



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

March 28, 2018

Mr. Charles Anderson
City of Seaford
414 High Street
Seaford, DE 19973

RE: PLUS review 2018-02-01; City of Seaford Comprehensive Plan Pre-Update

Dear Charles:

Thank you for meeting with State agency planners on February 28, 2018 to discuss the Pre-PLUS review of the City of Seaford's Comprehensive plan. State agencies have reviewed the documents submitted and offer the following comments. We hope that these comments and recommendations assist the Town as the Plan Update is being prepared. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting.

- According to the 2010 Census the City of Seaford population was 6,298; therefore, the plan must be consistent with the requirements of Title 22, § 702 for municipalities over 2,000 people and Title 29, § 9103 of the Del. Code.

The Office of State Planning Coordination has developed a Comprehensive Plan Checklist based on the requirements found in Title 22, § 702 of Delaware Code. The checklist can be downloaded from our website here:

<http://stateplanning.delaware.gov/docs/comprehensive-plan-checklist-guide.pdf>.

In addition to the checklist the following are State agency specific comments that the town should consider during the plan update:

Office of State Planning Coordination – Contact: Dorothy Morris 739-3090

- The City should verify that the municipal boundaries shown by the city are consistent with the data the State and County have available. You can work through Sussex County or contact Miriam Pomilio of this office to determine if there are discrepancies.
- The Future land Use map should identify a future land use for any proposed annexation areas.
- In addition to addressing all of the certification requirements, it is recommended that the updated comprehensive plan address any additional planning issues that are important to the City.
- The City of Seaford has received the designation of a Downtown Development District. Information on this should be included in the new plan.
- Since the adoption/certification of the current plan, the City of Seaford has become part of the Salisbury/Wicomico Metropolitan Planning Organization. The City should include information about the MPO and your role within the MPO in the new plan.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- Pages 17, 18 and 19 of the 2003 Plan discuss various road improvement projects that were needed at that time. Many of them have since been done but the intersections along Stein Highway (Delaware Route 20) may still need improvement, sections of Front Street (Alternate Route 13) still lack pedestrian and bicycle facilities and curb and gutter, the shoulders on Herring Run Road (Sussex Road 534) do not reach Ross Station Road (Sussex Road 543) and some of the streets listed on page 18 still do not have complete sidewalks.

DelDOT recommends that the City consider keeping the discussion of these projects in the Plan and contacting the manager of DelDOT's Transportation Alternatives Program (TAP), Ms. Ann Gravatt, about initiating TAP projects to get them done. TAP projects would require some investment on the part of the City but would likely accomplish to work faster than continuing to rely on DelDOT's Capital Transportation Program. Ms. Gravatt can be reached at Ann.Gravatt@state.de.us or (302) 760-2254. Information on the TAP is available at <https://www.deldot.gov/Programs/tap/index.shtml>.

- Page 18 of the 2003 Plan refers to what was then an ongoing study of truck routes in the Seaford area. DelDOT understands that the City has since completed this effort.
- Pages 31 and 32 of the 2003 Plan recommend the establishment of a Division of Motor Vehicles (DMV) facility in the Seaford area. At that time, the Division's Georgetown facility was small and inadequate. Since then, the Division has replaced it with a larger, higher-capacity facility that the Division believes will be adequate to meet Sussex

County's needs for the foreseeable future. It has also implemented online and mobile DMV services, which should be helpful to at least some of the City residents who find it inconvenient to travel to Georgetown. If the City still wishes to pursue a DMV facility for Seaford, they may contact the Division Director, Mr. Scott Vien at Scott.Vien@state.de.us or (302) 744-2545 to discuss the matter but presently no additional facilities are planned for Sussex County.

- Seaford is a key location and contributing hub of the Nanticoke Heritage Byway (NHB), a state scenic and historic byway that was established after the 2008 Comprehensive Plan was adopted. While each municipality has had its own approach to addressing byways in their Comprehensive Plans, the NHB would have been relevant to the General Information, Transportation, Historic and Cultural Resource, or Economic Development sections in the 2008 Plan. Future transportation plans or possible transportation objectives and preservation goals could be included in the next Comprehensive Plan with reference to same transportation or preservation goals under the Byway's Corridor Management Plan (CMP, available at https://www.deldot.gov/Programs/byways/index.shtml?dc=sussex_cmp).

