



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

September 20, 2018

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Sussex County
Planning and Zoning Director
2 The Circle
Georgetown, DE 19947

RE: PLUS review 2018-08-11; Sussex County Comprehensive Plan

Dear Janelle:

Thank you for meeting with State agency planners on August 22, 2018 to discuss the Sussex County comprehensive plan. State agencies have reviewed the documents submitted and offer the following comments. Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting.

Congratulation to the county on completing your draft plan. After reading the plan it is clear the amount of time and effort that went into the plan. The County's outreach efforts, from the focus groups, the numerous public workshops, and monthly public comments at Planning and Zoning meetings kept the public engaged through the entire process. As the county has many seasonal residents, it was important the people could comment both on-line or in person.

The certification comments in this letter are based on a review by OSPC and agency staff which was guided by the county comprehensive plan requirements as embodied in the "Quality of Life Act" (9 Del. C § 6956). Comprehensive plans are complex documents that are developed to meet the unique needs and vision of each local jurisdiction. When responding to these comments, it is acceptable to point out applicable plan sections that the reviewer may have missed, or plan text or maps from multiple chapters that can address the Del. C. requirements.

General Comments:

- From the Office of State Planning Coordination: The plan lays out a growth scenario to 2045 which include both permanent and seasonal population growth and plans for over 20,000 new homes (permanent and seasonal). With that in mind Sussex County is home

to many important environmental features such as the beaches, the wetlands, vast forested areas, and habitats for a vast array of plant and animal species. Talking with residents of the county it is these exact features coupled with the rural farming areas west of the beach areas that brought them here for vacation or retirement living. It is these features that will continue to bring new residents to this area; therefore, it is important that the County balance the need for additional house with the protection of our most valued resources.

Looking at the Objectives, Goals, and Strategies it appears that the County is willing to make the effort to find these balances. It is imperative that the county follow through with the goals, objectives, and strategies set forth in the plan to help preserve the environmentally sensitive features in the county and to protect the towns from the burden of growth they have not planned for at this time.

It is only by the follow through of these goals, objectives, and strategies that the county will give the citizens the quality of life they have been promised during the drafting and approval of this plan.

- From the Department of Transportation: DelDOT appreciates the opportunity to work with the County on this Plan and looks forward to working with the County on implementing it.
- From the State Historic Preservation Office: The updated Comprehensive Plan includes a greatly expanded section on Historic Preservation (Chapter 10), which highlights the role of the Historic Preservation Planner and recent accomplishments. The chapter gives a summary of the county's history, includes a list of over one hundred-forty-five National Register listings and discusses preservation partners in greater detail. This chapter underscores the importance of successfully collaborating with others to achieve common goals. The plan also includes a list of organizations and programs that may offer assistance in preserving historic properties.

The updated Comprehensive Plan also mentions ways they can protect historic properties (restoration through historic preservation tax credits, adaptive reuse and preservation ordinances) and identifies municipalities in Sussex that established Historic Districts, some of which have local protection ordinances.

- Per DART, the County discusses a reduction in ridership as being a major challenge, but this is a symptom of a problem, not the problem itself. The challenges should be revised to a lack of transit infrastructure, including appropriate roadway widths, low density land uses and distances between town centers, and transit unfriendly designs.

Certification Comments: These comments must be addressed in order for our office to consider the plan update consistent with the requirements of 9 Del. C § 6956 and 29 Del Code §9103

Certification Issues by chapter

Chapter 3 – The Planning Process

- 3.4.1 Plan Review, Approval and Adoption - Text should be changed to reflect that the Cabinet Committee on State Planning Issues has the final review and recommendation to the Governor for County plans. Code language regarding adoption is at the end of this letter.

Chapter 4 – Future Land Use

- In accordance with 9 Delaware Code §69, DSHA reviewed the draft 2018 Sussex County Comprehensive Plan to determine how the County incorporated the State’s goals, policies and strategies as they relate to affordable housing. DSHA has the following certification concern.

9 Del Code §6956 (g) (1) and §6956 (g) (6) (d): ***The Future Land Use Map does not adequately show the distribution, location and extent of the various categories of land use. 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 Plan narrative encourages the most concentrated forms of new development to Growth Areas – which include Town Centers, Developing Areas, and Coastal Areas. The goal to “expand affordable housing opportunities, particularly in areas near job centers and DSHA-defined Areas of Opportunity” is included in both the Future Land Use and Housing Chapters. Areas of Opportunity are strong, high value markets, offering economic opportunity, high performing schools, and supportive infrastructure. However, these same areas contain little affordable housing. Encouraging affordable housing in Areas of Opportunity provides close proximity to job centers, quality education, and resources that help households succeed. *It is important to note that the Areas of Opportunity closely align with Coastal Areas.*

Affordable housing development is contingent on a land use framework where medium and higher density is permitted *by right*. Otherwise, considerable public opposition to new development, particularly multi-family, will stop the development from proceeding. Below shows the proposed treatment of medium to high density (4 to 12 dwelling units per acre) residential development for the following land use classifications for Growth Areas.

Town Centers: Medium to high density is encouraged via a mix of housing types including medium to high density. The proposed Future Land Use Map locates Town Centers near Milford, Milton, Selbyville, and Delmar.

