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Sussex County

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REPORT TO GOVERNOR'S ADVISORY COUNCIL ON PLANNING

SUSSEX COUNTY, DELAWARE

2019-2020

June 30, 2020

INTRODUCTION

This is the first annual report regarding Sussex County's 2018 Comprehensive Plan ("the Plan"), which was adopted by County Council on Tuesday, December 4, 2018. The Plan was subsequently certified by Governor John C. Carney on March 19, 2019 as being in compliance with Title 9, Chapter 69, Subchapter II (The Quality of Life Act) of the Delaware Code.

This report is intended to comply with Title 9, Section 6958 of the Delaware Code. Delaware law mandates that all counties and municipalities have a Comprehensive Plan in place. Counties and municipalities must review and update those plans for State certification every 10 years, while also providing annual updates on the progress of implementation.

INTRODUCTION

In the July 2019 to July 2020 reporting year, Sussex County has undertaken a number of initiatives to implement the strategies within the Comprehensive Plan.

In April 2019, the County adopted Ordinance 19-5 which amended all Code reference to the Environmentally Sensitive Developing Area to the Coastal Area. This change to the Zoning Code was implemented to reflect the adoption of the Comprehensive Plan on March 19, 2019.



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In December 2019, Ordinance 19-6 came into effect. This Ordinance relates to the County’s Subdivision Code and changed a previously optional design superiority requirement to be mandatory for all new subdivision applications received after December 2019.

In December 2019 the County held a public hearing in relation to updating its Memorandum of Understanding with Delaware Department of Transportation. This document outlines the relationship between the County and DelDOT in relation to the receipt and processing of land-use applications, and the level of information that is required to be included within an application. The County continues to consider the draft Memorandum of Understanding and is working with DelDOT in getting it finalized. The County is continuing to work with DelDOT on exploring a Transportation Improvement District for the 24 square mile Henlopen area south of Rt. 9 and west of SR.1.

Other Ordinances have been adopted during the review period, including an Ordinance to introduce an administrative approval process for Manufactured Homes, and an Ordinance to introduce an administrative approval process for Garage Studio Apartments. These Ordinances have reduced the number of applications considered each year by the County’s Board of Adjustment.

During the review period, the County has continued to convene meetings of a working group to explore the potential introduction of a new Ordinance relating to natural resource management. This working group included representatives from all stakeholders including landowners, developers, engineers, DNREC and the public. That process was nearing completion with a final document being prepared for introduction for an Ordinance when Covid-19 struck.

LAND USE

In the reporting year there has been a change in the number and type of applications received. Since July 1, 2019, the Planning & Zoning Department has received a total of 69 applications for Conditional Uses and Changes of Zone, compared with a total of 71 for the previous 12-month period.

	Change of Zone	Conditional Use
July 1, 2018 – June 30, 2019	28	43
July 1, 2019 – June 30, 2020	30	39

Total application submissions of Conditional Use and Change of Zone applications

During the reporting year, the total number of Major Subdivision applications has fallen, and the total number of units proposed has also fallen from the previous year, as outlined below:

	Total Number of Applications	Total Number of Lots
July 1, 2018 – June 30, 2019	32	3,447
July 1, 2019 – June 30, 2020	23	914

Total of Major Subdivision Applications

Major subdivisions include applications for the creation of more than 4 lots, or on parcels where the permitted number of minor subdivisions has been utilized.

WASTEWATER

Sussex County continues to increase the availability of central sewer to environmentally sensitive areas of the county. The County has completed the Angola North extension of the collection and transmission system as well as the Blades, Concord Road extension. Several new areas are scheduled for installation of central sewer in the near future. Those areas include Herring Creek, Chapel Branch, Joy Beach, Mulberry Knoll, Wolfe Runne, Mallard Creek, Long Neck Communities (Branch, Autumn, Tucks Roads and Sherwood Forest) and Lochwood.

The County is also in the process of installing a major transmission line for sewer to the Western Sussex Area which will transmit wastewater from Greenwood & Bridgeville to the City of Seaford wastewater facility for treatment and disposal. This transmission line will eliminate the Bridgeville treatment facility and its discharge to the upper reaches of the Nanticoke River.

