

REGIONAL PLANNING COMMISSION
PUBLIC HEARING
April 2, 2008

Ordinance LC08-06
An Ordinance Adopting the 2007 Kent County Comprehensive Plan

Commissioners Present:

Albert Holmes, Jr., Chairman
Ken Edwards, Vice Chairman
Paul Davis
Clifton Coleman, Jr.
Bill Jester
Denise Kaercher
Gene Thornton – Late

Staff Present:

Sarah E. Keifer, Director
Mary Ellen Gray, Assistant Director
Kathy Skinner, Planning Technician II
Mary Sherlock, RPC Attorney

Chairman Holmes: Ordinance LC08-06, an Ordinance adopting the 2007 Kent County Comprehensive Plan. Synopsis: This Ordinance adopts the 2007 Kent County Comprehensive Plan including all associated maps. So, what we're going to do is take public testimony. We want to thank you all for coming. If you're here with a group, if you could have one person from your group please speak, we'd appreciate it. The first people that are going to start talking are the people who are in favor of this Ordinance. So, anybody who's in favor, please come to the podium. You must be sworn in before you speak. I think we'll start off here with Mr. John Hollis because he asked to go first.

In Favor:

John Hollis, Nemours Foundation, Seaford, Delaware
Patty Miller, Nemours Foundation, 106 Devenshire Road, Wilmington, Delaware
Gregg Moore, Becker Morgan Group, 309 S. Governors Ave., Dover, Delaware
Mark Dunkle, Parkowski, Guerke & Swayze, 116 W. Water Street, Dover, Delaware
David Edgell, Office of State Planning Coordinator, 122 William Penn St., Dover,
Delaware
Colleen O'Connor-Anderson, 160 Anderson Drive, Magnolia, Delaware
David Keifer, 2742 Hazletville Road, Wyoming, Delaware
Ruth Ann Purchase, 303 Main Street, Leipsic, Delaware
Jennifer Casey, 2 Kings Highway, Dover, Delaware
Jay Goodfellow, 341 Main Street, Leipsic, Delaware
Nancy Goodfellow, 341 Main Street, Leipsic, Delaware

Neither in Favor or Against:

Ronald David, 977 W. Evens Road, Viola, Delaware
Frances Dennin, 8972 Burnite Mill Road, Felton, Delaware
Marshall Jackson, 5100, Augusta, Georgia
Steve LaFavre, Home Builders Association, 1600 N. Little Creek Road, Dover, Delaware

Opposed:

Thomas Webb, 959 Hazletville Road, Wyoming, Delaware
Glen Mandalas, Prickett, Jones & Elliott, 11 N. State Street, Dover, Delaware
Jim Melville, 412 Bryn Zion Road, Kenton, Delaware
Taysir Tayeb, 9080 Burnite Mill Road, Felton, Delaware
Cheryl Bowman, 3377 Farmington Road, Harrington, Delaware
Bill Harman, 121 Hazel Road, Dover, Delaware
Stanley Sharpe, 2035 Woodyard Road, Harrington, Delaware
George Brown, 2613 Shaws Corner Road, Kenton, Delaware

Mr. Hollis: Thank you Mr. Chair.

Chairman Holmes: Please give us your name and address.

Mr. Hollis: My name is John Hollis. I live in Seaford, Delaware. I'm representing the Nemours Foundation.

Chairman Holmes: Can you put your hand up so you can be sworn in, please, sir?

Mr. Hollis: Sure.

Chairman Holmes: Thank you, sir.

Ms. Sherlock: Mr. Hollis, do you solemnly swear upon the Holy Bible the testimony you are about to give in this matter to be the truth, the whole truth and nothing but the truth, so help you God?

Mr. Hollis: I do.

Ms. Sherlock: Thank you.

Mr. Hollis: My name is John Hollis. I'm the director of Community Relations for the Nemours Foundation, specifically the Nemours Health and Prevention Services. Representing Nemours tonight, we are pleased to be here tonight to testify at this public hearing. On behalf of Nemours, we'd like to thank the Regional Planning Commission for providing this public forum and giving the citizens an opportunity to shape a document that will significantly impact the growth and development of this County. As I represent

Nemours, many of you may be aware that we are a pediatric health system, primarily that operates the Alfred I. DuPont Hospital for Children for many years. We also have outpatient facilities throughout the Delaware Valley and in northern and central Florida. We have a statewide presence in Delaware, including pediatric practices in Dover and Milford. We employ over 4,000 professionals, including 420 subspecialty physicians and surgeons. We are here to testify at this public hearing because we want to show our support of the elements of this Comprehensive Plan that support the health and wellbeing of Kent County residents. Nemours wants to make sure that Kent County residents have access to opportunities to be physically active and also enjoy healthy food. The division that Patty Miller, who you'll hear from in just a moment, and I represent, is referred to NHPS, which is an acronym for Nemours Health and Prevention Services. Our focus, in this pediatric health system, is to help children, specifically the children of Delaware, to live healthier lives. We are focused specifically on healthy eating, physical activity and emotional and behavioral health. We work closely with many elements of the community. The reason we were created and the reason we are functioning is that Delaware is on the front edge of a very severe problem where 37 percent of Delaware's children are at an unhealthy weight. This places them at risk of serious health consequences that include high cholesterol, high blood pressure, Type 2 diabetes, and other problems. As a part of these efforts, many in Kent County have joined with us in a campaign to make Delaware's children the healthiest in the nation. The Nemours Foundation, together with our over 200 community partners, are committed to this noble goal to make Delaware's children the healthiest in the nation. A key part of this is what we call built environment or the physical environment where children spend time. We are basically presenting physician papers with specific recommendations that agree and commend your Comprehensive Plan. The mixed use plan that makes it possible to walk or bike to routine destinations, a transportation system that includes a variety of safe and convenient non-motorized transportation options, locating parks and trails and greenways close to neighborhoods and encouraging supermarkets and farmers to locate in easily accessible areas that enable the public access to fruits and vegetables. These recommendations align with the Nemours and the Nemours Health and Preventions recommendations around "5-2-1-almost none" that you may have seen. The 5 refers to our physicians' recommendation that children eat 5 fruits and vegetables a day, that they spend no more than 2 hours of their discretionary time in front of a TV or some form of a screen and a key part of the formula is that they get at least an hour of physical

activity and the final part, almost none, refers to almost no sugary beverages like sodas or sports drinks. We feel with this formula, we're already seeing early indications that we're on our way to making Delaware's children the healthiest in the nation. I'm please to be joined tonight by one of our professionals, Patty Miller, who coordinates our built environment efforts and develops a great amount of information in her specialty about land use to help create an environment where children can be healthy. So, it's my pleasure, at this time for some brief comments from Patty Miller, an associate with Nemours.

Ms. Miller: Do I need to be sworn in before I give testimony?

Chairman Holmes: Yes, you do. Can we have your name and address?

Ms. Miller: Patty Miller, 106 Devenshire Road, Wilmington, Delaware 19803.

Chairman Holmes: Put your hand up and she'll swear you in.

Ms. Sherlock: Ms. Miller, do you solemnly swear upon the Holy Bible the testimony you are about to give in this matter to be the truth, the whole truth and nothing but the truth, so help you God?

Ms. Miller: Yes, I do.

Ms. Sherlock: Thank you.

Chairman Holmes: Thank you very much.

Ms. Miller: Thanks. As John said, NHPF is pleased to take part in this public hearing before the Regional Planning Commission. We think it's critical that Delaware's kids have opportunities to live healthy life styles and practice "5-2-1-almost none", which John has outlined for you. That's why we're so pleased that Kent County's planning process has in fact taken into account the importance of health lifestyles. We're encouraged that several elements of the plan promote the health and wellbeing of residents and make it possible for children and families to live "5-2-1-almost none." I'd like to take a few minutes to highlight the specific recommendations in the Comprehensive Plan the NHPF supports and would like to see retained in the final approved version. We support recommendations in the Community Design Chapter, related to incorporating pedestrian and bicycle friendly design elements in residential areas. These include sidewalks on both sides of all subdivision streets, multimodal paths installed along collector and arterial streets, and connectivity within and among neighborhoods

and between residential and nearby residential areas. We are particularly supportive of the recommendation that new development should be oriented towards pedestrian and bicycle circulation rather than focusing solely on the automobile. We also support recommendations in the Community Facilities Chapter that pertain to parks. These include ensuring that new development has access to open space and recreational facilities, integrating green way corridors and trails into new communities as a way to link parks and cultural and historic sites to residential areas, schools, worksites and shopping areas and encouraging shared use of school facilities to meet community recreation needs. We're particularly encouraged that the Plan includes a recommendation to develop a Kent County Open Space and Recreation Plan to provide a road map for addressing construction of new and improvements to existing parks and rec facilities by pedestrian interconnections and greenways connections. Two elements in the Transportation Chapter that NHPF supports are requiring facilities like sidewalks, transit facilities, multiuse paths, and bikeways as part of transportation and land development projects and developing a countywide plan for bicycle and pedestrian facilities in concert with DeIDOT's efforts in that area. Finally, we support the recommendation in the Agricultural Chapter regarding working with the agricultural community to establish local forums for Kent County's farmers to regularly sell their produce. The reason we support these recommendations is that research has shown the elements, the benefits of several of these environmental changes. For instance, research has shown that compact and mixed land use patterns that shorten the distance between destinations and are pedestrian friendly, encourage walking and biking, they remove barriers to physical activity and they make achievement of recommended levels of physical activity possible during daily routines. Research has shown that incorporating this during daily routines in an effective public health strategy. Another study shows that people reporting access to walking and jogging trails are 55 percent more likely to be physically active. A survey of US adults revealed that those with access to neighborhood parks are almost twice as likely to physically active as those without. These are the reasons that NHPF is supportive of these recommendations. In closing, I want to thank the Regional Planning Commission very much for allowing us to represent the health promotion perspective at this hearing. Like I've said, we're pleased with the aspects of the Comprehensive Plan that make it possible for Kent County residents to pursue healthy lifestyles, and particularly the children. We're hopeful that the final approved draft will retain these elements. That is critical when we think about the possibility that today's generation of children may be the first to have a shorter life

span than their parents as a result of the health consequences of overweight and obesity. Nemours is willing to be a resource to the Kent County Levy Court, the Regional Planning Commission and the Department of Planning Services as the plan is implemented. Please don't hesitate to contact us if we can provide additional information around promoting health and wellbeing in the built environment for your residents or especially for the children. You all have a copy of our pamphlet. If anyone else is interested, we have copies of the pamphlet here, which outlines Nemours and our stake in promoting health in the built environment. Thank you very much.

Chairman Holmes: Thank you very much. Thank you and John for your comments. Sarah, do you have anything you want to add? John asked me if he could talk because he wanted to talk first so I asked him. So, do you have anything you want to add before we take more testimony?

Ms. Keifer: If the Commission would like, I could run through the elements of the Plan very quickly for you. If that's what you prefer.

Chairman Holmes: Sure, that'd be great.

Ms. Keifer: Okay. Let's do this very quickly so we're not holding everyone up. Just very quickly. What is this document we're talking about tonight? A Comprehensive Plan is a policy document. Essentially, it sets out the goals for the community for the next 30 years. It's very often called a 5 year plan but in truth, it is not. It's updated every 5 years but we look much farther out into the future. These are all the required elements in the plan. These are all of the elements that need to be addressed and you'll see they're all included and they're all in actuality interrelated. This process is heavy in public participation, it is indeed a community plan, so the community needs to play a significant role in developing it. So, we actually started this 2 years ago, with listening posts throughout the County. We started workshops this past June, a working group of representatives throughout the community was established to help us develop the plan, we took the second draft of the plan out to the public in February, took all of those comments and developed the draft that's in front of you right now, the public hearing draft and that's what's in front of the Regional Planning Commission tonight and what will be forwarded to the Levy Court. These are the working group members. These are all of the people who gave us a great deal of time and effort in putting the plan together. We're all very grateful for what they've given us. Before you can develop a Comprehensive Plan and figure out

where you're going in the future, you have to know where you are today. So, just very briefly, these are the population numbers that were provided by the Delaware Population Consortium. What's very interesting is that when we did this Plan in 2002, we anticipated 146,000 people in Kent County by 2020. Right now, in 2007, according to the Consortium, there are more than 150,000 citizens in Kent County and you can see where their current forecasts are showing, nearly 190,000 people by 2030. With respect to the development we've been seeing in the County, what's very telling is if you look at the lower half of the slide, is between 2000 and 2007, we saw more lots created, more residential lots created than we had in the three previous decades combined. So, indeed, Kent County has been growing much faster than we had been seeing. With respect to actual houses on the ground, this is simply a comparison of the lots approved by the County versus the building permits for new housing starts that we've see. What's very interesting to note is while the County saw a spike in subdivisions in 2003, and again between 05 and 06, the spike in building permits is actually 2003 and 2004. So, they're not necessarily commensurate. The good news about all the development that we've been seeing is that 69 percent of it has been inside the County's designated Growth Zone. The County first designated a Growth Zone in the 1996 Comprehensive Plan and the idea is to direct growth towards areas where infrastructure exists or is planned. The working group originally took all of that information; their first assignment was develop a vision statement for the Plan, sort of the overarching goal. That's what this is on the screen. The idea is to preserve the character of the County, managing growth, certainly still allowing for development and growth in the County, to serve all of the citizens of the County. This is a sample of the policy statements in the Plan. The Plan contains within each Chapter, policy statements and specific recommendations for implementation. There is certainly a theme throughout the document of directing development towards designated areas, again, where infrastructure is or planned, but at the same time, provide parity for the landowners who are outside of that designated growth area. That led us to the land use plan and we've got a hard copy of this in the room as well, which is a bit easier to read. One of the first questions we got from the working group was, the Growth Zone is wonderful, that red line is wonderful, but does that mean that everything inside the Growth Zone needs to be exactly the same? So, as we worked through this process, what came out of it was instead of simply having the line on the map and having development inside the Growth Zone versus outside the Growth Zone, refining that area a little bit more, concentrating higher density development, more intense