Developing Areas: Medium to high density is appropriate, but not for all locations. The proposed Future Land Use Map locates Developing Areas mostly on the County's western side and down central 113 corridor and none in Areas of Opportunity. There are additional conditions for medium to high density – central sewer, sufficient commercial uses, similar surrounding density, similar to the surrounding uses, adequate LOS or not negative impact to the LOS, and along the main road and or near a major intersection.

The only criteria for medium and high density should be its location on central water/sewer, and proximity to job centers.

Coastal Areas: Medium to high density residential is not appropriate for all locations. According to the proposed Future Land Use Map, Coastal Areas are on the eastern side of the County and align with DSHA's Areas of Opportunity – an area that the County states they want to expand affordable housing opportunities and where the need for affordable housing is most critical. In addition to the above statement, there are several additional conditions – central sewer, sufficient commercial uses, within Level 1 or Level 2 *Strategy for State Policies and Spending*, similar surrounding density, similar to the surrounding uses, and along the main road and or near a major intersection.

The only criteria for medium and high density should be its location on central water/sewer, and proximity to job centers. Applying additional criteria to medium and high density development to be similar to the surrounding density and surrounding uses in a resort area of mostly single-family detached units will almost certainly prohibit proposals that enable affordable housing. Including these criteria in an adopted Comprehensive Plan will provide legal justification to deny the development.

Facilitating affordable housing for current and future residents is a federal, state *and local issue*. At a time when Federal resources for housing are diminishing, this is especially critical given the tremendous need for affordable housing within Sussex County's Coastal Area - particularly for the many employees commuting in from western Sussex County. Strong market forces and limited land do present challenges to affordable housing. However, the County has a powerful mechanism in an adopted land use framework that can and should reasonably permit, if not proactively encourage, medium and high density development (defined by the County as 4 to 12 dwelling units per acre) which will then increase the likelihood that affordable housing can realistically occur. DSHA requests the County to revise the Future Land Use Plan and corresponding maps to ensure adequate sites for future housing, including affordable housing can be provided in accordance with 9 Del. Code §6956 (g)(1) and §6956 (g)(6)(d).

- The Future Land Use section must include a future land use plan element designating proposed future general distribution, location and extent of uses of land for such activities as residential, commercial, industry, agriculture, recreation, conservation, EDUCATION, PUBLIC BUILDINGS and grounds, other public facilities and other categories of public and private uses of land. Please identify where and how the land use

plan addresses “schools” and “public buildings and grounds, and public facilities,” including anticipated requirements for future public facilities.

- Future Land Use Map - There are three shades of green on the FLU map - Protected lands, AG Districts, and Ag Easements. According to table 4.5.2 protected lands include agricultural preservation easements. This should be clarified on the map or in the table to be consistent.

Chapter 5 – Conservation

- The Delaware code section, page 3 of our checklist asks for the identification of a long list of resources. Please indicate where and how the plan identifies these resources, specifically habitat areas, geological areas, ocean beaches, soils and slopes.

Chapter 6 – Recreation and Open Space –

- Map 6.2-1. Beaches should be identified on the map

Chapter 7 - Utilities

- 7.3 - The plan must contain a water and sewer element correlated to the principles and guidelines for future land use, indicating ways to provide for future wastewater disposal for the area. This plan has referenced the need for 18,458 new dwelling units for permanent residents and 2,200 new for seasonal residents. Please clarify that the county will have adequate sewer capacity for the planned future growth of the county. The State would like to verify that you have planned for the accommodation of future growth through existing or planned utilities keeping in mind the consideration of expected environmental changes. **As part of this discussion the county should include their Sewer Service Area map.**

EXAMPLE: It is expected that the county will lose capacity at Wolf Neck plant in the future due to Sea Level Rise – is there a plan in place to move that capacity?

Recommendations: Our office strongly recommends that the County consider these recommendations from the various State agencies as you review your plan for final approval.

Recommendations by chapter

Chapter 4 - Future Land Use

- The County has defined their growth areas around towns which included most, if not all of the towns identified annexation areas. The state supports growth around town; however it is important to note that many of our towns set both short and long term annexation areas to ensure services are available as the town grows. The towns hope to

grow to that areas someday but set the annexation areas as a way to control the future development of the town. The County growth areas around the towns, with proposed densities of 2-12 unit to the acre will be higher density than many towns are not prepared for at this time and any new homes, whether in the town limits or just outside, will use the infrastructure of the town (police, fire, roads, etc.). 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 which will neighbor the new development. 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.

- The maps can be difficult to read at scale in plan or on-line. The county should consider an interactive map once the final plan is certified.
- 4.4.2 Strategies for State Policies and Spending - - It is recommended that the County add the following at the end of the discussion on the Strategies document;

It is important to note that the maps contained within the Strategies for State Policies and Spending document are not "parcel-based," so it is still necessary to thoroughly investigate the constraints of particular land parcels, even though they may be contained in one of the growth-oriented investment levels of the *Strategies for State Policies and Spending*. For example, if a parcel is in Level 1 but contains extensive wetlands it may not be suitable for dense development or state infrastructure investment. It is equally important to note that while this document and map series directs state investments, it is not a land-use plan. In Delaware, the state has delegated land-use authority to the local governments. Any land-development activity must be in compliance with comprehensive plans and meet all of the relevant codes and ordinances of local jurisdictions.

