

MINUTES OF THE REGULAR MEETING OF APRIL 25, 2013

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, April 25, 2013, in the County Council Chambers, County Administrative Office Building in Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Mr. Michael Johnson, Mr. Rodney Smith, Mr. I.G. Burton, and Mr. Martin Ross, with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director, and Mr. C. Shane Abbott – Assistant Director.

Motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to approve the Agenda as circulated. Motion carried 5 – 0.

Motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to approve the Minutes of April 11, 2013 as amended. Motion carried 5 – 0.

PUBLIC HEARINGS

Conditional Use #1960 – application of **HARRY H. ISAACS, JR./FARM BOYS LLC** to consider the Conditional Use of land in an AR-1 Agricultural Residential District to modify the boundaries of existing Conditional Use No. 1699 (Ordinance No. 1936) for a go-kart track, to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 3.24 acres, more or less, lying north of Reynolds Pond Road (Road 231) and 520 feet west of Route 30 (Tax Map I.D. 2-35-6.00-10.00 and 10.05).

Mr. Lank advised the Commission that comments were not requested from DelDOT since the only intent of this application is to correct the boundaries of the Conditional Use due to an error found in the surveys.

The Commission found that on April 15, 2013 the Sussex Conservation District provided comments in the form of a memorandum which references that the parcel contains six (6) soil types; that the Applicant will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that no storm flood hazard area or tax ditches are affected; that no off-site drainage improvements will be necessary; and that on-site drainage improvements may be necessary.

The Commission found that on April 22, 2013 the Sussex County Engineering Department Utility Planning Division provided comments in the form of a memorandum which references that the site is not in a proposed or current County operated or maintained sanitary sewer and/or water district; that the site is located in the North Coastal Planning Area; that the project is not capable of being annexed into a County operated Sanitary Sewer District; that conformity to the North Coastal Planning Study will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer service; and that a concept plan is not required.

Mr. Lank advised the Commission that the original go-kart track (Conditional Use No. 1699) was reviewed by the Commission on September 13, 2007 and approval was recommended with conditions; that the County Council reviewed and approved the application on October 2, 2007 with conditions; and that the conditions included: 1) The use shall be limited to go-kart racing only; 2) The hours of operation shall be one day per weekend, in other words, only on Friday, Saturday or Sunday. On the night of operation, the hours of operation shall be between 12:00 Noon and 12:00 Midnight; 3) All lighting shall be directed so that it does not shine onto neighboring properties or State Route 30; and 4) The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Mr. Lank advised the Commission that the site plan depicts revisions to the boundaries of the Conditional Use to separate some of the buildings on the farm that were partially within the easterly boundary and to correct the location of the go-kart track which causes a shift in the boundary on the westerly side.

The Commission found that Harry H. Isaacs, Jr. was present and stated in his presentation and in response to questions raised by the Commission that they received approval in 2007; that they recently discovered that the track was not contained within the original conditional use boundaries; that nothing has changed on the site; that their only intent is to correctly located the go-kart track within the corrected boundaries; that there should be no adverse impact on neighboring properties; and that family members maintain the acreage all around and near the site.

The Commission found that there were no parties present in support of or in opposition to this application.

At the conclusion of the public hearings the Commission discussed this application.

Mr. Burton stated that he would move that the Commission recommend approval of C/U #1960 for Harry H. Isaacs, Jr. and Farm Boys, LLC to modify the boundaries of the existing Conditional Use No. 1699 (Ordinance No. 1936) for a go-kart track based upon the record made at the public hearing and for the following reasons:

- 1) This is simply a correction of the boundaries, and does not modify the use that was previously approved by Sussex County.
- 2) The use remains in the same location as it always was; this just relocates the boundaries to correctly reflect where the use actually is.
- 3) This modification will not adversely affect neighboring properties, roadways or the community.
- 4) The conditions imposed by Conditional Use No. 1699 and Ordinance No. 1936 shall remain in effect.

Motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 5 – 0.

Conditional Use #1961 – application of **KENDELL WHIBLEY AND ANN MARIE WHIBLEY** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for landscaping business, to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 0.997 acres, more or less, lying southwesterly side of Angola Road (Road 277) approximately 300 feet southeast of John J. Williams Highway (Route 24)(Tax Map I.D. 2-34-11.00-56.09).

