

**Sussex Preservation Coalition**  
**General Meeting 3/14/2023 3:00-4:30 pm**  
(In person and on Zoom at Lewes Library, Lewes)

**Attendees:** Susan Anderheggen, Cathy Balsley, Ron Bass, Christine Besche, Tom Brett, Leslie Calman, Michele Cavanaugh, John Chictea, Jane Clevenger, Carol Conroy, Gail Dubowe, Joanne Dyakon, Joan Flaherty, P.J. Fowler, Jane Gruenebaum, P. J Fowler, Jim Henry, Jill Hicks, Heather Kingree, Marty Lampner, Ann Lara, Tod Lawson, Eul Lee, Kim Linus, Sydney Lofgren, Brad and Sue Loverberg, Susan Margules, Linda and Ian McDermott, Maggie McLaughlin, Jennifer Peasnall, Susan Petze-Rosenblum, Teresa Ripley, Mark Schaeffer, Marty Schertzer, Michelle Schmidt, Donna Schmidt, Judy Rose Seibert, Patricia Smith, David Weidner, Michael Weiss, Val Wood

**Welcome and Introduction of Speakers, Todd Lawson, Sussex County Administrator and Mark Schaeffer, Sussex County Councilman:** Jane Gruenebaum, SPC President

**Sussex County Council Initiatives:** Todd Lawson

Mr. Lawson provided an overview of services provided by Sussex County, including making decisions on land use and working with DeIDOT on roads. (For a full list of initiatives, see Handout)

Every 2 years members of Council provide a list of priorities they would like to work on.

Priority Initiatives:

- County Code Updates: Among the top priorities for updating the County Code now are Master Plan Zoning and quality stormwater management (see Handout for other priorities)
- DeIDOT Initiatives:
  - DeIDOT will be appearing in front of Council on 3/28/23 to provide an overview and an update on County initiatives and on work that is being done in Sussex County.

- CTP (Capital Transportation Projects) list - a 6 year list that is updated every 2 years, based on public feedback, of roads that need improvement
- Fast Intersection: County fronts the money to speed up the construction of an improvement by about 3 years.
- MOU needs to be updated: Mr. Lawson explained that Sussex County has an MOU (memorandum of understanding) with DelDOT that provides a framework for interactions between Sussex County's land use authority and DelDOT's road/transportation authority.
- Developers pay for improvements in front of their developments, but are they paying enough? A longer-range initiative: asking developers to contribute more money toward road improvement beyond the property lines of their development
- Planning and Zoning Priority Initiatives:
  - County Council members have made public statements about their desires to see changes to development design including open space, buffers, forest preservation, superior design, and cluster subdivision standards. Once County Council prioritizes their list of desired changes, County staff will work on developing one ordinance at a time
  - A joint workshop with the Planning and Zoning commission will be held to gain information about changes the P&Z commissioners think are needed. (Example: cluster subdivision decisions are made by P&Z and never come before Council)
  - Transfer of Development Rights - need to hire a consultant to find out if TDR will work in Sussex County

(For On-going Council Initiatives, see Handout)

**Q&A:**

Coordination between P&Z and Council:

Q: It seems that there is little communication between P&Z and County Council. Do they talk on a regular basis?

A: They do talk but not about specific applications - they are legally prohibited from doing so. They are able to speak in generalities (e.g., make open space suggestions, better buffers are needed, etc). New ordinances can come from such suggestions.

Q: In the future, could there be follow-up by Council on the decisions made by P&Z (e.g., the number of approvals and the number of permits issued) in order that Council would be better informed?

A: Once the priorities are determined, Council should follow-up and make sure that the changes they make are having the effect they envisioned.

#### Comprehensive Plan/forested buffers:

Q: The Comp Plan that was developed in 2018 is full of statements of what SHOULD be done but the “shoulds” are not stopping developers from choosing not to follow the plan. Why?

A: The Comp Plan was not intended to be a road map of everything the County is going to do over a 10 year period. It offers a list of goals and strategies that the County uses to enact certain things but not everything. Over a period of time, priorities shift. The Comp Plan offers the guard rails by which the County operates. When the Comp Plan is updated (2028), the public can make recommendations.

Q: How can we make the buffer issue a priority?

A: Forested perimeter buffers are in the Comp Plan and have become a priority over the past year due to public demand and the County intends to remedy this problem by developing an ordinance. At this time there is nothing to prevent the cutting of trees prior to a site plan being submitted (a big loop hole!).

Q: Will there be penalties if the new buffer ordinance is violated?

A: Currently there is no penalty for cutting down trees. Mr. Lawson stated that he is not sure what will be in the new ordinance, including what penalties there will be for violations of the ordinance or how the ordinance will be enforced.