- Page 4-14, 4-15, and 4-17 Infrastructure bullet: It is recommended that the words 'provided a septic permit can be approved' be added to the end of the sentence if central utilities are not possible, permitted densities should be limited to two units per acre
- Goal 4.2 - 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.
- Map on pg. 4-23: Please note that the future land use designation for Industrial Areas around Millsboro include portions of the state Coastal Zone. The state Coastal Zone Act prohibits new heavy industrial development in this area. There is grandfathered industrial activity there today, any future development must be consistent with the Act.

- Strategy 4.1.4: DNREC supports redevelopment efforts and can provide information about the various state brownfield programs to assist with this goal.
- Goal 4.3: DNREC supports this goal, and can provide assistance in ordinance development. In addition, there may be funding available for these activities.
- Goal 4.4: DNREC supports infill and redevelopment strategies that relieve development pressure outside of growth zones, as well as continued brownfield redevelopment. DNREC has specific programs to advance such efforts and we encourage you to partner with us on redevelopment programs.
- Figure 4.2-2 Developed and Protected Land (Page 4-3): The parcels enrolled in the State's Agricultural Lands Preservation Program change frequently. Please contact the Department's GIS Coordinator Jimmy Kroon for the latest update layer (698-4533).
- 4.4 Future Land Use Plan (Page 4-8 and 4-9): The Department appreciates and supports the county's commitment to promote farming and agribusiness. It also supports the county's recognition of agricultural areas and farms enrolled in the state's Agricultural Lands Preservation program when designating rural versus growth areas in the county.
- Page 4-18: The department appreciates the support of farmland preservation, agribusiness, and agricultural protections mentioned on this page.

However, the Department of Agriculture would further encourage the county mention the specific protections afford to all eligible farmland located in the county somewhere in the plan as well (perhaps a footnote or strategy following page 4-27 or Page 12-12; 12.3.16 "Buffering and Landscaping"). Specifically, the protections granted in Sussex County Code (§99-6 General Requirements and restrictions (G)(1) and (2); the forested buffer requirement for developing properties adjacent to agricultural farmland mentioned in Sussex County Ordinance §99-16 (D) "Suitability of land; preservation of natural features".

Chapter 5 – Conservation

- 5.2.4.6 Should be changed from Severe Storms to Severe Weather. Periods of Extreme Heat and Extreme cold should also be considered under this section - - Does the County have cooling stations or places to go if there are several days of extreme cold? Do you have programs that contact older residents to check in during these times? Do you have a plan for mitigation of brief large rainfalls such as the ones many have experienced this summer. Are these items in your Hazard Mitigation Plan? The state recommends a broader discussion on the Hazard Mitigation Plan in the conservation section, to discuss what exactly is in the hazard mitigation plan and to include how the county will use the Hazard Mitigation Plan information to balance the proposed growth over the next 10-30 years with the protection of sensitive areas.

- Objective 5.1.4: One strategy to meet the goal of coordinating with governmental and non-governmental agencies to identify and protect natural resource habitat is to add appropriate properties to the inventory of protected lands in Sussex County, particularly to link together existing state-owned forests and existing open space. DNREC can assist in the identification of appropriate properties.
- Section 5.2.2: There is no mention of DNREC-owned properties in this section, although they represent a significant amount of land within Sussex County. Both state parks and state wildlife areas bear mentioning.
- Figure 5.2-1: The legend is confusing and should be clarified. Does the “Parks” category include municipal parks as well as state parks? “Wildlife Areas” are depicted on the map, but are not described in the accompanying text. Does this category refer to State Wildlife Areas, or other areas?
- Goal 5.2: Encourage protection of farmland and forestland (page 5-19): The Department of Agriculture appreciates the goal and accompanying strategies mentioned on this page. Perhaps the Department's website can be referenced or footnoted so readers can learn more about these programs and how to enroll.
<https://agriculture.delaware.gov/>
- Section 5.2.4.1: DNREC suggests that the Comp Plan list the specific “support use goals” in parentheses following “beneficial uses” (e.g., swimming, fishing, & drinking water supply), in the 3rd paragraph of this section. DNREC further suggests that the Comp Plan mention the specific water quality standards of concern in parentheses following “applicable water quality standards” (e.g., dissolved oxygen, nutrients and bacteria), also in the 3rd paragraph of same section.
- This section should also identify and reference the Inland Bays Pollution Control Strategy and the Watershed Implementation Plan for the greater Chesapeake drainage basin and greater Inland Bays’ drainage basin, respectively.
- The Inland Bays watershed pollution control strategy establishes voluntary best management practices and regulatory actions (primarily stormwater and performance standards for on-site wastewater systems) necessary for attaining the required TMDL reduction requirements and water quality standards necessary for improving water quality in the greater Inland Bays watershed.

