



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

February 13, 2007

Mr. Charles Baker, General Manager
New Castle County Dept. of Land Use
87 Reads Way
New Castle, DE 19720

RE: PLUS review – PLUS 2007-01-11; New Castle County Comprehensive Plan

Dear Mr. Baker:

Thank you for meeting with State agency planners on January 24, 2007 to discuss the draft New Castle County 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 County is also responsible for meeting with the Governor's Advisory Council on Planning Coordination which will make the final recommendation to the Governor concerning certification.

According to 9 DelCode, §26 New Castle County is required to include certain elements in their comprehensive plan for certification. This letter list any certification issues needed as well as recommendations from State agencies.

Certification Issues – The issues listed below must be addressed before the plan can be certified by the Governor:

1. **Per 7 Del Code, the County must address the requirements of the Source water Protection Program and develop appropriate regulations to protect wellhead protection, source water assessment, and excellent ground-water recharge potential areas by December 31, 2007. While the State does not expect the regulations to be part of the comprehensive plan, the County should outline a clear path forward to meet the December 2007 deadline. The plan must include Level 2 Source water Protection maps and a strategy to protect the Level 2 resources.**
2. **Per 7 Del. Code, Chapter 75 the State Resource Area (SRA) maps are included in the plan; however, the plan must also include a clear commitment to develop implementation strategies relating for protecting SRAs as well as a clear timeline on when the implementation strategies will be completed to protect the identified State Resources Areas.**

Recommendations: The following are comments and recommendations made by State agency representatives. The State would like to see these recommendations addressed in the plan.

Office of State Planning Coordination – Contact: Herb Inden 739-3090

All counties and municipalities have the incredibly difficult task of developing a comprehensive planning document that balances the many competing interests to recommend a path forward that will provide the highest quality of life for its citizens. We believe New Castle County has taken a bold step with this document in both identifying the growth issues and the subsequent consequences of not addressing the issues in a proactive manner. The plan suggests a variety of implementation options that address the issues in a fair and balanced manner. As such, we give our support to this plan and offer our assistance in its implementation.

The County's identification of growth issues is quite clear and to the point. Specifically, as you state in your document:

“Not only would the previous land use plan lead to an increased cost of living, the loss of precious resources, farmland and open space, and increased traffic congestion, but the resulting development would not adequately provide for the range of housing and communities necessary for an increasingly diverse population.”

The diverse and changing population, as you note in this document, includes smaller households, fewer married couples, more people living alone, and an aging population. The plan recognizes that the current suburban large-lot, low-density development pattern would not meet the changing populations' needs.

Furthermore, the document goes on to note the costs to families and taxpayers if the current (2002) land use plan were to be continued, as again The County's plan states very well:

“In addition to the cost in infrastructure expansion, the strain on our highway network and the loss of open space, continuing low-density growth expanding outward from employment centers creates a financial burden on residents. A study by the Center for Housing Policy revealed that the costs of one-way commutes of as little as 12 miles cancel any savings that may have been realized by purchasing a lower-priced home on the suburban fringe.” . . .

“In addition to the consumption of larger quantities of land to serve the projected population increase, the current growth map and trend also result in greater demands upon our transportation network, greater amounts of emissions resulting in poorer air quality and minimal growth supportive of transit. With the continued development of large tract single-family housing, both the State and county will need to provide infrastructure to a larger geographic area resulting in higher costs and taxpayer burden.”

It is with the acknowledgment of the above issues that we fully support the County's recommended future land use plan, whereby the County will direct 40 % of new growth to Southern New Castle County into a central core area known as the “New Community Development Area” and 60 % to Northern New Castle County primarily into the infill and redevelopment areas north of the canal. We feel that this lends itself to the Livable Delaware put forth in our *2004 Strategies for State Policies and Spending* in the acknowledgment that we can't supply infrastructure and services to all places at once and that we have to indicate what we think we can and can't do. This version of the new plan does this by reducing an otherwise wide-open development pattern that neither the County nor State can afford. Equally as important to affordability, the implementation of this plan will provide that higher quality of life we strive for in our plans in livable communities as described throughout this plan.

We understand that there could be concerns and hardships on those land owners and builders relying on the continuation of the trend created by the 2002 plan. Understanding this and the potential public costs underscores the importance of a comprehensive package of implementation strategies. It is our understanding that one of the core

implementation strategies for the County will be for a workable Transfer of Development Rights (TDR) program (Strategy 2, Section II – Future Land Use). We too feel that this is extremely important, especially from an equity standpoint and offer our assistance to make this program work.

