

SUSSEX COUNTY COMPREHENSIVE PLAN

COUNTY COUNCIL WORKSHOP



April 18, 2018







- Future Land Use Goals, Objectives & Strategies Updates:
 - Goal 4.1 Manage the impacts of future growth and development to better preserve the rural areas quality of life of the County.



- Future Land Use Goals, Objectives & Strategies Updates:
 - Objective 4.1.1 Promote growth and development in areas where capital facilities and infrastructure are already available and adequate to support the growth, including incorporated municipalities that desire it and their future annexation areas.
 - Strategy 4.1.1.1 Continue use of Evaluate the County density bonus program to determine ways to better encourage the use of evaluate the program's effectiveness.



- Future Land Use Goals, Objectives & Strategies Updates:
 - Objective 4.1.3 Promote commercial and industrial development in designated commercial, office, and industrial areas in a scale/intensity/distance appropriate to adjacent residential neighborhoods.
 - * Strategy 4.1.3.1 Consider development of a commercial planned development ordinance that requires a review and approval of a site plan at the same time as a zoning change is proposed.
 - * Strategy 4.1.3.2 Revise the zoning code for commercial districts to include sub-districts, defining types of commercial uses.
 - Strategy 4.1.3.2 Revisit code to consider a mixed-use zoning district.



- Future Land Use Goals, Objectives & Strategies Updates:
 - Objective 4.3.2 Promote new development that incorporates preserved usable open space and mitigates for the protection or replacement of environmental resources in subdivision design.
 - Strategy 4.3.2.2 Consider deletion of tidal wetlands from density calculations in the ESDA.



- Future Land Use Goals, Objectives & Strategies Updates:
 - Goal 4.4 Minimize the adverse impacts of future development on existing development.
 - Objective 4.4.1 Ensure that new development complements the character of the existing surrounding communities.
 - Strategy 4.4.1.4 Review zoning code to determine if modifications
 are needed to permit agrihood-style development where appropriate
 in the County.
 - Strategy 4.4.1.5 Encourage master planning for large-scale developments on large parcels or groups of parcels in the ESDA Coastal Community, Developing Areas, and Mixed Residential land use classifications to provide flexibility in design.



- Future Land Use Goals, Objectives & Strategies Updates:
 - Objective 4.5.2 Reduce the challenges placed on farmers by new development.
 - Strategy 4.5.2.1 Establish Evaluate the concept of establishing voluntary agri-business areas that are centered around existing infrastructure in AR-1 zoning in western Sussex allow food processing, feed mills, and technology operations or other compatible uses.



- Future Land Use Goals, Objectives & Strategies Updates:
 - Objective 4.5.3 Increase the acreage of permanently preserved farm and forestland in the County.
 - Strategy 4.5.3.2 Work with the Delaware Department of Agriculture to preserve more Sussex County farms through agricultural preservation easements and maximize the value of the compensation paid to the landowners.
 - Strategy 4.5.3.5 Consider renewal of the County's contribution to the State Farmland Preservation Program and other federal or state programs that require a match.

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- New Future Land Use Goal, Strategy and Objectives:
 - Goal 4.6 Recognize the importance of the inland bays
 - Objective 4.6.1Safeguard the inland bays' ecologically important wetlands, tributaries and other waterbodies while supporting tourism and the real estate markets. (Text from the FLU chapter.)
 - Strategy 4.6.1.1 Support the Center for the Inland Bays and other conservation groups in their efforts to educate more people about the necessity of protecting tidal wetlands and other natural resources. (Strategy from the Conservation chapter.)



