February 6, 2007

Councilmanic District No. 5

(Fenwick Island, South Bethany, Selbyville, Dagsboro, Frankford, Millsboro, Delmar)

Selbyville 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:

- **Jackie Banning**

  Ms. Banning stated that she received a letter advising her that her property is located in a State Resource Area and that she would like to know what this means as far as development and restrictions.

  Connie Holland, Director, Office of State Planning Coordination: Ms. Holland explained that State Resource Areas are natural areas that have always existed and that, currently, there are no County restrictions; however, there could be Federal or State restrictions on certain areas of the property. Ms. Banning was advised to call Ron Vickers, Department of Natural Resources and Environmental Control, at 739-9000 since he would be able to tell her how much of her land is encroached by the State Resource Area designation.

  Paul Driscoll, Urban Research & Development Corporation (URDC): Mr. Driscoll explained that the State uses the State Resource Area maps when they do a land use review of

larger development projects and to track the existence of environmental resources. He also explained that the County is required to incorporate these maps into the Comprehensive Land Use Plan Update to ensure that developers are not proposing construction in wetlands, flood plains, etc.

- **<u>Rich Collins</u>**

  Mr. Collins stated that the State Resource Area map designations are totally left up to the local governments. He stated that New Castle County has put devastating restrictions on landowners with lands designated in the State Resource Areas. He stated that he has received information that landowners in New Castle County have been told they could lose as much as 95% of their ability to develop their property. Mr. Collins expressed that he hopes Sussex County will respect the rights of landowners.

  Paul Driscoll: Mr. Driscoll responded that the State program does not mandate that the County introduce additional regulations on properties affected by the natural features.

- **<u>Everett Dennis</u>**

  Mr. Dennis expressed concern about hunting safety zones. He advised that State regulations for hunting require a safety zone of 300 feet from any occupied structure, which could mean that a landowner would not be able to hunt on portions of his own land.

  Paul Driscoll: Mr. Driscoll advised that the County could not do anything with regard to the State's safety zone hunting regulations; he noted, however, that the County could review its own zoning regulations to ensure that buffers are large enough around the perimeter of an entire development, particularly in rural areas where hunting is more likely to occur.

- **<u>Graham Purchase</u>**

  Mr. Purchase stated that he feels that TMDL (Total Maximum Daily Load) regulations should be able to prevent run-off into the bays. He stated that he believes sewer systems are the responsibility of the County and that the County should be more aggressive by constructing sewer systems county-wide. He stated that developments should not be allowed until sewer infrastructure is available. He stated that County ordinances should better control lot sizes and that he feels that wetlands must be protected with forestry or small vegetation buffers, not concrete or sand buffers. He stated that he feels open space should be space that can be utilized by animals as a natural habitat.

  Paul Driscoll: Mr. Driscoll stated that "open space" in Sussex County needs to be better defined. He indicated that he would be attending a presentation on February 7th at the

Center for the Inland Bays and that they would be making recommendations as to how the County can be more proactive in regards to the quality of the Inland Bays.

David Baker, County Administrator: Mr. Baker stated that ten years ago, there were 29,800 EDU hook-ups to the County sewer systems and that today, there are 54,000. He also reported that the County has a number of new sewer projects in the works.

- **<u>Steve Wood</u>**

  Mr. Wood expressed concern about inadequate road infrastructure to support developments. He stated that the main beach roads have become bottlenecks as development continues.

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

  Ms. Miserendino stated that the County must consider whether or not the residential developments are fitting the needs of all Sussex Countians and she expressed concern about the lack of affordable housing.

David Baker: Mr. Baker stated that the County has a number of programs, such as the Community Development Rehabilitation Program, which assist owners of homes that need repairs. He noted that individuals must meet certain income and other requirements to qualify for this program. Mr. Baker also stated that the County has adopted a Moderately Priced Housing Ordinance, which allows higher density in a development if the developer provides an affordable housing element within that development.

Bill Lecates, Sussex County Community Development Office: Mr. Lecates stated that, last year, the County Council initiated the Moderately Priced Housing Program. He stated that the County is very aware that there is also a need for lower-income housing. In that regard, the County partnered with Diamond State Land Trust for an affordable housing program. Mr. Lecates emphasized that the County must continue its efforts to provide affordable housing.

- **<u>Ed Justice – President, Delaware Farm Bureau</u>**

  Mr. Justice read the Farm Bureau's Policy No. 1, which states that the Farm Bureau "opposes any efforts by government agencies that reduce the fair market value of private property or limits a landowners' ability to sell to the highest bidder". He stated that the Delaware Farm Bureau supports Home Rule, feels that the County should have decision-making abilities, and supports building multi-family units on smaller areas, which would permit affordable housing without using up the land.

