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Sussex County Planning and Zoning Committee
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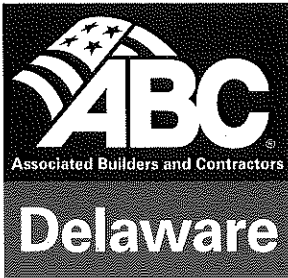
Dear Planning & Zoning Committee:

Associated Builders and Contractors, Delaware Chapter appreciates the opportunity to provide comments on the proposed Sussex County DeIDOT Memorandum of Understanding. ABC is a trade association of 500 construction contractors, subcontractors and developers that cover the entire State of Delaware with offices in New Castle and Georgetown. ABC members have extensive knowledge and experience in working with government and DeIDOT and feel compelled to offer our thoughts and suggestions.

The proposed MOU now under consideration gives Sussex County the opportunity to learn from years of development in Sussex County. The Commission and County Council should take this opportunity to improve the development approval process to enhance this as a fair, uniformed and consistent process that sustains the quality of life for Sussex residents.

ABC offers these general comments and observations are:

- 1) The draft MOU decreases some zoning authority away from Sussex County by not allowing any zoning applications to move forward without written comments from DeIDOT. ABC believes that DeIDOT will have a difficult time preparing information and responding to the County's request as outlined in the MOU within the 20-day timeframe because of the additional information that will be required in addition to the initial trip generation analysis. It will be imperative that the steps be clearly delineated, and reasonable timeframes applied to each step of the process.
- 2) ABC supports this new MOU to more clearly define Sussex County as "solely responsible for all land use decisions in Sussex County". The approval or denial of any land use proposal should be the sole responsibility of the County regardless of the position of other agencies, subject only to State law and regulations.
- 3) Transparency and clarity are important for public understanding and acceptance. These are ABC concerns:
 - 1) This MOU is more comprehensive than the existing one and includes more types of development. ABC recommends that the types of development be listed at the outset and in detail.
 - 2) The document includes references such as "applicable DeIDOT regulations", "ADT", among others. These require clear reference points as to what regulations they pertain to along with references to them.



- 3) The MOU should be clear as to how these provisions will be integrated with any future Transportation Improvement District(s) adopted by the County.
- 4) The MOU has some conflicting statements that need to be clarified. The developer requirements in the MOU need to be clarified within the regulations required by DeIDOT so both align with one another. One example is Section 4 "consider an application and Section 10 "no public hearing on the land use application shall occur". Are they the same or do they have different meanings? In the context stated, Sussex County may not consider an application until a preliminary traffic analysis is completed. However, the County can't have a hearing until it receives a TIS, TOA or DeIDOT advises of a "Fee in Lieu". These are a few of the concern's ABC members have expressed in reviewing the MOU.

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ABC Delaware believes it is critically important that language in the MOU is done correctly as it is critical to future development and livability for Sussex County. ABC recognizes that uncoordinated, poorly regulated development and dangerous traffic congestion is harmful to the County's residents and environment. This new MOU represents an opportunity to assure that future development enhances the quality of life, environment and economy in Sussex County.

Sincerely,

 Edward J. Capodanno
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