DelDOT recommends that the City acknowledge the Byway in the Comprehensive Plan and include relevant elements of the CMP's Action Plan as it finds appropriate. More general information on the Byways Program is available at <http://deldot.maps.arcgis.com/apps/webappviewer/index.html?id=03d5049bc49041658cfecad5fd6ba8b9>.

State Historic Preservation Office – Contact: Terrence Burns 302-736-7404

- There is good history of the town which grew into an important trans-shipment port. The plan has a table that identifies all the National Register-listed properties in Seaford. There is also a table for Potential Historical Sites and a map showing a Potential Historic District.
- Comprehensive Plans should provide an administrative structure, like a historic review board and/ or design review commission, to administer and review activities that may affect historic properties and to investigate and promote incentives for preservation and the removal of disincentives. A plan should also provide for design review standards for rehabilitation and new construction within historic districts or affecting individual historic properties; including evaluating the historic landscape qualities of open space as a criterion for selecting areas for agricultural or greenway preservation.
- The State Historic Preservation Office strongly recommends that the town consider tools such as: a demolition delay ordinance to allow consideration of other options or documentation prior to demolition; a historic zoning ordinance to address the issues noted above; and/or amending existing ordinances to encourage adaptive reuse of historic buildings.
- The SHPO recognizes there is no listed historic district in Seaford. There may be other properties that may be eligible for listing in the National Register and our office

recommends further survey of additional buildings which could take advantage of historic preservation tax credit programs.

- One of the main goals in the current statewide historic preservation plan, Preserving Our Past for a Better Future, is to encourage active participation in historic preservation by all local governments. They are currently updating the statewide historic preservation plan and welcome the City's comments and suggestions for inclusion in the new statewide plan. The office will also be happy to provide further technical assistance for the town's upcoming revisions. The Delaware's Historic Preservation Plan is available online at: <http://history.delaware.gov/pdfs/Preservation%20Plan%202013-2017.pdf>

State Housing Authority – Contact: Karen Horton 739-4263

- DSHA recently learned that a Housing Discrimination Complaint was filed against the City of Seaford for allegedly violating Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Act of 1988, for denying Faith's Way from opening a transitional recovery housing for women with mental disabilities. While the U.S. Department of Housing and Urban Development (HUD) investigates the complaint, we invite Seaford to reach out to DSHA for resources such as training and technical assistance. DSHA would be glad to work with Seaford in obtaining fair housing training or in reviewing tools and strategies to increase affordable housing opportunities, including populations with special housing needs, within the City. DSHA recommends the City use the 10-year update of its 2008 Comprehensive Plan as an opportunity to discuss housing options currently available for residents with special housing needs (whether they are for homeless, the elderly, people with disabilities, etc.). Strategies and planning components can then be identified that will be used to address the needs of this population in a manner compliant with the Fair Housing Act.
- As a federal entitlement community, DSHA is required to certify that the State of Delaware's federal housing funds received through HUD be administered according to the Fair Housing Act; and, that we work diligently to Affirmatively Further Fair Housing (AFFH). This obligation to promote racially, ethnically, and socioeconomically diverse communities also extends to DSHA subrecipients. To assist with this obligation, in July 2011, DSHA collaborated with the Cities of Wilmington and Dover, and New Castle County to conduct the *Statewide Analysis of Impediments to Fair Housing Choice*. (<http://www.destatehousing.com/FormsAndInformation/fairhousing.php>). The Analysis contains the following recommendations for local jurisdictions. These include the following:
 - Local government entities throughout the State of Delaware should reduce and/or waive their respective sewer, water, and/or public facilities and services impact fees for area developers and non-profit organizations seeking to build affordable housing units, both renter and owner units.
 - Ease zoning and other regulatory barriers to affordable rental housing for families.
 - Review how 'family' is defined and remove undue restrictions on group homes.
 - Incentivize the development of mixed-income housing in non-impacted areas.
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- DSHA offers the following information to assist the City in analyzing its housing issues:
 - The 2015-2020 Housing Needs Assessment (HNA) is a great resource and can be found at the below link. There is the full document, executive summaries, handouts, and a reporting portal (that takes you to an interactive map).
<http://www.destatehousing.com/FormsAndInformation/needs.php>
 - The following housing information is available on DSHA's 'Research and Plans' website <http://www.destatehousing.com/FormsAndInformation/datastats.php>. DSHA updates this data regularly and produces the following reports:
 - Sussex County Housing Fact Sheet –
http://www.destatehousing.com/FormsAndInformation/datastatmedia/ds_sussex_fs.pdf
 - Median Home Price and Affordability Gap data for each year for the most recent quarter and the past 10 years -
<http://www.destatehousing.com/FormsAndInformation/affordgap.php>
 - Monthly Foreclosure and Sheriff Sale Data -
<http://www.delawarehomeownerrelief.com/data.php>
- DSHA has developed a website, **Affordable Housing Resource Center**, to learn about resources and tools to help create housing for households earning 100% of median income or below. Our website can be found at: www.destatehousing.com "Affordable Housing Resource Center" under Other Programs.

