



January 31, 2007

6:00 P.M.

Councilmanic District No. 3

(Ellendale, Slaughter Beach, Lewes, Milton)

Lewes Fire Hall

Introduction:

The Sussex County Council held a series of Land Use Plan meetings throughout the County, one in each Councilmanic District, for the purpose of reviewing and discussing proposed changes to the Comprehensive Land Use Plan.

At each meeting, Paul Driscoll of Urban Research & Development Corporation (URDC), the County's Land Use Consultant, was in attendance to discuss Sussex County's Comprehensive Land Use Plan Update process and to listen to the comments of the local officials, business persons and other residents regarding the plan.

Mr. Driscoll explained that Sussex County completed its last Comprehensive Plan in 2002. Delaware law requires each County to update their plan every five years.

Mr. Driscoll pointed out that the 2007 Land Use Plan Update will deal with opportunities and challenges the County is facing in the following areas: land use, water and wastewater, housing conservation, community design, recreation and open space, economic development, historic preservation, transportation mobility, and intergovernmental cooperation.

Mr. Driscoll reported that a first draft report is proposed to be completed by URDC by late March or early April. This draft will be presented to the County for their initial review and additional public meetings will be held to discuss the draft. At that time, there will be some proposals and recommendations to put before the public and local officials for substantive comment. In addition, various State agencies and local municipalities will review the document. Suggested revisions to the draft plan will be taken into consideration and, in July, Public Hearings on the Plan will be held by the Planning and Zoning Commission and the Sussex County Council. Once the Plan has been approved by the Council, zoning and subdivision Code revisions will be addressed.

Mr. Driscoll reported that they have reviewed the 2002 Land Use Plans of New Castle County and Kent County and New Castle County's 2007 draft report. In addition, several State documents associated with the Livable Delaware initiative have been reviewed, such as State Spending Strategies and various other documents relating to development and preservation.

Mr. Driscoll also reported that meetings have been held with various individuals and organizations: each member of the County Council and the Planning and Zoning Commission, a group from the University of Delaware, concerned citizens from the Lewes area, and the Sussex County Land Trust.

A meeting with the Center for the Inland Bays, the Farm Bureau and Sussex County Association of Towns are scheduled. These meetings are being held to get input from civic organizations and non-profit groups that are concerned about the future of the County. Mr. Driscoll stated that the purpose of all of these meetings is to get a grasp on existing conditions and to get a real sample of the variety of opinions and viewpoints.

Mr. Driscoll stated that he hoped public input would include comments on land development and preservation that affect the County's future and how Sussex County should try to influence current development and preservation trends. Mr. Driscoll stated that the following key issues have been identified to date: Agricultural Preservation, Livable Delaware, Transfer of Development Rights, Infrastructure Costs, Inland Bays Conservation, Transportation Mobility, Community Design, Economic Development, Housing, Water and Wastewater, Inter-Governmental Coordination, and Parks and Recreation.

The following announcement was made at each meeting:

As an extension of the public input process, the County welcomes comments and suggestions on the 2007 Comprehensive Plan Update. In addition to forms being available at the public meetings, comments can be made via the internet at www.sussexcountyde.gov. Citizens can fill out the comment form online or mail their comments to the following address: Sussex County 2007 Comprehensive Plan Comments, Attn: Mr. Hal Godwin, Assistant to the Administrator, P. O. Box 589, Georgetown, DE 19947.

Comments and Questions:

- Chris Hudson

Mr. Hudson stated that the State is forcing growth into the towns and the towns do not want it. He also stated that the towns' infrastructure is aging and cannot support the growth.

- Jennifer Pulcinella

Ms. Pulcinella stated that transportation issues in the towns need to be addressed.

- Charles Atkinson

Mr. Atkinson stated that the towns need a plan for emergency evacuation.

Hal Godwin, Assistant to the Administrator responded that the State has an emergency evacuation plan. He noted also, that there is a communications plan and that the Red Cross has a shelter

plan. He advised that Sussex County has an emergency response plan that is relatively complete and that the County is working to better coordinate with the State in emergency situations.

- **Deanna Duby**

Ms. Duby stated that she believes the County Council and the Planning and Zoning Commission do not have a long-term vision of what is happening in the County. She questioned who is going to be buying homes; will the buyers be employed or will they be retirees that will need more and more services; and, what kind of houses are available in the for people with low paying jobs. Ms. Duby also raised questions about evacuation routes.

