February 1, 2007

Councilmanic District No. 1

(Bethel, Blades, Laurel, Seaford)

Seaford 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:

Paul Driscoll, URDC, opened the public comment period by asking how many people had heard of the Livable Delaware concept and he asked for comments regarding what Livable Delaware means.

- **Sue Bramhall**

  Ms. Bramhall stated that to some people, it means giving up their property rights and that she believes that government does not have the right to tell a property owner how to use his lands.

  Ms. Bramhall stated that she believes a property owner should be informed of any designations that may be assigned to their land; that a property owner should have input in the decision to make that designation, and that the property owner should be properly compensated for any land taken.

- **<u>Erroll Maltox</u>**

  Mr. Maltox referred to the brochure on the Comprehensive Land Use Plan Update which was made available to the public prior to the meeting and he referenced the wording under "Major Issues and Concern" in regards to agriculture land preservation. He referred to the wording "fair value for giving up their development rights". Mr. Maltox stated that a farmer does not give up his land if he is placing his land in agricultural land preservation. He stated that this may set the wrong tone that may carry through the entire Plan Update process. Mr. Maltox also referred to the wording on TDR's and the "banking concept" and he stated that the money, in all probability, would end up in a General Fund and would disappear.

- **<u>Gina Miserendino, Sussex Housing Group</u>**

  Ms. Miserendino made several remarks about the affordable housing issue. She commended the County for the creation and implementation of its Moderately Priced Housing Program, stating that she looks forward to the full implementation of the Program. She encouraged the County to make it a mandatory program. She stated that the Sussex Housing Group supports the basic concepts of the current Comprehensive Land Use Plan, especially focusing development near existing infrastructure, allowing for cluster development, preserving farmland and open space, and emphasizing coordination between municipalities and the County. She expressed concern about the severe lack of affordable housing in the County, including the lack of housing for low and extremely low income individuals. She stated that the Group would like to see more creative models more actively pursued by multi-disciplined groups, not just by non-profit groups, i.e. community land trusts. Ms. Miserendino concluded by stating that oftentimes, the true cost of development is not truly weighted before it is allowed to go forward.

- **<u>Elsa Culp, New Horizons Cooperative</u>**

  Ms. Culp discussed the need for affordable housing. She expressed concern that it is difficult to find zoning that permits housing projects such as the Cooperative would like to pursue.

- **<u>Gabriel Zepecki</u>**

  Ms. Zepecki expressed concern about land preservation, environmental issues, and infrastructure, including roads. She stated that the Plan Update should require that infrastructure issues are addressed prior to development taking place.

- **<u>Tom Darby</u>**

  Mr. Darby stated that the Plan Update needs to address the fact that transportation depends not only on roadways, but waterways as well. He noted that waterways are not addressed in the current Plan. Mr. Darby stated that a lot of the materials used for developments are being transported into the area on the Nanticoke River and that the

River needs to be protected. He stated that all methods of transportation need to be looked at, including how the traffic will impact all areas and not just an area being developed.

Paul Driscoll: Mr. Driscoll responded that, in the Plan Update, there is going to be a chapter on transportation and that the road component will be coordinated with DelDOT. It is hoped that the County can incorporate the State's plans in the Land Use Plan Update, listing the road needs and how those needs will be addressed.

Mr. Darby questioned if DelDOT has anything to do with transportation on waterways.

Bobbie Geier, DelDOT: Ms. Geier responded that the Corp of Engineers polices the waterways. She stated that they would be looking at all modes of transportation in this Plan, including maritime issues, but only to the extent of freight, rail and truck movement.

- **<u>Fred Sponseller</u>**

Mr. Sponseller stated that all developments seem to end up with the same problems, which end up costing the State, i.e. failing stormwater management ponds and the resulting run-off. He stated that, eventually, these costs will be passed on to the County and the municipalities.
Mr. Sponseller commented on the size of developments. He stated that if a developer wants a development that is the size of a town (for example, the recently approved Blackwater Development with 1,500 houses), then the developer should be required to build a town with a school, a Town Hall, a fire department, etc.

Mr. Sponseller stated that the Plan Update should include a component to protect wildlife.

