MINUTES OF THE SPECIAL WORKSHOP OF APRIL 18, 1996

A special workshop of the Sussex County Planning and Zoning Commission was held Thursday evening, April 18, 1996, at 7:30 P.M., in Room 115, County Council Chambers, the Courthouse, Georgetown, Delaware, with the following present:

Mr. Allen, Mr. Lynch, Mr. Phillips, Mr. Ralph, Mr. Wheatley, Mr. Schrader - Assistant County Attorney, Mr. Lank - Director, and Mr. Abbott - Assistant Director.

The agenda was posted on the bulletin board in the Office of the Planning and Zoning Commission on April 15, 1996.

I. Agricultural Preservation District Update

Stewart McKenzie of the Delaware Department of Agriculture and on behalf of the Delaware Agricultural Lands Preservation Foundation was present and advised the Commission that the program started in 1991, that money became available in 1995 to purchase property rights, that approximately \$12,000,000 was appropriated from the 21st Century fund, that as of early March there are 33 Districts in Sussex County with 41 landowners, and containing approximately 11,400 acres, that there are at least 7 pending District applications containing approximately 1,000 acres, that Statewide there have been 53 applications to sell property rights, of which 44 applications were appraised, that 31 Districts have had property rights purchased, that in the last 4 weeks 19 new applications, and containing approximately 3,500 acres have been submitted.

Mr. McKenzie discussed a map showing agland and the Agricultural Preservation Districts, discussed the AR/AC Districts in Kent County, advised the Commission of the membership on the Foundation.

The Commission and Mr. McKenzie discussed the Districts, the process, the benefits of establishing a District and the benefits of selling property rights, and the concerns of some area residents adjoining applications for Districts.

Mr. McKenzie provided the Commission with a brochure on "Preserving Delaware's Farmland" prepared by the Delaware Agricultural Lands Preservation Foundation.

II. Comprehensive Land Use Plan Status Update

Thomas Shafer of Whitman-Requardt and Associates was present to update the Commission on the status of the Land Use Plan and referenced the guiding principles for development from "Shaping Delaware's Future", advised the Commission on the many different groups that he and/or his staff has met with in the process of obtaining information and input for the Land Use Plan, summarized the information reported from the Workshops, summarized the

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DelDOT Transportation Planning Advisory Committee for Sussex County thinking on corridor preservation districts, access management, mass transit, country roads concept, and road improvement needs, discussed water and wastewater districts, discussed concentrating development, development districts, the concept of splitting the agricultural residential district into two districts with large lot size requirements, discussed density bonuses, arterial road corridor zoning with development areas, discussed the Department of Agriculture map referencing relative suitability for development, growth and development areas, and protection and preservation areas, and soils, presented a possible future land use map scenario using all best soils for development, advised the Commission that the Population Consortium estimates that a 50,000 population increase is estimated within 20 years, that the land use map can change at anytime by vote of the County Council, and that the Land Use Plan must be updated every 5 years.

Mr. Schrader questioned if the land use plan should separate commercial and industrial activities from the development district.

Mr. Shafer summarized the responses to the questionnaire presented at the Land Use Plan Workshops, and advised the Commission that the reference to manufactured homes being permitted in all residential districts was overwhelmingly opposed, that all of the agricultural issues and agricultural preservation issues were considered important, that transfer of development rights were supported, but questioned if they were practical, that larger lot zoning and central sewer systems were supported, and that strip development was overwhelmingly opposed.

Mr. Shafer submitted copies of 4 scenarios and a land use map and district guidelines for the Commission to review for future comment.

Meeting adjourned 10:00 P.M.

How Is an Agricultural Preservation District Approved?

Applications will be reviewed by the Foundation, the County Planning and Zoning officials and the County Farmland Preservation Advisory Board. To create a District, two of these three groups must approve the application.

Although the establishment of a District is voluntary, the landowners must agree not to rezone or subdivide the land within the District and to keep it in agricultural use for a minimum of ten (10) years. Owners wishing to withdraw from a District can do so after ten (10) years. If the Foundation does not receive a written notice to withdraw from a District, then land remains in the District for five year periods.