- **Carol Bruce**

Ms. Bruce stated that there is no way to stop developers and that developers do not have the interest of the community at heart. She stated that sprawl, traffic, water shortages, and sewer shortages are concerns.

Paul Driscoll, Urban Research and Development Corporation (URDC) responded that the County is not in the business to stop development, rather the County directs development through the Comprehensive Plan and zoning ordinances.

- **Carol Bason**

Ms. Bason questioned if the County is looking at an overall growth plan rather than just community design?

Paul Driscoll responded that the County looks at development from a County-wide perspective and the need for preservation from a County-wide perspective. He advised that community design is more specific, however, by Law; the Comprehensive Plan must address both approaches in looking at the future for the County.

- **Harry Haon**

Mr. Haon stated that, in order for the Council to operate on the Comprehensive Plan, there must be enacting ordinances. He stated that, it is his understanding that twenty ordinances needed to be enacted to implement the Plan five years ago; to date, only ten have been enacted. The County must put ideas into practice now that are in the Plan, not five years later. Mr. Haon proposed that the County consider a moratorium to enact the ordinances and to create an overall County plan, as Kent County has done.

- **Bob Maegerle**

Mr. Maegerle made reference to cluster development, which was a part of the 2003 Land Use Plan. He suggested that the required percentage of open space be increased from 30 percent to 50 percent since cluster developments are using the 30 percent open space for wastewater retention ponds, golf courses, etc.

Paul Driscoll responded that he agrees that the Plan needs to better define “Open Space” so that it recognizes and preserves genuine “open space”.

- **Sandy Spence**

Ms. Spence expressed concern about affordable housing. She stated that the Land Use Plan should allow higher density construction closer to public services. She referred to the County’s recent approval of the West Rehoboth Community Land Trust’s application, stating that it is helpful but it only permits two houses per lot. She stated that “Katrina cottages” were a result of Hurricane Katrina and that this small home concept should be promoted in Sussex County for seniors that want to live independently.

- **Fran Richmond**

Ms. Richmond requested that that Historic Preservation be added to the list of concerns for the Comprehensive Plan Update.

Paul Driscoll responded that by Law, Historic Preservation must be included in the Comprehensive Plan.

David Baker, County Administrator, reported that the County has recently hired a Historic Preservation Planner. He also stated that affordable housing is within the County and that the Council approved a Moderately Priced Housing Ordinance.

- **Chuck Davidson**

Mr. Davidson stated that no one enforces the laws, i.e. stormwater management and wastewater. TMDL laws and stormwater management laws need to be in ordinance form. Mr. Davidson questioned how other land use plans in coastal areas address these issues. He also questioned how forestry preservation and buffer zones around wetlands are addressed and how they compare to the County’s Land Use Plan.

- **Harry Haon**

Mr. Haon stated that, five years ago, the County committed to look into the issue of buffers around waterways and this has not been done.

- **Kathy Bell**

Mrs. Bell stated that “Granny Flats” are being implemented in other areas. She suggested that large homes located in towns could have an ancillary unit (similar to an in-law apartment), thereby creating a new affordable housing option.

- **Rich Anthony**

Mr. Anthony stated that the County should do whatever is necessary to achieve water quality reclamation.

- **Buzz Henifin**

Mr. Henifin questioned if URDC will draft ordinances that will implement the results of the Comprehensive Plan Update.

Paul Driscoll responded that URDC, in accordance with its contract with the County, will draft ordinances for consideration by the Planning and Zoning Commission and by County Council.

- **Debora Fillis**

Ms. Fillis questioned how the Plan will address the concept of Transfer of Development Rights?

Paul Driscoll responded that, under the TDR program, a Developer would pay the owner of other lands for his development rights to develop the land and the land from which the rights were purchased would have to be preserved; the Developer would reap the additional density. This would get developers to pay for open space preservation instead of relying strictly on public funds. Sussex County has a similar concept in which developers in certain areas are allowed to have additional density if the developers contribute a fee per unit to the County. The County then takes those proceeds and buys development rights to set aside land elsewhere in the County for the preservation of open space. The County receives advice on sites for land preservation from the Sussex County Land Trust. There have been proposals at the State level to further refine the TDR idea. He stated that it is incumbent upon URDC to communicate ideas to the County and to communicate how to go about refining the density transfer system that exists in Sussex County.