development, toward the larger municipalities. That would be the green area, the town area where the higher densities are contemplated. The blue areas, the village areas on the plan, were first identified looking at where existing development had been approved, where we had a lot of residential subdivisions, but not necessarily the components to make a community. So, more medium densities are contemplated there. A less diverse list of housing types are contemplated than would be in the town area. The village conservation areas, the yellow areas between the green and blue, are an attempt to preserve the rural character of the County while still allowing for a lower density development, a range of 2 to 4 units per acre. The brown area is everything that's outside of essentially the Growth Zone, the rural protection area, where a range of densities are contemplated, depending on the size of a residential subdivision. The larger the subdivision, the lower the density. The Plan discusses to a large extent, using Transfer of Development Rights to implement the Plan, as a tool to implement the Plan and help direct growth, while at the same time providing for equity for the folks outside the Growth Zone. So, what the working group has come up with is a list of additional incentives for the existing TDR program. One of those has to do with lowering the permitted density to encourage the purchase of development rights. A large number of the recommended implementation actions have to do with making the process for getting approval for a Transfer of Development Right Project inside the Growth Zone a bit easier to navigate. With respect to the areas outside the Growth Zone, which would be considered sending areas, taking those development rights and sending them from the rural preservation areas to the designated growth areas, right now there's a three-tiered system of sending areas and the recommendation is to maintain those, when we look at revising the Ordinance, perhaps tweaking those areas a little bit. Also, with respect to the sending credits right now, if you have a parcel of land outside the Growth Zone and you want to know how many credits that land could yield, we base that on net acreage and what that means is we subtract any land that's in wetlands or floodplain, which are undevelopable anyway and that net is how we calculate the transfer credits. The receiving areas, which is an overlay right now, we've got primary and secondary receiving areas, what's proposed is that we revise that overlay map to reflect the town, the village and the village conservation areas. This is a copy of the table 2-1 that's in the Plan and it sets out for those three classifications, the types of uses that are contemplated. Again, the most intense would be in the town areas, the least intense in the village conservation and the densities that are proposed. The density that would be permitted, just as being part of the Growth

Zone, the densities contemplated, if Transfer of Development Rights is used, and then some additional density bonuses are contemplated in the Plan that have to do primarily with affordable housing projects and that sort. There are a couple of implementation alternatives for those land use classifications inside the Growth Zone. One is to revise the existing regulations associated with the Growth Zone. Right now it's 3 Or 1 or 3 ½ to 1, depending on the zoning classification. What could happen is instead, you go into those regulations and we change that 3 to 3 ½ to 1 ½ to 2, lowering that density slightly to again, encourage the use of TDRs. The other option is instead of using the Growth Zone Overlay that already exists, actually going in and rezoning those properties to arrange RS-1, RS-5 and RM, revising those district regulations, the densities permitted within those zoning districts, reducing those to match what's recommended in the Plan and then actually comprehensively rezoning all of those areas. Areas outside the Growth Zone, again, we're recommending a range of densities from 1 to 1, 1 unit per 2 acres, 1 unit per 3 acres, 1 unit per 4 acres, again, the larger the project the lower the density is. What's important to keep in mind is that cluster subdivision, where the density would still remain, at a low density provision, the lot sizes could be reduced and then a larger area could be preserved, potentially still to be kept in agriculture. The other thing to keep in mind is that this table is actually already included in the County's Ordinance and is used. The Plan certainly does not only address residential development in the County, we also look at commercial development. There was mention made of mixed use neighborhoods; of integrating commercial development, neighborhood commercial uses, around or within existing residential areas to make it easier for people to get services without having to drive to some of the large municipalities. So, what we've designated, and again, there's a hardcopy in the room as well that's a bit easier to see, are a range of neighborhood commercial uses that are located primarily in those blue areas, those village areas and some highway commercial uses, more intense commercial uses. We've done the same with recommended industrial areas, probably one of the more important things the County can do for economic development is to ensure that land is preserved for those uses to avoid incompatible land uses in those areas. We looked to a large extent at where infrastructure is to support industrial development, also looking at where existing industrial development is, and in many cases creating a buffer around it, again, to avoid incompatible land uses. The question comes up when we look at the land use plan what is the impact of transportation. How do we handle the transportation system with new development and we've taken sort of a two-

pronged approach with transportation in this Plan. One is, and I think a lot of people understand that the roads intended to serve a lot of the new development, are not constructed to the standard at which they are classified. One of the examples we intend to hear a lot of about is Barratt's Chapel Road, which is actually classified as a major collector, which would require 12 foot travel lanes and eight foot shoulders, when in fact right now, it's constructed with 10 foot travel lanes and no shoulders. So, our first challenge in conjunction with DelDOT and the Metropolitan Planning Organization is how do we get those roads up to standard to serve the citizens now and then the next question is looking long term, looking those 30 years out, that the Plan is looking, what do we need to do. So, one of the more important elements of the Plan, of both the transportation chapter and the land use chapter, are sub-area plans of the transportation improvement districts. So, those areas shown on the map are smaller geographic areas, where we intend to go in and sort of do a smaller scale Comprehensive Plan for those smaller geographic areas looking at those smaller geographical areas. Looking at the transportation system, the drainage system, public services in those areas, and sort of go through this process on a slightly smaller scale and what's on the screen is sort of the order in which we propose to do those plans. As I said earlier, each Chapter includes basic policy statements as well as implementation actions so we can actually make this plan work. This is a small sampling of what's included in the plan. There's some follow-up plans we intend to do, again, the sub-area plans and a number of Ordinances that would need to be adopted for the Plan to actually be implemented. A Chapter 12 has been added to this draft of the Plan that takes every implementation action, gives it an estimated time line, and ranks them in order of when we're going to do them. Staff also gave the Commissioners, and we've made it available out front, and on the website, a list of possible revisions to the Plan that's in front of you. These revisions came primarily from the PLUS letter that we got from the State and also came from conversations at the Levy Court's workshop last Monday on this draft of the Plan. Two very notable ones have to do again, with density, one of the tables that the Commission's been given shows reduced densities for the Growth Zone to further encourage the use of TDRs. Another one shows reduced densities for TDRs, so, reduced maximum density in the village and the village conservation areas. Another notable change is given the recent Master's decision or recommendation, the discussion of State Resource Areas and the map associated with State Resource Areas was actually taken out of the Plan. It's important to note that even with those gone, the policies or the intent of SRAs, protecting sensitive natural areas, wetlands,

floodplains, riparian buffers, etc., are still in the Plan. Those are still goals within the Plan and there are recommendations to implement them. We also added, and this was a recommendation from the PLUS letter, a new map within Chapter 4 showing existing park and recreation areas in the County. We also, and this came from the workshop, moved up the completion of a parks and recreation plan, or the update of the existing parks and recreation plan. Again, with respect to density, those first two possible changes to Plan or revisions to the Plan, the current proposal for the Growth Zone Overlay is to reduce densities, permitted densities, in the Growth Zone Overlay to 1 ½ to 2. The Exhibit "A" that you have in the packet, and again, this is available right outside the room, is to reduce the permitted density to keep it at 1.5 in the town area, reduce it to 1 in the village area, and half a unit per acre in the village conservation area, again, to further incentive the use of TDRs. Exhibit "B" is a separate proposal and what that does is reduce the maximum densities, so if you use TDRs and you use any other density bonus that comes about in implementing the Plan, the village area maximum density would be reduced from 6 units per acre to 4 ½ units per acre and then the village conservation area, the maximum density would move from 4 to 3 ½; that's Exhibit "B" within the packet. Exhibit "C" in your packet is those two combined essentially, A and B combined. So, ultimately, next week, when the Planning Commission votes to make a recommendation to the Levy Court, they should also consider those and make a decision at that point whether or not to recommend they be included. Going forward, again, the public hearing draft of the Plan is available on our website. We also have CDs of the Plan that we're happy to give out and we've got it available in our offices if you'd like to take a look at the hard copy of it. The business meeting for the RPC again, is next Thursday and the Levy Court is scheduled to hold their hearing on the Plan on April 15, 2008. That's a brief overview, Mr. Chairman.

Chairman Holmes: You did a great job, Sarah, you did good. Anybody else here in favor of this application and wishes to speak?

Mr. Moore: Good evening, my name is Gregg Moore, I'm from Becker Morgan Group here in Dover, 309 S. Governors Avenue, and do you need to swear me in?

Ms. Sherlock: Mr. Moore, do you solemnly swear upon the Holy Bible the testimony you are about to give in this matter to be the truth, the whole truth and nothing but the truth, so help you God?

Mr. Moore: I do.

Ms. Sherlock: Thank you.

Mr. Moore: Thank you. I'm here representing the Committee that put together the Plan along with staff and I want to first thank a few people. First, I want to thank the Planning Commission, as a Committee member for over a year, dealing with planning issues in Kent County, we greatly appreciate the work that you do and understand some of the issues that you're faced with and want to thank you all for the work you've done. We've met with you a couple of times, you've been very gracious, you've been good listeners and we appreciate all of the comments that we've gotten from you. I also want to thank the County Staff, you've got three great staff people sitting to our right, they have worked very hard, not only with the Committee in meetings but they've printed this document by themselves, they've saved a lot of County funds in doing so, and I know they've worked very hard and spent lots of late nights editing and putting the Plan together so we owe them a great thanks. They really developed the Plan, we just tried to be their sounding board. In terms of what the Committee did, the Committee starting meeting in April of last year, so we've been meeting for almost a year and in fact, just about a year as of now. We had meetings every Wednesday. They were mostly two hours plus. Our Committee consisted of 26 total members. We were very diverse and so diverse that I can't tell you that this Plan is a product of any one of those people. We had farmers, homeowners, lawyers, engineers, environmentalists, transportation experts, planners, fair housing experts, and development experts. With that diverse group, this clearly is a compromise Plan. It's not a Plan of any one of those group which is probably why it's a good Plan for Kent County. A lot of participation by the public. In addition to the meetings the working groups had, the working group attended 6 of the public meetings throughout Kent County and listened, both with your staff and with yourselves, and Levy Court Commissioners as to what the County was saying about planning in Kent County. We then had meetings where we summarized what the people of Kent County were saying to us in those meetings and used that for the basis for how we developed the plan. We know that tonight is the first public hearing of at least 2 that will be held for the Levy Court and the RPC to actually weigh in on the Plan and see how well we've done. Sarah's done a nice job of outlining the actual details of the Plan and this Plan will be your tool as the RPC to use over the next few years to mold how projects are done in the County. That's what you do so well. You all are the County's experts. One of the recommendations of the Plan, which I fully support, is letting you all be the body that

approves and reviews plans because you are those experts and attempting to eliminate the Levy Court from that process more than it is today. We think that was a smart move and we think that gives you all, the experts, more responsibility and role and we think you're well attuned to do that. One of the big mantras of the plan that we think we heard from the public was preserving the rural farming heritage of Kent County and preserving open space and creating nice open space. We thought that was a nice change of what the public was saying to us, so that was a big part of our discussions about open space. A second was directing growth to the Growth Zone. There's a lot of controversy, we know, about projects that you see in the Growth Zone but we didn't hear anything from the public meetings or what we heard [was] that strengthening the Growth Zone or continuing with directing growth in that area is the right thing to do, is good planning, and does maximize our ability or the County's ability to provide good infrastructure to new development and to growth that we know will occur in Kent County. Another discussion point that is controversial that the working group, I believe, had many discussions and supports, and that is that density does not have to be bad. Density should not be looked at upon as bad. We cannot continue with 1 acre lots for every single home in Kent County. With the growth pressures that we know are facing us, if we rely on one dwelling unit per acre throughout the County, there will be no more land left, there will be no more farm land left, there will be no good open space and our sprawl will have taken over the County and personally I hope that's not what results from this Plan because that's what we were trying to avoid. That goes back to our belief that strengthening the Growth Zone and allowing density to occur in the right locations in the Growth Zone with the infrastructure is the right way for the RPC to look at projects moving forward. Lastly, the support of the Transfer of Development Rights, or TDR process, it's a new process in the County. I personally chaired that committee along with some of your staff and many other citizens here in Kent County. Unfortunately, the process just got started before the moratorium and I think was on its way to success but got a little bit derailed. The committee believes in supporting that, strengthening it with some zoning changes after the Comp Plan is adopted, and we believe that for 2 reasons. One, it helps maximize density within the Growth Zone because it does allow for higher densities in certain zones, in certain locations where infrastructure is available. It also gives your staff, which is Sarah and her staff, better tools to judge how good projects are. It heightens the requirements for developers where I believe you'll get better projects. They'll be better planned, they'll be better architected, they'll be better laid

