

2015

# *Delaware*

## Strategies for State Policies and Spending

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**Delaware Office of  
State Planning Coordination**

Approved by:  
**Cabinet Committee on  
State Planning Issues**

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LEGISLATIVE HALL IN DOVER, DELAWARE



## Background Information

### Purpose

The purpose of the *Strategies for State Policies and Spending* is to coordinate land-use decision-making with the provision of infrastructure and services in a manner that makes the best use of our natural and fiscal resources. The Cabinet Committee on State Planning Issues, through the Office of State Planning Coordination, originally developed the first Delaware *Strategies for State Policies and Spending* document published in 1999 to provide policy guidance for state activities and serve as a framework for coordinating the plans and actions of local governments. The importance of such coordination lies in the fact that land-use decisions are made at the local level, while the bulk of infrastructure (e.g., roads and schools) and services (e.g., emergency services and social services) that support land-use decisions are funded by the state. Thus the development of this document with local governments and citizens helps to create a unified view toward growth and preservation priorities that all governments can use to allocate resources.

The document is a result of extensive coordination with local governments, citizens, and state agencies to determine what areas are most prepared for growth and where the state can make the most cost-effective investments in roads, schools, and other public facilities and services.

### The Legal Basis

The *Strategies for State Policies and Spending* provides a policy framework for planning in Delaware. Developed by the Cabinet Committee on Planning Issues to fulfill its directives under Title 29, Chapter 91 of the Delaware Code, the *Strategies for State Policies and Spending* provide a framework for the infrastructure and service investments by state agencies. The strategies also provide overall regional planning guidance for counties and local

jurisdictions and are based largely on local desires and planning efforts, which were enabled and required by Titles 9 and 22 of the Delaware Code and certified by the state as directed by Title 29, Chapter 91 of the Delaware Code.

The Delaware Code (Title 29, Chapter 91) creates the Cabinet Committee on State Planning Issues to advise the governor on land-use planning, growth, and infrastructure-investment policy issues. Specifically, the role of the Cabinet Committee on State Planning Issues, from Title 29, Chapter 91, Section 9101 of the Delaware Code is as follows:

1. Recommendations for the most desirable general pattern of land use within the State, in light of the best available information concerning topography, climate, soil and underground conditions, water courses and bodies of water and other natural or environmental factors, as well as in light of the best available information concerning the present and prospective economic bases of the State, trends of industrial, population or other developments, the habits and standards of life of the people of the State and the relation of land use within the State to land use within adjoining areas;
2. The major circulation pattern recommended for the State, including major routes and terminals of transportation and communication facilities, whether used for movement of people and goods within the State or for movement from and to adjoining areas;
3. Recommendations concerning the need for and the proposed general location of major public and private works and facilities, such as utilities, flood control works, water reservoirs and pollution control facilities, military or defense installations and other governmentally financed or owned facilities;

4. Recommendations on land-use planning actions that are subject to review and comment pursuant to Chapter 92 of this title;
5. Preparing the *Strategies for State Policies and Spending* document and maps, which shall serve as the primary policy guide that summarizes the State's land-use goals, policies and strategies and directs state spending into investment levels that support the most efficient use of state resources, be they physical, fiscal, or natural, except that county and municipal governments shall retain their existing autonomy with respect to the land-use designations set forth in their proposed and/or adopted comprehensive plans. The *Strategies for State Policies and Spending* shall be updated at least every 5 years, provided that the Governor may extend the deadline at his or her discretion; and
6. Performing such other duties and responsibilities with respect to Downtown Development Districts as set forth in Chapter 19 of Title 22.

These strategies will guide the investments made by state agencies and ensure that those public investments are efficient, equitable, and promote compact growth and resource conservation. State agencies are directed to fund only those projects that are in compliance with these strategies.

### Using the Strategies for State Policies and Spending Document

This document is intended for a diverse audience and will be used by state agencies, local governments, and citizens. With these policies as a guideline, state government will make appropriate, cost-effective investments in all areas of the state in order to promote efficient development patterns, encourage sustainable<sup>1</sup> economic development, and

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<sup>1</sup> Sustainable development maintains or enhances economic opportunity and community well being while protecting and restoring

protect agriculture and open space in order to increase Delaware's resilience to current and future impacts of climate change and discourage sprawl. For example, this document will be used by state agencies in the following ways:

- The review of projects that come to the Preliminary Land Use Service (PLUS) process;
- Public-service-facility-locations capital budget requests;
- School site approvals;
- State input to local land-use decision-making, including for the preparation of local comprehensive plans;
- State agency capital- and operating-budget requests and expenditures and policy decision-making; and,
- Prioritization of transportation projects.

It is important to note that the maps contained within this document are not "parcel-based," so it is still necessary to thoroughly investigate the constraints of particular land parcels, even though they may be contained in one of the growth-oriented investment levels of the *Strategies for State Policies and Spending*. For example, if a parcel is in Level 1 but contains extensive wetlands it may not be suitable for dense development or state infrastructure investment. It is equally important to note that while this document and map series directs state investments, it is not a land-use plan. In Delaware, the state has delegated land-use authority to the local governments. Any land-development activity must be in compliance with comprehensive plans and meet all of the relevant codes and ordinances of local jurisdictions.

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the natural environment upon which people and economics depend. Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs.

## Why an Update?

State code requires that this document be updated every five years. The rationale for this is that the *Strategies for State Policies and Spending* document is a comprehensive plan for the state; comprehensive-planning documents are a reflection of public policies at a particular time, and they require continual review, revision, and refinement as they are a documents that set forth goals, policies, and guidelines intended to direct the present and future physical, social, and economic development that occurs within its planning jurisdiction. This document updates the 2010 *Strategies for State Policies and Spending*. The purpose of this document is to provide the basis for near-term spending decisions, define long-term development issues, and assist local planning efforts. It should be periodically revisited—just as county and municipal plans are—to reflect demographic, economic, and land-use trends, and to analyze specific issues such as understanding current scientific information regarding impacts related to climate change and sea level rise.

## Public Outreach and Comments

During the update process the Office of State Planning Coordination consulted with state agencies, county governments, municipal planning organizations, and local governments for their comments on the document. While gathering data, the state consulted comprehensive plans that had been state-certified as well as those currently in the state-review process.

Additionally, a total of seven public meetings were held to accept public comments on the *Strategies for State Policies and Spending* text and maps. Comments were also accepted in writing at the meetings and online.

## Severability

Should a court decide that any section or provision of this *Strategies for State Policies and Spending* document is unconstitutional or invalid, such decision shall not affect the validity of this *Strategies for State Policies and Spending* document as a whole or any part other than the part judged unconstitutional or invalid.

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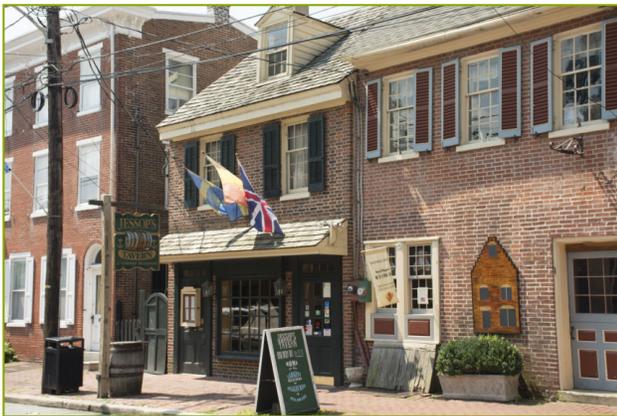
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## Delaware at a Glance

### Delaware – The Physical Aspects

Delaware is 96 miles (154 km) long and ranges from 9 miles (14 km) to 35 miles (56 km) across, totaling 1,954 square miles (5,060 km<sup>2</sup>) and making it the second-smallest state in the United States.

Delaware is bounded to the north by Pennsylvania; to the east by the Delaware River, Delaware Bay, New Jersey, and the Atlantic Ocean; and to the west and south by Maryland. Small portions of Delaware are also situated on the eastern side of the Delaware River sharing land boundaries with New Jersey. Delaware's average altitude is about 60 feet above sea level, making it the lowest average altitude of any state. Delaware also has one of the lowest high elevation points: Ebright Azimuth at 442 feet is the highest point in Delaware, located at the junction of Ramblewood Drive and Ebright Road in Wilmington, Delaware. Only Florida has a lower high point.



OLD NEW CASTLE, DELAWARE

### A Historical Perspective

Native Americans have lived in the area that became the state of Delaware for thousands of years. Among the tribes encountered by Europeans first exploring the bay and river were the Lenni Lenape and Nanticoke, whose descendants still reside in the state.

#### DELAWARE FACTS

Number of Counties	3
Number of Municipalities	57
Land area in square miles	1,954
Land area in acres	1,249,920
Farm land in acres	490,000
Persons per acre	1.4
2010 Population	897,934
Lane miles of highways	13,472

The state was named after the Delaware River which in turn derived its name from Thomas West, 3rd Baron De La Warr (1577–1618), the governor of the Colony of Virginia at the time the river was first explored by Europeans. Delaware was one of the first 13 colonies participating in the American Revolution and on December 7, 1787, became the first state to ratify the Constitution of the United States, thereby becoming known as **The First State**.

Delaware has several other nicknames: One of the most well known is the **Diamond State**. This nickname originated with Thomas Jefferson, who compared Delaware to a diamond—small but very valuable. According to the [Delaware Government Information Center](#), Thomas Jefferson described Delaware as "...a 'jewel' among states due to its strategic location on the Eastern Seaboard." The other well-known nickname for the state is the **Blue Hen State**. This historical nickname originated during the Revolutionary War. According to W.A. Powell's *History of Delaware*, 1928, the story traces back to a Captain Caldwell from Kent County who carried with him a pair of fighting game cocks. These chickens, descendants of a famous Blue Hen, were well known in Kent County for their superior fighting qualities. It is said that upon seeing these gamecocks fight, one soldier cried, "We're sons of



the Old Blue Hen and we're game to the end," comparing the fighting prowess of the chickens to the fighting prowess of the Delaware soldiers. These regiments from Kent County became known as "Blue Hen's Chickens." This name was soon applied statewide. In 1939, the Blue Hen Chicken was adopted as Delaware's official State Bird.

## The Economy

In 1802, Éleuthère Irénée du Pont established a gunpowder mill near Wilmington that laid the foundation for Delaware's huge chemical industry. Delaware's manufactured products have also included vulcanized fiber, textiles, paper, medical supplies, metal products, machinery, and machine tools.

Agriculture plays a significant role in the state's economy. Delaware is a leading producer of broiler chickens. Potatoes, soybeans, corn, and dairy products are also important to the state's economy. Its proximity to the Atlantic Ocean has resulted in the growth of a fishing industry that produces crabs, clams, and oysters.

Another driver of the state's economy is as a corporate haven for most of the country's corporations. This started with the General Assembly passage of "An Act Providing a General Corporation Law" on March 13, 1899. With passage of this bill, Delaware effectively set out the welcome mat for America's corporations.

The Delaware Corporation Law lowered corporate tax and made it easier to create businesses in Delaware. Additionally, the state's attractiveness as

a corporate haven is enhanced by its business-friendly corporation laws, in particular its Court of Chancery (established in 1792). According to the Delaware Divisions of Corporations 2014 Annual Report,

- More than 1,114,000 legal entities are incorporated in Delaware—a 26 percent increase since 2008.
- A total of 65.6 percent of all Fortune 500 companies are incorporated in Delaware, up from 58 percent in 2000.
- Delaware is the leading jurisdiction for publicly traded corporations listed on the U.S. stock exchanges with more than half of such corporations choosing to incorporate in Delaware.

The Delaware Economic Development Office (DEDO) called the Financial Center Development Act in 1981 "landmark legislation that paved the way for new investment." With the passage of this law, Delaware's economy saw significant growth. As a result, banking services joined the chemical industry as one of the state's largest employers. As noted on DEDO's Web site:

*With one of the best business tax climates in the country, Delaware is home to 2,000 finance companies, which employ more than 36,600 people. Some of the largest financial services, banking and insurance companies have significant operations in the state, including Barclays, Capital One, Deutsche Bank, Wells Fargo, BNY Mellon, Bank of America, and JPMorgan Chase.*

## The State of Delaware's Role in Land Use

### The State's Interest in Land Use

Like most states, in Delaware land-use decisions are made by local jurisdictions (municipal and county). But, unlike most other states, Delaware provides many of the services and a great deal of infrastructure throughout the state needed to support such decisions.

- **The State maintains more than 89 percent of Delaware roads** as compared to a national average of 20 percent. This includes nearly 12,000 lane miles; 1,600 bridges; 1,200 traffic signals; 300,000 signs; and, 50 Park & Ride lots.
- **In 2014 just over one million paratransit trips were made by Delaware Transit Corporation (DTC)**, with 303 paratransit buses at a per-person cost to the State of approximately \$58, compared to approximately \$6 per-person cost of a fixed-route DART bus ride with about 9.9 million riders annually.
- **The State provides approximately 60 percent of school operating funding.**
- **The State provides between 60 and 80 percent of educational-facility capital-construction funding**, depending upon the local school districts' relative property wealth.
- **The State provides 90 percent of school transportation costs** (cost are up more than 50 percent since 2002).

- **The State maintains over 110,000 acres of State Parks and Recreation Areas.**
- **The State provides 30 percent of paramedic funding.**
- **The State Police are Delaware's largest police force** and the only police force for unincorporated areas of Kent and Sussex counties.
- **The State funds 15 State Service Centers** that deliver more than 160 programs and services on approximately 635,000 visits annually.
- **Through the State's 21st Century Fund, \$65 million has been appropriated for drainage-related construction improvements since 1996.** Between 2007 and 2011, DNREC and the three Conservation Districts responded to over 2,000 requests for assistance with drainage problems at the homeowner or community level.

As demonstrated by the above examples, state government has a large stake in where and how land is developed. It is easy to see that the cost of providing these services is greatly affected by our pattern of land use. In general, the more spread out we are, the more costly it is for taxpayers and the more of our environmental resources will be consumed. Given the distinct roles of state and local governments the above also demonstrates the importance of intergovernmental cooperation and coordination.

## Land-Use Planning Milestones

- 1959** Delaware establishes the State Planning Council, which is charged with developing the Preliminary Comprehensive Development Plan, detailing the most desirable pattern of land use, and defining a transportation plan, an open-space plan, and a public facility plan for the state.
- 1968** The Delaware State Planning Office submits its 1967 *Preliminary State Comprehensive Development Plan*, which contains a generalized land-use map for the entire state.
- 1971** Governor Russell Peterson signs the landmark Delaware Coastal Zone Act into law. The act protects Delaware’s coastal areas from the destructive impacts of heavy industrialization and offshore bulk product transfer facilities.
- 1976** The Delaware Tomorrow Commission issues its report. Among the commission’s goals are to discourage sprawl in new community development, to preserve prime farmland, and to encourage the use of existing, unused industrial sites and buildings. The commission concluded that the time had come to supplement the original Coastal Zone Act, enacted in 1971 to control industrial uses in a defined coastal area, with a comprehensive statewide land use planning act.
- 1987** The legislature passes the Unmarked Human Remains Act, providing protections for a type of resource that should be taken into account in the development process.
- 1988** The legislature passes the Quality of Life Act, which stems from Shaping Tomorrow’s Environment Today. The act requires regular revision of county comprehensive plans.
- 1994** Governor Thomas R. Carper establishes the Cabinet Committee on State Planning Issues.
- 1994/95** Shaping Delaware’s Future Statewide Planning Effort and Report began an extensive public outreach effort to create a vision for Delaware in the 21st Century.
- 1995** Governor Carper establishes the Office of State Planning Coordination (OSPC), which was disbanded under a previous governor. This restructuring allows the OSPC to provide timely and effective land-use planning comments to county and municipal planning departments so they, in turn, can weigh the State’s opinion before making decisions. The OSPC staffs the Cabinet Committee on State Planning Issues.
- 1995** Governor Carper and the 138th General Assembly approved House Bill 700 to begin funding the Delaware Agricultural Lands Preservation program that was created under Governor Mike Castle in 1991. As of April 14, 2015, the program has spent over \$208 million to permanently preserve over 116,223 acres of crop and forestland.
- 1996** The General Assembly amends the Land Use Planning Act to strengthen the State’s commenting process on major development proposals.

- 1998** House Bill 396 contains a new provision that differentiates planning guidelines for small (fewer than 2,000 residents) and large (more than 2,000 residents) municipalities, provides for plans to serve as the basis for development of zoning regulations, gives plans the force of law, sets timelines for reviews and updates, and for the first time includes protection for historic and cultural resources.
- 1999** The Cabinet Committee on State Planning Issues approves the first *Strategies for State Policies and Spending*. The document was developed collaboratively with local governments based on their comprehensive plans and state development policies. It was also the first time that maps were produced using Geographic Information Systems (GIS) to map out how the State could support certain types of development based on location
- 2001** House Bill 255 gives comprehensive plans legal status and requires that zoning must be consistent with future land-use recommendations within eighteen months of a plan's adoption. Plans must be updated every five years (this has since been changes to every 10 years). Annexation must be consistent with certified plans. The State must certify plans to ensure that local plans are consistent with the *Strategies for State Policies and Spending*.
- 2003** The legislature passes the Historic Preservation Tax Credit program, providing incentives for the preservation of qualified historic resources.
- 2004** Senate Bill 65 replaced the Land Use Planning Act (LUPA) by creating the Preliminary Land Use Service (PLUS) process. This process enables state agencies to meet monthly and review and comment on development projects and comprehensive plans during the preliminary stages of development.
- 2004** The update to the 1999 *Strategies for State Policies and Spending* was published.
- 2004** Senate Bill 305 ties the location of schools to the Delaware *Strategies for State Policies and Spending* by establishing a school-site review process. The intent is to make sure that schools are located near existing or planned-for infrastructure. The approval of school-site locations is now required from the Director of the Office of Management and Budget, the Secretary of Education, and the Director of the Office of State Planning Coordination.
- 2005** Governor Minner established the State's Forestland Preservation program. The program received \$1.45 million of funding in 2007 to preserve 1,365 acres of forestland, but has not received funding since.
- 2010** The update to the 2004 *Strategies for State Policies and Spending* was published.
- 2011** Senate Bill 126 inserted specific references to the use and update of *Strategies for State Policies and Spending* as the main policy guide to the State's land-use goals, policies, and strategies.

**2011** Governor Markell created the state’s “Young Farmer’s Program.” This program was the first of its kind in the nation. As of April 14, 2015, 25 loans totaling \$6 million have been made to Delaware young farmers to purchase 2,121 acres.

**2013** Executive Order 41 was signed by Governor Markell and created a Governor’s Cabinet Committee on Climate and Resiliency (CCoCaR). The charge of this committee is to develop agency-specific actionable recommendations for improving Delaware’s preparedness and resiliency to climate impacts. It also directed state agencies to avoid and minimize flood risks in its siting of structures and infrastructures. Additionally, as a result of the work undertaken in Executive Order 41, the OSPC and the Delaware Department of Natural Resources and Environmental Control (DNREC) are working together to include sea level rise as a specific planning component of municipal comprehensive plans.

**2014** The General Assembly passed Senate Bill 191, the Downtown Development Districts Act of 2014 (the Act), which was subsequently signed by Governor Markell. The Downtown Development Districts (DDD) program aims to revitalize the downtown “Central Business District<sup>2</sup>” in selected city, town, and county areas through the use of economic and other incentives. Under the Act, investors (both nonprofit and for-profit) who make qualified real estate improvements in a District would be entitled to receive DDD grants of up to 20 percent of their “hard costs” such as exterior, interior, and structural improvements.

THOMPSONVILLE INTERCHANGE EAST, NORTH OF MILFORD



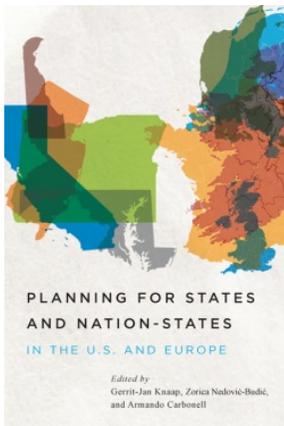
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<sup>2</sup> Central Business District: An area around the downtown portion of the city or town allowing for higher intensity residential uses as well as commercial, office, personal services, governmental, and similar uses intended to serve the community and surrounding.

## The Evolution of the State’s Role in Land-Use Policy

Prior to the 1990s the State’s land-use role with local governments was at best limited and unpredictable. Since the 1990s the State’s role has evolved into one that is not only predictable with set policies and procedures but one that has engendered a strong working partnership with local governments.

