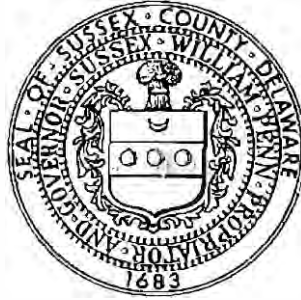


DAVID B. BAKER
COUNTY ADMINISTRATOR



Sussex County

ADMINISTRATIVE OFFICE BUILDING
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February 21, 2008

Ms. Connie Holland, Director
Office of State Planning Coordination
122 William Penn Street, Suite 302
Haslet Building, Third Floor
Dover, DE 19901

RE: Sussex County Land Use Plan PLUS Responses

Dear Ms. Holland:

Enclosed is a copy of the County's response to the comments made by the PLUS Committee pertaining to the certification issues and some of the other issues that were noted in the PLUS comments. Our emphasis at this time is to respond to the certification issues. Additional issues noted in the PLUS comments may also be addressed.

Also enclosed is a copy of an outline titled "Land Use Plan Certification Issues Response". This outline summarizes our responses to each question. It is organized by specific question; i.e. #1 is Intergovernmental Coordination.

Some changes were made as a result of the comments received by PLUS Committee members at our February 14, 2008 meeting, as well as our previous meetings. Those changes are reflected in the response letter. A new Section 7, was added to respond to the question regarding Preservation of Rural Areas. Other changes made to the response include the following:

- Page 3 - County review and support of DelDOT planning efforts
- Page 3 – County intends to solicit advice from relevant State agencies during preparation of Land Use Ordinances
- Page 5 – Limiting sending and receiving tracts within the environmentally-sensitive development area for TDR's

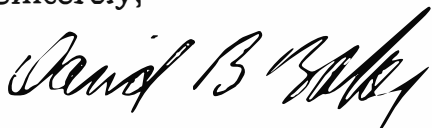
Ms. Connie Holland
February 21, 2008
Page 2

- Page 9 – Subarea plans – Additional list of potential areas including western Delmar
- Page 21 – Response to Question 7 regarding maintaining rural areas
- Page 23 – New broad based Economic Development Committee
- Page 37 – Deleted references to Manufactured Home Association request
- Page 46 – Additional reference to environmentally-sensitive developing areas being in Level 3

We would appreciate your consideration to provide the County response and outline of the County response, as well as this letter, to the Livable Delaware Advisory Council and the PLUS Committee. We appreciate the time that members of the PLUS Committee have spent to meet with us on at least three occasions since the PLUS comments were released in written form and wish to thank you for working with the County in an effort to complete the Sussex County Land Use Plan.

As always, please feel free to contact me with any questions or concerns that you may have.

Sincerely,



David B. Baker
County Administrator

DBB/gpk

Encl.

pc: The Honorable Finley B. Jones, Jr.
Mr. Lawrence Lank
Mr. Hal Godwin
Mr. Shane Abbott
Mr. Rick Kautz
Mr. Paul Driscoll
James D. Griffin, Esq.

**SUSSEX COUNTY COMPREHENSIVE PLAN REVISIONS
PREPARED IN RESPONSE TO STATE REVIEW LETTER
CERTIFICATION COMMENTS**

State Comment #1 - The Plan must address intergovernmental coordination.

Note from the County: The following new material will be inserted in the Intergovernmental Coordination Element on page 106 of the Draft Plan just before the header entitled “Intergovernmental Coordination Strategies”.

Intergovernmental Coordination Used in Preparing This Plan

The previous parts of this chapter identify the numerous areas where Sussex County coordinates with other levels of government on an on-going basis, including the State, federal agencies, the other Delaware counties, Sussex County municipalities, Sussex County school districts, and relevant private non-profits. As the following text indicates, Sussex County also included intergovernmental coordination in the preparation of this Comprehensive Plan Update, particularly consultation with the County’s incorporated municipalities and with relevant Delaware state agencies.

Coordination with the Incorporated Municipalities

As a first step to updating its Future Land Use Plan and Map, Sussex County reviewed the existing or proposed comprehensive plan for each of the County’s 25 incorporated municipalities. In preparing its growth and preservation strategy, the County also consulted maps of each municipality’s Short-Range Annexation Area, Long-Range Annexation Area, and Area of Interest. Once the Comprehensive Plan Update was prepared in draft form, the County met with representatives of all 25 municipalities to describe the draft plan and talk about any related concerns the municipalities wished to raise. These concerns were then considered before finalizing this Comprehensive Plan Update. As part of the comprehensive planning process, Sussex County also met with the Sussex County Association of Towns (SCAT).

Coordination with the State

As part of preparing its growth and preservation policies, Sussex County reviewed relevant State strategies, particularly those designed to help implement the State’s Livable Delaware initiative. The County is fully aware of the State’s key role in providing many of the essential services required to serve growth, such as schools, roads, and police protection in unincorporated areas. In preparing this Comprehensive Plan Update, Sussex County coordinated with the State in the following ways:

- Most of the demographic data in this plan is information from the Delaware Population Consortium.
- Most maps in this plan stem from digital base map files or other digital mapping provided by DNREC.

- The description in this plan of State Resource Areas (SRAs) and information explaining the origins and purposes of SRAs is based directly on DNREC information, including a description of the eight principals underlying SRAs, as provided by the DNREC Secretary.
- One to two staff members from the State Office of Planning Coordination attended each of the public meetings Sussex County held in connection with this plan — and actively participated in these meetings. One to two State personnel also participated in each of the meetings Sussex County held with the incorporated municipalities.
- DelDOT authored the Transportation chapter included in this plan.
- In draft form, this plan was reviewed through the State’s formal PLUS review process where written comments about the draft plan were prepared by several State departments. A meeting was then held by the State to review these comments with the County.
- The County presented this plan in draft form and described related County policies and accomplishments at a formal meeting of the Livable Delaware Advisory Council.
- Subsequent to the two formal meetings noted directly above, Sussex County staff members and the County’s planning consultant met in workshop formats with representatives of the Office of State Planning Coordination, DNREC, DelDOT and the Governor’s Office. These meetings focused on revisions the draft plan needed to: a) qualify for State certification; and b) conform more closely with State objectives on growth, open space, farmland preservation, infrastructure, and related topics. Sussex County then made several changes to its draft plan based on the discussions held at these workshop meetings.

Sussex County prepared its recent Source Water Protection ordinance in close coordination with DNREC staff members. Sussex County hopes in the future to continue coordinating with the State on growth management matters, particularly as the County drafts the ordinances needed to implement this plan, such as a Transfer of Development Rights (TDR) ordinance, among many others.

Note from the County: Page 104 and page 105 of the Draft Plan identify areas where Sussex County coordinates with State. The following information will be added to that section.

The County coordinates with State agencies regarding many additional issues:

- The County has entered into three agreements with the Delaware State Police to currently provide 36 additional State Police in Sussex County. The County has budgeted \$1.6-million dollars during fiscal 2008 for this project.
- The County has paid the State of Delaware \$2.1 million dollars toward the purchase of 2,471-acres of development rights from Sussex farmers. Sussex County is the only government to partner every year with the State since 2003.

- The County works closely with DNREC to provide central wastewater service and remove existing septic systems. The County is currently working with DNREC and the City of Rehoboth in reviewing options for a regional wastewater solution which would end Rehoboth's practice of discharging into the Lewes/Rehoboth canal. The County has actively participated in many DNREC meetings regarding the State's proposed pollution control strategy.
- The County works closely with DeIDOT in recommending capital road projects in Sussex. The County is requesting authority to issue special development district bonds to fund offsite improvements, such as roads.
- The County works with the Delaware Housing Agency to coordinate efforts such as moderately priced housing and housing rehabilitation programs.
- In 2004 the County contributed \$1.1-million dollars towards a State-owned public safety facility at Bridgeville. More recently, the County agreed to provide \$1.2-million dollars towards the costs of purchasing and renovating an airport hanger for Delaware Technical Community College for a new airframe mechanics training program. Normally, the State of Delaware provides capital funding for Del Tech.
- As part of its open space program, the County also contributed \$1.5-million dollars towards the purchase of 327-acres to be added to the Redden State Forest.
- County staff meets regularly with State agencies on many topics. For example: quarterly meetings with Economic Development office staff, regular meetings with Housing Authority representatives, annual meeting with the State Farm Land Preservation representative, County participation and/or membership on State committees such as Delaware Geographic Information Systems, Emergency Management, Storm Water, Pollution Control Strategy, DeIDOT Capital Transportation Program, Clean Water Advisory Council, PLUS, etc.

Future Coordination With the State

In addition to continuing its on-going coordination with the State, Sussex County intends to expand its working relationship with the State in two particular areas:

- The County will review and support DeIDOT planning efforts that address long-term transportation needs in the Sussex County. The establishment of long-term plans for transportation will enable DeIDOT to purchase land and easements for future road improvements now while these acquisitions are still available. Long-term plans will also enable DeIDOT to work more effectively with new developers to provide funds for planned improvements. The County would like to see property purchases for new roads made in a timely fashion after the location is determined.
- The County intends to solicit advice from DNREC and other relevant State agencies in preparing and reviewing the specific ordinances needed to implement this Comprehensive Plan.

State Comment #2 - The County shall develop a clear growth strategy.

A Summary Overview of Sussex County's Growth and Preservation Strategy

Note from the County: The following new material will be included as a Preface designed to provide a snapshot of the County's overall game plan with regard to growth and development. This text will show that: a) the County has a variety of specific relevant policies; and b) these policies are inter-related parts of a coordinated, multi-faceted approach.

Growth and Preservation Goals

Sussex County's is the fastest growing area in Delaware because of its popularity as a primary home and second home destination. The Delaware Population Consortium projects that the County's 2020 population will be 25% higher than its estimated July 2006 population of 180,275. According to demographic forecasts, almost all of this growth is likely to result from in-migration, as opposed to an increase in births over deaths among people who already live in the County today. Much of this in migration will continue to be in and around the coastal communities and nearby inland bays.

Sussex County government deals with growth and preservation issues on a daily basis. The County devotes extensive time, money and other resources to reviewing proposed developments, enforcing its land development regulations, planning infrastructure expansions, and coordinating with numerous public and private sector entities concerned with the future of the area. These ongoing experiences and the spirit of the State's Livable Delaware initiative are the basis for the following Sussex County future growth and preservation goals:

- Direct development to areas with or near community services
- Conserve the County's agricultural economy and the value of its farmland
- Protect critical natural resources
- Encourage tourism and other responsible job providers
- Expand affordable housing opportunities
- Ensure new developments incorporate usable open space and best design practices

This Comprehensive Plan identifies many different inter-related strategies for implementing the goals noted above. These include coordinated strategies for:

- Guiding growth
- Preserving the rural environment
- Conserving more open space
- Dealing with the impacts of growth

These strategies are designed to be implemented in concert with each other. They represent the component parts of Sussex County's coordinated approach to future growth and preservation.

Strategies For Guiding Growth (The Future Land Use Plan)

The Future Land Use Plan described in this Comprehensive Plan Update divides Sussex County into Growth Areas and Rural Areas.

Growth Areas

Sussex County's primary Growth Areas will continue to be centered around its 25 municipalities. These Growth Areas are where allowable residential densities will remain highest and where most commerce will continue to be directed. These Growth Areas are where the State can anticipate demand will be highest for schools, emergency services, transportation improvements, economic development and related infrastructure. Sussex County determined its Growth Area boundaries based on current zoning and on State-certified comprehensive plans adopted by the County's 25 incorporated municipalities. The County's will continue to use its existing density bonuses program and develop new incentives such as a Transfer of Development Rights (TDR) program to direct as much of its growth as possible to these Growth Areas.

Growth Areas described in this Comprehensive Plan Update include the following subtypes in addition to incorporated municipalities:

- *Town Centers* - In these areas, medium to high density housing should be permitted ranging from 4 to 12 homes per acre. Compatible commerce should also be allowed.
- *Developing Areas* - In these areas, base density should be 2 units per acre with the option to go to four units per acre under Sussex County's Density Bonus Program. A wide variety of business uses should be allowed.
- *Environmentally Sensitive Growth Areas* - These are areas around the inland bays, where 2 units per acre should be the base density with the option to go to four units per acre using the Density Bonus/Open Space program noted above. Sussex County is now examining the following ways to provide extra protection for the water quality and ecology of the inland bays area:
 - Establish a maximum allowable impervious surface regulation.
 - Stipulate that no density can be "transferred in" under any future TDR program. Establish a separate but related TDR program that would govern TDRs where the sending and receiving tracts are each located within the Environmentally Sensitive Development Area.
 - Tighten the definition of what land can count as required minimum open space.
 - Delete wetland areas from the lot size calculations used to determine density.
 - In addition to these initiatives, Sussex County is working closely with the Center for Inland Bays to develop effective buffer incentives that will separate new development in Environmentally Sensitive Growth Areas from tidal wetlands, non-tidal wetlands and waterways. The current model now under discussion calls for:
 - a) Providing incentives, such as expedited County and State review where such buffers are proposed that are 80' to 150' wide and incorporate native vegetation; and

- b) Providing these same incentives plus a certain density bonus where such buffers are proposed that are greater than 150' in width.

While specific final details may vary from these examples, the County hopes to soon adopt a buffer ordinance that directly incorporates these concepts.

- *Other Growth Area Subtypes* - These include Mixed Residential Areas, Highway Commercial Areas, and Planned Industrial Areas.

Rural Areas

This Comprehensive Plan Update calls for recognizing the following three types of Rural Areas:

- *Protected Lands* - These are lands “out of play” due to government ownership or easements that will keep the property in open space or farming.
- *Agricultural Preservation Districts* - This category includes land owners who have enrolled in a State Agricultural Preservation District, which is a prerequisite for selling farm development rights to the State. Sussex County is also considering establishing an Agricultural Zoning District. Applicable regulations contain provisions that permit residential development at only very low densities in exchange for regulations that make it easier to operate livestock, poultry and agricultural processing operations.
- *Low Density Areas* - This refers to property zoned AR-1, which is the majority of land in Sussex County. Current regulations allow single-family detached home on 2 units per acre if connected to central sewers or 2 units per acre with septic if authorized by the State.

