

QUEEN ANNE'S COUNTY PLANNING COMMISSION MINUTES
Thursday August 11, 2022

The Queen Anne's County Planning Commission met on Thursday, August 11, at 8:45 A.M. The following members were present: Sharon Dobson, Tom Leigh, Jeff Reiss, Teddy Baker, Kathy Deoudes, Arthur Ebersberger.

Also present were Amy Moredock, Director Department of Planning and Zoning; Rob Gunter, Principal Development Review Planner; Stephanie Jones, Long Range Principal Planner; Steve Johnson, Development Review Planner; John Shelton, Clerk; Christopher F. Drummond, Esquire; and Sharon H. Brinster, Esquire.

1. Public Comment – No comments received

2. Meeting Minutes Review – Upon motion made by Commissioner Leigh, seconded by Commissioner Deoudes, and passed by voice vote, the, July 14, 2022 Planning Commission Minutes were approved as presented.

3. Extension Requests – None.

4. UPDATES:

(A) Legislation and Legal Matters – Ms. Amy Moredock, Planning and Zoning Director, provided the following updates:

- (1) Bridgetown Development filed an action against the County appealing errors in drafting of the conditions to the project approved by the Planning Commission in January 2022 and the Board of Appeals in March 2022. She said staff corroborated the drafting error in the decision and the Board has corrected the decision. The suit has been withdrawn.
- (2) Bay City Property Owners appealed the Planning Commission's approval of the Land Bridge Preliminary Subdivision. The Board of Appeals upheld the decision finding that it was not the proper venue to hear an appeal of a Preliminary decision by the Planning Commission, as it was not a final, actionable item.
- (3) Bay City Property Owners have filed an action in Circuit Court to determine the ownership of Victoria Drive and Stafford Road which provide access to Land Bridge Subdivision. Staff is currently complying with what equates to a public information request regarding any documents pertaining to the complete project review history of that property.

(B) Miscellaneous – Ms. Amy Moredock, Planning and Zoning Director, provided the following updates:

- (1) Staff is working with Economic Development staff regarding a potential Rural Maryland Economic Development Fund grant to hire a consultant to study viable updates to the Agritourism provisions in the Code.

5. Text Amendment / County Ordinance #22-06 Citizen Sponsored Text Amendment – Proposed to amend §18:1-38.1.B(4) *Utility Scale Solar Array (USSA) District. Utility-scale solar array on reconfigured parcel.* Willard C Parker, Esq., on behalf of Janet Dean, applicant, described the proposal to allow utility scale solar to be permitted on a parcel reconfigured through an administrative subdivision to add additional acreage, but only if the administrative subdivision involves the reconfiguration of a platted subdivision that is substantially undeveloped. He described Janet Dean's property and the Major Subdivision approved in June 2006.

The Planning Commission took a short break at 9:05 A.M. and reconvened at 9:10 A.M.

Tony Cooper-Smith, Enel North America Solar, provided the Planning Commission with a handout of Exhibits and described the purpose, application, and benefits of the proposed amendment. Mr. Cooper-Smith further explained how the applicant had further amended the application to include that all lots were to be in single ownership to further reduce discrepancies between a utility-scale solar development and single-family dwellings.

Stephanie Jones, Long Range Principal Planner, detailed the staff recommendation for an unfavorable recommendation to the County Commissioners. She said the intent of the provision was to not allow larger solar array, and un-doing the approved subdivision means a loss of housing and open space within the County.

Christopher Drummond, Planning Commission Attorney, said that the Citizen Sponsored Text Amendments received in February each year put Staff in an uncomfortable situation of becoming co-authors. He said the proponent of the amendment has the job of presenting something to be approved or disapproved.

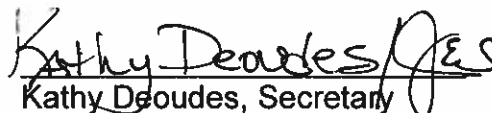
Upon review and further consideration, the following motion was made by Commissioner Leigh, seconded by Commissioner Reiss, and passed by voice vote with Commissioners Leigh, Reiss, Deoudes and Ebersberger in favor, and Commissioner Baker opposed:

RESOLVED, that the Planning Commission makes an unfavorable recommendation to the County Commissioners regarding Text Amendment/County Ordinance #22-06 to amend §18:1-38.1.B(4) *Utility Scale Solar Array (USSA) District. Utility-scale solar array on reconfigured parcel.* to allow utility scale solar to be permitted on a parcel reconfigured through an administrative subdivision to add additional acreage, but only if the administrative subdivision involves the reconfiguration of a platted subdivision that is substantially undeveloped, and bases their recommendation on the input of staff, counsel, and the information presented. This is to include the amendment that was provided during the meeting by the applicant.

6. Public Comment – None.

There being no further business to come before the Planning Commission, the meeting was adjourned at 9:36 A.M.

RESPECTFULLY SUBMITTED,


Kathy Deoudes, Secretary