The Commission found that on April 10, 2013 the Applicant submitted Exhibit Booklets for consideration, and that the Booklets contains a list of the project team; qualifications of Pennoni Associates, Inc., and Mark Davidson and Douglas Barry of Pennoni Associates, Inc.; an aerial map of area commercial uses, zoning and developments; a copy of the application form; a copy of the deed and survey for the property; a site plan; references from the Comprehensive Plan Update and Future Land Use Map; a copy of the Support Facilities Report from DelDOT; a series of maps and aerials; and some suggested Findings of Facts and Conditions of Approval for consideration.

The Commission found that on April 16, 2013 the Sussex Conservation District provided comments in the form of a memorandum which references that there are two (2) soil types on this property; that the Applicant will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that no storm flood hazard areas or tax ditches are affected; and that it is not likely that any on-site or off-site drainage improvements will be required.

The Commission found that on April 22, 2013 the County Engineering Department Utility Planning Division provided comments in the form of a memorandum which references that the site is located in the Angola Neck Planning Area; that System Connection Charge Rates are unknown at this time; that sewer service has not been extended to the parcel; that an on-site septic system will be utilized; that when the County provides sewer service, a connection to the system will be mandatory; that the County does not have a firm schedule to provide sewer service at this time; and that a concept plan is not required.

The Commission found that Kendell Whibley was present with Doug Barry, Professional Engineer with Pennoni Associates, Inc., and that they stated in their presentation and in response to questions raised by the Commission that Mr. Whibley is requesting approval to operate a landscaping business on this site; that a 40' by 50' pole building is proposed; that the pole building, driveway and parking for employees will be installed first; that the dwelling on the site plan is proposed; that the dwelling may be occupied by the applicant, an employee, or may be a rental; that no retail sales are proposed; that the application has three (3) trucks and three (3) trailers that will be stored outside; that no equipment or materials are proposed to be stored outside; that it is the applicant's intent to store all equipment and materials in the pole building; that there are other conditional use sites in the area; that the site is located in an Investment Level 3 according to the State Strategies; that the site is located in a Developing Area according to the Comprehensive Plan Update; that a soils evaluation has been completed; that a wetlands delineation has been performed; that they are planning on installing a rain garden for stormwater management; that DelDOT did not require a Traffic Impact Study; that the proposed

improvements are not located within a flood plain; that no development will take place in any environmental areas; that there will not be any water or septic on the site until the dwelling is constructed; that a porta-toilet will be available on the site; that business hours are proposed to be from 7:00 a.m. to 6:00 p.m. weekdays, and 7:00 a.m. to 12:00 Noon on Saturday; that they realize that they will be required to obtain agency approvals; that eight (8) employees are anticipated; that they have not considered any security measures to date; and that the site will not be gated and/or fenced.

The Commission found that there were no parties present in support of or in opposition to this application.

At the conclusion of the public hearings, the Commission discussed this application.

Mr. Johnson stated that he would move that the Commission recommend approval of Conditional Use No. 1961 for Kendell Whibley and Ann Marie Whibley for a landscaping business based upon the record made during the public hearing and for the following reasons:

- 1) The site is zoned AR-1 and the proposed use for a landscaping business is consistent with the agricultural zoning.
- 2) The proposed use is consistent with the current Comprehensive Plan for Sussex County.
- 3) There will be no retail sales from the site, so there will be little, if any, impact on traffic or area roadways.
- 4) The use is consistent with other agricultural uses in the area and small-scale business uses that exist nearby. It will not adversely affect neighboring properties.
- 5) No parties appeared in opposition to the proposed use.
- 6) This recommendation is subject to the following conditions:
 - A. The use shall be limited to a landscaping business without any retail sales occurring on the site.
 - B. No exterior storage shall be permitted on the site. All storage shall be inside of the pole building proposed by the Applicant or a similar structure.
 - C. There shall not be any disturbance of the wetlands located on the site.
 - D. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - E. One sign, lighted or unlighted, shall be permitted. It shall be no larger than 32 square feet per side.
 - F. The hours of operation, as proposed by the Applicant, shall be from 7:00 a.m. to 6:00 p.m. Monday through Friday, and 7:00 a.m. to Noon on Saturdays.
 - G. All equipment repairs shall occur indoors.
 - H. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved for the reasons and with the conditions stated. Motion carried 5 – 0.