Most of Sussex County’s farmland is in this area. The Sussex County Council is committed to preserving development rights in this area at densities permitted under current zoning. However, the County recognizes the fundamental value of maintaining its overall rural environment. In addition to considering the Agricultural Zoning concept noted above, Sussex County hopes to sustain its rural character by using the following strategies.

Strategies for Preserving the Rural Environment

- Develop a voluntary Transfer of Development Rights (TDR) program to augment the County’s Density Bonus Program described above. Under a TDR program, developers pay the owner of a tract located in a “sending area” to preserve that tract. In return, the developer is allowed to build more homes than otherwise permitted, provided the developer’s land is in a designated “receiving area”. All or almost all of the AR-1 zoning district would be a sending area, thereby helping to preserve rural character. A maximum would be set on how far apart the sender and receiver can be located to prevent a major density shift from west to east.
- Continue the County’s aggressive approach to funding farmland preservation easements. Sussex County has spent nearly \$2.1 million collaborating with the State to permanently protect 2,471

farmland acres. Sussex County was the first to participate in this farmland preservation program and has spent more funds on it than either of Delaware's other two counties.

- Consider establishing a voluntary agricultural preservation district within which landowners would be permitted only very low development densities in exchange for protection in law against nuisance complaints related to farm operations.
- Sussex County committed itself by ordinance five years ago to donate, for open space preservation purposes, 10% of the amount by which Sussex County's total net annual revenues exceed annual expenditures. These funds have become an important funding source for acquiring and preserving open space in the County.

Strategies For Conserving More Open Space

In concert with implementing its Future Land Use Plan and preserving its rural character, Sussex County is striving to preserve open space. The County will use fees that it collects from developers under the County's density bonus program to buy and permanently preserve undeveloped lands. The County is advised on where to make these purchases by the Sussex County Land Trust, a non-profit group dedicated to establishing a future "Green Ribbon" network of interconnected trails and open lands.

The County has many regulations in place that help protecting sensitive natural areas and other open lands in new developments. Sussex County hopes to intensify its conservation efforts in the future by adopting the following additional regulations designed to conserve more open space.

- A non-tidal wetlands buffer ordinance.
- Stream setback regulation for the Inland Bays area and elsewhere.
- More "green" stormwater management regulations.
- Regulations to help protect wildlife habitat.
- A wellhead protection and excellent water recharge area ordinance.
- Regulations to help implement TMDL limits, which are State water quality objectives.
- In the Environmentally Sensitive Area, delete both tidal and non-tidal wetlands from density calculations.
- Building coverage regulations promote on-site water recharge.
- Forested buffers requirements to better separate new residential subdivisions and adjacent farms.
- Requirements for residential developers to provide recreation facilities or trails.

- Strengthened ordinance definitions regarding what can count (and not count) as allowable open space in new developments.
- More incentives to promote environmentally-friendly green architecture, green site design, and green stormwater management techniques.
- Requirements for more street trees and more shade trees in parking lots.
- Buffer incentives that will separate new development in Environmentally Sensitive Growth Areas from tidal wetlands, non-tidal wetlands and waterways.

In addition to the above, in new developments, wetlands, streams, and other natural areas that are deeded to homeowners associations could be protected by a) an easement requiring maintenance of the area in its natural state, and b) demarcation of the area and small signs posted identifying this as a natural environmental area.

Strategies For Dealing with Growth Impacts

Sussex County is aware that strong local growth is likely to continue in the foreseeable future. The County recognizes that this growth has impacts on roads, demand for schools, wastewater treatment capabilities and other local infrastructure. The Future Land Use Plan included in this Comprehensive Plan Update was drafted to specifically coordinate with the existing and future service capabilities of each of the County's 18 sewer planning areas.

Sussex County government has invested heavily in providing public services to its residents. For example, Sussex County recently invested \$16 million to expand its South Coastal Regional Wastewater Treatment Plant in Bethany Beach. Between 2002 and 2007 Sussex County built sewer facilities that replaced nearly 3,000 on-lot septic systems. Sewer projects now under construction or recently approved will replace over 4,600 septic systems. County wastewater service has expanded from less than 3,000 connections in 1978 to over 55,000 connections currently. This has provided a major improvement to efforts to preserve water quality in the Inland Bays.

Sussex County continues to plan for future infrastructure needs. The County's adopted 5-Year Capital Improvement Program spells out sewer projects, more airport improvements, library upgrades and other infrastructure enhancements that Sussex County is committed to building. The following are additional initiatives the County is pursuing or evaluating as means of serving new residents and businesses:

- Use powers available under State law to prohibit private sewer service providers from operating within designated County sewer service areas.
- Continue expanding County sewer service, in a pre-planned manner according to officially adopted wastewater service area plans.
- Address traffic capacity on north-south routes while planning for a north-south limited access highway on existing or new alignments.

- Regarding east-west mobility, make interim improvements to major routes, study the feasibility of bypasses around towns and consider long run links between north-south limited access roads.
- Implement recommendations of the 1990 Evacuation Route Study and related plans.
- Establish a planning and information exchange process aimed at improving coordinated public transportation services, including bus, rail transit, ride sharing, bicycling and walking.
- Examine the County’s obligation under federal air quality regulations that promote air quality credits to offset emissions from new transportation projects.
- Create special development districts to help fund improvements to offsite infrastructure, such as roads and intersections. County Council has voted to request that the State Legislature grant the necessary enabling legislation to Sussex County.
- Prepare sub-area plans for selected parts of the County. These sub-area plans would examine inter-related matters such as land use planning, environmental conservation, and road improvement needs. The following vicinities, among others, are being considered as potential locations for sub-area planning:
 - Milton
 - Bridgeville-Seaford/Blades-Laurel-Delmar
 - Western Delmar
 - Millville-Ocean View
 - Greenwood

The above listed strategies for guiding growth, preserving the rural environment, conserving more open space and dealing with growth impacts are the major component parts of Sussex County’s overall coordinated growth and preservation strategy.

State Comment #3 - The plan must provide a Capital Improvement Plan covering at least a 5-year period.

Note from the County: This new material will be inserted on page 108 of the Draft Plan after the section entitled “Funding Sources”.

Sussex County Capital Improvement Program 2008-2012

Sussex County Council adopted its most recent budget on June 19, 2007. In addition to describing operating costs and revenues for Fiscal Year 2008, a Capital Project Program is included for FY 2008 through FY 2012. This Capital Projects Program divides anticipated capital projects into two types: a) Non-Sewer and Water Projects; and b) Sewer and Water Projects.

As the name implies Non-Sewer and Water Projects include capital projects the County will undertake that are not related to public sewer or public water improvements. For example, the County is committed to investing over \$20 million dollars in the Sussex County Industrial Airpark

to continue growth of jobs and benefit the County's economy. The largest employer at the airpark has grown from 50 jobs in 1997 to over 600 in February 2008. Extending the airport runway from 5,000 to 6,000 feet will help provide additional jobs there.

The County's capital improvement program reflects population growth in the County. Projects are planned to expand libraries, build a larger emergency operation center, and construct additional County administration office space. Sussex County funds Non-Sewer and Water capital improvements from general revenues.

Sewer and Water Projects are capital improvements that Sussex County will undertake to protect environmental conditions in its 18 sewer and water districts. These projects are designed primarily to extend County wastewater conveyance and treatment services into areas that currently use on-site septic systems. Sewer and Water projects also include expansions and upgrades to the four wastewater treatment plants that Sussex County owns and operates. The County funds its capital Sewer and Water Projects through two types of user fees: assessment charges to recover the costs of bond funds borrowed for specific projects, and one-time fees that new customers must pay for connecting to the County's system.

The following table shows the costs of capital improvements Sussex County now plans for FY 2008 through FY 2012. The revenue sources the County anticipates using to pay for these projects are also shown.

SUSSEX COUNTY COUNCIL – CAPITAL PROJECT PROGRAM FOR FISCAL 2008–2012

Project	Total for Fiscal 2008 Thru Fiscal 2012	2008	2009	2010	2011	2012
NON-SEWER AND WATER PROJECTS:						
Airport – Runway 10-28	4,410,000	4,410,000				
Airport – Tie Down Ramps	50,000	50,000				
Airport – Extend Runway 4-22	16,545,000	745,000	800,000	8,000,000	7,000,000	
Airport – Perimeter Fence Upgrade	120,000	120,000				
Airport – Clear Zone	4,736,000	2,900,000	1,836,000			
Airport / Industrial Park – Street Lighting System	35,000	35,000				
Airport – Stormwater Improvements	100,000	100,000				
Airport – Wetlands Mitigation Phase 2 Design	250,000		250,000			
Airport / Industrial Park – New Guard House	32,000	32,000				
Airport / Industrial Park – Water System	2,500,000	2,500,000				
Industrial Park Expansion	1,000,000					1,000,000
County Administration Building – Roof Repair	750,000	750,000				
Administrative Building	22,000,000	2,000,000	10,000,000	10,000,000		
County Administration Record Storage	100,000	100,000				
Library – Greenwood Library	2,300,000	224,000	1,038,000	1,038,000		
Library – South Coastal Building Expansion	6,500,000	4,000,000	2,500,000			
Library – Milton Second Floor	641,000	641,000				

Project	Total for Fiscal 2008 Thru Fiscal 2012	2008	2009	2010	2011	2012
Suburban Street Projects	1,885,000	685,000	300,000	300,000	300,000	300,000
Landfill Postclosure Costs	2,692,794	1,492,794	300,000	300,000	300,000	300,000
Communication Building	1,500,000		1,000,000	500,000		
Airport – RW I-18 Parallel	300,000					300,000
WATER AND SEWER DISTRICT PROJECTS:						
Angola Sewer District	35,600,000	1,000,000	17,300,000	17,300,000		
Holt’s Landing Sewer – Mallard Creek Expansion	1,700,000	850,000	850,000			
Oak Orchard Expansion	13,986,000	500,000	500,000	8,500,000	4,486,000	
Dewey Water – Office Trailer	24,030	24,030				
Dewey Water – Generator P.S. 1	32,000	32,000				
Dewey Sewer – Spare Pump	20,000	20,000				
Dewey Sewer – 2 Generators – 2 & 4	62,000	62,000				
Bethany Sewer – Spare Pump	10,000	10,000				
South Bethany Sewer – Manhole Restoration	20,000	20,000				
South Bethany Sewer – Spare Pump	10,000	10,000				
South Bethany Sewer – Replace Control Cabinet	23,000	23,000				
Blades Sewer – Spare Pump	10,000	10,000				
Blades Sewer – Generator	36,000	36,000				
Blades Sewer – Expand Collection / Transmission	16,000,000		1,000,000	7,500,000	7,500,000	
Dags. Frankford Sewer – Replace Pump St. 8	35,000	35,000				

Project	Total for Fiscal 2008 Thru Fiscal 2012	2008	2009	2010	2011	2012
Dags. Frankford Sewer – Spare Pump	10,000	10,000				
Dags. Frankford – Collection / Transmission	8,440,000	640,000	2,600,000	2,600,000	2,600,000	
Piney Neck Expansion – Additional Treatment	10,200,000	600,000	4,800,000	4,800,000		
Dags. Frankford Sewer – Delaware Avenue Extension	373,308	373,308				
Dags. Frankford Sewer – Prince George’s Acr	800,000	800,000				
Fenwick – Spare Pump	10,000	10,000				
Fenwick – Rt. 54 Transmission Upgrade	1,900,000		1,900,000			
Holt’s Landing Sewer – Spare Pump	10,000	10,000				
IBRWF – Pump for Washdown Station	10,000	10,000				
IBRWF – Rebuild Irrigation Pump	25,000	25,000				
IBRWF – 2 Aerator Motors	20,000	20,000				
IBRWF – Utility Truck with 3,200 lb. Hoist	57,000	57,000				
IBRWF – Expansion	26,000,000	500,000	12,750,000	12,750,000		
Johnson Corner	13,700,000	800,000	6,450,000	6,450,000		
Long Neck – 3 5HP Pumps	20,000	20,000				
Long Neck – Generator P.S. 71	37,000	37,000				
Long Neck – Rebuilt 4 Pump Stations	87,500	87,500				
Long Neck – Replace Pumps at 74 & 78	30,000	30,000				
Miller Creek Sewer District	10,000,000	4,750,000	4,750,000	500,000		
Oak Orchard Sewer District	750,000	750,000				

Project	Total for Fiscal 2008 Thru Fiscal 2012	2008	2009	2010	2011	2012
Millville Sewer	29,579,000	14,779,000	12,000,000	2,800,000		
SCRWF – Cleaning / Maintenance of Force Main	100,000	100,000				
SCRWF – Close 5 Bays of Pole Barn	38,000	38,000				
SCRWF – Pump Station 30 Design for Expansion	13,245,000	345,000	6,450,000	6,450,000		
SCRWF – VFD’S – 3 Stations	20,000	20,000				
SCRWF – Rewind Primary Transformer	21,000	21,000				
SCRWF – Pump for Filter Pump Station	12,000	12,000				
SCRWF – Administration Maintenance Building	1,775,117	1,775,117				
SCRWF – Expansion and Upgrade	1,000,000	1,000,000				
SCUDA – SCADA and Tower Upgrades	552,500	552,500				
SCUDA – Tools and Work Equipment	41,600	41,600				
SCUDA – Office and Computer Equipment	31,590	31,590				
SCUDA – Transportation Equipment	257,700	257,700				
Pump Station Upgrades	500,000					500,000
Western Sussex Sewer District	20,000,000	750,000	750,000	9,250,000	9,250,000	
West Reh. Sewer – 3 – 5HP Pumps	20,000	20,000				
West Reh. Sewer – Lower Manholes on Rt. 270	40,000	40,000				
West Reh. Sewer – Upgrade Controls at 5 Stations	20,000	20,000				
West Reh. Sewer – Replace Pumps at 5 Stations	23,500	23,500				
West Reh. Sewer – Rebuild PS. 201	12,000	12,000				

Project	Total for Fiscal 2008 Thru Fiscal 2012	2008	2009	2010	2011	2012
West Reh. Sewer – Paving	10,000	10,000				
West Reh. Sewer – Replace Heating and Air System	42,000	42,000				
West Reh. Sewer – Aerator Rebuilds	10,000	10,000				
West Reh. Sewer – Kjelda Digestion System	12,200	12,200				
West Reh. Sewer – Pinetown Extension	568,700	568,700				
West Reh. Sewer – Treatment Expansion	22,000,000	500,000	1,000,000	10,000,000	9,000,000	1,500,000
TOTAL	298,426,539	53,928,539	91,124,000	109,038,000	40,436,000	3,900,000

Project	Total for Fiscal 2008 Thru Fiscal 2012	2008	2009	2010	2011	2012
FUNDING:						
GENERAL FUND	43,219,694	16,077,044	12,941,150	11,819,000	775,000	1,607,500
WATER & SEWER	25,532,737	4,982,737	4,350,000	9,200,000	5,000,000	2,000,000
FEDERAL GRANTS	35,222,621	5,497,721	3,521,700	16,268,200	9,650,000	285,000
STATE GRANTS	9,166,900	4,904,250	3,361,150	719,000	175,000	7,500
BONDS (STATE, RD & COUNTY)	170,884,587	10,966,787	64,050,000	71,031,800	24,836,000	
OTHER	14,400,000	11,500,000	2,900,000			
TOTAL	298,426,539	53,928,539	91,124,000	109,038,000	40,436,000	3,900,000

State Comment #4 - The County must expand its discussion on demographic trends.