- **Barbara Vaughan**

Ms. Vaughn questioned if there is a way to increase the coordination between DelDOT and what the County feels is in its best interest for the future?

Bobbi Geier, DelDOT responded that DelDOT will be conducting a series of public workshops following the Comprehensive Plan workshops. They are working with the County in developing the Transportation Plan Update for 2030. Ms. Geier emphasized that the Land Use Plan and the Transportation Plan go hand in hand.

- **Jim Richmond**

Mr. Richmond stated that the Plan is not dealing with environmental factors and the tax situation. According to the Delaware Population Consortium, the population of Sussex County at the current rate of projected growth, will grow from 157,000 in the 2000 census to 256,000 by 2030. He stated that taxes will have to be raised and that the County should develop a grand vision for the County by 2030 that takes into account the projected growth.

Mr. Richmond stated that he feels that the Transportation Plan should not be separate from the Comprehensive Plan. He stated that the County must work on enacting ordinances.

- **Mable Granke (Citizens Action Foundation)**

Ms. Granke questioned what the carrying capacity is with regard to all infrastructure.

- **Judson Bennett**

Mr. Bennett requested that the County consider an adequate public facilities ordinance which includes roads, hospitals, sewer, water, etc. He referred to an ordinance adopted by Kent County.

- **Henry Glowiak, Jr.**

Mr. Glowiak expressed concern that agriculture lands are being destroyed because of bad zoning ordinances and that farmland should be preserved through the County's zoning ordinances.

- **Laurie Hill**

Ms. Hill read a letter from Mid-Atlantic Farm Credit to Representative Cathcart regarding House Bill No. 280, the Sprawl Prevention Act. The letter stated that House Bill No. 280 does not restrict sprawl over the long term and that they encourage the withdrawal of House Bill No. 280.

- **Rich Collins**

Mr. Collins stated that the fundamental problem with the farm issue is profitability. TDRs, Land Use Plans, moratoriums, and buffers slow growth and limit growth in the country, drive growth into towns, and drive up the cost of homes, which impacts affordable housing. He questioned if there are any new concepts that might address this problem? He stated that the Land Use Plan Update should look at demographics and he questioned if any research is being done.

Paul Driscoll responded that the information from the Delaware Population Consortium indicates that the County will continue to grow strongly.

- **Dave Ennis**

Mr. Ennis reiterated previous comments concerning coordination. He expressed concern about the safety issue surrounding stormwater management. He commented on the high rate of growth in Sussex County and expressed concern about where people are going to go to recreate and how they will get there.

- **Richard Sapp**

Mr. Sapp stated that higher density saves open space and agriculture. He questioned if property owners can sell some development rights of a property and retain some, or would they be required to sell all of them (under the TDR Program) at the same time

Hal Godwin responded that the TDR program is not fully developed in Delaware yet.

Connie Holland, Office of State Planning Coordination responded that the State will attempt enabling legislation again during this General Assembly session. The legislation would not require municipalities to change their charters.

Ms. Holland stated that she takes issue with a previous statement that was made regarding towns not wanting growth. She stated that Lewes, Rehoboth, and Fenwick Island may not be interested in growing, but there are other jurisdictions with large annexation areas that are willing to take some of the growth.

Ms. Holland responded to the question regarding the sale of a portion of development rights, stating that a person could sell only a portion of their development rights; however, it would have to be accordance with any TDR Program that Sussex County decides to establish.

Ms. Holland emphasized that the State is not trying to put agriculture out of business.

- **Bob Stickels**

Mr. Stickels stated that the water and wastewater parts of the Land Use Plan Update should include a section for the private sector. He advised that, since the adoption of the 2003 Land Use Plan, Senate Bill No. 99 was passed which allows the private sector to provide water and sewer; this now puts the private sector under the Public Service Commission. Mr. Stickels stated that in the transportation mobility aspect of the Plan, if the County is going to accept the State's transportation plan, the County should ask the State to provide a reasonable funding element and a time schedule; the time schedule should include reference to the State Spending Areas and the levels of spending. He noted that the County is still continuing with major studies for sewer expansion and that the growth areas should mirror the areas where the studies for wastewater are taking place. He also noted that, if the sewer studies do not mirror the growth areas, they will not be eligible for State spending.

It was noted that three councilmen were in attendance at the meeting; however, no action was taken by the Council.

The meeting concluded at 8:10 p.m.

Prepared by: Gaye King, Administrative Secretary