

**TOWN OF SOUTH BETHANY
TOWN COUNCIL WORKSHOP MEETING MINUTES
SEPTEMBER 21, 2012**

ATTENDANCE

PRESENT: Mayor Kathy Jankowski; Councilpersons Al Rae, Jim Gross, Pat Voveris, George Junkin, and Sue Callaway; Town Manager Melvin Cusick; Financial Administrator Renee McDorman; Town Clerk Dee Burbage; and Bryan Hall, AICP Circuit Rider Planner – Sussex (Office of State Planning and Coordination)

EXCUSED ABSENCE: Councilman Mark Damato

MEETING CALLED TO ORDER

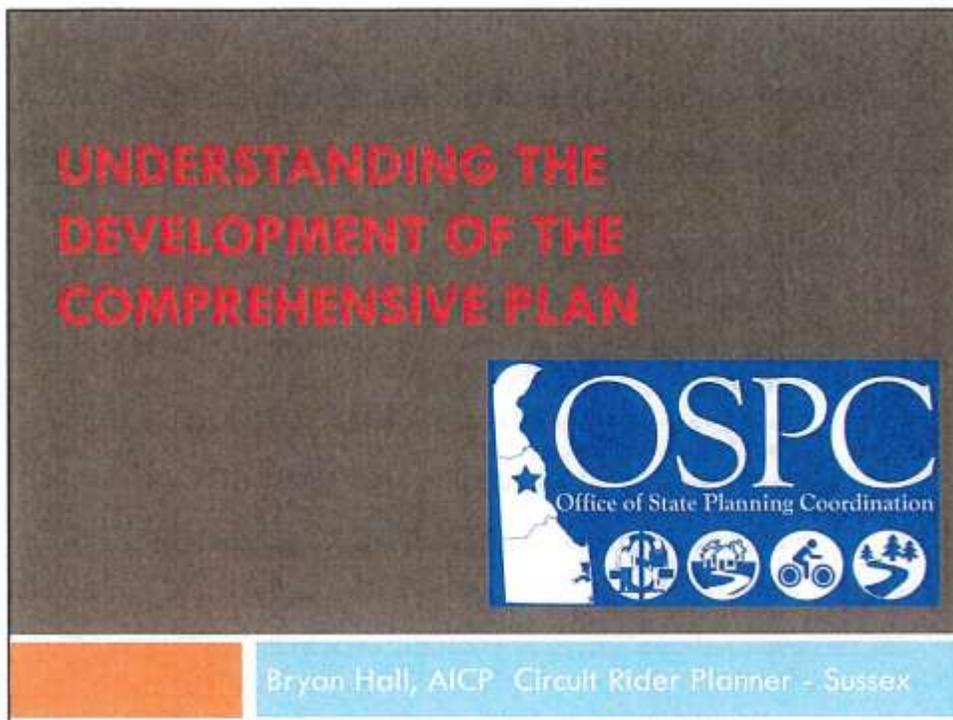
Mayor Jankowski called the September 21, 2012, Town Council Workshop Meeting to order at 2:00 p.m.

PUBLIC COMMENT PERIOD

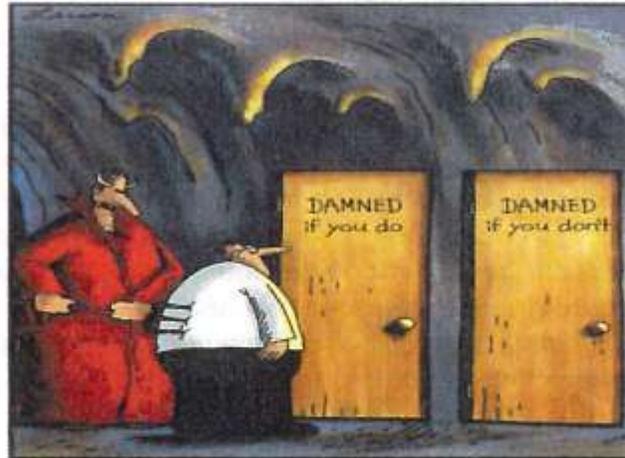
There were no comments from the public at this time.

**COMPREHENSIVE PLAN FIVE-YEAR REVIEW: PRESENTATION AND DISCUSSION:
BRYAN HALL, PRINCIPAL PLANNER, OFFICE OF STATE PLANNING COORDINATION**

Mayor Jankowski introduced Bryan Hall from the Office of State Planning Coordination. Mr. Hall reviewed the following PowerPoint Presentation and throughout his presentation took questions from anyone in attendance at the meeting.



The Choice is Yours



"C'mon, c'mon—it's either one or the other."

What is the Basis for Land Use Control

A Policy, Map, or No Plan At All?

- **Comprehensive Plan**
 - The comprehensive plan "shall have the force of law".
 - No development shall be permitted unless it is consistent with the plan.
- **Zoning**
 - Local governments may divide their jurisdictions to regulate the uses of land including building structures
 - The purpose of such regulations is for health, safety and welfare (among other things).
 - Such regulations shall be in accordance with the comprehensive plan.