out and the result will be the people of Kent County will appreciate them more and I think you'll hear less negative comments about they look the same or it's all the same. The other thing the TDR does, which we read about all the time and now we need to put in force, it provides a diversity of housing. I think the past 3 or 4 years of strong development in our County has led to too many of the same product being produced. There is not a diversity of housing and what that does is leaves high priced housing for a certain few that can afford it but does not leave options for new home buyers, it does not leave options for young professionals or for people who exist here in Kent County and have jobs here, who want to live here, so TDR, with its density provisions, allows for that diversity of housing and we thought that was important. Two very important members of our group were fair housing folks who were very well trained in fair housing and affordable housing and they were a good guide to us as to how important that is. You may hear from them in these public hearings. I'll close with urging you, the Planning Commission, when you review the TDR projects, don't forget that the TDR projects not only are projects that you're approving within the Growth Zone, diversity of housing, good projects, better design, all those things, but when you do that you're also preserving farmland outside of the Growth Zone. That is creating open space for perpetuity, it is paying a farmer for value in property, while he maintains his farming practice. It gives him an option in recovering some of the inequity of what the Growth Zone created back in 1996, which is leaving some properties outside of the Growth Zone with less because of where they were. Again, I'll go back. We thought we heard that from the public, that that was an important issue with the public, maintaining our rural character of Kent County and we think TDR does that by strengthening the Growth Zone and by preserving farmland on the outside. Now, I'm here to tell you and I probably don't have to say this to you, you're going to hear people who are against these projects because they have density, because they have townhouses, because they might have stacked condominiums or they might have other units that are different from what a lot of people would say we should have but with the growth pressures and the growth that we're going to see in Kent County over the next 5 years or the next 10 years, if we don't adopt that kind of a mentality, we will have no land to develop. It will just be sprawl and I think that's something that the committee wanted to avoid. So, I urge you to look at those projects, look at them closely, listen to the public and the statements that are made during your public hearings, but if the TDR projects fail, in my opinion, this Comprehensive Plan will fail because it is based on the TDR process and being able to transfer the equity from inside the

Growth Zone to out. With that, I'll close and I'm sure there are other committee members who may also speak. Thank you very much.

Chairman Holmes: Mr. Moore, before you sit down I want to thank you for myself and the other Commissioners, we want to thank you for the work and many hours of hard work for this. You really went beyond the call of duty and we want to thank you for that.

Mr. Moore: Thank you for the kind words.

Chairman Holmes: Anybody else here in favor of this application and wishes to speak?

Mr. Dunkle: Mr. Chairman, Mark Dunkle, I'm an attorney with Parkowski, Guerke & Swayze, 116 West Water Street in Dover, with offices in Wilmington and Georgetown. I don't have to be sworn. Thank you. That's quite ironic, I guess. I'm here, I'm a member of the working group. I wanted to thank staff, Mr. Moore's leadership and meetings with you on this project. I would like to make one suggestion right off the bat. You got our names on the cover page, but put all the staff member's names in this document too. They did a tremendous amount of work to get it done. I won't repeat everything that Gregg Moore said. It is a compromise. As you know, I've been representing developers since I think Mr. Ryan was chairman of this Commission, but it will work. I've always found over the years, what developers want to know is tell me what the rules are in advance and I'll figure out if I can build to those rules and bring a product to the market. They can build to these rules as long as the rules don't change. As long as you're not pressured to change the rules and that's the big part of this education of this plan, it's the Comprehensive Plan. It's going to result in higher densities, where we want them. It's going to result in more compact development and better looking development and that's when you hold the line to folks who say why aren't they on one acre lots. I don't want to repeat what Gregg said but those consistency with rules and goals help the business part work and help your plan work as a plan so you don't get a hodgepodge. It is somewhat revolutionary with the Transfer of Development Rights, no question about it, but I think it can work. I would urge you to implement in the Ordinances the detail. We all know the devil's in the details. Take your time in drafting the Ordinances so they will work. I will recommend now, and I recommended all along, that you consider establishing an independent Transfer of Development Rights authority or bank so all the farmers or developers know what they're worth and so there's some, like a stock exchange,

some way to measure what they're worth, both the beginning and the end and I also suggested that be independent from the County. In the bank, the appraiser is independent from the loan officer. They really have independent goals. It would probably be a good idea to make the value independent from the approver.

Chairman Holmes: Do they do that in other states?

Mr. Dunkle: Yes, they do Mr. Holmes.

Chairman Holmes: Yeah, I thought so.

Mr. Dunkle: They do that in other states. In fact, one of my clients is an entity called the Conservation Fund. We actually represent them to buy land and they preserve it and they actually have a specialty in setting up these banks and they've offered to consult with you when you get to that stage. So, these are just some suggestions. But, education to the public of this Plan is probably one of the most important things. I echo what Gregg said. I would like to switch hats because I do represent some developers and some other interested parties and one of those is Tidewater Utilities. I would like to recommend, and I've submitted to you an alternate language in this Comprehensive Plan regarding the central wastewater systems. It's in Chapter 4, paragraph 7. The current draft, or the old draft, was a total ban. The current language is now recommending the central systems as a conditional use inside the Growth Zone and Tidewater certainly supports that. I'd also suggest you consider in special circumstances allowing those systems outside the Growth Zone as a conditional use. A couple of examples, you've got a mobile home park and their septic systems fail, it would be terrible to have a ban so you couldn't use that technology in that circumstance. You might be outside the Growth Zone. Or, let's say down the road there's a school constructed outside the Growth Zone, it might happen. It might be better if that school's on a RIB system, a central system, with all the bells as whistles, or a fire hall, and a community hall. I would say even some of your single family developments, it might just environmentally be better. You control the growth, you control the density, you control the type of housing but I would just suggest, and I've submitted the language already, that you consider allowing those systems as a conditional use with a lot of bells and whistles for special circumstances outside the Growth Zone. I guess, in closing, my watch word is flexibility. Just allow some flexibility. There's always special circumstances, some people call those loopholes, we just like to call them special circumstances because they happen all the time. Nothing's perfect. Again, I

commend staff, Mr. Moore's leadership and your participation as well in the Comprehensive Plan. Thank you.

Chairman Holmes: Thank you Mr. Dunkle. Anybody else in favor of this application and wishes to speak?

Mr. Edgell: Good evening. My name is David Edgell with the Office of State Planning Coordination.

Ms. Sherlock: Mr. Edgell, do you solemnly swear upon the Holy Bible the testimony you are about to give in this matter to be the truth, the whole truth and nothing but the truth, so help you God?

Mr. Edgell: Yes, I do. My address is 122 William Penn Street. I offer these comments on behalf our office and the State of Delaware. I'd like to state on by echoing the previous speakers in commending the County on an excellent Comprehensive Plan. We feel, at the State, the Plan does provide a vision for the County's future, it seeks to preserve the heritage and character of Kent County, encourages growth in the appropriate locations and not only for me as a professional planner, it did involve a rather lengthy and exclusionary process which I know from personal experience, can be time consuming and sometimes difficult to work through but I think the committee members that just spoke sort of demonstrate the commitment that they had to making this a good consensus plan and one that will work for Kent County. This Plan has been reviewed currently by two state bodies. The first was the Preliminary Land Use Service, this is a group that our office convenes of various state agency representatives. It was reviewed and notably all the agencies really commended the County on an excellent Comprehensive Plan, which is very rare for that group to actually do. Those of you who have been before it might know what I'm talking about there. The reason for that, I think, is that your process did also include something that's mentioned in the Delaware Code, which is intergovernmental coordination. Your working committee did have members and representatives from various state agencies and they were able to share information with the County Planners and working group along with the process, so, ultimately, their ideas and concerns were addressed through the many months of work that went into this Comprehensive Plan. The PLUS process actually concluded with a letter that was sent to the County, which some of you may have hopefully seen. It's a rather lengthy letter. I would like to point out that the State does review and certify these plans. Certification is something that is done by the Governor of the State of Delaware. Our letter indicated only 2 issues that would be issues for certification of this

Plan. One being the inclusion of the Capital Improvements Program and since the meeting, that has been included in this most recent draft of the Plan that you have before you and the second is the Source Water Protection Ordinance, which is actually required by Delaware Code and the County has, since this letter approved that Ordinance, which I believe has been accepted by the folks at DNREC as a proper Ordinance. The remaining 45 pages or so of the letter, that sounds like a lot, we have a lot of agencies with many areas of expertise, there are recommendations to strengthen the plan. I note that many of those recommendations have been incorporated by the County in this draft that you have and I do acknowledge that some of those recommendations are really more suitable for when you go to work on your Ordinances that will implement the Plan. I think it's valuable to have that in writing before you and I think those agencies really came together and offered to assist the County in any way possible as you approach the Ordinances that will need to be addressed to implement this planning document. The Plan has also been looked at by the local Delaware Advisory Council. They have a two-stage review of this type of a plan. That council is one that is an advisory body to the Governor. The first presentation was made, just simply a presentation of the plan, and I do have to say that group also responded extremely favorably to the presentation that Ms. Keifer made to that group and one member praised the Plan as a model plan for the State of Delaware and possibly for the Mid-Atlantic Region or the nation. It really is that important of an effort and it really is quite an interesting plan and I'm going to tell you why it's interesting and why it hangs together, just in summary, before I conclude here. The reason we like it at the State Government level is that it provides predictability in investments and land use patterns. As you've heard Mrs. Holland and myself speak of many times, we really are partners in the land use arena here in Delaware. Because of our small size, the State government provides many of the services and infrastructure to citizens that are often provided at the County or municipal level in other states. We provide a majority of the roads, the police service for unincorporated areas of the County, we fund a majority of the school capital construction and much of the operating costs. We put the diesel fuel in the school buses that drive around the pick up the kids, we provide funding for sewer and water and other types of infrastructure for municipalities and County government. We view ourselves as partners. Your charge as a County government is to prepare a land use plan and administer the land use regulations. Our process is designed around working with you on your plans so that we understand, at the State government [level], what your plans are, where to invest those resources, what services are needed and

where and how the population will grow and change. Your Plan, in our opinion, does an excellent job of providing us with that predictability so that we can continue to be partners with you and provide those services for many years to come. The Plan itself, it's important to note, is more than a sum of its parts. In closing, I'd like to caution you, I know you'll hear a lot tonight, a lot of opinions, a lot of ideas, and a lot of new folks might speak, there's been a lot of public discussion, the working group has really wrestled with this as a compromised document that works together as a whole. I believe it was Mr. Moore who said, and Mr. Dunkle echoed him, that this is a plan that can work. It's not a plan that was any one person's vision or idea. It's a plan that's a consensus plan that will work. It will provide options for folks in the rural areas to preserve their lands, to continue in agriculture, to maintain their equity in using the TDR Program. It will also provide places in the Growth Zone in the three-tier scenario for development to occur in different densities and arrive at those compact mixed-use type of environments that Mr. Moore spoke so highly of and I think it's important for all of us to remember that demographic changes are occurring in our nation and in our state and we really are going to need more options for the residents of the future for where to live and how to live. This Plan provides for places of those options to exist and I encourage you to forward it to the Levy Court substantially in tact so that they can consider and act upon it. I will caution you in closing that if there are substantial changes to the Plan that result from this process and your recommendations it may require additional review through the Preliminary Land Use Service and the Delaware Advisory Council and I guess we're going to have to wait and see what you're recommendations are next week and also what the Levy Court recommendations are to make that determination. So, with that, I would like to close and again commend the staff and the working group for a job well done and I'll answer any questions you might have.

Chairman Holmes: Any questions for this gentleman? Denise?

Ms. Kaercher: Sarah mentioned the, let me get the right title of it, a memo, and by the way, if you call that a memo, I would cringe if you told me that you were sending me a memo, it would really scare me. The potential Comprehensive Plan provision that Sarah has already noted, I'm assuming that you have seen also that it gives different options as Exhibit "A", Exhibit "B", for the reduced TDR density.

Mr. Edgell: Quite frankly, I just saw it tonight on the Power Point presentation.

Ms. Kaercher: If you had seen it and had the time to digest it . . .

Mr. Edgell: Yeah, we really haven't yet.

Ms. Kaercher: I just wanted an opinion about those different options . . .

Mr. Edgell: I wouldn't like to give an opinion now. I'd like to be able to see what the results of the discussion are and then we'll evaluate it. I will say again, we've reviewed the Plan as written and as presented to us. That received a very favorable review and I would just like to point out that the densities that were presented seemed to be densities that would work from an urban planning standpoint, particularly, the town and village center areas. Again, we're trying to promote the idea of compact mixed-use communities where you might have a diversity of housing types, different transportation options, walking and biking, proximity of different uses to promote healthy lifestyles, etc. and so on. You need to have densities that approach those to really make that work and I would just caution you that reducing those densities too far down may again, result in one of those times we have to take a look and say, well, has this really changed, what the Plan was intended to do. And again, the Plan, in my view, and in the State's view is more than the sum of its parts. It's something that knits together extremely well. I did mention the sub-regional plans and the transportation improvement districts and those sorts of things. Those are all parts of this Plan that are related to those different land use districts and it was that integration that really made a rise to the top and I think gave it the kudos that it got at the Delaware Advisory Council and the PLUS meeting.

