



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF MANAGEMENT AND BUDGET
STATE PLANNING COORDINATION

July 21, 2006

Mr. Troy Mix
University of Delaware
180 Graham Hall
Newark, DE 19716

RE: PLUS review – PLUS 2006-06-06; Town of Odessa Comprehensive Plan

Dear Mr. Mix:

Thank you for meeting with State agency planners on June 28, 2006 to discuss the proposed Town of Odessa comprehensive plan

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting.

The following are a complete list of comments received by State agencies:

Office of State Planning Coordination – Contact: David Edgell 739-3090

The Office of State Planning compliments the town for preparing a well done plan that is realistic in its goals and objectives. This office will recommend that the plan be certified. We do note, that the next steps that include the development of the implementing land use regulations and policies will be critical. In this regard, we offer any assistance that we can provide.

Division of Historical and Cultural Affairs – Contact: Alice Guerrant 739-5685

Odessa has always had a strong historic preservation ethic, and it is reflected throughout this plan. The proposed commercial zoning changes will help support the Historic Houses of Odessa, by permitting gift shops, etc. within their zoning district, and other changes will support commercial ventures that can help accommodate increased heritage tourism here. It was good to hear that they are continuing work on the design guidelines for the historic district. However, the State Division of Historical and Cultural Affairs feels the development and adoption of these guidelines should be specifically included as an implementation step under Community Character on p. 47 and should be mentioned on p. 37, where it talks about the historic district overlay zoning.

The Town should also mention advertising on or educating its citizens about the tax incentives available for certified rehabilitation projects on National Register-listed properties, pursuit of Certified Local Government status, and investigation of federal grants, such as Preserve America, as implementation strategies under Community Character on p. 47.

There should be some consideration for historic properties that may be brought into the town in the future. This should be discussed under Future Land Use, p. 40, and the development of protection strategies should be included as an implementation step on p. 48.

Joan Larrivee is the contact person for questions about federal and state tax incentives and on building rehabilitation, and Robin Bodo is the contact person for questions on the National Register and Certified Local Government programs. Both can be reached at 302-736-7400.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- The discussion of traffic on US Route 13 includes a statement that “During the summer months, traffic can be expected to increase as much as 18 to 20 percent over this average figure [20,000 vehicles per day], resulting in a maximum of approximately 25,000 vehicles per day.” Except for the traffic volume, this statement appears to have been copied from the 2001 Plan. As shown elsewhere in this section, the opening of Delaware Route 1 has reduced the Annual Average Daily Traffic on Route 13 through Odessa by about 30,600 vehicles per day. While we do not have current seasonal counts in Odessa, data from the permanent counter stations north and south of the town suggest that the opening of Route 1 has reduced the seasonal variation on Route 13 as well as the average volume. The seasonal increase now appears to be about 10 percent over the

- average. Therefore the summer average daily traffic on Route 13 through Odessa may be only about 22,000 vehicles per day. DelDOT recommends that the Town either further qualify or perhaps eliminate the discussion of seasonal variation in the Route 13 traffic.
- The discussion of Delaware Route 299 refers to a DelDOT project there. This portion of the Plan is accurate as written. However, given DelDOT's current fiscal situation, a comment is warranted on their part. Due to uncertainties concerning our capital budget, we have to adjust the schedules of many projects. It is recommended that the Town maintain contact with the Department as necessary to monitor the schedule of this project. Mr. Drew Boyce, the Assistant Director for Project Development North in our Division of Transportation Solutions can serve as an initial contact. He may be reached at (302) 760-2276.
 - The section on public transportation lists four Park-and-Ride lots in the Odessa area. While it lists Pine Tree Corners by name, it refers to Boyd's Corner as the intersection of U.S. Route 13 and Road 15. It also does not mention that there are two lots there, an older, smaller, lot on the southwest corner of Route 13 and Road 15, and a newer, larger, lot behind the shopping center on the northeast corner. DelDOT recommends that the list be edited for consistency.

The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-9071

Delaware Coastal Programs Comments

Maps 4 & 6: It is difficult to compare maps 4 & 6 (future land use and existing land use) because the legend colors for land use designations change between the two maps. It is recommended that common colors be used throughout your map series for all designations (e.g., dark green for parks, lime green for open space). In addition, parks and open space are listed as two different categories on the existing land use map, but combined on the future land use map, making it difficult to discern whether any changes in use are being proposed.

Map 8, Environmental Resources: Should also depict forest resources, State Resource Areas and Green Infrastructure areas.

Page 23, last 2 sentences under "watershed:" Consider rewording to something like "The Appoquinimink watershed is home to many species of wildlife, including the Federally endangered Bald Eagle and Bog turtle, hawks, herons, egrets...." There are no federally endangered hawks in the Appoquinimink.