Our three most recent Governors shaped current state land-use policies: Jack Markell, Ruth Ann Minner and Thomas R. Carper. It is this continuity with visionary land-use leadership from the past three administrations that has propelled the state



as a leading example of how state planning can be effective. **Planning for States and Nation-States in the U.S. and Europe**<sup>3</sup>, published in 2015 by the **Lincoln Institute on Land Policy**, acknowledged Delaware’s strong state land-use initiatives. The book is a compilation of research about the role of the US federal

government and European Union and compares the land use and spatial planning structures in five US states (Oregon, California, Delaware, Maryland, and New Jersey) and five western European nations (the Netherlands, Denmark, France, UK and Ireland).

In the section on Delaware, the book states:

“Despite the lack of scholarly attention, Delaware’s model of state planning is exceptional and serves as a robust example of a state relying

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<sup>3</sup> Editor(s): Knaap, Gerrit-Jan, Zorica Nedovic-Budic, and Armando Carbonell. Publisher: Cambridge, Massachusetts, Lincoln Institute of Land Policy, 2015.

on horizontal and vertical coordination to produce a document and map that state agencies, nonprofits, and local governments generally accept. Still, the Delaware approach is imperfect, and the unique size and financial structure of the state mean that it is difficult to export its approach to other states. However, Delaware serves as a rare example of consensus building, consistent gubernatorial support, and, ultimately, a largely successful exertion of state influence over the spatial location of growth by investing state funding in accordance with the State Strategies Investment Levels map.”<sup>4</sup>

Furthermore:

“Each governor provided a unique emphasis within statewide planning, but none have sought to dismantle prior programs. Consistency in leadership within the OSPC has accompanied progressive leadership in the Governor’s Office. Some initiatives have strengthened the role of the state, while others have made the law more flexible for local governments.”<sup>5</sup>

Governor Carper is considered to have ushered in the contemporary era of state planning in Delaware. The groundwork for this newer approach to state planning can be traced to Governor Carper’s first-term visioning exercise called *Shaping Delaware’s Future*, which set the stage for reforms in land-use decision-making in the state and led to the adoption of the ten **Shaping Delaware’s Future** goals and guiding principles. During this time the Cabinet Committee on State Planning Issues and the OSPC were created. In 1999, the first state plan, the *Strategies for State Policies and Spending*, was adopted. Governor Carper also signed several bills altering the composition of local planning in Delaware. Legislation established dates by which local governments must submit plans, added

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<sup>4</sup> Page 227

<sup>5</sup> Page 237



requirements for updating plans, and endorsed transfer of developments rights programs. Additionally, an amendment to the Land Use Planning Act enhanced the State’s role in commenting on development proposals. This newfound emphasis on intergovernmental coordination provided a new framework for land-use policy in Delaware.

Both Governors Minner and Markell have continued and enhanced the model that Carper initiated. Governor Minner enhanced Governor Carper’s initiative with her Livable Delaware agenda. Her effort focused on administrative and legislative initiatives to strengthen land-use planning efforts at the state and local levels:

- Executive Order 14 directed state agencies to develop Livable Delaware plans.
- House Bill 255 created a local comprehensive plan certification process, reformed the annexation process, and gave comprehensive plans the force of law among other things.

- Senate Bill 65 established the Preliminary Land Use Services (PLUS) process for the review of development projects early in the development process.

Governor Markell’s land-use agenda is shaped around the following principals:

- **Develop a More Efficient and Effective Government** by coordinating local land-use actions with State infrastructure and service delivery, largely through implementing the *Strategies for State Policies and Spending*.
- **Foster Economic Growth** by enabling a predictable and transparent land-use review and permitting process and leveraging state and local investments in infrastructure.
- **Improve Educational Opportunities** for Delaware’s children by working with school districts and local governments to locate new schools in cost-effective neighborhood settings in accordance with the *Strategies for State*

*Policies and Spending* and local government comprehensive plans.

- **Enhance the Quality of Life for All Delawareans** by creating complete communities rich in amenities and services, encouraging a range of choices for residence and businesses, and protecting natural resources and our agricultural economy.

In regards to his agenda, the Governor has taken some extraordinary steps toward their implementation including the recently enacted Downtown Development District program (see page 36) along with significant planning grant program through the Neighborhood Building Blocks Fund (NBBF) program (see page 37). Both programs help local governments work with the State to implement this land-use agenda.

All three Governors understood the need for the State to be engaged with local governments in land-use decision-making because of the State’s fiscal responsibilities in supporting local land-use decisions. Furthermore, citizens and the business community were looking for unity between governments and predictability among the various land-use processes. With increased development pressure throughout the state during this time period and the demand to maintain a high quality of life that included good jobs, quality education, a low tax structure, and the preservation of our natural resources, it was understood that there was a need to work as a partner with local governments. These three governors, in particular, understood that waste and inefficiencies would occur if all levels of government weren’t working together.



## The Cabinet Committee on State Planning Issues and the Office of State Planning Coordination

One of the most significant actions in regard to improving the coordination of land-use activities was the re-establishment of the Cabinet Committee on State Planning Issues in 1994.

The Cabinet Committee on State Planning Issues is comprised of the following cabinet members:

- Secretary of Agriculture
- Secretary of Natural Resources and Environmental Control
- Secretary of Transportation
- Director of the Economic Development Office
- Director of the Office of Management and Budget
- Secretary of Education
- Secretary of Finance
- Secretary of Health and Social Services
- Secretary of Safety and Homeland Security
- Director of the Delaware State Housing Authority
- Director of the Office of State Planning Coordination

The Committee's primary purpose is as an advisory body to promote the orderly growth and development of the State, including recommending desirable patterns of land use and the location of necessary major public facilities. In essence, the mission of the Committee is to advise the Governor and General Assembly on coordinating the State's provision of infrastructure and services with the land-use decision-making process that is controlled by local governments. To achieve their mission, the Cabinet Committee, through the Office of State Planning Coordination, originally developed the first Delaware *Strategies for State Policies and Spending* document published in 1999 to provide policy

guidance for state activities and serve as a framework for the plans and actions of local governments. This document outlines strategies that will guide State decisions about growth.

The Committee defined two fundamental policies to guide the development of the strategies:

1. State spending should promote sustainable quality, efficiency, and compact growth.
2. State policies should foster order and resource protection, not degradation.

The Office of State Planning Coordination, which staffs the Cabinet Committee on State Planning Issues, represents the State on significant land development issues. It provides coordinated comments on land-use development proposals to local governments, landowners, and developers. It explores innovative approaches to guiding the State's land development.

## Intergovernmental Coordination

As can be seen from the information presented so far, intergovernmental coordination is extremely important for the success in our current land-use efforts. Delaware's county and municipal governments have the responsibility and authority to plan for and manage land use and to institute zoning and other controls required to implement comprehensive plans. This tradition of local control over land use is appropriate and reflects the conviction that decisions about land use should be made by those most closely involved.

The State respects this long-standing tradition of local control over land use. Even so, the State government has a continuing involvement in the overall land-use patterns because of its responsibility to the state taxpayers. The State provides or financially supports many major public services and facilities (transportation, health care, education, corrections, and safety and homeland security) and is responsible for protecting the state's natural resources and ensuring its overall economic health. The State also assists local governments financially by providing grants and loans for public works and public safety (e.g., water, wastewater, grant-in-aid for public safety). It is for these reasons that the Cabinet Committee on State Planning Issues is charged by statute with recommending the overall pattern of development for the state and the location of major public facilities.

The development of the *Strategies for State Policies and Spending* doesn't change the relationship between levels of government as it relates to land use, nor do these strategies reduce the local governments' authority to make land-use decisions consistent with either their statutory authority or their locally adopted comprehensive plans.

The *Strategies for State Policies and Spending* establishes a framework wherein the state intends

to allocate its resources and focus its program efforts. In this way, the state fulfills its obligations to effectively make public investments and manage taxpayers' resources, while respecting the tradition of local government authority over basic land-use decisions.

Local governments are essential partners in developing and implementing these strategies and ensuring an efficient pattern of land use. The Delaware Code (Titles 9 and 22) requires that these jurisdictions all prepare comprehensive land-use plans. These plans are reviewed by the Office of State Planning Coordination and eventually certified by the Governor (Title 29, Chapter 91) based on the *Strategies for State Policies and Spending*. The process, which has been embodied in the Delaware Code, ensures intergovernmental coordination by making certain that the state, county, and local governments are all planning together, and it provides the Governor with recommendations on resolving disagreements.

The strategies set spending priorities for the State's management of regulatory programs, land protection, state lands, and buildings. They establish a framework for State comments on local comprehensive-planning and land-use decisions.

State agencies will still make site-specific decisions about particular infrastructure issues and enforce regulatory processes. Such decisions will examine the unique circumstances at each site. These decisions will be based on the guidance given by the *State Strategies*.

Although the strategies and map are not meant to prohibit development or limit local authorities' control over land use, they will be a critical component to be examined during county and municipal comprehensive-plan development and revision processes required under the Delaware Code.

## Directing Growth

### Overall Indicators of Development

Demographic analysis will play a key role in guiding decisions on how to accommodate the expected growth in Delaware. At present, Delaware's population is expected to grow by nearly twenty percent by the year 2040. It is imperative that we understand the composition of this incoming population in order to meet their needs in a manner that preserves Delaware's quality of life and that it is done at minimal cost to taxpayers. Looking at Delaware data for land-use policies we have the following:

- Between 2010 and 2040, Delaware's population is projected to increase by roughly 169,000 to a total of 1,068,155. Where this projected population is located in relation to Delaware's existing population, infrastructure, and services will, no doubt, make a significant impact on the magnitude of state investments needed to support this growth. While more than half of all Delawareans are still expected to reside in New Castle County in 2040, the Delaware Population Consortium (DPC) anticipates that Kent and Sussex residents will account for approximately three percent more of Delaware's 2040 population than they did in 2010.
- The Delaware State Housing Authority's recently completed 2015–2020 Housing Needs Assessment that highlights a new emerging housing market:
  - Households are getting smaller. Adults remain single for longer and there are more couples with no or few children, leading to an increase in single-person households and small families.
  - Households are getting older as the Baby Boom generation ages into their senior years. Similarly, older families tend to be

smaller in size as children move out of their parents' homes.

- There is an increasing demand for rental housing as more households wait to purchase a home, or have transitioned into the rental market due to the recent foreclosure crisis.
- Also, with the growing senior population and smaller families in general, the demand for large single-family homes is waning in lieu of smaller, more affordable single-family homes and townhomes.

National trends seem to agree with what we observe in Delaware, which gives us clues on the shape and location of development to accommodate our changing population is supported in the following:

- National research indicates that demographic changes and consumer preferences will dramatically shift the demand for the style and type of housing in the next 20 years.
- "As baby boomers become empty nesters and retirees, they are drawn to compact, walkable neighborhoods. So are single adults and married couples without children."<sup>6</sup>
- The aging population tends to favor "down-sizing" and moving near community amenities.
- Younger Americans do not share their parents' preference for large-lot, single-family lifestyles. They tend to prefer a community setting and more compact units.
- Arthur C. Nelson, of the University of Arizona, projects that by 2025, the demand for attached and small-lot housing will exceed the current supply by 35 million units (71 percent), while the demand for large-lot housing will actually

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<sup>6</sup> Ewing, Reid, "The Demand for Smart Growth: What Survey Research Tells Us". Planning Magazine, December 2007

fall short of the current supply. “We have too much of the big stuff already.”<sup>7</sup>

- From 2010 to 2040, the percentage of Delawareans over the age of 65 will almost double, while the percentage over 85 is expected to triple.
- Delaware’s population of non–U.S. born residents grew by about 40 percent between 2000 and 2010. In Sussex County, this population nearly doubled through the same time period.
- With people come vehicles. Both the total number of vehicles and the miles being driven are increasing faster than the population is growing. DelDOT reports that Average Annual Vehicle Miles Traveled (VMT) doubled between 1980 and 2005, while Delaware’s population, according to the U.S. Census Bureau, increased approximately 32 percent between 1980 and 2000. Increasing VMT is counter to the State’s air quality and greenhouse gas mitigation goals—which are important for improving public health and quality of life.
- The trend in Delaware has been toward growth in unincorporated areas outside towns. In 1960, Delaware’s population was more evenly distributed between incorporated places (cities and towns) and unincorporated, rural areas. According to the 1960 census, more than 39 percent of Delawareans lived in towns and cities and almost 61 percent lived outside towns. By 1990, according to the U.S. Census, approximately 29 percent of Delaware’s population lives in towns and cities. This trend has continued according to the 2010 census; the population in incorporated places has fallen to just over 28 percent of Delawareans. More than 71 percent of Delawareans now live outside town and city limits.



### Updating the State Strategies Maps

**The accompanying strategies maps are a graphic representation of a combination of state and local land-use policies. They are intended to guide state agencies as they make investment decisions. These maps do not restrict landowners’ rights to use or develop their lands, nor do they restrict a purchaser’s option to live anywhere desired.**

This update of the *Strategies for State Policies and Spending* maps were accomplished using spatial-data analysis to balance state, county, and local policies for various kinds of residential growth, economic development, and land preservation. This analysis was designed to create a statewide map that reflects the combined policies of all levels of government and highlight areas most appropriate for various types of growth.

To conduct this analysis, all factors that argue for new development and redevelopment were gathered. All factors that argue for land preservation and/or agricultural economic development were also gathered, as were data showing areas that are out-of-play for various legal reasons. These can be state or federally owned, purchased development rights, permanent easements, and the like. All of these factors were combined using spatial-analysis tools. The resulting

<sup>7</sup> Ewing, Reid, “The Demand for Smart Growth: What Survey Research Tells Us”. *Planning Magazine*, December 2007

data set was classified into Levels 1, 2, 3, 4, and “Out-of-Play” areas.

Following the spatial analysis, the map data were reviewed by local government officials and members of the public, and the map was edited, where appropriate, to reflect additional information. See Appendix C—Spatial Data Analysis for detailed information.

To better reflect increasing flood risks in the State Strategies Maps, two additional spatial data sets were used in this update: Delaware’s sea level rise map and Delaware’s Flood Risk Adaptation Map (FRAM). The sea level rise maps depict land area that could be inundated by future sea level rise; the state strategies utilized the 1.0-meter (3 foot) sea level rise map, which is the moderate future scenario. The FRAM combines the Flood Insurance Rate Map (FIRM) with an additional 1.0 meter (3 foot) of water from sea level rise to create a representation of a possible future extreme storm event. (See Appendix C for FRAM map and Sea Level Rise map).

It is important to note that the maps contained within this document are not “parcel-based,” so it is still necessary to thoroughly investigate the constraints of particular land parcels, even though they may be contained in one of the growth-oriented investment levels of the *Strategies for State Policies and Spending*. For example, if a parcel is in Level 1 but contains extensive wetlands it may not be suitable for dense development or state infrastructure investment.

### **The State Strategies and Local Government Comprehensive Plans**

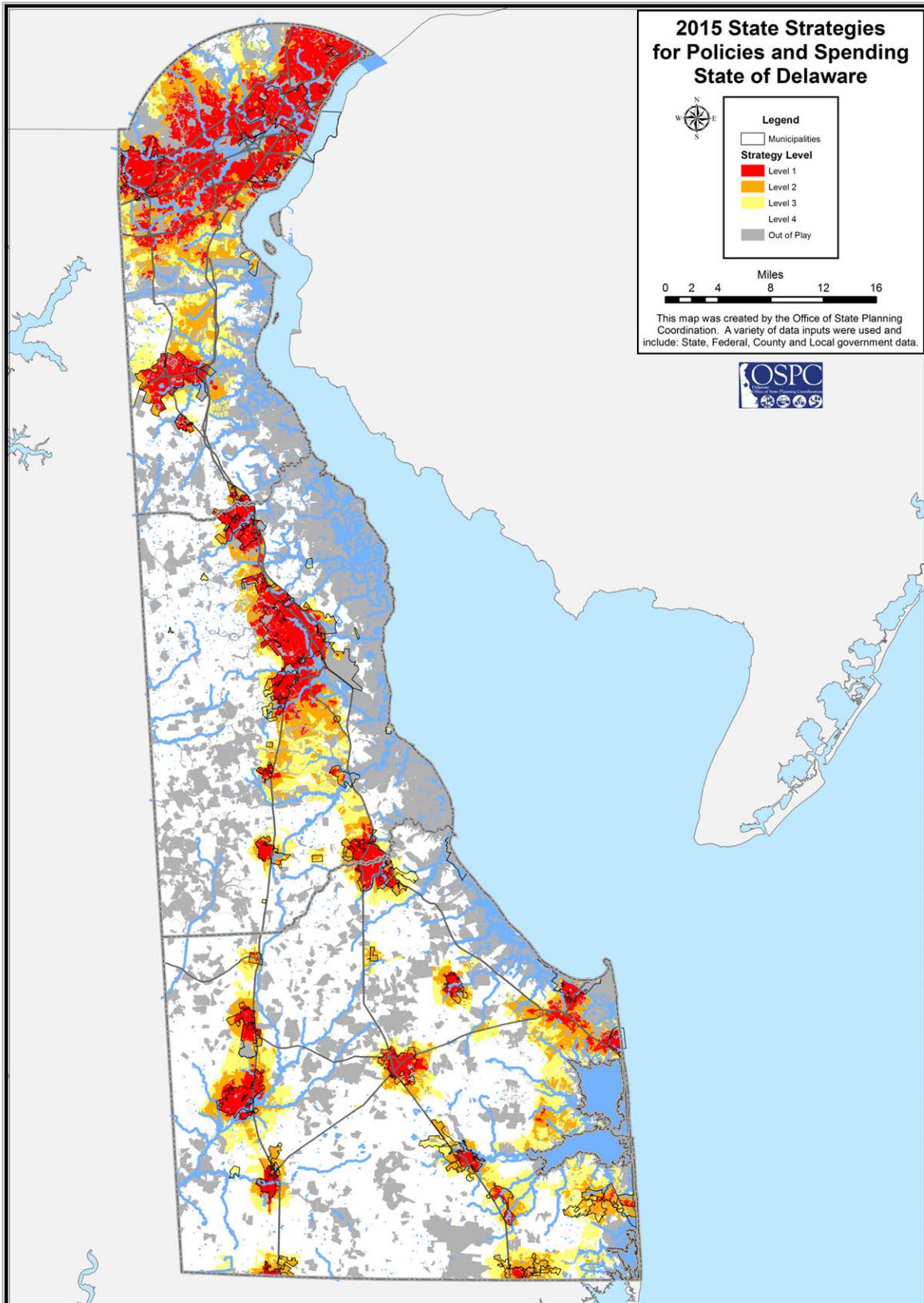
While this document and map series directs state investments, it is not a land-use plan. In Delaware,

the state has delegated land-use planning and regulatory authority to the local governments. The local government’s comprehensive plan articulates the goals and vision for each community. Based on this expression of community values, the plan guides the location, density, design, and character of growth, development, and preservation activities within that local jurisdiction. The local government is required to adopt land-use regulations that implement the adopted and certified comprehensive plan. Any land-development activity must be in compliance with comprehensive plans and meet all of the relevant codes and ordinances of local jurisdictions.

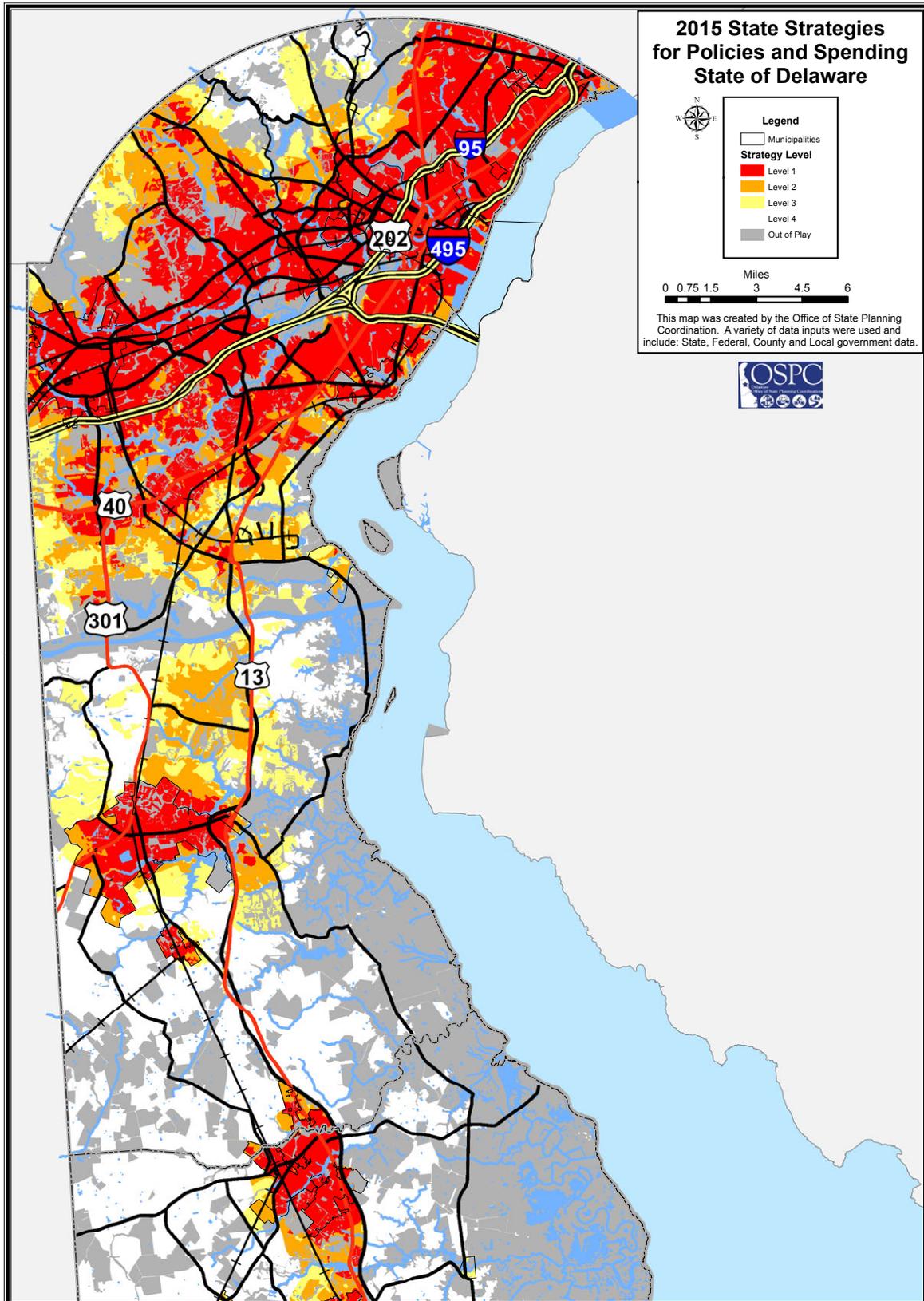
The Delaware Code requires that local governments at least review their plans every five years, and update them every 10 years. All local governments are on different update cycles, and multiple plans are reviewed and updated every year. This five year update of the State Strategies incorporates all of the changes to local government comprehensive plans and their growth areas that have been adopted and certified since the 2010 update to our knowledge.