We congratulate you on a plan that, if properly implemented, will give the citizens of New Castle County the highest quality of life possible. As always, we offer our assistance in making this plan a reality

Other items for consideration:

- **Strategy 9 – Complete and Implement the Southern New Castle County Master Plan.** We would like to know the status of this project given that the strategy has already been in the works with a joint Memorandum of Understanding between a variety of State agencies and other local governments along with a commitment of funds. This is an essential component of a comprehensive implementation strategy.
- Create district plans: build consensus for development scenarios prior to development proposals so that there are relatively few surprises when there are development proposals. This is the idea behind the proposed master plan for Southern New Castle County.
- Pre-approve areas for development/streamline the approval process: similar to the above, in that you would identify a type of development, such as a village, for a particular area, creating, in essence, a no-cost incentive, that is time related. This could also be related to district planning.
- Develop sliding scale impact fees: reduce fees for development where you want it to happen and increase the fees in areas we are not ready for development. For example, development that occurs as infill should have the lowest fees since infrastructure and services are already in place and development that occurs in areas, such as the Future Growth areas would have the highest fees since very little in the way of infrastructure and services exists. We might also suggest that reduced fees be considered for affordable housing developments.
- Develop ordinances for viable Ag zoning districts as outlined in the comments from the Department of Agriculture.
- The idea of updating land use categories and of basing these categories on intended growth instead of zoning categories gives the county more options to

reach its desired growth goals and greater flexibility in developing a proactive zoning effort to implement the plan per the designated categories.

- The State notes some confusion caused by the category name “Possible Future Growth Area”, as the name does not seem to reflect the County’s intentions – the description says that it is not a growth area “The pace of new development is expected to be slower in this area” but the words “growth area” speak for themselves.

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

New Castle County has been a strong historic preservation partner with our office for many years. This document demonstrates their commitment to historic preservation values. They have pulled together an immense amount of information on many issues, and their goals show the attention paid to balancing growth with the preservation of natural and cultural resources. The Division of Historical and Cultural Affairs applauds their efforts and looks forward to working with them in the future. As always, they will be happy to provide technical assistance in any way they can.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

The Department of Transportation congratulates the County on what they consider a sound plan. DelDOT particularly supports the County’s holistic approach to land development and transportation, as outlined in the goals, objectives and strategies found in Sections II, III, and VIIA. The remainder of the comments should be considered with that in mind.

- 1) Beginning with the Introductory Letter from County Executive Coons, the Plan emphasizes building connected communities. DelDOT sees connected communities, especially vehicular and pedestrian connections between adjoining land developments, as essential and are pleased to see this emphasis figure prominently in the Plan.
- 2) Section II.A. Accomplishments since 2002, mentions several items that merit comment:
 - a) On page 22, “Department of Land Use is working with DelDOT to explore the ability to initiate area-wide studies” to aid in plan reviews. DelDOT remains committed to working with the County to initiate these studies and are especially happy to see references to them in the Plan.

- b) On page 23, DelDOT notes that the County will be improving its Transfer of Development Rights (TDR) Program, on page 47 they commit to an objective of preserving 321 acres per year through TDR, and on page 49 they identify revising their TDR standards as an implementation strategy (Strategy 2). An effective TDR program would help to concentrate development, which would enable DelDOT to serve it more efficiently. DelDOT wants to support them in this important effort.
 - c) On pages 24 and 25, the County's work with DelDOT in conducting area traffic studies (different from those mentioned above) and in updating DelDOT's subdivision street regulations is cited. DelDOT appreciates their help in this regard. It has been invaluable. In particular, DelDOT appreciates the many hours that New Castle County staff has devoted to the Technical Review Committee meetings associated with the development of the proposed Standards and Regulations for Subdivision Streets and State Highway Access.
- 3) On page 39, and more prominently on pages 112 and thereafter, there is discussion of the need for adequate funding for transportation improvements. DelDOT asks that the County support their efforts to secure that funding as part of the legislative process.
 - 4) On page 47, Objective 9 reads "Acquire permanent preservation easements on 321 acres per year in the Possible Future Growth Areas and the Resource and Rural Preservation Areas through transfers of development rights." While DelDOT supports the intent of this objective, it seems too specific. It is recommended that you change "321 acres" to "at least 300 acres."
 - 5) On page 49, Strategy 1 is to build thriving communities through several actions, the fourth of which would be "implement walkability and mobility friendly design standards." DelDOT considers these standards to be a key to this strategy and strongly supports them.
 - 6) There appears to be a graphical error in Map III-2, Major Sub Regional Studies (page 57): the 2003 Southern New Castle Local Roads Study covered a much larger area than the map suggests.
 - 7) DelDOT supports the County's use of the concept of Transportation Investment Areas in the Plan, as mentioned on page 113.