Ms. Kaercher: Okay. Thank you.

Mr. Edgell: You're welcome.

Chairman Holmes: Thank you for your comments, sir. Anybody else in favor of this application and wishes to speak? Can we have your name and address?

Ms. Anderson: It's Colleen O'Connor-Anderson, 160 Anderson Road, Magnolia.

Chairman Holmes: Can you put your hand up please, and you'll be sworn in?

Ms. Sherlock: Ms. Anderson, do you solemnly swear upon the Holy Bible the testimony you are about to give in this matter to be the truth, the whole truth and nothing but the truth, so help you God?

Ms. Anderson:

Yes. Good evening. I've been a resident of the Magnolia area for the past 15 years and I consider Kent County my permanent home. I watched the growth and development from the sidelines for the first few years I lived here but lately I've had a front row seat. When I first moved here, Anderson Road was considered too far out to get a pizza delivery. We used to have to meet them at the Magnolia Fire Hall. Now, residents of that same area worry about traffic and subdivisions that are bigger than our town and school crowding. I grew up in suburban north Wilmington. I never heard the word density used in reference to housing but I know I grew up in a very dense neighborhood, at least 4 houses per acre and driveways that were shared between 2 houses. But, even with small lots and modest size homes, it was a wonderful place to grow up because of the sidewalks and the tree-lined streets, places to ride your bike, large parks with playgrounds at each end of the neighborhood, connected neighborhoods, a shopping center you could walk or ride your bike to and sturdily built brick homes that have stood the test of time. None of that was accidental; it was all planned. The draft Plan being discussed tonight is the result of a great deal of thought, time and effort and I thank all who were involved. I support the Plan not because I think it will fix the County's problems, but it does officially acknowledge them and that's no small thing. I support the Plan as what it's intended to be, a policy guideline, a roadmap, showing how Kent County will grow and develop in the next decade and beyond. As you read the Plan, a picture of the County emerges. It's not a terrible or bleak picture, but it's certainly one that demands attention. The houses are in the picture but all of the services and infrastructure are not. Within the Growth Zone the picture changes, depending on where you look, so I'm happy to see that sub-plans are a part of this Comprehensive Plan to address particular growth issues within the Growth Zone. The Plan focuses on community building and provides you and the Levy Court with the framework for decision making. It will focus on what is best for the County as a whole, not a few of us, or some of us, but most of us, all of us. As you make land use decisions you and the Levy Court represent the residents of the County as a whole. You represent people who have no idea what a Comprehensive Plan is, who have no idea we're here tonight, you represent the people who are concerned, who are intimidated by the process or afraid to get involved and you especially represent all of the County residents who can't be here tonight due to Little League practice, homework or an 8:00 bedtime. I believe that the information in this draft plan, the picture it portrays of our County growing pains, will provide you

with support and validation for the land use decisions that you will be making. Thank you.

Chairman Holmes: Thank you for your comments. Thank you very much. Anybody else here in favor of this application and wishes to speak? We have a gentleman.

Mr. Shuba: My name is Bob Shuba, 135 Dogleg Drive, Wyoming.

Ms. Sherlock: Mr. Shuba, do you solemnly swear upon the Holy Bible the testimony you are about to give in this matter to be the truth, the whole truth and nothing but the truth, so help you God?

Mr. Shuba: I do. I won't be redundant. I'm also part of that advisory group that met for close to a year. I guess I would put myself in the position, and that particular group is representing a lot of the Kent County folks who were kind of the mass population base that is infrequently heard from because they're too busy putting their kids to bed at night, two people working jobs, not having the time to come out and voice their concerns about what was happening. So, I'm one of these resident kind of guys that says I feel a responsibility to make sure that the Comprehensive Plan is tough and fair and makes dramatic changes that are needed in the County and representing that group of people who were very angry prior to the November elections and changed the composition of some of the people on the Levy Court and certainly some of the representatives here who were selected by those people are changing the face a little bit of the RPC as well, to reflect what the people feel Kent County should be and are not necessarily here in voice and in spirit at the what I'd call the density or the volume that you might not really get a feel for. I feel like that was my role in terms of trying to make sure that voice was heard as we put the Comprehensive Plan together to make sure that we were as tough as we could be and then compromise. We listened to all the listening posts, we listened to people that came out to the individual meetings, we talked to farmers' groups, we heard the position of the Farm Bureau and we basically compromised from a much tougher density, low density position to where the Plan is currently. So, it clearly was an advisory groups meeting, a conscious compromise to try to meet the requirements knowing that we're not going to satisfy any one group, totally, but we tried to come up with a plan that we felt was the best plan for Kent County to maximize the benefits for the County, for the majority of the population of the County and not severely penalize special interests groups, developers, large property owners, give them a

fair shot, from an equity point of view, but remember the little guy too. Thanks very much.

Chairman Holmes: Thank you for your comments. Anybody else here in favor of this application and wishes to speak? This gentleman right here has tried to speak twice, we'll get you next.

Ms. Sherlock: Sir, can you state your name?

Mr. Keifer: David Keifer.

Ms. Sherlock: Mr. Keifer, do you solemnly swear upon the Bible the testimony you are about to give in this matter to be the truth, the whole truth and nothing but the truth, so help you God? Thank you.

Mr. Keifer: [Please see Exhibit "A" Testimony For].

Chairman Holmes: Thank you for coming tonight. I've known you a long time. You're a past State Planner and I think an awful lot of you and I want to thank you for your effort to come here tonight. I think Mr. Davis has a question or a comment.

Mr. Davis: Mr. Chairman, for the benefit of the public, this has been submitted as part of the public record. There was some audio problems, you probably couldn't hear Mr. Keifer, but it is a prepared statement, it's part of the record and I'm quite sure if you want to see it, the Planning Department will share that with you. Ms. Keifer?

Ms. Keifer: Just very quickly. Our intention is actually to take all of the comments we've received, scan them in and put them on the website as well, so they'll be widely available.

Mr. Davis: Thank you.

Chairman Holmes: Thank you sir, very much. Anybody else in favor of this application and wishes to speak?

Ms. Purchase: Good evening. My name is Ruth Ann Purchase, 303 Main Street, Leipsic, Delaware.

Chairman Holmes: Can you put your hand up? We want to swear you in, please.

Ms. Purchase: That's fine. I'll affirm.

Ms. Sherlock: Ms. Purchase, do you affirm the testimony you are about to give in this matter to be the truth, the whole truth and nothing but the truth, so you affirm?

Ms. Purchase: I affirm. Thank you. Thank you for all your hard work and especially for the collaboration of many organizations and branches of government working together on this. It feels really good. I would like to make two specific comments of support and ask two questions. I don't necessarily need them answered tonight but it would be nice to know that you're thinking about them. The first comment and support is related to your vision statement. I really appreciate the incorporation of the word sustainable and I do wish that there were definitions somewhere on line of how you're using the word since it is kind of trendy and a sad thing lately. So, in my work, I've been defining it as William McDonough does, the founder of the Lead Certification Process, which is balancing economic development with equity and ecology. Of course, I'd love to hear your discussions about how you're defining that word and what it is going to mean as we apply it. My second comment is about economic development promotion in the area and I'm encouraged by your trials here of economic opportunity, preserving farmland and managing growth. It feels really sane and it feels good. I do want to encourage you, as you consider how that is implemented in more specific ways, to and maybe to even tweak that word, preserving farmland, to promoting agriculture, because the comments I'm hearing from the public are that sure, it's nice to put farmland preservation out there and have lots of open space, but what do we do about local food supplies and promoting farming as a source of economic development. So, I really encourage you to turn that word, preserving, to promoting farmland, or agriculture. My next comment is about your statistics in population and a growth as we look at the next 30 years and I'm wondering how you've come to those statistics, where you're getting that information and if it takes the current recession and war debt into account since sometimes statistics take a while to download into our practical realm. We see now, as far as housing development and business development, it is slowing, so I'm wondering where the most recent statistics are and how we quickly incorporate those into our population expectancy and economic development in the region. My last question is related to emergency services and I'm curious about how we've reflected in this Comprehensive Plan, I really don't see it, I'm curious how we reflect the prospected increase in storms and decrease in full availability in our emergency plans. I'm just concerned about how

we handle emergency plans on that count. I'm wondering if that's been reflected in the plan. I don't have to have answers tonight.

Chairman Holmes: Well, to be honest with you, this is a public hearing. (Inaudible).

Ms. Purchase: Okay. Well, thank you for taking my information, which is some questions, but I appreciate your work and I thank you very, very much. It's been very encouraging to watch this process.

Chairman Holmes: Anybody else in favor of this application and wishes to speak?

Ms. Casey: Good evening. My name is Jennifer Casey. My address is 2 Kings Highway in Dover.

Ms. Sherlock: Ms. Casey, do you solemnly swear upon the Bible the testimony you are about to give in this matter to be the truth, the whole truth and nothing but the truth, so help you God?

Ms. Casey: I do.

Ms. Sherlock: Thank you.

Ms. Casey: I was part of the working group that helped to work on this Plan. I'm here to just voice my support for the Plan. A lot of people put a tremendous number of hours into it and again, it was a compromise of a lot of different factions that came together. I have been a resident since 1963, grew up on State Street, went to Dover High School, moved away for a short period of time, sure to find better places of the world. I can't say there are too many although vacations are nice. But, I moved back here to raise my children because I believe that Kent County is an incredibly great place for families, businesses and just to live. My parents are still here, my sisters, my nieces and nephews and my kids. I think that I'm cautiously optimistic about the plan because I think it needs to be given teeth through the regulations that are going to back it. I hope that you all support the process that Sarah has started and we don't water it down by getting half way through it and getting scared. I think it needs to be free from the political influence because planners know how to plan and politicians know how to win elections, I'm sorry.

Chairman Holmes: Be sure you put that in record, now.

Ms. Casey: My point is that the politicians are all intelligent and they're there for a purpose but the planner is hired because of her education or intelligence and the vision that she has. We've spent a year

looking at the vision that Sarah has been sharing with us and I think we've come to a place where we've all met at the middle. I hope that my kids decide to stay here and raise their children as well, because we've made it such a fabulous and great place. I also was a member of the working group as the Treasurer of the State Home Builders Association. So, besides being a resident, I also represent the homebuilders. I can say that the homebuilders are actually cautiously in support of this plan as well. Sarah came and spoke to us. They were very pleased with the comments and with the way this was moving forward. Again, cautiously supportive. It hinges on the TDR plan which we hope really does get enacted and put out with some support from all of you. The only concern that we had was the change in density from the plan that was presented to us at our meeting to what was presented tonight. Not something that is unbearable but important that the density is supported to be able to provide affordable housing. The builders are all suffering right now in this economic times and affordable housing is the only thing that sells and we have to be in a position where we can provide it. In order to have the funds available to make parks, to make sidewalks, to put trees in, to give all the facilities that the buyers and the public really, really want, we have to have the ability to get the density in the appropriate places where the services are available so that my kids can afford to stay here, your grandchildren or children can afford to stay here and we all have a community that we're proud of. I look forward to actively participating in the process as we move forward and I think that the group I was with was an exceptional group of people that I was proud to be part of. Thank you.

Chairman Holmes: Thank you for your comment. Ma'am, we have a question.

Ms. Thornton: Yes, I would like to clarify something that you said.

Ms. Casey: Okay.

Ms. Thornton: We have received other testimony, which you are not privy to because it was a letter that we just got tonight by Mr. Paradee, in which he makes some comments and without sharing those comments with you at this point, I would like, since I have seen the comments, I'd like your independent response to a question I'm going to ask. You just mentioned that you were pleased with the input that you got from Ms. Keifer when she met with you, as our Planning Officer, and gave guidance to you, not necessarily guidance, but information and assistance and shared her considerable knowledge of planning. Is that what you just said?

Ms. Casey: She came and made a presentation to the Board of Directors of the Homebuilders so that we could report back to our membership what the Comp Plan was going to be all about so that we could reach out to our membership for general support or comments or input.

Ms. Thornton: Good. Well, thank you for clarifying. So, in no way did she direct your thoughts or reach any conclusions for you or ensure that you reach any conclusions? Is that correct? It's all your opinion?

Ms. Casey: There was a comment at one point that I was drinking the Kool-Aid on the committee, but it's more because I have a vision of what the County really needs to do and I often take off my hat as a builder and try to find out what's best for the community. But now, Sarah did not guide us, direct us, or form our opinion. She just shared the knowledge with us.

Ms. Thornton: So, would you agree or disagree with the statement in general that this Plan reflects public will and is not necessarily a result of private deliberations among a few?

Ms. Casey: I'm not sure I understood the question.

Ms. Thornton: Would you say that the Plan represents your public will or would you say that it is a reflection of deliberations in private among a few?

Ms. Casey: I think that there were comments made, whether it was in public or in private, that perhaps we were spending a lot of energy trying to work on a committee that was ultimately going to be presenting a document that was already preformed prior to us getting together, but I don't think that anyone of us who participated in the committee truly believe that a years worth of our time and Sarah's time was truly being invested as a folly. I think that we believed that our input was important and was listened to and even some of the things that we tried to put forward was changed with the public hearings and workshops that we had. We came back with comments and discussed actively those comments. So, I think that everyone probably isn't going to get their way with this Plan, but I think it's a good compromise.

