



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

April 20, 2018

TJ Redefers
Town of Dewey Beach
105 Rodney Ave.
Dewey Beach, DE 19971

RE: PLUS review 2018-03-10; Town of Dewey Beach Comprehensive Plan

Dear Mr. Redefers:

Thank you for meeting with State agency planners on March 28, 2018 to discuss Dewey Beach's 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.

Certification Comments: These comments must be addressed in order for our office to consider the plan update consistent with the requirements of Title 22, § 702 and Title 29, § 9103 of the Del. Code.

- 3.7 Housing - As a town with a population of less than 2,000, DSHA reviewed the Town of Dewey Beach's Comprehensive Plan for their position on housing growth within the municipality. Overall, while the Town's plan seems receptive to affordable housing, please include a position statement incorporated into an objective in the housing section. The following is a suggestion formalizing the Town's position: *Encourage housing opportunities for low- and moderate-income persons, particularly those in the Town's local workforce.*
- Section 3.9 General Uses of Land - In addition, Page 37 – states that in 2004 only 10 parcels were vacant and some have been developed since then. This information is now 14 years old and should be updated to paint a realistic picture of the town today. This should include how many are vacant and how many of the vacant parcels are residential vs. commercial.
- Section 3.10 Expansion of Boundaries/Development of Adjacent Areas – The plan states that the boundaries as depicted by State and County are incorrect. This must be corrected

and the correct boundaries must be shown on all maps. Miriam Pomilio with the office can help you work with the County to fix any discrepancies.

- Section 3.11 Development/Redevelopment Potential - - This section gives no position on redevelopment. Page 87 shows there are approximately 388 vacant homes and other sections of the plan note that smaller homes are being torn down and/or rebuilt into larger single family homes. The plan also mentions, under 3.7, that much of the older, smaller housing is likely to be redeveloped or rehabilitated during the next 10-20 years. The town's is required to state a position on redevelopment potential. Please include your position under this section.
- Position on Land Use: 3.9.2 states that map 6 which is based on State data, may not accurately reflect existing usage for some properties. The town should change/update map 6 to include the correct land uses for the town.
- The colors on Map 3 should reflect the same colors as the State map which are Red, Orange, Yellow and gray. No green exists on our Strategies map.
- While the plan does make comparison to the 2010 Rehoboth Beach comp plan, the town should still send a copy of this plan to the City of Rehoboth for their comments, especially as it relates future land use and the water and wastewater allocations needed for Dewey Beach in the future. Your PLUS response letter should include any comments received by the neighboring jurisdictions and how the town plans to address those comments.

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

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

Congratulations to the Town on updating your comprehensive plan. After reading the plan it is clear that Dewey Beach has put a lot of thought into creating the plan that, once certified, will help guide the town in planning for the future.

I offer the following suggestions from the Office of State Planning to help enhance the plan:

- The recognition page should be updated to reflect most up-to-date staff list before adoption
- The City has included demographics and population growth data as an addendum. It is suggested that you add the data from the addendum into the plan under section 3.6 or to the sections for which the data is relevant.
- Section 1.2 Replace Managing Growth in the 21st Century to the *Strategies for State Policies and Spending* which was recently updated in 2015.
- Page 17, section 2.2. second paragraph take out the word certify. The town must adopt a plan and the State certifies - - the town does not adopt a certified plan.
- Page 24 last bullet – update information regarding current town manager hired in 2012 since you now have a new one.

- It is recommended that you include the FIRM maps in the plan map series
- As discussed, once the municipal boundary maps are corrected, it is an option for the town to record their official boundaries with the Recorder of deeds and then remove the metes and bounds description in their charter and replacing it with something similar to:

Section 2. Metes and Bounds

The boundaries of the Town of _____ are hereby established and declared as recorded on the official map of record in the Recorder of Deeds Office for Sussex County of the State of Delaware as presently existing and as hereinafter amended

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- Sections 185-75, 76 and 77 of the Town Code address the Town’s procedures for approval of site plans and subsection 185-77A(29) states that “All applicable outside agency permits” are required for Town approval of the final site plan. However, without a plan review process that requires the involvement of those outside agencies earlier in plan development, the Town loses much of the benefit of involving those outside agencies. DelDOT recommends that the Town consider soliciting comments from them and from other resource agencies for consideration by the Town Commissioners prior to preliminary site plan approval.