As part of TMDL reduction requirements in the greater Chesapeake drainage basin, each jurisdiction within this drainage basin will be required to develop a Watershed Implementation Plan. The Watershed Implementation Plan will detail how pollutant load goals will be achieved and maintained in the future and identify specific pollution reduction practices and programs to reduce nitrogen, phosphorus, and sediment from a variety of sources in the Chesapeake drainage basin. Efforts to develop the documents

necessary to meet the required reductions will be provided through meetings and discussions with an interagency workgroup and various subcommittees recently convened by the State of Delaware. Included in the meetings and discussions are onsite wastewater disposal systems which are a known source of nutrient pollutants to groundwater. In addition, the EPA is tasking the State of Delaware responsibility for developing the WIP with 2-year progress milestones to accelerate efforts to improve and restore waters of the Chesapeake Bay. This may require local jurisdictions to assume some responsibility for BMP implementation to help mitigate pollutant runoff.

- Section 5.2.4.1: The text about the Coastal Zone Act program should be corrected to reflect that the Coastal Zone includes an area of land around the inland bays as well as the Bay and Ocean Coasts. In addition, the text states that heavy industry could be a permitted land use within the Sussex County Coastal Zone. However, according to the Act, heavy industry uses within the delineated Coastal Zone are limited to 14 existing heavy industry sites, none of which are located within Sussex County. The description of ‘Status Decisions’ should also be clarified in the text. They pertain to a pre-application review of the proposed activity, to determine if a permit is required under the regulations.

The Coastal Zone Act Program is a regulatory program aimed at limiting air and water pollution sources associated with industrial and manufacturing uses, therefore it may be better to move this discussion point to Section 4.6.3. Alternatively, the County may wish to have a separate heading in this section for “coastal areas” and/or consider moving the text about the state Coastal Zone Act into the list of other initiatives that starts on page 5-13. Should a new heading for “coastal areas” be created, the text should mention the Beach Preservation Act and DNREC’s role in regulating coastal construction.

- Section 5.2.4.3: DNREC supports the implementation of increased buffer requirements surrounding wetlands, streams, and waterbodies and clarifies that such buffers should be vegetated and not landscaped. More specifically, existing native vegetation should be retained where it exists and in cases where the existing vegetated buffer is not of sufficient size, it may be recommended that existing riparian buffers are expanded and/or enhanced by planting native vegetation. DNREC can offer technical assistance in developing riparian buffer requirements for different types of habitats. Note that buffer distances of ranging between 50 to 300 feet for adequate protection efforts and 100 to 500 feet for optimal protection efforts would be consistent with adequate and optimal distances established by DNREC. Lot lines, roadways, and infrastructure should not be placed within this buffer zone.

Please note that section 404 of the Federal Clean Water Act regulates tidal and freshwater wetlands, not just freshwater wetlands as stated in the text of this section. While wetlands are provided some protections from state and federal laws, some local jurisdictions also have ordinances or laws prohibiting fill or disturbance to these areas. If Sussex has such an ordinance, it would be useful to mention that here.

- Section 5.2.4.4 and 5.2.4.6 Floodplains and Severe Storms: The County has missed an opportunity to more fully describe and address flooding issues in the county in this section and in the Stormwater management section in chapter 7.

Both sections should include a discussion of the effects of climate change in increasing the areas 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.

- 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.
- Please note that the FEMA floodplain maps are used both for determining flood insurance requirements and to determine where floodplain regulations and codes will be applied. The text in this section does not mention the regulatory aspect of the floodplain maps.

This section uses imprecise language to describe the flood risk. The accompanying map depicts the “approximate” and “detailed” 1% chance flood zone, but this is not described in the text in this section. Please ensure that the map legend and text can be read and understood together. Please also consider depicting the 0.2% chance flood on this map.

This section should also note that flooding can, and will likely, occur outside of the mapped floodplain.

- DNREC supports efforts to join the Community Ratings System and other efforts that will improve the preparedness of the County for flooding and storm events.
- Section 5.2.5: In addition to the strategies listed here, Sussex County is also encouraged to help reduce the emissions of greenhouse gases that are the root cause of climate change. Often, strategies to reduce greenhouse gas emissions have co-benefits, such as reducing other air pollutants and saving money. For example, incorporating electric vehicles into the County’s fleet would reduce tailpipe emissions and save money. Sussex County is also encouraged to include electric vehicle charging where feasible in common areas to accommodate cleaner transportation through the area.
- Section 5.3 Environmental Assessments in Coastal Areas: According to the Comprehensive Plan, Sussex County requires all applicants for developments of a minimum size (as specified in zoning) within the Coastal Areas to prepare an environmental assessment. The DNREC Species Conservation and Research Program has experience developing environmental assessment methodologies and offers our technical assistance in developing Environmental Assessment guidelines/requirements tailored to Sussex County’s needs.