Q: Can we develop ways to compensate landowners for keeping

mature trees?

A: In other County ordinances there have been incentives. Maybe there can be an incentive for landowners to keep the trees that matter.

Q. There are safety issues related to the cutting of mature trees in buffers, especially in areas that are subject to sea level rise due to climate change. When improving superior design rules and developing enforceable ordinances, will the county enlist the help of and follow the advice of experts who have scientific understanding of the changes needed to ensure safety?

A: Historically, the County has used experts, has asked for public feedback, and has formed working groups of people with diverse interests to help develop ordinances. The public is invited to be engaged in the process and to attend public hearings.

Stormwater Management and trees:

Q: How does the cutting of trees impact stormwater management?

A: The State of Delaware is the regulator of stormwater management and the County operates under the State's rules. Engineers report that the easiest and best way to follow the rules is to cut down the trees and site grade to put the water where it has to go. Maybe it is the best way or maybe it isn't; but the County has to consider the State's rules when developing a tree ordinance. If the rules are changed in order to prevent trees from being cut, landowners may not be able to sell their properties.

Time frame for changes in the County Code:

Q: In order to accomplish some of the initiatives (see Handout) the County code will need to be changed. How long will it take to make changes?

A: Some changes will be easier than others. For example, the County can easily make changes to the open space policy (in cluster subdivisions, increase from 30% to a higher percentage) that will have a big impact on the development community but it will it be easy politically or from a policy standpoint? Probably not.

Let's consider another issue: forest preservation. Kent County has forest preservation in their code, but to pass something like that in Sussex County would take quite a bit of time - like months to years. Because it's new and change can sometimes be hard; there are people who own property who are concerned about any changes Council will consider. Sussex is a "property rights" county. The #1 intent of Council is to protect landowner's rights. Landowners will resist any rules about not cutting down trees. They will attend Council meetings and voice their opinions. The public will need to make their voices heard and see if there are enough votes to make this happen.

Q: The issue is not the fields that are already cleared, it's the trees and the need to preserve them. If changes to the code are not going to happen for 10 years, what trees will be left?

A: It's just the legislative process. It depends on whether the elected officials want it (tree protection) to happen and care enough to make it happen. This is an issue that has become a priority only a year ago, let's see what they are going to do.

Q: The Sussex County Land Trust is the County's version of a parks department and open space acquisition, where is the priority for funding the SCLT?

A: Open space acquisition and work with SCLT was one of the top priorities on the Council's list. Mark Schaeffer and John Reilly both serve on the SCLT and the County has 6+ million dollars in today's budget allocated toward land acquisition initiatives.

Code of Conduct for Sussex County Council and members of Planning and Zoning Commission:

Q: Why are there are no penalties for people who seem to have conflicts of interest?

A: In recent months, the topic of conflict of interest has been discussed. The public can submit a complaint to the State and it is up to the State to follow through.

Q: Sussex County Council is subject to the State of Delaware Code of Conduct, but only to the portion which provides rules for

Council members. Would Council members consider being subject to the portion which provides penalties for violations of the code?

A: Mr. Lawson stated he believed that only state employees were subject to the penalty portion of the state code. He offered to speak in private to the person who posed the question.

Safety concerns: subdivisions and airports

Q: How is safety being addressed for subdivisions?

A: The ability to access the subdivision when someone needs help from fire and BLS volunteers is dependent on road designs; road design is not currently on the list of priorities at this time.

Q: You mentioned Delaware Coastal Airport, but there are 14-15 other airports in Sussex County. Will you pay any attention to those?

A: Yes, there is a request to have the Comp plan updated related to the mapping of airports. It was recently discovered that there are airports that are not on the map and there are airports on the map that need to be better designated. Mr. Schaeffer will be addressing that issue.

**Mark Schaeffer** passed around his business card and made it clear that people in his district should call him at any time about their concerns.

**Report from the Treasurer:**

Previous balance last meeting 2/9/23	584.00
Cash donations at 2/9 meeting	+78.00
Donations between 2/9-3/14	<u>+277.72</u>
	939.72
Check printing fee	<u>-10.29</u>
Balance 3/14/23 meeting	929.43
Cash donations 3/14/23 meeting	112.00

**Donations:** Can be made on SPC website via Zelle!

**Volunteers:** People wishing to volunteer can sign up for activities on the SPC website

**Tree Dedication Ceremony:** In Memory of Trees lost in Sussex County, Saturday, April 29, Stango Park, Lewes (More information available soon)

**NEXT MEETING:** April 11, 2023 at 3:00pm, Troop 7 State Police Barracks, 19444 Mulberry Knoll Rd, Lewes 19958