If the Town finds merit in this recommendation, an Objective and Action to modify the site plan approval process should be added to Section 3.9, 3.10 or 3.11 of the Plan.

To discuss how such a process might work with respect to the Town and DelDOT, the Town may contact Marc Coté, the Assistant Director of Planning in charge of DelDOT’s Development Coordination Section. Mr. Coté may be reached at Marc.Cote@state.de.us or (302) 760-2165.

- On page 42 of the Plan, in Section 3.12.4, the third paragraph addresses the Delaware Transit Corporation’s Lewes Transit Center. To correct two factual errors, the Center opened in 2017 and was the second park-and-ride facility in Sussex County, supplementing one on Shuttle Road just outside Rehoboth Beach.
- Beginning on page 43 of the Plan, Section 3.12.5 addresses Pedestrian and Bicycle Circulation. DelDOT appreciates the Town’s interest in supporting those modes and is committed to working with them in that regard on the town’s State-maintained roads, but would like to offer some suggestions relative to the details of this section:
 - The recommendation for sidewalk expansion in high-traffic areas is necessarily a long-term recommendation because in those high-traffic areas the sidewalk is usually the only buffer between the buildings and the roadway. If the Town wants appreciable sidewalk expansion, they should consider changes to the

zoning chapter of the Town Code such that, as properties are redeveloped, buildings can be set back further to provide more room.

- A similar long-term recommendation, to address the problem of trucks unloading in the bike lane on Coastal Highway, would be to amend the zoning chapter of the Town Code to require off-street loading areas such that, as properties are redeveloped, new commercial buildings are required to have off-street loading areas.
- Finally, a short-term, and perhaps more practical, recommendation to address the problem of trucks unloading in the bike lane on Coastal Highway, would be to regulate the days and hours during which trucks are permitted to load and unload there.

State Historic Preservation Office – Contact: Carlton Hall 302-736-7404

- The SHPO recommends the town undertake an architectural survey to help expand on the information in their comprehensive plan and provide a foundation to preserve and protect the town's older buildings. The SHPO office suggests the town consider a conservation district, as they did for their last plan, to provide some protections for traditional neighborhoods without being as strict as a historic preservation overlay district.

State Housing Authority – Contact: Karen Horton 739-4263

- DSHA offers technical assistance to Dewey Beach in reviewing tools and strategies to increase affordable housing opportunities within the Town.
- 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.
- DSHA does caution a careful approach to the housing recommendation to identify neighborhoods that would benefit from concentrated Property Maintenance Code enforcement.

In 2015, the Supreme Court upheld the application of citing disparate impact in housing discrimination cases in Texas Dept. of Housing & Community Affairs v. The Inclusive Communities Project, Inc. In light of this decision, municipalities may want to make sure the data used for determining code enforcement shows there is no discrimination in policing code compliance.

Department of Agriculture – Contact: Scott Blaier 698-4532

- The Department of Agriculture encourages the town to continue working on its tree canopy and infrastructure goals as mentioned on pages 65 and 66 (4.4 Preservation of Nature). Please feel free to contact the department's Urban Forester, Kesha Braunskill, for assistance (698-4578).