- Future Land Use Goal, Strategy and Objectives for Review after Conservation Chapter:
 - Goal 4.3 Identify and designate future development areas in a manner that protects the County's natural and cultural resources from the adverse impacts of development as outlined in the Conservation and Historic Preservation elements.
 - Objective 4.3.1 Consider incentive-based strategies for preserving environmental areas from development.
 - Strategy 4.3.1.1 Consider working with stakeholders to develop buffer incentives or a program for the protection of tidal wetlands and waterways. (Consistent with Conservation Strategy 5.3.1.1)



- Future Land Use Goal, Strategy and Objectives for Review after Community Design Chapter:
 - Goal 4.4 Minimize the adverse impacts of future development on existing development.
 - Objective 4.4.1 Ensure that new development complements the character of the existing surrounding communities.
 - Strategy 4.4.1.1 Reevaluate use of 20 foot landscaped buffers between new developments and adjacent uses to determine if buffer size is adequate/reasonable.
 - Strategy 4.4.1.2 Consider revisiting height limits in the code for residential and commercial districts to determine if heights are accurate for such districts and uses, as well as determining if the method for measuring height should be revised.
 - Strategy 4.4.1.3 Review zoning code to determine if modifications are needed to permit new styles of housing such as tiny house construction and agri-hood developments to be developed in the code as they appear.





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April 17, 2018







- Conservation Agenda:
 - Overview of 2018 Conservation Element
 - 2008 Conservation Strategies
 - 2018 Conservation Element Goals, Objectives, and Strategies Discussion



- 2018 Conservation Element:
 - Overview of Protected Lands and Natural Resources
 - County Development Regulations and Conservation Initiatives
 - Other Major Plans and Conservation Initiatives
 - Goals, Objectives, and Strategies



Protected Lands and Natural Resources

- Federal Land
- State Land
 - · Agricultural Land Preservation
 - Forestland Preservation
- Private Preserved Land
 - Sussex County Land Trust
 - Delaware Wild Lands
 - Ducks Unlimited
 - Nature Conservancy, etc.

- Water Resources
 - Surface waters
 - Groundwater
 - Wetlands
 - Floodplains
- Air



Current Agricultural Preservation

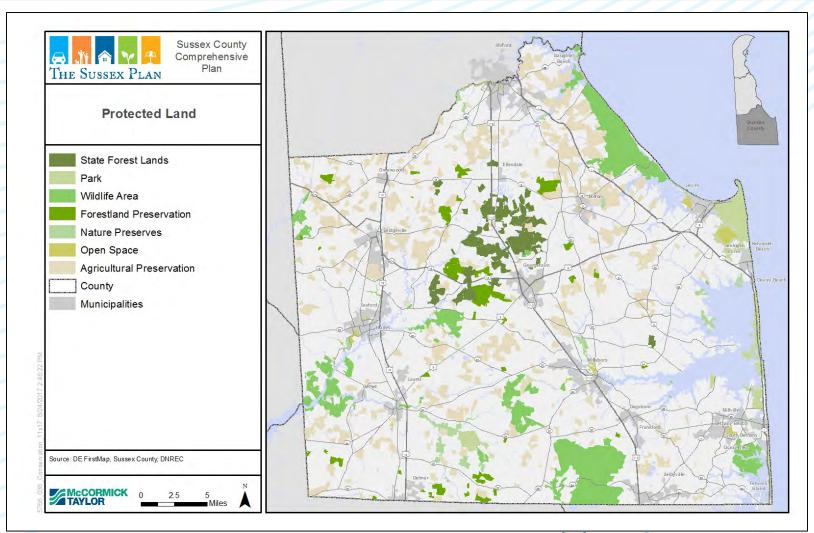
- Delaware Agricultural Lands Preservation
 - Agricultural Preservation Easements: Purchases development rights from landowners and imposes a permanent agricultural conservation easement on the land
 - Agricultural Preservation Districts: Voluntary agreements where landowners agree to continue to only use their land for agriculture for at least 10 years
 - Delaware Young Farmers Loan Program: Helps young farmers buy land while protecting it from future development