- Section 5.3 Mature Tree Protection: The Plan indicates that Sussex County would like to consider the creation of an ordinance designed to protect established, mature, healthy trees during the construction of new developments. The DNREC Species Conservation and Research Program has experience developing such ordinances, and is currently working with New Castle County to develop a variety of ordinances related to the identification and protection of Mature Forests, Forest Interiors and Corridors, and Specimen Trees. DNREC offers our technical assistance in developing similar ordinances tailored to the needs of Sussex County.
- Section 5.4.5: This section should include a paragraph about initiatives to prepare the state for climate change. The state has taken steps to mitigate the causes of climate change by setting greenhouse gas reduction targets and incorporating mitigation and adaptation strategies into planning efforts for state assets and comprehensive planning. Funding and technical resources are available through a number of programs within the Department. Specifically, this section could highlight Delaware Climate Change Impact Assessment and the Recommendations to Adapt to Sea Level Rise in Delaware.
- Section 5.5: DNREC supports your goals, objectives, and strategies in this section. Please note that for all of the strategies listed, DNREC staff can provide technical assistance and Delaware specific information for your use in creating guidance or ordinances for development. Financial assistance may also be available to help implement conservation strategies.
- Strategy 5.3.1.5: DNREC Tanks Management Section (TMS) would strongly support the re-evaluation of this ordinance and consideration of prohibiting Underground Storage Tanks in wellhead protection areas or excellent recharge areas.
- Objective 5.3.3: 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:
 - Implement regulations to protect freshwater wetlands where regulatory gaps exist (i.e., isolated wetlands and headwater wetlands).
 - Require a 100-foot upland buffer width from all field-delineated wetlands or waterbodies (including ditches).
 - Implement an impervious surface mitigation plan specifically requiring the use of pervious paving materials in all parking areas for all projects with 20% or more total post-development surface imperviousness. In high density (usually commercial) developments with post-development surface imperviousness of 50% or more,

DNREC suggests half of total areas of imperviousness in paved areas contain pervious pavers, including the entire parking lot areas.

- Require the calculation for surface imperviousness to include all constructed forms of surface imperviousness - including all paved surfaces (roads, parking lots, and sidewalks), rooftops, and open-water storm water management structures.
 - Exclude structural best management practices such as community wastewater treatment areas, open-water storm water treatment structures, and natural areas containing regulated wetlands from consideration as open space.
 - Prohibit development on hydric soil mapping units. Proof or evidence of hydric soil mapping units should be provided through the submission of the most recent NRCS soil survey mapping of the parcel, or through the submission of a field soil survey of the parcel by a licensed (Delaware Class D) and certified (CPSS) soil scientist.
 - Require use of “green-technology” storm water management in lieu of “open-water” storm water management ponds whenever practicable.
 - Require the assessment of a development project’s TMDL nutrient loading rate through use of the Department’s nutrient budget protocol. The applicant should be further required to use any combination of approved Best Management Practices to meet the required TMDLs for the affected watershed in question.
- Objective 5.3.5: 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.
 - Goal 5.4: You may wish to consider these additional strategies for Air Quality:
 - Encouraging mixed-use or cluster-style development where applicable. This strategy preserves open space (section 12.2) but also reduces sprawl and has air quality benefits.
 - Allowing opportunities for the increased use of public transit (section 13.2.3) reduces tailpipe emissions and improves air quality.
 - Expansion of the current bicycle and pedestrian network (section 12.3.10)
 - Encouraging tree planting during development projects and continue the preservation of trees in the County which help to clear the air of pollutants (section 5.3).
 - Implement idle free zones where heavy duty vehicles are known to idle such as in local school districts. The County is encouraged to work collaboratively with the local school districts to implement a strategic no idling policy.

Chapter 7 – Utilities

- Page 7-2 – According to the 2018 Slaughter Beach draft comprehensive plan update, the Slaughter Beach Water Company was purchased by Artesian and they began operating the utility on April 1, 2018. It is recommended the information on page 7-2 be updated.
- Page 7-18 The Governor recently announced a new initiative to eliminate broadband access over the next two years. Press Release: <https://news.delaware.gov/2018/07/25/expanding-broadband/> It is recommended that you add a sentence regarding this initiative or mention the coordination with state and county through this initiative in strategy 7.5.1.1
- Section 7.2.3: 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 that the County modify the existing source water ordinance to afford greater than minimal protection. The majority of public wells in Sussex County pump less than 50,000 gallons per day (GPD). Under the County's present ordinance, they are afforded a twenty foot safe zone. As such, they are vulnerable to contamination and impervious cover that may negatively influence water quality as well as water quantity.

Per the existing County Source Water Protection Ordinance, wells pumping greater than 50,000 GPD are afforded 'no more than a one-hundred foot (100') radius from the well'. The Department recommends 'at least' a one-hundred fifty foot (150') radius from the well. For example, New Castle County and the Town of Frederica have chosen a 'safe zone' of three hundred feet around their public supply wells to maximize protection of the resource.

Per the existing County Source Water Protection Ordinance, allowances up to 60 percent impervious cover to the delineated wellhead protection area and excellent groundwater recharge protection areas provided the applicant demonstrates, through an environmental assessment report, that post development recharge quantity will meet pre-development recharge quantity. However, if the project exceeds 60 percent impervious cover or the applicant has failed to demonstrate post development recharge quantity will meet pre-development recharge quantity, the project is required to discharge roof drains to underground recharge systems or permeable surfaces.

The Department recommends that 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.

The Department recommends, the County consider additional measures to reduce impervious cover through redevelopment projects.

The Department's Source Water Program is available to work with the County's staff to evaluate potential source water protection measures and suggest additional modifications that may be needed to further improve implementation of the ordinance.