Conditional Use #1962 – application of **CHESAPEAKE AGRISOIL, LLC** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a composting facility as an extension to Conditional Use No. 1314 and Conditional Use No. 1691 (A micro-nutrient plant with related truck entrance and rail spur for processing and handling of poultry litter), to be located on a certain parcel of land lying and being in Broad Creek Hundred, Sussex County, containing 228.88 acres, more or less, lying west of Route 13A north of Road 485 (Tax Map I.D. 1-32-6.00-88.01 and 95.00 and Tax Map I.D. 1-32-11.00-41.00).

Mr. Ross stated that he would not be participating in this public hearing.

The Commission found that on April 10, 2013 the Applicant submitted Exhibit Booklets for consideration, and that the Booklets contains a copy of the application form; a letter from Perdue Agribusiness, LLC in support; references to compliance with the Comprehensive Plan Update; an aerial photograph of the site and area; a February 21, 2013 letter from DelDOT in reference to the entrance location; a project description for the proposed poultry waste compost facility; a series of site plans; documentation on the Gore Cover System; a copy of the response to the PLUS comments from Axiom Engineering, LLC, dated April 12, 2013; a copy of the PLUS comments, dated December 20, 2012; a copy of Ordinance No. 1354 for Conditional Use No. 1314 for Perdue-AgriRecycle, LLC for the original Micro-Nutrient Plant with related truck entrance and rail spur; a copy of Ordinance No. 1865 for Conditional Use No. 1691 to amend the conditions of approval for Conditional Use No. 1314; and suggested proposed Findings of Facts.

The Commission found that on April 16, 2013 the Sussex Conservation District provided comments in the form of a memorandum which references that there are 17 soil types on this property; that the Applicant will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that no storm flood hazard areas or tax ditches are affected; that it is not likely that any off-site drainage improvements will be required; and that it is possible that on-site drainage improvements will be required.

The Commission found that on April 22, 2013 the County Engineering Department Utility Planning Division provided comments in the form of a memorandum which references that that site is located in the Western Sussex Planning Area #3 and Blades Planning Area #2; that an on-site septic system will be utilized; that the parcel is not in an area where the County has a schedule to provide sewer service at this time; and that a concept plan is not required.

The Commission found that Shannon Carmean-Burton, Attorney, and John Sergovic, Attorney, of Sergovic, Carmean and Weidman, P.A., Ken Christenbury, Professional Engineer with Axiom Engineering, LLC, Whitney Hall, Professional Engineer, Wayne Hudson of Perdue Agri-Recycle, LLC, and Charlie Gifford of Chesapeake AgriSoil, LLC were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that this proposed use will occupy approximately 20 acres of the 228.88 acre site; that the 20 acre portion is contained within Tax Map I.D. 1-32-11.00 Parcel 41,00; that the site is immediately adjacent to the plant; that the existing wooded buffers will remain; that the site is being cleared to eliminate young seedlings and tree growth; that no clearing will occur beyond