- **<u>Tony Diagonale</u>**

Mr. Diagonale stated that the Plan Update needs to address the following issues: controlling random growth; limiting high density; enforcing stricter open space requirements; actively seeking road improvements to support development; addressing stormwater management, wetlands, and flooding while directing development; and protecting wildlife.

Paul Driscoll: Mr. Driscoll asked for the public's comments regarding the open space issue and how it should be set aside, how much should be set aside, and where it should be set aside. Mr. Driscoll also questioned where growth should go.

Tony Diagonale stated that the County should require a certain percentage of open space and greenery.

- **<u>Erroll Maddox</u>**

Mr. Maddox expressed his opinion that sprawl causes transportation problems and he stated that development has to occur along an "urban corridor", where facilities exist. Mr. Maltox stated that the County should take a tougher stance in rural and agricultural areas.

- **<u>Jesse Frederick Conaway</u>**

  Mr. Conaway stated that his property has been targeted as being in a State Resource Area. He expressed his opinion that, if the State wishes to designate lands as Resource Areas, there has to be some form of compensation when land is taken and development is limited.

  Mr. Conaway stated that there are rumors that there may be punitive consequences if Sussex County does not adopt the SRA maps and he questioned if the County has already decided how areas that are designated SRAs are going to be rezoned.

  Connie Holland, Director, Office of State Planning Coordination: Ms. Holland responded that Mr. Conaway's comment on punitive consequences is a myth and that State Resource Area maps have been in use for over fifteen years and they are currently being used in the PLUS (Preliminary Land Use Service) Review Process. She noted that the maps have recently been a "little more refined" by DNREC and that all the agricultural lands, unless they are forested, have been taken out. Mrs. Holland stated that the State does not intend to "take land" unless they are going to compensate the landowner for it. She further noted that if a parcel of land has a "critical area" on it, it can still be developed, most likely with the same density, using Best Management Practices.

- **<u>Edith Wright</u>**

  Mrs. Wright questioned if a parcel of land designated in a SRA area can be sold.

  Ms. Holland responded that the property owner can still sell it. She explained that the purpose of the SRA designations is to educate people; to guide them as to (1) where the critical areas are, (2) where the high ground is, (3) where the low ground is, (3) where the open space should be, and (4) where the house, septic system, and well should be placed.

- **<u>Jesse Frederick Conaway</u>**

  Mr. Conaway expressed concern about property rights. He referenced "dispelling myths" and noted that the SRA maps that were previously in existence were set up in case someone wanted to sell their land to the State. He stated that the meaning of SRAs has now been changed and the State wants to overlay the zoning areas.

  Mr. Conaway stated that the State's attitude was that the owners of land designated as SRAs did not have to be notified, which he believes sent a message to the public that the State is not looking out for the interests of the public. Mr. Conaway stated that, due to public pressure, landowners have since been notified.

- **<u>Mark Allen</u>**

  Mr. Allen expressed concern about the future of SRAs and he expressed his opinion that there will be stipulations in the future associated with the maps which will devalue land.

  Mr. Allen disagreed with comments made by Connie Holland regarding SRA map designations and he stated that it does constitute a "taking" and that landowners should be compensated.

  Paul Driscoll: Mr. Driscoll stated that the State and the County are aware that there is suspicion among County residents that, despite the State's comments to the contrary, State Resource Areas may eventually involve something more than a benign mapping.

- **<u>Frank Raskauskas</u>**

  Mr. Raskauskas referred to the Livable Delaware concept and he expressed concern about the covert way in which it is being implemented; i.e. land being designated as being located in a State Resource Area and the landowner not being notified of that designation.

- **<u>Howard Dondt</u>**

  Mr. Dondt stated that people live in a community and what they do with their property should be limited based on how it may impact others.

  Mr. Dondt stated that towns are constantly faced with applications for annexation and that the value of annexed properties is increased due to the municipal services that are available. Mr. Dondt expressed concern that the "drive" for annexation is the desire of the developers to be included.

- **<u>Ed Jestice, Delaware Farm Bureau</u>**

  Mr. Jestice read Resolution 2006-1, adopted by the Delaware Farm Bureau in November 2006, which states that the Farm Bureau asks the State of Delaware to float a bond for $100 million to enhance the Agland Preservation Program while this land is still available.

  Mr. Jestice explained that the Agland Preservation Program is an existing tool for preservation of open space and that it is a voluntary program.