Example of Agricultural Preservation Incentives

- Fee-Simple Purchase
 - Farms are purchased outright from willing sellers, permanently preserved for agricultural use and resold or leased with deed restrictions
 - Primarily involves a conservation organization, or the State, County, or local government working with a willing landowner
 - Benefits: Permanently protects, public access if purchased by public entity or private group using public funds, increase adjoining property value
 - Limitations: Costly for recipient to purchase land, land may be taken off the tax rolls
 - Counties using this tool:
 - · Washington County, Wisconsin
 - Bucks County, PA (uses a bond to provide financial assistance to municipalities for fee-simple purchases)







- County Development Regulations and Conservation Initiatives
 - Sussex County's Zoning Ordinance and Subdivision Code contain numerous special regulations designed to protect environmental resources.
 - Examples:
 - Environmentally Sensitive Development District Overlay Zone
 - Subdivision regulations that require forested buffers, minimum common open space, and a special design review by a County-appointed Technical Advisory Committee.
 - Regulations restricting building activity within the 100-year floodplain.
 - Conservation zones are established landward from the mean high-water line of tidal bodies and regulate lot size for parcels proposing individual on-site septic and wells.



Buffers

- Buffers are natural areas between active land uses and wetlands or waterbodies that intercept pollutants and manage other environmental concerns
- Riparian Buffers
 - Riparian buffers are transition areas between water and land
 - Link terrestrial upland ecosystems to stream, river, lake, or wetland ecosystems
 - Buffers can be strips of grassy land leading to the water's edge or thickly forested streamside areas
 - Important functions: Protect and improve water quality, protect and improve wildlife habitat and biodiversity, preserve floodplains and wetlands, protect against erosion, preserve stream characteristics, provide recreation and aesthetic value



Buffers

- Agricultural Buffers
 - Strategically placed buffer strips in the agricultural landscape can effectively mitigate the movement of sediment, nutrients, and pesticides within farm fields and from farm fields as well as improve air and water quality



Setbacks

- A setback is the distance which a building or other structure is set back from a street or road, a river or other stream, a shore or flood plain, or any other place which is deemed to need protection
- Setbacks can influence perception of streetscape and the experience of the street
- Current Sussex County setback regulations:
 - Construction setbacks from primary coastal dunes
 - Building setbacks from tidal waters and tidal wetlands
 - Combined Highway Corridor Overlay Zoning District Building setbacks, landscaping and other regulations are enforced to enhance roadside aesthetics

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- For discussion: Wetlands in Density Calculations
 - Not appropriate for inclusion in Community Design chapter
 - The determination of developable land follows the elimination of known constraints, such as wetlands
 - This results in identifying the development area where Community Design principles can be applied



Open Space

 DNREC: Open spaces and natural places are forests, waterways, parks, greenways, wetlands, and otherwise undeveloped lands. These open spaces support all of the living things that inhabit them, including the economy and people of Delaware



- Other Major Plans and Conservation Initiatives
 - Federal, State, County, municipal, and private parties work together and separately to help preserve Sussex County's natural environment.
 - Examples:
 - Sussex County Land Trust
 - Inland Bays Preservation
 - Delaware Bay Estuary Project
 - Living Shorelines Program
 - Update to Conservation element: Beach Preservation section placed within Section 5.4.5 Other State Initiatives.
 - Text provided by Jennifer L. Luoma, DNREC, Division of Watershed Stewardship.



- 2008 Conservation Element Strategies:
 - Land Preservation:
 - Continue working with the State to identify opportunities for the State to acquire additional lands in Sussex County designated as Natural Areas.
 - Encourage more interested farmers to enroll in Agricultural Preservation
 Districts as a prerequisite for having the State purchase farmland development
 rights.
 - Continue working with the Sussex County Land Trust to use funds collected from local developers and funds leveraged from other sources to preserve more land through conservation easements and fee simple acquisitions.
 - Adopt a locally-formulated Transfer of Development Rights (TDR) program so that private sector developers can take a larger role in funding the permanent preservation of open space.
 - Strengthen County development regulations to ensure that open space dedicated by developers contains enough contiguous legitimate open space to facilitate environmental protection and /or passive recreation.
 - Establish future public sewer service areas that will help preserve open space by promoting orderly growth rather than unplanned sprawl.