Any plan updates that involve changes to growth and annexation areas in the next five years will be reviewed through the PLUS and certification processes. If, after evaluation, it is determined that an expansion of a growth or annexation area is warranted the plan will be certified. Any part of the certified new growth or annexation area will be considered to be “in compliance” with the State Strategies. The area will be incorporated in the next update of the State Strategies (scheduled for 2020) and assigned an updated Investment Level at that time.

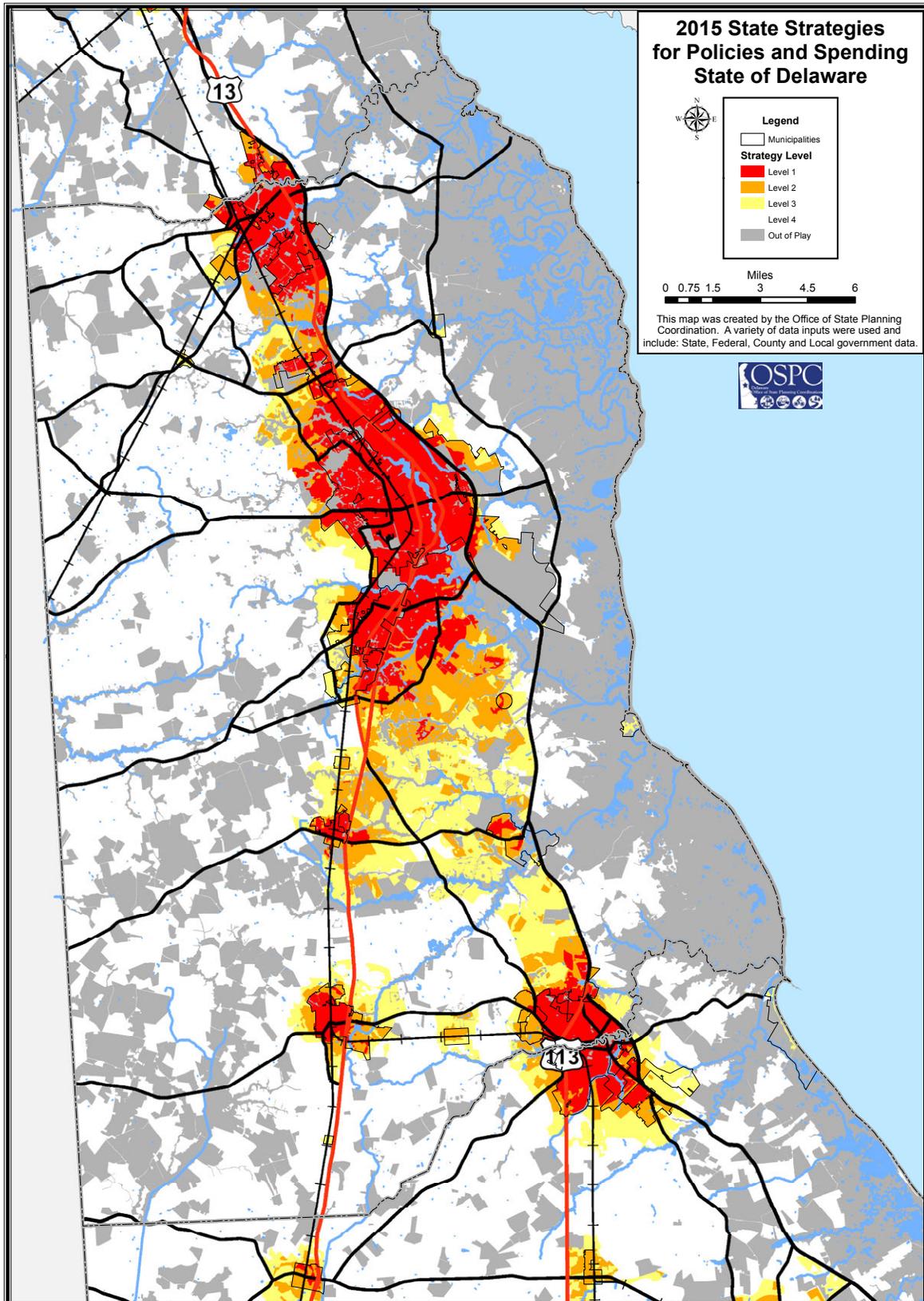
## State of Delaware



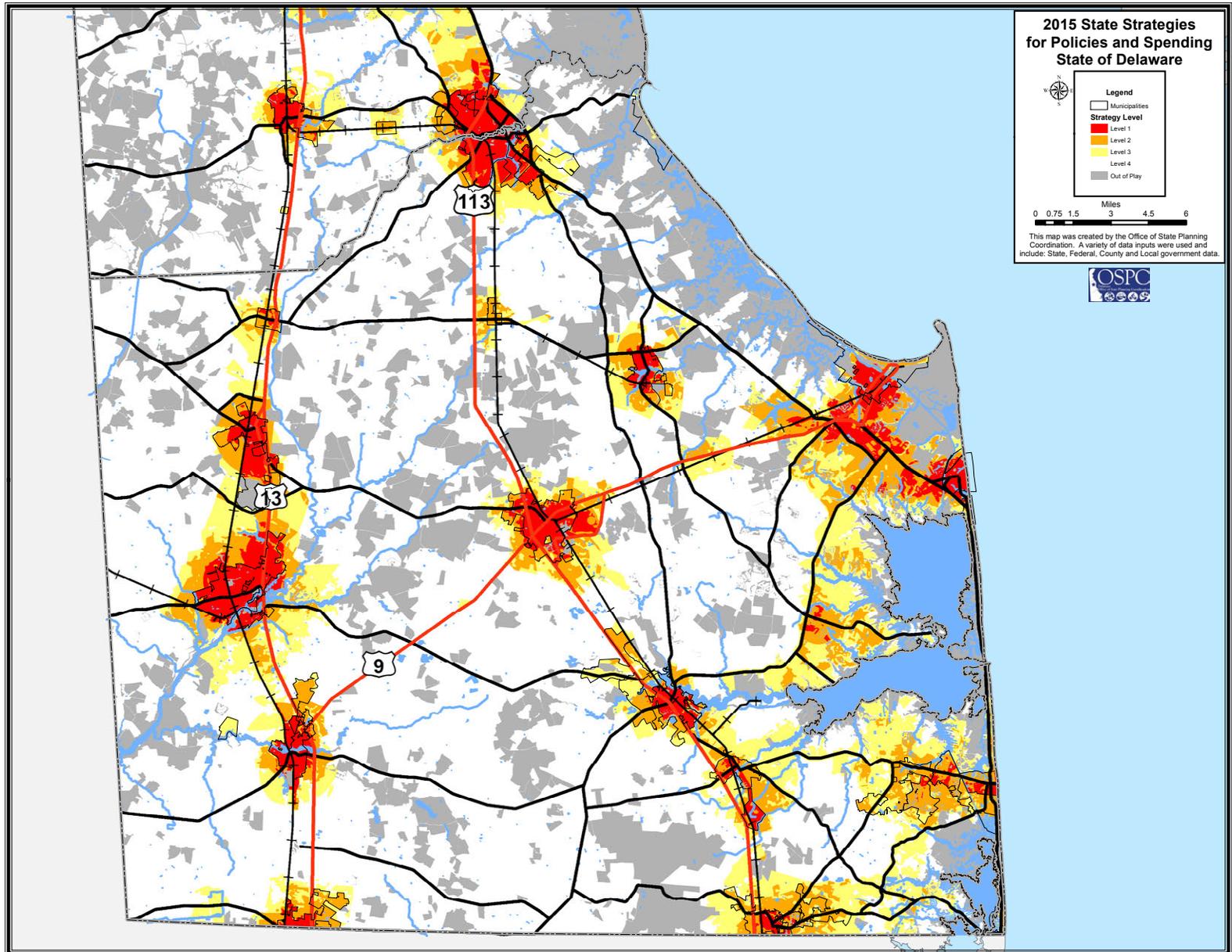
## New Castle County



### Kent County



Sussex County



## Investment Levels Overview

In this Strategy document, the map area designations will remain as they are currently referred to in the 2010 document: **Investment Levels 1, 2, 3, 4, and Out-of-play.**

It should be noted that the Levels are not meant as ascending levels of importance, but rather as a way to distinguish the different types of funding priorities within each area. Levels 1–3 are the areas wherein State policies will support growth and economic development activities, with Levels 1 and 2 being the primary focus. In these areas, the State would like to see local government land-use policies that promote higher densities and mixed-use type development in appropriate areas such that complete communities can be developed—places where people could live, play, work, and shop.

Level 4 is where state policies will support agriculture, protection of natural resources, and open-space activities including the promotion of agriculture industry support activities. In these areas, the state would like to see local government land-use policies that are rural in nature and that would support agribusiness activities where appropriate in addition to natural resource protection and restoration.

Out-of-Play Areas are lands that are not available for development or for redevelopment. These include publicly owned lands, private conservation lands, lands for which serious legal constraints on development are identified, and lands in some form of permanent open-space protection (such as Agriculture Preservation or open-space conservation easements).

It should also be noted that, at times, state infrastructure investments may not seem appropriate based on the investment level description, but that, circumstances may exist where such investments would be deemed appropriate where state and local governments

agree that such actions are necessary to address unforeseen circumstances involving public health, safety, or welfare.



GREEN GABLES FARM



DOWNTOWN DOVER INFILL PROJECT

## Investment Level 1

### Description

Investment Level 1 Areas are often municipalities, towns, or urban/urbanizing places in counties. Density is generally higher than in the surrounding areas. There are a variety of transportation opportunities available. Buildings may have mixed uses, such as a business on the first floor and apartments above.

### Investment Level 1 Strategies

In Investment Level 1 Areas, state investments and policies should support and encourage a wide range of uses and densities, promote a variety of transportation options, foster efficient use of existing public and private investments, and

enhance community identity and integrity. Overall, it is the State's intent to use its spending and management tools to maintain and enhance community character, to promote well-designed and efficient new growth, and to facilitate redevelopment in Investment Level 1 Areas. These areas would be a prime location for designating "pre-permitted areas" to help steer development where the local government and citizens are most prepared to accept it.

**Agency decisions about investments in Level 1 Areas are based on the following:**

- **Agriculture** – Promote urban-forestry initiatives, farmers' markets, and the sale of local agricultural products in traditional grocery stores, restaurants, as well as public and private institutions. Foster and promote efforts to expand public knowledge of agriculture, particularly animal agriculture. Further the Department of Agriculture's consumer protection efforts in support of sustainable economic development. Promote the use of nutrient best management practices (BMP) in the urban/suburban setting in support of improved water quality.
- **Economic Development** – Focus new and expansion projects on facilities or sites located in Level 1 and Level 2 Areas. Also, promote the retention and expansion of existing businesses. Consider providing enhanced incentives to those projects that select locations in Level 1 or Level 2 Areas.  
  
Work with communities, property owners, federal and state agencies, and developers to identify and promote the redevelopment and reuse of underused, abandoned, or "brownfield" sites, in a manner consistent with the Investment Level 1 and Level 2 Areas' character and needs. Aggressively seek alternative funding for development/redevelopment projects in Level 1 and 2 Areas.
- **Education** – It is the goal of the state Department of Education (DOE) to direct new school construction to areas that will integrate school facilities into the communities and neighborhoods they serve. DOE recognizes the integral role of educational facilities within communities. As such, DOE seeks to ensure that residential growth that generates additional demand on educational facilities is managed and planned with adequate educational infrastructure in mind.
  - Where possible, retrofit and renovate older schools that still serve the community in the general proximity.
  - Ensure adequate civil infrastructure availability to accommodate current and future educational facilities.
  - Ensure transportation-system connections and availability to support multimodal access within the community, to include, but not limited to, walking paths, bike paths, and safe pedestrian grade crossings.
  - Ensure transportation system adequacy to accommodate bus and delivery-vehicle traffic to current, planned, or potential educational facilities.
  - Provide recreation and athletic facilities and opportunities to the communities served.
- **Housing** – Support the development of a broad mix of housing options to meet the needs of people of all abilities, income levels, and housing types. Coordinate the provision of housing with the location of jobs, transit, services, and infrastructure. Take advantage of quality design and green building practices to create attractive areas that maximize efficiency, design, and quality of life. Housing, particularly multi-family, should be compatible with a community's character. To buffer market forces that can result in displacement and to protect public investment, use incentives and programs

to ensure long-term affordability in new construction and preserve affordability in existing housing.

Emphasize infill and redevelopment of vacant and under-utilized parcels within developed areas. Successful infill can provide additional density in a manner that fits the existing context and maximizes the use of existing public infrastructure. Promote rehabilitation of aging housing stock to improve existing communities.

Level 1 Areas are experiencing the impacts of the foreclosure crisis through increased and longer-term vacancies and abandoned homes.

This is particularly acute in areas that were already struggling. Utilize collaborative measures to restore and improve these existing neighborhoods through a variety of acquisition, code-enforcement, rehabilitation, and community-development measures.

- **Natural Resources and the Environment –**

Focus on existing water and wastewater systems for improved efficiency, enhanced water-quality management, and additional capacity for redevelopment and infill.

Encourage “green building” practices. Support development and maintenance of recreational and open-space facilities, including urban parks and recreational areas, waterfronts, and interconnectivity through greenways, bikeways, and so forth. Provide grants and funding for water and wastewater, parks acquisition and development, greenways and trails, recycling, brownfields, and “green building” incentives. Support remediation of contaminated sites including brownfields to protect public health, safety, and the environment. Prioritize the use of natural systems or green infrastructure as the preferred means to improve resiliency to climate change. Provide grants and funding to reestablish forests within community open spaces, plant new trees, control invasive species, maintain existing resources, and

promote connectivity of open areas, promote recycling, and support cleanup and redevelopment of contaminated sites such as brownfields. Brownfield sites also could be considered for cleanup and redevelopment in a variety of ways including, general redevelopment and/or being repurposed and utilized as urban farms/gardens/community composting sites. Supports job creation and community education on environmental issues, including planning and infrastructure considerations for future waste processing or recycling facilities.

- **Office of State Planning Coordination (OSPC) –** The OSPC works to improve the coordination and effectiveness of land-use decisions made by state, county, and municipal governments. One of the OSPC’s primary tools for achieving this is through the Preliminary Land Use Services (PLUS) review process. This a monthly technical review process for state agency planners to give input on local land-use issues including subdivisions and comprehensive plan reviews. State agencies view development proposals and the location of public facilities in Investment Levels 1 and 2 most favorably in PLUS reviews. OSPC also encourages what is considered appropriate development in these areas with efforts that have centered around the concept of “complete communities” described in the Moving Forward and Recommendations section, which encompasses a whole host of projects (as described in this same section) such as master planning, healthy communities, climate resiliency, and Downtown Development Districts.
- **Safety and Homeland Security –** Enhanced policing through grants, bike cops, and satellite offices. This is a priority area for locating future facilities.
- **State Facilities and Investments –** Investment Level 1 Areas are priority locations for new

public uses and expanded existing uses. State investments in public facilities, such as libraries, courts, and health-care and public-safety buildings, should be strategically located to foster community identity and vitality, and complement the historic character. Additionally, they should encourage green building and recycling practices.

- **State Historic Preservation Office (SHPO)** – Historic resources are found in all areas of the state and are non-renewable. Level 1 has particularly high concentrations of historic buildings and structures, many of which are in National Register-listed historic districts. Consideration of potential effects to these resources is strongly recommended early in the planning process. Federal law requires such planning and consideration when federal funding, permitting, or other approvals are involved in a project. State and federal preservation tax credits are available to assist in rehabilitation and adaptive reuse of qualified historic buildings, and can be used in conjunction with other kinds of incentives, such as housing credits and the Downtown Development District program. Four of the state’s Certified Local Governments (CLGs) are located in this level (Wilmington, Dover, Milton, and Lewes); CLGs may provide additional incentives and protections for historic resources in their jurisdictions.

- **Transportation** – In Level 1 Areas the State’s highest priorities will be preserving existing facilities and making safety improvements. Other priorities in Level 1 Areas will include context-sensitive transportation system-capacity enhancements; transit system enhancements; ADA accessibility; and closing gaps in the pedestrian system, including the Safe Routes to School projects. Level 1 Areas are prioritized to effectively benefit from planning projects and studies, bicycle facilities, signal-system enhancements, the promotion of interconnectivity of neighborhoods, and public facilities. Additionally, street design and site access in Level 1 Areas should be compatible with the context of an area. It should also be noted that the Delaware Department of Transportation (DelDOT) requires that all projects requesting an Entrance Plan Approval (EPA) within Investment Level 1 Areas provide for Shared-Use Path (SUP) and/or Sidewalk (SW) construction, or related contributions, which shall be tailored to take into account the context of the project in accordance with the *Development Coordination Manual (DCM) Chapter 3: Section 3.5.4.2 Shared-Use Paths and Sidewalks*.

WILMINGTON



## Investment Level 2

### Description

This investment level has many diverse characteristics. These areas can be composed of less developed areas within municipalities, rapidly growing areas in the counties that have or will have public water and wastewater services and utilities, areas that are generally adjacent to or near Investment Level 1 Areas, smaller towns and rural villages that should grow consistently with their historic character, and suburban areas with public water, wastewater, and utility services. These areas have been shown to be the most active portion of Delaware’s developed landscape. They serve as transition areas between Level 1 and the state’s more open, less populated areas. They generally contain a limited variety of housing types, predominantly detached single-family dwellings.

### Investment Level 2 Strategies

In Investment Level 2 Areas, like Investment Level 1 Areas, state investments and policies should support and encourage a wide range of uses and

densities, promote other transportation options, foster efficient use of existing public and private investments, and enhance community identity and integrity.

Investments should encourage departure from the typical single-family-dwelling developments and promote a broader mix of housing types and commercial sites encouraging compact, mixed-use development where applicable. Overall, the State’s intent is to use its spending and management tools to promote well-designed development in these areas. Such development provides for a variety of housing types, user-friendly transportation systems, and provides essential open spaces and recreational facilities, other public facilities, and services to promote a sense of community. Like the Level 1 Areas, Level 2 Areas would be a prime location for designating “pre-permitted areas.”

VILLAGES OF FIVE POINTS, LEWES, DEL.



**Agency decisions about investments in Level 2 Areas are based on the following:**

- **Agriculture** – Promote urban forestry initiatives, farmers’ markets, and the sale of local agricultural products in traditional grocery stores, restaurants, as well as public and private institutions. Foster and promote efforts to expand public knowledge of agriculture, particularly animal agriculture. Further the Department of Agriculture’s consumer-protection efforts in support of sustainable economic development.

Promote the use of nutrient BMP in the urban/suburban setting in support of improved water quality. Identify and pursue agricultural development opportunities such as retention and expansion of processing companies, institutional and retail food operations, and agricultural cooperatives.