Ms. Thornton: Thank you very much. You've clarified the situation for me.

Ms. Casey: I hope I have a job tomorrow.

Chairman Holmes: Thank you very much. Thank you.

Mr. Goodfellow: Good evening.

Chairman Holmes: Can we have your name, please, sir?

Mr. Goodfellow: My name is Jay Goodfellow. I live at 341 Main Street, Leipsic, Delaware.

Chairman Holmes: Thank you, sir.

Ms. Sherlock: Mr. Goodfellow, do you solemnly swear upon the Bible the testimony you are about to give in this matter to be the truth, the whole truth and nothing but the truth, so help you God?

Mr. Goodfellow: Thank you for giving me the opportunity to address you tonight. I also was a member of the working group for the Comprehensive Plan and I can tell you there was a lot of spirited debate, there was a lot of disagreement and I found myself in the minority many times, but I did speak and I did make my part and I felt as though I had an affect and my comments had an effect on things. I was most interested in the issue of cluster development because I live in a rural area and I was afraid of the effect of cluster development and my suggestion would be if there was any tweaking to be done to the Plan, it would be tweaking the concept of cluster development in rural areas. I see that the chart up here allowed one-half of an acre per lot. If I had my way, it would be at one acre per lot, but we all discussed it, it was part of our meetings. I may be persevered on it, and maybe people will consider I'm preserving right now on it, but I think it's an important issue because I think protection of the rural areas is very important. We did reach a compromise on a lot of things and I do support the Comprehensive Plan. I think it's a good plan. I think it sets the way forward for us in the future and I think it represents a lot of different inputs. It's very complicated, some of the issues, especially the density issues and especially the fact that the density issues are modified by other rulings. There's a lot of complicated stuff here but we all tried our best with it. The TDR program, it's important and the committee tried to make a program that would be fair to farmers and would also preserve the community and we worked on this and I think it's a good program. I support it. I support what's been done. I think it sets a vision for us in the future. I think it's a good Plan and I want you all to know that it

has my support. Once again, thank you for allowing me to address you.

Chairman Holmes: Thank you Mr. Goodfellow, very much.

Mr. David: My name is Ronald David. I'm at 977 West Evens Road, Viola, Delaware.

Ms. Sherlock: Mr. David, do you solemnly swear upon the Bible the testimony you are about to give in this matter to be the truth, the whole truth and nothing but the truth, so help you God?

Mr. David: Yes, I do. I didn't know about the meeting until I received a letter that the lady referred to. I was in the workshop that took place out at Caesar Rodney and that's the last I received of any notice of anything that goes on regarding this. I am a landowner. I was in the Growth Zone. I'm retired now but for 26 years and 40 years all together, I was a Christian Pastor serving here at least 26 years in Dover and Camden. My wife and I worked hard to purchase our land, I built my house with my own hands and we paid for it. It's ours, we look forward to it as our retirement, a portion of it. You didn't give me an either/or. Well, you did give me an either/or. I'm either for it or against it. Frankly, sir, I don't know whether I'd be for or against it because not seeing it in the paper and not receiving anything, even though being a land owner whose land has been effected by this, I would have thought I would have. I did sign up both by email and for address when we did the work out there a Caesar Rodney. I'm sure you're all wonderful people. Many people have told us that tonight, but it does cause kind of a queasy feeling in a person who owns land who has people overseeing it, of what he has worked for and doesn't have an input into or even an information given to him regarding that. So, it's not that I'm against doing something in the County to make sure that the things that are needed are presented here in the County, or that the infrastructure is there for building, not at all. I just would say to you, don't leave people out. My name and address and phone number are on the tax rolls. You affected my property by what you did, then why not inform me of it? Thank you. So, that is what I wanted to tell you and I thank you for the privilege of coming tonight and I thank Mr. Paradee for sending me the letter or else I would not have known.

Chairman Holmes: Thank you for your comments.

Ms. Goodfellow: Good evening. My name is Nancy Goodfellow and I reside at 341 Main Street, Leipsic, Delaware.

Chairman Holmes: You must know that other guy that was up here named Goodfellow.

Ms. Goodfellow: Yes.

Ms. Sherlock: Ms. Goodfellow, do you solemnly swear upon the Holy Bible the testimony you are about to give in this matter to be the truth, the whole truth and nothing but the truth, so help you God?

Ms. Goodfellow: Thank you and good evening and I appreciate this chance to speak to you all. This is one case where there is all the meaning that you need to know in the title of a book and that book is the Comprehensive Plan and it is just that, a Comprehensive Plan. It looks at the past, where it considers what went on in the past, what we have currently here in the wonderful county of Kent. It's concerned with our natural resources, it's concerned with our historic properties, it's concerned of the life style that people who lived here in the past enjoyed as well as the infrastructure that exists here in Kent County and as well as the intent of what has been already put into law. We have a Growth Zone. That was a certain intent that was done in the past. We have to consider that. It also looks at the current situation, the present, what we have to deal with today, what the growth has been, where it has been, where the infrastructure is, the school systems, everything along that line that is so important to us, but most importantly it plans for the future. Where are we going? Delaware is a small wonder and we're having growing pangs right now. This plan addresses those growing pangs and plans for the future. It is building communities as is also on the cover of your Comprehensive Plan and it's extremely important. This will help the planners do their planning, it will help you make your decisions as well as help Levy Court do what they need to do upon your recommendations. This is a quality of life issue for the people who were here in the past, the people who are here in the present and the people who are here in the future, it's extremely important that this gets passed. I can also say as Mr. Holmes mentioned, that my husband, Jay, we do reside in the same home and I can say that he came home from many of the meetings well past 9:00 and was quite heated as to what went on. It was not a rubber stamped document, there was much discussion that went on. I even went with him to one of the meetings, which was not cancelled when there happened to be a

huge snow storm that night and I didn't want him out on the road by himself, and it was an active meeting and was well over 2 hours. So, the people who worked on this committee, worked extremely hard. Sarah did an excellent job in providing information, almost too much information. There were many emails sent to Jay that had to be downloaded and opened and whenever he had a question, she was more than happy to send additional information. I think questions have to be asked. You can't always know there is a question unless it's asked. So, I thank Sarah for answering his questions, which alleviated some of his stress and therefore, as the wife, alleviated some of my stress. So, thank you all very much.

Chairman Holmes: Thank you.

Ms. Dennin: I would like to state what the previous gentleman did. I'm not really sure if I'm in favor of it or if I'm against it.

Chairman Holmes: You're name and address?

Ms. Dennin: I'm sorry. I'm use to running off at the mouth right away. Francis Dennin, 8972 Burnite Mill Road, Felton.

Ms. Sherlock: Ms. Dennin, do you solemnly swear upon the Bible the testimony you are about to give in this matter to be the truth, the whole truth and nothing but the truth, so help you God?

Ms. Dennin: Yea, ma'am, I do. I'm here tonight as this is the first opportunity that I've been aware that I could join in or have some discussion or have some knowledge about something that is going to affect me. So far, we've heard from people that live in Wilmington, we've heard from people that live in Seaford, we've heard from people in Georgetown, we've heard from people that were on the committees that have stood here and spent half of my evening patting each other on the back. The one thing I've heard is we're not answering questions this evening. I've written a book load of questions that I have about this Plan and things that I don't understand about it and consider myself an intelligent person, although most people do think they're intelligent, but I would like to know how am I supposed to get some of these questions answered? How am I supposed to know how I do feel about this? I am a property owner in Kent County and I am going to be affected by this. I'm going to be moved into a rural zone and I have a couple of acres. I have spent my entire life working to pay for my property and now, is my daughter not going to be able to build on the acre that sits next to me because it's just an acre, and I'm just on an acre? Am I going to

have property sitting next to me that is of absolutely no value and has now become completely worthless because I am a tenth of a mile out of a village zone and it's a rural zone? I do know that something needs to be done, as somebody that has to travel a half an hour so that I can get 10 miles to work in the morning. I realize that the County is becoming overpopulated, over dense in some areas, but I also want you to realize you are affecting real people's lives, you're affecting real people's money, you're affect me, who has worked 25 years to pay for a couple of acres of property that now may be almost worthless other than the little piece of ground that my actual house is sitting on. I don't know . . . So many questions, what the answers are, and I don't know who can tell me those answers. I have written quite a few questions and now this paper might just be as valuable as the acre that is sitting next to me that I have always dreamed my daughter would live on.

Chairman Holmes: Denise, do you have something you want to offer?

Ms. Kaercher: Yeah. You're understandably upset. I believe when I got here about 45 minutes before the meeting started, I believe you were already in the room. It seems to me . . .

Ms. Dennin: Yes, ma'am. I was here over an hour before.

Ms. Kaercher: If I recall properly, there were a number of people in the room with you receiving some kind of tutorial about things that were really not part of our meeting. I hope that didn't get you more upset because you got pieces of information. I'm wondering if Sarah could give a little . . . Because, I think the thing that worries you the most, I think Sarah can right now, ease your mind about and I think maybe that was what we need to hear. What I'd also like to hear from Sarah is quickly, if you could explain how many times there has been things in the paper, notifications of meetings and all that. But, don't go overboard.

Ms. Dennin: I will say, the County can send me a bill but the County can't send me a notice of this going on?

Ms. Kaercher: I think maybe Sarah can help explain that to you.

Chairman Holmes: Do you have something you want to add?

Mr. Coleman: Sarah, it's okay to explain how many times she had an opportunity to receive information. That's water down the well. I think it's more important that she receive how can she get her questions answered. That's what she really needs.

Ms. Keifer: All right. Let's try the first question, with respect to what you can do with the property. The very general answer, because I don't know the specifics about your property is that development is not prohibited in the rural protection area. In some instances, one acre lots can be created. Now, obviously I can't tell you specifically, what I can do and this gets to Mr. Coleman's statement, I've got my business cards right here. I will hand them out and I encourage you to get in touch with me and certainly, if there's a break tonight, we could chat or if you call me tomorrow, that gives you an opportunity to get some of your questions answered and potentially provide additional testimony to the Commissioners because anyone here can provide written testimony up until the close of business Friday. So, if that's reasonable . . .

Ms. Dennin: I would like to address something Mr. Coleman said. He asked you to say how many times I have had the opportunity to receive knowledge of this. Sir, I can get a bill in the mail from the County, I can come in this building in person and pay that bill. Never once have I received something in the mail, and forgive me for not getting a newspaper and not watching the news on a regular basis, but sir, today is the first time I knew that I had an opportunity to receive information about it and I was here an hour and a half before this meeting started so that I could do that.

Mr. Coleman: I'm not minimizing that you didn't have an opportunity to have information. I think the important part, what I wanted to do, was give you an opportunity to get the information.

Ms. Dennin: I appreciate that and I will absolutely get your business card.

Chairman Holmes: I think on that note we'll take about a 15 minute break. We'll start about five after 9:00.

Chairman Holmes: Okay. Thank you all for coming. Before we start again, Commissioner Jester would like to say something.

Mr. Jester: Thank you, Mr. Chair. I think from the last lady that just spoke and I think it needs to be made of public record that this plan only affects the major subdivisions. It does not affect the minor subdivisions which are another whole issue as far as what the people can do with their land, as far as subdividing. Am I not right, Sarah?

Ms. Keifer: Certainly with respect to lot size, minimum lot sizes, maximum density, the minor subdivision as it is today, is preserved, yes.

Mr. Jester: That's correct. I think that should take some fear out of some people's minds because there is some provisions in place where family members can be treated. Thank you Mr. Chairman.

Chairman Holmes: Thank you very much. Anybody else here in favor of this application and wishes to speak? Can we have your name and address, please?

Mr. Jackson: Marshall Jackson, address is 5100, Augusta, Georgia.

Chairman Holmes: Can you put your hand up so we can swear you in, please, sir?

Mr. Jackson: Yes.

Ms. Sherlock: Mr. Jackson, do you solemnly swear upon the Holy Bible the testimony you are about to give in this matter to be the truth, the whole truth and nothing but the truth, so help you God? Thank you.

Mr. Jackson: I do.

Ms. Sherlock: Thank you.

Mr. Jackson: Like the lady and gentleman said before, I can neither be for or against because I have not been provided with any information. I've received 2 letters that were mailed in March. Now, listening to the proceedings this evening, apparently this has been in the works for sometime. I do, every year, at the same time, religiously, receive a tax bill from the State of Delaware.

Chairman Holmes: From the State of Delaware or from the County? It must be from Kent County.

Mr. Jackson: Yes, sir. In this age of modern technology it would be nice if they could drop something in that bill, that tax bill, saying to refer to a website so that I can make this stuff available to me and know what's going on. I'd like to say that I'm for, but I can't because I don't have enough information.

Chairman Holmes: If you could leave your name and address here, with Sarah, she'd be happy to send you all of the information. Thank you very much.

Mr. Jackson: Yes, sir.

Chairman Holmes: Anybody else in favor of this application and wishes to speak? Anybody oppose this application? Anybody opposed? Please give us your name and address, please, sir.