Note from the County: This new material will be inserted on page 5 of the Draft Plan following Table 5.

Implications of Population Growth

The previous sections of this chapter quantify current population trends and describe the Delaware Population Consortium's population projections for Sussex County. Patterns such as continued growth in seasonal housing, more racial diversity, the "greying" of the population base, and ongoing pressure on community services and infrastructure are noted. This section takes a closer look at the components and implications of population growth.

The second half of the 20th century saw a great migration from Delaware's urban areas to regions in the State that were once largely farms and forests. The American Farmland Trust has noted that while 50% of Delaware's population lived in Wilmington in 1920, only 9% lived there by 2000. These growth patterns and land consumption trends created a strong demand for public infrastructure such as roads, schools, and public water and sewer facilities. In turn, this demand caused state spending and the state's bonded indebtedness to skyrocket (even after adjusting for annual inflation).

Sussex County has been the state's fastest growing area and is forecasted to remain in that position for the foreseeable future. In-migration, rather the increase of births over deaths is responsible for almost all of this growth. To grasp what continued in-migration means for Sussex County, local officials, business persons, full-time residents, and seasonal visitors need to understand potential impacts. While growth has significant positive effects on the local businesses, public impacts are also likely to include the following:

- ***The need for more new schools and school expansions.*** While the State has traditionally footed most of this bill, State financial resources are currently under great strain. Furthermore, the provision of these resources by area is subject to State policies associated with Level 1 through Level 4 designations regarding the expenditure of State funds on infrastructure. Much of Sussex County's undeveloped land slated for possible growth is now designated as Level 4, the areas the State views as least appropriate for State capital spending. The State desires better coordination with Sussex County on matching County land use policies with the State's infrastructure spending plans. Among other actions, Sussex County will need to coordinate with the State in possibly updating some Level 1 through Level 4 designations once this Comprehensive Plan Update is officially adopted by Sussex County Council.

Fortunately for Sussex County schools and for the State's school funding situation, many new Sussex County residents are retirees or other older people without school-age children. Despite Sussex County's rapid overall population growth, the County's public school enrollment grew by only 7.7% between 1997 and 2007. During this same period, school property tax revenues increased by a disproportionate 122%.

- ***The need for more central water and sewer services.*** More growth, increased density, and a heightened concern for surface and groundwater quality means that individual wells and on-site

septic systems will be less prevalent in the future. Through studies in several areas of the County, Sussex County Council and staff have been actively examining who should fund central water and sewer facilities, where should they be constructed, and under whose oversight. Between 2002 and 2007 Sussex County built sewer facilities that replaced nearly 3,000 on-lot septic systems. Sewer projects now under construction will replace 2,130 septic systems. New sewer projects approved in 2007 will replace 2,482 septic systems. As Sussex County's populations continues to grow, this work will continue, as scheduled in Sussex County's Five Year Capital Improvement Program.

- ***More traffic congestion.*** Traffic follows growth, particularly growth in low density areas that depends entirely on automobiles. Daily commuting to Sussex County's job centers is also on the increase, including cars with one-person driving alone. The County and DelDOT have coordinated on studying the busiest part of the SR 1 corridor, US 113, and other locations. More locally-focused, sub-area planning will be done to anticipate the future road and intersection improvements needed most to preserve both north-south mobility and east-west mobility. Such plans can also examine what road and intersection improvements could potentially be funded by developers, either in part or in full. The County's request to authorize special development districts is another example of how Sussex County is dealing with growth-related traffic issues.
- ***More demand for health, social, and paratransit services.*** As median age continues to increase in Sussex County, more health services will be needed, affecting both hospitals and other health care providers. Sussex County's large poultry producers and its growing seasonal tourism sector provide many lower paying jobs. More lower income households create more demand for publicly-funded social services and non-traditional paratransit services. County grants have helped fund human services, a senior center and para-transit programs. However, the County will need to do more follow up on these and similar needs, as identified in the Sussex County Coordinated Human Services Transportation Plan.
- ***Demand for affordable housing.*** Housing prices are stagnating in the present economy. However, prices for recently built Sussex County homes and apartments have been at or near all-time highs. This reflects the County's popularity as a first home and second home destination. Over the long-term housing costs increases will continue to price certain low and moderate households out of the market. This in turn will further exacerbate the area's affordable housing shortage, particularly in the County's job centers. In response to its growing population, Sussex County must continue and expand its recent successful efforts aimed at encouraging construction of more affordable housing.

The County is now soliciting bids for a new round of its Moderately Priced Housing Unit (MPHU) program. This will augment the contracts to provide affordable housing the County now has with developers who have received County approval to construct development that will include affordable units.

- ***Demand for more wastewater treatment.*** Statistics provided elsewhere in this comprehensive plan describe the funding and other resources Sussex County has devoted to providing central sewer service to: a) serve new growth; and b) replace failing on-site septic systems. These large increases in central sewer connections demonstrate the County's serious commitment to dealing

with the infrastructure demands created by growth. The County's 2008-2012 capital improvements schedules shows the County's official commitment to ongoing expansion of central sewer service in the future.

State Comment #5 - The Plan must include a discussion of the public process.

Note from the County: This new material will be included in the Preface mentioned above that will also provide the big-picture overview of Sussex County's growth management strategy.

Public Involvement

Using the following techniques, Sussex County reached out for meaningful public involvement in preparing this Comprehensive Plan revision:

- The County introduced and described the purpose of the plan on its website. Public comments were sought and received on the County website throughout the process. Recordings of all public meetings were posted on the website shortly after these meetings were held.
- The County held an opening round of public meetings at five different locations during January and February 2007. Meetings were held in Greenwood, Lewes, Seaford, Selbyville, and Bethany Beach. The purposes of the meetings were to describe the planning process, identify topics the plan would be covering, and hear what the public perceived to be the important development and preservation issues facing Sussex County.
- County staff members and the County's planning consultant met in one-on-one interviews and small focus group sessions with key persons representing many different points of view on the future of Sussex County. These persons included realtors, developers, utility companies, conservationists, farmers, manufactured housing representatives, and concerned citizen committees, among others.
- The County hosted two public meetings in September 2007: one in Rehoboth Beach and one in Laurel. At these meetings, County staff members and the planning consultant summarized the draft plan's key findings, overall strategies, and specific recommendations. Public discussion featuring a question and answer period then followed.
- County staff members hosted similar meetings to further describe the draft plan to the incorporated municipalities located in each of Sussex County's five councilmatic districts. Officials from Sussex County's 25 incorporated municipalities were directly invited to attend one of five joint municipal meetings held between October and December 2007. Special contacts were also made to obtain input from the officials of certain municipalities who were unable to attend the officially scheduled meeting in their region.

Most public meetings were well-attended. The public meetings and the smaller group sessions each featured lively discussions about growth trends and future prospects in Sussex County. Different strains of thought were aired at these forums. Several people expressed their belief that Sussex County needs to focus more on controlling growth, reducing traffic congestion, and better preserving

the natural environment. A large contingent of participants expressly rejected the notion of regulations or policies that would further constrain private property rights, particularly with regard to the future development potential of farmland.

Regarding State initiatives, the meaning, implementation and implications of Delaware's State Resource Area (SRA) legislation were much discussed. Future protection of the inland bays, affordable housing concerns, community design principles, and infrastructure planning were among the other topics most frequently mentioned by people who attended meetings, wrote letters, sent e-mails, or otherwise communicated with the County about this comprehensive plan update.

The County's meetings with officials from the individual municipalities focused primarily on coordinating County growth zone boundaries with each jurisdiction's plans for internal growth and future annexation intentions. Some of this discussion revolved around the implications of future growth on private, municipal, and County-owned water and sewer facilities. The County emphasized how each municipality's adopted comprehensive plan was reviewed and taken into account in preparing the County's draft Future Land Use Plan, including the draft Future Land Use Plan map.

Sussex County gave genuine consideration to points of view expressed during the public participation process. The issues raised during that process are addressed in detail in the various individual chapters of this plan. Each chapter contains recommended strategies for addressing one or more of these topics and other closely related subjects.

State Comment #6 - The Plan must integrate the various elements to support the County's growth strategy.

Note from the County: The new material to be included as "A Summary Overview of Sussex County's Growth and Preservation Strategy" (see State Comment #2) describes how the plan's major policies are part of an inter-related, coordinated growth management approach. The following new material will be included on page 107 of the Draft Plan in the "Plan Implementation Priorities" section. The purpose is to explicitly identify where the County goes from here regarding ordinance revisions needed to help put the plan into action.

Supporting the County's Growth and Preservation Strategy

The section of this Comprehensive Plan Update entitled A Summary Overview of Sussex County's Growth and Preservation Strategy explains how the County's future Land Use Plan interrelates with the County's strategies for preserving the rural environment, conserving more open space, and dealing with the impacts of growth. The County's intention to do more comprehensive sub-area planning and the County's updated policy of better controlling the expansion of private sewer providers in County sewer service areas are two additional examples, among others, of how policies identified in the various elements of this Comprehensive Plan Update are intended to work hand-in-hand with the County's Future Land Use strategy. Together all of these policies are part of the County's multi-pronged approach to steering appropriate types of growth to appropriate locations at appropriate densities.

Sussex County recognizes that implementing a growth management strategy requires more than well-intended policies. Often a specific County regulation is key to providing the “teeth” needed to support a particular County policy. The following list itemizes the recommendations made in the various chapters of this Comprehensive Plan Update that call for the County to adopt a specific new or revised ordinance. It is not possible to guarantee with certainty that each and every one of these ordinance will be adopted into law in the future. Changes in local conditions, the public review process, staff review and further consideration by County Councils may ultimately cause the County to follow other courses of action. However, it can be stated that each ordinance on this list will receive meaningful evaluation.

1. Agricultural Zoning District (p. 25)
2. SRA Documentation and Review (p. 30)
3. Remove Barriers to Manufactured Housing (p. 33 and p. 81)
4. Definition of “Superior Design” (p. 33)
5. Density Bonus for Cluster Development (p. 34)
6. Revised Community Design Standards (p. 33 and elsewhere)
7. Revised Definition of Allowable Open Space (p. 33 and elsewhere)
8. Locally Formulated TDR (p. 27 and p. 28)
9. Green Stormwater Management (p. 45)
10. Wildlife Habitat Protection (p. 45)
11. Added Environmental Protection for ES-1 (p. 45)
12. Revised Forest Buffers (p. 46)
13. Requirement for Recreation Facilities and/or Trails in Larger Developments (p. 55)
14. Wellhead Protection (p. 45 and p. 59)
15. Public Sewer Providers in Designated County Sewer Service Areas (p. 72 and p. 73)
16. Reauthorize and Revise Moderately Priced Housing Unit Program (p. 80)
17. Agribusiness Zone (p. 89)
18. Demolition of Historic Structures (p. 101)
19. Traditional Neighborhood Development (p. 109 and p. 110)
20. Development Standards Re: Maximum Building Setbacks, Buffering and Landscaping Green Site Design (p. 116, p. 118 and 119)
21. Strengthened Cluster Development Regulations (p. 116 and p. 117)
22. Sign Controls (p. 121)
23. Buffer incentives to meet Center for Inland Bays recommendations

State Comment #7 - The Plan must identify areas intended to stay rural so the State can invest its Agricultural Preservation and Forest Preservation dollars wisely for enhanced economic development of Ag industries in the County.

Note from the County: The first Economic Development Strategy identified on Page 89 of the Draft Plan calls for the County to “Maintain land use, zoning, and conservation policies and regulations that keep agriculture economically viable in Sussex County. To elaborate on that policy statement, we will add the following new section to page 89 of the Draft Plan.

Keeping Agriculture Viable

The Existing Land Use map included in the Future Land Use Element of this comprehensive plan shows clearly that Agricultural and Undeveloped Lands account for much more acreage in Sussex County than any other type of use. As stated in this Economic Development element, Sussex County is Delaware's leading agricultural producer, by far. Historically, Sussex County was shaped by agriculture. Farming and farmland are still major, character-defining aspects of Sussex County's landscape and economy today.

Sussex County's role in funding the preservation of farmland and open space is detailed elsewhere in this Comprehensive Plan. The County's other existing and proposed land preservation initiatives, such as the density bonus program, transfer of development rights, and new environmental protection ordinances are also identified in the Land Use and Conservation elements. To augment those efforts, Sussex County hopes to establish two types of voluntary overlay zoning districts to help preserve farmland and keep the County's agricultural economy viable. These two districts would be voluntary in the sense that only willing land owners would be so zoned. These districts would be overlays in that they could occur anywhere in the unincorporated portions of the County where certain conditions are met. No specific sites for these zones would be immediately designated on Sussex County's zoning map.

Agricultural Preservation Overlay

The Future Land Use map shows numerous small concentrations of properties that have voluntarily joined the State's agricultural preservation district. Under Delaware law, enlisting in this type of district is a prerequisite for selling your land's development rights to the State. Land owners in this district are essentially on a "waiting list" until enough funds become available from the State and/or the County to acquire the development rights to their farmland. Landowners on this waiting list sign up for a ten-year period. If the State has not bought their development rights by the end of ten years, the land owner can opt out of the program. During the time they are on the waiting list, landowners agree not to develop their farms, with the exception of a very limited amount of residential use at a very low overall density and designed primarily to serve the needs of farm families and on-site farm workers.