Sussex County – Contact: Rob Davis 302-855-7820

- Sussex County operates the wastewater system and water system that serves the incorporated area of the Town of Dewey Beach and an additional surrounding area. Wastewater treatment and water supply is provided by the City of Rehoboth Beach in accordance with contracts Sussex County has with the City.
- It is unclear how proposed changes to zoning and land use in the plan will relate to flows at this point. It concerns us that some areas are identified for changes that are more intense. Anything that increases flow should be approved by the Sussex County Engineering Department. The Sussex County Engineering Department feels building uses with commercial uses on lower floors and residential above could increase flows and concerns us. The additional commercial zone areas concern us as well. There are limits on the wastewater we send to the City of Rehoboth.
- The Town of Dewey Beach should contact the Sussex Engineering Department for proposed mixed-use renovation and rezoning to commercial. Sussex County would like to review and approve those changes on a case-by-case basis.
- The one operational and enforcement action for sewer in Rehoboth Beach's 2010 Comprehensive Plan was to fund a waste water discharge method that would remove the City's wastewater discharge from the Lewes Rehoboth Canal. Rehoboth Beach is currently constructing an ocean outfall from their wastewater treatment facility. When the ocean outfall is complete and operational, wastewater discharge from Dewey Beach will be removed from the Lewes and Rehoboth Canal and Rehoboth Bay.

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

The Department envisions a Delaware that offers a healthy environment where people embrace a commitment to the protection, enhancement and enjoyment of the environment in their daily lives; where Delawareans' stewardship of natural resources ensures the sustainability of these resources for the appreciation and enjoyment of future generations; and where people recognize that a healthy environment and a strong economy support one another.

DNREC has determined that there are no certification issues. We look forward to helping the Town of Dewey Beach refine the components of its Comprehensive Development Plan to express its vision to conserve and protect its natural surroundings, and supports healthy, walkable, and connected communities. DNREC is available to discuss the recommendations

below, implement future ordinance improvements and make grant and technical assistance programs available.

Source Water Protection

- The Town of Dewey Beach does not have excellent ground water recharge potential and/or wellhead protection areas within its municipal boundaries, however, there is no acknowledgement of the absence of these elements in the 2017 draft Comprehensive Plan. While the Town is not required to have an ordinance protecting source water resources, we recommend including language acknowledging the absence of these elements within the town boundaries (similar to language found in the 2007 Plan, Page 31). The Water Infrastructure text should be amended to reference current documents and include a description of source water requirements found in 7 Del. C. 6082(c). This text shall be placed within the water and wastewater element of the Town's 2017 draft Comprehensive Plan, as prescribed by Title 22 of the Delaware Code.
- Page 46, The 2017 draft Plan references language from the 2010 Rehoboth Beach Comprehensive Plan, however, a source water reassessment was completed in 2013 and is available from delawaresourcewater.org/assessments, which should be referenced in the Plan: http://delawaresourcewater.org/wp-content/scripts/getAsses.php?filename=UpdatesMay2014%2FRhoboth_Water_final.pdf

Water Quality: TMDLs

- Page 47, Infrastructure: DNREC would like the Town of Dewey Beach to expand on the narrative about TMDLs and include language in reference to the Pollution Control Strategies (PCS).

In simple terms, a TMDL matches the strength, location and timing of pollution sources within a watershed with the inherent ability of the receiving water to assimilate that pollutant without adverse impact. The realization of these TMDL pollutant load reductions will be through a Pollution Control Strategy (PCS). A Pollution Control Strategy identifies the specific strategies and actions (e.g., best management practices) necessary for reducing pollutants in a given water body (or basin/watershed), thus realizing the water quality criteria or standards set forth in the State of Delaware's Water Quality Standards, ultimately leading to the restoration of a given waterbody's designated beneficial use(s). Specifically, a PCS is a combination of best management practices (e.g., wetland buffers, green technology stormwater treatment, pervious paving materials, rain gardens...etc.) that will efficiently reduce nutrient and bacterial pollutant runoff loading. The PCS for the Inland Bays consists of regulatory requirements for stormwater and wastewater with mostly voluntary recommendations for agriculture. The regulatory requirements for the Inland Bays PCS can be viewed here: http://www.dnrec.state.de.us/water2000/Sections/Watershed/ws/ib_pcs.htm

The Town of Dewey Beach is located within the greater Inland Bays Basin. Within this Basin, the designated nutrient (nitrogen and phosphorus) and bacterial TMDL load reduction requirements are presented in Table 1.

