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Sussex County

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REPORT TO GOVERNOR'S ADVISORY COUNCIL ON PLANNING

SUSSEX COUNTY, DELAWARE

2020-2021

June 29, 2021

INTRODUCTION

This is the second 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.

NEW INITIATIVES

In the July 2020 to July 2021 reporting year, Sussex County has undertaken a number of initiatives to implement the strategies within the Comprehensive Plan.

To further Strategy 12.2.1.1, the County introduced an Ordinance to amend the superior design requirements for new cluster subdivisions applications located within the Coastal Area as shown on the Future Land Use Map. This Ordinance, which was approved on February 2, 2021, revised the design requirements to promote less fragmentation of open space that is required to be shown on subdivision plans.



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On September 22, 2020, Sussex County signed and updated 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.

Funding Accelerating Safety in Transportation (FAST) Track Program

On December 15, 2020, Sussex County Council approved the creation of a Funding Accelerating Safety in Transportation (FAST) Track Program, a first-of-its kind plan to use a set-aside of County funds to jumpstart road improvements that are planned, but not imminent on the State's six-year capital projects list. Under the FAST Track program, Sussex County would provide up to \$5 million to accelerate projects included in the Delaware Department of Transportation's Capital Transportation Program (CTP) plan. County funds would be earmarked for design work, right-of-way acquisition, and construction costs. DelDOT, in turn, would fully administer any project. At the completion of a project, DelDOT would reimburse the County the full amount of funds provided.

Henlopen Transportation Improvement District

The County has successfully implemented Strategy 13.1.1.2 of the Comprehensive Plan by working with Delaware Department of Transportation to implement the County's first Transportation Improvement District for the 24 square mile Henlopen area south of Rt. 9 and west of SR.1. The Henlopen TID was adopted on October 29, 2020 and unless a development falls within a specified exemption, is required to contribute to planned transportation infrastructure improvements within the District.

Potential Master-Planned Zoning District (MPZ)

As part of Strategy 4.4.1.5, Strategy 12.2.2.2, Strategy 13.1.1.3 & Strategy 13.6.2.1, the County has continued to explore the creation of a new Zoning District designed to secure a superior planned design in new larger-scale mixed-use developments. The potential new Zoning District, which would be targeted at developments of more than 400 units, or with gross site areas greater than 400 acres,

would allow for a more streamlined approach to decision making by front-loading larger amounts of information into the application process.

C-4 Planned Commercial Zoning District

In May 11, 2021, the County introduced an Ordinance to amend the C-4 Zoning District to increase the maximum percentage of the district’s developable area that can be used for duplexes, townhomes and multi-family dwellings from 20% to 40%. This Ordinance, which also contains amendments in foster increased use of the C-4 Zoning District is currently subject to public hearings and action is expected in summer 2021.

LAND USE

In the reporting year there has been a change in the number and type of applications received. Since July 1, 2020, the Planning & Zoning Department has received a total of 55 applications for Conditional Uses and 21 Changes of Zone, compared with a total of 41 and 30 respectively for the previous 12-month period.

	Change of Zone	Conditional Use
July 1, 2019 – June 30, 2020	30	41
July 1, 2020 – June 30, 2021	21	55

Total Conditional Use and Change of Zone applications by received date

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

	Total Number of Applications	Total Number of Lots Proposed
July 1, 2019 – June 30, 2020	24	942
July 1, 2020 – June 30, 2021	34	1,817

Total of Major Subdivision Applications by received date

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. The increase over the prior year was

associated with a reduction in the number of applications received in the July 1, 2019 - June 30, 2020 reporting period due to COVID-19.

WASTEWATER

Sussex County continues to increase the availability of central sewer to environmentally sensitive areas of the county. The County has completed mainline sanitary sewer infrastructure and transmission system for the Robinsonville Road Public-Private partnership project for several proposed communities in the area and the Plantation Road project. Projects currently under construction for central sewer include, Herring Creek, Chapel Branch, Mulberry Knoll and Wolfe Runne. There are multiple additional projects in various stages of design scheduled for installation of central sewer in the near future. Those areas include Joy Beach, Mallard Creek, Long Neck Communities and Lochwood. Recently added areas into the unified sanitary sewer district and in the pipeline for design include Briarwood Estates and Blackwater Village.

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 Pintail Pointe community and an area north of Georgetown. There are several other communities currently submitting polling letters to gauge interest in central sewer, those include Irons Lane Landing, Indian River Acres and Indian Town Farms.