- Section 7.6: This section should also discuss the Delaware Sediment and Stormwater Regulations, which have a goal of reducing stormwater runoff for rainfall events up to the equivalent one-year storm, 2.7 inches of rainfall in 24 hours, or a maximum of one inch of runoff.

Runoff reduction practices encourage runoff to infiltrate back into the soil as in an open space condition and results in pollutant removal and stream protection. New or revised ordinances should incorporate best management practices that encourage infiltration or reuse of runoff, such as porous pavements, rain gardens, rain barrels and cisterns, green roofs, open vegetated swales, and infiltration systems for new development sites within the County. Limiting land disturbance on new development projects and limiting impervious surfaces by allowing narrower street widths, reducing parking requirements, and allowing pervious sidewalk materials will be necessary to help achieve the runoff reduction goals in the revised regulations.

- Goal 7.3: In order to help promote energy efficiency, DNREC suggests that Sussex County include a strategy to help distribute information about the Weatherization Assistance Program. The program, run through the Division of Climate, Coastal, & Energy, helps low- and moderate-income homeowners and renters cut their energy bills by weatherproofing and improving the energy efficiency of their homes. More information about the program can be found here: www.de.gov/wap.
- Objective 7.6.1: Consider adding a separate strategy that allows for the consideration of the establishment of county waste hauler franchising.
- Strategy 7.6.1.2: When making revisions to County codes, consider including conditional use approvals for composting facilities as well as recycling processors.
- Strategy 7.6.1.3: Please note that, in effect, *7 Del. C. § 6003(c)(2)* creates an incinerator ban by prohibiting a permit from being issued to an incinerator unless every point on the property boundary line of the property on which the incinerator is or would be located is at least three miles from every point on the property boundary line of any residence, residential community, and school, church, park or hospital.

Chapter 8 – Housing

- Sussex County completed a thorough analysis of the issues facing the County in the demographic analysis and housing chapters - the aging population and its implications, as

well as the severe housing needs facing its residents. The Delaware State Housing Authority has the following comments:

- DSHA supports the incorporation of “Areas of Opportunity” from DSHA’s Balanced Housing Opportunities map as a focus for where the County would like to see new affordable housing opportunities. DSHA developed this map using information from the *Delaware Housing Needs Assessment 2015 – 2020* and new data from HUD such as school performance and Racially/Ethnically Concentrated Areas of Poverty to identify “Areas of Distress, Stability, and Opportunity”. Areas of Opportunity are strong, high value markets, offering economic opportunity, high performing schools, and supportive infrastructure. However, these same areas contain little affordable housing. Encouraging affordable housing in these Areas of Opportunity provides close proximity to job centers, quality education, and resources that help households succeed.
- DSHA recommends further incorporating *the 2016 Impacted Communities Study*. This is an excellent study and outlines needs for each isolated rural community. While this study is discussed in the narrative of the housing section, there are only two strategies listed (8.1.1.6 and 8.1.2.5).
- There are several strategies throughout the draft Plan to evaluate the County’s density bonus program to determine ways to encourage better use of the program. ***DSHA recommends adding ‘provision of affordable housing’ as an option to the density bonus program.*** Currently within the Developing Area and Coastal Area, density bonuses can be achieved in cluster development if payment is made to fund permanent land preservation elsewhere in the county. This is an excellent opportunity to encourage affordable housing in areas where it is needed most. In addition, Sussex County is fortunate to have the infrastructure in place via the Moderately Priced Housing Unit and Sussex County Rental Programs to manage the affordable housing created as a result.

Chapter 9 – Economic Development

- Figure 9.5.1 Industrial parks and Business Parks – This section lists 4 main business parks in Sussex County. The business park in Georgetown is referred to the Delaware Coastal Business Park in the bullet but the Sussex County Business Park on the map - - the map and the bullets should be consistent.
- In section 9.5 of the plan entitled "Economic Development Resources", the Division of Small Business is not mentioned as a partner in this effort although other organizations (including the Delaware Prosperity Partnership and the Small Business Development Center) are included. Interestingly, a program that the division administers (the Delaware Strategic Fund) is highlighted in the county's comp plan.

The Division of Small Business should be included in the efforts to build a strong economic development network in Sussex County and should be mentioned in the comp plan as an established agency ready and available to support small businesses.

Agriculture:

- It should be noted that historically, agriculture and forestry have been the dominant forces in Sussex County's Economy. Currently, the agriculture sector continues to be a large component of the economy with over \$3.5 billion in output, while tourism gains ground with the generation of over \$1.8 billion in direct sales (2015 number). In many ways the two industries develop in opposition of one another (i.e. farm preservation vs. land development; the noise/smell/ground water of the farming industry's impact on residents who may not desire some of the aspects of "rural" life.) How can we better manage and support the integration of agriculture and tourism? How is the county addressing its AGRI TOURISM and/or DESTINATION MARKETING industry? Additional emphasis should be placed on the two largest economic drivers working in support of each other.

Of the \$3.5 billion in direct agriculture activity, \$1.0 billion is the result of on-farm activities (\$2.5 billion in added value processing and over \$30 million in agriculture support industries), yet the average age of farmers in 2012 was 58.4. What can be done to support, encourage and incentivize the younger population to continue in the industry?