The County would like to establish a zoning overlay to afford more permanent protection under zoning to land owners who are now part of the State agricultural preservation districts and others who may wish to be participate. Regulations within this zoning district would remain in place as long as the land is so zoned, rather than the regulations elapsing at the end of ten years. Hopefully, clusters of farmland owners will become interested so that urban development does not grow up between these farms—development that would fragment what is now a largely farmland area. This type of fragmentation can make it difficult to sustain normal farming operations because the new neighbors sometimes object to slow moving tractors on the road, tractors operating at night, farmland odors and other aspects of farming.

.Incentives for a landowner to join a district of this type would include:

- Reassessment so that the participating land owner's real estate tax bill is based on the value of the property for agricultural use, not full-value development potential.
- Requirement that developers of new subdivisions nearby must attach a statement to each deed that puts new homeowners on notice regarding the likely presence of odor, noise and other conditions associated with normal farm operations.
- Genuine interest in preserving farmland and maintaining an agricultural environment compatible with farm operations in their immediate proximity.

Agricultural Industry Overlay

Zoning in Sussex County can easily accommodate roadside produce stands, fruit & vegetable patches, pony rides, processing of products on-site, and other forms of smaller scale farm-related businesses. These farm-based uses should be permitted in all agricultural zoning districts, provided the product or service offered is mostly home grown on-site. In addition, farm-based businesses, such as knife sharpening, small blacksmith operations, etc. can be allowed as permitted accessory uses.

A more specialized zoning district is needed to encourage and deal with large scale agricultural operations, such as feed mills, animal slaughter houses, and the like. Sussex County proposes to establish an Agricultural Industry Overlay District where appropriate parcels can be designated for these types of uses. To ensure these uses are located in suitable places, associated regulations would establish large minimum tract sizes, large setback requirements, the need to have convenient highway access and other stipulations suited to these intensive industrial activities. Within these overlay districts, residential uses would not be permitted in order to avoid potential conflicts between homes and industry. However, certain commercial uses would be allowed, including feed stores, yard ornament sales, retail dairy sales, and other activities directly compatible with agriculture.

Note from the County: In addition to adding the language identified immediately above, the County will add the following material as an additional strategy on page 90 of the Draft Plan in the Economic Development element.

Economic Development Committee

The County will actively encourage and participate in a broad-based Sussex County committee whose goal will be to improve the economy here by fostering the creation of more higher paying jobs. A related goal of this committee will be to diversify our economic base so that the County is better able to withstand and accommodate future economic change. This committee will include representatives from various local chambers of commerce, the incorporated towns, the Delaware Economic Development Office, and Sussex County staff.

State Comment #8 - The County must coordinate with DNREC regarding the Water, Wastewater, Conservation, and Open Space Elements of the plan.

Note from the County: On January 7, 2008 and January 23, 2008, senior Sussex County staff members and the County's planning consultant met with State staff from the Office of State

Planning, DNREC, and the Governor’s Office. At these meetings, we informally talked through revisions needed to the County’s Draft Plan to: a) qualify for State certification; and b) conform more closely with State objectives on growth, open space, farmland preservation, infrastructure, and related topics. Following these two meetings, Sussex County made the revisions described in this submission to address the certification issues raised by the State. The County regularly meets with DNREC representatives on a myriad of issues such as wastewater expansion and funding State pollution control strategy, regional wastewater solutions, stormwater issues, etc.

State Comment #9 - The County Source Water Protection must meet Code.

Note from the County; At the informal meeting on January 7, 2008, State staff reiterated to the County that Sussex County Council must adopt a Source Water Protection Ordinance that meets State code before the State can certify Sussex County’s 2008 Comprehensive Plan Update. At that same meeting, State staff members provided County staff members with suggested language on how to revise the County’s latest draft Source Water Protection Ordinance to satisfy State criteria. A revised version is now before County Council for official review and adoption.

A second part of this Review Letter comment asked the County to provide additional data in the plan regarding the demand for, and supply of, public water in Sussex County. We will add the following four tables to the Draft Plan’s Water and Wastewater Element.

Table ____
Estimated Projected Water Demand for Sussex County
from Public Water Supplies to be as Follows:

AREA	Current GPD	2025 GPD
Ellendale SSD	89,550	215,600
Ellendale Planning Area	37,500	90,000
Town of Greenwood	94,000	225,700
Greenwood Planning Area	120,000	289,000
City of Seaford	900,000	2,162,600
Seaford Planning Area	490,000	1,180,000
Blades SSD	133,900	322,000
Blades Planning Area	502,000	855,350
Town of Bethel	22,500	38,300
Delmar	TBA	TBA
Laurel	TBA	TBA

Table ____		
Estimated Projected Water Demand for Sussex County from Public Water Supplies to be as Follows:		
AREA	Current GPD	2025 GPD
Bridgeville	148,000	355,800
Bridgeville Planning Area	161,000	388,250
West Rehoboth	4,551,300	10,953,000
Goslee Creek	397,200	955,900
Angola	1,018,500	2,451,150
Herring Creek	267,900	644,700
Long Neck	1,831,200	4,407,000
Oak Orchard	649,800	1,563,800
Dagsboro	585,600	1,409,300
Frankford	186,600	449,000
Bethany Beach	1,221,300	2,939,200
North Bethany	332,400	799,900
South Bethany	1,629,000	3,920,000
Fenwick Island	1,533,900	3,691,500
Ocean View	293,100	705,400
Holts Landing	230,700	555,200
Cedar Neck	507,600	1,221,600
South Ocean View	90,000	216,600
Miller Creek	150,600	362,400
Millville	536,400	1,290,900
Bayard	51,900	124,900
West Fenwick	165,300	397,800

Table ____	
Sussex County Aquifers	
TOWN / SUBDIVISION	AQUIFER
Angola	Columbia
Rehoboth / Lewes	Columbia / Manokin
Bethany Bay	Columbia / Pocomoke
Bridgeville	Frederica
The Meadows	Columbia
Sussex Shores	Pocomoke
Town of Bethany Beach	Pocomoke / Manokin
Sea Colony	Manokin
Fenwick Island	Pocomoke
South Bethany	Pocomoke

Table ____ Number of Wells by Type in the Inland Bays / Atlantic Ocean Basin	
WELL TYPE	TOTAL
Soil Borings Standard	235
Geothermal	319
Fire Protection Standard	26
Aquifer Storage & Recovery Std	1
Industrial Standard	237
Agricultural Within CPCN	1,263
Irrigation Standard	2,273
Well Construction Standard	8
Public Standard	1,629
Other Standard	578
Geothermal Closed Loop	665
Remediation Recovery	7
Monitor Zone of Interest	38
Public Miscellaneous	819
Agricultural Standard	3,910
Dewater Standard	938
Observation Standard	4,246
Geothermal Recharge	605
Monitor Direct Push	296
Monitor Standard	1,997
Domestic Standard	37,100
Remediation I Injection	39
<i>* There are approximately 626 allocated wells in Sussex County.</i>	

Table ____ Community Water Systems (Over 500 Connections)	
SYSTEM NAME	SERVICE CONNECTIONS
Angola Beach	606
Angola By the Bay w/TW c/o Tidewater Utilities	796
Bethany Beach Water Department	3,032
Bridgeville Water Department	1,173
Delmar Water Department	1,617

Table ____ Community Water Systems (Over 500 Connections)	
SYSTEM NAME	SERVICE CONNECTIONS
Dewey Beach Water Department	2,983
Georgetown Water Department	1,861
Laurel Water Department	TBA
Lewes Water Department	2,633
Lewes District c/o Tidewater Utilities	5,192
Long Neck Water District	4,939
Millsboro Water Department	1,877
Millsboro District c/o Tidewater Utilities	3,099
Millville District c/o Tidewater Utilities	817
Milton Water Department	1,290
Oak Orchard Public Water	TBA
Ocean View District c/o Tidewater Utilities	1,658
Rehoboth Beach Water Department	4,631
Rehoboth Yacht & Country Club c/o Tidewater Utilities	548
Rehoboth District c/o Tidewater Utilities	4,120
Sea Colony	1,318
Seaford Water Department	2,500
Selbyville District c/o Tidewater Utilities	592
Selbyville Water Department	1,309
Sussex Shores Water Company	1,738
Swann Keys Civic Association	580

State Comment #10 - The State Resource Area Guidelines must be included in the Plan.

Note from the County: The following material will replace the information now included in the Draft Plan on pages 29 and 30 under the section entitled “State Resource Areas (SRAs)”. At the suggestion of Kevin Coyle from DNREC, we borrowed heavily from the DNREC publication “SRA FAQs” and from Secretary Hughes SRA letter dated January 19, 2007 to revise this section of the plan. We redid the accompanying map to distinguish between tidal wetlands and non-tidal wetlands.

State Resource Areas

In 2006, the Delaware Department of Natural Resources and Environmental Control (DNREC) prepared updated maps designating approximately 285,000 acres throughout Delaware as State Resource Areas (SRAs). The following information, excerpted from the DNREC publication “*State Resource Area FAQs*”, explains what SRAs are, how they were designated by the State, and their significance to Delaware’s natural environment.

What Are SRAs?

State Resource Areas are open space lands that are valued for their natural, cultural, and geological significance. In addition, they provide wildlife habitat, natural resource based outdoor recreation, scenic beauty, conservation of water resources, and buffering or connection of existing public and private lands under conservation management. The full legal definition of SRAs can be found in the Delaware Land Protection Act of 1990 (7 Del. Code, Chapter 75).

Why Are SRAs Important?

Natural open space lands contribute hundreds of millions of dollars to Delaware’s economy each year through hunting, fishing, wildlife watching and tourism. Also, the diversity of plants, animals and habitats found on these lands provide invaluable services like cleaning our air, filtering our water, and maintaining the fertility of our soil. Yet, thousands of acres of open space are lost to development each year, along with the economic values and environmental services that they furnish. SRAs are the most important of these natural open space lands and as such are critical for maintaining the quality of life for present and future generations.

How Were the SRA Maps Created?

State Resource Areas were initially mapped in 1990, and were updated in 2006 by reviewing current information on natural, cultural and geological resources that meet the definition of open space in the Delaware Land Protection Act of 1990. These resources included Green Infrastructure focus areas, important wildlife habitats, state-mapped wetlands and other natural resources. Selected features from these resources were combined with existing public and private conservation lands to update the original maps. The maps will be regularly revised in the future in keeping with the five-year cycle for county and municipal comprehensive land use plan updates.

How Much Land Has Been Designated as SRAs, and What Proportion Has Already Been Protected Statewide?

About 285,000 acres, or 23% of Delaware's total land area, have been designated as SRAs. However, more than two-thirds of these SRAs are already protected by public and private conservation ownership or easement, or by state regulation. SRAs that are not currently protected comprise only 7% of the state's total land area. About one-half of these are wetlands.

Is Development Prohibited in SRAs?

Development is not prohibited in SRAs because an SRA designation does not change underlying zoning. Rather, county ordinances, standards, criteria and/or requirements for SRAs will allow for environmentally sensitive development that protects the natural, cultural and geological resources in those areas.

SRAs In Sussex County

The State of Delaware is urging Delaware counties and municipalities to include SRA maps in their comprehensive plans and adopt policies to help protect SRAs. The areas within Sussex County included on the State's SRA mapping are shown on the map on the following page. To show how these locations are distributed in Sussex County, this maps divides the State-Designated SRAs into three categories:

- State Resource Areas That Overlap Already Protected Lands
- State Resource Areas That Overlap Known Tidal Wetlands
- State Resource Areas That Overlap Known Non-Tidal Wetlands
- Other State Resource Lands

According to a letter from DNREC Secretary John Hughes dated January 19, 2007, there are approximately 115,962 acres of State-designated SRA lands in Sussex County, of which approximately two-thirds are already protected. That same letter from Secretary Hughes identifies the following eight conservation strategies that should be employed in sound land use decision making:

- a) Maintain large areas of contiguous habitat and avoid fragmenting these areas.
- b) Maintain meaningful wildlife corridors and potential non-consumptive bicycle and pedestrian connections between habitat areas and adjacent land uses.
- c) Protect rare landscape elements, sensitive areas and associated species.
- d) Allow natural patterns of disturbance to continue to maintain diversity and resilience of habitat types.
- e) Minimize direct and indirect human disturbances and the introduction and spread of non-native species and favor native plants and animals.

- f) Minimize human introduction of nutrients, chemicals, and pollutants.
- g) Avoid land uses that deplete natural resources over a broad area and allocating such land uses to areas of minimal natural resource impacts.
- h) Compensate for adverse effects of development on natural processes.