The County has completed the installation of the major transmission line for sewer in 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 has eliminated the Bridgeville treatment facility and its discharge to the upper reaches of the Nanticoke River. The County has entered into numerous utility interconnect agreements in an effort to continue the prevention of the installation of parallel underutilized infrastructure.

WATER

The County is completing the installation of the water transmission system for the residents of the Greater Ellendale Water District. 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, the design was completed, and the project is proceeding.

County Council approved a Resolution creating the Winding Creek Village water district in October of 2017. The water infrastructure is scheduled to be installed in parallel with a sanitary sewer project for the community. The County has applied for and been granted the Certificate of Convenience and Necessity (CPCN) for the Winding Creek Village water district and the system is currently in the design phase.

The County is currently circulating polling letters, at the request of the homeowner's association of Blackwater Village, to determine if there is sufficient interest in a central water system for their community. If deemed sufficient a public hearing will be held addressing the potential impacts and a proposed boundary prior to a referendum of legal voters being scheduled.

HOUSING

Sussex County continues to promote fair and affordable housing through the Planning & Zoning Department and the Community Development and Housing Department. The construction of the first large-scale housing project approved under the Sussex County Rental Program (SCRIP) known as Coastal Tide (formerly known as The Arbors of Cottagedale Apartments) began in 2020. 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 26 of the apartments set-aside as affordably priced housing units through SCRIP. As of June 2021, three of the six apartment buildings are complete, housing 15 of the 26 SCRIP units. The 15 SCRIP units are occupied by eligible tenants earning less than 80% of Area Median Income for Sussex County.

In response to the economic hardships related to COVID-19, Sussex County Council granted \$250,000 in new CDBG-CV funding through the CARES Act to eligible non-profits. Eight local non-profits received funding to prepare, prevent, and respond to COVID-19. Eligible activities include subsistence payments (rent, utilities) to income-qualifying households, food and food delivery services, purchase of personal protective equipment, and legal 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. The plan was proposed in the County's FY2022 budget and includes a Housing Trust Fund and updates to the County's inclusionary zoning programs.

During the reporting year, Sussex County has assisted 270 households with owner-occupied rehabilitations and emergency repairs, water and sewer hookups for low- and moderate-income households, with a total value of \$2+ million. The County continues to work and partner with the Sussex Housing Group and its affiliates to coordinate public/private partnerships that leverage dollars for community development efforts in impacted communities.

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. This option is also available within the Coastal Area. During the review period, the following areas of open space were approved or recommended for approval under this option:

P&Z Reference	Name	Units	Open Space (Ac.)
2020-18	Woodlands II	33	6.23
2020-11	Cardinal Grove	98	26.12
2020-10	The Crossings	39	12.0
2019-30	Pelican Point (Phase 4-5)	219	44.21
2019-29	Scenic Manor	319	80.27
2019-24	Stratus Estates	226	139.27
CZ 1942	Twin Cedars GR-RPC	254	42.57
CZ 1921	Bay Forest Club Phase 6 MR - RPC	23	2.0
CZ 1911	Patriot's Glen MR-RPC	128	9.66

The total new open space approved during the review period is 362.33 Acres.

In the past year the County has taken steps to preserve open space and farmland, including the Jones Farm purchase near Lewes and a property acquisition near Angola. More can be found at these links:

<https://sussexcountyde.gov/news/sussex-county-joins-effort-protect-jones-farm-near-lewes>
<https://sussexcountyde.gov/news/sussex-county-buys-farmland-near-angola-preserve-open-space>

On June 22, 2021, Sussex County Council approved the Council's budget for Fiscal Year 2022. As part of the \$278 million budget, a sum of \$4.4 million has been identified to preserve open space and farmland. This is an increase from the Fiscal Year 2021 budget of \$1.7 million.

INTER-GOVERNMENTAL COORDINATION

In May 2021, the County's Planning & Zoning Department provided comments to the Town of Georgetown's Comprehensive Plan. In October 2020, the Planning & Zoning Department provided comments on the Town of Delmar's Draft Comprehensive Plan Update. In September 2020, the Planning & Zoning Department provided comments to the Town of Frankford's Comprehensive Plan update.

In June 2021, the County is working with both the City of Seaford and Ellendale to provide comments on the Comprehensive Plan updates for those jurisdictions.

CONCLUSION

The 2020-2021 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 2021-2022 reporting period.