Mr. Webb: Thomas Webb, 959 Hazletville Road, Hartly, Delaware.

Ms. Sherlock: Mr. Webb, do you solemnly swear upon the Holy Bible the testimony you are about to give in this matter to be the truth, the whole truth and nothing but the truth, so help you God? Thank you.

Mr. Webb: I do. Thank you. Good evening, Mr. Chairman, members. I'm here tonight representing myself, as a farmer, as a native Delawarean. Our family's been in Delaware since the early 1600's. I think that qualifies me to be native. I understand by the State of Delaware, we have to pass a bill, there's no question about it, it has to be done and we've got to do something. So, the question is then, is what are we going to do? What's the best thing we can do? I have some problems with it. We had a meeting here several weeks ago, out to our farm. I invited local farmers. We did invite some homeowners, but the thrust of our meeting was to get the input of what landowners wanted to do and we had Ms. Keifer, Mike Petit de Mange, Mr. Davis and Harold Brode attended, representing the County. What we were trying to do in speaking with Harold Brode was try to get more of the input of what the Amish community was doing. I'm not speaking for the Amish community, I'm just telling you how the meeting went and what we did. We had a very good turn out of local landowners. We had about 16 Amish come to the meeting. It was very informative. I think we had the largest gathering of landowners, of any of the meetings that was held and we had more people than what Caesar Rodney or Lake Forest School District had at their meetings. So, we had the actual people that this is going to affect the most. A lot of the Amish are kind of laid back. They didn't ask as many questions as we'd like for them to have asked, as I would have liked for them to ask. They really didn't come out and give Sarah and some of the other people the answers after the meeting that they really had on their hearts. A for instance was, the Amish kind of work in church districts and I approached several of the ministers of the churches to tell them who we wanted

to come to the meetings and we wanted their input. We offered to have the meeting here in the Levy Court building, which they totally denied. They would not get up and speak on a microphone, they didn't want to be intimidated and if you remember, they were kind of withdrawn in even asking their questions, but the one fellow that kind of leads an example for the group, for the last 5 years he's been telling all the young people that they need to stay in Delaware, they don't need to leave, they're not going to find a better place than Delaware to be. After the meeting they approached Sarah with some questions. Sarah seemed to be satisfied that she answered them. But, what I found out later is that after they left the building, this gentleman stood there and told three of them, gentlemen, you just might well start looking for a place to live, we're leaving. That was the response from the Amish community. They said we have no choice, they're going to pass it whether we say yes or no. It's a sad day in Delaware if this happens. Another question, and I think Sarah might remember it, it was asked, and this bill doesn't specifically address the problem, but it's all tied in with the County. One asked if they could build a dowdy house, which is a house for their older parents, or quite often there's some handicapped children in the family and they'll live with the grandparents and the younger children live in the main house and they live in the small house and that was just answered no, that's not going to happen anymore, that's over with. Well, I talked to that gentleman on Monday of this week, he was out in his field and he said, well, we're going to be moving and I said what do you mean? He said, well, my children said if we can't have another house, they're not living with me so we have to leave. I said, where are you going? He said the children are going to make that decision. He said I have no idea but where they decide to go, we'll have to follow. That's sad. That's really sad to think that can happen in Kent County. We really need to consider this. They're totally opposed to the TDR program. I'm opposed to the TDR program as it is today. From my knowledge of coming to the Levy Court meetings, it appears to me that we've never had over 1300 new building permits a year. We have 20,000 lots available right now. That's approximately 15 years worth of building before a TDR is going to become effective. I have a neighbor who happens to be English. He's 75 years old. Two years ago he was telling me he was in financial trouble. He's not farming, he's on Social Security. So, I got him the paperwork for the Farm Preservation Program. I took it to him. I know a lot of people here think I'm opposed to farm preservation, but I'm not. I think farm preservation is fantastic. I don't want my farm that I live on ever developed. Well, I took him this paperwork. He's on a list and he's on a long list. Well, this year he has to make the

decision whether to sell the farm or not. Even if the TDR program came into effect, he's lost the farm. Where's he supposed to go? What's he supposed to do? There's got to be a way to compensate farmers. The University of Delaware says an acre of prime farmland in Kent County, at best, is worth \$10,000.00. The farm I live on, I would just make a guess that the way it is today, it was probably worth \$40,000.00 an acre. After this bill is passed, it's going to be worth about \$7,000.00. Are you going to come up with \$33,000.00 for a TDR for me if I have to sell? I mean, I don't want to sell, but it's such a major loss. I know that we need to do something, don't get me wrong, I understand that. I don't have the answers but I know that we in Kent County have got some of the smartest people in the world here. We don't need anyone from Wilmington or from Salisbury, or from Bridgeville, to tell us how to do it. We need to work on this ourselves and we need more of the farmers involved. I actually answered Sarah one night. She said, what do we do? I said we've got to get the farmers involved and get them to these meetings. The Farm Bureau sets a national program and that's what they follow. We're Kent County, we're not national, we're Kent County. We need to build a Kent County plan, something that's going to work. There's just a few handful of farmers in Kent County that own the majority of the land and they're the ones that are going to suffer. They've worked all their life. I've worked a job most of my life. I'm plowing fields at 3:00 in the morning to be able to work a job. But, thank God we've been able to make it. But then all the value's gone, so what did I work for? I don't know the answer, but I know that we have people in this County and we need to . . . The organizations are great. I don't think the State of Delaware's ever done a lot to help any of the smaller farmers, I really honestly don't. Every time I've ever had a problem, I've never had any backup. It's you're on your own, figure it out. And, we've always managed to figure it out on our own. But, there comes a time when we need help and we need help from our government to protect our retirements, to protect our families. One advantage that I see by passing this bill and it's a fantastic advantage, is that my son will be able to inherit our farm and be able to afford the inheritance tax because the inheritance tax is coming back but the land will be devalued so low that he will be able to come up with the money to pay it and that's the only thing I can see it's going to do for me. I thank you for your time and I thank all the members for working so hard on it. I know there's a lot of work that's gone into this. I've been to a lot of meetings. I just wish I was a little smarter to be able to tell us what we need to do, but I think if we all sit around and brainstorm, we can solve this problem and we can have a Kent County solution. This TDR hasn't worked in Lancaster County and had

they have kept the program, they disregarded the program totally, had they have kept on going the way they were, they would have lost their Amish and Mennonite. I think that's something we need to think about before this passes, that's why this happened up there. There was a reason. Thank you.

Chairman Holmes: Thank you, sir. Anybody else oppose this application and wishes to speak? Please give us your name and address. You don't need to be sworn in.

Mr. Mandalas: Good evening, Chairman Holmes. My name is Glenn Mandalas. I'm an attorney with Prickett, Jones & Elliott, 11 N. State Street, Dover, Delaware 19904. There's a reference made earlier this evening by Commissioner Thornton to some correspondence that Mr. Paradee of my office provided earlier to you all, yesterday. Is there confirmation that that letter did actually make it to all the Commissioners? I'll make it part of the official record. I have additional copies if anybody needs them. It seems that he did provide that correspondence. My comments will be brief. First, I'd like to address densities. Base densities in this County for a number of years now, have been 3 units to the acre inside the Growth Zone and one unit to the acre outside the Growth Zone and I submit that those densities, as base densities, should remain unchanged. The overwhelming majority of development has indeed occurred inside the Growth Zone with those densities as they currently exist. Indeed, your Planning Director confirmed that tonight. That 69% of development has indeed incurred inside the Growth Zone. The Comp Plan working committee also agrees with that at least as to density inside the Growth Zone. At the conclusion of the most recent of public workshops, the committee group said they unanimously voted to keep the base density inside the Growth Zone at 3 units to the acre. Notwithstanding, the working committee's unanimous vote and decision, the current draft of the Comp Plan, as we saw in the slides earlier today, incorporate a baseline density in the Growth Zone of 1.5 to 2 or 1 to 1.5 units to the acre. It was suggested that that change was made based on a letter that came from PLUS and meeting with the Levy Court last week and Ms. Casey, when she testified, confirmed that this change had been made, subsequent to the working committee's meeting and unanimous vote. So, I think it's fair then for Mr. Paradee to question in his letter the workshop and committee process, it's vitality and what authority and how it actually did direct this process. The expressed desire of the public, with regard to density, at least inside the Growth Zone, which was

embodied in the unanimous vote of the working committee, is wholly absent from the current version of the Comprehensive Plan. So, you have to ask is it really a plan that's reflecting the will of the community or not? Now, there is something that we can all agree upon and it seems that there's generally universal agreement that the TDR program is an area and is a program that can work and we should find a way to make it work. Our view though is that downzoning the entire County just isn't the way to incentivize that program. If the goal really is to further encourage growth inside the Growth Zone, one answer may be to further incentivise the TDR program. And you ask, how do you do that? Well, first, you can do that by increasing the density bonuses provided by the TDR program. Increased density bonuses for primary and secondary receiving areas. You can also do it by eliminating the public hearing requirement for TDR projects and make them by-right projects, subject to an administrative standard review. I can tell you that the developer clients that we represent, they are so concerned about the opposition that necessarily is going to be engendered. Whenever you get increased densities, they would rather not pursue a TDR program because the opposition usually rules the day the Levy Court typically denies, generally denies a TDR program because the opposition is so high. You can imagine that opposition is necessarily engendered when you're talking increased bonuses or increased densities due to these TDRs. So make these TDR projects by-right projects and remove that element that is hindering the advantage of the TDR program. Third, provide flexibility or options in the architectural design standards provided in Section 187-91(h) of the Code. Those architectural design standards are very costly to deal with. You deal with them up front. So, if there's uncertainty that your TDR program is going to be approved, you have to put a lot of money into the project up front to meet these architectural standards and developer clients just generally say there's not enough flexibility there, I don't know if I'm going to be approved, why do I want to spend the resources upfront when they're so uncertain as to whether this project is actually going to be able to move forward. By incentivizing the use of the TDR program through some of these methods I just discussed, you do a few things. First, growth is encouraged inside the growth zone. We all agree that's where it needs to be and I think we all agree that's where we want growth to occur. Property value in the Growth Zone may be a bit of an up tick and property value outside of the Growth Zone, at worst, remains constant, because there's not a downzoning of that property outside of the Growth Zone. Alternatively, typically, if you do downzone the County as the Plan currently proposes, you don't do anything to encourage growth in the Growth Zone and

consequently properties will have been downzoned for . . . What I mean to say is that if you do downzone the entire County, and you're taking some risks as to whether that is going to actually encourage the use of TDRs, if you do it and it doesn't work, all you've done is downzone the entire County and gotten nothing in return. I think that's sort of a slippery slope to find yourselves on. The last thing I wanted to mention is the proposal that standard by-right subdivision applications be converted now to conditional use type applications. If you were to do that, it seems to me that you would kind of be abolishing the whole idea of a by-right application, of a by-right anything. That is to say that the subdivision ordinance and the zoning ordinances would naturally be at odds with each other. The zoning ordinance, suggesting that there's some sort of by-right; subdivision ordinance saying you can't do it. That necessarily puts them opposed and I think that's a bad step to take. With that, I'll close. I know you have Mr. Paradee's letter and I will ask that you do give it a fair amount of consideration as you consider the Plan that's before you and I respectfully request that you would make a reasonable determination as you make your recommendation to the Levy Court. Thank you for your time.

Chairman Holmes: Thank you very much. Denise has a question of staff.

Ms. Kaercher: Correct me if I'm wrong. We are downzoning the entire of anything? Isn't the base presently 1 unit per 5?

Ms. Keifer: The base density is actually 1 to 10 today. With respect to the areas outside of the Growth Zone, density today, is the range of 1 to 1 to 1 to 4. That's actually already included in the Ordinances. What's discussed in the Comprehensive Plan is looking at rezoning some areas inside the Growth Zone. What's being described is changing the district regulations for existing zoning districts. It's not actually changing zoning districts. The Plan contemplates actually changing zoning districts for areas inside the Growth Zone. This Plan doesn't do that. We would have to follow this Plan up with the actual rezoning process which is a separate public process. Does that answer your question?

Ms. Kaercher: Yes, it does. Thank you.

Chairman Holmes: Anybody else oppose this application and wishes to speak?

Mr. Melville: Jim Melville, 412 Bryn Zion Road, Kenton and I affirm.

Ms. Sherlock: Mr. Melville, do you solemnly affirm that the testimony you are about to give in this matter to be the truth, the whole truth and nothing but the truth, so you affirm?

Mr. Melville: I do. Commissioners, I'm a little uncomfortable standing up here tonight with any opposition to the Plan because I followed it pretty closely and participated in it right up to the draft, the second draft and I was fairly comfortable with it. But, some recent changes in the density in the rural areas and the lawsuit that just came up give me some concern. I don't think the Comp Plan should be approved with the current rural density tables and specifically, that would be table 2-1 in the third draft. This significantly increases the density in the rural areas, which were to be given some protection with the community sewer ban in addition to a lower density. Now, as you know today, the lawsuits have been filed to overturn that sewer ban and if that happens, we get a double whammy out in the rural area by getting both smaller lots and this community sewer and village thing back. Give the builder more density out there. I think we should recommend to Levy Court the Plan, but with the density allowed under the second draft and then let adjustments be made if the lawsuit is successfully defended against. Similarly, I don't think we should consider robbing the Growth Zone concept for individual zoning because more litigation to permit any more building would be a distinct possibility, given the practices we've seen by the developer legal teams. The Growth Zone is an established and understood principal and that gives a more defensible position against the, what I would consider, expected litigation. In closing, I'll say I don't often agree with developer lawyers, but the statement Mr. Dunkle made, I'm certainly in favor of and that is creation of a TDR bank. I think that would be very helpful to the overall process. Thank you for your time.