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- 2008 Conservation Element Strategies:
 - Resource Protection Strategies:
 - Adopt zoning regulations that mandate an appropriate buffer distance between non-tidal wetlands and development.
 - Support the Center for the Inland Bays and other conservation groups in their efforts to educate more people about the necessity of protecting wetlands.
 - Encourage the State and tributary action teams to finish formulating pollution control strategies for the Inland Bays, the Nanticoke River, and the Broadkill Creek – and to focus on implementing these strategies.
 - Continue to assess the potential value of including stream setback regulation in water pollution control plans for the Inland Bays and other local water bodies.
 - Amend appropriate sections of Sussex County's zoning and subdivision codes to encourage more "green' stormwater management techniques as an alternative to traditional detention basins.
 - Amend appropriate sections of Sussex County's zoning and subdivision codes to add regulations that will help protect critical wildlife habitat.

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- 2008 Conservation Element Strategies:
 - Resource Protection Strategies (continued):
 - Raise landowner's awareness about the myriad of financial incentives the State offers to protect and better manage forest land, wetlands, wildlife habitat and farmland.
 - Adopt a wellhead protection ordinance with commonly accepted setback standards for protecting groundwater recharge areas.
 - Prioritize the provision of public sewers to areas with concentration of failed or potentially failing septic systems in order to better protect surface water and groundwater.
 - Provide more public education about how to properly construct and operate on-site septic systems.
 - In the Environmentally Sensitive Developing Area, delete all wetland areas from the gross lot size calculation used as the basis for determining allowable site density.
 - Evaluate the County's development regulations to ensure that maximum building coverage regulations reflect appropriate concern for reducing stormwater and promoting on-site recharge.

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- 2008 Conservation Element Strategies:
 - Resource Protection Strategies (continued):
 - Encourage better nutrient management techniques, improved erosion control techniques, the installation of fences to keep livestock out of waterways, and other best management practices on local farms.
 - Strengthen County development regulations that mandate forested buffers between new residential uses and contiguous agricultural uses.
 - Continue working with the State and local land owners to help sustain and protect well managed working forest lands through the Forest Legacy Program and related initiatives. The County understands that working forests have been (or will be) harvested to some degree, and that working forests are not necessarily managed for biodiversity or protection of critical natural habitat. Nonetheless, Sussex County recognizes the value of conserving these areas in accordance with approved wood lot management practices.



- 2018 Conservation Goals:
 - Goal 5.1: Preserve, maintain, and enhance the natural resources and natural systems in the County.
 - Goal 5.2: Encourage protection of farmland and forestland.
 - Goal 5.3: Ensure the protection of the natural functions and quality of the County's water resources.
 - Goal 5.4: Maintain and improve air quality.



2018 Conservation Goals and Objectives

- Goal 5.1: Preserve, maintain, and enhance the natural resources and natural systems in the County.
 - Objective 5.1.1 Encourage development practices and regulations that support natural resource protection.
 - Objective 5.1.2 Protect areas determined to be environmentally sensitive by directing development and growth away from these areas.
 - Objective 5.1.4 Coordinate with government agencies and nongovernmental organizations to identify and protect natural resources and habitat.
 - Objective 5.1.5 Explore new funding mechanisms for conservation in the County.
 - Objective 5.1.6 Promote education of citizens and elected officials of the County regarding the need to protect and preserve natural resources.

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- 2018 Conservation Goals and Objectives
- Goal 5.2: Encourage protection of farmland and forestland.
 - Objective 5.2.1 Recognize and promote the conservation benefits of having land in agriculture and forestry.
 - Objective 5.2.2 Pursue opportunities to increase the financial viability of the agriculture and forestry industries.