- 8) DelDOT supports the Implementation Strategies identified on pages 15 and 116, and in particular Strategies 1, 2, 4 and 5. They believe the wording of Strategy 8 could be improved and suggest the following “Support state legislation regarding street interconnections that would require both a public process, guided by transportation data and needs, to determine whether they should be closed and a clear identification of the reasons why that closure should occur.”
- 9) On page 139, Strategy 4 under Fire Services would be for the County to “Work with the Fire Marshal to resolve differences between building and fire codes and DelDOT’s requirements.” This is an important issue and DelDOT would like to participate in that effort.

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

SECTION II – Future Land Use

Subsection C. Reviewing Possible Growth Scenarios:

Page 37, First paragraph of the Scenario 1 discussion:

- Typo in this sentence (were should be where) but does this sentence state that the current policies and regulations New Castle County are accelerating growth in Southern New Castle County?

Page 39, Figure II-7

- The Vehicle Miles Traveled (VMT) projected for 2030 for any one of the four scenarios or the existing situation appears to be below the VMT projected by WILMAPCO in the air quality conformity analysis for the long-range transportation plan. The network model projects an average VMT per day would be 15,940,687, and the seasonal adjusted summer time day would be 20,073, 701 which is the VMT used to predict summertime ozone precursor emissions. This scenario table should use the seasonal adjusted VMT which is much higher.

Page 39, Figure II-7

- VOC emissions should be also calculated for the slower growth scenario as well. VOC emissions projected for each scenario is below the projections in the WILMAPCO long range plan. This table should also show projections for Nitrogen Oxide (Nitrogen Oxides)

Page 50, Implementation Strategy 7:

- “Adopt the 2006 ICC Building Code to ensure that new construction is built to those standards, with those materials found to ensure safe structures and with energy-efficient (green building) incentives.”

AQMS supports this strategy. Every one percent increase in energy efficiency equals a one percent decrease in air emissions. However, the County could do more to affect more energy-efficient building. While AQMS supports county code amendments to encourage green buildings, we highly recommend that the County provide incentives or code requirements to developers to implement EPA Energy Star strategies. This includes: building envelope upgrades, high performance windows, controlled air infiltration, upgraded heating and air conditioning systems, tight duct systems and upgraded water-heating equipment.”

SECTION III – Inter-Governmental Coordination,

Subsection B. Critical Components.

Page 53, Last sentence of the first paragraph states:

- “If the county directs growth and extends sewer services to areas that are not targeted for transportation improvements and the State directs transportation improvements to areas that are not earmarked for growth, infrastructure decisions have not been made wisely.”

AQMS supports this statement, but the County should consider disincentives for developments outside the growth zone such as tacking on a "sprawl fee" to applicants whose projects are in areas not targeted for infrastructure improvements.

General comments:

AQMS supports those implementation strategies in Section III page 68 that focus on controlling growth and preserving resources. AQMS has for the past two years commented on proposed residential developments in New Castle County concerning air emission impacts. Page 65 in the NCCCDP should include an implementation strategy that links residential development with air quality impacts. As mentioned before revising the building codes to require or encourage more energy efficiencies will offset the emissions associated with new homes. In addition, the County should consider our comments on each development and initiate a policy requiring other emission offsets to a

project if the impacts are significant. AQMS suggest the following as a policy statement in the Section's III implementation strategies: For proposed residential developments submitted to the County that AQMS has made comment concerning its emissions and are above the 25 ton per year threshold for Volatile Organic Compounds (VOC) or Nitrogen Oxides (NOx) as calculated by AQMS, project developers must include in their project plan strategies to offset those emissions in part or in whole if practicable per the AQMS comments.

- An implementation Strategy should be added as follows:

Work with State agencies and other intergovernmental organizations to create emission budgeting for air and water for all new developments.

SECTION IV - Resource Protection and Preservation - A. Natural Resources and Open Space

General comments

- Prior to build-out, the County should consider requiring developers to provide detailed open space management plans recorded on the record plan. Management plans should outline how to manage each passive open space area, as well as invasive species.
- The DNREC Water Supply Section (WSS) is concerned about critical areas as defined by the Source Water Protection Program. The County must address the requirements of the Source Water Protection Program and develop appropriate regulations to protect wellhead protection, source water assessment, and excellent ground-water recharge potential areas by December 31, 2007 (Title 7, Del C.).

The NCC Unified Development Code was reviewed to determine what requirements have already been addressed. The NCC 2007 Draft Comprehensive Development Plan states that:

“The county has gone beyond state and federal standards in adopting resource protection and water management regulations. The UDC requires 100% protection for wetlands, floodplains, riparian buffers, erosion prone slopes, and source water, and provides substantial protection for recharge areas (Map IV-3)”.

This statement is inaccurate. The UDC does not provide 100% protection for all state-defined source water protection areas.