Chairman Holmes: Anybody else oppose this application and wishes to speak?

Mr. LaFavre: Good evening members of the Commission. My name is Steve LaFavre. I'm the Executive Vice President of the Home Builders Association of Delaware now located at 1600 North Little Creek Road, in Dover.

Ms. Sherlock: Mr. LaFavre, do you solemnly swear upon the Holy Bible the testimony you are about to give in this matter to be the truth, the whole truth and nothing but the truth, so help you God? Thank you.

Mr. LaFavre:

I do. I wasn't intending to speak tonight. I thought that Ms. Casey, who was our representative on the task force did a very admirable job of summarizing for you some of the concerns as well as some of the hope of an industry that has since 2005 dropped by more than 50 percent and it's dropped because it's a market-driven kind of industry and it also has to react to what government does. I was concerned when Ms. Thornton used Mr. Paradee's letter and I thought a bit unfairly, as Ms. Casey appeared to be on trial, to provide some type of rebuttal to a letter that none of us have seen. While I now have a copy of it, and have also had time to read, I'm not speaking in opposition, I'm not speaking in support on the Comp Plan and the reason I'm not doing either is because there are so many moving parts in this process at the moment that none of us have had enough time or had one piece of paper to look at long enough that doesn't change, that gives us an opportunity to sit down and actually write some comments for you. We were given a presentation by Ms. Keifer and a very admirable presentation to our Board of Directors in February and we had expressed concerns on the second draft of the Plan and Ms. Keifer answered many of those concerns with density changes in the Growth Zone and so on, and when the Plan was published again in March, what was presented to us is densities change again. So, we've had a very difficult time and again another version of the Plan with more recommendations based on the PLUS letter was released to us today. So, we're looking at a plan that is going to guide the County and guide our industry quite frankly as to what it can and cannot do in Kent County. A Plan that continues to evolve and change and at some point somebody is going to have to drop a hammer but we're not sure when that's going to be. The question I believe that was asked of Mr. Mandalas relative to downzoning the County, the Plan doesn't do the downzoning but the Plan is the guidance and once that's approved, requires that the County within 18 months create the Ordinances that implement the Plan and those ordinances will be downzones of a wide range of the County. I think there was a question on base density and yes, the base density in the County is 1 for 10 but the County has effectively used overlays to change zoning and done so effectively; in fact, the Growth Zone is an overlay. In doing that, when these densities change again, it is a downzoning that will take place in the county. You have Ordinances that will have to appear before you and all those notice rights and so on. I think the word that I get from my membership is not that we're opposed to the Plan and not that we're in favor of the Plan and some would like to say we're just resigned to whatever the Plan is going to be, but it's simply frustration. Mr. Dunkle, at the very beginning of this process, said

tell us what the rules are. With those rules, we'll decide whether we can build or we can't, we'll know whether it pencils out, or what the cost of housing is going to be but when the rules keep shifting and keep changing, there's no predictability any longer. We talked about a TDR program. There is no TDR program in the country that works, according to the National Association of Homebuilders. You probably had, 2 years ago, what might have been a model for the country, in the TDR program that was originally proposed but not what was finally enacted and I think that if you go back and look at the TDR program as it was originally written, it had the public process, it had it all up front, it had it before the major investments are made, and once the approval to proceed was given, it gave a by-right process but it did it before thousands and thousands, if not hundred of thousands of dollars are spent in the planning process, only to be turned down at the end of that process. You have a Comprehensive Plan in front of you that it totally banked on TDR and you do not have a TDR program in front of you. You are going to approve and then as State law says, you have 18 months to implement the Ordinances. So, if I do anything, the entire Plan is banked on TDR and before you do anything, zoning wise, or otherwise, we need a TDR program and it should have been in development along with the Comprehensive Plan and become part of the Plan, is what the industry had been saying all along. So, I'm here before you to take a little bit of the heat that I think fell on Ms. Casey tonight. Do I think, and I try to answer your questions from my position in the office, I think there were a marriot of discussions that took place on the Plan both in public, outside of public, and over drinks and everywhere possible. I don't know what Mr. Paradee has said yet, but I'll certainly take a look at it and read it. We have offered ourselves many times to be experts to work on things with the County at the beginning of the process. The first time we were actually invited into the process as an industry was with the Comp Plan and I felt that what Ms. Casey said, both as an individual who lives in Dover and as a representative of the Homebuilders Board of Directors, that she attempted very nicely to put a positive spin on the whole process and what took place. I can only commend Sarah for all the effort that's been put into it but I can't commend that this has been an upfront process all the way through because it keeps changing and I guess the way I feel and the way our Board sees things at this point is that you are here tonight as a public hearing before the RPC, you're going to vote on this next Thursday, I assume, Levy Court's going to hold a public hearing one week later and then it can easily become law and at no point has there been more than a few days between versions that are taking place. So, we're trying to keep up, we're trying to react,

we're trying to be positive as an industry. We continue to offer our support, we want to be positive and we want to continue to do business in the County. While our business 2 years ago was worth about a quarter of a billion dollars to the County, it's nowhere near that today and it continues to get worse. Not only as an industry which is down, but as legislation, new Ordinances that continue to be passed, take away tools that were in the toolbox; wastewater can be debated as to its qualities, even that's a mixed message that comes from the State. DNREC says we want to eliminate on-lot septic systems and community wastewater systems are good, and that Ordinance puts the County back into on lot septic systems and expands the size of the lot that they must be on, reducing the density and creating the sprawl. Then, the village concept that allowed at least some measure of density to be done, whether you liked it inside the Growth Zone or outside the Growth Zone, that elimination of wastewater was actually a zoning change because it eliminates the village concept. So, we're getting so many mixed messages as an industry and I simply appeal to you tonight, with unprepared statements, to express that frustration.

Chairman Holmes: Sir, I think Mr. Davis has question.

Mr. LaFavre: Yes, sir?

Mr. Davis: Sir, I've heard you speak many times before for the Levy Court. I'll be very blunt about it, I've never heard you say one thing that you really agree with the County and that they did the right thing. More importantly, I listened to you very closely tonight. How many times have you contacted Ms. Keifer to have a meeting about these issues? You have a person in your group that's on the committee, you obviously knew what was going on. I'm just kind of curious how many times you, yourself with all the issues you brought up, have come down personally, yourself, because you come to every meeting, you come to the Levy Court, you criticize Levy Court, everything they try to do is wrong, and you're entitled to that opinion but how many times have you been down here to talk to the Director?

Mr. LaFavre: We have a monthly, well semi-monthly meeting with the County that we refer to as the nuts-and-bolts committee, to which Ms. Keifer and Mr. Petit de Mange and Ms. Persans, Mr. Tanner are all on a notice list for, and Ms. Keifer graciously came to one of our nuts and bolts meetings and gave us a summary of where the Plan was at that time. I'm on the email distribution list for everything that the committee or the task force gets. I can probably pull up a number of emails that I've had with Sarah back and forth about

one aspect or another and I still stand here and try to be positive. And yes, I've criticized at Levy Court. I've not criticized so much as I've tried to present facts and statements and I've tried to represent an industry that I'm charged by my Board of Directors to bring you that information and give it to you. I'm not asking you to make a decision one way or another, but I am giving you an industry in turmoil that is having a difficult time finding a point in time that it can rely on.

Mr. Davis: Thank you. I just feel that rather than be part of the problem, you should be part of the solution. I appreciate your comments. If you have emailed her, that's fine. I didn't know that because you didn't make any statements to that. I just hate to see everybody get beat up that's been working a year on this project, a very complex issue. This Plan's not going to be 100 percent.

Mr. LaFavre: Inaudible.

Mr. Davis: Let me finish. It's not going to be 100 percent and then all of a sudden we have to listen again, they're doing this wrong and that's wrong. I get tired of it. I'd just rather see people come down here and work with our planning staff to try and work these things out. I don't know if you can work them out on email or what. I've heard you speak many times and it's never been nothing positive. That's my judgment. Thank you for your comments and we'll see how things work out. Thank you, sir.

Mr. LaFavre: You're welcome.

Chairman Holmes: Any other comments?

Ms. Thornton: Actually, I do have a comment. As we listened to the last speaker, there were really two, since I'm an army officer, retired, I think, I have that mindset, and I apologize, but, there's a couple expressions that come to mind. The first one is no plan survives the first contact with the enemy and I suppose that means that is why we keep changing the Plan or why the staff keeps changing the Plan, but I do agree with you as a Planning Commission, and someone who has to vote on this, I too am frustrated by the number of changes, not that I don't expect them, it's just that at some point they have to stop and we have to say this is the document and we're going to approve or disapprove, or discuss this document. So, I hear what you're saying there. The other thing that follows along with that is, another expression we use to have is it's time to kill the good idea fairy and I think maybe we have reached the point where it's time to kill the good idea fairy and put a document

together that we can take a look at and then get the comments pro and again, and not be worried about thinking about all the changes. So, I hope that we'll be able to resolve that before we vote.

Mr. LaFavre: Thank you.

Chairman Holmes: Thank you. Anybody else here oppose this application and wishes to speak?

Mr. Tayeb: My name is Taysir Tayeb and we live outside the city limits of Felton.

Ms. Sherlock: Sir, do you solemnly swear upon the Holy Bible the testimony you are about to give in this matter to be the truth, the whole truth and nothing but the truth, so help you God? Thank you.

Mr. Tayeb: Affirm. Basically, this evening I've been listening to a lot of people here. Most of the people . . .

Ms. Sherlock: Excuse me, sir, can you state your full address for the record?

Mr. Tayeb: Taysir Tayeb. My address is 9080 Burnite Mill Road, that's in Felton. We live just outside the Growth Zone, which is going to be affecting us and that's why we are here tonight. Most of the testimony we heard tonight, we are in favor of the new zoning. The reason for that is that most of these people don't live and won't be affected with the new zoning. A lot of them, they live on 1500 S. State Street or whatever, or they live in apartments. A majority of the people who are in this room here, they have farms, they have houses, they live in rural area. During our break here, my heart when out for this gentleman when he said about another farmer who had lost his farm. With the new program you have, it's going to drop the value of the farm and the land. Whatever purpose you have, the new proposal, it's going to drop the value of this farm. So, that's why, the gentleman in the back, his friend, he had lost his farm. A lot of people eventually, they will be losing their farms. I've been living in this area for about almost 30 years so I would consider this area as my home. It's beautiful.

Chairman Holmes: How many years have you been here?

Mr. Tayeb: Thirty.

Chairman Holmes: How many, Thirty?

Mr. Tayeb: Thirty, yeah.

Chairman Holmes: Where did you come from?

Mr. Tayeb: Who me?

Chairman Holmes: Yeah.

Mr. Tayeb: I am as American as you, sir.

Chairman Holmes: Are you?

Mr. Tayeb: Yes.

Chairman Holmes: That's good. Thank you.

Mr. Tayeb: Thank you. If these people here (inaudible) the new agenda you can have where for every 4 or 5 acres you could have just one home and I'm currently disabled. If we ever become in a position where I need to sell part of our farm, nobody's going to come up with the money to purchase 5 acres at one time. So, with this rule, it's going to be considered into our demise. With this rule, also, it's going to prohibit a lot of people from building outside the Growth Zone and once they do that, it would affect the taxes in this County. Nobody's going to be building in this area so the tax profit is going to drop down. If you have, say 250 acres of land, right now you could put about 1 to 5 or 1 to 4 lots per acre, that means you could have easily a thousand homes on 250 acres. This is with the new proposal. If you have 250 acres, you'd be able to put or build only 50 homes. Just think about all the money these hard working people have lost. As a retired banker, I have seen a lot of people, a lot of farmers lose their farms because they are unable to get farm equity line of credit or a home equity line of credit. I would hope that all of you guys would comment against the Growth Zone. Thank you.

Chairman Holmes: Anybody else oppose this application and wishes to speak?

Ms. Bowman: Hi. Cheryl Bowman, 3377 Farmington Road, Harrington.

Ms. Sherlock: Ms. Bowman, do you solemnly swear upon the Bible the testimony you are about to give in this matter to be the truth, the whole truth and nothing but the truth, so help you God?