- 2018 Conservation Goals and Objectives
- Goal 5.3: Ensure the protection of the natural functions and quality of the County's water resources.
 - Objective 5.3.1 Protect surface water and drinking water quality.
 - Objective 5.3.2 Maximize the performance of wastewater management to protect water quality.
 - Objective 5.3.3 Promote techniques and activities that protect and enhance water quantity.
 - Objective 5.3.4 Better manage stormwater runoff to preserve water quality.
 - Objective 5.3.5 Reduce flooding and erosion.

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- 2018 Conservation Goals and Objectives
- Goal 5.4: Maintain and improve air quality.
 - Objective 5.4.1 Work with federal and state agencies and non-governmental agencies to identify opportunities to improve air quality in the County.



- 2018 Conservation Objectives and Strategies:
 - Objective 5.1.1 Encourage development practices and regulations that support natural resource protection.
 - Strategy 5.1.1.1 Consider revisiting code to determine if modifications are needed to open space requirements or if incentives can be developed to promote less fragmentation of open space. (FLU Strategy 4.3.2.4)
 - Strategy 5.1.1.2 Establish future public sewer service areas that will help preserve open space by promoting orderly growth rather than unplanned sprawl.



- 2018 Conservation Objectives and Strategies:
 - Objective 5.1.1 Continued
 - Strategy 5.1.1.3 Reevaluate use of 20 foot landscaped buffers between new developments and adjacent uses to determine if buffer size is adequate/reasonable. (FLU Strategy 4.4.1.1 for review)
 - Strategy 5.1.1.4 Evaluate the County density bonus program to determine ways to how to better encourage the use of the program, close loop holes, and facilitate the use of funds to obtain and preserve open space and natural resources. (FLU Strategy 4.1.1.1 and Recreation & Open Space Strategy 6.2.1.1)

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- 2018 Conservation Objectives and Strategies:
 - Objective 5.1.1 Continued
 - Strategy 5.1.1.5 Consider the expansion of the bonus density program into other zoning districts in order to obtain funds for open space and natural resource protection. (FLU Strategy 4.3.1.3)
 - Strategy 5.1.1.6 Continue development of County Code revisions, such as the revisions that addressed drainage, through a County Working Group tasked with accommodating state regulatory changes when appropriate.



- 2018 Conservation Objectives and Strategies:
 - Objective 5.1.2 Protect areas determined to be environmentally sensitive by directing development and growth away from these areas.
 - Strategy 5.1.2.1 Consider development of incentives to direct growth to Growth Areas and that will result in conservation of natural areas. (FLU Strategy 4.1.1.2)
 - Strategy 5.1.3.1 Review the appropriate sections of Sussex County's zoning and subdivision codes to determine if amendments are needed that will better help protect critical wildlife habitat.



- 2018 Conservation Objectives and Strategies:
 - Objective 5.1.4 Coordinate with government agencies and non-governmental organizations to identify and protect natural resources and habitat.
 - Strategy 5.1.4.1 Continue working with the State to identify opportunities for the State to acquire additional lands in Sussex County designated as Natural Areas.
 - Strategy 5.1.4.2 Continue working with the Sussex County Land Trust to use funds collected from developers and funds leveraged from other sources to preserve more land and open space through conservation easements and fee simple acquisitions.



- 2018 Conservation Objectives and Strategies:
 - Objective 5.1.4 Continued
 - Strategy 5.1.4.3 Work with DNREC, the Delaware Department of Agriculture, the Sussex County Land Trust, and non-profits to continue adding appropriate properties to the inventory of protected lands in Sussex County, particularly to link together existing state-owned forests and existing open space.
 - Strategy 5.1.4.4 Consider methods to formulate stronger, yet locally acceptable, strategies for better protecting groundwater, waterways, sensitive habitat areas and other critical natural lands in Sussex County.



