



# Kent County

## Department of Planning Services Division of Planning

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### AGRICULTURAL PRESERVATION COMMISSION RECOMMENDATION REPORT December 1, 2022

<b>Application</b>	: AP-22-03
<b>District Name</b>	: Merriken District (K-22-10-302)
<b>Applicant/Owner</b>	: Leslie S. Merriken, Trustee & John W. Merriken 541 Nine Foot Road Greenwood, DE 19950
<b>Present Zoning District</b>	: AC (Agricultural Conservation) & AR (Agricultural Residential)
<b>Proposed Zoning District</b>	: Same with Agricultural Preservation Overlay (AP/10)
<b>Area and Location</b>	: 414.81 +/- acres located on the south side of Vernon Road (DE Rt. 14), and the east side of Flat Iron Road, west of Harrington
<b>Kent County Property Identification Numbers</b>	: MN-00-179.00-01-15.00-000 MN-00-186.00-01-26.00-000

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### AGRICULTURAL PRESERVATION COMMISSION RECOMMENDATION

On November 7, 2022, via a telephone poll vote, the Agricultural Preservation Committee voted unanimously, to recommend **Approval** of the Merriken District (AP-22-03). In making its recommendation, the committee cited the farm's proximity to other Agricultural Preservation and the need to preserve land as much as possible, especially outside the growth zone. The members voting via the telephone poll were Commissioner Eric Buckson, Joseph Jackewicz, Jr., Robert C. Thompson and Raymond Stachecki.

#### **I. APPLICATION BACKGROUND INFORMATION:**

##### **A. COMPREHENSIVE PLAN RECOMMENDATION AND ZONING:**

The Comprehensive Plan recommends that this property be used for low-density residential purposes and is located outside of Kent County's Growth Zone Overlay. The proposed Agricultural Preservation Overlay District is in keeping with the Comprehensive Plan recommendation for the property.

The subject site is zoned AC (Agricultural Conservation) and is consistent with the zoning of the surrounding area. There are multiple other existing Agricultural Preservation Districts (AP/10) and Agricultural Preservation Easements (PDR) in the vicinity of the subject site.

**B. EXISTING AND SURROUNDING LAND USE:**

The subject site on the south side of Route 14 contains approximately 414.81± acres, consisting of 145.81 acres of crop lands, 268 acres of woodlands, 0.25 acres for farmland structures and 0.75 acres for residential. Other than a few residential lots along the road frontages in the vicinity, the land is surrounded by lands used for agriculture and some woods and wetlands. Agriculture is the principal use of the surrounding area with many large tracts in the vicinity.

The site is designated as a Level 4 on the State's Strategies for Policies and Spending Map. The preservation of agricultural land is encouraged in Level 4 areas, as the State will not be funding improvements for infrastructure to facilitate residential growth in this area. Improvements will be made to preserve existing infrastructure and to support agriculture and agribusiness.

**II. STAFF RECOMMENDATION:**

After reviewing the subject site, the surrounding land use, and the information provided by the Department of Agriculture, the staff recommends **Approval** of the creation of the Agricultural Preservation District. The site is in an area that is predominately agricultural with existing AP/10 and PDR districts in the vicinity along with minimal residential development on lots fronting the county roadways.

This recommendation is made without the benefit of public testimony and is based on the information presented when the application was received by the Department of Planning Services. The Regional Planning Commission shall give considerable weight to public testimony received during public hearing in considering its decision.

ENC: Data Sheet  
Exhibit A- Location and Zoning Map  
Department of Agriculture Information