Ms. Bowman: I do. I'm just here to echo a couple of comments that were made by small landowners in Kent County. I was born, raised and still

reside in Kent County and I'd also like to echo some of the thoughts about the first time I heard of any proposal, any plan, was the letter I received in the mail a couple of weeks ago that informed me of the two meetings coming up. I'm not here to beat anybody up. I certainly commend anyone who has the time, the effort and the energy to attend committee meetings for a year long process, and time and effort that you all and everyone else has put into this process. I don't know enough, I don't know what's going to happen to my land, I don't know what value it's going to have in a year, or five years, based on the Comprehensive Plan that you've put forth because I haven't studied it, I haven't had the opportunity to study it or I haven't had invitations to meetings to hear about it or have input on it. I live right on the truck route that's going through my land on Farmington Road. I recently sold, if you'd like to call it sold, 7,000 square feet to the County for the truck route, privacy fence, safety fence has been removed for the truck route, shrubbery that has been there for 30 years had to be removed for the truck route so I'm a little bit concerned about how this is going to affect my land. Watching what the truck route has done to my land as well. I echo the lady from Felton, the gentleman from Felton who just spoke, the reverend from Viola, and the man from Georgia. I just don't know enough and I would hate to see something pass that has an affect on me, as a private land owner, when I haven't had updates and I apologize I don't get the paper and I don't have time to look at internet papers, or whatever, but I do have time to open my mail. I do have time to open up letters from lawyers who tell me about changes that are going to happen to my land. Thank you.

Chairman Holmes: Ma'am, there's a question here.

Mr. Coleman: Yes, I'd like to empower you if I can. I would encourage you to call our Planning Office tomorrow, or at your earliest convenience. That would give you an opportunity to find out how you may be affected by this, by the Comp Plan. Additionally, there will be an opportunity, the Levy Court will be having a public hearing, so once you see the information, you'll have an opportunity to express your views, whether they're positive or negative. That doesn't fix anything but . . .

Ms. Bowman: No, and with all due respect, I don't think it should be me looking for the information. I think if it's affecting me, if you're doing things that affect me, then you should be giving me the information. I leave for work at 7:00 in the morning. I get home at 6:00 at night. I'm sitting here until 11:00 probably by the time I get in bed and to me, if you're going to affect me as a private land

owner, then you need to be giving me the information and then I can make a decision whether I'm going to ignore it or I can make a decision to either talk about it or have input in it. But then, you can put the onus on me and say but we sent you a letter, but we sent you information, but we called you and left a voicemail and then I can say oops, my bad.

Mr. Coleman: Will you leave your information with us so we can contact you then?

Ms. Bowman: I just gave it.

Mr. Coleman: Thank you.

Chairman Holmes: Anybody else oppose this application and wishes to speak?

Mr. Harman: Bill Harman, my brother and I have Harman Farm out on White Oak Road.

Chairman Holmes: You're address, sir?

Mr. Harman: 121 Hazel Road. I own a house there.

Ms. Sherlock: Mr. Harman, do you solemnly swear upon the Holy Bible the testimony you are about to give in this matter to be the truth, the whole truth and nothing but the truth, so help you God?

Mr. Harman: Correct. I must say, I'd like to start out by making a generalized comment and this is to be an impartial panel, with all due respect, Mr. Holmes, as the Chair. I think that what I've just sat through over the last 2 hours, which was this mutual congratulations, society, I find personally offensive, there's no question in my mind you all made up your minds, you're not impartial and you don't have an open mind on the issues and the praise just heaped upon the process, I find a little repugnant. The other thing I find repugnant, is the inability to deal with people who would like to take another point of view and your inability to listen to that and understand it. And, Mrs. Thornton, the idea that you would attempt to badger a witness and tell that witness to say something that she obviously didn't believe, I think is offensive as a matter of due process. The gentleman from the Sierra Club said isn't this a shame that people are asserting their constitutional rights and I'm saying to myself, wait a minute, what's going on here, why is the Sierra Club a higher authority than the constitution, to tell us how we should assert our rights or not assert our rights. We can do that in the Courts and the Courts will give us an answer. In so far as

the Plan is concerned, I must say I am highly disappointed. I think that this County has young people that are leaving the County. That used to be in an earlier version of the Plan. I don't see it in this Plan. You've got 17% of the population with college degrees for people 25 and over, I believe. There's no job creation here except in retail and government employment and I think that the notion that you're going to attract retirees to bucolic surroundings for the purpose of supporting the economy, I think, is misleading. I think retirees are not going to spend big money, they're not going to pay the property taxes that you're looking for and you're driving people out. In so far as housing, if 20% African American in this County, and I submit to you there is not adequate housing for people of less than median economic means. You've got \$43,000.00 as the median family income. That family cannot afford a \$300,000.00 house. Essentially, what you've done is you've taken inventory off the market and I believe the report says there are 185,000 acres of farmland you're essentially pushing aside and saying that's not available for development. You have to live inside a city, a village, a Growth Zone, where you have congestion already and where you're simply going to increase the level of congestion. The TDRs I think are also a sort of a red herring. I don't believe that the TDRs will work as an economic matter. I think that there's a real failing to put proper value. You're going to have more acres from the sending area than you are from the receiving area and you're going to have a total mismatch. Why would any developer go out and seek to buy a TDR, or if they wanted to, they've got a huge universe to buy from. I mean, those TDRs are not going to have any real economic value. The other thing I would take exception to, and again, you can say I'm finding fault, and I guess I'm not permitted to do that as a citizen, but I would like to give you my view. To cite the American Farm Trust as the authority for land use, is laughable. American Farm Trust was founded by David Rockefeller who lives at Patinico Hills on the Hudson River and by Dan Luffchan of (Inaudible) who owns 100,000 acres of ranch land in Wyoming, and I guarantee you when they look out the window, they don't see a house. They're not interested in development because they have theirs. David Rockefeller is a multi-billionaire and I think Dan Luffchan comes very close. Their chairman is John Winthrop whose a silver spooner from Long Island whose family has 100,000 acres of land and his family didn't have to look at anybody either. I honestly think that the . . . What I hoped would take place, and I don't mean to be completely negative, I know Sarah has put in a tremendous amount of work, I've been to the meeting at the Cheswold Fire Hall and I've heard her speak before and I think she's done a terrific job trying to pull things together

but just because people work hard doesn't mean that the concepts necessarily are correct. One of the troubles that I have and one of the difficulties that I have is this notion that somehow there's a central committee who knows better what people ought to be doing with their property rights than people do. I find that troubling and I dare say the average citizen would find it very, very troubling. So, thank you. Thank you for listening.

Ms. Kaercher: Sir, can I ask you a question? I don't need a long answer but everything that you said, you want to help the farmers, you want more industry and all that, what in a couple sentences, what is your dream for Kent County?

Mr. Harman: My dream for Kent County would be for you to permit cluster housing in strategic areas throughout the County. Somebody lives over in Hartly, he's got 100 acres he wants to build a housing development over there, that's fine. This whole notion that somehow we're going to be the Long Island Expressway, people getting to work, I think, is a little laughable. The State's problem is it never properly budgeted for this stuff. The State is in debt.

Ms. Kaercher: I'm asking you, what is your dream for Kent County?

Mr. Harman: Cluster housing.

Ms. Kaercher: All throughout the County?

Mr. Harman: No. I think you could pick specific areas where you might say around Hartly you could have cluster housing. You could have some down opposite Wild Quail, you could have some areas up north of Smyrna. There are plenty areas around where you could have cluster housing and relieve the housing pressure. You just don't have enough housing for poor people.

Ms. Kaercher: The cluster housing, you mean single family houses or are you talking about single families?

Mr. Harman: Yes. Well, mixed. Sure, you could have a combination of townhouses and single family dwellings. Those would be supported. I know Mr. Davis is very concerned about fire safety, emergency services, but there are little towns all over the country that deal with that problem. In a sense, I've got the impression, reading this thing cover to cover, which I've done, that we're trying to create this pristine, imaginary environment, outside of the Growth Zone and nobody is to go there, unless they're a farmer or they're a tourist who wants to see what a farmer looks like and I

find that troublesome and offensive. I think the whole process has gone overboard. It's an exaggeration to say that the entire County ought to be downzoned except for the Growth Zone, which those privileged few who have property in the Growth Zone, and those poor people, that would be another comment I would make. You know, there were about 25 people lined up here and we sat through 2 hours of congratulatory comments. Those people just went home, they gave up because they realized that they were not going to be listened to and I suggest if you really want this to be an impartial process, you should encourage debate, you should encourage argumentation, because to do otherwise is just to say you have all the answers and that's it. I think you're going to find people like the Amish are leaving and I think you're going to find more young people leaving. This is just not hospitable.

Ms. Kaercher: Thank you.

Mr. Harman: Thank you.

Chairman Holmes: Anybody else oppose this application and wishes to speak?

Mr. Sharpe: Stanley Sharpe, 2035 Woodyard Road, Harrington, Delaware. I'd like to affirm.

Ms. Sherlock: Mr. Sharpe, do you solemnly swear upon the Holy Bible the testimony you are about to give in this matter to be the truth, the whole truth and nothing but the truth, so help you God?

Mr. Sharpe: Yeah, I affirm. I know we're going to have to have the Comprehensive Plan so I'm not really against the Plan, I know it's required by law but I would like to see the density actually reduced. I'm a small farmer outside the Growth Zone and what I'm particularly concerned about is the cluster development. I still think that's going to be allowed, the ½ acre lots outside the Growth Zone, cluster development. I think that's going to cause, like somebody said earlier, it's going to be hodgepodge. You're going to have a farm and then ½ acre lots right next to it, another farm, and I think we're going to have, instead of having so many great big developments, but we're going to have a whole bunch of little developments outside the Growth Zone and I think that's, with this new plan, I think that's going to encourage that. I would like to see it go back to the one house every five acres. I'm kind of different than a lot of these other people. I would actually give up my density in order to make this. You don't hear a lot of people talking about . . . Everybody talks about how much the value of their land is going to be, you hear so much about that from the

audience. I'd like to see . . . You're doing a good job planning for the future instead of making it the most, our land worth the most it can be. I don't think that's your job to make it valuable. I think it's planning for the future and I think that's what you're doing. I think you're doing a good job of it, I'd just like to see the density reduced. We're not a very big County and in five years a lot can happen and that's why I would like to see it outside the Growth Zone, one house every five acres. Thank you.

Chairman Holmes: Thank you very much. Anybody else oppose this application and wishes to speak? Your name, sir, please?

Mr. Brown: George Brown.

Chairman Holmes: You're address?

Mr. Brown: 2613 Shaw's Corner Road, Kenton, Delaware.

Chairman Holmes: Thank you.

Ms. Sherlock: Mr. Brown, do you solemnly swear upon the Bible the testimony you are about to give in this matter to be the truth, the whole truth and nothing but the truth, so help you God?

Mr. Brown: I do.

Ms. Sherlock: Thank you.

Mr. Brown: I think that the Comprehensive Plan is a good idea. If it will keep the growth inside the Growth Zone, where the infrastructure is, that would be beneficial to the citizens of Kent County and probably the citizens of Delaware. I don't like the density that is currently being projected and if we could reduce that, then I would really be totally in favor of it. So, Mr. Harman mentioned about the cluster developments, I don't think I'd like to have a cluster development next to my house. I hope he wouldn't want to have one next to his house, maybe he would. I don't think the cluster developments are the way to go. If you go all up around Smyrna, they've had houses upon houses and that doesn't look like the farming community I know it use to be. Thank you very much for your time. Ms. Keifer, congratulations on your . . .

Chairman Holmes: Sir, Mr. Coleman has a question.

Mr. Coleman: Sir, you said you wanted to reduce the density. Was that inside the Growth Zone or outside the Growth Zone?

Mr. Brown: Inside and outside.

Mr. Coleman: Thank you.

Chairman Holmes: Anybody else here oppose this application and wishes to speak?

Mr. Carey: My name's Henry Carey. I live at 515 Westville Drive, Dover.

Ms. Sherlock: Mr. Carey, is it? Do you solemnly swear upon the Bible the testimony you are about to give in this matter to be the truth, the whole truth and nothing but the truth, so help you God?

Mr. Carey: I do.

Ms. Sherlock: Thank you.

Mr. Carey: I sit and listen to a lot of this. I've been to several of the meetings and listened to it and my biggest concern is with the TDRs, owning a farm out in the country. When you look at the Growth Zone that you have designed into this, it's relatively small towns. You're going from Smyrna to Milford and any time one of those towns say I just want to grab up this 300 acres, we'll grab up that 300 acres, whatever it is, whether it's Frederica, whether it's Cheswold, who already has on great expense, as you all know already, they can grab up every bit of that land in the Growth Zone, so there is no sales of any TDRs, possible anywhere in this County and that's what I want everybody to understand. There's no possibility of any sales from a TDR. So, when you're all looking at this plan, you want to keep that in mind. I think you're tying the Comprehensive Plan to a TDR. There is no such thing as a TDR and there never will be in this County because every one of those towns in that Growth Zone will grab it up and if I'm a developer, I am going to go to that town and I'm going to beg and plead my case with that town for them to annex into that town. As far as the infrastructure, you don't have any infrastructure in those Growth Zones. You've built all the infrastructure outside the Growth Zones. You've built Kenton with a sewer system, you built Leipsic, you built Little Creek and you're going to build Hartly with a sewer system, but you don't want to take any of that into consideration for the Growth Zone, where the best roads are in the County, by the way, too. I appreciate your time and being allowed to talk to you.

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Chairman Holmes: Anybody else oppose this application and wishes to speak? Seeing none, I want to thank you all for coming. The public hearing on the Comprehensive Plan is over with.

Respectfully Submitted by:

Kathy Skinner, Planning Technician II
Kent County Department of Planning Services