- **Economic Development** – Focus on locating large, high-quality employers in Investment Level 2 Areas where the availability of sites close to infrastructure, services, and existing residences makes such locations viable. Also, promote the retention and expansion of existing businesses. Consider providing enhanced incentives to those projects that select locations in Level 2 Areas.

Work with communities, property owners, federal and state agencies and developers to identify and promote the development of select greenfield locations for business and manufacturing parks that can take advantage of existing infrastructure with minimal expansion. Seek to reuse underused, abandoned, or “brownfield” sites, in a manner consistent with the Investment Level 2 Areas’ character and needs. Aggressively seek alternative funding for development/ redevelopment projects in Level 2 Areas consistent with the desire to utilize existing infrastructure to the greatest extent possible.

- **Education** – It is the goal of the state Department of Education (DOE) to direct new school construction to areas that will integrate school facilities into the communities and neighborhoods they serve. DOE recognizes the integral role of educational facilities within communities. As such, DOE seeks to ensure that residential growth that generates additional demand on educational facilities is managed and planned with adequate educational infrastructure in mind.
  - Where possible, retrofit and renovate older schools that still serve the community in the general proximity.
  - Ensure adequate civil infrastructure availability to accommodate current and future educational facilities.
  - Ensure transportation-system connections and availability to support multimodal access within the community, to include, but not limited to, walking paths, bike paths, and safe pedestrian grade crossings.
  - Ensure transportation system adequacy to accommodate bus and delivery-vehicle traffic to current, planned, or potential educational facilities.
  - Provide recreation and athletic facilities and opportunities to the communities served.
- **Housing** – Support residential growth supplemented with infrastructure and essential neighborhood services. Continue to encourage a broad mix of housing options, such as small single-family detached, duplexes, and townhomes, to meet the diverse needs of all income ranges and household types. In some areas, Level 2 may be appropriate for more compact development, once areas are built out and utilities are available. Also, rehabilitation efforts are needed to ensure safe and habitable housing.

Some areas of Level 2 are also experiencing the impacts of the foreclosure crisis through loss of homeownership and increased and longer-term vacancies and abandoned homes. Measures will be needed here to restore homeownership.

- **Natural Resources and the Environment –**

Extend existing or create new water and wastewater systems where logical, or where they would prevent future environmental or health risks. Protect critical waterways, promote establishment of greenways, and maintain “green” separators between more intensely developed areas. Promote green building practices. Provide grants and funding to reestablish forests within community open spaces, plant new trees, control invasive species, maintain existing resources, promote connectivity of open areas, promote recycling, and support cleanup and redevelopment of contaminated sites such as brownfields. Prioritize the use of natural systems or green infrastructure as the preferred means to improve resiliency to climate change.

Brownfield sites also could be considered for cleanup and redevelopment with solar array installation for energy production (supports State’s alternative energy goals). These abandoned properties could be repurposed and utilized as urban farms/gardens/community composting sites. Supports job creation and community education on environmental issues.

- **Office of State Planning Coordination (OSPC) –**

The OSPC works to improve the coordination and effectiveness of land-use decisions made by state, county, and municipal governments. One of the OSPC’s primary tools for achieving this is through the Preliminary Land Use Services (PLUS) review process. This a monthly technical review process for state agency planners to give input on local land-use issues including subdivisions and comprehensive plan reviews. State agencies view development proposals and

the location of public facilities in Investment Levels 1 and 2 most favorably in PLUS reviews. OSPC also encourages what is considered appropriate development in these areas with efforts that have centered on the concept of “complete communities” described in the Moving Forward and Recommendations section, which encompasses a whole host of projects (as described in this same section) such as master planning, healthy communities, climate resiliency, and Downtown Development Districts.

- **Safety and Homeland Security –** Top priority for

locating EMS services. Resource development or reallocation of EMS, fire and law enforcement services to sufficiently respond to increased calls for service as population increases.

- **State Facilities and Investments –** Investment Level 2 Areas are also priority locations for new public uses and expanded existing uses. State investments in public facilities, such as libraries, courts, and health-care and public-safety buildings, should be strategically located to foster community identity and vitality. Additionally, they should encourage green building and recycling practices.

State investments in public facilities, such as libraries, courts, and health-care and public-safety buildings, should be strategically located to foster community identity and vitality. Additionally, they should encourage green building and recycling practices.

- **State Historic Preservation Office (SHPO) –**

These resources are found in all areas of the state and are non-renewable. Level 2 is similar to Level 1, with a number of smaller towns having National Register-listed historic districts and individually listed resources, particularly historic buildings and structures. Efforts to identify historic resources and consideration of a project’s potential effects are strongly recommended early in the planning process. Federal law requires such planning and consideration when federal funding, permitting, or other approvals are involved in a project. State and federal preservation tax credits are available to assist in rehabilitation and adaptive

reuse of qualified historic buildings, and can be used in conjunction with other kinds of incentives, such as housing credits. Delaware City, one of the state’s Certified Local Governments (CLG), is located in this level and provides additional protections for historic resources in its jurisdiction.

Because rapid growth in some Level 2 areas is expanding into historically rural areas, historic farmsteads and areas with higher archaeological site potential can be adversely affected. Historic family cemeteries and unmarked cemeteries are often associated with farmsteads and are of particular concern; state law provides some protections against disturbances to them. Preservation in place is encouraged, using large lots to retain historic building concentrations, such as farmsteads, or designated open-space areas to protect archaeological sites and cemeteries.

- **Transportation** – Level 2 Areas share similar priorities as with the Level 1 Areas where the aim remains to: make context-sensitive transportation system-capacity enhancements; preserve existing facilities; make safety enhancements; make transportation system-capacity improvements; create transit system enhancements; ensure ADA accessibility; and, close gaps in the pedestrian system, including the Safe Routes To School projects. Other priorities for Level 2 Areas include: Corridor Capacity Preservation; off-alignment multi-use paths; interconnectivity of neighborhoods and public facilities; and signal-system enhancements.

DELAWARE CITY



## Investment Level 3

### Description

Investment Level 3 Areas generally fall into two categories. The first category covers lands that are in the long-term growth plans of counties or municipalities where development is not necessary to accommodate expected population growth during this five-year planning period (or longer). In these instances, development in Investment Level 3 may be least appropriate for new growth and development in the near term.

The second category includes lands that are adjacent to or intermingled with fast-growing areas within counties or municipalities that are otherwise categorized as Investment Levels 1 or 2.

Environmentally sensitive features, agricultural-preservation issues, or other infrastructure issues most often impact these lands. In these instances, development and growth may be appropriate in the near term, but the resources on the site and in the surrounding area should be carefully considered and accommodated by state agencies and local governments with land-use authority.

Investment Level 3 is further characterized by:

- Areas with leapfrog development<sup>8</sup> that is not contiguous with existing infrastructure;
- Areas that are experiencing some development pressure;
- Areas with existing but disconnected development; and
- Possible lack of adequate infrastructure.

### Investment Level 3 Strategies

Due to the limits of finite financial resources, state infrastructure spending on “hard” or “grey” infrastructure such as roads, sewer, water, and

public facilities will generally be directed to Investment Level 1 and 2 Areas during this planning period. The State will consider investing in these types of infrastructure in Investment Level 3 Areas once the Investment Level 1 and 2 Areas are substantially built out, or when the infrastructure or facilities are logical extensions of existing systems and deemed appropriate to serve a particular area.

### Agency decisions about investments in Level 3 Areas are based on the following:

- **Agriculture** – Promote farmers’ markets, on-farm markets, and sale of local agricultural products in traditional grocery stores, restaurants, as well as public and private institutions. Foster and promote efforts to expand public knowledge of agriculture, particularly animal agriculture. Further the Department of Agriculture’s consumer-protection efforts in support of sustainable economic development. Promote the use of nutrient BMP in the urban/suburban/rural fringe setting in support of improved water quality. Identify and pursue agricultural-development opportunities such as retention and expansion of processing companies, institutional and retail food operations, and agricultural cooperatives, granaries, seed and fertilizer companies. Identify new opportunities for, and retain existing, agricultural-support businesses. Foster and support the long-term needs of traditional production agriculture and forestry activities, as well as the needs of niche and small-scale production agriculture. Support the continued success of existing farmland and forest land-preservation activities as well as identifying and furthering new, innovative preservation strategies, such as those that create specific opportunities for young farmers and ensure the generational succession of land and operations.

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<sup>8</sup> **Leapfrog Development** – New development separated from existing development by substantial vacant land. (A Planner’s Dictionary, American Planning Association, Edited by Michael Davidsons and Fay Dolnick.)

- **Economic development** – Focus on agribusiness and forestry activities that complement and enhance agriculture in these areas. Visitor-industry development, such as heritage, ethnic, and agri-tourism festivals, events, and similar operations, may be appropriate uses that would provide employment opportunities and produce additional income.
- **Education** – The state Department of Education (DOE) recognizes the integral role of educational facilities within communities. As such, DOE seeks to assure that residential growth, which generates additional demand on educational facilities, is managed with adequate educational infrastructure in mind as a part of growth plans. Proposals to develop Investment Level 3 should be carefully evaluated to determine their impact on educational-infrastructure phasing and land-use patterns in the area.

It is the goal of DOE to direct new school construction to areas that will integrate school facilities into the communities and neighborhoods they serve. Educational facilities proposed to be constructed in Investment Level 3 will be redirected into Investment Level 1 and 2 Areas to the extent possible. Educational facilities will be considered for construction in Investment Level 3 Areas, provided that:

- They have reasonable access to adequate civil infrastructure (water, sewer, etc.) as well as public support services (police, fire, and emergency medical services).
- They have reasonable access to transportation-system connections in order to support reasonable multimodal access to the facility, to include, but not limited to, walk paths, bike paths, and safe pedestrian-grade crossings.

- They have reasonable access to a transportation system that is adequate to accommodate bus and delivery-vehicle traffic.
  - They provide reasonable recreation facilities and opportunities to the communities served.
- **Housing** – Level 3 Areas are characterized by low density and rural homes, which may or may not be served by public utilities. New housing development in the short term would, in most cases, represent leapfrog development, which would be undesirable. In the longer term, these areas may be desirable for a variety of housing types, styles, and densities in conjunction with local government comprehensive plans. In some areas, Level 3 may be appropriate for compact development once Level 2 Areas are built out and utilities are available. In other areas, Level 3 may be more appropriate as low-density housing that serves as a transition from more urban/suburban areas to the rural areas in Level 4. It is important to ensure that housing is constructed in conjunction with needed infrastructure and services. State resources would be used only to support the rehabilitation of existing homes. Level 3 Areas are likely to contain some abandoned or partially completed subdivisions as a result of the housing boom. Current market demand, as well as demographic trends and changing consumer preferences, indicates there will be less demand for large-lot homes—particularly in partially built subdivisions that are now considered to be a risk for potential buyers. Various strategies, depending on the viability of the subdivision, will include sunsetting<sup>9</sup> unbuilt subdivisions, converting

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<sup>9</sup> **Sunset Law** – A provision shutting off a program on a specific date, requiring reexamination and a fresh authorization prior to that date to continue. (A Planner’s Dictionary)

some of the partially built subdivisions back to agriculture uses, or if they contain infrastructure, replatting<sup>10</sup> for a smaller, but viable, market segment.

- Natural Resources and the Environment –** Protect critical waterways, promote establishment of greenways, and maintain “green” separators between more intensely developed areas. Emphasize the protection of critical natural habitat and wildlife, aquifer recharge, and stormwater-management/drainage areas. Prioritize the use of natural systems or green infrastructure as the preferred means to improve resiliency to climate change. Support remediation of contaminated sites including brownfields to protect public health, safety, and the environment. Brownfield sites also could be considered for cleanup and redevelopment with solar array installation for energy production (supports State’s alternative energy goals). These abandoned properties could be repurposed and utilized as urban farms/gardens/community composting sites. Supports job creation and community education on environmental issues. Promote “green building” practices. Provide grants to promote recycling. Include planning and infrastructure considerations for future waste processing or recycling facilities. Construction and demolishing debris (C&D) processors and C&D reuse facilities would support “green building” initiatives. Financial assistance to local government’s water and wastewater facilities in Investment Level 3 needed to correct public health and existing environmental problems will be considered on a case-by-case basis. Otherwise, prioritize financial assistance in Investment Level 1 and 2 Areas before considering Investment Level 3.

<sup>10</sup> **Plat** – To increase or decrease the number of lots in a subdivision. (A Planner’s Dictionary)

SLIDE FROM THE MILFORD MASTER PLAN PRESENTATION



- Office of State Planning Coordination (OSPC) –** The OSPC works to improve the coordination and effectiveness of land-use decisions made by state, county, and municipal governments. Though state policies can support growth in these areas, the state views these areas more in a long-term basis. Investment Levels 1 & 2 are the primary focus due to the limited basis of resources and Level 3 is where the state prefers to see intergovernmental planning for growth so that future resources can be anticipated. It is here that the State will encourage the likes of master planning for the purpose of anticipating growth. Level 3 may also indicate the presence of environmental features that should be taken into consideration as properties are developed.
- Safety and Homeland Security –** Focused measures to reduce response time. Resource development or reallocation of emergency medical services, fire, and law enforcement services to sufficiently respond to increased calls for service as population increases including the possibility for new facilities.
- State Facilities and Investments –** Depending on needs and conditions, investments in these areas will focus on parkland expansions, open-space purchase, green energy, and facility maintenance. Other types of investments will depend on long-term plans.

- **State Historic Preservation Office (SHPO)** – Historic resources are found in all areas of the state, including areas considered part of a natural setting, and are non-renewable. Level 3 areas contain, though in lower concentration, historic buildings, structures, and archaeological sites in National Register-listed rural historic districts or as individually listed resources. Efforts to identify historic resources and consideration of a project’s potential effects are strongly recommended early in the planning process. Federal law requires such planning and consideration when federal funding, permitting, or other approvals are involved in a project. State and federal preservation tax credits are available to assist in rehabilitation and adaptive reuse of qualified historic buildings, including farm outbuildings.

Historic farmsteads, historic rural landscapes, and areas with higher archaeological site potential can be adversely affected by development. Historic family cemeteries and unmarked cemeteries are often associated with farmsteads and are of particular concern; state law provides some protections against disturbances to them. Preservation of larger landscapes and rural settings is encouraged with the retention of historic features, such as tree lines, hedge rows, circulation patterns, and outbuildings. Where preservation of landscape elements and overall setting is not possible, as much of the core of the farmstead as possible should be preserved in place and landscape buffers installed to protect it from visual and noise intrusions. Preservation in place of archaeological sites and historic cemeteries within designated open space is recommended.

- **Transportation** – The priorities in the Level 3 Areas are for DelDOT to focus on regional movements between towns and other population centers. Developers and property owners will make local roadway improvements

as development occurs. Lower priority is given to transportation system-capacity improvements and transit-system enhancements. It should also be noted that DelDOT requires that all projects requesting an Entrance Plan Approval (EPA) within Investment Level 3 Areas be evaluated on the basis of the context of the project and surrounding conditions, such as traffic volumes and whether the project abuts an existing Shared-Use Path (SUP) and/or Sidewalk (SW) facility. DelDOT will require projects to provide for SUP/SW construction, where deemed applicable, in accordance with the *Development Coordination Manual* (DCM) Chapter 3: *Section 3.5.4.2 Shared-Use Paths and Sidewalks*.

## Investment Level 4

### Description

Delaware’s Investment Level 4 Areas are rural in nature, and are where the bulk of the state’s open-space/natural areas and agricultural industry is located. These areas contain agribusiness activities, farm complexes, and small settlements. They typically include historic crossroads or points of trade, often with rich cultural ties (for example, unincorporated areas like Clarksville in Sussex County and Port Penn in New Castle County).

Investment Level 4 Areas also boast undeveloped natural areas, such as forestlands, and large recreational uses, such as state and county parks and fish and wildlife preserves. Level 4 Areas may include natural habitats that are important for providing “ecosystem services” such as improving water quality and reducing flood risk. Sometimes, private recreational facilities, such as campgrounds or golf courses (often with associated residential developments), are also situated in Investment Level 4 Areas.

Some limited institutional uses may exist in such areas. Delaware’s Investment Level 4 Areas are also

the location of scattered residential uses, featuring almost entirely single-family detached residential structures. These are homes for those who value the quiet and isolation provided by locations away from more developed settings, albeit with an almost total reliance on private vehicles for every transportation need.

Delaware's Investment Level 4 Areas also include many unincorporated communities, typically with their own distinctive character and identity. These places reflect the rich rural heritage of the state. Investment Level 4 Areas depend on a transportation system primarily of secondary roads linked to roadways used as regional thoroughfares for commuting and trucking.

In addition, Investment Level 4 Areas may be the location for certain uses that because of their specific requirements are not appropriate for location elsewhere. Such uses, expected to be limited in number, could involve public safety or other uses that require their location outside designated investment areas. Industrial activity would be limited, except where specific requirements of major employers may dictate an exception for a use, which, because of specific siting and potential conflicts with neighboring uses, should not be placed elsewhere.

It is the state's intent to discourage additional urban and suburban development in Investment Level 4 Areas unrelated to agriculture and to the areas' needs. This will be accomplished through consistent policy decisions and by limiting infrastructure investment, while recognizing that state infrastructure investments maybe appropriate where state and local governments agree that such actions are necessary to address unforeseen circumstances involving public health, safety, or welfare.

#### **Investment Level 4 Strategies**

In Investment Level 4 Areas, the state's investments and policies should retain the rural landscape and preserve open spaces and farmlands, support farmland-related industries, and establish defined edges to more concentrated development.

#### **Agency decisions about investments in Level 4 Areas are based on the following:**

- **Agriculture** – Promote on-farm markets and the sale of local agricultural products in traditional grocery stores, restaurants, as well as public and private institutions where possible. Foster and promote efforts to expand public knowledge of agriculture and improve the public's view on animal agriculture.

MAGNOLIA FARMS, LLC



The Department of Agriculture’s consumer-protection efforts in support of sustainable economic development. Promote the use of nutrient BMP and planning in the rural setting in support of improved water quality.

Identify and pursue agricultural development opportunities such as retention and expansion of processing companies, institutional and retail food operations, and agricultural cooperatives, granaries, and seed and fertilizer companies. Identify new opportunities for and support existing agricultural support businesses.

A special emphasis should be placed on meeting the needs of animal agriculture while ensuring the health of the environment in this setting. Foster and support the long-term needs of traditional production agriculture and forestry activities, as well as the needs of niche and small-scale production agriculture.

Preservation of our agriculture industry is our highest priority in Level 4. The State will make investments that enhance the agriculture industry in our state, which include economic incentives and related investments. Invest in the continued success of existing farmland- and forestry-preservation activities, which include programs like the Young Farmers Program Governor Markell signed into law in July of 2011.

- **Economic Development** – Development in Investment Level 4 Areas should emphasize only development that is compatible with and enhances agriculture, agribusiness, appropriate visitor activities, and similar economic activities.
- **Education** – DOE does not recommend or support the construction of new educational facilities in Investment Level 4 Areas. Educational facilities proposed for Investment Level 4 Areas may be redirected into Investment Level Areas 1 through 3.  
The construction of athletic facilities that do not require the creation of impervious surfaces in

Investment Level 4 Areas may be considered on a case-by-case basis, with due consideration given to such factors as increased traffic and the need for additional support services.

