

MINUTES OF THE SPECIAL MEETING OF JUNE 21, 1990

A special meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, June 21, 1990, at 7:30 P.M. in the Court of Common Pleas Courtroom, the Courthouse, Georgetown, Delaware with the following present:

Mr. Allen, Mr. Ralph, Mr. Hickman, Mrs. Monaco, Mr. Smith, Mr. Berl - Attorney and Mr. Lank - Director.

PUBLIC HEARING

1. RE: WESTERN SUSSEX LAND USE PLAN

Mr. Lank read a letter into the record from Gerard Esposito, Director of the Division of Water Resources of the State DNREC, attached as Exhibit "A".

Mr. Lank read a letter into the record from Michael McGrath, Planning Manager of the Aglands Preservation Section of the State Department of Agriculture.

Mr. Lank introduced Thomas Shafer and Dennis Haskins of the Consulting Firm of Whitman Requardt and Associates.

Mr. Shafer advised the Commission that the firm will be contacting both the Department of Agriculture and the DNREC for clarification of comments.

A sign up sheet was passed around the audience and the following nine (9) persons signed in: Bruce Pringle of the News Journal, Andrew Lorenz of DNREC, and Blackie Nygood, Charles Jackson, David Webb, David Saveikis, Ronald F. Bowden, Marie A. Bowden, and Phyl Radish, concerned citizens.

Mr. Haskins discussed and exhibited the maps and tables which included the following: The Study Area, Historical and Archaeological Area, Roads, Existing Zoning Category Map, Zoned Acreage Chart, Existing Land Use Map, Existing Land Use Acreage Distribution Chart, Population Distribution Map 1985, Population Distribution Map 2010, 2010 Employment Distribution Map and Business Development Area Map, A Facilities Map for Water, Sewer and Solid Waste, A Roadway Classification Map, A Projected Roadway Utilization Map 2005 @ DelDOT, A Police and Fire Protection Map, An Education and Libraries Map, A Natural Soil Group Map, A General Soils Map for Agriculture, A General Soils Map for Construction, A Flood Plain Map, A Wetlands Map, A Sketch of a Corp. of Engineers Wetlands Jurisdiction Cross-section of Wetlands, A Watershed Area Map, A Critical Natural Areas Map, A Composite Land Use Restrictions Map, Land Development Potential Chart, A Summary of Planning Goals for Western Sussex, The Proposed Land Use Plan, A Chart on Land Use Acreage Breakdowns, and A Comparison Chart

showing Projections for Households and Populations.

Mr. Shafer discussed the following issues: Transportation, Ground Water Supply, Public Facilities, Protecting Critical Natural Areas, Protecting the Nanticoke River Environment, Protecting the Agricultural Areas, and Housing Options.

Mr. Shafer advised the Commission that appropriate Zoning Ordinances may be necessary in reference to a Retroactive Sunsetting Ordinance, review and evaluation of the undeveloped lands, Sunset Ordinances on Subdivisions and GR Districts, Bonding, and Subdivision Regulations.

David Webb questioned the lot size for manufactured homes if located in a development district.

Mr. Shafer responded that the density will establish the lot size and that the lot size should be the same for whatever housing type.

Phyl Radish, Donald Ralph and others discussed the possibility of the State DNREC recommending either 1 or 2 acre parcels as a minimum in the future.

Andrew Lorenz advised those present that Kent County and New Castle County have or are proposing 1 and/or 2 acre lots for septic areas, and that larger lots are proposed in Conservation Zones.

Mr. Ralph stated that in a Conservation Zone a lot of land is State land and/or wetlands (undevelopable) and that a 1 acre lot size is reasonable.

Blackie Nygood suggested that the time for development of the plan should be extended to provide time for inclusion of the Nanticoke Watershed Study, the Western Sussex Land Use Plan, and the East-West Corridor Study as a coordinated planning effort.

Mr. Shafer stated that in the future both the Coastal Sussex Land Use Plan and the Western Sussex Land Use Plan should be combined into one working document.

Mr. Berl stated that the Quality of Life Legislation requires that plans be updated every 5 years.

Mr. Lorenz stated that a plan must be adopted by December 31, 1990 and that all issues of the Quality of Life Legislation must be addressed by 1995.

Phyl Radish stated that she was in support of the plan.

Motion by Mr. Hickman, seconded by Mrs. Monaco, and carried unanimously to defer action and to keep the record open for comments for 30 days.

Meeting adjourned at 9:25 P.M.



STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES  
& ENVIRONMENTAL CONTROL  
DIVISION OF WATER RESOURCES  
89 KINGS HIGHWAY, P.O. BOX 1401  
DOVER, DELAWARE 19903

OFFICE OF THE  
DIRECTOR

TELEPHONE: (302) 736-4860

June 21, 1990

Mr. Lawrence B. Lank, Director  
Sussex County Planning & Zoning Office  
Sussex County Courthouse  
P. O. Box 407  
Georgetown, DE 19947

RE: Review of Western Sussex Land Use Plan

Dear Mr. Lank:

Please send copies of the complete Western Sussex Land Use Plan to us for review when they become available. After receiving several copies of the Executive Summary from the consultants on Monday, I distributed them throughout DNREC for our review.

However, under provisions of the Land Use Planning Act (LUPA), we need twenty (20) working days to review the complete plan. We ask that you take no action regarding the plan until twenty working days have elapsed following our receipt of the full plan.

Our earlier review of the first parts of the plan, plus the current review of the summary, should keep our final comments to a minimum.

Sincerely,

Gerard Esposito  
Director

GE:KB:bh

cc: Andy Lorenz

Exhibit 'A'



RECEIVED

JUN 22 1990

PLANING & ZONING  
COMM. OF SUSSEX COUNTY

STATE OF DELAWARE  
DEPARTMENT OF AGRICULTURE  
DIVISION OF RESOURCE MANAGEMENT  
2320 SOUTH DUPONT HIGHWAY  
DOVER, DELAWARE 19901

TELEPHONE: (302) 736 - 4811

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June 21, 1990

Mr. John Allen, Chairman  
Sussex County Planning and Zoning Commission  
Sussex County Courthouse  
Georgetown, DE 19947

Dear Chairman Allen:

Thank you for sending to us on June 18, 1990 six copies of the proposed Western Sussex Land Use Plan for Sussex County, Delaware. We would like more time to review the plan before commenting, but recognize your interest in quickly adopting a land use plan for the western side of Sussex County. It is obvious that the committee appointed by Sussex County Council and Whitman, Requardt and Associates have worked very hard.

Of particular interest to us are the options offered within the Implementation component of the plan. As you know, implementation of this land use plan through the county's zoning ordinance will test it's worth.

The first paragraph on page 44 contains the statement "...various alternative implementation tools have been provided for future consideration." We urge the Planning and Zoning Commission to consider combining, when suitable, these alternatives to develop a proactive approach to sound land use in western Sussex. We recommend that you coordinate with, but don't wait for, state government agencies when the county sees the need to establish new land use programs and policies.

For example, under the goal of **Protecting the Agricultural and Preserve Critical Agricultural Lands** we support alternatives #1 and #4. Agricultural zoning is recognized as perhaps the most effective land use tool for protecting agriculture land. Attached is language from House Bill 484 which addresses the right of a farmer to develop or convey lots to members of his family if the farmer has sold the development rights of the farm. This same concept could be used if agricultural zoning is adopted. This would allow some development of farmland for family purposes.

Alternative #4 recommends the creation and maintenance of buffer zones between productive agricultural land and other



Exhibit B

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development activities. Some forms of development, such as industrial development, can be very compatible with production agriculture. Large buffers may be necessary when development is incompatible with agriculture.

We support clustering development as a method to reduce sprawl, conserve open space and promote efficient delivery of services and certain types of infrastructure such as regional sewer and water systems. Clustered developments should not become too large, however; the result then is the creation of town size developments scattered throughout the landscape. Zero lot-line regulations can conserve land by reducing lot size.

Under the **Transportation Issues** we strongly support #3. Strip development is a very inefficient and potentially very expensive method of developing land. We recognize that strip development is quick and easy for a landowner, unfortunately it is also bad for Sussex County.

Strip development can limit the options of the land behind the development while increasing congestion on roads and arterials. More importantly, it creates a development pattern that is very expensive to service with many public services and water.

Another concern we have under the transportation section is the use of service roads. Service roads improve traffic circulation and reduce congestion but also require additional right-of-way. This additional right-of-way takes productive agriculture land. We support the use of service roads only when there are no other alternatives available to address the traffic needs of a particular road or highway.

We support all the recommendations under the Groundwater Supply and Wastewater Treatment and Disposal section of the plan.

Under the Zoning Ordinance section we agree with the first statement of the second paragraph but disagree with the second sentence in the second paragraph. Every individual has the "right to request" a particular zoning district or category. We believe, however, that what needs to be stated in this plan is that "Sussex County Planning and Zoning and Sussex County Council is under no obligation or mandate to approve a request for a zoning change just because a particular land use designation or zoning category exists."

We strongly support the sunset, reevaluation, zoning amendments for sunsetting and scheduling as well as the subdivision regulations listed on pages 46 and 47. These

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recommendations represent a positive step for wise land use in Delaware.