The County has been continuing its efforts to utilize private utility infrastructure owned by regulated utilities under bilateral agreement(s) in an effort to prevent the installation of parallel underutilized infrastructure. The County is also in the process of determining (through a referendum as required by state law) whether to extend sewer service to the Blackwater Village community.

Water

The County is completing the design and preparing for installation of the water transmission system for the residents of the Greater Ellendale Water District. Multiple attempts in various forms to create a water district for the Ellendale Area have failed. The residents who desired the District worked with the Engineering Department to create an optimized boundary to include the areas with the greatest need for central water. Upon receipt of the required number of petitions, County Council approved the revised boundary for the Greater Ellendale Water District. A referendum was held in September of 2018 with the final count revealing the eligible voters in favor of the project. County Council approved the water district in October 2018. Subsequently, the Engineering Department submitted a State Drinking Water SRF capital funding package which made it on the State's Project Priority List with the highest ranking.

Residents of the Winding Creek Village Community submitted petitions requesting a water district be established for the entire community. A second group submitted affidavits that the entire community did not want or require central water service. A second set of petitions were submitted and the Engineering Department in conjunction with the residents established an optimized water district boundary. A public hearing was held, and County Council adopted a Resolution for the boundary in June 2017. The County held a referendum and the community approved the project in September of 2017. County Council declared the district by approving a Resolution in October of 2017. The water infrastructure will be installed in parallel with a central sewer project for the community. The County is currently applying for the Certificate of Convenience and Necessity (CPCN) for the Winding Creek Village water district.

HOUSING

Sussex County continues to promote fair and affordable housing through the Planning & Zoning Department, and the Community Development and Housing Department. 2020 saw the implementation of a large-scale housing project that was approved under the Sussex County Rental Program (SCRIP) known as Coastal Tide (formerly known as The Arbors at Cottagedale Apartments). Coastal tide is an 18.08 ac. parcel of land located in Lewes and Rehoboth Hundred (Tax parcel 334-6.00 504.02). The Final Site Plan includes 168 apartments including 1, 2 and 3-bedroom units, with at least 26 of the apartments being affordably priced housing units through SCRIP.

In response to the economic hardships related to COVID-19, Sussex County Council granted \$250,000 towards the Delaware State Housing Authority's Delaware Housing Assistance Program (DE HAP). This funding will provide renters in Sussex County that are struggling to pay rent and/or utility bills with emergency financial assistance. Households that are directly impacted by COVID-19 are eligible for up to \$1,500 in assistance.

The County continues to work with applicants proposing residential developments to explore ways to deliver increase affordably priced units within the County.

Following the final report and recommendations in October 2019 from LSA Planning, the organization contracted to provide an intensive housing study, an internal County working group composed of Administration, Community Development and Housing, Planning and Zoning, and Legal worked to develop an implementation plan to expand affordable housing opportunities.

During the reporting year, Sussex County has assisted 250 households with owner-occupied rehabilitations and emergency repairs, water and sewer hookups, with a total value of \$1.9 million. Working with the Sussex Housing Group and its affiliates, the County helped to coordinate public/private partnerships to leverage dollars for community development efforts in impacted communities.

ECONOMIC DEVELOPMENT

Sussex County Economic Development continues to promote business growth throughout Sussex County. During 2019 Sussex County Government supported the construction of a 13,500-square-foot Automotive Center of Excellence at Delaware Technical Community College in Georgetown. In addition, Sussex County Council thru Economic Development contributed \$120,000 over a two-year period toward the center, which will double to 40 the number of automotive technicians trained annually and train up to 15 diesel mechanics per year — a first for the region.

