



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

June 22, 2018

David Mellen
City of Rehoboth Beach
229 Rehoboth Ave.
Rehoboth Beach, DE 19971

RE: PLUS review 2018-05-17; City of Rehoboth Comprehensive Plan Pre-Update

Dear Mr. Mellon:

Thank you for meeting with State agency planners on May 23, 2018 to discuss the Pre-Update review of the City of Rehoboth Beach'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.

- 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>.
- According to the 2010 Census the population for the City of Rehoboth has a population of 1327 persons. As such, the City will need to include the requirements included on the checklist for municipalities under 2000. In addition, the City should ensure that the municipal boundaries are clearly articulated on all maps.
- Rehoboth is a resort community with over 3000 homes. Many are used as rental and seasonal units which means the City of Rehoboth populations fluctuates by season and has unique and additional concerns which a city of 1300 may not normally have. WE encourage the City to review the check list above and although not required of municipalities under 2,000 population the plan may describe the physical, demographic and economic conditions and contain policies, statements, goals and planning components addressing land use, transportation, economic development, affordable housing, community facilities, open space and recreation, protection of sensitive areas,

community design, water and wastewater systems, protection of historical and cultural resources, annexation and any other elements which the community feels will best promote health, safety, prosperity and general welfare.

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

- The City should take this opportunity to review and compare you municipal boundary files with those of the County to ensure they match. Miriam Pomilio with this office can help with this if needed.
- If the City identifies annexation areas in their Future Land Use Plan, they should clearly identify the Future Land Use for the proposed annexation areas.
- The Office of State Planning recently reviewed the comprehensive plan for the Town of Dewey Beach. At that time we asked that the town reach out to you regarding future land use and water and wastewater allocations needed for future land use. It is important that the City of Rehoboth and the Town of Dewey Beach coordinate your future utility needs during this process.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- Ms. Jennifer Cinelli, a planner in DelDOT’s Regional Systems Planning Section, would like to meet with the Town about their Plan. While she intends to initiate that contact, the City may reach her at (302) 760-2549 or Jennifer.Cinelli@state.de.us.
- The City should expect also a contact from Ms. Tremica Cherry-Wall, a service development planner in Delaware Transit Corporation’s Service Development Section, specifically regarding resort area transit service. As necessary, the City may contact her at (302) 576-6065 or Tremica.Cherry-Wall@state.de.us.

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

- The Rehoboth Comprehensive Plan includes city history. The State Historic Preservation Office recommends creating a new Architectural Design Manual and revising the Architectural Review Task Force in the future.
- After reviewing the 2010 Rehoboth Comprehensive Plan and the status report provided, the State Historic Preservation Office has established that Rehoboth hasn’t revived the Architectural Review Task Force since 2010. Under current status of Section 8: Rehoboth’s Built Environment, they refer to the 2007 Architectural Design Manual for the limited time architectural review procedure. Rehoboth did adopt an “Official Zoning Map” (Section 9: Growth Management) in 2010 but didn’t establish a new mixed use zone category designed to encourage the development and redevelopment of selected commercial areas along major commercial streets.

