<u>RESOURCE PROTECTION AREA TECHNICAL ADVISORY COMMITTEE</u> (RPATAC)

BYLAWS

AUTHORITY: *New Castle County Code UDC* Section 40.10.387

MEMBERSHIP: Thirteen members (Chairperson elected by members)

APPOINTMENT: Members shall be appointed by the County Executive. The members shall be appointed to four-year terms; except that initially three (3) members shall be appointed to a two (2) year term, three (3) members shall be appointed to a three year term and three (3) members shall be appointed to a four year term. The members may be reappointed and each member may serve until a successor is duly appointed and qualified. Members may designate a substitute for a period not to exceed three (3) consecutive meetings. The chairperson may designate a co-chair upon advice of the Committee. The co-chair will chair the meetings in the absence of the chairperson or as needed.

TERM: 4 years or until successor is appointed.

PAY: Volunteer

MEMBERSHIP CRITERIA: The Resource Protection Area Technical Advisory Committee is hereby established in the New Castle County Department of Land Use, composed of one representative of each of the following: (UDC Appendix 6)

(1) Chemical Industry

(2) Consulting Engineers' Council

(3) DNREC

(4) Delaware Geological Survey

(5) New Castle Chamber of Commerce

(6) New Castle County Department of Land Use

(7) New Castle County Department of Special Services

(8) Water company representative

(9) University of Delaware's Water Resources Agency

(10) Environmental Advocacy Group

(11) Private Sector Representative

(12) New Castle County Conservation District

(13) Private Sector Environmental Professional

QUORUM: A majority of the sitting appointed members

RECOMMENDATION REPORT REQUIREMENTS: Neither the Board of Adjustment, nor the Planning Board shall, under current law (UDC Section 40.10.388), consider any application for variance from Article 10 of the UDC until the RPATAC has had an opportunity to review the application and make a written recommendation to the respective board. Any application for a variance from this Article shall be transmitted to the RPATAC pursuant to its application requirements, which shall have forty-five (45) days from the filing of the application to review and issue a recommendation.

FUNCTION: The purposes and duties of the RPATAC are to:

1. Provide technical support and recommendations to the Department concerning the technical definition and criteria of any resource protection area or level as depicted in Table 40.10.010.

2. Advise the Department when it is determined that environmental standards contained in Article 10 of this Chapter should be amended.

3. Provide technical support and recommendation to the Department, Board of Adjustment and Planning Board concerning any application.

4. Provide technical support, review and recommendation**s** on all variance application**s** concerning reduction of the required OSR for major residential land developments depicted in Table 40.04.110.

5. Upon the request of the Department, RPATAC shall provide recommendations regarding application at the standards to

rezoning, subdivision and land development submissions relative to any issue involving a protected resource.

6. Assist the Department as requested.

PUBLIC NOTICE REQUIREMENTS: In accordance with Section 40.31.340 of the UDC, a notice of the public hearing will be advertised in the newspaper and posted in the office of Land Use.

Continuance of applications shall be announced at the scheduled hearing and posted not less than seven (7) days before the rescheduled hearing in accordance with UDC Section 40.31.350.

BY-LAW AMENDMENTS: Notice of proposed amendments to these By-laws shall be given to each Committee member a minimum of two weeks prior to the meeting at which proposed amendments are to be introduced. Amendments shall be adopted by a two-third's vote of the Committee.

RULES OF ORDER: All committee meetings and hearings shall be conducted pursuant to Robert's Rules of Order and these By-laws. The chair and co-chair may participate in all discussions. The Order of Business at regular committee meetings shall include the following:

a. Call to Order
b. Roll Call
c. Old Business
d. New Business
e. Comments from Public
f. Adjournment