With regard to SRA protection, Sussex County hopes to implement the following policies:

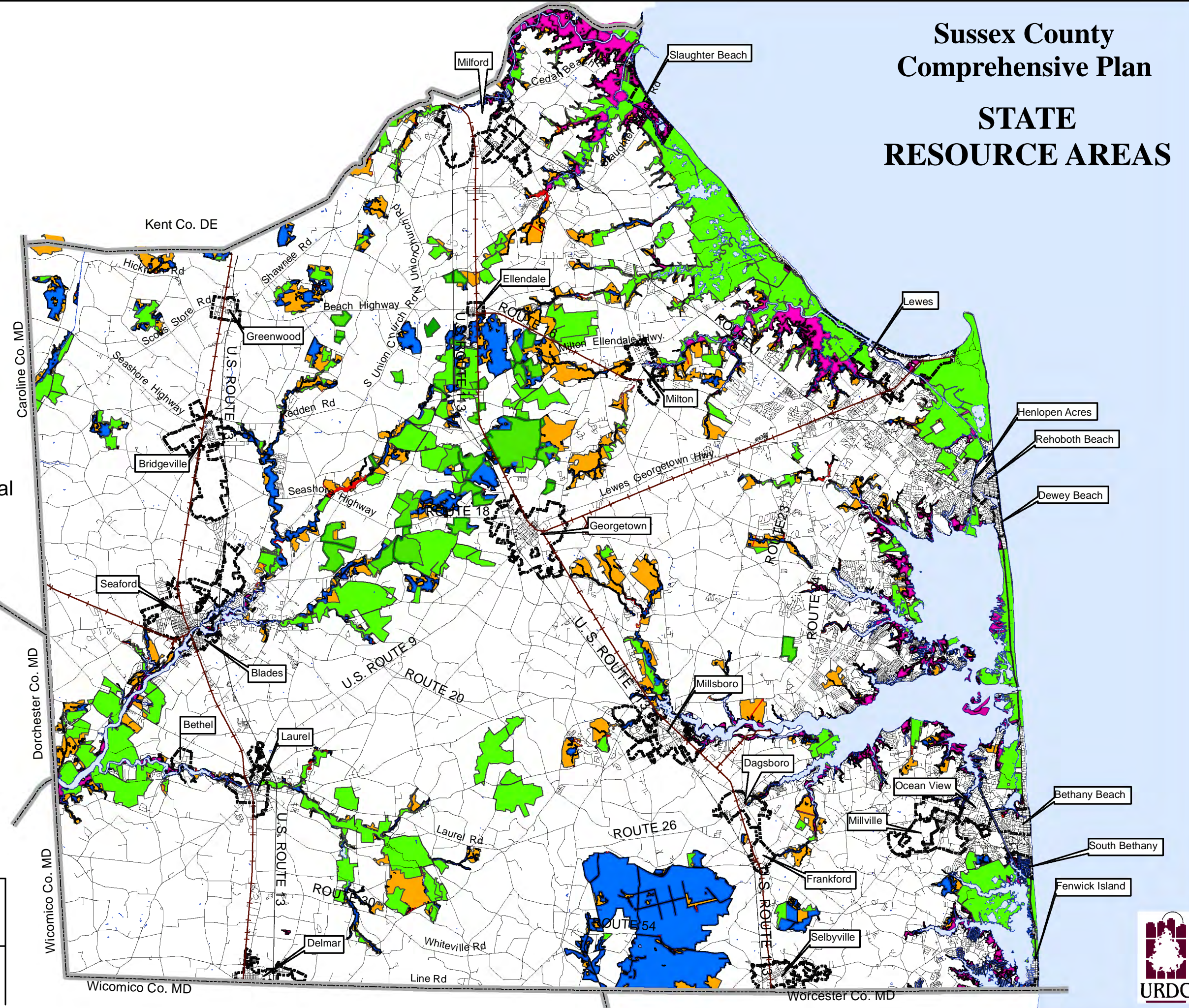
- Including an SRA Map in the County's zoning ordinance, although not as part of the Zoning Map.
- Require that all development applications show the location of any SRA land on property that is part of that application.
- Review how SRA lands are proposed to be used on development plans submitted for County review, particularly for cluster developments.
- Review SRA maps in making decisions about what open space lands the County should acquire for permanent preservation in the future.

SRA maps can be viewed on DNREC's website and at DNREC's office at a larger scale than the map shown on the following page.

Sussex County has several regulations already in place that help protect natural resources that are part of land proposed for development. While these zoning provisions and other land development regulations do not reference SRAs by name, they do afford a level of protection to types of natural areas the SRA initiative is designed to preserve. In addition, the Conservation Element of this Comprehensive Plan Update identifies several specific new regulations Sussex County hopes to adopt to further strengthen the County's resource protection efforts. These new regulations too would be compatible with the goals of the SRA program.

Sussex County Comprehensive Plan STATE RESOURCE AREAS

- State Resource Areas That Overlap Already Protected Lands
Includes all Federal lands, State lands, agricultural easements, private conservancy lands, and lands preserved by other conservation easements
- State Resource Areas That Overlap Known Tidal Wetlands
- State Resource Areas That Overlap Known Non-Tidal Wetlands
- Other State Resource Areas



<p>0 9,000 18,000 36,000 Feet</p> <p>1 inch equals 18,000 feet</p>	
<p>Base Map Provided By: Sussex County Mapping Department</p>	<p>Sources: DNREC DE Office of State Planning Coordination Sussex County Mapping Department</p>



Sussex County residents should also be aware of a number of Federal State, County and private sector programs that facilitate the voluntary preservation of eligible natural lands. These are summarized below from information Sussex County makes readily available in brochure form to interested parties.

USDA Natural Resource Conservation Service

Wetlands Reserve Program – Controls wetland losses nationwide through permanent and 30-year easements; 10-year minimum restoration cost-shares available.

Farm and Ranch Lands Protection Program – Purchase of agricultural conservation easements. Lands must be threatened and hold agricultural significance.

- Other easements through grassland and healthy forest preservation programs.

***Delaware Agricultural Lands Preservation Foundation
(Delaware Department of Agriculture)***

Preservation Districts – Agricultural easements include farmlands, historic structures and wildlife habitats.

- Exemptions from real estate transfer fees, county and school taxes.
- Protection from nuisance complaints.

Delaware Wild Lands, Inc.

- Dedicated conservation and preservation of natural, strategic parcels; fee-simple and donated acquisitions.
- Tracts concentrated near Great Cypress Swamp are most desirable. Currently, lands comprise 10,000 acres of sustainable forest under routine stewardship.
- Timber management supports commercial logging and enhances traditional recreational activities.
- Works through private, government partnerships.

Sussex County Land Trust

- Programs to purchase property and protective easements.
- Parcel donations accepted.
- Aims to create “Grand Preservation Loop” to provide connectivity to other preserved parcels, open tracts (see accompanying map).



Sussex County's GRAND PRESERVATION LOOP

preserving sussex county's special places

Legend

-  PUBLIC OPEN SPACE
-  PRIVATE OPEN SPACE
-  AGRICULTURAL PRESERVATION



D E L A W A R E
M A R Y L A N D

Atlantic Ocean

- Partnership through Sussex County Council and the Sussex County Land Trust provides funding from both private and public contributions for preservation, protection of open space.

US Fish and Wildlife (Service Partners for Fish and Wildlife)

- Wetlands and estuary habitat management for minimum 10 years.
- Includes financial assistance to landowner.

Delaware Forest Land Preservation Program (Delaware Forest Service)

- Perpetual conservation easements prohibit development but protect working forests.
- Minimum 10 acres and 10-year contract required.
- Right-to-farm provision and substantial compensation for preservation.
- Cost-shares for tree planting and timber stand improvement.

Ducks Unlimited Conservation Easement Program

Habitat Stewardship Program – 90% cost-share for wetlands restoration and management, agreement restricts type and amount of development. Land owner retains ownership.

Wetlands American Trust – Accepts donated easements in perpetuity.

Sussex Conservation District

Agricultural Cost-Share – Incentives for numerous programs, including field wetlands, erosion and animal waste.

- Up to 75% payments and 15-year contracts.

Tax Ditch Maintenance – 50% cost-share for one-time service and equipment provisions.

The Nature Conservancy (For the Delaware Bay Watershed)

- Accepts donations of land and conservation easements in public-private partnerships.
- Provides natural lands management services.

US Forest Service Forest Legacy Program

- Assists states in securing conservation easements for threatened lands.
- Minimum 75% forest cover required.

- Land is protected as working forest.

State Comment #11 - The plan must expand the discussion on housing strategies.

Note from County: Sussex County has redrafted the Housing Element. The version that follows starting on the next page will replace the version included in the Draft Plan on pages 75 through 81.

HOUSING ELEMENT

Both full-time and seasonal residents continue flocking to Sussex County to take advantage of the area's outdoor attractions, low real estate taxes, and high quality of life. This influx has fueled prosperity in the County's real estate market, hospitality industry, and related economic sectors. While the County strives to accommodate the housing needs, it is also committed to preserving agricultural lands and open space. Limited by Federal, State and County resources, Sussex County's Community Development & Housing Division works diligently to satisfy the housing expectations of the State and the housing needs of its residents.

An overview of Sussex County's present housing situation:

SUMMARY OF 2006 SUSSEX COUNTY HOUSING STATISTICS		
	<u>Number</u>	<u>Percent</u>
<u>Total Housing Units</u>	111,606	--
Occupied Units	73,397	66.0
Vacant Units	38,209	34.0
Owner-Occupied	59,422	81.0
Renter-Occupied	13,975	19.0
<u>Age of Housing Units</u>		
2005 or later	5,106	4.6
2000 to 2004	19,704	17.6
1990 to 1999	21,654	19.4
1980 to 1989	23,073	20.7
1970 to 1979	16,963	15.2
1960 to 1969	7,434	6.7
1950 to 1959	7,132	6.4
1940 or earlier	10,540	9.4
<u>Housing Units by Structure</u>		
Single-Family Detached	66,138	59.3
Single-Family Attached	5,321	4.8
2-4 Units	3,833	3.4
5+ Units	9,640	8.6
Mobile Homes	26,674	23.9

Source: U.S. Census Bureau, 2006 American Community Survey

Housing Affordability

On the down side, the County’s strong housing market has driven up home prices and apartment rentals to new highs. Sussex County’s low to moderate income working households are hit hardest by these cost increases because their incomes typically do not keep pace with the cost of living, especially the cost of housing.

Some statistics and other facts illustrate this situation:

- To avoid spending more than 30% of their income on the current average priced 2-bedroom apartment in Sussex County, a full-time worker needs to make \$12.71 per hour (\$24,660 per year). This pay rate is nearly twice Delaware’s minimum wage. It requires 1.9 minimum wage jobs to afford the average priced apartment in Sussex County.

MONTHLY HOUSING COSTS AS PERCENTAGE OF HOUSEHOLD INCOME IN THE PAST 12 MONTHS			
Subject	Occupied Housing Units	Owner-Occupied Housing Units	Renter-Occupied Housing Units
Less than \$20,000	18.1%	15.9%	27.4%
Less than 20 percent	3.5%	4.0%	1.6%
20 to 29 percent	3.0%	3.2%	2.1%
30 percent or more	11.6%	8.7%	23.6%
\$20,000 to \$34,999	18.7%	19.0%	17.3%
Less than 20 percent	6.4%	7.5%	1.9%
20 to 29 percent	3.9%	3.9%	3.8%
30 percent or more	8.4%	7.6%	11.6%
\$35,000 to \$49,999	15.7%	14.9%	19.1%
Less than 20 percent	7.2%	7.4%	6.2%
20 to 29 percent	3.9%	3.4%	6.4%
30 percent or more	4.5%	4.1%	6.4%
\$50,000 to \$74,999	18.6%	19.7%	13.6%
Less than 20 percent	9.3%	10.0%	6.7%
20 to 29 percent	6.1%	6.1%	5.8%
30 percent or more	3.2%	3.7%	1.1%
\$75,000 or more	27.1%	30.2%	13.8%
Less than 20 percent	21.0%	22.8%	13.1%

MONTHLY HOUSING COSTS AS PERCENTAGE OF HOUSEHOLD INCOME IN THE PAST 12 MONTHS			
Subject	Occupied Housing Units	Owner-Occupied Housing Units	Renter-Occupied Housing Units
20 to 29 percent	5.0%	6.0%	0.7%
20 percent or more	1.2%	1.5%	0.0%
Zero or negative income	0.2%	0.2%	0.3%
No cash rent	1.6%	(X)	8.6%

Source: U.S. Census Bureau, 2006 American Community Survey

- 59% of workers in Sussex County have an income that makes a two-bedroom apartment in the County unaffordable to rent.

	AFFORDABLE HOUSING THRESHOLDS		FAIR MARKET RENT (FMR) & MEDIAN HOME PRICE (MHP)		SURPLUS OR (GAP)
2007 HUD MFI Median income for a Sussex County family of four: \$ 53,800	Affordable Rent (One-third of monthly income for rent)	\$ 1,345	1 Bedroom FMR, 2007	\$ 595	\$ 750
			2 Bedroom FMR, 2007	\$ 661	\$ 684
			3 Bedroom FMR, 2007	\$ 904	\$ 441
	Affordable Home Price (Qualifying Mortgage Amount)	\$152,662	MHP, 1 st Quarter, 2007	\$260,000	(\$107,338)

Source: Mullin & Lonergan Associates, Inc.; Delaware Statewide Needs Assessment

- The median home price in Sussex County was \$260,000 in 2007. This is an increase of 99% over the 2000 median, the largest increase among Delaware's three counties.
- Between 2003 and 2005, the two fastest growing job providers in Sussex County were Leisure & Hospitality (with an average annual wage of \$15,000) and Wholesale & Retail Trade (with an average annual wage of \$25,000).
- 2007 data from the Delaware Statewide Needs Assessment classifies the following homebuyers of Sussex County for qualifying mortgage amounts:
 - Low-income homebuyers: \$25,000 to \$58,870
 - First-time homebuyers: \$58,870 to \$178,944
 - Affordable homebuyers: \$58,870 to \$178,944

Delaware Homeowner Demand Forecast, 2008–2012									
	TOTAL	Unit Types			Household Income Category				
		Existing Homes	New Construction	Manufactured Housing	First Time	Affordable	Move-Up	High Income	Elderly
DELAWARE	47,881	33,510	13,385	986	3,423	2,909	17,658	15,336	8,555
Sussex County	14,766	9,521	4,887	358	1,134	1,447	5,271	886	6,028

Source: Mullin & Lonergan Associates, Inc.; Delaware Statewide Needs Assessment

- According to the 2000 Census, 7.7% of Sussex County’s population was living in households with annual incomes below the federally-established poverty level. The equivalent figure statewide was 6.5%.
- 2005 data from the Delaware Department of Labor classified 52% of the jobs in Sussex County as “low paying” (less than \$11/hour). The equivalent figures were 29% in Kent County and 18% in New Castle County.
- According to the 2005 American Community Survey, Sussex County’s cost-burdened renter households have increased by 5.4% since 2000.
- 2006 data from the American Community Survey states that Sussex County’s rising Hispanic population is 10,988, 6.1% of the total population.
- According to the 2007 Delaware Statewide Needs Assessment, the elderly population of Sussex County will rise 52.6% between 2005 and 2015. It is expected that this group will be the majority of home buyers in the County through 2012.
- The Delaware Population Consortium predicts that Sussex County’s population will increase by 15% from 183,798 in 2007 to 211,120 in 2015.

Manufactured Housing

Manufactured homes can create affordable housing opportunities. According to CFED, a national non-profit organization, the average cost per square foot of manufactured homes is less than half that of site built homes. CFED reports that in 2005 manufactured homeowners had a median household income that was only three-quarters of the national median. Yet despite sometimes disparaging stereotypes, properly built and well managed manufactured home communities grow in value and can be community assets.