Comprehensive Plan - Defined

“Comprehensive plan means:

- As defined by Title 22, Section 702 Del. Code;
 1. A document in text and maps;
 2. Containing at a minimum, a municipal development strategy setting forth the jurisdiction's position on population and housing growth within the jurisdiction, expansion of its boundaries, development of adjacent areas, redevelopment potential, community character, and the general uses of land within the community, and critical community development and infrastructure issues.”

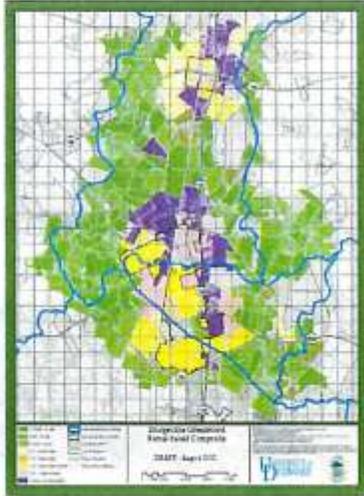
Components of a Comprehensive Plan

□ Municipal Elements (Less than 2000)

- Position on population growth
- Position on housing growth
- Annexation plan
- Development of adjacent areas
- Redevelopment strategy
- Community character
- Land use plan
- Critical community development and infrastructure issues
- Intergovernmental coordination



Future Land Use Maps



Review or Update

□ Title 22, Section 702 Del. Code (e):

1. At least every 5 years a municipality shall review its adopted comprehensive plan to determine if its provisions are still relevant given changing conditions in the municipality or in the surrounding areas. The adopted comprehensive plan shall be revised, updated and amended as necessary.
2. Update and readopted at least every 10 years; provided, however, the municipality may request an extension of such date by forwarding an official request to the OSPC at least 90 days prior to the deadline.



Preliminary Land Use Service (PLUS)

- Initiated prior to first step in local jurisdiction's land use review
- Projects received by beginning of month to be reviewed in meeting on fourth Wednesday of month
- State comments on project to be distributed after review meeting



Municipal Plan Implementation

- The comprehensive plan shall be the basis for the development of zoning regulations as permitted pursuant to Chapter 22 of this title.
- Should a jurisdiction exercise its authority to establish municipal zoning regulations pursuant to Chapter 22 of this title, it shall, within 18 months of the adoption of a comprehensive development plan or revision thereof, amend its official zoning map to rezone all lands within the municipality in accordance with the uses of land provided for in the comprehensive development plan.



Mr. Hall stated that the future land use map carries the weight of law and it is the most important thing in the Comprehensive Plan. A jurisdiction's future land use map (which shows where you intend to have residential land, commercial land, etc.) has to correspond with the jurisdiction's zoning map. The future land use map reflects what is on the ground but also reflects the things where a jurisdiction needs to make changes or improvements. When moving forward with a review or an update of the Comprehensive Plan, a jurisdiction has to focus on the future land use map regarding changes. When doing a review or an update, the Office of State Planning Coordination is looking primarily at the future land use map. If a jurisdiction changes its future land use map, that triggers a different set of responsibilities than changing dates, names and reprioritizing projects.

Title 22, Section 702 Del. Code – Specifically relates to the local jurisdiction's role and responsibilities regarding creating a Planning Commission, creating the comprehensive land use plan, managing the comprehensive land use plan, reporting requirements, and the dynamics of a Planning Commission based on membership, meetings, etc.

It is appropriate to include goal or wish type actions in a Comprehensive Plan because state agencies as well as our federal partners look to these documents to define future projects that may be viable within a community as well as to create funding mechanisms and prioritizing funding mechanisms. Using a flooding problem as an example, Mr. Hall stated that if a jurisdiction has something that is identified in the Comprehensive Plan as a priority for the community, then that is something that is going to trigger state agencies to ask what they can do to resolve that situation, and it becomes a priority project.

Components of a Comprehensive Plan, Municipal Elements (Less than 2000):

- Position on population growth
- Position on housing growth
- Annexation plan (if there is intended to be one)
- Development of adjacent areas
- Redevelopment strategy (that is something to look towards because beach communities have the high rate of commercial in some places – how are we going to manage and maintain that.)
- Community character (a little bit of history – it tells a story about the town. This information gives you the basis for how this future vision in a land use plan came about.)
- Land use plan
- Critical community development and infrastructure issues (things that you talked about from a community flavor or character – building a bridge, building a boat ramp, if communication is important)
- Intergovernmental coordination (how you are working with the neighboring jurisdictions, and have you engaged and included the county in that conversation. Having an understanding of short and long term goals for those areas.)

Regarding critical community development and infrastructure issues, Councilman Junkin noted that in the five-year review draft it states, "Continue to control storm water along Town streets as recommended in the 1995 report issued by George Miles & Buhr Architects (GMB) & Engineers to minimize flooding and allow some time for storm water to be absorbed by the ground."