State Housing Authority – Contact: Karen Horton 739-4263

- Providing affordable housing for current and future residents is a federal, state *and local issue*. At a time when Federal resources for housing are diminishing, this is especially critical given the substantially documented need for affordable housing within the coastal resort region of Sussex County. Strong market forces and limited land do present challenges to attainable housing in this region. However, to the extent possible through land use regulations, partnerships, policies and programs, the Town of Rehoboth’s position on housing should reflect a willingness to facilitate affordable housing opportunities for people of all income levels.
- The following are examples of strategies that could be particularly helpful in Rehoboth:
 - Provide additional housing opportunities within the existing housing stock such as permitting accessory dwelling units in residential areas as a matter of right. This can help residents age in place and address some of the need for seasonal housing.
 - Consider long-term affordability programs and tools to preserve public investment and to ensure a sustainable affordable housing stock. This can be through partnering with the Diamond State Community Land Trust (DSCLT). Examples of this partnership could be through donated land within the Town to the DSCLT or set up contractual agreements for monitoring long-term affordability restrictions on units set aside by the Town to be affordable.
- DSHA offers the following information as the Town prepares its Comprehensive Plan Update:
 - 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, a reporting portal (that takes you to an interactive map).
<http://www.destatehousing.com/FormsAndInformation/needs.php>
 - In addition to the *2015-2020 Statewide Housing Needs Assessment*, 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_f s.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>
 - Sheriff Sale data from 2008 to Present by Zip Code –
http://www.delawarehomeownerrelief.com/media/sheriffsale_2008_sussex.pdf
 - Monthly Foreclosure and Sheriff Sale Data -
<http://www.delawarehomeownerrelief.com/data.php>
- DSHA offers technical assistance to the Town 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.

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

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

Source Water Protection

- The text of a comprehensive plan may include a description of source water requirements, as per Delaware Code (7 Del. C. 6082(c)), and include goals and objectives related to the protection of the resource. If the City chooses to incorporate this language into the Plan, there is specific guidance about how and where to provide the information:
 - It should be placed within the water and sewer element of the local government's comprehensive plan, as per Title 22 of the Delaware Code.
 - If a map of source water resources (excellent recharge areas, wellhead protection areas) is included in the plan it must be derived from the most current datasets¹ provided by the Department of Natural Resources and Environmental Control (DNREC).
 - Plan text must clearly include the regulatory provisions of your source water ordinance and refer to the most current source water protection datasets¹.
- A local government may also choose to adopt, after consultation with DNREC, an ordinance that is protective of source water resources. If adopted, the ordinance shall refer to the most current official source water map and relevant data, as provided in the current Comprehensive Plan and as amended from time to time or include a map update procedure.

¹<http://opendata.firstmap.delaware.gov/datasets/delaware-well-head-protection-areas>

Preparing for Climate Change

- Since the development of the Rehoboth's 2010 Comprehensive Plan, an enormous amount of data and information has become available regarding climate change and its impacts to Delaware and we encourage you to utilize this information to make plans for the Rehoboth's future.

The comprehensive planning process is a unique opportunity to view all aspects of Rehoboth's future through a climate change lens to ensure that plans laid out today will be sustainable in the long term. DNREC recommends that the City's comprehensive plan consider climate change in each major plan component, but particularly in the Housing, Environment, Transportation and Water sections.

- Climate change will result in three primary impacts for the state and Rehoboth:
 1. Sea Level Rise: Sea level rise affects all tidal bodies of water. Sea levels are anticipated to rise by 1.5 meters by the end of century, and as much as 0.6 meters (1.9 feet) by 2050. Sea level rise can lead to inundation of infrastructure and natural areas adjacent to waterbodies, water quality problems through saltwater intrusion into drinking water wells and wastewater treatment issues through rising water tables affecting septic systems.
 2. Increased Heavy Precipitation Events: Climate change is expected to result in more frequent heavy precipitation events. This can lead to flooding, especially in areas with inadequately sized drainage infrastructure. This flooding can result in safety hazards, inaccessible roadways, travel delays, and damage to buildings or other infrastructure.
 3. Rising temperatures. Rising temperatures will result in a longer growing season, heat waves, and more days where it doesn't cool off at night. This has many 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.
- Several towns in New Castle County and throughout the state have incorporated climate change concerns into their comprehensive development plans and there are several good examples to follow. Perhaps the more useful is a recent report prepared by the UD Institute for Public Administration that details how climate change was incorporated into the City of Milford Comprehensive Plan and describes best practices for incorporating climate change into comp plans. It is available online: <http://www.ipa.udel.edu/publications/cccpd-2017.pdf>.
- The effects of climate change on human health should be emphasized in the conversation around specific impacts. Public safety concerns and mental health are key factors that could be addressed through planning and education. Below are some areas where the City can incorporate language about the health of its residents and visitors.
 - As noted in the 2010 plan, consideration should also be given to the need for additional public water fountains. One way for residents and visitors to cool off and minimize heat-related illnesses on very hot days is to stay hydrated.
 - Consider developing a policy and/or training that protects the safety of the City of Rehoboth's outdoor workers from extreme heat, e.g., maintenance workers, lifeguards, concession stand workers, etc. On very hot days, outdoor workers should take breaks to relieve themselves from the heat, should feel encouraged to