Manufactured housing issues are important in Sussex County. The County has a strong market for these units considering the problems many local workforce members have affording local home prices. In addition, there is a demand for manufactured housing as affordable vacation homes in the eastern area of the County. The U.S. census reported that Sussex County had 23,817 manufactured homes in 2000 (counting both occupied and vacant units). This represented 25.6% of all homes in the County, compared to 18.6% in Kent County and 11.2% in New Castle County. In 2000, 36,086 Sussex County residents lived in manufactured homes, 23% of the County’s total population.

In 2007, the Delaware Statewide Needs Assessment reported that manufactured homes represent 24.5% of all homes, housing 20% of the population. There are approximately 110 manufactured home communities in Sussex County today. In the past, the majority of manufactured homes resided on leased land, which titled the home as a motor vehicle. This ultimately leads to difficulties with financing and insecure tenure. For example, the Delaware Manufactured Home Owners Association calculates land rent to range from \$4000 to \$21,900 each year. The Assessment also states that although many people still live in leased-land communities, it is now uncommon for the creation of a new leased-land community.

In order to facilitate the ownership of a manufactured home on owned land, the County now allows double-wide manufactured homes to reside on ¾-acre lots. Previously, manufactured homes were restricted to 5-acre lots, which negated the affordability of the home because of the high price of land. Due to the improvements in the durability and quality in manufactured homes, and the newly

adjusted minimum lot size, manufactured housing is now more feasible and affordable in Sussex County.

In Sussex County and throughout the U.S., the housing market cooled in 2006 and 2007. Nonetheless, the shortage of affordable housing remains a very real problem to low to moderate income households in Sussex County, including many with full-time, year-round jobs.

Housing Conditions

In addition to affordable housing issues, Sussex County faces challenges concerning the quality and condition of its housing stock. Despite the surge of new housing recently built in the County, many Sussex County communities have a backlog of housing units that need rehabilitation. In 2007, the Delaware Statewide Housing Needs Assessment defined substandard housing as those units deficient in at least two structural systems and in need of substantial rehabilitation in order to make them structurally sound, safe, and habitable. The same report estimated that in 2007, there were 2,926 substandard homeowner units in Sussex County (5.3% of all units) that would require \$30,000 or more to bring up to code. That study also classified 3,398 households “at-risk” due to their inability to pay average rents or afford, on the average, the repairs needed to rehabilitate a typical substandard home. There is currently a waiting list of 750+ persons for housing rehabilitation funding made available by Sussex County.

Sussex County Housing Initiatives

In cooperation with the State, federal agencies, housing industry representatives and non-profit housing advocacy groups, Sussex County Council has been very active in trying to address low to moderate income housing needs.

Housing Rehabilitation and Related Assistance

The Sussex County Department of Community Development and Housing oversees County funding of housing rehabilitation and small public works projects that serve low to moderate income residents. The Department's budget calls for managing over \$1.8 million in housing assistance, funded by U.S. Department of Housing and Urban Development (HUD), Delaware State Housing Authority (DSHA), and Sussex County Council. Over the last five years, the following sources have contributed to hundreds of renovations to preserve affordable housing stock in Sussex County:

- \$7,000,000 - Community Development Block Grant
 - 624 homeowner-occupied units renovated during the last five years
- \$125,000 - Housing Preservation Grant
 - 32 homeowner-occupied units renovated during the last five years
- \$920,000 - Delaware State Home Loan Program
 - 14 homeowner-occupied units renovated during the last five years
 - 32 investor rental units renovated during the last five years
- \$400,000 - Sussex County Council
 - 50 homeowner-occupied units renovated during the last five years
- \$944, 176 – Sussex County Administration Costs

According to the 2007 Delaware Statewide Needs Assessment, Sussex County's rehabilitation and demolition efforts have kept up with the slippage rate, so there has been no significant increase in the number of substandard units in the County since 2003.

The Moderately Priced Housing Unit Program

In January 2006, Sussex County Council introduced the Moderately Priced Housing Unit (MPHU) Program. This initiative is a tangible step towards creating more moderately priced housing by providing incentives for developers to build these types of units. The program also envisions the use of deed restrictions to guarantee the re-sale prices of these homes remain affordable for a 20-year period.

The MPHU Program offers expedited review and density bonuses to developers who build homes affordable to people within 80% and 125% of the area's median income, established yearly by HUD. Depending on the specific income level targeted, developers of approved projects can build between 20% and 30% more units than otherwise allowed. The projects must be: a) owner-occupied housing; b) located in a town center, developing area or environmentally sensitive developing area, or land that is designated on a town's comprehensive plan as lying within the town's growth and future annexation area; c) have a minimum of 35 units and submit 15% of the total units to the program; and d) connect with public water and sewer facilities. Home buyers must live and work in Sussex County for at least one year and be income-eligible to participate. The County will partner with the Delaware State Housing Authority for first-time homeowner assistance with down payment and settlement costs.

The MPHU Program is voluntary and individual projects subject to County approval. To date, Sussex County has received three development applications for a total of 546 affordable units. These

applications are now under review. The County wants this program to meet the needs of low to moderate income people in Sussex County, but also to entice young professionals to stay in Sussex County. With increased housing options for the rising professional sectors, we hope to see more employment opportunities in such fields. In addition to credit for addressing housing costs, the MPHU Program has received praise for its potential to create housing close to work, thereby contributing to reduced commuter costs and less traffic. Sussex County views MPHU as a pilot program that the County will evaluate for possible refinements at the end of a two-year trial period.

Cooperation with Non-Profit Housing Entities

In November 2006, Sussex County Council approved a \$50,000 Community Investment Grant to the Diamond State Community Land Trust (DSCLT). This non-profit corporation partners with the State, local governments, housing advocates and others to expand home-ownership opportunities for Delaware's low to moderate income households. Among other activities, DSCLT undertakes several types of projects on behalf of existing and prospective low to moderate income home buyers. Since January 2006, the County has given a total of \$37,500 to the West Rehoboth Land Trust.

Both DSCLT and the West Rehoboth Land Trust advocate community land trust homes as an effective way to expand the permanent supply of affordable housing. Under their model, low to moderate income buyers own their home but lease the underlying land for a nominal fee from the community land trust. At resale, the homeowners keep only a certain portion of the appreciation. The remainder stays "with the home" in order to make that home affordable to the next buyer.

The Sussex County Council has authorized grants over the past five years to several other non-profit agencies in the County to assist with housing programs. The County has contributed \$40,000 to NCALL Research, Inc., \$52,500 to Interfaith Mission, \$149,357 to First State Community Action, \$35,000 to First State RC&D, \$1000 to Milford Housing Development Corporation, and \$121,500 to Sussex County Habitat for Humanity. In addition, Sussex County donated homes to Habitat for Humanity that were purchased through the Airport Expansion Project. Sussex County provides administrative space for Habitat for Humanity operations near Lewes.

Housing Goals, Objectives, and Strategies

Goal

Facilitate decent, safe, and sanitary housing for low and moderate income people throughout Sussex County.

Objective 1

Provide affordable housing options to the County's workforce earning 80% to 125% of HUD's Area Median Income.

Strategy: Support and evaluate Sussex County's new Moderately Priced Housing Unit (MPHU) Program. The program's pre-established two-year initial trial period ends in January 2008 and

any alterations to the program will be determined at that time. For example, the Diamond State Community Land Trust suggests making the MPHU Program mandatory and modifying its rules and regulations to ensure MPHU homes are permanently priced at affordable housing levels. Also, modifying the program to include existing new developments in the program will be considered. These developments may not receive the benefit of expedited review or bonus density, but may be included in the MPHU program on a voluntary basis. The appropriateness of these and other potential changes to the MPHU Ordinance can be fully assessed at that time.

Objective 2

Encourage manufactured homes as an affordable housing tool.

Strategy: Sussex County will continue to support manufactured homeownership throughout the County as an affordable housing alternative. Based on their vote to lower the minimum lot size requirements (5 acres to $\frac{3}{4}$ acre), County Council will continue to evaluate the benefits of such changes toward manufactured home restrictions. The County understands the advantage of spending less on the purchase of acreage, in order to make homeownership a possibility. In addition, by comprehensively reviewing Sussex County's Zoning Ordinance, Subdivision Code and other relevant County regulations, provisions could be revised that may unduly constrain the development of well-designed manufactured housing communities. The County will encourage local municipalities to review these codes as well.

Objective 3

Encourage private for-profit developers to undertake affordable housing projects.

Strategy: In 2006, Capstone Homes cooperated with Sussex County Council to formulate a workforce housing project. In this case, workforce housing discounts were offered on a first-come-first-served basis. While the homes involved are not aimed at low to moderate income buyers, the project is one example of what private developers can do to help stabilize the price of market rate housing in Sussex County. Capstone homes is also in discussions to build cooperative relationships with certain major Sussex County employers to offer discounts on housing prices in a range of \$5,000 to \$10,000 to that employer's workforce in exchange for that employer providing marketing assistance to Capstone Homes. There is a significant gain to be seen if private developers assist Sussex County Council and non-profit housing advocates to provide affordable housing options. In addition to their ability to stabilize market rate housing prices, these projects will help to attract more highly-skilled professional workers to Sussex County. Sussex County Council will continue to expand relationships with private developers to promote the concept.

Objective 4

Decrease substandard housing and preserve the affordable housing stock in Sussex County.

Strategy: Since 2003 Sussex County's Community Development and Housing Division has worked hard to keep up with the rehabilitation and demolition necessary to prevent an increase

in the number of substandard homes in the County. The Department utilizes its Federal, State, and County funding as efficiently as possible to try and satisfy the 700+ names on their waiting list. For the upcoming fiscal year, the Department has applied for \$2,700,000 in competitive grant funding from the Delaware State Housing Authority. The Department applies for funding on behalf of local municipalities who request assistance from the County. Pending the approval of funding, the following towns will see financial assistance towards rehabilitating and demolishing substandard housing: Blades; Bridgeville; Georgetown; Greenwood; Laurel; Milford; Ocean View; Selbyville; Coverdale Crossroads; Rural Lincoln; Rural Millsboro / Dagsboro; and Rural Selbyville/Polly Branch. Sussex County Council and the local shares, will commit to \$588,000 as a match to the State's CDBG funds.

Objective 5

Create a Moderately Priced Rental Unit Program to support the growing rental demand throughout Sussex County.

Strategy: Presently Sussex County's Community Development and Housing Division is focusing on its pilot Moderately Priced Housing Unit Program. Pending the evaluation at the end of the test period for the MPHU Program, the Department will determine the best method to satisfy the rental needs of the County's low to moderate income citizens. Sussex County recognizes the increase in "at-risk" households and cost-burdened households that need assistance. In the meantime, the Department will continue to utilize the Housing Rehabilitation Loan Program funded by the State, to preserve and rehabilitate affordable rental housing throughout the County. The County will work closely with non-profit organizations, local municipalities, and private developers to see that a Moderately Priced Rental Unit Program is developed within the next two to three years.

Sussex County will continue to expand its relationship with non-profit housing advocacy organizations. The County recognizes the efforts of these organizations to provide the low to moderate income people of Sussex County with affordable housing options, and will continue to financially support these efforts. The County's Fiscal 2008 Budget includes a \$25,000 grant to Habitat for Humanity, a \$5,000 grant to West Rehoboth Land Trust, a \$10,000 grant to InterFaith Mission, and a \$10,000 grant to First State Community Action for housing assistance programs. Housing advocacy groups impart a great deal of wisdom in regards to affordable housing and the County will work closely with them in the establishment of an affordable rental program. The County also wants to encourage more limited home equity projects, under which the buyers owns the home and non-profits (i.e., community land trusts) own the land. In a time where escalating land prices makes buying an affordable home difficult, removing land price from the equation would significantly lower home prices.

In the last 5 years, Sussex County has seen an escalation in the Hispanic and elderly populations. The County's Community Development and Housing Department will continue to use its funding to rehabilitate the homes of the elderly. However, these two groups do not always fit into the requirements of the County's assistance programs. In those cases, the County will partner with USDA Rural Development, State Housing Authority, local municipalities, and non-profits organizations to ensure that their housing needs are fulfilled as well.

State Comment #12 - The County must correct its references and expand its discussion with regards to the Strategies for State Policies and Spending.

Note from the County: Page 15 of the Draft Plan notes that one criteria Sussex County used to determine growth area boundaries was a particular area's status with regard to the State's Level 1 through Level 4 designations. The following new material will be inserted on that page to: a) ensure all references to the "Delaware Strategies for State Policies and Spending" document are correct; and b) the narrative text makes it clear that the County reviewed that State document as part of preparing its Comprehensive Plan Update.

Delaware Strategies for State Policies and Spending

The purpose of the "Delaware Strategies for State Policies and Spending" document is to help coordinate local land use decision making with State decisions made about funding infrastructure, such as the schools and roads needed to support appropriate development. By updating this document every five years, the State strives to ensure that:

- State spending promotes quality, efficiency and compact growth.
- State policies foster orderly growth and resource protection, not degradation.

The State's Strategies for State Policies and Spending map classifies land areas as being part of Investment Level 1, Investment Level 2, Investment Level 3, or Investment Level 4. These four levels clarify the State's policies and priorities for the expenditure of State funds on infrastructure.

The following synopsis descriptions are excerpted from the FY 2004 "Delaware Strategies for State Policies and Spending" document.

Investment Level 1

It is the State's intent to use its spending and management tools to maintain and enhance community character, to promote well-designed and efficient new growth, and to facilitate redevelopment in Investment Level 1 Areas.

Investment Level 2

It is the State's intent to use its spending and management tools to promote well-designed development in these areas. Such development provides for a variety of housing types, user-friendly transportation systems, and provides essential open spaces and recreational facilities, other public facilities, and services to promote a sense of community.

Investment Level 3

It is the State's intent is to acknowledge that while development in Investment Level 3 Areas may be appropriate, there are significant considerations regarding the timing, phasing, site characteristics, or Agency programs that should be weighed when considering growth and development in these areas. Some lands designated Investment Level 3 are longer term growth areas, and are not necessary

to accommodate expected population, household, and employment growth in the next five years (or more). In these areas there are likely to be other competing priorities for State resources during this planning period.

Other areas designated as Investment Level 3 represent lands in the midst of rapidly growing areas designated Investment Levels 1 or 2 that are somehow impacted by natural resource, agricultural preservation, or other infrastructure issues. Development of these areas in the near term future may be appropriate, as long as State Agencies and local governments with land use authority investigate and accommodate the relevant issues on the sites and in the surrounding areas.