If you have questions or would like more information on the above recommendations, please feel free to call Karen Horton at (302) 739-4263 ext. 251 or via e-mail at karenh@destatehousing.com.

Department of Agriculture – Contact: Scott Blaier 698-4532

- The Department of Agriculture would like to offer the following comments and suggestions on the city's comprehensive plan update.
- Please update the Agricultural Related Businesses information on page 26 if applicable.
- Please update your GIS maps to include any properties enrolled in the State's Agricultural Lands Preservation Program. The Department's GIS Coordinator (Jimmy Kroon) maintains the most current information (698-4533).

The Department of Natural Resources and Environmental Control – Contact: Michael Tholstrup 739-9071

Source Water Protection

- DNREC Groundwater Protection Branch (GPB) reviewed the above referenced Comprehensive Plan for content and form. The review found wellhead protection and excellent ground-water recharge potential areas within the Town's municipal boundaries.

These wellhead protection areas are for public water systems as defined by the Source Water Assessment and Protection Program.

- The City of Seaford's 2008 Comprehensive Plan refers to the City's 'Well Head Protection Overlay Zoning District'. A search of the City's website does not include this zoning district. The Department does not have a signed copy of the Ordinance on file. It is unclear that the ordinance was adopted.
- The text of your plan must include a discussion of the Town's source water protection ordinance. The discussion should express an understanding of the purpose and protection measures afforded the resource.
- The text of the Plan does not include a description of the source water requirements as per Delaware Code (7 Del. C. 6082(b)). The text of the comprehensive plan must include a description of source water requirements stated in 7 Del. C. 6082(b), and include goals and objectives related to the protection of the resource. It should clearly explain the concepts of wellhead protection areas and excellent ground-water recharge potential areas. This text shall be placed within the water and sewer element of the local government's comprehensive plan, as prescribed by Title 9 or Title 22 of the Delaware Code.
- While the Plan does include a map of source water resources (excellent recharge areas, wellhead protection areas) within the City, the map was not cited in the text. Reference to this map should be included in the discussion of the protection afforded by the City's Source Water Ordinance.

Environmental Protection, Open Space, and Recreation

- **Climate Change:** The effects of climate change should be recognized and assessed throughout the development of Seaford's updated comprehensive plan. In Delaware, climate change will result in three primary impacts: increased heavy precipitation events, sea level rise, and increasing temperatures. These primary impacts will affect plans for long term downtown redevelopment, transportation projects, water quality, wastewater treatment, public safety and public health in Seaford.
- The comprehensive plan process is a unique opportunity to view all aspects of Seaford's future through a climate change lens to ensure that plans laid out today will be viable as environmental changes continue.
- Seaford is no stranger to flood events and the combination of rising seas coupled with heavy precipitation events means that flooding will continue to be a concern for the town in the future.
- In addition, rising temperatures have implications for infrastructure and human health. Air conditioning systems in buildings may not be sized appropriately for increasing temperatures and shorter, milder winters can mean residents are dealing with more ticks and mosquitoes. Of particular concern are vulnerable populations (e.g. elderly, low-

income and non-English speakers) who may not have access to air conditioning in the summer.