- **Housing** – Construction of new homes is discouraged in Level 4 Areas. Housing programs will focus on existing housing in regard to maintenance, health, and safety. Level 4 Areas include several unincorporated, low-income communities with their own distinctive character and needs. Programs will continue to promote revitalization of these areas through housing rehabilitation. State investment in these communities would be done in a manner so as not to spur additional development.  
Level 4 Areas are also likely to contain some abandoned or partially completed subdivisions as a result of the housing boom. Strategies similar to those mentioned in Level 3 for these subdivisions will be needed to prevent blight and vandalism and ensure safety.
- **Natural Resources and the Environment** – Emphasize the protection of critical natural habitat and wildlife, aquifer recharge, and stormwater-management/drainage areas. Provide for recreational activities, including parks and fishing/hunting facilities, while helping to define growth areas.  
Support remediation of contaminated sites including brownfields to protect public health, safety, and the environment. Brownfield sites also could be considered for cleanup and siting for small-scale commercial composting facilities. This form of economic development would support agribusiness and jobs.  
Encourage “green building” practices. Provide grants to promote recycling. Include planning and infrastructure considerations for future waste processing or recycling facilities.  
Maximize opportunities for ecological restoration and conservation cost-shares.  
Additional state investments in water and

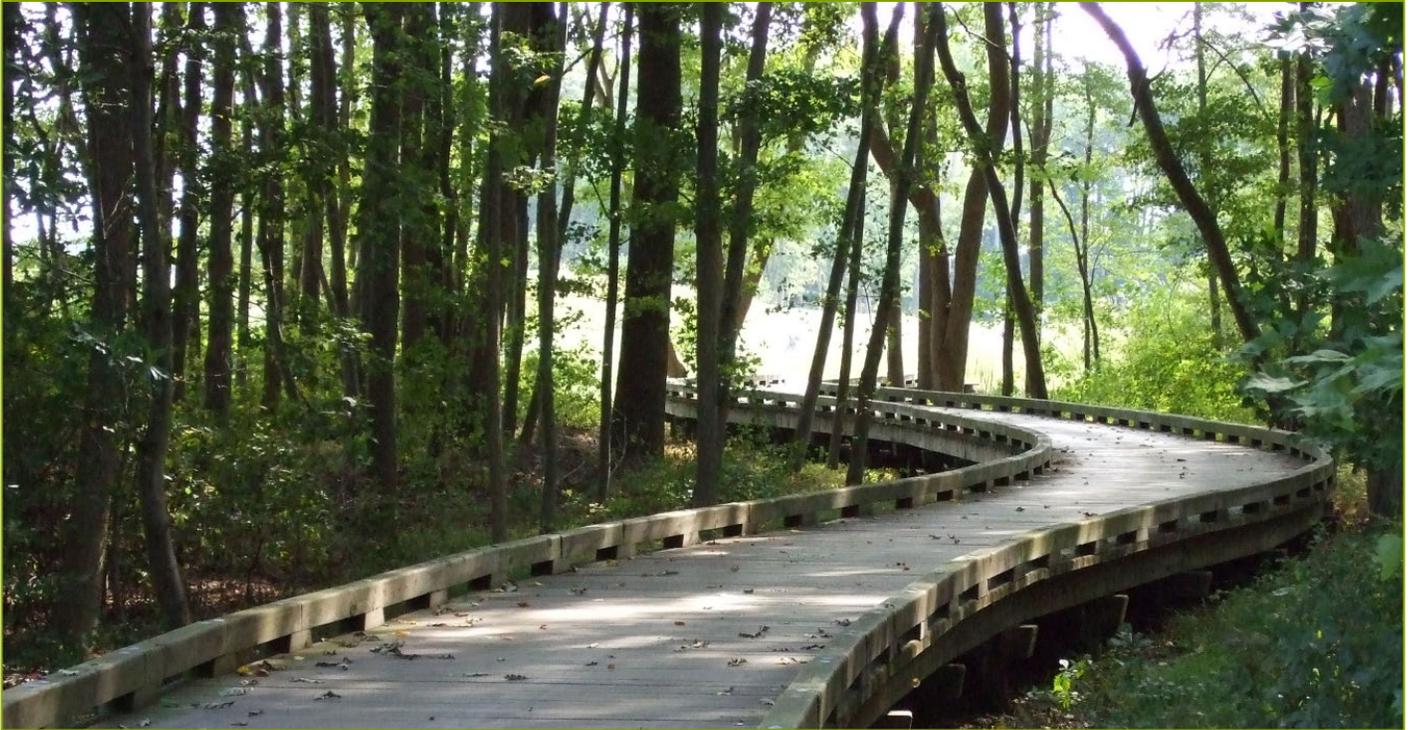
wastewater systems will be limited to existing or imminent public health, safety, or environmental risks only, with little provision for additional capacity to accommodate further development. Prioritize the protection of natural resources and wildlife habitats. Emphasize large landscape conservation actions, including significant open-space corridor connections. Encourage low-impact eco-tourism opportunities. Prioritize the use of natural systems or green infrastructure as the preferred means to improve resiliency to climate change.

- **Office of State Planning Coordination (OSPC)** – The OSPC works to improve the coordination and effectiveness of land-use decisions made by state, county, and municipal governments. OSPC views Level 4 areas as favorable for open-space and agricultural land preservation and for the promotion of agri-business.
- **Safety and Homeland Security** – Long-range planning, but no near-term investment. Kent/Sussex pay for additional coverage.
- **State Facilities and Investments** – Investments in these areas will focus on parkland expansions, and ag-land and open-space preservation. Other facility investments in these areas will be discouraged unless it relates to a specific need.
- **State Historic Preservation Office (SHPO)** – Historic resources are found in all areas of the state, including areas considered part of a natural setting, and are non-renewable. Level 4 Areas contain, though in lower concentration, historic buildings, structures, and archaeological sites in National Register-listed rural historic districts or as individually listed resources. By policy and precedent, the Division of Historical and Cultural Affairs/State Historic Preservation Office does not support development in a Level 4 Area, except for agricultural, forestry, and outdoor recreation purposes that do not

involve significant modification of the existing landscape and do not require significant infrastructure improvements.

Preservation of historic farmsteads and the rural landscape is strongly encouraged, including archaeological sites and historic cemeteries where present. State and federal historic preservation tax credits are available and can help with the maintenance of qualified historic buildings, including barns and other outbuildings, on historic farmsteads. Agricultural land preservation programs and open-space acquisition can work in concert with historic preservation goals when appropriate planning is included to encourage adaptive reuse and rehabilitation of historic buildings and structures and protection of archaeological sites.

- **Transportation** – The focus for the Level 4 Areas will be to preserve and maintain existing facilities in safe working order, corridor-capacity preservation, and the enhancement of transportation facilities to support agricultural business. It should also be noted that DelDOT requires that all projects requesting an Entrance Plan Approval (EPA) within Investment Level 4 Areas be evaluated on the basis of the context of the project and surrounding conditions, such as traffic volumes and/or whether the project abuts an existing Shared-Use Path (SUP) and/or Sidewalk (SW) facility. DelDOT will require projects to provide for SUP/SW construction, where deemed applicable, in accordance with the *Development Coordination Manual* (DCM) Chapter 3: *Section 3.5.4.2 Shared-Use Paths and Sidewalks*.



### Out-of-Play

Some lands are clipped out of the analysis and will be shown on the Strategies maps in a light- gray color. These lands, which are not available for private development, include publicly-owned lands, private conservation lands, lands for which serious legal and/or environmental constraints on development are identified, and lands in some form of permanent open-space protection (such as agricultural preservation easements and conservation easements).

“Out of Play” areas are generally not expected to be the location of private development activities, such as residential subdivisions or commercial shopping centers. However, government entities, private property owners, and conservation organizations are still expected to invest in these areas for the purposes in which they were acquired and preserved.

Examples could include improvements to State park lands, water control structures in State wildlife areas, or poultry houses on preserved agricultural lands. There may also be times when private property owners could be able to build or redevelop on lands identified as “Out of Play” in accordance with State and local environmental and land use regulations.

A full list of those data sets used to map out-of-play lands and of the sources for those data sets is presented as part of a technical appendix at the end of the document.

## Moving Forward and Recommendations

The following initiatives are used as a way to achieve the goals and objectives stated and implied throughout this document.

### Collaborative Initiatives

These are initiatives that can be both inter and intra governmental. These initiatives fall under two umbrella concepts: **1) Complete Communities** and **2) Climate Resiliency/Adaptation**. We do note that this separation is not as distinct as it may seem, as both concepts are necessarily interdependent.

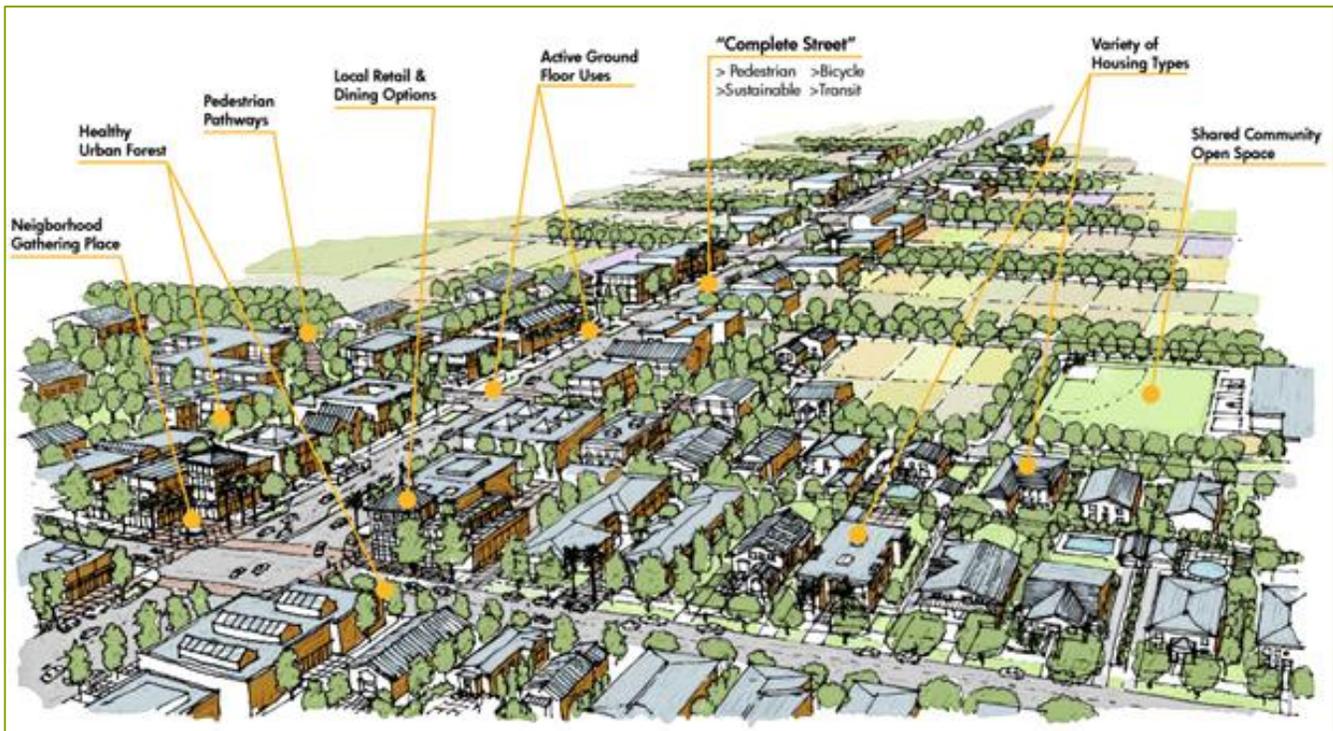
### Designing and Building Complete Communities

As advocated in this document (and first discussed in the 2010 *Strategies for State Policies and Spending*), complete communities typically include an integrated pedestrian and bike network, newer streets interconnected with existing streets, intermingling of residential and commercial uses, and the inclusion of parks or open-space networks within developments. If properly designed, the

positive impacts of this type of development from the public sector perspective would include a more diverse range of transportation and housing options and a more economical extension of public services and utilities. Additionally, since this type of development would use less land there would be less pressure on using the state's agriculture and open-space lands for development.

To foster and promote this type of development the **Planning for Complete Communities in Delaware** project was undertaken by the Institute for Public Administration (IPA) at the University of Delaware in collaboration with the Delaware Department of Transportation (DelDOT) and the Delaware Office of State Planning Coordination (OPSC) in January of 2012. More information can be found at: [www.completecommunitiesde.org](http://www.completecommunitiesde.org).

THIS SCHEMATIC HIGHLIGHTS SOME OF THE KEY FEATURES OF A COMPLETE COMMUNITY. SOURCE: [WWW01.SMGOV.NET/CITYCLERK/COUNCIL/AGENDAS/2009/20091124/s2009112403-A.HTM](http://WWW01.SMGOV.NET/CITYCLERK/COUNCIL/AGENDAS/2009/20091124/s2009112403-A.HTM)



Complete communities can be considered an umbrella under which a number of other projects fall, including some that are ongoing and some that will be created:

- **Master Planning** – Create a model approach to cooperative planning for large areas from recent efforts that include projects in Southern New Castle County, Milford, and Georgetown to be used statewide.
- **Healthy Communities** – This collaboration with the Governor’s Council on Health Promotion and Disease Prevention and the Delaware Coalition for Healthy Eating and Active Living (DE HEAL) aims to promote healthy eating and active living through better-designed communities. In particular, OSPC and other stakeholder agencies, including Nemours Health and Prevention Service and Delaware Department of Health and Social Services, actively participate in DE HEAL’s Environment and Policy Setting subcommittee, which focuses on how the physical environment affects our health.



DESIGN CHARRETTE IN SMYRNA,  
A MASTER PLANNING PROJECT

- **Downtown Development Districts (DDDs)** – The resources of the DDD program are made available as funding is approved by the Legislature each fiscal year. The DDD program was created by legislation proposed by the Governor and passed unanimously by the General Assembly in fiscal year 2015. Under the program, designated districts will be entitled to receive significant development incentives and other benefits to spur investment and community development.

GOVERNOR MARKELL WITH THE  
2014 HEALTHY COMMUNITY AWARD WINNERS





GOVERNOR MARKELL ANNOUNCING THE  
DOWNTOWN DEVELOPMENT DISTRICT  
AWARD FOR DOVER, DELAWARE

The Downtown Development Districts Act of 2014 (the Act) was enacted by the General Assembly in order to:

- Spur private capital investment in commercial business districts and other neighborhoods;
- Stimulate job growth and improve the commercial vitality of such districts and neighborhoods;
- Help build a stable community of long-term residents by improving housing opportunities; and
- Assist municipalities in strengthening neighborhoods while harnessing the attraction that vibrant downtowns hold for talented people, innovative small businesses and residents from all walks of life.

To take advantage of this local governments must identify a downtown district in their community and apply for designation. Among other benefits, investors who make qualified real estate investments in DDDs will be entitled to receive grants of up to 20 percent of the cost of their investments. The DDD Grant program is modeled in part after a Virginia program that has proven successful in leveraging significant amounts of private investment in under-served areas.

For the first year allocation of \$7.0 million dollars, the Governor selected Seaford, Dover, and Wilmington from a total of nine applicants for designation as Downtown Development Districts. A second year of funding of more than \$8.5 million dollars was secured for fiscal year 2016. In addition, \$1.5 million in annual state historic preservation tax credits are reserved for qualified projects within DDDs.

- **The Neighborhood Building Blocks Fund (NBBF)** – The resources of the NBBF program are made available as funding is approved by the Legislature each fiscal year. This funding is intended to support crime reduction, neighborhood revitalization, and economic development programs statewide, including programs in and around Downtown Development Districts and communities that are part of Department of Justice’s Building Blocks Initiative. Building and maintaining strong neighborhoods requires thoughtful and coordinated efforts of state and local governments, neighborhood associations, nonprofit and community organizations, and other stakeholders to enhance economic development, reduce crime, and otherwise improve the quality of life of residents in our communities. This application process is designed to identify the most effective proposals for building stable communities and neighborhoods and to fund those proposals in an effort to improve neighborhoods throughout the state. As part of this program funds were allocated to help local governments develop DDD applications as the DDD program is seen as a key method to meet the above stated objectives.
- **FirstMap (Centralized Geospatial Data Consolidation)** – FirstMap launched in September 2014 and is the repository into which all public geospatial data will be housed for the state. The data is accessible to all state,

county, and local agencies as well as the public. The system provides the single, authoritative data source for all state agencies as well as the public.

Data available in the system is updated on a regular basis (agency and data specific) to assure the most current data is always being used for mapping and applications throughout the state.

In addition, FirstMap has an ArcGIS Online presence to provide agencies with the ability to create quick and easy maps to share with their constituents. Several agencies have produced online maps to serve their constituents over this past year. Other applications, which require customized enhancements, will continue to be available to the agencies with capability to develop them.

- **Transfer-of-Development-Rights Program (TDR)** – TDR is a market-based technique for guiding development away from places where a community would like to see less development (“sending areas”) and toward places where more development is desirable (“receiving areas”). The State will continue to promote this as a way to preserve agriculture land and open space.
- **Preliminary Land Use Service (PLUS)** – This process enables state agencies to meet monthly and review and comment on development projects and comprehensive plans during the preliminary stages of development. The OSPC will continue to adjust and refine as needed to insure that this process is as efficient and useful as possible.
- **Plan Certification** – Continue to work with local governments in keeping their plans up to date.
- **State Facilities** – The State will promote locations for public facilities that will enhance community integrity and encourage the use of

more than one transportation option. State investments in public facilities, such as schools, libraries, courts, and health-care and public-safety buildings, should be strategically located to foster community identity and vitality, and complement the historic character where appropriate.

- **Inter and Intra Governmental Coordination** – Encourage and increase coordination among and between agencies, local governments and affiliated groups to promote governmental efficiency and effectiveness in implementing these strategies.
- **State Statutes related to Planning** – Regularly review, and modify when necessary, state code for consistency and for suitability to achieving land-use goals.

#### **Climate Resiliency/Adaptation**

As a low-lying coastal state with a significant population living along 381 miles of shoreline, Delaware is vulnerable to coastal erosion, storm surge, saltwater intrusion, and tidal wetland losses – all of which will be exacerbated by sea level rise. Intense rainfall and rising sea level also contribute to flood risks across the state that threaten public safety and incur costly damage to homes and businesses. Rising temperatures and rainfall extremes pose serious challenges for our agriculture and tourism economies, as well as imposing increasing costs for maintaining and repairing critical infrastructure.

Incorporating climate change vulnerability and adaptation practices into programs and policies is key to making informed decisions about state investments. The Delaware *Strategies for State Policies and Spending* can help support choices to make our state more resilient to the climate changes we are already experiencing and to prepare for future climate impacts.



- **Adaptation to Sea Level Rise** – A 24-member advisory committee approved a set of *Recommendations for Adapting to Sea Level Rise in Delaware* in 2013.<sup>11</sup> These recommendations sought to highlight actions that could be taken by state agencies, municipal governments, businesses, and citizens to increase the state’s capacity to prepare and respond to sea level rise—one of the three primary threats to the state from climate change. The DNREC Delaware Coastal Programs Section, whose staff is currently working to implement many of the recommendations in cooperation with numerous partners, spearheads the initiative. Significant progress has been made to date, including the incorporation of sea level rise considerations into two municipal comprehensive plans and infrastructure projects. In addition, sea level rise has been incorporated into state and regional plans including the statewide Hazard Mitigation Plan, the state Coastal and Estuarine Land Conservation Program

<sup>11</sup> Love, S., Arndt, T., & Ellwood, M. (2013). *Preparing for Tomorrow’s High Tide: Recommendations for Adapting to Sea Level Rise in Delaware*. Final Report of the Delaware Sea Level Rise Advisory Committee. Delaware Department of Natural Resources and Environmental Control Delaware Coastal Programs. <http://www.dnrec.delaware.gov/coastal/Documents/SeaLevelRise/FinalAdaptationPlanPublished.pdf>

"CLIMATE CHANGE IN DELAWARE" SUMMARY DOCUMENT, AUGUST, 2014, BY WENDY CAREY

and the State Wildlife Action Plan. Significant research is also underway to determine the impact of sea level rise on ground water, wetlands, and contaminated soils.

DNREC and the OSPC will continue to provide technical assistance to local governments and state agencies to incorporate sea level rise into their plans and decision-making and will improve the data and tools necessary for informing decision-making.

- **Preparing for Emerging Climate Impacts** – On September 12, 2013, Delaware Governor Markell signed Executive Order 41: *Preparing Delaware for Emerging Climate Impacts and Seizing Economic Opportunities from Reducing Emissions*. Executive Order 41 directs the state to address both the causes and consequences of climate change.

To begin implementation of EO 41, three workgroups were formed to develop recommendations for the key issues identified in the Executive Order. The Climate Framework for Delaware summarizes the recommendations from the three workgroups formed under EO 41. Moving forward, the Cabinet Committee on Climate and Resiliency will manage and track implementation of recommendations

developed under the Executive Order. A number of such recommendations are described here under Agency Specific Initiatives.

- **Minimizing Flood Damage to State Assets** – State agencies were directed by Executive Order 41 to incorporate measures for adapting to increased flood heights and sea level rise in the siting and design of projects for structures and infrastructure. Specifically, state agencies were directed to avoid siting structures and infrastructure in areas at risk to current and future flood events; if avoidance is not possible, structures should be elevated to 18” above the base flood elevation, plus additional to accommodate future sea level rise. In order to assist state agencies to comply with this directive a new map was developed. This map, called the Flood Risk Adaptation Map, models the increased extent of a 1-percent-chance flood event (commonly called the “100-year flood” event) if the state were to experience a 3-foot rise in sea levels.

A guidance document will be released in the fall of 2015 to guide state agencies in using the map

to help them make infrastructure siting and design decisions that are consistent with the directive to minimize the risk of flooding to state assets. The guidance and provisions of this directive will be incorporated into criteria for the Water Pollution Control Revolving Fund, DelDOT Bridge and Road Design Manuals, State Clearinghouse Review Checklist and Facilities Management final design review checklist, among others.

### Agency Specific Initiatives

These are the agency specific policies and programs that support better land-use decision-making, coordination, and collaboration. These policies will be guided by this strategy document to ensure a healthy, efficient, attractive, and prosperous Delaware.