Councilman Junkin said that someone that says that this shall have the force of law can say that everything that is in that report has to be done when really what we want is the spirit of that report, not every detail that is in it. Mr. Hall gave the following example of how to word a priority project in the Comprehensive Plan: From the prospective of stormwater issues and flooding we will continue to work, develop, and respond to stormwater as necessary. Recommendations: 1) We will continue to partner with local jurisdictions and state agencies to find options and opportunities; 2) We will prioritize projects based on impacts to local residents as well as to cost; 3) We will look at those projects accordingly and as funding comes available we will do our best to implement them.

Mr. Hall noted that the Sussex County Comprehensive Plan looks at the county in three primary regions: 1) Beans Community (the Route 13 corridor – Greenwood, Bridgeville, Seaford, Laurel, etc.); 2) Central Corridor (the Route 113 corridor – Georgetown, Millsboro, etc.) 3) Coastal Corridor (Lewes to South Bethany). The Sussex County Comprehensive Plan refers to those communities in broad sweeps and conversations.

Regarding TMDLs (Total Maximum Daily Loads), Mr. Hall stated that the current regulations say we have to work towards it and set goals for it, but the regulation does not give a drop dead date. Mr. Hall noted that what Fenwick Island has done is identified the Little Assawoman Bay Watershed as their area of impact in their discussion of the environment and what their general area of concern for addressing those issues are as well as the impact to their community. Mr. Hall stated that he encourages local jurisdictions to identify obtainable goals (such as stormwater retrofit projects). He encourages towns to adopt a forest canopy goal because it is visual and people can see you are planting a tree and they know you are implementing the plan, cleaning up the bay, and looking at those types of things.

A five-year review consists of looking at the Comprehensive Plan and noting that some names have changed, perhaps some goals and objective have been met, and perhaps some goals and objectives were out of the scope of the town. These little things can be changed in a review. If, however, you look at your Comprehensive Plan and you find it lacks key information, the direction of the community has changed, and you intend to change the future land use map, then an update is required.

From a legal perspective to keep in compliance with Delaware Code, Mr. Hall suggested that the Town submit the five-year review (look at changing minor things like simple population numbers, the name of the Mayor, etc.). When the Town receives the letter from the State saying that they have accepted the Town's five-year review, then the Town can think about beginning the update process. Mr. Hall noted that if the Town would like new map sets, the Office of State Planning Coordination has a partnership with the University of Delaware to work with the Town to get its maps done properly and the maps will be put on a CD. If a town has an incomplete map set or it was a map set that was done by the University of Delaware in the previous plan and they have all the information, then the Office of State Planning Coordination will offset the cost.

The Town Manager asked if the best way to incorporate the yearly updates into the Comprehensive Plan without rewriting the plan is to put them as appendices. Mr. Hall said yes, they become an addendum.

Councilwoman Callaway asked how responsible is a community for getting updated information on land use projects occurring in surrounding areas. Mr. Hall said from a reporting standpoint you want to have good information and be as accurate as possible but there are limitations to being able to obtain data. Also, data and information changes. Use the best information that you have available to describe the project (Mr. Hall is not concerned about the timeline of the project). Then as a Planning Commission or Council look at how the project is going to impact your community. Mr. Hall said that he is not looking for the Town to be extremely in tune with regional issues unless it is something that directly impacts the Town. Mr. Hall is available to meet with the Town to provide information and answer questions regarding regional issues.

Preliminary Land Use Service (PLUS) application process: The application is due the first day of every month and is heard on the third Wednesday of every month. There is no fee.

PLUS has representatives from DNREC, DelDOT, Department of Agriculture, Housing, Historical and Cultural Affairs, the Fire Marshall's Office, and Department of Education.

Regarding the update, Mr. Hall said to get into PLUS early to see what your challenges are going to be. Formatting is going to be important. Decide what appendices are needed. Work on maps.

Five-year review: Holding up the 2012 South Bethany Comprehensive Development Plan Review, Mr. Hall said to send him that document. Do not send a re-write of the Comprehensive Plan. When the Office of State Planning Coordination approves the five-year review, the review letter and the addendum (the 2012 South Bethany Comprehensive Development Plan Review) is attached to the Comprehensive Plan on file with the State. This allows the document to sustain itself for the remainder of the ten-year certification period. The five-year review does not go through PLUS.

Councilman Gross stated that he will update the 2012 South Bethany Comprehensive Development Plan Review and get it out in time for Council to consider at the October Town Council Workshop Meeting. Council agreed.

PUBLIC COMMENT PERIOD

There were no comments from the public at this time.

ADJOURNMENT

At 3:40 p.m. a motion was made by Councilman Rae, seconded by Councilwoman Voveris, to adjourn the September 21, 2012, Town Council Workshop Meeting. The motion was adopted.

phs:Workshop Minutes.9.21.12
Adopted 10/12/12