR PERIODIC ONSITE EVALUATION BY THE KENT SOIL AND WATER CONSERVATION DISTRICT SEDIMENT CONTROL INSPECTOR OR MARYLAND DEPARTMENT OF THE ENVIRONMENT.

B. ANY RESPONSIBLE PERSONNEL INVOLVED IN THE CONSTRUCTION PROJECT WILL HAVE A CERTIFICATION OF ATTENDANCE AT THE DEPARTMENT OF ENVIRONMENT APPROVED TRAINING PROGRAM FOR THE CONTROL OF EROSION AND SEDIMENT BEFORE BEGINNING THE PROJECT.

C. IT WILL BE THE RESPONSIBILITY OF THE CONTRACTOR OR SUBCONTRACTOR TO NOTIFY THE ENGINEER OF ANY DEVIATION FROM THIS PLAN. ANY CHANGE MADE IN THIS PLAN WITHOUT WRITTEN AUTHORIZATION FROM THE ENGINEER WILL PLACE RESPONSIBILITY FOR SAID CHANGE ON THE CONTRACTOR OR SUBCONTRACTOR.

SIGNATURE _____ DATE _____

ADDRESS _____ CARD No. _____

PHONE No. _____

GRAPHIC SCALE



1 inch = 200 ft.

TAX MAP 32, PARCEL 355
LANDS N/F OF
**MILLINGTON CROSSING
ASSOCIATES 2, LLC**
S.L.K. 1285/148

**TAX MAP 31,
PARCEL 6-2**
LANDS N/F OF
**MILLINGTON CROSSING
ASSOCIATES 1, LLC**
S.L.K. 1285/154

LANDS N/F OF
FOOD LION, INC.
M.L.M. 360/431

LANDS N/F OF
S.H.A.
M.L.M. 191/127

P. 158

P. 106

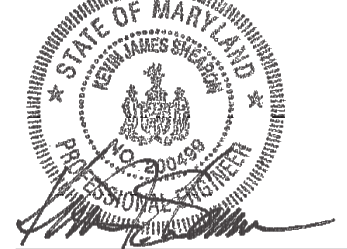
LANDS N/F OF
JOHN G. & SANDRA DONNELLY
M.L.M. 895/14

ADJACENT LANDOWNERS:

TAX MAP 32:

P. 6 - BRUCE W. SHIBE - M.L.M. 778/181
P. 61 - CHRISTOPHER J. & AMBER T. HEWITT - S.L.K. 1206/278
P. 46 - CHRISTOPHER J. & AMBER T. HEWITT - S.L.K. 1206/278
P. 26 - PATRICIA D. & STEVEN W. GORE - M.L.M. 307/5
P. 45 - THOMAS G. & STACEY M. LAING - M.L.M. 893/170

PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A FULLY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE
No. 2004099, EXPIRATION DATE 9-2025



FEBRUARY 25, 2025
DATE _____ SEAL _____

**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

TABLE OF CONTENTS

SHEET C-1 - OVERALL SITE PLAN
SHEET C-2 - GRADING AND SEDIMENT &
EROSION CONTROL PLAN
SHEET C-3 - MISCELLANEOUS DETAILS AND SEDIMENT
& EROSION CONTROL SPECIFICATIONS



GENERAL NOTES

1. 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.

2. 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 County Dept. Public Works ----- 1-410-778-7439
Kent Co. Sediment & Erosion Control Inspector - 1-410-778-7457
Kent Co. Dept. of Water & Wastewater ----- 1-410-778-3287
Maryland Department of the Environment ----- 1-410-631-3510

3. All construction shall be marked for traffic and pedestrian safety.

4. The Contractor shall provide all equipment, labor, and materials for any miscellaneous or test pit excavations required by the Engineer.

5. The owner is responsible for the acquisition of all easements, both permanent and temporary.

6. 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.

7. 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).

8. All trash, trees, and underbrush are to be cleared and removed off site to an approved dump site by the contractor.

9. 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.

10. Any existing survey monumentation that is disturbed during construction shall be replaced by a registered surveyor at the contractor's expense.

11. 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.

12. All materials and methods of construction shall conform to the drawings, specifications, local building codes, and the standard specifications and details of Kent County.

13. All drainage structures and swales shall remain functional during construction unless otherwise indicated on the plans.

14. All water valves, boxes and hydrants shall be set and adjusted to finish grade.

15. Wherever sewer or water mains or services run parallel to each other, a minimum horizontal separation of 10' shall be provided.

16. Minimum cover over the sewer main shall be 42".

17. All concrete used for utility work shall be in accordance with MD SHA Standards and Specifications for Mix No. 2.

18. 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.

19. 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.

20. Erosion and Sediment Control will be strictly enforced by the Kent County Sediment and Erosion Control Inspector.

DATE	REVISION	OVERALL SITE PLAN	DATE	SCALE
		ON THE LANDS OF	FEBRUARY '25	1" = 200'
		MILLINGTON CROSSING ASSOCIATES 1, LLC	JOB No.	2016114
		NEAR THE TOWN OF MILLINGTON	DRAWN BY	WJM
		TAX MAP - 31, GRID - 1D, PARCEL - 6-2	FOLDER Ref.	31-2016114
		FIRST ELECTION DISTRICT, KENT COUNTY, MARYLAND	DESIGNED BY	KJS
		PREPARED FOR : RUSS RICHARDSON	SHEET No. -	C-1
			CADD FILE -	16114SEC1