

BUSINESS

App. 2018-0547-T. Ordinance 18-093 will place a one-year moratorium on all major land development applications and certain minor land development applications proposing the use of on-site wastewater treatment and disposal ("septic") systems in New Castle County.

The Department has considered the *Standards for Text Amendment* in Section 40.31.420 of the *New Castle County Code* and comments received from agencies and the public. Based on this analysis, the Department recommends **APPROVAL** of Ordinance **18-093**.

At a business meeting held on January 22, 2019 the Planning Board considered the recommendation offered by the Department of Land Use. On a motion by Ms. Papili, seconded by Ms. Visvardis, the Planning Board voted to recommend APPROVAL of Ordinance 18-093 as introduced. The motion was adopted by a vote of 8-0-0-1 (Yes: Anderson, Cahill-Krout, McGlinchey, Peterson, Porrás-Papili, Snowden, Visvardis, Williams; No: none; Abstain: none; Absent: Daigle).

In discussion preceding the vote the Board members offered the following comments:

Ms. Papili and Ms. Peterson asked for more information about the role of master plans in general in the comprehensive planning process. Land Use staff described these plans, also called sub-area plans, as flexible tools to determine if zoning and infrastructure in fast-growing areas are appropriate for the future uses anticipated there. They also reviewed the progress of the Southern New Castle County Master Plan, which will focus on impact of Route 301, and how the public can follow the plan's progress.

Mr. Snowden and Ms. William asked about the existing residential septic systems in the southern part of the County. Land Use staff responded that they had used a partial set of billing data records from a state agency (DNREC) to determine that 6,000 of the 13,000 septic systems in the County were located in the plan study area. It was also determined from the records that nearly all of the 6,000 systems south of the canal were more than ten (10) years old.

Questions about the County's sewer extension, and the number of applications and inquiries received by the Department of Land Use for new subdivisions on septic in the West Wing, were asked by Ms. Papili and Mr. McGlinchey. Mr. Snowden and Ms. Visvardis also asked for information about the history of regulatory changes affecting septic systems in the County and whether the stay would need to be extended after a year. George Haggerty, Assistant General Manager of the Department of Land Use, gave the response. The Department's priority over the course of the one-year stay will be to fully understand what drives development south of the C&D canal and what changed over the last decade through the master plan study. He noted that zoning was still working to restrict growth south of Middletown as well as the need for sewer extensions to that area. He confirmed that there were a total of 900 projects with septic systems in the pipeline for the West Wing of the sewer service area in the southern part of the County. These types of subdivision project numbers in the un-sewered areas would have been unprecedented ten years ago, indicating that a different approach to infrastructure planning south of the Canal was now needed due primarily to growth in the residential development market. The loosening of septic regulations for the County did not explain all the growth.

OTHER BUSINESS

Planning Board By-Laws and Special Rules of Order: A red or blacklined version of the revised draft documents will be sent prior to the next business meeting. Ms. Peterson asked that the next business meeting agenda be updated to reflect the rules of order discussion as well. Discussion focused on changes to the policy for unexcused absences from meetings. The Board agreed this section of the by-laws should be clarified, and changed to three unexcused absences in a one-year period will result in

termination of the member from the Board. Adam Singer, Planning Board Attorney, referred to the County Code (Section 40.30.300) which states that the County Executive should terminate such member's appointment with the consent of County Council. The discussion ended with a brief review of what unexcused and excused absences were, as defined by County Code, with the general consensus being to leave more latitude in the by-laws giving the Chair the discretion to determine whether or not the reason for an absence, when the Chair is notified in advance, would qualify.

Ms. Peterson proposed that the by-laws subcommittee reconvene to combine the by-laws and rules of procedure into one document. Ms. Anderson indicated that Robert's Rules of Order recommend two documents to allow them to be amended separately. She also noted that the Special Rules of Order are attached to the by-laws for hearings and other official business. This discussion will be continued after the by-laws and special rules are amended.

REPORT OF COMMITTEES

None.

REPORT OF GENERAL MANAGER

George Haggerty, Assistant Manager of the Department of Land Use, did not have new information about the Department since his last report. He reminded the Board that recommendations for Avon Commons and Terraces at Pike Creek will be given at the next business meeting. The upcoming public hearing will have presentations on Meridian Crossing and one other application; both of those plans are proposing minor changes.

REPORT OF CHAIRPERSON

Ms. Peterson confirmed with the Department that the by-laws posted on the website had been updated to the correct version. Minutes from business meetings haven't been posted since September of this year. Matt Rogers will forward the remaining minutes to John Troy to be uploaded.

OTHER BOARD MEMBER COMMENTS

It was announced that Ms. Anderson had agreed to stay on the Board until her replacement is found. Ms. Anderson asked how this process was going. Ms. Peterson indicated that County Council had received several recommendations and were evaluating them. She herself had suggested that a resident from south of the canal be added to the Board. She asked Council to keep her updated on this process. Dates for a get-together honoring Ms. Anderson's service on the Planning Board will be forthcoming.

COMMENTS FROM THE PUBLIC

Jim Lucus, citizen, did not know that the meeting agenda had been updated and App. 2018-0643-D had been deferred until the February 19, 2019 business meeting. Marisa Lau, Planner for the Department of Land Use, will work with Ms. Anderson to make sure her concerns about updating the County's General Calendar are addressed.

ADJOURNMENT

The Board voted to adjourn the meeting at 10:11 a.m.

ATTEST:

Richard E. Hall, AICP Date
General Manager
Department of Land Use

Karen Peterson Date
Chair
Planning Board