the railroad spur; that the original conditions for the micro-nutrient plant, as amended in 2006, will remain with the exception of the use of this facility; that DelDOT voiced no objections; that DNREC approvals are required and will be obtained; that they will be handling 110,000 tons of material; that this use is an alternative to land application; that the EPA supports the use of animal waste composting; that lab testing of stock prior to process and the final product will be performed; that the use is a natural process; that the only additive is air; that the process starts in an enclosed building where the mixing process starts; that the material is then hauled outdoors onto the site and then covered with Gore material; that the material remains covered for approximately four (4) weeks (1st Phase); then the covers are removed for two (2) weeks (2nd Phase) which establishes the compost product; then air is blown into the system for six (6) to eight (8) weeks improving the soil compost to a high quality (3rd Phase); that the 1st Phase will have 15 cover systems, the 2nd Phase will have 8 cover systems, and the 3rd Phase will have 19 cover systems; that the final product is then removed, placed in trucks, and hauled away; that the Gore System covers odors and does not allow rain water to get into the system; that the water runoff on-site is recycled; that aeration trenches are proposed under each cover system; that the technology is well proven; that there are many projects throughout the United States and Worldwide that use this technology; that the final product is very light in weight and will improve soil quality; that Perdue Agri-Recycle, LLC supports the proposed facility since processed water from the Plant would be utilized in this process rather than having to haul the processed water off-site for land application; that according to DelDOT there will not be any traffic impact; that there is a substantial distance from the site of the proposed facility to the nearest dwelling on other property; that they have met with the Sussex Conservation District and have been advised that permits and approvals will be required; that Best Management Practices will be utilized; that the proposed project is very environmentally responsible; that water will be re-cycled on-site; that the micro-nutrient plant does not process dead-birds; that the finished product will be hauled away by truck to farm fields, landscapers, and possibly some large providers of bagged mulch/compost products; that the operation will be carried on during one daytime shift from 7:00 a.m. to 5:00 p.m. weekdays only; that water can be provided to control any dust; that the intended 20 acre area for the facility includes the stormwater management pond; that they may utilize dead-birds in a catastrophic emergency situation; that they anticipate 11 full-time employees, and assume approximately eight (8) secondary related service jobs; that they will most likely be using independent haulers; that the purpose of the AR-1 includes references to provide for a full range of agricultural activities and to protect agricultural lands, and should also protect established agricultural operations and activities; that the permitted conditional uses in the AR-1 District include agricultural related activities; that the use is of a public or semi-public character in that it provides an innovative but environmentally sound method of disposing of poultry waste in a commercially reasonable manner and will decrease the amount of pollution and odor from poultry waste previously applied directly to the soils as a fertilizer; that the proposed use will provide community wide benefits and the ability to recycle a by-product of the poultry industry utilizing the latest Gore technology; that due to the need for enhancing the ability of the poultry industry to protect the local environment, the proposed conditional use is an appropriate zoning method for permitting the use; thus, the proposed conditional use complies with the Zoning Code; that the Applicant submits that this project is consistent with the provisions of the Comprehensive Plan which identifies the property in a Low Density Area; that the Plan provides that all land designated in the Low Density Area are

currently zoned AR-1; that Plan provides that the primary uses envisioned in Low Density Areas are agricultural activities and single family detached homes; that industrial uses that support or depend on agriculture should be permitted; that the Gore system proposed to be utilized uses positive aeration and a specially designed cover to create an enclosed system that optimizes the recycling process, controls odors and micro-organisms, separates leachate from storm water and creates a consistent product unaffected by outside environmental conditions; that the use is designed to benefit the family farm and agricultural industry, especially poultry growers, in the County; that the application meets the purpose and goal of the Plan and is for the purpose of promoting the health, safety, moral, convenience, order and prosperity and welfare of the present and future inhabitants of the County; and that Tab 15 of the Exhibit Booklet contains suggested reasons and suggested conditions of approval for consideration.

The Commission found that Doug Parham, a resident of Millsboro, was present on behalf of the Inland Bays Foundation as a Board Member and Chair of the Public Information Committee, and stated that the Foundation strongly supports the approval of this application for implementation of their State-of-the-Art composting facility; that the Board has reviewed their design documents and fully support this project; that the Foundation's philosophy is to find initiatives that will reduce the amount of nutrient pollution entering the Inland Bays by supporting existing low cost (to the taxpayers) and low risk processes that produce new revenues and new green jobs for Sussex taxpayers; that this initiative will do both; that the State passes a law a few years ago prohibiting anyone from placing yard waste in public landfills; that the State has significant excess amounts of chicken litter that needs to be disposed of; that this composting initiative is an excellent potential elegant solution for disposal of yard waste, the reduction of litter applied to our fields, new revenue for farmers, new green jobs and a reduction of nutrient pollution entering the Bays; that it is a low risk and no cost to the taxpayers; that we have a big job ahead of us to return the waters to the pristine condition they were in when he grew up here and we need to find ways to grow the economy and find new jobs for our children and grandchildren; that the composting initiative is an elegant start; and that the Foundation strongly urges approval of this application.