- 2018 Conservation Objectives and Strategies:
 - Objective 5.1.4 Continued
 - Strategy 5.1.4.5 Continue and expand partnerships with conservation organizations to manage preserves.
 - Strategy 5.1.4.6 Establish a County goal for open space and natural resource preservation acreage.



- 2018 Conservation Objectives and Strategies:
 - Objective 5.1.5 Explore new funding mechanisms for conservation in the County.
 - Strategy 5.1.5.1 Consider renewal of the County's contribution to the State Farmland Preservation Program and other federal or state programs that require a match. (FLU Strategy 4.5.3.5)
 - Strategy 5.1.5.2 Consider County-level financing mechanisms for open space preservation and management to leverage state and federal dollars. (Recreation & Open Space Strategy 6.2.1.4)



- 2018 Conservation Objectives and Strategies:
 - Objective 5.1.6 Promote education of citizens and elected officials of the County regarding the need to protect and preserve natural resources.
 - Strategy 5.1.6.1 Support the Center for the Inland Bays and other conservation groups in their efforts to educate more people about the necessity of protecting tidal wetlands and other natural resources.
 - Strategy 5.1.6.2 Raise land owners' awareness about the incentives the State offers to protect and better manage forest land, wetlands, wildlife habitat and farmland.



- 2018 Conservation Objectives and Strategies:
 - Objective 5.2.1 Recognize and promote the conservation benefits of having land in agriculture and forestry.
 - Strategy 5.2.1.1 Encourage more farm owners to enroll in a voluntary State Agricultural Preservation District or similar program.
 - Strategy 5.2.1.2 Promote farm easement programs by the State, NRCS, and private land conservancies.
 - Strategy 5.2.1.3 Work with the Delaware Department of Agriculture and the farming community to preserve more Sussex County farms through agricultural preservation easements and maximize the value of the compensation paid to the landowners.

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- 2018 Conservation Objectives and Strategies:
 - Objective 5.2.1 Continued
 - Strategy 5.2.1.4 Support and promote the Forest Legacy Program and other programs that sustain and protect working forests.
 - Strategy 5.2.1.5 Promote Delaware's Urban and Community Forestry Program to preserve and enhance Delaware's community forests.



- 2018 Conservation Objectives and Strategies:
 - Objective 5.2.2 Pursue opportunities to increase the financial viability of the agriculture and forestry industries.
 - Strategy 5.2.2.1 Identify areas of agricultural land with prime soils or operations that should be maintained and/or strengthened.
 - Strategy 5.2.2.2 Work with land owners and Delaware Forest Service to protect high value forest tracts and improve the diversity and quality of forest tracts.
 - Strategy 5.2.2.3 Explore incentives that the County could offer landowners (e.g. property tax exemption) to encourage long-term forest management.
 - Strategy 5.2.2.4 Inform and educate agricultural and forest landowners about and connect land owners with the resources available from the State and other sources. This includes technical assistance and financial assistance programs.

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- 2018 Conservation Objectives and Strategies:
 - Objective 5.3.1 Protect surface water and drinking water quality. (Utilities Objective 7.2.1)
 - Strategy 5.3.1.1 Consider working with stakeholders to develop buffer incentives or a program for tidal wetlands and waterways.
 - Strategy 5.3.1.2 Support the State's goals and standards for surface and drinking water quality.
 - Strategy 5.3.1.3 Inform and educate residential property owners and managers about the negative water quality effects of improper use or unnecessary application of lawn chemicals.



