



## *Planning & Zoning*

### Agendas & Minutes

## **SUSSEX COUNTY PLANNING AND ZONING COMMISSION**

### *Minutes of Special Meeting*

**October 27, 2006**

A special meeting of the Sussex County Planning and Zoning Commission was held on Friday, October 27, 2006, at 1:00 p.m. in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware, with the following present:

Robert C. Wheatley	Chairman
Benjamin Gordy	Member
Michael B. Johnson	Member
Rodney Smith	Member
Vincent G. Robertson	Assistant County Attorney
David B. Baker	Finance Director
Harold F. Godwin	Assistant to the County Administrator
Lawrence B. Lank	Director of Planning and Zoning
C. Shane Abbott	Assistant Director of Planning and Zoning
Richard L. Kautz	Land Use Planner
Bryan Hall	Circuit Rider Planner-Sussex
	Office of State Planning Coordination

A Motion was made by Mr. Gordy, seconded by Mr. Smith, to approve the Amended Agenda for October 27, 2006. Motion Adopted by Voice Vote.

It was suggested by Mr. Godwin that in order to ensure the Commission's compliance with Freedom of Information Act (FOIA) regulations, the original Agenda for October 27, 2006, be approved rather than the Amended Agenda which simply set out three talking points for the County's consultant to address in discussing the Sussex County Comprehensive Plan and Zoning Ordinance Updates.

A Motion was made by Mr. Johnson, seconded by Mr. Smith, to approve the original Agenda of October 27, 2006, as posted and circulated. Motion Adopted by Voice Vote.

Mr. Godwin thanked Mr. Wheatley for calling the special meeting of the Planning and Zoning Commission and proceeded to introduce Paul Driscoll, Vice President & Community Planner, and Charlie Schmehl, Vice President and Designated Project Manager, with Urban Research & Development Corporation (URDC) of Bethlehem, Pennsylvania, the consultants selected by Sussex County to perform services for the Sussex County Comprehensive Plan and Zoning Ordinance Updates. Mr. Godwin also took the opportunity to introduce the new Circuit Rider Planner for Sussex County from the Delaware Office of State Planning Coordination, Bryan Hall. Mr. Hall will be the point of contact for the Office of State Planning Coordination.

Mr. Driscoll advised the Commission that he and Mr. Schmehl will be the primary senior people from URDC working with the County on the Comprehensive Plan Update. Mr. Driscoll stated that the purpose of this meeting is to talk about the planned updates and the proposed project completion schedule that has been set, and to entertain the views of the Planning and Zoning Commission as to the major development and preservation issues they feel the Plan should focus on. Since the State requires that a new plan be in place every five years, Mr. Driscoll explained that URDC will be updating the 2003 Plan, and the new plan will actually go into effect in 2008. As a rapidly growing County, it is the goal of URDC to plan for suitable types of growth that are directed to appropriate areas without negatively affecting the natural environment and without detriment to the quality of life and character of the County. The Planning Commission is scheduled to have an Updated Plan in place by October of 2007.

In developing a future Land Use Plan, Mr. Driscoll stated that there are several factors to be considered, including designating what the Commission would like to see in each area of the County in terms of development, the type and density of development, and determining what areas should be preserved at lower densities. There is also a mobility and transportation element to the Plan which will be worked on closely with the Delaware Department of Transportation (DelDOT) as far as future road improvements are concerned. The Plan is concerned with water and sewer service areas and the capability of existing sewer and water facilities to serve the current population and projected population for the future as well. Addressing environmental conservation is another important part of the Comprehensive Plan; for example, what can be done through regulation, voluntary efforts, and cooperative partnerships with conservation groups to preserve steep slopes, wetlands, and other types of sensitive natural areas. Parks and recreation, open space, historic preservation, and economic development are a few of the other elements a Comprehensive Plan is designed to address. These areas were all addressed in the 2003 Plan and will be updated from the policies and procedures that were adopted at that time by the Commission. Mr. Driscoll stated that one of the biggest challenges is with respect to private development and private land, making sure that people have a reasonable use of their property under the law without affecting the natural environment and character of the County.

There are a number of groups to accommodate and be in contact with to coordinate this effort. They include the County Council, Planning and Zoning Commission, and staff at the County level; the Delaware Department of Transportation and various other agencies in charge of planning and environmental protection at the State level; the 25 incorporated municipalities in Sussex County that it is incumbent to at least touch base with to make sure that what the County intends to do is coordinated with what the municipalities are doing in terms of their planning and zoning; local constituencies including the real estate and development community, agricultural community, tourism community, and conservation community; and finally, the residents in Sussex County who also must have an opportunity to give their input into this process. To

accomplish this, a series of briefings have been scheduled periodically with the County Council and Planning and Zoning Commission, and five public meetings will be held, one in each Councilmanic District. Once submitted to the State for PLUS review and comments, revisions will be made as needed and a finished plan presented to the Planning and Zoning Commission and County Council at public meetings, with final submission for certification being made to the State.