The Commission found that Mr. Parham read a letter from Ed Kee, Secretary of the State of Delaware Department of Agriculture in support of this application, which in summary references that agriculture is the backbone of the Delaware economy and that the State is constantly looking for ways to improve the competitive advantage of the farmers in both national and international markets; that the State is committed to cleaning up Delaware's waterways, most of which are impaired to some degree with unhealthy levels of nitrogen, phosphorus, bacteria, and other pollutants; that the Department is working closely with DNREC to help local governments, industry, farmers and residential communities do their part to ensure that all waterways are safe, swimmable, fishable, and even drinkable; that one promising opportunity to both increase the competitiveness of our agriculture industry and simultaneously reduce the quantity of nutrients entering the waterways is to more effectively handle poultry waste, which often has high nutrient content, and converting it into compost products that can be beneficially-used in an environmentally responsible manner; that this project proposed by Chesapeake Agrisoil has this potential; that the project proposed will require multiple State permits from DNREC, including a Beneficial Use Determination, prior to operations, and this letter in no way pre-judges those

applications; however, the project holds promise and we look forward to working with the company to ensure that the project meets regulatory standards and contributes to our water quality goals; that the Department is supportive of this application; that the Department also encourages the company to avoid impacts on the wetlands and the forested parts of the site and to enhance these natural resources on the parcel that have the potential to further improve water quality and provide wildlife habitat.

The Commission found that James Hodges, Bonnie Willey, William Mitan, and Larry Brice were present in opposition to this application and expressed concerns about the size of the project and the closeness to the dwellings in the area along O'Neal Road; water quality concerns; odor concerns; that the facility will be outdoors and not indoors like the micro-nutrient plant; concerns about diseases and bacteria; increases in truck traffic; that no lots have been sold in the area since 1999; that people with allergies are impacted by the odors and air pollution; concerns about ground water contamination; concerns about the lack of buffering, since the current buildings and lighting are visible from off-site; noise concerns, especially loading, unloading, shipping and receiving; questioning where the litter comes from, local or out of State; and water runoff.

The Commission found that Mr. Hudson and Mr. Hall responding to the Commission that no arsenic is used or found in their products, to date; that the process water is currently being applied to farm fields; that all materials are tested by DNREC; that the use of the Gore System will help eliminate most odors; that trucks are covered when entering the site; that they anticipate 10 or 12 trucks per day hauling litter; that DNREC has regulations that relate to odors; that DNREC would permit the use on the site without the asphalt pads; that they feel that the use of the asphalt pads will provide more protection; that they have no objection to planting a buffer around the site; that a berm has already been established with trees planted; that DNREC has not violated the micro-nutrient plant for odors; that DNREC does annual visits to inspect the site; that they encourage the neighbors to contact them with any concerns, questions, or for tour of the plant and processes; that the neighbors can contact Steven Lester, Plant Manager at (302) 628-2390 with any questions; and that the litter materials come from the Delmarva Peninsula.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for further consideration. Motion carried 4 – 0, with Mr. Ross abstaining since he did not participate in the public hearing.

OTHER BUSINESS

Americana Bayside MR/RPC
Amended Master Plan – Route 54
Amended Phase 3 Site Plan

Mr. Abbott advised the Commission that this is a request to amend the master and the Phase 3 site plan by converting an existing townhouse unit located on Lot 170 to a proposed office for the staff of the Freeman Foundation; that the proposed office use will cease once the permanent

location of the Freeman Stage and Foundation offices are planned and constructed within the Bayside Town Center area; that the Commission was previously provided copies of the amended master plan, a copy of the revised Phase 3 site plan, a copy of a letter from the applicant's engineers, a copy of a resolution passed by the homeowners' association; and that the staff received 4 letters in support of this request.

Mr. Lank advised the Commission that this request is the result of a complaint that the office received.

Doug Brown advised the Commission that the conversion will be temporary and will revert back to a dwelling once the permanent office is constructed.

Motion by Mr. Smith, seconded by Mr. Johnson and carried unanimously to approve the request as submitted. Motion carried 5 – 0.