- **<u>Faye Ellis Jones</u>**

  Ms. Jones referenced some land that she inherited and she expressed concern about the length of time it takes to place a farm in Agland Preservation; that "what you get when

you sell it (development rights) is very small when compared to what the farm is worth"; and, on the Federal level, a large amount of (inheritance) taxes must be paid.

Ms. Jones expressed concern about the large developments that are being approved. She also expressed concern about the inability of farm machinery to move on the roadways. She stated that the County's goal should be to find a balance between preservation and growth in order for farms to continue to exist.

- **<u>Michael Persico</u>**

  Mr. Persico stated that stopping progress is an impossibility unless the government is willing to take extreme measures to stop growth, i.e. taxation, campaign reform, etc. He expressed concern about the development occurring in the County and he stated that the many of the new home buyers are from out-of-state and their priorities and agendas are different than those of the local people. He concluded by saying that if Sussex County wants to remain rural, it needs to be made financially unattractive to developers, i.e., require developers to pay for infrastructure.

- **<u>Sam Wilson</u>**

  Mr. Wilson spoke in support of property rights. In response to comments about developers and developments, he defended the developers stating that they spend a lot of time and money going through the process and meeting all requirements.

- **<u>Dan Kramer</u>**

  Mr. Kramer spoke in opposition to the Farm Bureau's Resolution, stating that the taxpayers should not have to pay for farmland preservation.

  Mr. Kramer spoke in support of higher density.

  Mr. Kramer stated that affordable housing is available in the County.

- **<u>Chris Hudson</u>**

  Mr. Hudson referenced the SRA maps and he stated that the maps were recently updated and are not the same maps that have been used for fifteen (15) years, as stated by Connie Holland. He advised that the State would not be enacting the law enforcing State Resource Areas and that the County Council would be required to do so.

  Mr. Hudson spoke in support of Smart Growth (growing from the Town Centers outwards). He expressed his opinion that the State is doing a bad job with Smart Growth and that the State is forcing growth into and around the towns but it is not providing enough funding for these areas to update their inadequate and, in many cases, failing infrastructure.

  Mr. Hudson stated that, if Sussex County is growing at 30 percent to 40 percent per year, then the State's budget for Sussex County should grow at a similar rate and it is

not. Mr. Hudson noted that the State's spending on infrastructure is primarily limited to New Castle County and Kent County. He expressed his opinion that the County should permit the private sector to spend their own money on water, wastewater, and other services if they wish to do so. He commented that, if less congestion on the roads is desirable, then a better transportation system between population centers should be provided by the State, instead of wasteful spending on ineffective projects in the northern part of the State.

Mr. Hudson spoke in support of providing adequate areas around towns for growth and providing incentives for growth in those areas as opposed to penalizing landowners outside of the growth zones. He stated that growth will occur in the unincorporated areas and that planning needs to be done to provide services to those areas or the private sector should be allowed to provide those services.

Mr. Hudson stated that low density means high land prices; that low density creates sprawl; and that high density means low prices. He stated that the demand for housing has declined over the past year and the housing supply will soon start to decline as a result of that.

Mr. Hudson spoke in support of property rights and respecting what a neighboring property owner wishes to do with his own property.

Mr. Hudson concluded that the free market is a very effective system that will find its own balance as it always has, historically, and that cumbersome and heavy-handed governmental regulations have a way of causing dire and far-reaching consequences.

Connie Holland: Ms. Holland reported that the State pays for 87 percent – 90 percent of the infrastructure within this State: roads, libraries, schools, transportation, etc. She stated that the State of Delaware and its taxpayers should not carry the burden of development. She acknowledged that many developers do give money to the County and the municipalities to pay for infrastructure; she stated however, that it does not pay for it in perpetuity (snowy roads, fire company services, etc.)

Ms. Holland concluded by saying that Delaware is a property rights State and that the County and the local jurisdictions should have Comprehensive Plans, annexation areas, and a plan of services to determine where growth can go.

- **<u>Edith Wright</u>**

Mrs. Wright stated that there are two Sussex County's – the east and the west – and that she hopes the west doesn't end up like the east.

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

The meeting concluded at 7:55 p.m.

Prepared by: Robin A. Griffith, Clerk of the Council