After months working with a LED lighting company, Jaykal LED Solutions, Inc., the County has secured a lease for Area 3 at the Delaware Coastal Business Park and is a beneficiary of Sussex County's low interest loan program, which allowed the company to relocate to Broadkill Economic Zone. Jaykal has been in business since February 2008. Their mission is to supply innovative indoor and outdoor LED lighting products to local, municipal and federal entities and in developing Asian and Middle Eastern nations, and early customers included those in India, Yemen and China. Jaykal entered the North American market in 2011 and experienced rapid growth, then began to secure multi-national clients including Coca-Cola and the United Nations world Food programs. This new manufacturing space at the Delaware Coastal Business Park will allow Jaykal to continue its growth pattern.

Foreign Trade Zone (FTZ)- Sussex County achieved another major economic development milestone in the Fall of 2019, successfully earning Foreign Trade Zone (FTZ) designation for the County's Delaware Coastal Business Park. Now foreign and domestic goods can be moved into the Delaware Coastal Business Park for operations, including storage, exhibition, manufacturing and processing. Previously, this was prohibited prior to FTZ approval. In areas without FTZ designation, duty payments are required on foreign goods. Importers then must pay duties at the rate of the original foreign materials or on the finished product. Domestic products moved into the FTZ for export can already be considered exported goods for the purpose of excise tax rebates. Businesses already located in the FTZ provided input on whether FTZ status would benefit their operations, and interest was expressed, prompting the County Economic Development office to initiate the process. The new designation permits storage of products in the industrial and business parks.

Peninsula Paving Expands from 5-25 Acres; 20 Employees and Staff- Peninsula Paving was a beneficiary of Sussex County's low interest loan program, which allowed the company to relocate to Broadkill Economic Zone to a larger, more centralized location with suitable infrastructure and room for future growth. Today – as a result of the ExciteSussex (Sussex County Economic Development Loan program) low interest loan program – Peninsula Paving occupies a 25-acre parcel that includes an office and buildings to keep equipment under cover. Not only does it provide a more central location on Route 9 east of Georgetown, it gives the company higher visibility with road frontage and billboards, plus the acreage affords the company room for future growth.

‘Ready in 6’- Sussex County has supported the “Ready in 6” Coalition, whose goal is to position Delaware in a more competitive economic development arena by streamlining permitting processes. Ready in 6 would streamline Delaware’s process to six months or less. This would give the First State another tool in its toolkit to overcome lack of hefty financial incentives offered by surrounding states to lure new businesses.

RECREATION AND OPEN SPACE

The Sussex County Subdivision Code allows for applicants to apply under the cluster development option whereby the lot size and lot width requirement of the AR-1 Zoning District is reduced for subdivisions that provide a minimum of 30% of the site area as open space. During the review period, the following areas of open space were approved under this option:

P&Z Reference	Name	Units	Open Space
2019-16	Estates at Milton Crossing	87	47.90 acres
2019-71	Old Mill Landing North	71	19.968 acres
2019-08	Azalea Woods	610	162.161 acres
2019-06	Zinszer Property (Estuary Phase 1D)	34	16.47 acres
2019-05	Chase Oaks	253	78.17 acres
2019-02	Old Mill Landing South	156	97.74 acres
2018-34	Keastone Bay	651	132.814 acres

The total new open space approved during the review period is 555.22 Acres.

In addition, during the review period, the County has approved the creation of one new Agricultural Preservation District for the Wells District APD, approved on April 9, 2020 for 280.69 Acres (Parcels 230-3.00-9.00 and 230-3.00-10.00) accessed from Slaughter Beach Road.

On June 23, 2020, Sussex County Council approved the Council's budget for Fiscal Year 2020. As part of the \$157.8 million budget, a sum of \$1.7 million has been identified to preserve open space and farmland.

The County continues to support efforts to re-use the former Delaware Coast Line Railroad as a recreational trail. During the review period, the Sussex County Land Trust purchased a 31-acre parcel (235-31.00-10.00) using a substantial contribution from Sussex County Council to support the building of a trailhead along the Lewes-to-Georgetown Trail.

CONCLUSION

The 2019-2020 reporting period has seen solid progress towards the implementation of the Strategies contained within the 2018 Comprehensive Plan. The County looks forward to continuing to implement the Comprehensive Plan during the 2020-2021 reporting period.