Royal Farms

CU #1927 Revised Site Plan – Routes 13 and 24

Mr. Abbott advised the Commission that this is a revised site plan for a convenience store with gas pumps located on 9.45 acres; that the site is zoned AR-1 and C-1; that the Commission originally granted preliminary site plan approval on June 21, 2012 and the staff granted final site plan approval on January 15, 2013 upon receipt of all agency approvals; that the proposed building has been reduced by 660 square feet from what was originally approved and the number of gas pumps has been reduced from 16 to 10; that the site plan complies with the conditions of approval and the zoning code; that if a revised preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals; and that the Commission was previously provided a copy of the site plan.

Motion by Mr. Ross, seconded by Mr. Smith and carried unanimously to approve the revised site plan as a preliminary with the stipulation that final site plan approval shall be subject to the staff receiving all agency approvals. Motion carried 5 – 0.

Herker Property Warehouse

CU #1958 Site Plan – Road 54

Mr. Abbott advised the Commission that this a site plan for a proposed 10,700 square foot warehouse building located on 8.46 acres; that the site is zoned AR-1 and this conditional use was approved on March 26, 2013; that the conditions of approval, and those of CU's #1679 and #1858 are noted on the site plan; that the setbacks and parking meet the requirements of the zoning code; that the project will be served by on-site septic and well; that the site is not located in a flood zone and there are no wetlands being disturbed; that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals; and that the Commission was previously provided a copy of the site plan.

Motion by Mr. Smith, seconded by Mr. Ross and carried unanimously to approve the site plan as a preliminary with the stipulation that final site plan approval shall be subject to the staff receiving all agency approvals. Motion carried 5 – 0.

Robert Paul and Donna Maria Stevenson
2 Parcels and 50' Easement – Road 612

Mr. Abbott advised the Commission that this is a request to subdivide a 3.66 acre parcel into 2 parcels with access from an existing 50-foot easement; that the Commission approved the easement in 2009; that Parcel 2 will contain 3.11 acres and Parcel 2A will contain 0.75 acre; that DelDOT has issued a Letter of No Objection; that the request may be approved as submitted, or an application for a major subdivision can be required; that if the request is approved as submitted, there would be 3 parcels having access from the right of way, and it should be stipulated that any further subdivision of the property will require an application for a major subdivision; and that the Commission was previously provided a sketch drawing of the request.

Motion by Mr. Burton, seconded by Mr. Johnson and carried unanimously to approve the request as submitted with the stipulation that any further subdivision of the property will require an application for a major subdivision. Motion carried 5 – 0.

Heirs of Ruth Conrad
2 Parcels and 50' Easement – Road 471

Mr. Abbott advised the Commission that this is a request to create 2 parcels with access from an existing 50-foot easement; that Parcel 3 will contain 6.17 acres; that Parcel 4 will contain 5.18 acres and the residual lands will contain 28.88 acres; that the request may be approved as submitted, or an application for a major subdivision can be required; that if the request is approved as submitted, there would be 3 parcels having access from the easement and that any further subdivision will require an application for a major subdivision; and that the Commission was previously provided a sketch drawing of the request.

Motion by Mr. Ross, seconded by Mr. Smith and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

Artisan's Bank
Lot on 50' Right of Way – Route 113

Mr. Abbott advised the Commission that this is a request to create a lot with access from a 50-foot right of way off of Route 113; that the 50-foot right of way will be created over an existing dirt lane; that the request may be approved as submitted, or an application for a major subdivision can be required; and that the Commission was previously provided a sketch drawing of the request.

Motion by Mr. Burton, seconded by Mr. Johnson and carried unanimously to approve the request as submitted as a concept. Motion carried 5 – 0.

Rules of Procedure, Possible Amendment

Mr. Robertson advised the Commission that the Sussex County Council recently adopted an amendment to the County's Fair Housing policy that requires all bodies that conduct public hearing i.e. Sussex County Council, Sussex County Planning and Zoning Commission and Sussex County Board of Adjustment, to contain a statement in their rules and also read the statement during the meeting that the County does not discriminate against any of the protective classes; and that the proposed amendment needs to be added as Section 14.5 to the Rules and Procedures of the Sussex County Planning and Zoning Commission.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to amend the rules of procedure of the Sussex County Planning and Zoning Commission by adding Section 14.5.
Motion carried 5 – 0.

Meeting adjourned at 8:30 p.m.