- Figure 9.2-1 indicates 71% of direct agriculture activities are related to processing, as opposed to the reducing 23% animal producing activity (poultry processing is not included in this total as it falls under Food Manufacturing). While total acres of farmland have steadily decreased, we see that the remaining farms have become more productive. Given the importance of this economic driver, the county should support having an adequate land supply through farm land preservation and strategic land use planning.
- In addition, thought should be given to creating an AGRI BUSINESS ZONE within the county mapping system in order to reduce the number of unnecessary regulatory and administrative hurdles to allow businesses to concentrate on growing/running their operation. The DRAFT plan currently suggests creating "agribusiness areas", however unless it is considered a mapped zone the regulatory issues are not adequately addressed.

Tourism:

- Continue our investment in Sussex County tourism along the newly named "Coastal Zone", while carefully weighing and addressing the much needed infrastructure needs and impacts on the environment (to include the preservation of our inland bays and methods/manners of transportation).
- Explore the tourism opportunities in Western Sussex, including focus on small town charm/shopping/eateries, along with agri-tourism initiatives.

Additional Considerations:

- For new businesses, consider the "Sherpa" method. Identify a person or office to guide a business through the county regulatory and permitting process. The DNREC Small Business Ombudsman position is a perfect example.
- Clearly identify the processes for creating and growing businesses in Sussex County while streamlining and eliminating unnecessary steps.
- Create a network or formal group consisting of county, state, education and non-government agency representatives to meet periodically to discuss how to address inefficiencies and work to improve economic development in Sussex County.
- The Division of Small Business Favors:
 - *The weaving of economic development into the county's entire decision-making process* and encourages the County Council to promote economic development within all parts of county government. This would include the on-going education on the importance of "time is money" in the business world.
 - *The encouragement of mapping growth beginning **within** municipalities and town centers*, rather than focusing on the three major arteries of Route 1, Route 113 and Route 13.
 - Placing emphasis on the *redevelopment of land and businesses*, utilizing/improving existing infrastructure (offering incentives in this area if possible)
- Greater attention should be given to retaining the population of young people in the county after the completion of high school and/or college.
 - This could be done through the enhancement of trade school opportunities for students or a campaign encouraging employment in the trade industry.
 - Incentives for graduates (both high school and college) to remain or return to Sussex County to live and work.
 - Incentives for businesses who provide internships, employment contracts or jobs to those individuals who choose to remain in Sussex County.
- How are we looking ahead to address the ever increasing aging population through the lens of economic development, while realizing the growing trend in Sussex's healthcare industry?
 - The growing 65+ population will need increased healthcare services and infrastructure. Healthcare providers are aware of this need and have shown interest and movement in providing services in Sussex. How are we helping these businesses find sites and maneuver through the regulatory/permitting process?

- Does Sussex County provide adequate training opportunities in order to provide skilled healthcare employees? Are we interacting with local schools/colleges to help our students prepare?
- Housing and infrastructure improvements are needed to allow for additional housing/long term care facilities for the 65+ population.
- A primary need in Sussex is affordable transportation for the aging/physically dependent population. Can the solution be business development related rather than human service/government related?
 - How are we addressing the need to provide attractive, safe and affordable housing to individuals just starting out in their career? Housing is key to attracting talented employees. Is housing available in eastern and western Sussex?
 - One issue not adequately discussed in the plan concerns the opioid crisis predominately found in lower Sussex County (both east and west) and how to address the impacts of this problem as it relates to developing the economic efforts of our municipalities and town centers.
- 9.2 Agriculture and Forestry (page 9-2): The Department of Agriculture appreciates the analysis of agriculture's economic contribution and importance in Sussex County. It also correctly raises concern about the increasing loss of farmland and farms over the past few decades, and the increasing challenges facing Sussex County farmers and the agricultural industry in the future.
- Goal 9: Preserve and encourage the expansion of the agriculture industry, forestry industry, and other similar industries in the County (page 9-31): The Department of Agriculture strongly supports all the underlying strategies supporting this overall goal, and would be glad to help the County implement them.

Chapter 10 – Historic Preservation

- The last section of Chapter 10 gives goals, objectives and strategies for Historic Preservation in the county. Many involve continuing efforts of the Historic Preservation Planner, which our office strongly encourages. Our office also offers suggestions on clarifying a few of the strategies and related aspects of the chapter:
 - For Strategy 10.1.2.2, consider clarifying to whom and under what circumstances the documentation requirement would apply.
 - Under Strategy 10.1.3.2, in considering applying for the Certified Local Government (CLG) program (which our office encourages), Sussex County may also want to

consult New Castle County's Department of Land Use, the only other county-level CLG.