Page 25: The section discussing the Appoquinimink River Association might be better placed within the TMDL section

Page 26: The DCMP fully supports the recommendation to promote green space in Odessa. In order to justify this recommendation, additional text should be added in the document discussing existing street and landscape trees and canopy cover, and forests within and adjacent to Odessa. The Town is adjacent to a large area categorized by the state as “Natural Resources” under the Green Infrastructure Program. It is also adjacent to proposed State Resource Areas.

In addition to the recommended development code to require reforestation within a subdivision, consideration should be given to requiring street and landscape trees in any new subdivision or construction. As Odessa grows, street trees and copious landscaping in new construction can help, not only with environmental considerations, but to retain Odessa’s small town atmosphere and charm.

Page 29: Mentions the creation of a park on the western shore of the Appoquinimink River, but no mention of this park is made in the natural resources section, parks section or implementation recommendations. Please provide additional information about this park and reflect its creation on maps and in recommendations.

Page 29, 2nd to last paragraph: It should be mentioned that although Odessa is a “short” bike ride away from the C&D Canal greenway, many of the roadways are not suitable for biking. The “short” bike ride to Wiggins Mill Park can be downright dangerous in some sections. Some analysis of regional biking conditions is recommended for this section.

Page 36: The last 2 paragraphs in this section discuss parks and open space. There is some confusion as to whether the 2 large parcels of “open space” are in fact vacant lands, or whether they currently are used to benefit the community in some way. Where is the new park mentioned on page 29?

Page 39, Enhance Community Green Space: See comments for page 26.

Page 47, Natural Resources Implementation: Add a bullet also encouraging requirements for street trees and development of a plan for maintenance of street trees.

Wetlands

It is strongly recommended that the Town of Odessa adopt an ordinance or policy that requires, as part of the land approval process, a United States Army Corps of Engineers (USACE)-approved wetlands delineation.

Water Quality, Total Maximum Daily Loads, and the Pollution Control Strategy

It is recommended that the plan discuss measures to implement the Pollution Control Strategy to meet water quality goals. Those measures should include riparian buffers, buffers from wetlands and floodplains, limits on the amount of impervious cover, and forested open space.

Sediment and Erosion Control/Stormwater Management

Section 2-4, Natural Resources, should include the Sediment and Stormwater Program as a relevant program. New construction projects within the Town of Odessa will require a Sediment and Stormwater Plan. Currently, New Castle Conservation District has delegation for implementation of the Sediment and Stormwater Program within the Town of Odessa. The Town should work with New Castle Conservation District to ensure that the Sediment and Stormwater Plan review becomes part of the planning process for the Town.

Water Resource Protection Areas

We strongly encourage the Town of Odessa to adopt wellhead protection areas and excellent recharge areas as Critical Areas that need protection to insure a sufficient supply of clean drinking water.

No excellent groundwater recharge areas exist within the municipal boundary.

Two areas of excellent groundwater recharge are located in the “areas of concern” and noted in Section 2-4 of the Comprehensive Plan. The Comprehensive Plan discusses the need to protect these areas and recommends the Town to “consider instituting appropriate protections for these areas” (Section 2-4, page 23). In addition, the plan recommends that the Town enter into a Memorandum of Understanding with New Castle County in order to establish notification and commenting procedures for the areas (Section 2-6, page 33).

Seven public well systems exist within the municipal boundaries of Odessa (see following map). Two of these wells are owned and operated by Cantwell Water

Company and provides water to some residences. The comprehensive plan mentions that source water originates in wells and addresses the need to protect that source from potential contamination but does not discuss wellhead protection areas. We strongly encourage the Town of Odessa to adopt ordinances that protect Critical Areas (wellhead and excellent recharge) within the municipal boundaries. New Castle County has a long-standing ordinance found in Chapter 40, Article 10, of the New Castle County Unified Development Code that can assist the Town in developing their own municipal code. The text of this ordinance is in Appendix E of the Source Water Protection Guidance Manual for Local Governments of Delaware. The Guidance Manual also contains a map of Water Resource Protection Areas in and around Odessa (Figure 2.7). These resources are at <http://www.wr.udel.edu/swaphome/phase2/SWPguidancemanual.html>.

The DNREC Water Supply Section has delineated the wellhead protection areas within the Town of Odessa's municipal boundaries that cover a large area. These areas are Odessa Sunoco, Delaware State Troop #9, Corbit Building, Cantwell Water Company, Green Acres Day Care, and the inactive Children Castle. The Hearth Restaurant wellhead protection area is located in the area of concern. Source Water Assessments for all but the last two systems listed can be found at www.wr.udel.edu/swaphome/phase2/finalassessments2.html.