2018 Conservation Objectives and Strategies:

- Objective 5.3.1 Continued
 - Strategy 5.3.1.4 Evaluate the effectiveness of the County's 50foot buffer requirement for tidal wetlands.
 - Strategy 5.3.1.5 Develop incentives to encourage the redevelopment of brownfields and greyfields.
 - Strategy 5.3.1.6 Determine if a review of the existing County wellhead protection ordinance is needed. (Utilities Strategy 7.2.1.2)
 - Strategy 5.3.1.7 Recognize the Inland Bays, their tributaries and other waterbodies as valuable open space areas of ecological importance. (FLU Goal 4.6)

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- 2018 Conservation Objectives and Strategies:
 - Objective 5.3.2 Maximize the performance of wastewater management to protect water quality.
 - Strategy 5.3.2.1 Prioritize the provision of public sewers to areas with concentration of failed or potentially failing septic systems in order to better protect surface water and groundwater.
 - Strategy 5.3.2.2 Provide more public education about how to properly operate and maintain on-site septic systems.
 - Strategy 5.3.2.3 Consider formation of a stakeholder action committee to coordinate treatment of wastewater and TMDLs.



- 2018 Conservation Objectives and Strategies:
 - Objective 5.3.3 Promote techniques and activities that protect and enhance water quantity.
 - Strategy 5.3.3.1 Protect long-term water supply by encouraging land conservation and purchase of easements (including agriculture and forestry easements) in groundwater recharge areas. (Utilities Strategy 7.2.1.1)



- 2018 Conservation Objectives and Strategies:
 - Objective 5.3.4 Better manage stormwater runoff to preserve water quality.
 - Strategy 5.3.4.1 Review the appropriate sections of Sussex County's zoning and subdivision codes to determine if amendments are needed to encourage more "green" stormwater management techniques as an alternative to traditional detention basins.
 - Strategy 5.3.4.2 Evaluate the County's development regulations to ensure that regulations reflect appropriate concern for reducing stormwater and promoting on-site recharge.
 - Strategy 5.3.4.3 Promote the Sussex Conservation District's Conservation Programs and its management and implementation of the Statewide stormwater regulations.

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- 2018 Conservation Objectives and Strategies:
 - Objective 5.3.4 Continued
 - Strategy 5.3.4.4 Consider support of the State's efforts that support farmers and encourage best management practices on farms in order to control runoff and maintain water quality of waterways
 - Strategy 5.3.4.5 Continue participation in the stormwater regulatory advisory process with the State for the development of improved stormwater regulations. (Utilities Strategy 7.4.1.1)
 - Strategy 5.3.4.6 Research or coordinate with the Conservation District on tax ditch setbacks.



2018 Conservation Objectives and Strategies:

- Objective 5.3.5 Reduce flooding and erosion.
 - Strategy 5.3.5.1 Evaluate the effectiveness of the County floodplain ordinance to determine if modifications are needed.
 - Strategy 5.3.5.2 Evaluate the effectiveness and consider implementation of the mitigation actions of the County's Hazard Mitigation Plan in order to reduce the County's risk to natural and human-made hazards.
 - Strategy 5.3.5.3 Pursue CRS status through FEMA to obtain lower flood insurance rates for homeowners.
 - Strategy 5.3.5.4 Consider development of a plan to evaluate the future impacts of flooding on Sussex County.
 - Strategy 5.3.5.5 Consider becoming a partner in the Partnership for the Delaware Estuary's Living Shoreline initiative.





- 2018 Conservation Objectives and Strategies:
 - Objective 5.4.1 Work with federal and state agencies and non-governmental agencies to identify opportunities to improve air quality in the County.
 - Strategy 5.4.1.1 Examine the County's obligation under federal air quality regulations that promote air quality credits to offset emissions from new transportation projects.
 - Strategy 5.4.1.2 Reduce auto emissions by supporting alternative travel modes and/or improved traffic flow.



NEXT STEPS



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FUTURE WORKSHOP SCHEDULING



- Upcoming elements:
 - Community Design, Economic Development
- Future Workshops:
 - April 25
 - Other dates?
- All meetings are anticipated to be held on Wednesdays between 9:30 a.m. and 3:00 p.m.