

RESOLUTION NO. R 026 89

A RESOLUTION IMPOSING A MORATORIUM ON ANY APPLICATIONS FOR CHANGE OF ZONE OR CONDITIONAL USE, AND APPLICATIONS FOR SUBDIVISION APPROVAL WITHIN AN AREA OF SUSSEX COUNTY WHICH IS SUBJECT TO A SEPTIC SYSTEM MORATORIUM PROPOSED TO BE IMPOSED BY THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL.

WHEREAS, the State of Delaware Department of Natural Resources and Environmental Control proposed imposing a septic system moratorium as of 12:00 p.m. on August 11, 1989 for the West Rehoboth area as defined in a letter dated August 11, 1989 to William D. Stevenson, Sr., President of the Sussex County Council from Edwin H. Clark, II, Secretary of the State of Delaware Department of Natural Resources and Environmental Control, a copy of which is attached as Exhibit "A"; and

WHEREAS, the State of Delaware Department of Natural Resources and Environmental Control has reported that there are environmental and public health reasons for imposing a moratorium; and

WHEREAS, the moratorium provides for the use of temporary holding tanks for wastewater disposal; and

WHEREAS, there are currently approximately 1,400 lots which are available for development in the area defined in the August 11, 1989 letter, and which may be permitted the use of temporary holding tanks for wastewater disposal by the State of Delaware Department of Natural Resources and Environmental Control; and

WHEREAS, any temporary holding tanks will require the periodic pumping of wastewater, possibly on a weekly basis, and the transportation of said wastewater to wastewater treatment facilities, the South Coastal Regional Wastewater Facility near Ocean View being the most likely recipient; and

WHEREAS, the area through which transportation of wastewater will occur is a resort area with dense population, limited roadways and congested vehicular traffic; and

WHEREAS, the transportation of wastewater from holding tanks which may be installed on the lots which are currently available for development will further congest resort area roadways; and

WHEREAS, there is land within the area defined in the August 11, 1989 letter which could be subject to the development of approximately 2,600 additional lots, all of which would be possible locations for septic holding tanks; and

WHEREAS, an attempt to transport wastewater from these approximately 2,600 additional lots to wastewater treatment facilities through a resort area and through an area with limited roadways would cause traffic congestion and would endanger the safety, health and welfare of the residents and users of the area; and

WHEREAS, in an effort to avoid the consequences of excessive transportation of wastewater, it has been determined by the Sussex County Council that a moratorium should be imposed on applications for change of zone or conditional use, on applications for subdivision approval, and on minor subdivision approvals until such time as a sanitary sewer district can be established or extended into the area defined in the August 11, 1989 letter;

NOW THEREFORE,

BE IT RESOLVED that the Sussex County Council has determined it is in the best interests of the public safety, health and welfare to impose a moratorium on the acceptance of any applications for change of zone or conditional use within the area defined in the August 11, 1989 letter; and

BE IT FURTHER RESOLVED that the Sussex County Council has determined it is in the best interests of the public safety, health and welfare to impose a moratorium on the acceptance of any applications for subdivision approval within the area defined in the August 11, 1989 letter, and on the approval by Sussex County officials of any minor subdivisions in said area; and

BE IT FURTHER RESOLVED that this moratorium will remain in effect for a period of one (1) year from its date and time of adoption, unless otherwise extended by the Sussex County Council; and

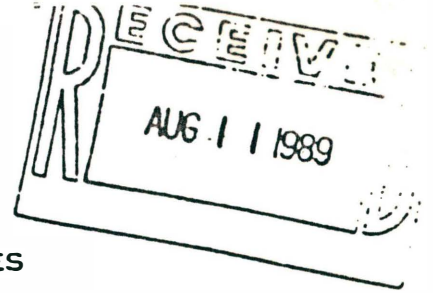
BE IT FURTHER RESOLVED that this Resolution will take effect immediately upon its adoption.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R 026 89 PASSED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE 22TH DAY OF AUGUST, 1989.


DORIS E. ROGERS
CLERK OF THE COUNTY COUNCIL



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



OFFICE OF THE
SECRETARY

TELEPHONE: (302) 736-4403

August 11, 1989

RECEIVED 8/11/89
SUSSEX COUNTY ENGINEERING
DEPARTMENT
RWW ☒ MAI _____
RWA _____ RCG _____
ITB _____

The Honorable William Stevenson
President, Sussex County Council
P.O. Box 589 Courthouse
Georgetown, DE 19947

RE: Proposed West Rehoboth
Route 1 Corridor Moratorium

Dear Mr. Stevenson:

I enjoyed very much having lunch with you, other council members, and the county administrator on Tuesday, August 1, 1989. As we discussed briefly since then, the Department and the County have been asked by the Inland Bays Monitoring Committee to consider a septic system moratorium for the above referenced area. The purpose of this letter is to discuss the proposed moratorium and ask of certain commitments from the Sussex County Council.

The Inland Bays Monitoring Committee cited the Environmental Protection Agency's 1982 environmental impact studies as a main reason for requesting the moratorium. These studies declare the west Rehoboth area to be a public health hazard. The reports reference investigations by the Division of Public Health and DNREC that declared the Lewes/Rehoboth Canal and adjacent waters in the Rehoboth Bay polluted or otherwise unfit for the growing or harvesting of shellfish, and also cite drinking water quality problems and failing septic systems in the area. Although considerable efforts have been made to clean up the Rehoboth and Lewes area through extensive upgrading of wastewater treatment plants, the west Rehoboth Route 1 corridor area has continued to grow without such benefits. Major projects such as the residential community of Kings Creek and various commercial projects (e.g., Ocean Outlet Mall) are being planned for this area.

-4-

EXHIBIT "A"

As the Department contemplates a septic system moratorium for this area, I hereby request that the Sussex County Council extend the boundaries of its existing Dewey Beach Sanitary Sewer District to provide central sewers to the proposed area. The district should serve the area outlined on the attached map. This map contains the area recommended by the Inland Bays Monitoring Committee and also additional area adjacent to it which continues to experience high density growth being served by on-site wastewater systems. Some of this area has experienced problems that have led to evidence of groundwater nitrate contamination and/or surface "breakouts" of wastewater. All of this area was in your proposed West Rehoboth sanitary sewer district, and I understand that substantial wastewater planning has been performed by your engineering department in the past. Since the DNREC as well as other state and federal agencies have been on record as supporting central wastewater facilities for this area for almost a decade, I am also directing my staff to assist the County in receiving the maximum funding available through the first year of the State's revolving loan program.

So that there is not a total taking of one's property, the proposed moratorium being considered provides the use of temporary holding tanks. In order for the temporary holding tank program to be functional, a properly operated wastewater treatment facility must grant permission to dispose of holding tank wastewater from this area. Since the Sussex County Council has one of the finest run wastewater treatment facilities in the state (South Coastal Regional Wastewater Treatment Facilities), I respectfully request that the Sussex County Council accept holding tank wastewater from this area, should the moratorium be imposed. The program would be consistent with that which was run in the North Bethany area before the county completed the central wastewater facilities for that area, and is also similar to the arrangement we presently have to handle the Long Neck sewer district.

In closing, I would like to thank you in advance for your consideration of the above matters and would be more than willing to answer any questions you may have that would assist you in making your decision.

Respectfully yours,



Edwin H. Clark, II
Secretary
Department of Natural Resources
and Environmental Control