- **<u>Rich Collins</u>**

  Mr. Collins stated that possibly, rapid growth and rising property values are coming to an end in Sussex County for a period of time. He stated that URDC needs to evaluate

this possibility as they put together the Comprehensive Land Use Plan Update. He stated that one of the reasons houses are so expensive is the processing costs and that the County should look at ways to streamline the process as a means to address the affordable housing issue.

- **<u>Kevin Lynch</u>**

  Mr. Lynch stated that he does not want property rights taken away and that he feels that landowners should be allowed to do what they want with their property.

- **<u>Dominique Baron, Delaware Nature Society</u>**

  Ms. Baron stated that in the Comprehensive Land Use Plan Update, the Delaware Nature Society would like the following included: habitat protection, solid waste management, and a wider array of environmental protection initiatives. She stated that the Society encourages the County to adopt the State Resource Area maps and that the Society would like a more defined TDR (Transfer of Development Rights) Program. She also stated that the Plan Update should look at pollution control strategies, particularly in the Inland Bays.

  Paul Driscoll: Mr. Driscoll responded that URDC has been retained by the County to assist them in implementing supporting ordinances once the Comprehensive Land Use Plan Update is adopted by the County and approved by the State. He advised that the County would strive to "strike a balance" and to avoid taking away property rights in the Plan Update and the supporting ordinances.

- **<u>Henry Johnson III</u>**

  Mr. Johnson stated that in some areas, farmers are not permitted to give or to sell a parcel of land to a family member unless it is a five- to ten- acre parcel. He expressed concern that this could happen in Sussex County and that he feels farmers should be able to give or to sell a one-half acre parcel or one-acre parcel, which are lot sizes already permitted in developments.

  Paul Driscoll: Mr. Driscoll responded that some communities and surrounding counties do have very strict agriculture preservation zoning regulations, only permitting 5 to 10 acre parcels, or larger. Mr. Driscoll said that he does not believe the Planning & Zoning Commission or the Sussex County Council intend to adopt any ordinances with these restrictions.

- **<u>Kevin Burdette</u>**

  Mr. Burdette stated that the Comprehensive Land Use Plan Update should ensure that the County maintains Home Rule and supports individual property rights. He stated that he would like to see a good TDR Program included in the new Comprehensive Plan Update.

Mr. Burdette stated that the Plan Update should indicate where Sussex County would like to see development. He also stated that although developments are encouraged near towns where there are utilities, not everyone wants to live in town. He noted that there are many areas in the County where private utilities exist and where the County has extended water and sewer utilities, and that he would like to see development in those areas.

Mr. Burdette stated that buffer regulations are handled by DNREC and should not be in the Plan Update.

- **<u>Tom Ford</u>**

Mr. Ford stated that he fears State agencies would like to exert more influence on a process that is already being well-handled by the County. He stated that he is a strong advocate for Home Rule and that he feels that growth should be directed to where infrastructure is and to the State's "Spending Areas".

- **<u>Keith Johnson</u>**

Mr. Johnson stated that the Farm Bureau could contact the farmers in the County in regards to the development of a TDR program. He stated that farms must be maintained or open space will be lost. Mr. Johnson pointed out that farmers need to be able to liquidate their assets to compensate for the challenging economy. He stated that open space is usable space for farmers and it is a financial aspect of farming operations. He emphasized that farmers need to preserve the equity in their land.

Paul Driscoll: Mr. Driscoll questioned what the Farm Bureau's and the agricultural community's points of views are in regards to nutrient management.

- **<u>Ed Justice – President, Delaware Farm Bureau</u>**

Mr. Justice responded that Delaware has one of the model nutrient management plans in the United States and the nutrients are being used throughout the eastern part of the country. He stated that what used to be a waste product is now a commodity that is being shipped to other states.

- **<u>R. C. Willin</u>**

Mr. Willin stated that he was a member of the Nanticoke TMDL Strategy Team. He stated that the solution to many of the issues regarding TMDL strategies relate to agriculture. He stated that the Nutrient Management Commission is probably the best model in the Country, with regard to private and public cooperation, that has developed ways to deal with nutrients.

Mr. Willin expressed his opinion that the County has addressed the issue of open space very proactively.

Mr. Willin emphasized the need for farmers to preserve their equity base. He stated that TDR programs have failed in almost every jurisdiction that had such a program and that a TDR Program only works when it addresses the full equity of the landowner.

Mr. Willin stated that he believes there is a willingness in the County to respect private property rights and equity, as well as addressing the issues of affordable housing and land use that will preserve the County.

The meeting concluded at 8:10 p.m.

Prepared by: Gaye King, Administrative Secretary