We support the Goals and Objectives listed on page 28.

Specific Concerns:

One of our major concerns is the 43,910 acres of the Development District identified in Table 31 located on page 38. We ran some calculations using the same population and housing projections found on page 29 under PROJECTED TRENDS. We also used the same growth rates projected for Sussex County for the years 1990-2010 and beyond.

What we discovered is that the 43,910 acres of land in the "Development District" contains enough land area for 110 years worth of growth in western Sussex County. In other words, if the entire 43,910 acres is designated as a "Development District" Sussex County will not have to develop another acre outside of this district until the 22nd century!

We suggest that the consultant and the county's oversight committee re-think this approach. Perhaps a more realistic development district can be found by looking at Table 3 on page 3. Using the same assumptions, we examined the 26,300 acres currently remaining in the MR and GR residential districts. This acreage, according to the consultant's projections and our calculations, will provide the county with almost 41 years worth of residential growth. Do we really need to designate this many acres for development?

We believe that dedicating 43,910 acres or almost 69 square miles for development is excessive and unnecessary. We urge the county to consider the ramifications of this large a development area.

It appears to us that the areas designated for expansion around the municipalities will support the majority of the projected needs of western Sussex for the next 20 years. Designating existing urban centers as growth areas will maximize the public's current investment in public facilities and minimize adverse impacts to agricultural land.

Our other concern with the Development District is it's location. It effectively covers the entire watershed of the Nanticoke River. Why are we so anxious to recreate the water quality and development headaches of the Inland Bays in the western part of the county? Why sprawl out into the country side?

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Our last concern is that the current location of the Development District consumes large quantities of prime agricultural soils. Soils are non-renewable. Let's not waste prime agricultural land building houses and shopping centers. The entire development district needs to be scaled down to fit the 20-year growth projections of this land use plan.

Page 3-Paragraph 1-Sentence 3: What do the authors mean by this statement? It appears to be an over simplification and, in our opinion, a faulty assessment of the situation within coastal Sussex County.

Page 9-Paragraph 5-Sentences 3 & 4: These statements do not sound like the public comments I heard at the numerous workshops and meetings I attended during the East-West Corridor Study and the Beach Access Study. Improved maintenance of local roads and the fallacy of attracting more people to an already over-crowded coastal area are the concerns that were most frequently expressed by Sussex countians at these meetings.

Page 20-Paragraph 2: The content of this paragraph is incorrect. It says that "prime ag soils are fair for construction, good ag soils are poor for construction and fair ag soils are good for construction" and that "poor ag soils are very poor for construction". Does this mean that developers avoid sassafras soils when evaluating a parcel for development? One only has to observe the intensity and quantity of new development taking place along Route 1 between Rehoboth and 5-Points to know that productive, well drained agricultural land is the first to be developed.

Page 33-Table 29: Where were these concerns expressed? We do not recall hearing them at the two Sussex County legislative hearings held on the agricultural preservation bill (H.B. 636). The first paragraph on page 34 is confusing to us. What does it mean? It appears that the authors are trying to link public safety issues to the agricultural lands preservation bill? What is the basis and point of this connection?

Finally the Conservation District needs to be strengthened. We would like to see Sussex County require a minimum of 2-acre lots within this district. No development should be permitted any closer than 200 feet to the Nanticoke and it's tributaries. It appears to us that additional consideration should be given to protecting the feeder streams within the Nanticoke watershed. As you know, Maryland has a 1000 feet wide Critical Area around the Chesapeake Bay and all of its tributaries, as well as a minimum lot size of 20 acres within the Critical Area.

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Those dimensions may not work in Sussex County. However, we must not duplicate the mistakes made in coastal Sussex County. If we do, we may ruin one of the finest watersheds in the region. With this in mind we request that the Development District be deleted in the following areas:

- south of Broad Creek and Laurel,
- north of Route 404, and
- east of Route 9.

In conclusion, this department supports many of the innovative and forward-looking ideas in the Western Sussex Land Use Plan. The county should combine several of these positions into a proactive program for sound land use planning. Preservation of prime farmlands should be a top priority with consideration for the needs of farm families. We support development areas built on the expansion of existing urban centers and existing areas zoned for higher density residential development. We strongly urge the protection of the Nanticoke River watershed from further degradation. We want to encourage you to approve a strong land use plan as soon as possible. If there is any way that this office can assist with information or by answering any questions you may have, please do not hesitate to call.

Sincerely,



Michael McGrath  
Planning Manager  
Aglands Preservation Section

MHM/KCD:cmm

cc: Lawrence Lank ✓  
William B. Chandler  
Roland Derrickson  
Andrew Lorenz