take breaks by upper management, and should be aware of the signs of heat-related illness. For more information on heat-related illness, recommendations, and existing policies please see the [Climate-Ready Workforce Pilot Project Report](#).

- Consider posting signage in parks and recreational areas that alert visitors of extreme heat and vector-borne illnesses. Such signage could remind visitors about these threats and what they should do to protect themselves against it. For example: during tick season visitors should put on repellent and check themselves for ticks after a visit.
 - Consider the benefits of developing a building code encouraging cool roofs, e.g., new buildings must be constructed with a cool roof. As temperatures gradually rise, hotter days become more frequent, and population and number of visitors increase, the city will experience the “[urban heat island effect](#).” In order to avoid hotter temperatures in Rehoboth, widespread use of cool roofs will help keep the city cooler.
 - Residents will experience health impacts before, during, and after a natural disaster such as hurricane. These health impacts can include higher instances of water-borne and food-borne illnesses and mental stress. It is important to have an emergency transportation plan in place, but it is also important to have a plan in place that will ease stress of residents before an event (for example- ensure that all residents are aware of their evacuation options), are knowledgeable of potential threats during an event (for example- not to wade through flooded areas as this will increase an individual’s risk of water-borne illness), and a way to tend to health impacts after the event (for example- ensure coordination in providing food and water to those who cannot return home).
- 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 City 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.
 - <https://dnrec.alpha.delaware.gov/energy-climate/sustainable-communities/sustainable-planning/>
 - <https://dnrec.alpha.delaware.gov/coastal-programs/planning-training/resilient-communities/>

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

Air Quality

- DNREC recommends acknowledging the importance of protecting air quality within the City of Rehoboth's Comprehensive Plan. Discussion should focus on the health benefits as well as climate change mitigation. Air pollution mitigation measures can be addressed within the "Natural Resources" section of the 2020 Plan.
- DNREC recommends the following considerations for the City of Rehoboth in mitigating potential air pollution issues:
 - Encouraging mixed-use or cluster-style development where applicable in order to preserve open space
 - Allowing opportunities for the increased use of public transit
 - Expansion of the current bicycle and pedestrian network, encouraging alternative transportation modes
 - Promoting and expanding ordinances that would involve the planting of trees for new development/redevelopment projects and efforts to continue the preservation of trees in the City which help to clear the air of pollutants.
- As an added component to address air quality concerns in the area, the City of Rehoboth Beach is encouraged to add electric vehicle supply equipment and charging where feasible in common areas to accommodate cleaner vehicular transportation through the area. DNREC's clean transportation website has more information about the various electric charging options and where they are best deployed. DNREC also offers rebates to lower the cost of electric

vehicle charging stations for businesses and workplaces. For additional information on how the City can become involved with this growing and successful program, please visit the following link: www.de.gov/cleantransportation.

- DNREC has noted that the City of Rehoboth Beach has a goal of expanding their bicycle and pedestrian network. DNREC supports the city's efforts to provide safe and alternative transportation modes for pedestrians and bicyclists through traffic management to get cars off the streets and let people use alternate means of moving about the city.
- The Department also supports the city's goal to "plant and maintain curbside trees on all side-walked streets within the City" (Appendix A). The planting of native tree species has the ability to reduce air pollution in the city by taking in carbon dioxide and converting it into oxygen and particulate matter (PM) through leaves surfaces. The ideal tree species to use are those with large leaf surface areas, high transpiration rates and have hairy or sticky leaves which are amenable to particle collection.

