THE SUSSEX PLAN

SUSSEX COUNTY COMPREHENSIVE PLAN

COUNTY COUNCIL WORKSHOP

October 15, 2018

TODAY'S WORKSHOP

- PLUS Comments Review
- Next Steps

PLUS COMMENTS OVERVIEW

- **3 Types of PLUS Comments:**
  - **General Comments** – Acknowledgements and Commendations
  - **Recommendations** – Office of Planning Coordination provided non-certification comments for the County to consider
  - **Certification Comments** – Comments provided by the State prior to Plan certification to promote consistency with Delaware Code
- **Comments are organized into 5 Categories:**
  1. No Response Required
  2. Accepted by Staff
     - Legal, P&Z, Admin, County Engineering, CD&H, Economic Development, etc.
     - Staff accepts text, table, map updates, or has appropriate response
  3. Comment would be addressed as part of Plan Implementation
  4. Requires input from Council
  5. Other
- Comments are referenced by the number listed on the PLUS comments side-by-side provided to Council on October 9.

PLUS GENERAL COMMENTS

PLUS COMMENT REVIEW

PLUS General Comments – No Response Required

- **Office of State Planning Coordination**
  - Comment reiterated the purpose of the Plan, and indicated the stated Goals, Objectives, and Strategies would provide the right balance between growth and preservation during Plan Implementation

- **Department of Transportation**
  - Comment indicated appreciation for working with the County on Plan development and is committed to Plan Implementation

- **State Historic Preservation Office**
  - Comment indicated appreciation for the inclusion of additional information and detail in the Historic Preservation element, and supports collaboration efforts between Historic Preservation officials and the County

PLUS RECOMMENDATION COMMENTS

PLUS COMMENT REVIEW

PLUS Recommendation – Comments Accepted by Staff

- **Future Land Use**
  Comments 14, 15, 17, 21, 23

- **Conservation**
  Comments 24, 26, 27, 28, 29, 30, 31, 32, 35, 36

- **Utilities**
  Comments 46, 47, 50

- **Housing**
  Comments 54, 55, 56

PLUS COMMENT REVIEW

PLUS Recommendation – Comments Accepted by Staff

- **Economic Development**
  Comments 57, 58, 59, 60, 61, 62, 63, 67, 69, 70, 72, 73, 74, 76, 77
- **Historic Preservation**
  Comments 83, 84, 85
- **Intergovernmental Coordination**
  Comment 87
- **Community Design**
  Comment 94
- **Mobility**
  Comment 97

PLUS COMMENT REVIEW

PLUS Recommendation – Comments for Implementation Stage

- **Future Land Use**
  Comments 13, 18, 19, 20

- **Conservation**
  Comments 24, 25, 32, 37, 38, 39, 41, 42, 45

- **Utilities**
  Comments 48, 49, 51, 52, 53

- **Housing**
  Comment 56

PLUS COMMENT REVIEW

PLUS Recommendation – Comments for Implementation Stage

- Economic Development
  Comments 61, 64, 65, 66, 68, 75, 78, 79
- Historic Preservation
  Comments 80, 81, 82
- Intergovernmental Coordination
  Comment 86, 88
- Community Design
  Comments 90, 92, 93, 95, 96

PLUS COMMENT REVIEW

PLUS Recommendation Comments – For Council Discussion

- 12. Chapter 4 – Future Land Use

Comment: Growth areas are identified around town annexation areas. It is important for the County to develop these areas with respect to the town plans for the future and with compatibility to the existing town. This can be done in many ways, including MOAs with the towns or with master planning of the areas before development is approved. The State encourages the County to begin working with the towns immediately upon adoption, and before development applications are received, to determine future growth scenarios that will complement the town's future growth areas.

Response: Chapter 11 Intergovernmental Coordination includes strategies to improve County coordination with municipalities. It is important for the municipalities to be involved with the implementation of the Plan. Additionally, per Chapter 12 Community Design, the County encourages master planning and small-area planning.

PLUS COMMENT REVIEW

PLUS Recommendation Comments – For Council Discussion

- **16. Chapter 4 – Future Land Use, Goal 4.2 Ensure quality growth and development by planning and developing infrastructure and services in the County to complement State and local planning efforts.**

Comment: Many towns are already focusing on resiliency. The County should add an objective or strategy for an ordinance to ensure that County development in the growth areas around towns should match the current town standards on resiliency.

Response: The County will work with municipalities to promote development that is compatible with local goals and objectives both in terms of development and preservation.