The review process revealed a ground-water management zone in the area of concern. The Town of Odessa should be aware that restrictions may be applied to development of new wells within this zone.

Map of the Town of Odessa: The municipal boundaries are shown in beige with a black outline. Delineated wellhead protection areas are shown in red. Excellent recharge areas are shown in green. Ground-water management zones are shown with diagonal orange lines.



State Fire Marshal's Office – Contact: John Rossiter 323-5365

The DE State Fire Marshal's Office has the responsibility to review all commercial and residential subdivisions for compliance with the DE State Fire Prevention Regulations. This Agency asks that a MOU be established between the DE State Fire Marshal's Office and the TOWN OF ODESSA. The State Fire Marshal's Office would be issuing

approvals much like DeIDOT, Conservation District, and DNREC. This Agency's approvals are based on the DE State Fire Prevention Regulations only.

The DE State Fire Marshal's Office has no objection to the annexation growth and boundaries.

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Scott Blaier 698-4500

The Department of Agriculture has no objections to the Town of Odessa's update to its 2001 Comprehensive Plan. The Department does offer the following comments.

Right Tree for the Right Place

The Delaware Department of Agriculture Forest Service encourages the developer to use the "Right Tree for the Right Place" for any design considerations. This concept allows for the proper placement of trees to increase property values in excess of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource.

Native Landscapes

The Delaware Department of Agriculture and the Delaware Forest Service encourages the developer to use native trees and shrubs to buffer the property from the adjacent land-use activities near this site. A properly designed forested buffer can create wildlife habitat corridors and improve air quality to the area by removing six to eight tons of carbon dioxide annually and will clean our rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants considered invasive to our local landscapes, please contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

Public Service Commission - Contact: Andrea Maucher 739-4247

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

Delaware State Housing Authority – Contact Karen Horton 739-4263

The Delaware State Housing Authority has reviewed the draft Comprehensive Plan Update for the Town of Odessa. They provided a thorough description of their housing stock and the housing issues facing their community. We support their recommendation to consider allowing for accessory uses, such as granny flats, in order to provide for more diversified rental options in appropriate residential areas of Odessa. By allowing granny flats (also known as Accessory Dwelling Units), it will provide additional affordable housing opportunities within the existing housing stock, as well as, encourage social- and economic-integration, and life-cycle housing. DSHA has information on several successful Accessory Dwelling Unit ordinances in the country, if the Town of Odessa is interested.

Department of Education – Contact: John Marinucci 739-4658

1. The DOE supports the State Strategies for Policies and Spending, to the extent possible and practicable within the limits of the Federal and State mandates under which the Department operates.
2. In its review of Comprehensive Plans and Comprehensive Plan Amendments, the DOE considers:
 - Adequate civil infrastructure availability within the region to accommodate current and future educational facilities.
 - Transportation system connections and availability to support multimodal access within the community, to include but not limited to walk paths, bike paths, and safe pedestrian grade crossings.
 - Transportation road system adequacy to accommodate bus and delivery vehicle traffic to current, planned or potential educational facilities.
 - Recreation facilities and opportunities within the community and their respective proximity to current and planned or potential education facilities. The DOE also recognizes the potential that the educational facilities are to be considered recreational facilities by and within the community.
3. The DOE *typically* considers industrial/commercial development incompatible with educational facilities, however, residential development and educational facilities *are typically* considered to be compatible. As a result, the DOE is interested in the proximity of current and planned or potential education facilities to commercial/industrial development zones.

The DOE recognizes the integral role of educational facilities within communities. As such, the DOE seeks to assure that residential growth, that generates additional demand on educational facilities, is managed with adequate educational infrastructure being made a part of sub-division plans as appropriate

Approval Procedures:

1. Once all edits, changes and corrections have been made the plan please submit the completed document (text and maps) to our office for review. **Your PLUS response letter should accompany this submission.** Also include documentation about the public review process. In addition, please include documentation that the plan has been sent to other jurisdictions for review and comment, and include any comments received and your response to them.
2. Our office will require a maximum of 20 working days to complete this review.
3. We will provide the Town of Odessa with written verification that our office has accepted the plan and all changes for adoption and certification.
4. The plan may then be formally adopted by your Planning and Zoning Commission and Town Council.
5. Send our office documentation that the plan has been formally adopted by your Planning and Zoning Commission and Town Council. We will also require two (2) bound paper copies of the plan and map series and one (1) electronic copy for our records. A letter certifying the plan will be sent within 10 working days.

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

Sincerely,



Constance C. Holland, AICP
Director

CC: Jessica Norton, Town of Odessa