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Sussex County Council

REPORT TO GOVERNOR'S ADVISORY COUNCIL ON PLANNING

SUSSEX COUNTY

2015-2016

JULY 1, 2016

INTRODUCTION

Sussex County's current Comprehensive Land Use Plan was adopted on June 24, 2008 (the "Plan"). Each year after adoption, Sussex County is required to prepare a Report on the status of its Plan for submission to the Cabinet Committee on State Planning Issues and the Office of the State Planning Coordination ("OSPC"). This is the Fifth Annual Report to the Cabinet Committee on State Planning Issues and OSPC covering the one-year period between July 1, 2015 and June 30, 2016. This Report is intended to comply with Title 9, Section 6958 of the Delaware Code.

Sussex County has started the process of preparing its next Comprehensive Development Plan, which must be completed in 2018. In furtherance of this, Sussex County interviewed several consultants to assist in this process, finally retaining McCormick and Taylor as the primary consultant,

with assistance from AECOM. McCormick and Taylor has established a tentative schedule of the various stages of the Plan and its development, and has been gathering information so that it can start its work in earnest with the Sussex County Planning and Zoning Commission. The anticipated goal is to write a new Plan rather than merely “updating” the previous Plan as has occurred in the past. Sussex County looks forward to working with the Office of State Planning Coordination to complete this new Plan and get it certified by the Cabinet Committee and ultimately the Governor.

LAND USE

In this reporting year, the number of land use applications has increased slightly over prior years. Sussex County (through its Planning and Zoning and Engineering Departments) also continues to monitor and inspect a great deal of activity in the ongoing development and construction of previously approved residential projects.

Since July 1, 2015, Sussex County has received 124 applications filed for all types of land use approvals. This includes commercial and residential development in the form of subdivision applications, rezoning applications, and conditional use applications and site plan applications.

Sussex County has processed 14 new subdivision applications for a total of 579 lots during this reporting year. Sussex County also processed 21 rezoning applications and 22 applications for Conditional Use Permits and 67 Site Plans during the time covered by this Report. A few of the larger or more significant public hearings conducted during this reporting year include the following:

1. Change in Zone #1770 for TD Rehoboth sought a rezoning of 114.48 acres along Route One from AR-1 to CR-1. The Planning and Zoning Commission recommended approval of this application during the 2014-2015 reporting year by a vote of 3 to 2. On April 12, 2016, Sussex County Council voted to deny the rezoning request by a vote of 4 to 1. That decision has since been appealed by the Applicant to the Delaware Superior Court.

2. Change in Zone #1785 and Conditional Use #2029 sought by Truitt Homestead, LLC were for a rezoning from AR-1 to MR, with a Conditional Use to allow an age-restricted multi-family development for 90 units. The project, located near Route One and the entrance to Rehoboth Beach received approval from County Council on November 17, 2015.

3. Conditional Use #2035 for Synagro Central, LLC sought an Agri-Business approval in cooperation with Baxter Farms for the land application of bio-solids as agricultural fertilizer (and subject to DNREC's approval) for approximately 203 acres near Georgetown. This was approved by County Council on December 15, 2015.

4. Change in Zone #1790 and 1791 for Carillon Square Apartments, LLC sought approval to allow the construction of a large apartment complex of 204 units in the Long Neck area. According to the applicant, it will be market priced rentals for the local workforce and other residents. These applications were approved by County Council on April 12, 2016.

5. Change in Zone #1796 and Conditional Use #2046 filed by Lockwood Design & Construction, Inc. sought approval for a single family and multi-family residential development near the intersection of Warrington and Old Landing

Roads in eastern Sussex County. This application received a recommendation of approval from the Sussex County Planning and Zoning Commission on April 14, 2016. It remains pending before County Council.

6. Subdivision 2016-1 for The Estates of Middle Creek Subdivision sought approval for 314 single family lots on 146.96 acres on the north side of Angola Road in the Angola Neck area of Sussex County. This AR-1 subdivision is still pending before the Planning and Zoning Commission.

7. Change in Zone #1800 for Sussex Real Estate Partners, LLC sought to rezone 123.75 acres from AR-1 to an MR-RPC for 378 lots. This application for a development known as “Belle Terre” is in the Love Creek area of Sussex County between Route 24 and Plantations Road. Its point of access is via Plantations Road, and it is in proximity to the new Love Creek Elementary School and a new State Police barracks. The application, which had opposition, remains pending.