- DNREC recommends that the comprehensive plan take these factors into consideration for each of the major components, in particular the Housing, Environment, Transportation and Water sectors. DNREC is ready and willing to help. There are several documents and data sources the town should review:

SLR Scenarios and Maps & Vulnerability Assessment:

<http://www.dnrec.delaware.gov/coastal/pages/slr/delawareslradaptation.aspx>

Public Health Articles: http://delamed.org/?page_id=63

Flood Avoidance Guides:

<http://www.dnrec.delaware.gov/coastal/DNERR/Pages/CTP%20Pages/FloodReadyCommunityResources.aspx>

- Seaford should also ensure that the results of its Sea Level Rise assessment for its WWTF are incorporated into the text.
- Global climate change impacts are already present and vary regionally, but Delaware's agriculture, forests and wildlife, wetlands, fisheries, water resources, and coastal areas are affected in different ways—and even human health is impacted. Over the coming years, DNREC can anticipate even worse effects—more days of dangerously high heat, heavier precipitation, and sea level rise that leads to significant flooding. These changes have the potential to alter agricultural production and to affect local and regional hydrology, directly impacting the State's forests, wetlands, and estuarine environments. Information on this topic can be found at: <https://dnrec.alpha.delaware.gov/energy-climate/climate-change/>
 - *Recommendation:* Extreme heat events are anticipated to increase, posing a threat to human health; particularly toward young children, elderly and those with chronic health concerns. Considerations should be made for the needs of your vulnerable populations in the context of a changing climate
 - *Recommendation:* Increased events of heavy precipitation will stress the existing stormwater management capacity and should be considered when looking to improve or replace infrastructure. This should also be reflected in development requirements where anticipated capacity should be part of the overall system design guidance.
- Sea Level Rise. DNREC commends the City for conducting a vulnerability assessment of its wastewater treatment facility. DNREC would encourage the City to take a broader look at anticipated impacts for the City. Seaford should be aware that the state has recently released new sea level rise planning scenarios and tools which should be utilized for any future planning activities: <http://www.dgs.udel.edu/projects/determination-future-sea-level-rise-planning-scenarios-delaware>

Air Quality

- DNREC would like to see that the “Environmental Concerns” portion of Seaford’s Comprehensive Plan will address air quality impacts in the town and list improved air quality and air pollution mitigation as a natural resources goal for the town. According to the 2008 comprehensive plan, “In Seaford, 22% of the population is currently over the age of 65” (page 17). Sensitive groups, including those aged 5 and younger, the elderly and those with pre-existing cardiopulmonary conditions such as emphysema, asthma and COPD are at an increased risk of the negative effects of air pollution. One particular pollutant of concern is PM 2.5 or particulate matter. Particulate matter comes in two sizes, PM 10 (which is 10 microns in diameter and has the ability to become embedded in the lining of the lungs,) and PM 2.5 which is small enough to be absorbed into the bloodstream.
- DNREC supports the efforts of the town to work with DelDOT to expand and make safer their bicycle and pedestrian network (page 20). DNREC encourages the expansion of alternative transportation opportunities that limit the impact of vehicular travel and facilitate the switch from vehicular travel to other more environmentally friendly modes.
- Seaford should continue to find creative ways to both preserve the historic city’s unique layout while also adapting to a changing land use and public planning environment. Examples of such enhancements would include the maintenance and construction of needed sidewalk and pedestrian network improvements, creative and innovative solutions to mitigate traffic problems in the area and also the addition of more mixed use development. Such mixed use development would include alternative development types that are not limited to single family detached homes and cater to a more diverse population. DNREC also supports the recommendation that Seaford adopt a new zoning category for Mixed-Use or Planned Residential Developments (RPC) (Page 33). We are encouraged to see that changes that have been made in R-3 zones, to promote a mix of housing type and densities. Consideration of infill opportunities is also beneficial. DNREC supports Seaford’s goal of revitalizing older and dilapidated housing. This includes the development of suitable senior housing to support the growing senior population.
- The “Transportation” portion of the plan contains a mention of reducing greenhouse gas (GHG) emissions through mitigating stop-and-go congestion at the intersection of Route 20 East and Route 13 South. The updated plan should highlighting the completed project and pursuit of similar efforts is strongly encouraged, including incorporating strategies to add/introduce more transit opportunities in the Seaford area.
- The City of Seaford is also encouraged to add electric vehicle supply equipment (EVSE) and charging where feasible in common areas and in any new or retrofitted parking areas to accommodate (and incentivize the use of) the increasing number of electric vehicles in the state and region. For more information about the various electric charging options and state programs that can provide financial and technical assistance, please see our website: www.de.gov/cleantransportation.