In Sussex County's case, much of the Environmentally Sensitive Developing Area is designated as Level 3. This designation acknowledges that these areas are part of the County's future growth zone. However, this designation also suggests that special scrutiny should be applied to spending decisions and development proposals within these areas to ensure these activities are consistent with State and local development and preservation policies.

Investment Level 4

It is the State's intent to discourage additional development in Investment Level 4 areas unrelated to the areas' needs. It will do so through consistent policy decisions and by limiting infrastructure investment, while recognizing that state infrastructure investments may be appropriate where state and local governments agree that such actions are necessary to address unforeseen circumstances involving public health, safety, or welfare.

Additional - Clarification on Building Permit Data

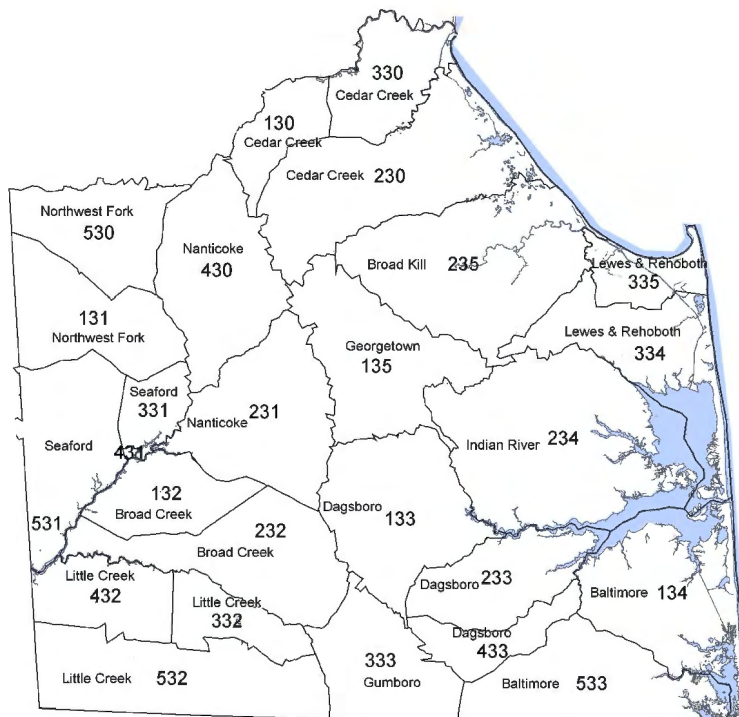
Note from the County: Table 7 and the accompanying map on page 12 of the Draft Plan show the number of building permits Sussex County issued from 2003 through 2006 by tax assessment district. The following table revises that data and clarifies that the data refers to unincorporated areas only.

Table 7
Strongest Growth in Construction of New
Housing Units is in Eastern Areas of Sussex County

Assessment District	Building Permits Issued 2003 – 2006	Assessment District	Building Permits Issued 2003 – 2006
130	112	432	142
230	469	532	202
330	205	133	398
430	364	233	173
530	103	333	48
131	99	433	10
231	240	533	1230
331	196	134	1182
431	0	234	2501
531	134	334	1628
132	251	135	187
232	192	235	761
332	95	335	387
TOTAL			11,309

Note: Data is for unincorporated area only.

Tax Assessment Districts



Suggested Changes to Address Non-Certification Comments Contained in State Review Letter dated December 21, 2008

State Letter p. 8 - Relate historic preservation section to the Five Livable Delaware principles. We will add the following text under “Why Preserve History” p.91:

Historic preservation emphasizes reuse, quality of life, and sustainable economic growth. Historic preservation also contributes to all five principles underlying the State’s Livable Delaware initiative, including the following:

- Guide growth to areas that are most prepared to accept it in terms of infrastructure and thoughtful planning
- Preserve farmland and open space
- Promote infill and redevelopment
- Facilitate attractive, affordable housing
- Protect our quality of life while slowing sprawl

State Letter p. 9 - Provide a brief narrative summarizing the history of Sussex County. We will add the following text under a new heading on page 91 entitled “Historical Overview of Sussex County”:

(To be provided by Sussex County Historic Planner.)

State Letter p.19 Add DNREC language on watersheds. We will add the following on page 42 under a revised heading entitled “Water Pollution Control in Sussex County”:

Watershed Pollution Control In Sussex County

Under Section 303(d) of the 1972 Federal Clean Water Act (CWA), states are required to identify all impaired waters and establish total maximum daily loads to restore their beneficial uses. A TMDL defines the amount of a given pollutant that may be discharged to a water body from point, nonpoint, and natural background sources and still allows attainment or maintenance of the applicable water quality standards.

A TMDL is the sum of the individual Waste Load Applications (WLAs) for point sources and Load Allocations (Las) for nonpoint sources and natural background sources of pollution. A TMDL may include a reasonable margin of safety (MOS) to account for uncertainties regarding the relationship between mass loading and resulting water quality. A TMDL matches the strength, location and timing of pollution sources within a watershed with the inherent ability of the receiving water to assimilate the pollutant without adverse impact.

A Pollution Control Strategy (PCS) specifies actions necessary to systematically achieve pollutant load reductions specified by a Total Maximum Daily Load for a given water body and must reduce pollutants to level specified by State Water Quality Standards.

Sussex County is located within the greater Delaware River and Basin drainage, Chesapeake Bay drainage, and the Inland Bays / Atlantic Ocean drainage. Within the combined area of all three of these basins are 19 individual watersheds. All 19 of these watersheds are subject to pollution reduction targets because they are impaired. The individual watersheds are assigned specific nutrient (nitrogen and phosphorus) and bacterial TMDL load reduction rates that must be met in order to comply with the State Water Quality Standards. The following table is a listing of nutrient and bacteria reduction requirements established for the 19 Sussex County watersheds.

**Table 8
TMDL Reduction Targets for Sussex County Watersheds**

Delaware River and Bay Drainage		Nitrogen	Phosphorus	Bacteria
1	Mispillion River	57%, 88% in Kings Causeway Branch	57%, 88% in Kings Causeway Branch	87%
2	Cedar Creek	45%	45%	96%
3	Broadkill	40%	40%	75%
Chesapeake Bay Drainage		Nitrogen	Phosphorus	Bacteria
4	Marshyhope	20%	25%	21%
5	Nanticoke	30%	50%	2%
6	Gum Branch			
7	Gravelly Branch			
8	Deep Creek			
9	Broad Creek			
10	Wicomico	NL	NL	NL
11	Pocomoke	55%	55%	28%
Inland Bays / Atlantic Ocean Drainage		Nitrogen	Phosphorus	Bacteria
12	Lewes / Rehoboth Canal	40% low reduction area, 85% high reduction area	40% low reduction area, 65% high reduction area	40% Fresh, 17% Marine
13	Rehoboth Bay			

Chesapeake Bay Drainage		Nitrogen	Phosphorus	Bacteria
14	Indian River	40% low reduction area, 85% high reduction area	40% low reduction area, 65% high reduction area	40% Fresh, 17% Marine
15	Iron Branch			
16	Indian River Bay			
17	Buntings Branch	31%	19%	
18	Assawoman	NL	NL	
19	Little Assawoman	40%	40%	

Source: DNREC.

State letter p. 23 Add DNREC language on stormwater management.

We will add the following text on page 34 under “Community Design Criteria”:

- Poor and natural drainage areas should be located early in the design process to save time and money by minimizing future design issues, protecting natural resources and reducing future drainage and flooding problems during and after construction.

State letter p. 24 Add new open space numbers DNREC provided.

We will revise the section entitled “State Land” “to read as follows:

DNREC’s Division of Parks and Recreation manages three Administrative Units in Sussex County, which include five state parks, seven nature preserves, and other recreation lands for a total of 14,265 acres. The State parks include:

- Cape Henlopen
- Delaware Seashore
- Fenwick Island
- Holts Landing
- Trap Pond

DNREC’s Division of Fish & Wildlife oversees State wildlife areas, ponds and other open spaces that comprise 19,969 acres in Sussex County. The Delaware Department of Agriculture’s Forest Service is responsible for Redden State Forest, which is primarily north of Georgetown. The Redden State Forest, at 9,500 acres, is the largest of Delaware’s three state forests and the only one in Sussex County. Sussex County recently contributed \$1.5 million towards expanding the boundaries of this State holding by 327 acres.

We will add the following sentence on page 38 under “Private Preserved Land and Land Under Conservation”:

In addition DNREC holds 17 conservation easements protecting 338 acres.

*State Letter p. 25 Add DNREC's description of wetland laws and clean water laws.
We will add the following text on beginning on page 25 under "Regulated Wetlands"*

However, recent court decisions have severely limited the Corps' jurisdiction over "isolated " wetlands.

Both tidal and non-tidal wetlands have extensive resource values. The location of these areas must be accurately determined by qualified professionals prior to any site plan reviews or before any County permits may be used. Wetlands protection is much more effective under state and federal laws if qualified professionals are involved in site design at the earliest possible stage . Qualified professionals should be informed on the status of relevant court cases and the regulations associated with state and federal programs—including but not limited to: The State of Delaware Subaqueous Lands Act, Delaware Wetlands Act, Water Quality Certification, and Coastal Zone Consistency.

- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) prohibits the construction or alteration of navigable waters of the United States without a permit from the Corps of Engineers.
- Section 404 of the Clean Water Act (33 U.S.C. 1334) . Section 301 of this Act prohibits the discharge of dredged or fill materials into waters of the United States without a permit from the Corps of Engineers.
- Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (33 U.S.C. 1414) authorize the Corps of Engineers to issues permits for the transportation of dredged material for the purpose of dumping it into ocean waters.

Other law may also affect the processing of applications for Corps of Engineers permits. Among these are the National Environmental Policy Act, the Coastal Zone Management Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Deepwater Port Act, the Federal Power Act, the Marine Mammal Protection Act, the Wild and Scenic Rivers Act, and the National Fishing Enhancement Act of 1984.

*State letter p. 27 Add TMDL reduction targets for all Sussex County all watersheds.
This information is added as noted above.*

*State letter p.31 Add DNREC language on the purpose of Working Forests.
We will add the following text to page 46 under "Resource Protection Strategies" (last bullet):*

The County understands that working forests have been (or will be) harvested to some degree, and that working forests are not necessarily managed for biodiversity or protection of critical

natural habitat. Nonetheless, Sussex County recognizes the value of conserving these areas in accordance with approved wood lot management practices.

State letter p. 36 Recommend that recreation areas in new developments be protected by covenants.

We will add the following text to page 55 under “Resource Protection Strategies” (first bullet , fourth sub-bullet):

In new developments, relevant ordinances should require that recreation lands open to public be protected by covenants.

State letter p. 40 Use DNREC language to describe DNREC’s regulation of on-lot septic systems.

Will replace the second sentence under “On-Lot Septic Systems” with the following text:

DNREC regulates holding tanks and requires annual inspections be performed which include a review of pump-out records.

State letter p.46 Revise discussion of open space in new development.

Will replace the fifth paragraph on page 117 under “Preserved Open Space Within New Developments” with the following text:

Trees should be planted in open space areas where appropriate. Landscape tree specimens should be planted in active open space areas where appropriate, particularly around playgrounds.

It may be desirable to allow a reduction in the amount of active open space if the developer provides substantial recreation facilities. However, if a pool, recreation center, or community center are built, significant forethought must be put into determining how these facilities will be operated, maintained, and funded.

State letter p.47 Add DNREC language on native vegetation and wetland crossings.

Will revise the discussion of Water Features on page 118 to read as follows:

As described in the Natural Features Element , wetlands and uplands along waterways should be preserved as passive open space . Existing native vegetation should be retained and additional native plantings should be considered in areas where natural vegetation is sparse.

To the extent possible trails should be constructed on upland areas. If a wetland must be crossed, the wetland crossing should be the shortest distance possible and the walkway should be elevated. In tidal wetlands, the boardwalk should be elevated to allow vegetation to grow under the boardwalk.

State letter p. 57 Add language about farm markets and other agri-business opportunities.

We covered this under the certification comments with new text describing the proposed agribusiness overlay.

State letter p. 58 Need to clarify that Sussex County has a sunset provision on approved but unbuilt subdivisions.

Will add the following text to page 11 as the last paragraph to “Pace of Development” :

Section 99-40 of the Sussex County Subdivision Ordinance stipulates that any major subdivision approval granted by the County is null and void unless substantial construction is underway within five years from the date the subdivision is approved.

A “major subdivision” is a subdivision proposing a new street or extension of an existing street. “Substantial construction” means that:

- right-of-way has been cleared;
- the roadway has been rough graded;
- drainage/stormwater facilities have been rough graded; and
- erosion control measures are in place and being actively maintained.

State Letter p.61 Incorporate information from the Sussex County CEDS Action Plan.

We will add the following text to page 90 under Economic Development Strategies:

The Economic Development Strategies identified above are consistent with the following items contained in the Sussex County Action Plan component in the State of Delaware Comprehensive Economic Development Strategy (CEDS).

- Maintain agriculture but diversify within the sector toward more value added products to cushion against potential disruptions in the dominate poultry segment.
- Maintain and enhance where possible the resort / visitor industry in the Beaches.
 - Market natural resources and quality of life and unique culture.
- Identify and plan for future growth industries:
 - Focus on less land use intensive industries.
 - Promote and foster entrepreneurship through education and entrepreneurial ventures that tap into and capitalize on the intellectual capacity of executive retiree population.
 - Focus on industries conducting research and development and other high value, knowledge based business activities.
- Provide for the development of the necessary infrastructure to provide a competitive

business environment.

- Ensure accessibility to and expansion of transportation, utility and information-technology services serving businesses.
- Provide for the development of affordable workforce housing and live near your work approaches.
- Emphasize infrastructure holistically and not focus solely on business parks.
- Identify regional strengths and opportunities with Kent County, the Maryland Eastern Shore and Virginia.
- Provide for the development of a sustainable, high quality workforce.