#### Agriculture

- Create formalized partnerships between the state agriculture and economic development offices and local governments to attract and retain agricultural processors, grower cooperatives and agribusiness-support operations, as well as foster and support farmers’ and on-farm markets by creating and nurturing business-friendly land-use policies and providing financial incentives.
- Continue to support the state’s successful poultry industry.
- Support research and implementation efforts to establish alternative energy sources to serve the significant energy needs of the agricultural industry.
- Continue state financial support of existing farmland- and forestland-preservation programs.
- Continue to assess the viability of, and promote when appropriate, the creation and implementation of transfer-of-development-rights efforts.



- Continue to support the Young Farmer’s Program. As of April 14, 2015, 25 loans totaling \$6 million have been made to Delaware young farmers to purchase 2,121 acres.
- Continue to seek and gain federal funding for preservation through fee-simple purchase and easements mechanisms.
- Provide estate and preservation-planning workshops to rural landowners through a partnership among state agencies, the private sector, and the Cooperative Extension.
- Expand urban-forestry program to underserved jurisdictions and large developments in the suburban setting.
- Promote and greatly expand elementary and middle school agricultural-literacy efforts.
- Promote nutrient-management education activities as appropriate in Investment Levels 1 through 4.
- Continue successful partnership among the Delaware Nutrient Management Commission, Delaware Department of Agriculture (DDA), and DNREC to promote nutrient-management practices in all investment levels and further nutrient-management education in support of achieving state and federal water-quality goals.
- Continue to support the Delaware Rural Irrigation Program (DRIP), a cost share program for new agricultural irrigation systems administered cooperatively by the DDA and the Delaware Economic Development Office (DEDO).
- Partner with DNREC and others to develop a comprehensive water allocation strategy to ensure future availability of potable water for all uses.
- Work with the DDA and universities to develop approaches to reduce the impacts of climate change on local farmers, crops, and production facilities and to expand the use of agricultural technology in Delaware.

#### Economic Development

- Develop and adopt a comprehensive economic-development strategy that reflects investment-levels’ priorities and strategies.
- As a segment of the comprehensive strategy, develop specific approaches to the sustainable reuse of underutilized industrial facilities.
- Continue and expand, where feasible, formal downtown and small business/entrepreneur development programs (e.g., pop-up starter business funding program).



- Work with the business community, appropriate governmental agencies and nonprofit organizations to assist businesses in implementing energy-conserving technologies while providing opportunities to grow “green-based” businesses in Delaware.
- Review and, if necessary, realign business-development incentives to assure that they support the investment-level strategies. Enhance coordination/collaboration with county and municipal economic development operations to assure compliance with the investment-level priorities and strategies.
- Where feasible target growth and expansion of clean/light industry statewide to areas most resilient to the impacts of climate change.

#### Education

- Continue to participate in the PLUS process and direct proposed educational facilities to the PLUS process for project review.
- Continue to use up-to-date population and enrollment projections to inform capital planning and decision-making.
- Continue to promote the integration of school sites into adjacent communities through facility usage, as governed by local-school-district board policies and site design that promotes pedestrian-friendly access.

- Continue to direct education infrastructure to Investment Levels 1 or 2 and authorize educational facilities to be located in Level 3 only:
  - If adequate public and civil infrastructure is in place or will be in place when the educational facility requires said infrastructure.
  - When no other reasonable and viable educational-facility sites, which are in reasonable proximity to the communities being served, are available within Investment Levels 1 or 2.
- Continue to direct education infrastructure away from Investment Level 4 and Out-of-Play Areas.
- Continue to liaise with districts, state agencies, local jurisdictions, and developers to help achieve the optimal resolution to educational facility locations.
- Continue to encourage and enable the use of school campuses that co-locate multiple educational facilities on a single site, thus sharing common facilities and reducing infrastructure costs.

SMYRNA ELEMENTARY SCHOOL ADDITION



## Housing

- Delaware State Housing Authority (DSHA) promotes the use of the investment-level areas by tailoring programs based on the levels. For example, the Low Income Housing Tax Credit program requires that proposals for newly constructing or rehabilitating affordable rental communities be located in Investment Levels 1, 2, or 3. The Housing Development Fund's homeownership loans and grants are also targeted to Levels 1,2, and 3.
- Assist in the revitalization of distressed neighborhoods and community development via the Downtown Development District Grant program, which offers grants to offset the cost of physical investment in designated downtown areas, targeted for revitalization to promote new commercial and residential growth.
- Reduce the impact of the foreclosure crisis on Delaware communities via federal and state programs designed to get foreclosed properties back on line, as well as outreach and support to local communities struggling with abandoned properties and subdivisions.
- Provide outreach to local communities of fair housing issues and importance of promoting diverse and inclusive communities.
- Provide outreach to local communities planning for affordable housing via DSHA's Affordable Housing Resource Center, which is an online resource for government officials and public viewers to learn about their community's housing needs and strategies to address these needs.
- Emphasize the importance of planning for housing for all income levels through marketing and trainings, such as the successful partnership among DSHA, the University of Delaware's Institute for Public Administration (IPA), and the OSPC to conduct an annual course on housing as part IPA's Delaware Planning Education Program.
- Provide technical assistance and support to local communities on a wide range of housing and community-development initiatives.
- Use Housing Development Fund to fund new construction in only Levels 1, 2, and 3 Areas.

### DOWNTOWN DEVELOPMENT DISTRICT PROJECT IN DOVER



- Provide public support to developments containing long-term affordable housing where appropriate.
- Preserve affordability of existing affordable housing to prevent displacement and protect public investment.
- Assist in the revitalization of distressed neighborhoods by encouraging businesses, firms, and individuals paying Delaware income tax—either personal or corporate—to invest in programs serving impoverished neighborhoods by offering tax credits to offset their Delaware tax liability.

### Natural Resources and the Environment

- Integrate public health and environmental outcomes into land-use decision-making by renewing commitment to air quality, water quality, and remediation of contaminated sites.
- Mitigate damaging and costly flooding by promoting smart stormwater practices and enhancing wetlands to increase their water retention and ecological value. As coastal storms and flooding become more severe due to more intense weather events and sea-level rise, assist state agencies and local governments with data and planning to prevent disasters and avoidable taxpayer expense.
- Integrate an infrastructure overlay into the planning process that includes roads, drinking water, sewer, stormwater, broadband, and energy distribution/transmission to focus state investments and drive private investment.
- Develop Conservation Opportunity Areas that are watershed- and science-based to show what areas are most ecologically vulnerable and where investments should be prioritized for conservation and restoration.
- Work to improve water quality by supporting large municipal wastewater systems and discouraging the use of community wastewater systems (particularly outside of identified

growth areas), and strengthening regulations for individual on-site wastewater systems.

- Prevent damaging and costly inland flooding while recognizing the important role and maintaining the free ecological services of freshwater wetlands.
- Encourage green-building practices. This will maximize comfort, energy-efficiency, design, and sustainable construction.
- Evaluate need for revisions to technical standards and specifications for stormwater management.
- Work with school districts, DOE, OSPC, and OMB to ensure that schools are not built on sites subject to flooding or sea level rise.

SCOTTEN LANDING





JAMES T. VAUGHN CORRECTIONAL FACILITY



LOOKERMAN AT STATE STREETS 1940S

### State Facilities and Investments

- The state will promote locations for public facilities that will enhance community integrity and encourage the use of more than one transportation option. State investments in public facilities, such as schools, libraries, courts, and health-care and public safety buildings, should be strategically located to foster community identity and vitality, and complement the historic character where appropriate. The focus of such locations will be in the Levels 1 and 2 Areas.
- The location of public facilities in Levels 3 and 4 Areas will be based on specific needs and conditions as warranted. Additionally, investments in Levels 3 and 4 will focus on parkland expansions, open-space purchase, green energy, and agricultural preservation where appropriate.

### State Historic Preservation Office

- The Division of Historical and Cultural Affairs (DHCA), State Historic Preservation Office (SHPO) continues with its partners to implement the goals and strategies in the current statewide historic preservation plan,<sup>12</sup> and the objectives of the DHCA's current Strategic Plan.<sup>13</sup>

<sup>12</sup> Available at <http://history.delaware.gov/pdfs/Preservation%20Plan%202013-2017.pdf>

<sup>13</sup> Available at <http://history.delaware.gov/pdfs/strategicPlanFY15.pdf>

Examples include:

- Upgraded the Cultural and Historical Resources Information System (CHRIS) to enhance its functions and ease of use, and will continue to add data and enhance features to make historic resource information more accessible and readily available for planners in state and local governments, developers, and the general public.

Provide workshops and other outreach to encourage the use of historic preservation tax credits for more diverse kinds of qualified projects and over a broader geographic range of the state.

- Investigate the development and implementation of a Threatened Historic Resource Program, which will include consideration of the threats from sea level rise and climate change in its priorities for future work.
- Develop and implement programs to engage more diverse audiences to encourage broader understanding of the state's history and the importance of preserving historic resources.

### Transportation

- DelDOT will promote the use of the investment-level areas by targeting specific improvements in the various Levels. For example: Shared-Use Path (SUP) and/or Sidewalk (SW) construction or related contributions, by a project requesting

an Entrance Plan Approval (EPA), will take into account the investment-level area and context of the project, such as traffic volume and/or whether the project abuts an existing SUP/SW facility, in accordance with the *Development Coordination Manual* (DCM). The requirements, which vary by investment-level area, are further defined in the Chapter 3 of the DCM: *Section 3.5.4.2 Shared-Use Paths and Sidewalks*.

- Maintain the state’s current system in good repair.
  - Continue to focus on improving the operational efficiency of the traffic-signal system.
  - Prioritize financial resources to improve system performance that complements the *State Strategies*.
  - Continue to focus on improving the ability of the transportation system to help protect the users from injury and death.
  - Engage in more master planning with local governments.
  - Enhance efforts to meet the changing needs of senior travelers (e.g., larger text size on street signs, longer pedestrian crossing signal times, paratransit).
  - Prioritize resource commitments with local governments in order to implement adopted master plans.
- Specifically focus on creating an inventory of pedestrian facilities (sidewalks) and then filling in any gaps.
  - Collaborate to link cities and towns by a network of off-alignment multi-use paths that can be used by commuters in addition to recreational pedestrians and bicyclists.
  - Reduce the rate of growth of vehicle miles traveled (VMT) as a result of all these efforts plus the efforts of businesses to reduce business-related travel.
  - Focus on meeting the needs of travelers that have impediments.
  - Collaborate in efforts to manage stormwater more effectively.
  - Work with sister agencies to better understand how to be prepared for possible climate changes and related effects.
  - Continue collaborative efforts with local governments and related industries to create more sustainable communities.

SR 1 FREDERICA OVERPASS  
PHOTO CREDIT: MIKE MAHAFFIE



## Citizen Involvement in Land-Use Decisions

Land-use planning has been delegated to local jurisdictions in Delaware. Delaware’s counties and municipalities have comprehensive plans, zoning ordinances, and other land-use regulations that dictate what land uses are appropriate in various areas of the jurisdiction and how land will be developed.

Most local jurisdictions in the state have local-planning commissions and boards of adjustment that serve in either a decision-making or an advisory capacity to the local legislative body. Meetings of local town or county councils, planning commissions, and boards of adjustment are open to the public. Most of these bodies hold public hearings or workshops about land-use issues. As a citizen, this is your best opportunity to be involved with the land-use decision-making process in your area.

The development of a comprehensive plan is perhaps the most important step for the town or county. This document sets the overall pattern of land use, and all land-use regulations are based upon this document. Many jurisdictions conduct extensive public-participation efforts to gauge citizen input on these important documents.

NEWARK COMPREHENSIVE PLAN PUBLIC MEETING  
PHOTO CREDIT: MIKE MAHAFFIE



## Web Sites and Links of Interest

### The Office of the Governor

[governor.delaware.gov](http://governor.delaware.gov)

### The Office of State Planning Coordination

[stateplanning.delaware.gov](http://stateplanning.delaware.gov)

#### PLUS

[stateplanning.delaware.gov/plus](http://stateplanning.delaware.gov/plus)

#### DDD

[stateplanning.delaware.gov/ddd](http://stateplanning.delaware.gov/ddd)

#### FirstMap

[firstmap.gis.delaware.gov](http://firstmap.gis.delaware.gov)

### University of Delaware's Institute of Public Administration (IPA)

#### Planning Training

[www.ipa.udel.edu/localgovt/training/planning-ed.html](http://www.ipa.udel.edu/localgovt/training/planning-ed.html)

#### Healthy Communities

[www.ipa.udel.edu/healthpolicy/healthycommunities/index.html](http://www.ipa.udel.edu/healthpolicy/healthycommunities/index.html)

#### Complete Communities

[www.completecommunititesde.org](http://www.completecommunititesde.org)

### WILMAPCO

[wilmapco.org](http://wilmapco.org)

### Dover/Kent MPO

[doverkentmpo.delaware.gov](http://doverkentmpo.delaware.gov)

### Department of Agriculture

[dda.delaware.gov](http://dda.delaware.gov)

### Department of Economic Development

[dedo.delaware.gov](http://dedo.delaware.gov)

### Department of Education

[doe.k12.state.de.us](http://doe.k12.state.de.us)

### Department of Health and Social Services

[dhss.delaware.gov/dhss](http://dhss.delaware.gov/dhss)

### Department of Finance

[finance.delaware.gov](http://finance.delaware.gov)

### Department of Safety and Homeland Security

[dshs.delaware.gov](http://dshs.delaware.gov)

### State Historic Preservation Office

[history.delaware.gov/preservation](http://history.delaware.gov/preservation)

### Delaware State Housing Authority

[destatehousing.com](http://destatehousing.com)

### Affordable Housing Resource Center

[destatehousing.com/AffordableHousingResourceCenter/ot\\_toolbox.html](http://destatehousing.com/AffordableHousingResourceCenter/ot_toolbox.html)

### Department of Natural Resources and Environmental Control

[dnrec.delaware.gov](http://dnrec.delaware.gov)

### Office of Management and Budget

[omb.delaware.gov](http://omb.delaware.gov)

### Department of Transportation

[deldot.gov](http://deldot.gov)

## Appendices

- A. Matrix of Strategies for State Policies and Spending in Investment Levels
- B. Absorption Analysis
- C. Spatial-Data Analysis
- D. Strategy Maps – 1999, 2004, and 2010
- E. Executive Order 59, April 14, 2016

## Appendix A: Matrix of Strategies for State Policies and Spending in Investment Levels

State Agency	Level 1 Investment Areas	Level 2 Investment Areas	Level 3 Investment Areas	Level 4 Investment Areas
<b>All Agencies – new facility location</b>	Highest priority for new facilities, especially those serving the public.	Also, very high priority for new facilities, especially those serving the public.	Future considerations primarily, tied to anticipation of growth in these areas. Consideration given based on actual needs.	Discourage facilities unless tied to particular needs and agreed to by appropriate governmental entities.
<b>Agriculture</b>	Highest priority for community and urban forestry, farmers’ markets, and marketing/promotion of agricultural products to the urban populations. Foster agricultural literacy.	Community and urban forestry and marketing/promotion of agricultural products to the urban/suburban populations. Foster agricultural literacy.	Targeted agriculture preservation and community forestry, on-farm markets, identification and development of agricultural support businesses. Foster agricultural literacy.	Highest priority for farmland preservation and support of the agricultural infrastructure. Foster agricultural literacy.
<b>Economic Development</b>	Priority for job creation/retention, brownfields grants, conduit tax-exempt bond program and strategic funds, and neighborhood assistance. Focus of community education strategy.	Priority for job creation/retention, brownfields grants, conduit tax-exempt bond program and strategic funds, and neighborhood assistance. Focus of community education strategy.	Focus on agribusiness and forestry activities that complement and enhance agriculture in these areas. Visitor-industry development, such as heritage, ethnic, and agri-tourism festivals and events and similar operations, may be appropriate uses that would provide employment opportunities and produce additional income.	Development in Investment Level 4 Areas should emphasize only development that is compatible with and enhances agriculture, agribusiness, appropriate visitor activities, and similar economic activities.
<b>Environment &amp; Natural Resources</b>	Highest priority for wastewater treatment; grants for parks acquisition and development; greenways and trails grants; brownfield cleanups and recycling grants; and, restoration for water quality and for wildlife.	Sewer funding, grants for parks acquisition and development, greenways and trails grants, open-space preservation, brownfield cleanups and recycling grants, and restoration for water quality and for wildlife.	Community septic (if public sewer is not available); remediation of contaminated sites to protect public health, safety, and the environment; open-space preservation; recycling grants; and, restoration for water quality and for wildlife.	Open-space preservation; restoration for water quality and for wildlife; recycling grants; and, remediation of contaminated sites to protect public health, safety, and the environment.

2015 — Delaware Strategies for State Policies and Spending

State Agency	Level 1 Investment Areas	Level 2 Investment Areas	Level 3 Investment Areas	Level 4 Investment Areas
<b>Education</b>	Top priority for educational facilities and co-location of services in campus settings to the extent possible (e.g., libraries). Unqualified consideration of certificates of necessity and state participation in projects in accordance with established statutes, regulations, and procedures.	Expedited approval for educational facilities and co-location of services in campus settings to the extent possible. Unqualified consideration of certificates of necessity and state participation in projects in accordance with established statutes, regulations, and procedures.	Guide/influence educational facilities toward Levels 1 and 2 to the extent possible. Limited approval of educational facilities. Qualified consideration of certificates of necessity and state participation in projects in accordance with established statutes, regulations, and procedures.	Strongly discourage and guide/influence educational facilities toward Levels 1 and 2. Very limited, exception based approval of educational facilities. Extremely qualified consideration of certificates of necessity and state participation in projects in accordance with established statutes, regulations, and procedures. Potential withholding of certificates of necessity and/or state participation.

State Agency	Level 1 Investment Areas	Level 2 Investment Areas	Level 3 Investment Areas	Level 4 Investment Areas
<b>Housing Authority</b>	<p>Priority for creating and sustaining the full range of housing types that is transit-oriented, accessible, well-designed, and affordable in appropriate locations.</p> <p>Programs will create new housing opportunities through new construction and redevelopment. Threshold requirement for new construction. Emphasize development of under-utilized parcels within developed areas.</p> <p>Programs will sustain existing homes through rehabilitation and preservation of affordability. Assist homeowners, renters, and communities impacted by the foreclosure crisis. Restore struggling neighborhoods through a variety of acquisition, rehabilitation, and community development activities.</p> <p>Provide technical assistance to communities, continue partnership with OSPC and UD, and continue Density by Design activities.</p>	<p>Priority for creating and sustaining a variety of housing types that is transit-oriented, accessible, well designed, and affordable, supplemented with infrastructure and essential neighborhood services.</p> <p>Programs will create new housing opportunities through new construction and redevelopment. Threshold requirement for new construction.</p> <p>Programs will sustain existing homes through rehabilitation and preservation of affordability. Assist homeowners, renters, and communities impacted by the foreclosure crisis. Restore struggling neighborhoods through a variety of acquisition, rehabilitation, and community development activities.</p> <p>Provide technical assistance to communities and continue Density by Design activities.</p>	<p>Priority to sustain homes through rehabilitation to ensure safe and habitable housing. Assist homeowners, renters, and neighborhoods impacted by the foreclosure crisis.</p>	<p>Sustain homes and vitality of small rural communities. This includes weatherization and rehabilitation of housing. Investment in housing infrastructure to address public safety and welfare concerns.</p>

2015 — Delaware Strategies for State Policies and Spending

State Agency	Level 1 Investment Areas	Level 2 Investment Areas	Level 3 Investment Areas	Level 4 Investment Areas
<b>Health and Social Services</b>	Focus efforts to create healthy lifestyles by providing walkable or other recreational opportunities and/or contribute to an infrastructure to support aging or disabled individuals' ability to remain in their community through accessible medical and necessary retail establishments, as well as personal support services. Highest priority (points) for drinking water funding.	Highest priority (points) for drinking water funding.		
<b>Office of State Planning Coordination</b>	This level (along with Level 2) is most favorable for the location of new public facilities, development, and redevelopment activities. It is also the most appropriate level for the location of Downtown Development Districts (DDD). It is also good for master planning activities.	This level (along with Level 1) is most favorable for the location of new public facilities, development, and redevelopment activities. It is also appropriate for the location of DDDs in smaller towns that do not have Level 1 areas. It is also good for master planning activities.	This level is favorable for longer-term planning in anticipation of future development, which makes it a good area for master planning activities.	This level is most favorable for open-space and ag-land preservation and the promotion of agri-business.
<b>Safety &amp; Homeland Security</b>	Enhanced policing through grants, bike cops, and satellite offices. This is a priority area for locating future facilities.	Top priority for locating emergency medical services (EMS). Resource development or reallocation of EMS, fire departments, and law enforcement to sufficiently respond to increased calls for service as population increases.	Focused measures to reduce response time. Resource development or reallocation of EMS, fire departments, and law enforcement to sufficiently respond to increased calls for service as population increases including the possibility for new facilities.	Long-range planning, but no near-term investment. Kent/Sussex pay for additional coverage.