Sussex County has also undertaken a complete rewrite of its sign ordinance governing off-premises signs (which consist primarily of billboards) as well as on-premises signs and electronic message displays. While this process is underway, a Moratorium was implemented prohibiting new off-premises sign permit applications. At the beginning of this process, the County convened a working group that included members of the sign industry, homebuilders, business interests, attorneys and members of the public. With the information obtained from this working group and at the direction of County Council, a new ordinance was drafted. That ordinance amendment is currently proceeding through the public hearing process before County Council.

Finally, by operation of the prior time-extension ordinances, all extended land use approvals expired on January 1, 2016. County Council, through Ordinance Number 2428, allowed any developer/land owner to request a final 6-month extension, provided certain criteria were satisfied, including efforts to obtain all necessary agency approvals. Of the 36 projects that sought this final 6-month extension, 26 extensions were granted. Several of these projects have completed all of the necessary steps to be underway during this time.

WASTEWATER

Sussex County continues to increase the availability of County sewer to various areas of the County. The Angola Neck Sanitary Sewer District continues to expand and eliminate existing individual on-site septic systems along the Inland Bays, with construction planned in the Route 24/Love Creek area. As described in last year's Report, Sussex County continues a major expansion of its sewer system as part of the Goslee Creek Planning Area to provide central sewer to new and existing communities in the area between Route 9, Route One and Route 24. In summary, approximately 1,141 new EDUs were added to County sewer during this reporting year. Sussex County is also in the process of determining (through a referendum as required by State law) whether to expand sewer service to several areas in the vicinity of Pinewater Farms and Winding Creek Village. The referendum on this expansion is scheduled to occur on July 9, 2016.

Finally, to address and consolidate the multiple sewer districts that existed in Sussex County, a Resolution was adopted by County Council establishing the Sussex County Unified Sanitary Sewer District. This did not expand any existing districts; instead, it brought all of them under one single district classification.

This consolidation was also reflected in the budget proposed for the upcoming fiscal year.

HOUSING

Sussex County continues to promote affordable housing through a variety of means and methods. All of this work is coordinated through the County's Fair Housing Compliance Officer under the County's Community Development and Housing Department.

There have not been any new applications during this past year for affordable housing under the County's Moderately Priced Housing Unit or Rental Programs. However, several developers have proposed their own workforce and/or affordably-priced residential developments in Sussex County. In addition, developers of an existing approved Moderately Priced Rental development have been in discussions with Sussex County to implement the County's Program in their development. This "real world" application has been beneficial to all parties, in that it could lead to a more streamlined program that enables more of this type of development in the County. In addition, the County has convened a working group consisting of developer representatives, housing agencies and county representatives to look for more ways to promote all types of affordable housing throughout Sussex County.

Sussex County continues to independently promote these projects in various ways through its Community Development and Housing Department, the County website and other materials and the land use application process. The Community Development and Housing Office continues to work with several

local housing providers and advocacy organizations to provide an inaugural Sussex County Homebuyer Fair.

Finally, Sussex County continues to evaluate impacted Communities in order to determine investment strategies, priority designations of infrastructure and/or community development for those elements of infrastructure over which the County has primary governing authority. Once this data is collected, the County anticipates performing an evaluation and drafting an approval process for future infrastructure projects.

ECONOMIC DEVELOPMENT

Agriculture and tourism continue to be some of Sussex County's main economic drivers, pumping nearly a billion dollars into the County economy.

For example, during this past reporting year, Perdue AgriBusiness announced that it plans to build corporate offices in Delmar. This will add up to 200 well-paying jobs to Sussex County. In addition, health care providers, including Beebe Health Care, Bayhealth, Nanticoke Health Services and Peninsula Regional Medical Center continue to expand. Dogfish Head continues to expand, as well, with its distilling operations and other products that are shipped nationwide. Technology businesses are making great strides, too. Sussex County has also undertaken another project to stay abreast of the evolving economy by constructing a "fiber ring" in Georgetown that will ultimately link homes and businesses in Georgetown with broadband internet.

Overall, throughout the past twenty years, there has also been an incredible population growth in Sussex County – from 114,000 residents in 1990

to around 210,000 today – fueling economic growth in housing, schools, jobs, services and infrastructure.

CONCLUSION

Sussex County continues to monitor the implementation of its current Plan and the trends affecting the County throughout the coming year, while starting work on the new Comprehensive Land Use Plan in 2018.