LAND USE PLAN CERTIFICATION ISSUES RESPONSE

FEBRUARY 21, 2008

1. Intergovernmental Coordination

A. Towns

1. Reviewed proposed plan with each of 25 towns
2. Sussex County Association of Towns meeting
3. Used town maps for future land use areas within and surrounding each town
4. Ongoing – County/Town Police Grant Program, Wastewater Agreements with Georgetown, Rehoboth, and Seaford, active SCAT member

B. State

1. DE Population Consortium demographic information
2. DNREC map
3. DNREC – SRA information and guidelines
4. Planning office staff at each of seven public meetings
5. DelDOT authored transportation element
6. Subsequent meetings and calls with State Planning, DNREC, DelDOT, Governor's Office
7. Ongoing coordination

8. State Police contract
 - a. 36 additional police - County contribution \$1.6 million
 - b. Bridgeville Adams-Ewing Public Safety Building - County contributed \$1.1 million
9. State Farmland Preservation Program – Since 2003 Sussex County is only government to contribute each year to purchase development rights. To date, County \$2.1 million for 2,471 acres
10. Wastewater
 - a. County works closely with DNREC to expand central sewer and eliminate septic systems – 2,985 during last five years
 - b. Regional Rehoboth wastewater solution – County working with Rehoboth & DNREC
11. DelDOT
 - a. Capital Transportation planning collaboration
 - b. Collaboration with wastewater projects; i.e. Rt. 26
 - c. County recommending use of special development district bonds for offsite infrastructure
12. Delaware Housing Authority
 - a. Regular coordination with Moderately Priced Housing Program
 - b. CDBG – Housing Rehabilitation Programs
13. Open Space – County contributed \$1.5 million towards

purchase of additional 327 acres for Redden State Forest

14. State Committee Participation – DeIDOT, storm water, Emergency Management, Geographic Information, Economic Development, Housing Authority, Clean Water Advisory Council, PLUS, Pollution Control Strategy, etc.

2. Growth Areas

- A. Growth areas centered around 25 municipalities where demand for infrastructure will be greatest, boundaries based on current zoning and town Comprehensive Plans for 25 municipalities.
 - a. Density Bonus Program
 - b. TDR Program to guide growth areas
- B. Growth areas include town centers, developing areas, environmentally-sensitive growth areas, and other growth areas.
 1. Environmentally-sensitive growth areas around the inland bays
 - a. Maximum allowable impervious surface regulation
 - b. No density can be transferred in from TDR's
 - c. Delete wetlands from lot size calculations used to determine density
 - d. Buffer incentives from tidal and nontidal wetlands and waterways, such as expedited review, density bonus and Center for the Inland Bays recognition.

C. Rural Areas

1. Protected lands – Government-owned or easements to keep property in open space for farming, 21% of County
2. Agriculture Preservation Districts
 - a. Voluntary agriculture zoning district with nuisance provisions
 - b. Agri-Business Districts
3. Strategies for preserving rural environment
 - a. TDR Program – from AR-1 zoning districts to sending areas within approximately 8-mile radius
 - b. County to continue purchasing farmland preservation easements – Sussex is first and only government to participate with State from beginning in this program, 2,471 acres for \$2.1 million in County funds
 - c. Voluntary agriculture preservation zoning districts and agri-business districts
 - d. Open Space Preservation Program – 10% of general fund net income committed to open space
 - e. Cluster Density Bonus Program to purchase open space
 - f. County open space purchase guided by Grand Preservation Loop, a green ribbon of inter-connected lands and trails, as recommended by Sussex County Land Trust

g. Additional recommendations to conserve more open space

1. Non-tidal Wetlands Buffer Ordinance
2. Incentives for larger buffers for inland bays area
3. Green storm water management regulation
4. Wellhead and Excellent Recharge Area Ordinance
5. Delete wetlands from density calculations in environmentally-sensitive area
6. Forest buffer requirements for developments adjacent to farms
7. Developers to provide recreation facilities and trails
8. Strengthen open space definition ordinance
9. Incentives for Green architecture, site design, and storm water
10. Requirements for more trees along streets and parking lots
11. For new developments, natural areas protected by easement requiring maintenance in natural state and demarcation of area identified as a natural environmental area

D. Growth impact strategies

- a. Continued aggressive County program to expand central sewer – Angola, Johnsons Corner, and Oak Orchard Expansion, as well as more new projects, such as Golf

Village and Miller Creek Expansion

1. County wastewater expansion from 3,000 connections in 1978 to over 55,000 today.
 2. County regulations to prohibit private sewer service providers from operating within designated County sewer service areas.
 3. Continued coordination with DelDOT with capital transportation program including coordination with wastewater expansion.
 4. Create Special Development Tax Districts to fund off-site infra-structure, such as roads and intersections requested by DelDOT.
- E. Sub-area plans for selected parts of County to examine available and future infrastructure needs, including Delmar
3. Capital Improvement Program 2008- 2012- Part of the County's Annual budget is the Capital Project Program for the upcoming five fiscal years.
 - A. Non-sewer and water projects in current Plan
 - a. Airport extending main runway including clear zone – \$21 million over next five years, needed for economic development in Sussex County
 1. PATS/DeCrane has grown from 50 jobs in 1997 to over 600 today.
 2. Extending the runway from 5,000 to 6,000 feet will provide additional jobs by enabling larger planes to land at airport.

- b. Other Airport/Industrial Park improvements
 - 1. Construction of crosswind runway – \$4.4 million
 - 2. Water system - \$2,500,000
 - 3. Industrial Park expansion - \$1 million
Other - Storm water improvements, wetlands mitigation, perimeter fence upgrade, tie-down ramps
 - c. County Administration Building expansion – \$22 million needed for expansion of County government.
 - d. County Administration Records Storage Program – \$100,000
 - e. Library expansions
 - 1. Greenwood Library - \$2.3 million; South Coastal Library - \$6.5 million - construction underway now; Milton Library 2nd floor
 - f. Emergency Operations Center
 - 1. New communications building – \$1.5 million
 - 2. Completion of new center
 - g. Landfill post-closure costs - \$2.7 million
- B. Water and Sewer Projects – New project expansions recently approved via referendum and public hearings
- 1. Angola Sewer District - \$35.6 million
 - 2. Oak Orchard Expansion - \$14 million
 - 3. Johnsons Corner Expansion - \$13.7 million

a. Construction of new sewer expansion projects

previously approved – Miller Creek Sewer District - \$10 million; Oak Orchard Sewer - \$750,000; Millville Sewer District \$29.6 million; Pinetown Sewer Extension - \$600,000; Dagsboro-Frankford Prince Georges Acres - \$800,000

C. Treatment Plant Expansions

1. Piney Neck Treatment Plant serving Dagsboro-Frankford area \$10.2 million; Inland Bays Regional Wastewater Facility Expansion - \$26 million; West Rehoboth Sewer Treatment Expansion - \$22 million

2. Other expansion projects planned for the future – Western Sussex Sewer District - \$20 million; South Coastal Regional Wastewater Facility Pump Station No. 30 - \$13.2 million; other capital projects to maintain and improve existing system, including SCADA, Administration Maintenance Building, pumps, pole barn, upgrade controls at stations, lower manholes, etc.

4. Population Projections and Demographic Information - Sussex County is projected to be the fastest-growing County in the State. Demographics project graying of population base, more racial diversity, growth in seasonal housing.

A. Implications for County planning

1. New schools and school expansions – although population is up 35% over previous ten years, public school enrollment grew 7.7%. School property tax revenues increased 122%. This reflects graying of County's population.
2. New sewer and water services – water service primarily provided by towns and private providers in Sussex County.

County aggressively expanding sewer with construction underway to replace 2,130 septic systems. New projects approved in 2007 will replace an additional 2,500 septic systems.

3. Traffic congestion continued problem with need for more coordination.
 - a. Sub-area planning in the hope of providing funding for future improvements.
 - b. Special Development Tax Districts for off-site improvements.
4. Social, Health and Security Needs
 - a. Expansion of hospital medical facilities must be encouraged. County continuation of grant programs for human service, paratransit, and senior programs. Continued expansion of County paramedic program. Continuation of expanding supplemental State Police program providing 36 additional State Police officers in Sussex, which will expand to 52 in four years.
5. Demand for affordable housing. Moderately-Priced Housing Unit Program, RFP released for new applicants.
 - a. Expansion of program to include previously-approved developments.
 - b. Affordable housing rental program to be developed.

5. Public Process and Public Meetings

- A. Public meetings during January and February 2007 at Greenwood, Lewes, Seaford, Selbyville, and Bethany Beach.
- B. Two public meetings September 2007 – Rehoboth Beach

and Laurel.

C. Meetings with each of Sussex County's 25 municipalities.

D. Meetings with organizations and individuals at their request including conservationists, Center for the Inland Bays, farm organizations, manufactured housing Representatives, developers, realtors, etc.

E. Public comments received in written form, as well as on website.

F. Recordings of public meetings posted on website.

G. Public meeting concerns

1. Property rights

2. Control growth

3. Reduce traffic congestion

4. Unknown implications of State Resource Area legislation.

5. Protect environment

6. Integrate County's Growth Strategy

A. Summary Overview Section which will note recommended items such as

1. Sub-area planning

2. Controlling private sewer providers

3. Continued expansion of County wastewater service

4. Special Development Tax Districts for off-site infrastructure
5. TDR's
6. Agriculture zoning and agri-business zoning
7. Incentives for additional wetland buffers
8. Tightening of open space definition within developments
9. Superior design definition

B. List of 23 ordinances needed to implement the Plan:

1. Agricultural Zoning District (p. 25)
2. SRA Documentation and Review (p. 30)
3. Remove Barriers to Manufactured Housing (p. 33 and p. 81)
4. Definition of "Superior Design" (p. 33)
5. Density Bonus for Cluster Development (p. 34)
6. Revised Community Design Standards (p. 33 and elsewhere)
7. Revised Definition of Allowable Open Space (p. 33 and elsewhere)
8. Locally Formulated TDR (p. 27 and p. 28)
9. Green Storm Water Management (p. 45)
10. Wildlife Habitat Protection (p. 45)
11. Added Environmental Protection for ES-1 (p. 45)

12. Revised Forest Buffers (p. 46)
13. Requirement for Recreation Facilities and/or Trails in Larger Developments (p. 55)
14. Wellhead Protection (p. 45 and p. 59)
15. Public Sewer Providers in Designated County Sewer Service Areas (p. 72 and p. 73)
16. Reauthorize and Revise Moderately Priced Housing Unit Program (p. 80)
17. Agribusiness Zone (p. 89)
18. Demolition of Historic Structures (p. 101)
19. Traditional Neighborhood Development (p. 109 and p. 110)
20. Development Standards Re: Maximum Building Setbacks, Buffering and Landscaping Green Site Design (p. 116, p. 118 and 119)
21. Strengthened Cluster Development Regulations (p. 116 and p. 117)
22. Sign Controls (p. 121)
23. Buffer incentives to meet Center for Inland Bays recommendations

7. Maintain Rural Areas

- A. Provide additional funding for existing County programs including
 1. Purchase of Development Rights

- 2. Purchase of open space
 - 3. Density Bonus Program
- B. Proposed Transfer Development Rights Program
- C. Incentives for large buffers to waterways and wetlands
- D. Open space in developments
 - 1. Improve definition
 - 2. Demarcation of environmental areas
- E. Agriculture preservation overlay zone – voluntary zone for agriculture
 - 1. Limited residential use
 - 2. Nuisance protections
 - 3. Property taxes reduced
- F. Agriculture Business/Industry overlay district – special voluntary district to encourage and include large scale agriculture operations, such as feed mills
 - 1. Reduce residential capability
 - 2. Larger minimum tract sizes and setbacks
- 8. Coordination with DNREC
 - A. The County has met on January 7th, January 23rd, and February 14th, 2008 with DNREC to discuss issues of concern.
 - B. The County regularly meets with DNREC on issues, such

as wastewater expansions, funding new wastewater projects, pollution control strategy, regional wastewater solutions, storm water issues, etc.

9. Source Water Protection Ordinance

A. The County Council discussed the Source Water Protection Ordinance draft at the February 12 and February 5, 2008 County Council meetings. A Public Hearing was held in December 2007 regarding the Ordinance as proposed by the Source Water Committee. On February 20, 2008 the Source Water Protection Committee will again meet to discuss proposed changes. On February 26, 2008 at the next County Council meeting, this topic again will be addressed.

B. Public water data tables will be included.

10. State Resource Area Guidelines – Additional information regarding SRA's will be included in the Plan.

- a. Information regarding State Resource Areas including definitions, why they are important, etc. will be included.
- b. Eight conservation strategies from Secretary John Hughes' January 19, 2007 letter are included.
- c. The County agrees to
 1. Include SRA map in zoning ordinance
 2. Require development applications to show location of SRA land plans
 3. Review how SRA lands are proposed to be used on development plans
 4. Review SRA maps in making decision about open space

lands for permanent preservation by the County

5. Initiatives to provide preservation of valuable resources, such as incentives for larger buffers for waterways, identification of environmentally-sensitive areas within developments, encouragement for green infrastructure, regulations to help protect wildlife habitat, etc.
 6. Efforts by Sussex County to provide additional information regarding programs and means to conserve natural resources.
 - a. A brochure listing available programs and contact information for USDA, Delaware Agriculture Lands Preservation Foundation, Delaware Wild Lands, Inc., Sussex County Land Trust, Nature Conservancy, US Fish & Wildlife, Delaware Forest Land Preservation Program, Ducks Unlimited, Sussex Conservation District, US Forest Service Legacy Program. This information is also available on the County website.
11. Housing Strategy Discussion –Revision of Chapter includes the following:
- a. MPHU Program to include previously-approved developments where feasible, without bonus density or expedited review.
 - b. Request for proposals from developers for new MPHU projects.
 - c. Continue to further work with developers to undertake affordable housing projects, such as Capstone Homes.
 - d. Continue to aggressively support Community Development Block Grant Program including County \$100,000 per year contribution towards rehabbing homes, as well as \$325,000 per year contribution for administrative costs for the

program.

- e. Create moderate-priced rental unit program to provide affordable rental housing in Sussex County.
 - f. Continue County monetary support for programs, such as Habitat for Humanity, West Rehoboth Land Trust, Interfaith Mission, First State Community Action, NCALL, Milford Housing Development Corporation, Diamond State Land Trust, etc.
12. Correct references and expand discussion regarding Strategies for State Policies and Spending. References will be corrected and additional description of Investment Levels 1-4 will be included, as recommended.
13. Other Non-certification Issues
- 1. Other suggestions included in the PLUS response will be addressed in the Draft Plan.