Solid Waste Disposal and Recycling

- Concerning the increased services provided to residents and visitors, please be aware that Delaware's Universal Recycling Law (URL) went into effect in June 2010 (<http://www.delcode.delaware.gov/sessionlaws/ga145/chp275.shtml>). Whether the City of Rehoboth provides waste disposal services or contracts out for waste disposal, recycling services must be provided as well. There have been subsequent changes to requirements concerning recycling collection services for a variety of residential and commercial customers. Understanding these will assist the town in coordinating with service providers as well as informing and educating residents/business owners.

Effective no later than September 15, 2011, all persons providing solid waste collection services in the State of Delaware shall also provide:

- Single stream curbside recycling collection services to all of their Delaware single-family residential customers, including delivery of a container for the purpose of storage and collection of recyclables that is adequately sized for the customers use such that recycling is encouraged and disposal of recyclables is discouraged; and the recyclables collection service shall be provided at a frequency of not less than once every other week.
- Source separated recycling collection services to dealers who provide on-site sales, including delivery of a recyclables container that is adequately sized for the premise being served and a frequency of recyclables collection that shall preclude the recycling containers from overflowing and otherwise causing a nuisance.
- All single-family residential and on-site sales customers with a single charge for the collection of waste and recyclables on their "waste services" bill that is inclusive of the combined waste and recycling collection service costs. Local governments that

do not presently bill separately for the costs of waste collection are exempt from this requirement.

- Notification to all customers that the single stream recycling service will be provided and instructions on participation, prior to September 15, 2011.
- Effective no later than January 1, 2013, all persons providing solid waste collection services in the State of Delaware shall provide:
 - Single stream recycling collection services to all of their Delaware multi-family residential customers, including providing the multi-family complex with an appropriately sized and centrally located recyclables collection container(s) for the complex being served and ideally in the same proximity as the complex's waste disposal containers. Local governments may require multi-family complex owners to provide their own recyclable collection containers consistent with local requirements.
 - Notification to the multi-family complex management that the single stream recycling service, including instructions on participation, will be provided.
 - A frequency of recyclables collection that shall preclude the recycling containers from overflowing and otherwise causing a nuisance.

Parks, Open Space, and Recreation

- In August 2011, the Delaware Division of Parks and Recreation conducted a telephone survey of Delaware residents to gather information and trends about outdoor recreation patterns and preferences as well as other information on their landscape perception. These findings are the foundation of the 2013-2018 Statewide Comprehensive Outdoor Recreation Plan (SCORP) which provides guidance for investments in needed outdoor recreation facilities and needs within county and municipal comprehensive plans.

For the purpose of refining data and research findings, Delaware was divided into five planning regions. The City of Rehoboth Beach is located within SCORP Planning Region 5. When looking at the findings from the 2011 telephone survey, it is apparent that Delawareans place a high importance on outdoor recreation. Statewide, 93% of Delaware residents indicated that outdoor recreation had some importance in their lives, while 67% said it was very important to them personally. These findings are very close to the results of the same question asked in the 2008 public opinion telephone survey, indicating a continued demand for outdoor recreation opportunities throughout the State.

Placing high importance on outdoor recreation resonates throughout the five SCORP regions. In Region 5 (Eastern Sussex County), 63% said it was very important to them personally.

Outdoor Recreation Needs/Priorities:

Based on the public opinion survey, the most needed outdoor recreation facilities in Rehoboth include:

High facility needs:

- Walking and Jogging Paths
- Bicycle Paths
- Swimming Pools
- Community Gardens
- Fishing Access
- Off-Leash Dog Areas
- Picnic Areas
- Basketball Courts
- Playgrounds

Moderate facility needs:

- Hiking Trails
- Boat Access
- Canoe/Kayak Launches
- Camping Areas
- Ball Fields
- Football Fields
- Public Golf Courses
- Soccer fields
- Tennis Courts

- The City is encouraged to use the results of the SCORP to identify recreational goals and strategies in its comprehensive plan.