2015 — Delaware Strategies for State Policies and Spending

State Agency	Level 1 Investment Areas	Level 2 Investment Areas	Level 3 Investment Areas	Level 4 Investment Areas
<p><b>State Historic Preservation Office</b></p>	<p>Particularly high concentrations of historic buildings and structures. Efforts to identify and consideration of potential effects to these resources needed early in the planning process. Awareness of applicable federal and state laws, including incentives for preservation. Coordinate projects with certified local governments.</p>	<p>High concentrations of historic buildings and structures. Efforts to identify and consideration of potential effects to these resources needed early in the planning process. Awareness of applicable federal and state laws, including incentives for preservation. Coordinate projects with certified local governments. High concern for historic farmsteads, areas with higher archaeological site potential, and historic family cemeteries and unmarked cemeteries. Preservation in place is encouraged.</p>	<p>Lower concentration of historic buildings and structures, but greater concern for preservation of rural landscape that protects setting, archaeological sites, and cemeteries. Efforts to identify and consideration of potential effects to these resources needed early in the planning process. Awareness of applicable federal and state laws, including incentives for preservation.</p>	<p>Strongly discourage development, except for certain purposes with minimal effects to the existing landscape and with no significant infrastructure improvements. Lower concentration of historic buildings and structures, but greater concern for preservation of rural landscape that protects setting, archaeological sites, and cemeteries. Awareness of applicable federal and state laws, including incentives for preservation.</p>

State Agency	Level 1 Investment Areas	Level 2 Investment Areas	Level 3 Investment Areas	Level 4 Investment Areas
Transportation	<p>In Level 1 Areas the State’s first priority will be for preserving existing facilities and making safety improvements. Level 1 Areas will also be the highest priority for context-sensitive transportation system-capacity enhancements; transit-system enhancements; ADA accessibility; and, closing gaps in the pedestrian system, including the Safe Routes to School projects. Additionally, Level 1 areas are a first priority for planning projects and studies, bicycle facilities, signal-system enhancements, the promotion of interconnectivity of neighborhoods and public facilities. Additionally, street design and access should be compatible to the context of an area.</p>	<p>Level 2 Areas share similar priorities with the Level 1 Areas where the aim remains to make context-sensitive transportation system-capacity enhancements; preserve existing facilities; make safety enhancements; make transportation system-capacity improvements; create transit system enhancements; ensure ADA accessibility; and, close gaps in the pedestrian system, including the Safe Routes To School projects. Other priorities for Level 2 Areas include Corridor Capacity Preservation; off-alignment multi-use paths; interconnectivity of neighborhoods and public facilities; and, signal-system enhancements.</p>	<p>The priorities in the Level 3 Areas are for DelDOT to focus on regional movements between towns and other population centers. Developers and property owners will make local roadway improvements as development occurs. Lower priority is given to transportation system-capacity improvements and transit-system enhancements.</p>	<p>The focus for the Level 4 Areas will be to preserve and maintain existing facilities in safe working order, corridor-capacity preservation, and the enhancement of transportation facilities to support agricultural business.</p>

## Appendix B: Absorption Analysis

*Of the DRAFT 2015 update of the Strategies for State Policies and Spending using the 2012 land-use/land-cover data and the Delaware Population Consortium Annual Population Projections, Version 2014.0*

### Overview

The *Strategies for State Policies and Spending* update allows more than enough room to accommodate expected population and household growth in all three counties through 2040, according to an Absorption Analysis of the areas preferred for growth in the *State Strategies* update. The Absorption Analysis uses data on existing land uses in 2012 and the *2014 Population Projections Series Version 2014.0* from the Delaware Population Consortium.

This analysis was undertaken as a “reality check,” matching the *State Strategies* against recent land-use and land-cover data to ensure that they do not overly restrict the potential for the development needed to meet the projected household growth for the next several decades. The analysis measures the amount of undeveloped but buildable land within the areas preferred for growth in the *State Strategies* and takes into consideration the need for commercial, recreational, transportation, and utility development to support new residential development.

In Kent County, according to this analysis, there would be over four times as much land available in the areas preferred for growth in the *State Strategies* as would be needed to meet projected household growth through the year 2040 at an average density of three housing-units-per-acre. In New Castle County there would be more than two times as much land as needed at three units-per-acre. In Sussex County, there would be more than eight times as much land as needed to meet projected household growth at three units per acre.

### Available versus Needed Acreage, Investment Levels 1, 2, and 3, 2015–2040

	Buildable Acres, 2012			Projected Household Growth	Ratio of Available to Needed Land		
	Total	Percent Residential*	Available for HUs		At 3 HU per Acre	At 5 HU per Acre	At 7 HU per Acre
Kent	35,322	74.29%	26,241	17,924	4.39	7.42	10.39
New Castle	35,352	66.91%	23,654	35,159	2.02	3.36	4.71
Sussex	68,811	79.92%	54,994	19,299	8.55	14.25	19.95
<b>State of Delaware</b>	<b>139,484</b>	<b>73.09%</b>	<b>101,949</b>	<b>72,382</b>	<b>4.23</b>	<b>7.04</b>	<b>9.86</b>

\*Percent of total expected to be developed as residential, based on existing land use patterns. See Summary of Methods section below for discussion.

Three units per acre is a relatively low density typical of a medium-to-large lot residential subdivisions with lot sizes of approximately 11,600<sup>1</sup> square-feet. In the areas preferred for growth in the *State Strategies*, average densities are traditionally higher.

<sup>1</sup> Typical lot size was calculated by dividing one acre (43,560 square feet) by 3 (= 14,520 square feet), then subtracting 20% (2,900 square feet) for roads and other infrastructure required in a typical land development. The same method was used for typical lot size calculations in the other scenarios.

At the still moderate density of five units-per-acre, characterized by a mix of higher, medium, or lower density residential development with average lot sizes of approximately 6,970 square-feet, the analysis shows that there would be more than seven times as much available, buildable land as is needed to meet projected household growth in Kent County. In New Castle County there would be more than three times enough land, and in Sussex County there would be more than fourteen times as much available, buildable land as would be needed.

At the somewhat higher density of seven housing-units-per-acre—more likely in some of these areas, which tend to be closer to the urban core of the state—the ratios of available land to needed land would be even higher. Seven units-per-acre would likely include some duplexes, town houses, condominiums, and apartments, along with single-family lots of an average of approximately 5,000–6,000 square feet. These gross densities should be viewed as averages since apartments, townhouses, and condominiums require substantially less land per dwelling unit than single-family homes. At this density, Kent County would have 10 times as much land as needed, New Castle County would have over four times as much land as needed, and Sussex would have almost 20 times as much land as needed to accommodate projected household growth.

This analysis does not take into consideration the likelihood that not all of the new housing units developed to meet projected growth will be built within the areas shown as Investment Levels 1, 2 or 3 in the *State Strategies*. The *State Strategies* anticipate that there will be some residential growth outside of these areas in rural and agricultural areas. There is also the possibility of redevelopment, in which some areas not considered as buildable, but not currently residential—such as old commercial areas—may be redeveloped as residential land and therefore provide additional capacity.

To assume that all of the projected household growth would have to be accommodated within these areas is unrealistic. However, as a reality check, this assumption helps test whether or not the *State Strategies* would be too restrictive. As we see from this analysis, there is more land available than is needed to meet our growth projections, thus allowing the real estate market to function freely while also achieving the goals of the *State Strategies* to concentrate development activity near infrastructure and services.

### Summary of Methods

This Absorption Analysis consists of a demographic model, a land-use/land-cover change model, and a comparison between the land-use/land-cover data and the investment levels of the *Strategies for State Policies and Spending*.

#### GIS Analysis—Land Uses

Using Geographic Information System (GIS) tools, the amount of land that is buildable, but not currently built-upon was calculated for the areas preferred for growth (Levels 1, 2, and 3) in the *Strategies* using Land Use/Land Cover data derived from 2012 statewide aerial photography.<sup>15</sup> “Buildable” land includes agricultural lands, forested areas, and vacant lands.

To determine the percentage of buildable lands that should be considered in calculating new residential acreage, 2012 land-use/land-cover data were used to calculate the amount of land that was already built in each county and the percentage of different land uses within those built areas. Percentages were calculated for

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<sup>15</sup> See <http://opendata.firstmap.delaware.gov>

residential/urban, commercial, transportation/utility, institutional/governmental, and recreational uses. It is important to note that these percentages were calculated based on land use in the entire county, not just in Investment Levels 1, 2 and 3.

In 2012, 74.3 percent of the built lands in Kent County were in residential development. In New Castle County, 66.9 percent were residential. In Sussex County, 77.9 percent were in residential uses.

These percentages of residential development were used as a guide to estimate future development patterns. The land availability model uses the assumption that future land development will follow similar patterns as past development and that the ratio of residential to other urban land uses would remain constant as new land is developed. These percentages were applied to calculate likely available lands needed for residential growth in the analysis.

### Land Use Distributions within Built Areas 2012 Land Use/Land Cover Data

	Kent		New Castle		Sussex		State of Delaware	
	Acres	Percent	Acres	Percent	Acres	Percent	Acres	Percent
Res./Other Urban	43,335	74.29%	77,006	66.91%	75,141	79.92%	<b>195,482</b>	<b>73.09%</b>
Commercial	4,573	7.84%	14,725	12.79%	6,913	7.35%	<b>26,212</b>	<b>9.80%</b>
Transportation/Utility	5,220	8.95%	9,335	8.11%	4,626	4.92%	<b>19,180</b>	<b>7.17%</b>
Institutional	2,594	4.45%	6,162	5.35%	2,639	2.81%	<b>11,396</b>	<b>4.26%</b>
Recreation	2,606	4.47%	7,862	6.83%	4,706	5.01%	<b>15,174</b>	<b>5.67%</b>
<b>Total Built</b>	<b>58,328</b>	<b>100%</b>	<b>115,090</b>	<b>100%</b>	<b>94,026</b>	<b>100%</b>	<b>267,444</b>	<b>100%</b>

Source: 2012 Delaware Land-use/Land-cover Data

### Demographic Data Analysis

Data from the Delaware Population Consortium’s 2014 Population Projections Series<sup>16</sup> were used to estimate the number of new households that will be needed to meet projected population growth between 2015 and 2040. The Delaware Population Consortium’s Delaware Population Consortium Population Projections, Version 2014.0 projects the growth in both population and households (housing units) for Delaware and each county in Delaware from 2010 through 2040. The Delaware Population Consortium includes analysts from the state, the counties, local governments, the University of Delaware, and the private sector working together, using objective data sources, to produce independent population projections for the state.

The difference between estimated households in 2015 and projected total households in 2040 was used to determine the number of households needed to accommodate projected population growth between 2015 and 2040. Each “household,” in population terms, can be considered a “housing unit” in land use terms.

According to this analysis, Kent County will need 17,924 new housing units between 2015 and 2040 to accommodate a projected population growth of 31,122 persons. New Castle County will need 35,159 housing

<sup>16</sup> See [http://www.stateplanning.delaware.gov/information/dpc\\_projections.shtml](http://www.stateplanning.delaware.gov/information/dpc_projections.shtml)

units to accommodate 51,054 new persons. Sussex County will need 19,299 housing units to accommodate 44,345 new persons over the same period.

### **Land Capacity Calculation**

A ratio of available land to needed land was calculated to demonstrate the remaining development capacity in Investment Levels 1, 2, and 3. First, the amount of land available for residential development was calculated by multiplying the total buildable acres in each county by the percent of that land that is expected to be developed as residential land use based on the GIS analysis of the land-use/land-cover data. For example, in Kent there are 35,322 acres of “vacant, buildable” land of which 74.29 percent is expected to be developed as residential land use. Calculating 74.29% of 35,322 acres ( $35,322 * .7429$ ) indicates that 26,241 acres are expected to be residential.

For each density scenario—3 dwelling units (du) per acre, 5 du per acre, and 7 du per acre—we calculated how many units could be built on the lands expected to be developed with residential land use. Continuing with our Kent County example, at 3 du per acre the 26,241 residential acres in Kent can accommodate 78,723 dwelling units ( $26,241 * 3$ ). As a final step, the total number of dwelling units is divided by the expected household growth in that county to develop a ratio of the available capacity in the land ( $78,723 \text{ du} / 17,924 \text{ hh} = 4.39$ ). What this ratio indicates is that in Kent County there is 4.39 times as much land in Investment Levels 1, 2, and 3 as expected to be needed to accommodate the 17,924 new residential units to be built between 2015 and 2040.

## Appendix C: Spatial-Data Analysis

The updated *State Strategies* map was created using a spatial data analysis that balances state, county, and local policies that favor growth for different areas of the state with policies that favor land preservation, agricultural economic development, and natural resource management. The analysis creates a statewide spatial data set that reflects the combined policies of all levels of government to highlight what areas are most appropriate for different forms of growth.

Geospatial data sets that show land-use policies were collected from state agencies and county and municipal governments. Each data set was processed into a standard, statewide, 30-meter grid format in which each grid-cell was given a positive or a negative value<sup>17</sup> reflecting its suitability for development or redevelopment.

The data sets were combined using ESRI’s Spatial Analyst software<sup>18</sup> to create a single, statewide, 30-meter grid data set in which each grid-cell has a value of between -13 and 18. These values were classified into logical groups to form a set of the four levels called for in the *Strategies for State Policies and Spending*. These were smoothed and saved as a polygon GIS data set.

Data sets showing lands that are out-of-play for various reasons and cannot be developed were used to clip-out out-of-play areas in the draft strategies data set.

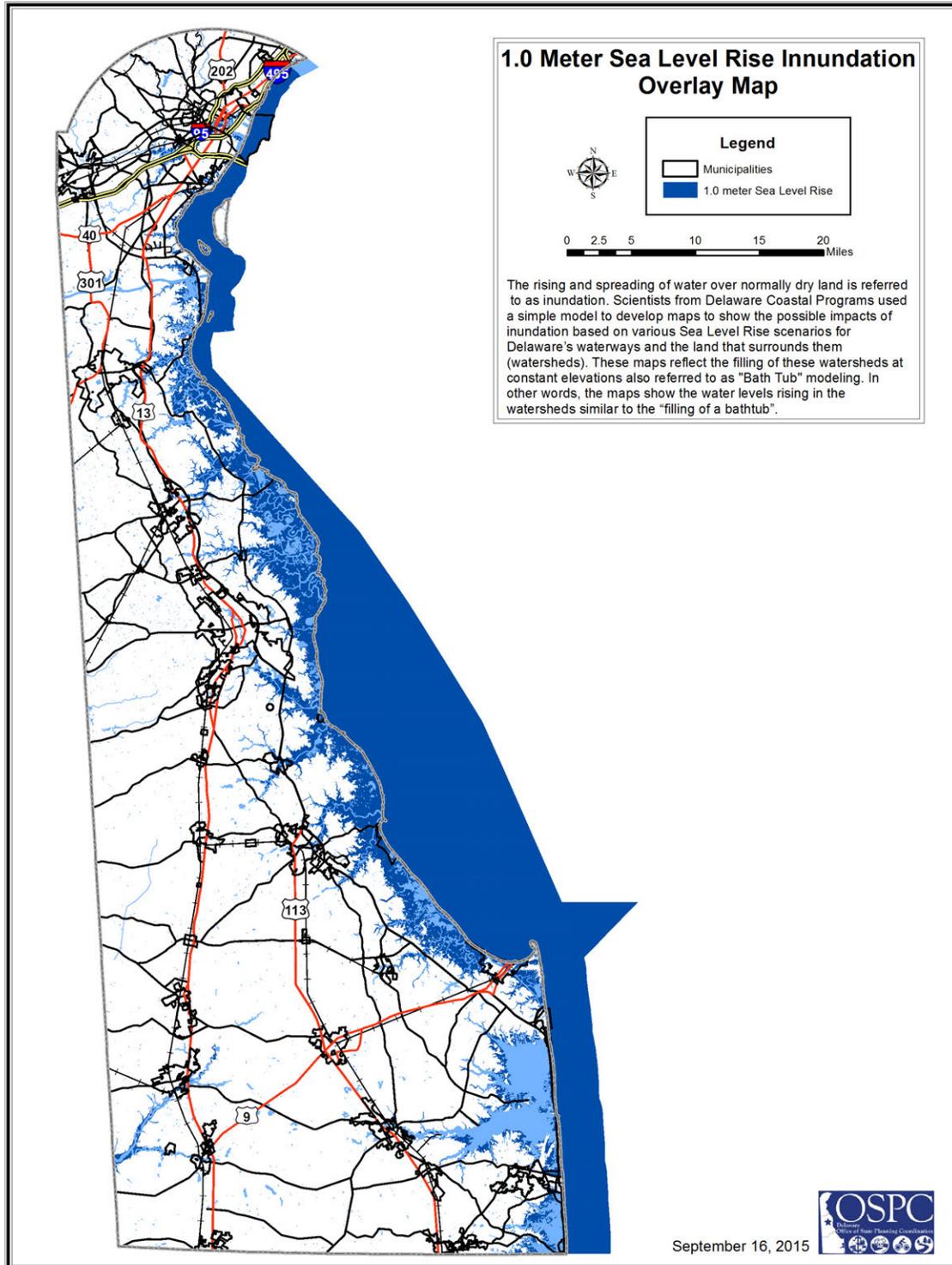
Favoring Growth	Favoring Preservation	Out-of-play
County growth areas	County non-growth areas	PDR lands
Municipal annexation areas	TDR sending areas	Permanent easements
Developed lands	High-value agricultural lands	DelDOT wetland mitigation sites
TDR receiving areas	High-value forest lands	Tidal wetlands
Areas with public water supply	Agricultural preservation districts	DAFB
Areas served by sewer/wastewater treatment	Corridor capacity preservation areas	Protected lands (federal, state, county, municipal and dedicated public open space)
Areas planned for water/sewer/wastewater treatment	The Delaware coastal zone	
Areas served by public transportation	A buffer around tidal and non-tidal wetlands	
Areas near public schools	Wellhead protection areas	
Areas with local police	100-year floodplains	
Areas near bike paths/sidewalks	Dover Air Force Base (DAFB) accident and noise zones	
Areas near fire or emergency medical services	Excellent ground water recharge potential	
Areas near hospitals	Areas near correctional facilities	
Areas near state service centers	1.0 meter (3 foot) sea level rise scenario	
Areas near libraries	Flood risk avoidance map (FRAM) areas	
Census 2010 urban areas		

Corrections, additions, and deletions needed following public workshops and meetings with state agency planners, county government officials, and municipal government leaders were made by hand in a series of drafts edited to ensure that the final *Strategies* map accurately reflects certified county and municipal comprehensive plans.

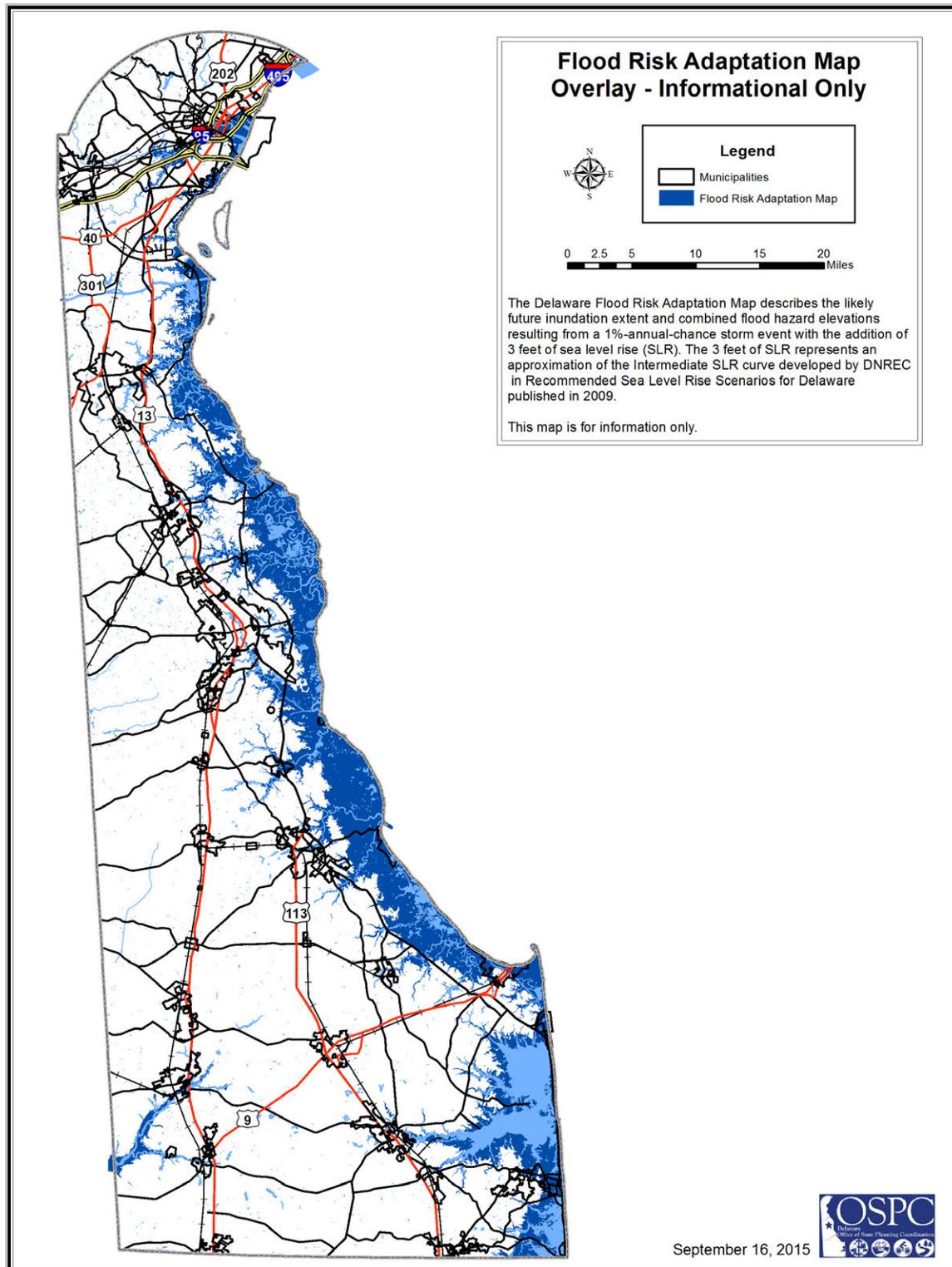
<sup>17</sup> All data sets were given a value of either positive-1 or negative-1.