- Should the City have any more questions or concerns, the Division of Air Quality (DAQ) point of contact is Lauren DeVore, and she may be reached at (302) 739-9437 or lauren.devore@state.de.us.

Parks and Recreation

- DNREC recommends the incorporation of results from the Statewide Comprehensive Outdoor Recreation Plan (SCORP) in the Public Facilities and Services section. The survey's findings support many of the vision and goals of Seaford's Comprehensive Plan focused on connectivity, multi-modal transportation, and water access. The authors may wish to use this information in other sections of the plan to provide further documentation of community needs and desires.

Outdoor Recreation Needs/Priorities: Based on public opinion identified in the 2013-18 SCORP, the most needed outdoor recreation facilities in Region 4 (which includes Seaford) include:

- High facility needs: Walking and Jogging Paths, Public Swimming Pools, Hiking Trails, Fishing Areas, Community Gardens, Playgrounds, Bicycle Paths, Basketball Courts, Picnic Areas, Off-Leash Dog Areas
- Moderate facility needs: Camping Areas, Football Fields, Ball Fields, Boat Access, Soccer Fields, Canoe/Kayak Launches, Skateboarding Areas, Public Golf Courses, Tennis Courts

<http://www.dnrec.delaware.gov/parks/Information/Pages/2013Scorp.aspx>

Habitat and Wildlife

- The Delaware Wildlife Action Plan (DEWAP) is critical to helping Delaware fulfill its responsibility to conserve its abundant fish and wildlife and natural habitats for future generations. The conservation of all wildlife species and the habitats they rely on is a great way to protect the unique environmental features associated with the City of Seaford.

<http://www.dnrec.delaware.gov/fw/dwap/Pages/default.aspx>

TMDLs and water quality

- DNREC would like to be a partner in working with the City of Seaford to help meet TMDL nutrient and sediment reduction requirements necessary for restoring water quality and supporting beneficial uses to waters in the greater Chesapeake Bay drainage area. Overall water quality stewardship would be greatly enhanced by addressing the impact of development and utilizing growth strategies, green infrastructure and other best management practices when dealing with sensitive habitat, wetlands and stormwater management. Upon review of your 2008 Comprehensive Plan, DNREC has identified the below concerns and provided some recommendations:

- Page 12, TMDLs: Please eliminate any references to the Pollution Control Strategies (PCS) as they have no regulatory guidance. Instead reference the Watershed Implementation Plan (WIP) which has been developed since the PCS. Currently, the EPA – through regulation - now requires the State of Delaware to develop a Watershed Implementation Plan (WIP) plan with 2-year milestones to accelerate efforts to restore the Chesapeake Bay. Additionally, because of development of the WIP, the TMDL for nutrients such as nitrogen, phosphorus, and sediment has been made more stringent; the TMDL now requires a 60 percent reduction in nitrogen, phosphorus, and sediment (previously was 30 and 50 percent for N & P) from baseline conditions. The WIP and milestones will identify specific pollution reduction practices and programs to reduce nitrogen, phosphorus and sediment from a variety of sources in the Chesapeake Bay drainage area. Please see the following web link for further information:
http://www.dnrec.delaware.gov/swc/wa/Pages/Chesapeake_WIP.aspx
- Page 13, Soils: Please reference the web soil survey for information about soils in the immediate proximity to Seaford. The web soil survey can be obtained here:
<http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>
- Page 38, DNREC: The State of Delaware has not passed specific regulations to protect the water quality of the Nanticoke River - please do not include this statement in the new plan. As mentioned previously, the WIP and milestones will identify specific pollution reduction practices – through regulation - to reduce nutrients and sediment and improve the water quality in the Chesapeake Bay drainage area. The WIP is a collaborative effort developed by an interagency workgroup, made up of representatives from DNREC, the Department of Agriculture, DelDOT, Office of State Planning Coordination; other local, state and federal partners (including EPA); and stakeholder groups.

Since this was a Pre-update meeting for your plan update, we will need to see the completed document at a regular PLUS meeting once your Planning Commission has approved the draft plan for public review. Thank you for the opportunity to review this update. If you have any questions, please contact me at 302-739-3090.

Sincerely,



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