Objective 4.4.1 currently states: Ensure that new development complements the character of the existing surrounding communities.

PLUS COMMENT REVIEW

PLUS Recommendation Comments – For Council Discussion

- 33. Chapter 5 – Conservation, Section 5.2.4.4 Floodplains and 5.2.4.6 Severe Storms

Comment: Missed an opportunity to more fully describe and address flooding issues in this section and in Chapter 7's stormwater management section. Both sections should include a discussion of the effects of climate change in areas increasingly subject to flooding in Sussex. Sea level rise and increasing heavy precipitation events caused by climate change put more residents at risk to flood events and will increase the need for infrastructure upgrades and repairs.

Response: The County acknowledges the frequency of severe weather events and rising sea levels may increase over time, which would be addressed through the implementation of Hazard Mitigation Plan recommendations and strategies to increase stormwater management facilities, promote open space conservation, and site hardening to prevent future damage.

PLUS COMMENT REVIEW

PLUS Recommendation Comments – For Council Discussion

- 34. Chapter 5 – Conservation

Comment: The discussion of the Hazard Mitigation Plan are appreciated, however, hazard mitigation plans focus on mitigating existing flooding risks, while Comprehensive Plans can be used to reduce future risk by ensuring development and infrastructure are located in the most appropriate areas.

Response: The County will take into account the state's SLR forecast model when planning for new development or infrastructure in coastal areas and when considering new development within at-risk or sensitive areas where SLR is imminent.

PLUS COMMENT REVIEW

PLUS Recommendation Comments – For Council Discussion

- 40. Chapter 5 – Conservation, 5.4.5 Other State Initiatives

Comment: This section should include a paragraph about initiatives to prepare the state for climate change. Specifically, this section could highlight Delaware Climate Change Impact Assessment and the Recommendations to Adapt to Sea Level Rise in Delaware.

Response: The County can include similar language from prior comments that acknowledges the frequency of severe weather events and rising sea levels may increase over time, which would be addressed through the implementation of Hazard Mitigation Plan recommendations and strategies to increase stormwater management facilities, promote open space conservation, and site hardening to prevent future damage.

PLUS COMMENT REVIEW

PLUS Recommendation Comments – For Council Discussion

- **43. Chapter 5 – Conservation, Objective 5.3.3 promote techniques and activities that protect and enhance water quantity.**

Comment: DNREC encourages the County to be proactive and include more specific "actionable" strategies to attain the TMDL nutrient and bacteria reductions necessary for restoring water quality and "beneficial uses" (e.g.: fishing, swimming, & drinking water) to waters of the Inland Bays drainage basin, Inland Bays drainage basin, and the Delaware River drainage basin. To this end, DNREC recommends that the County consider the following strategies … See page 11, last bullet of PLUS review

Response: The strategies listed would be addressed during Plan Implementation. We suggest the inclusion of the following strategy:

Coordinate with DNREC to establish practices and ordinances that help to reduce TMDL nutrient and bacteria.

PLUS COMMENT REVIEW

PLUS Recommendation Comments – For Council Discussion

- 48. Chapter 7 – Utilities, Section 7.2.3 Water Supply Protection

Comment: The text of the Plan states that the County is considering a review of the existing source water ordinance to determine if modifications are needed. It goes on to say that that avoiding contamination to water supply wells and limiting land use activities and impervious surfaces around public wells are means to achieve protection of the sources of the County's drinking water supplies. In order to achieve these goals, the Department recommends the County consider additional measures to improve and address water quality, to be more protective of the resource. In addition, the existing County ordinance has no provision to reduce impervious cover during redevelopment.… see page 13 for full comment.

Response: The recommendation would be addressed during Plan Implementation. The County will consider this when reviewing the existing Source Water Protection Ordinance.

PLUS COMMENT REVIEW

PLUS Recommendation Comments – For Council Discussion

- **82. Chapter 10 – Historic Preservation, Objective 10.1.4 Mitigate the negative effects of proposed development on significant historic resources in the County**

Comment: Consider including ways to encourage avoidance (and not just mitigation) of effects.

Response: This may be addressed during Plan Implementation. However, Council may consider an updated objective:

Objective 10.1.4 Reduce or Mitigate the negative effects of proposed development on significant historic resources in the County.