<sup>18</sup> <http://www.esri.com/software/arcgis/extensions/spatialanalyst/index.html>

## Sea Level Rise Map

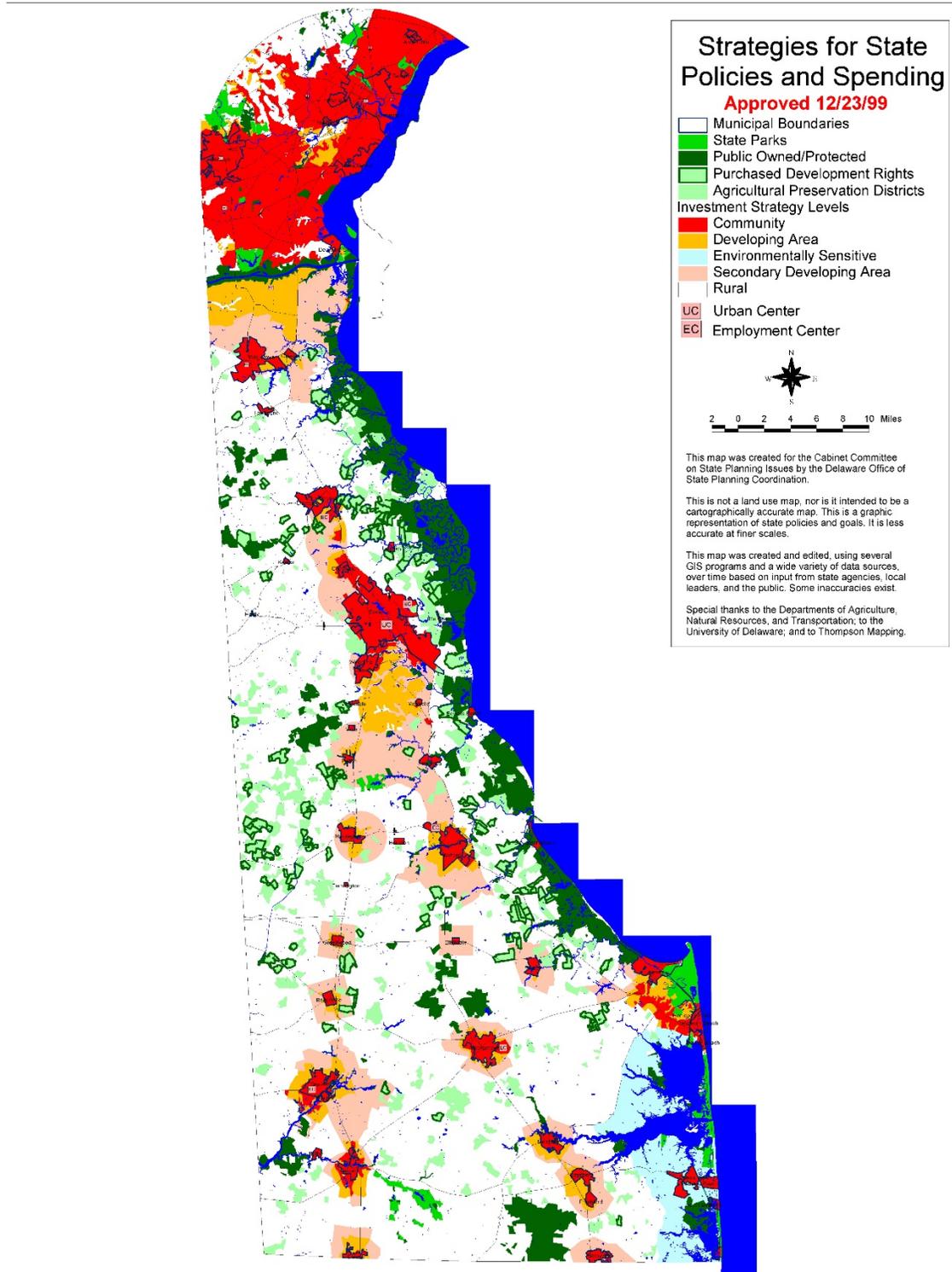


## FRAM Map

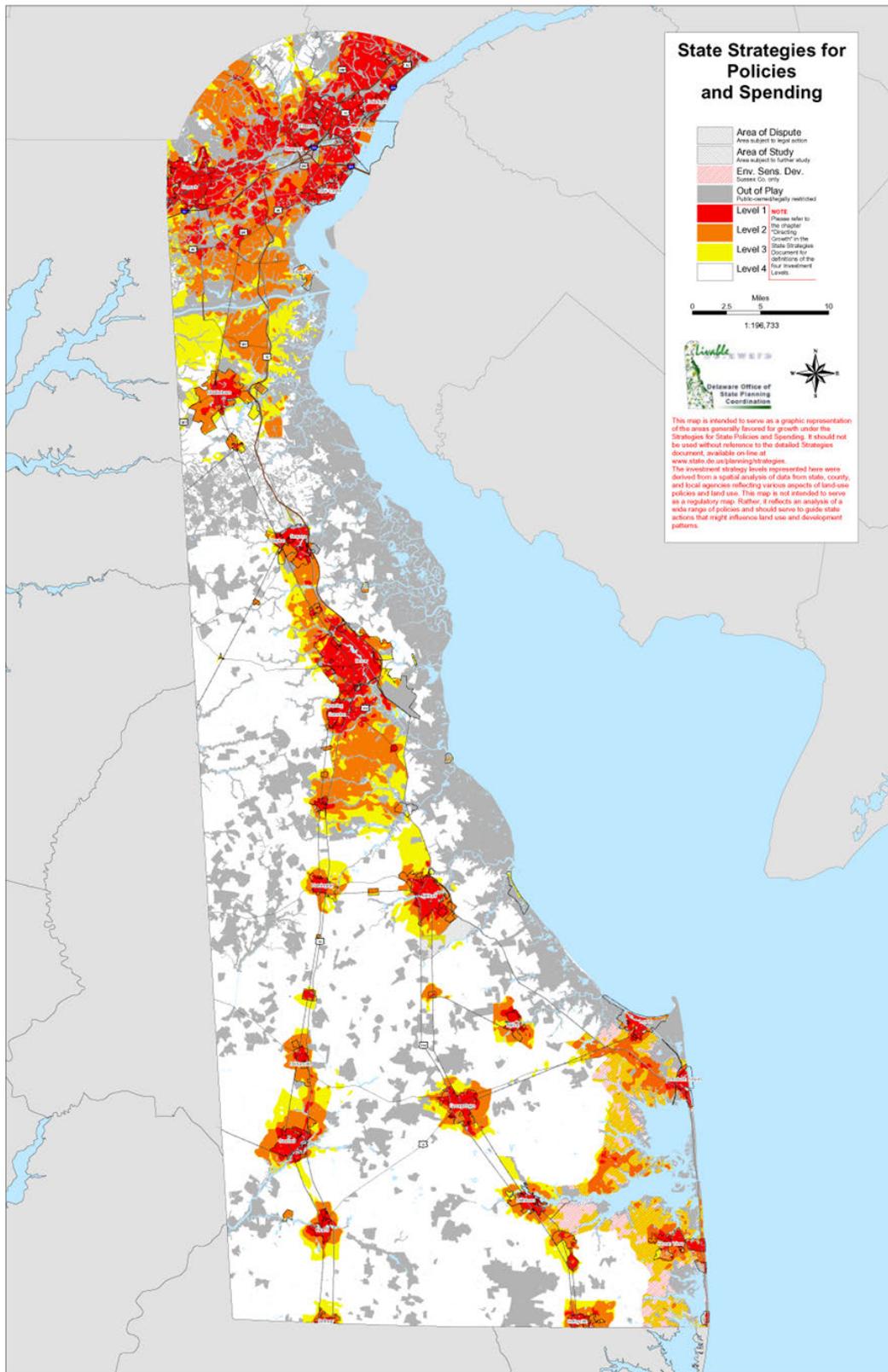


## Appendix D: Strategy Maps – 1999, 2004 & 2010

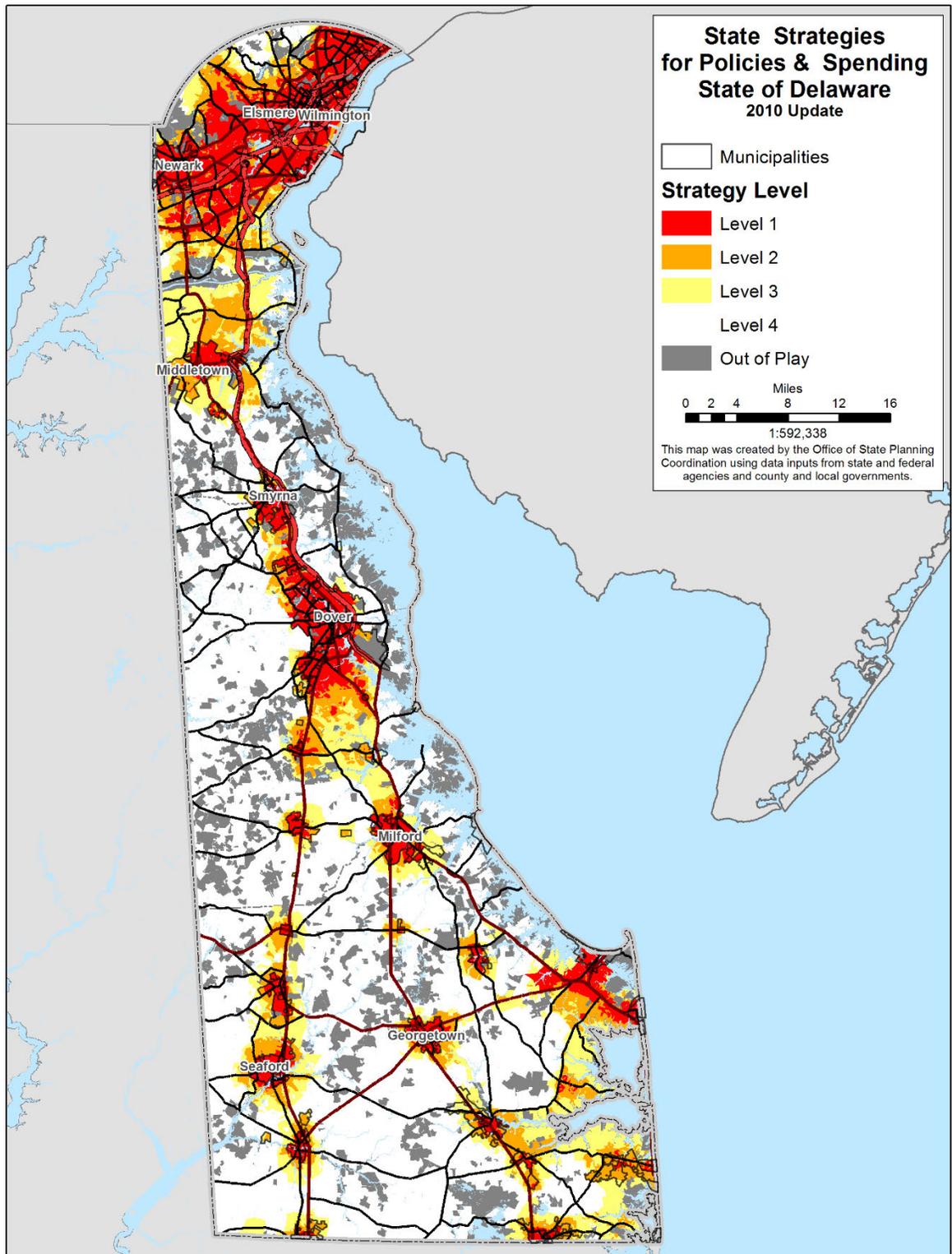
1999



2004



2010



## Appendix E: Executive Order 59, April 14, 2016

STATE OF DELAWARE



EXECUTIVE DEPARTMENT  
DOVER

**EXECUTIVE ORDER  
NUMBER FIFTY-NINE**

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: DELAWARE STRATEGIES FOR STATE POLICIES AND SPENDING

WHEREAS, land use policy plays a critical role in building strong local communities, supporting diverse economic opportunities and providing a high quality of life for residents and businesses today and those considering whether to locate in Delaware in the future;

WHEREAS, the State has a responsibility to the taxpayers of the State of Delaware to ensure that each tax dollar is appropriately utilized;

WHEREAS, private businesses base their long-term investment decisions on transparent, predictable, sustainable growth strategies in areas with high quality communities and adequate infrastructure;

WHEREAS, all Delaware counties and incorporated municipalities must prepare comprehensive plans to encourage appropriate uses of physical and fiscal resources and to coordinate growth, development, and infrastructure investment actions with those of other local governments and the State;

WHEREAS, State government plays a critical role in supporting the implementation of these comprehensive plans through its capital investment program, funding of schools, allocation of grants and loans, purchase of open space and development rights, and distribution of state resources;

WHEREAS, the Delaware Strategies for State Policies and Spending are found in the adopted and certified comprehensive plans of local governments in Delaware and are intended to provide coordination of expenditures of tax dollars in support of the implementation of these comprehensive plans;

WHEREAS, the investment of State taxpayer dollars should be strategically and purposely directed to areas that maintain or enhance economic opportunity and community well-being while protecting and restoring the natural environment upon which citizens and economies depend;

WHEREAS, Delaware's cities and towns have significant capacity for growth and redevelopment opportunities for brownfields, greyfields, and other sites near existing infrastructure;

WHEREAS, Delaware faces significant environmental and public health challenges in assuring cleaner air, cleaner water, quality open spaces, and recognizing potential threats from flooding and sea-level rise;

WHEREAS, agriculture is a vital part of Delaware's economy and should be supported to remain viable and profitable;

WHEREAS, there is a need to expand the array of housing and transportation choices to nurture cohesive communities, provide infrastructure more cost-effectively, and enable older citizens to live independently; and

WHEREAS, on March 3, 2016, the Cabinet Committee on State Planning Issues approved and updated set of State Strategies for State Policies and Spending to ensure efficient, rational and cost-effective investment in necessary infrastructure.

NOW, THEREFORE I, JACK MARKELL, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby DECLARE and ORDER that:

1. The Office of State Planning Coordination shall publish on-line, the updated State Strategies for State Policies and Spending document ("Strategies document") and maps, including geospatial data (with full metadata) representing the various investment level areas recommended in the Strategies document;
2. All state departments and agencies shall use the Strategies document and maps as a guide to making all decisions on policy, infrastructure and other investments, and resource management;
3. The Office of Management and Budget shall use the Strategies document and maps as a guide in developing and reviewing state department and agency spending plans;
4. The Strategies document and maps shall be made available to all county and municipal government agencies for use in all planning-related endeavors, including, but not limited to, comprehensive plan development and strategic planning;
5. The Strategies document and maps shall be used in the Preliminary Land Use Service (PLUS) process as a tool for helping developers, land-owners, and local governments create efficient, rational and complete communities/smart-growth development options in those areas most ready to receive and serve new development;
6. The Office of State Planning Coordination shall, in conjunction with the Cabinet Committee on State Planning Issues, plan and carry out an update of the Strategies document and maps within five years of the effective date of this order; and

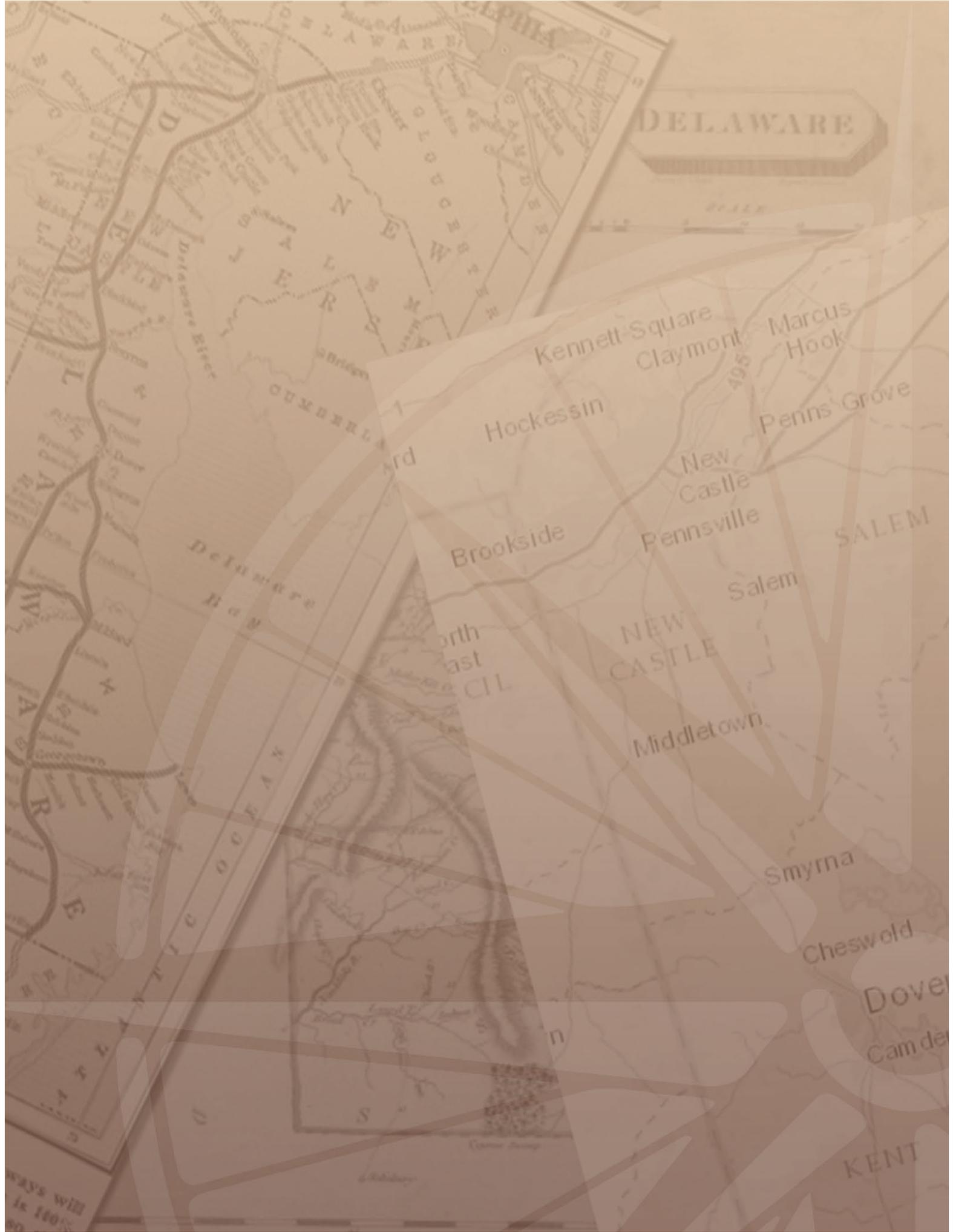
7. Executive Order No. Twenty-Six, issued on April 1, 2011, is hereby rescinded.



Approved this 14<sup>th</sup> day of April, 2016

  
\_\_\_\_\_  
Governor

Attest:  
  
\_\_\_\_\_  
Secretary of State



DELAWARE

Kennett Square  
Claymont

Marcus Hook

Hockessin

Penns Grove

Brookside

New Castle

Pennsville

SALEM

Salem

NEW CASTLE

Middletown

Smyrna

Cheswold

Dover

Camden

KENT

Delaware Bay

ATLANTIC OCEAN

WAYS WIL  
k 100%