The meeting was then turned over to Mr. Schmehl to obtain the views of the Commission on some of the substantive issues facing Sussex County. An open discussion was held regarding thoughts as to the key issues, concerns, problems, opportunities, and ideas that should be emphasized in the planning process, as well as the different constituencies to be considered. Following is a summary of issues the Commission would like to see addressed in the Comprehensive Plan Update:

- A significant need exists for a working definition of “open space.” As it stands right now, the term open space is rather widely interpreted and there are really no set standards for the Commission to go by. For instance, when reviewing residential subdivisions, developers are often looking for anything that could possibly be called open space such as wetlands, retention ponds, sidewalks, etc. It is important that the Commission have the ability to define open space for the developer, rather than leaving the definition open to interpretation.
- An opinion was requested as to whether or not the County is in need of two plans as was done at one point in the past, one to address the eastern section (sometimes referred to as “saltwater Sussex”) and another to address the western section (sometimes referred to as “soybean Sussex”), since different areas have different concerns.
- A scorecard, so to speak, would be helpful to assess where the County is today versus what was originally designed in 2003 in terms of areas designated for development, i.e. research to see if the County is where it should be within the current plan. An accounting of the location of existing developments, those approved but not yet constructed, and those that are being planned is necessary to determine the cumulative impact on the County. Applications are currently considered on individual merit.
- The Commission would like to see more tools to help manage growth; for example, the ability to postpone an application in instances where a delay may be in the best interest of the County. A mechanism is needed to phase in future growth areas, and appropriate ordinances are necessary to back up what is in the Plan. A means of requiring applicants to provide specific data in support of or opposition to an application would also be helpful.
- Study areas that have already been developed by the County Engineering Department, such as the North Coastal Planning Area and Western Sussex Planning Area, must be considered in the Comprehensive Plan Update. It is not feasible to have two sets of criteria, one for engineering and one for land use. They should be in conjunction with one another to the extent possible.
- Although intergovernmental coordination at the State and local levels is sometimes difficult to achieve, it is essential for orderly growth in the County. Annexations taking place in many of the 25 municipalities must be considered in developing the County’s plan. It was

suggested that meeting with the Sussex County Association of Towns would be advantageous in this effort. At the State level, the Commission would like to have some say if there is disagreement with an agency's approval, such as entrance permits approved by DelDOT.

A copy of a letter from the Department of Natural Resources and Environmental Control (DNREC) was distributed for the Commission's information advising landowners of a statewide program to identify and protect lands for recreation and conservation of natural resources established through the Delaware Land Protection Act. The lands identified through this program are known as State Resource Areas (SRAs). Mr. Lank advised that maps showing the SRAs have not yet been received by Sussex County. The letter also encourages public participation in the County's Comprehensive Plan and implementation process. This correspondence was noted as a perfect example of the lack of intergovernmental coordination between the State and County in that the Planning and Zoning Office had no prior knowledge of this mailing by DNREC.

- Maps showing groundwater recharge areas will have to be incorporated into the Plan, and wellhead protection must be addressed.
- Guidance is needed as to the types of criteria that would constitute a "superior design" in the agricultural clustering subdivision.
- The question was raised as to whether the clustering of housing in the environmentally sensitive developing area is really environmentally friendly. Interest was expressed in seeing where things stand today versus 2003, and where the County is headed under the current stage of development in these areas. Changes in density calculations may have to be considered.
- Affordable housing is a concern, as the difference in income versus the price of homes in Sussex County is astounding. Some means of moderating this situation must be provided to give people an opportunity to live in the community where they work.
- In working on the Land Use Plan Update, development that is taking place in adjacent states and counties must be taken into account, not just what is happening in Sussex County.
- Economic development prioritization efforts that would tie in with State economic development efforts regarding new approaches for industrial parks, surface water management, watershed planning, etc., need to be established. Additionally, Mr. Lank stated that the description of the conservation zone has to be amended and a boundary created, possibly using wetlands maps.
- Since planning and designing for the market and demands now may not accommodate the population in the year 2030, a research of demographics should take place. Components of in-migration must be looked at to determine the rate of elderly moving to the County as opposed to families with school age children in an effort to determine the types of facilities that may be needed in the future. Mr. Kautz advised that the Delaware Population Consortium recently adopted age projections for each of the three counties and the State through 2030. The projections for Sussex County show deaths exceeding births.

- A focus on community development design is necessary due to the fact that there are no criteria at the present time. There are occasions when the Commission may want to require amenities over and above what the developer has proposed; however, there are no guidelines to follow.
- As density is an issue with every development, both the developer and the community should have an idea of what the expectation is for each level of development and the options available as far as density incentives are concerned.
- Local school districts need to be included as an integral part of the planning process, since they are impacted by development as well. As each district is independently operated with individual issues (school bus stops in residential developments, safety concerns), it was suggested that the transportation supervisor be required to sign off on plans for developments the same as the State Fire Marshal and other agencies.

Mr. Lank requested clarification as to whether Sussex County or DelDOT would be preparing the transportation mobility element for the Land Use Plan. Mr. Lank was advised that DelDOT will be submitting this information to the County for incorporation into the Plan, which may be supplemented if necessary.

### **Additional Business**

It was noted that the special meeting of the Planning and Zoning Commission scheduled for November 21, 2006, in the Council Chambers has been rescheduled for November 20, 2006, at 3:00 p.m. due to a scheduling conflict.

### **Adjourn**

The meeting was adjourned at 2:35 p.m.

Respectfully submitted,

Susan W. Webb  
Administrative Secretary