What Benefits Do I Receive in a District?

- 1. Preserved land included in your estate can be subject to significantly reduced Delaware inheritance taxes.
- Owners pay no property, realty transfer, or ad valorem taxes (except Ditch Tax) on agricultural land in the District.
- 3. Owners in subdivisions located within 300 feet of a District will be notified to expect standard farming practices in the District; no buildings will be permitted within fifty feet of a District.

- 4. Normal agricultural practices are protected from nuisance suits; if sued, farmers who prevail can collect their attorneys' fees.
- 5. Only owners in a District will be eligible to sell preservation easements to the Foundation.

What Is a Preservation Easement?

A preservation easement is created when a landowner voluntarily sells the development rights on his/her property to the Foundation. The preservation easement value is negotiated by the owner and the Foundation after an appraisal. The easement is a strong legal document that permanently protects the farmland for agricultural uses while the owner retains private ownership of the farm. It prohibits development of the land so that Delaware's prime farmland can remain in agriculture for future generations.

How Do I Get Into This Program?

Detach the request form on this brochure and mail to:

Ag Lands Foundation 2320 S. DuPont Highway Dover, DE 19901 Or, contact the Delaware Agricultural Lands Preservation Foundation at (800) 282-8685 (DE only) or (302) 739-4811. Staff is available from 8 AM - 4:30 PM, weekdays to answer questions and provide information on how to enroll in this program.

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PRESERVING DELAWARE'S FARMLAND

Provided By Nature...



...Preserved By Man

The Delaware Agricultural Lands Preservation Foundation



Name: Addre City:	000	Mai
Name:	Please send me more information on Agricultural Preservation Districts and Easements Please send me an application to create an Agricultural Preservation District. Please have a staff person call me about farmland preservation.	Mail To: Delaware Agricultural Lands Preservation Foundation 2320 S. DuPont Highway Dover, DE 19901
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Commonly Asked Questions About Farmland Preservation in Delaware

Why Preserve Delaware Farmland? Delaware farms and farmlands are vanishing at an alarming rate. Thirty-nine percent of the agricultural land in Delaware has disappeared in the last 70 years due to commercial and residential expansion. These losses impact all Delawareans because agriculture employs more people than any other industry in Delaware. It is, and always has been, a leading contributor to the State's economy. If the loss of farmland continues at the current rate, the State of Delaware is

How Is Farmland Preserved in Delaware?

in danger of losing its heritage and its

number one industry-- agriculture.

Simply stated, farmland preservation begins on the farm. A positive future for agriculture becomes more certain when more landowners participate in farmland preservation. The Delaware Agricultural Lands Preservation Program helps preserve agricultural land and encourages development in areas that can accommodate expansion. It is not an anti-growth program. Counties and municipalities are encouraged to carefully consider the impacts to agriculture in comprehensive plans, zoning and subdivision reviews.

The Agricultural Lands Preservation Foundation, also known as the "Foundation" was created to administer the program.

The Foundation's responsibilities include the following:

- 1. Designating prime agricultural areas in Delaware to be preserved;
- 2. Educating landowners about the advantages of preserving their farms;
- 3. Assisting landowners in joining an Agricultural Preservation District;
- 4. Purchasing preservation easements from landowners who wish to sell their development rights.

How Do I Qualify for an Agricultural Preservation District?

An Agricultural Preservation District consists of a least 200 contiguous acres which is voluntarily dedicated to agricultural uses. Several landowners may create a District with neighbors to make a collective total of 200 contiguous acres, or submit an application to join an existing District. To be in a District, lands must meet criteria established by the Foundation:

- a) applicants must hold fee simple title to the property in a District;
- b) property must be zoned for agricultural purposes and not subject to a subdivision plan; and
- c) must be viable and productive agricultural land and meet the minimum County Land Evaluation and Site Assessment (LESA) score of 170. The LESA system rates land for agricultural suitability.