Total Maximum Daily Loads (TMDLs)

- It is recommended that the City of Rehoboth Beach Comprehensive Development Plan mention the TMDL reduction requirements for nutrients (e.g., nitrogen & phosphorous) and bacteria for the Inland Bays Watershed, as identified in Table 1:

Nutrients (N&P) and Bacteria	N	P	Bacteria
Inland Bays watershed	40% (low reduction zone); 85% (high reduction zone)	40% (low reduction zone); 65% (high reduction zone)	40% (fresh); 17% (marine)

Table 1: TMDL nutrient and bacteria reduction requirements for the Inland Bays watershed

- Compliance with the specified TMDL nutrient and bacterial reduction requirements for the Inland Bays watershed can be facilitated through compliance with the Inland Bays Pollution Control Strategy (PCS). For more information about the PCS, see: http://www.dnrec.state.de.us/water2000/Sections/Watershed/ws/ib_pcs.htm
- The City should develop specific “*actionable*” strategies” to attain the TMDL nutrient and bacteria reductions necessary for restoring water quality and “beneficial uses” (e.g., fishing, swimming, & drinking water) to waters of the greater Inland Bays Watershed. To this end, we recommend that the City include the following proposals for ordinances in the City’s Comprehensive Plan:
- Recommendations to help achieve TMDL load reductions:

DNREC recommends that the Rehoboth Beach be proactive and make specific “actionable” strategies “to attain the TMDL nutrient and bacteria reductions necessary for restoring water quality and “beneficial uses” (e.g., fishing, swimming, & drinking water) to waters in the greater Inland Bays. To this end, we recommend that the Town include the following proposals for ordinances in the City’s Comprehensive Plan, where appropriate:

- Require all applicants to submit to the City a copy of the development site plan showing the extent of State-regulated wetlands (as depicted by the State Wetland Regulatory Maps), and a United States Army Corps of Engineers (USACE) approved wetlands delineation as conditional approval for any new commercial and/or residential development. Additionally, the site plan should depict all streams and ditches which are jurisdictional pursuant to the Subaqueous Act (7 Del. C., Chapter 72), as determined by DNREC.
- Implement regulations to protect freshwater wetlands where regulatory gaps exist (i.e., isolated wetlands and headwater wetlands), if applicable.
- Require a 100-foot upland buffer width (requiring plantings of native woody and/or herbaceous plant species) from all US Army Corp of Engineers regulated/approved and State regulated wetlands.
- Call for an impervious surface mitigation plan specifically requiring the use of pervious paving materials in all parking areas for all projects with 20% or more total post-development surface imperviousness. In high density (usually commercial) developments with post-development surface imperviousness of 50% or more, we suggest half of total area(s) of imperviousness in paved areas contain pervious pavers, including parking lot area(s).

- Require the calculation for surface imperviousness (for both commercial and residential development), including all constructed forms of surface imperviousness - paved surfaces, rooftops, and open-water storm water management structures.
- Exclude structural best management practices such as community wastewater treatment areas, open-water storm water treatment structures, and natural areas containing regulated wetlands from consideration as open space.
- Prohibit development on hydric soil mapping units. Hydric soil mapping units should be provided based on the most recent NRCS soil survey mapping of the parcel, or through the submission of a field soil survey by a licensed (Delaware Class D) and certified (CPSS) soil scientist.
- Insist that the applicant use “green-technology” storm water management in lieu of “open-water” storm water management ponds whenever practicable.
 - Encourage the assessment of a project’s TMDL nutrient loading rate through use of the Department’s nutrient budget protocol. The applicant should be further required to use any combination of approved best management practices to meet the required TMDLs for the Inland Bays Watershed.
 - DNREC has developed a Green Infrastructure Primer to assist decision makers when considering these nature-based options. The document can be found here:
http://www.dnrec.delaware.gov/GI/Documents/Green%20Infrastructure/Green_Infra_Primer2016_FINAL%20web%20version.pdf

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 it has been approved in draft form 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

CC: Debbie Pfeil, KCI