	N	P	Bacteria
Inland Bays Basin (low reduction area)	40% Low Reduction zone	40% Low Reduction zone	40% Fresh water

Table 1: TMDL reduction requirements for the Inland Bays

DNREC would be interested in helping to implement these recommendations through ordinance review and development. With a focus on water quality, we would recommend developing an impervious surface mitigation plan, avoiding development on hydric soils, and the use of green-technology storm water management in lieu of “open-water” storm water management ponds whenever practicable.

Climate Change

- Dewey Beach has taken an important step forward in recognizing the significant impacts that climate change will have on its economy, resources and citizens by including a climate change section in its Comprehensive Development Plan. DNREC appreciates that the Town has recognized the threats of climate change in this plan.

There is an incredible volume of information available about climate change impacts. The following is a short list of the most relevant and useful information for your comprehensive development plan efforts:

1. New sea level rise scenarios and maps are available, as of November 2017. The new maps provide inundation at 1-foot increments and the new scenarios provide improved information about sea level rise impacts mid-century. The report and links to maps can be found on the Delaware Geological Survey website: <http://www.dgs.udel.edu/projects/determination-future-sea-level-rise-planning-scenarios-delaware>
2. The Creating a Flood Ready Community training site provides links to a wide variety of resources that can be used to plan for sea level rise: <http://dnrec.delaware.gov/coastal/DNERR/Pages/CTP%20Pages/FloodReadyCommunityResources.aspx>
3. Climate change impacts to human health are reviewed in the fall issue of the Delaware Journal of Public Health: https://issuu.com/dam-dpha/docs/djph_october2017

- In addition, the Town may wish to consider opportunities for grant funding and technical assistance. DNREC offers grant funding for sustainability and climate change planning through the Sustainable Communities Planning Grant Program and the Resilient Community Partnership (RCP). The RCP program provides funding for local governments to develop a long term plan for climate change and/or sustainability. The RCP also provides direct staff support, policy expertise, technical assistance and funding to help a community through the resilience planning process.

DNREC staff are always available to assist and would be happy to meet with Town staff and its consultants to discuss climate change vulnerabilities and greenhouse gas reduction strategies.

Air Quality

- DNREC would like to see the “Natural Environment” portion of Dewey Beach’s 2017 draft Comprehensive Plan adequately address air quality impacts in the town (page 51). According to the draft Plan, the 2010 Census determined that Dewey Beach has a youth population percentage of 12% and a 65 and older population of 27.3% (page 8). Those aged 5 and younger, the elderly and those with pre-existing medical conditions are at risk due to the negative effects of air pollution. Particulate matter (PM) is a pollutant that can be attributed to the transportation and industrial sectors and consists of small particles. Air pollution has the ability to further exacerbate cardiopulmonary conditions such as asthma, emphysema and COPD. DNREC would also like to see these health impacts as part of the general discussion on transportation safety with recommendations to mitigate this issue.
- DNREC recommends that the Plan highlight air quality benefits which reduce potential sources of air pollution:
 - Encouraging compact, mixed-use development where applicable,
 - Allowing opportunities for the increased use of public transit,
 - Expanding of the current bicycle and pedestrian network,
 - Increasing economic development and by extension, the number of people using alternative transportation modes.
- Dewey Beach is a popular tourism town and beach area and is encouraged to add electric vehicle supply equipment (EVSE) and charging where feasible in common areas to accommodate cleaner vehicular transportation through the area. For more information about the various electric charging options and where they are best deployed, please see our website. www.de.gov/cleantransportation

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 town to resubmit the plan once the items are addressed. Once all items are addressed, we will send you the letter as described above.
- Once you receive our letter stating that all certification items (if applicable) have been addressed, the Planning Commission and Council should adopt the plan pending State certification. We strongly recommend that your Council adopt the plan by ordinance. The ordinance should be written so that the plan will go into effect upon receipt of the certification letter from the Governor.
- Send our office a 2 hard copies or 1 electronic copy of the adopted plan along with the ordinance (or other documentation) that formally adopts your plan. We will forward these materials to the Governor for his consideration.
- At his discretion, the Governor will issue a certification letter to your Town.

Thank you for the opportunity to review this Comprehensive Plan. If you have any questions, please contact me at 302-739-3090.

Sincerely,



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