- As relates to Objective 10.1.4, elsewhere in the chapter it may be helpful to reference the relationship between the PLUS and County project review processes, and the Historic Preservation Planner's current or future role in these processes. In the objective, also consider including ways to encourage avoidance (and not just mitigation) of effects.
- For Goal 2, consider adding or augmenting existing strategies that help ensure historic preservation is integrated into the land use policy discussed elsewhere in the Comprehensive Plan, including consideration of landscapes. Under Strategy 10.2.1.3, include specific changes to the ordinance that could be considered.
- The chapter references the 2013-2017 statewide historic preservation plan. The new plan, *Partners in Preservation: Planning for the Future, Delaware's Historic Preservation Plan 2018-2022*, is now available online at: <https://history.delaware.gov/pdfs/2018-2022DelawareSHPOPlan.pdf> (single-page version for printing also available). The new plan emphasizes partnering to achieve common goals and connecting with other planning efforts, which is also evident in the County's draft plan. The State Historic Preservation Office encourages the county to consider how the goals, strategies and actions outlined in the new statewide plan may support and be coordinated with their efforts, perhaps cross-referencing specific actions with those outlined in the County's Chapter 10.
- Some information in the chapter should be updated to reflect recent changes to programs (e.g., legislation affecting the tax credit program, the above-mentioned release of the new statewide preservation plan, an updated Programmatic Agreement with FHWA). There are also a number of other technical corrections needed. The State Historic Preservation Office will contact the County directly to offer editorial comments on the plan.

Chapter 11 – Intergovernmental Coordination

- 11.5 Intergovernmental Coordination and Plan Implementation Priorities – It is recommended that the County include a paragraph or table of 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; 1 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.
- Page 11-2: The first topic mentions the county's historical contribution to the farmland preservation program. Again, the Department of Agriculture would mention this fact in the "presence tense" since the county recently contributed funds to the program this year, 2018.

- Strategy 11.1.1.4 (page 11-8): the Department of Agriculture appreciates and welcomes cooperation with the County to implement this strategy.
- Page 11-3 discusses the county coordination with OSPC and the PLUS review. With the change from ESDA to Coastal area, the MOU will need to be updated to reflect which projects must be reviewed through PLUS

Chapter 12 - Community Design

- Section 12.3.1: DNREC recommends use of native tree and shrub species wherever possible and the preservation of existing mature forests. As mentioned in comments above, DNREC has recently worked with New Castle County on procedures for better identifying and protecting mature forests and would be glad to share information with you about this topic. DNREC can also work with you to provide up to date lists of native species for use in landscaped and naturalized areas.
- Section 12.3.2: 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.
- Section 12.3.4: DNREC encourages the County to consider adding provisions to require electric vehicle charging stations to residential, recreational, and commercial parking areas.
- Sections 12.3.9 and 12.3.15: The County should require the preservation of contiguous areas of open space in its open space calculations. Preservation of large, contiguous areas of open space across parcels helps ensure habitat for wildlife, large areas for recreational use and preservation of the agrarian character of the County.
- Sections 12.3.20 and 12.3.22: Consider recommending or requiring construction operations to implement EPA's Best Practices for Reducing, Reusing, and Recycling Construction and Demolition Materials. <https://www.epa.gov/smm/best-practices-reducing-reusing-and-recycling-construction-and-demolition-materials>
- Section 12.4: DNREC supports the goals and objectives in this section. Please consider DNREC a partner in implementing these strategies and contact us for assistance as needed.
- Strategy 12.1.2.2: DNREC encourages leading by example, however this section could be construed to encourage larger parking lots than required. DNREC encourages flexibility with parking lots to allow fewer spaces to reduce impervious surfaces and expand the opportunity for preserved or naturalized spaces. Please make sure the text cannot be misconstrued as to encourage bigger parking lots.

Chapter 13 - Mobility

- Page 13-12: DART already has added intercountry service from Lewes to Dover (Route 307). Please update this section.

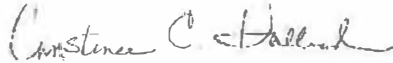
Approval Procedures:

- Once all edits, changes and corrections have been made to the Plan, please submit the completed document (text and maps) to our office for review. **Your PLUS response letter should accompany this submission.** Also include documentation about the public review process. In addition, please include documentation that the plan has been sent to other jurisdictions for review and comment, and include any comments received and your response to them. Substantial changes to this draft could warrant another PLUS review.
- Our office will require a maximum of 20 working days to complete this review.
 - If our review determines that the revisions have adequately addressed all certification items (if applicable), we will forward you a letter to this effect.
 - If there are outstanding items we will document them in a letter, and ask the county to resubmit the plan once the items are addressed. Once all items are addressed, we will send you the letter as described above.
- Provided no additional changes are made, the jurisdiction shall adopt the plan as final, pending certification
- The Office of State Planning Coordination shall submit a 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 report the Cabinet Committee shall issue its findings and recommendations and shall submit the plan to the Governor or designee for certification.
 - Within this timeframe, the Committee, at its discretion, may conduct a public hearing on the proposed plan or amendment, except that no hearing shall be held if the proposed plan or amendment is found to be consistent with state goals, policies and strategies and not in conflict with plans of other jurisdictions;
- 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 *(It should be noted the State shall not be obligated to provide state financial assistance or infrastructure improvements to support land use or development actions by the local jurisdiction where the adopted comprehensive plan or portions thereof are determined to be substantially inconsistent with State development policies)*;
- The Governor shall issue a certification letter to the County. The certification date shall be the date of official adoption by the County.

Thank you for the opportunity to review this Comprehensive Plan. We look forward to continuing to work closely with Sussex County through the comprehensive plan revision, adoption and certification process to address any questions or comments that may arise.

If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland, AICP
Director, Office of State Planning Coordination