PLUS COMMENT REVIEW

PLUS Recommendation Comments – For Council Discussion

- 86. Chapter 11 – Intergovernmental Coordination, 11.5 Intergovernmental Coordination and Plan Implementation Priorities

Comment: It is recommended that the County include a paragraph or table that prioritizes the objectives in some manner – possible by what goals and objectives the County will make your top priority over the next 6 months; I year; 2 years, etc. Page 3.5 states that the County will create an implementation plan one the plan is adopted; however, we encourage the County to set the implementation before adoption and add it as part of the plan.

Response: Suggest acknowledging this comment, and addressing prioritization of Goals, Objectives and Strategies during Plan Implementation. With Council approval, staff can include additional language providing more information on the prioritization process and timeframes for Implementation.

PLUS CERTIFICATION COMMENT

PLUS COMMENT REVIEW

PLUS Certification Comments – Accepted by Staff

- **Planning Process**
  Comment 5
- **Future Land Use**
  Comment 7, 8
- **Conservation**
  Comment 9, 10
- **Utilities**
  Comment 11

PLUS COMMENT REVIEW

PLUS Certification Comments Council Action Required

- 6. Chapter 4 – Future Land Use

Comment: As written, the proposed Future Land Use Plan chapter is prohibitive to medium to high density residential development in areas where the acute need for affordable housing is well documented and the County's stated intent is to encourage most concentrated new development, including higher density residential development. The only criteria for medium and high density should be its location on central water/sewer, and proximity to job centers. Including these criteria in an adopted Comprehensive Plan will provide legal justification to deny the development. (see PLUS review page 3 – 4 for full comment)

Response: The vast majority of Areas of Opportunity identified in the DSHA's 2016 study exist within Coastal Areas with an underlying zoning of AR-1 which is not compatible with the needed densities to provide the opportunities in question. Based on evaluation of land use change from 2001 – 2011, the volume of growth within the region is not expected to be that significant.

As identified in the FLU map, the proposed recentering of economic growth to areas that are more infrastructurally compatible and reflect the values of local stakeholders should refine the locations of stated Areas of Opportunity. These additional areas will allow for higher density growth at a greater mixed use and at a lower cost than those found in the Coastal Areas.

OTHER PLUS COMMENTS

PLUS COMMENT REVIEW

Other PLUS Comments – General

- Mobility

  Comment from DART: Reduction of ridership is a major challenge, but this is a symptom of a problem, not the problem itself. The challenges are a lack of transit infrastructure, including appropriate roadway widths, low-density land uses, distances between Town Centers, and transit unfriendly designs

  Response: The Plan includes strategies to create more transit compatible communities that are located near destinations and promotes development that would allow for a mixing of uses and alternative modes of transportation to be included in community design. Any changes to roadway infrastructure widths, and the inclusion of specific transit infrastructure would need to be planned in coordination with the State.

PLUS COMMENT REVIEW

Other PLUS Comments – Recommendation

- 44. Chapter 5 – Conservation, Objective 5.3.5
  - **Comment**: Reduce flooding and erosion. DNREC would like to see special considerations regarding the placement of any future Underground Storage Tanks or Above Ground Storage Tanks in an area vulnerable to climate change and storm surge.
  - **Response**: This can be addressed during Plan Implementation. Staff needs to determine whether USTs are solely a state/DNREC responsibility/issue

- 91. Chapter 12 – Community Design
  - **Comment**: Section 12.3.2 Lighting: DNREC would like to remind the County of the energy savings potential of LED lights and would encourage all new street lights utilize this technology.
  - **Response**: The Plan encourages the use of green technologies and infrastructure. The inclusion of LED streetlights are just one of many tools that promote long-term energy savings.

NEXT STEPS

NEXT STEPS

- Tuesday, October 23 – Public Hearing
- Submit updated Plan and PLUS response letter to Office of State Planning Coordination (OSPC requires 20 working days to complete review)
- Fall 2018 – Council adopts plan as final, pending certification

NEXT STEPS

Plan Certification Process

- OSPC submits final Comprehensive Plan report and recommendation to the Cabinet Committee on State Planning Issues for its consideration
- Within 45 days of the receipt of the Plan, the Cabinet Committee shall issue its findings and recommendations and shall submit the Plan to the Governor or designee for certification.
- Within 20 days of receipt of the findings and recommendations from the Committee, the Governor shall accept the Plan for certification or return it to the local jurisdiction for revision. The local jurisdiction shall have the right to accept or reject any or all of the recommendations as the final decision on the adoption of the Plan is up to the local jurisdiction.
- The Governor shall issue a certification letter to the County. The certification date shall be the date of official adoption by the County.