The Source Water Protection Plan (1999) defines and delineates three categories of protection for surface waters that provide drinking water: Level 1A, Level 1B, and Level 2. Level 1A are defined as 100-year floodplains, and/or erosion-prone slopes. Level 1B is defined as the buffer areas 200 feet on each side of the streams. The UDC provides protection for these areas as mapped floodplains and erosion-prone slopes. Level 2 source water protection areas are defined as all the areas above public drinking water supply intakes i.e. the entire sub-watershed above public water supply intakes. The UDC does not identify nor provide protection for these Level 2 source water protection areas and there is no mention of them in the comprehensive plan. Level 2 source water protection areas have been delineated by DNREC and are available for inclusion in NCC maps as required by the State of Delaware Source Water Protection Law of 2001 (7 Del. C. 6081, 6082, 6083).

The NCC 2007 Draft Plan does discuss the need to protect watersheds and aquifers that supply drinking water to NCC residents in Appendix C, Section III., Staff Summary: Water. These points are not found in the plan as Objectives.

DNREC, DWR Water Supply Section recommends the following become Objectives:

- Identifying and providing protection for source water protection areas, Level 2, for the following watersheds:
 - Brandywine Creek above Wilmington intake;
 - Red Clay and White Clay Creek above their confluence;
 - White Clay above Newark intake;
 - Hoopes Reservoir subwatershed;
 - Newark Reservoir subwatershed; and
 - Christina Basin above Smalley's Pond.
- Protection measures should contain provisions to limit impervious surface, restrict hazardous materials, regulate stormwater management practices with BMPs, and promote reforestation.
- Waivers of provisions should be based solely on sound and valid scientific data.

The County states that it will “continue its efforts to increase water recharge.” As part of their stormwater management plan, NCC has set “mimicking or improving hydrologic conditions” as a “goal”. The hydrological conditions of excellent ground-water recharge potential are natural and cannot be reliably duplicated. Areas of excellent ground-water

recharge potential are a vital resource in achieving this goal. To provide “substantial protection” for “recharge areas” Water Supply recommends:

- For clarity, use the UDC defined recharge area term “recharge water resource protection area” to avoid misinterpretation of the phrase “recharge areas.” This will avoid problems that may arise as NCC develops its stormwater utility.
- Avoid placement of stormwater management ponds and wastewater treatment facilities within defined recharge area water resource protection areas as these practices have the potential to compact and degrade the structure of the strata that defines the area as protected recharge areas. Changes to the structural soil properties may cause significant reduction in recharge capacity. Installing stormwater management ponds in excellent ground-water recharge areas has the potential to contaminate the groundwater beneath it and infiltrate into the aquifer.
- Waivers of provisions should be based solely on sound and valid scientific data.
- Update County’s WRPA maps on a five-year cycle

In addition, this resource preservation section places considerable emphasis on State Resources Areas, but gives no mention of the Resource Protection Area Technical Advisory Committee (RPATAC), the county's own resource protection committee. A casual reader would not associate the recommended implementation strategy to increase recharge as a function of the RPATAC because the RPATAC is only referenced in the section on Inter-governmental Coordination. There is also no mention of the Citizens Technical Advisory Committee (CTAC) for source water protection, of which the county is a member. It only rarely participates on the CTAC.

Paragraph 3 – pertaining to the Wildlife Action Plan (WAP).

- The description of the WAP is vague. Fish and Wildlife should be consulted and a description (of the WAP) be developed to convey what points NCCo wants to make. At best, contacting Fish and Wildlife will help NCCo with agency coordination.

Paragraph 4

- Define what an invasive species is.

Goals, Objectives, and Strategies

Goal 1 – Preserve and enhance the quality and variety of the county’s natural and environmental resources

- This is a nice introduction paragraph into the objectives; however, this statement should directly link how NCC residents can relate to environmental change and what will ultimately affect them.

Example:

(1) Wetland protection is important because wetlands help to recharge drinking water aquifers, slow the flow of surface water and reducing the impact of flooding, which in turn, helps to protect property.

(2) Biodiversity (provide definition) helps keep living things in balance – a diverse bird or mammal population can help control insect pest populations.

Objective 1: Preserve, protect, and restore biodiversity and habitat linkages.

- The County should consider moving some of the detailed description of SRAs from this section’s introduction to the discussion under Objective 1, since presumably SRAs will play a major role in accomplishing the objective. This would also form the basis for additional detail in the implementation strategies regarding SRAs.

Paragraph 2

- Pertaining to “considerable funds” spent by the developer. It is my understanding that projects presented through the PLUS process are conceptual. The developer should not have expended considerable funds or engineering costs at this preliminary and “conceptual” stage. PLUS was developed to (1) “identify and mitigate potential impacts of development which may affect areas beyond local boundaries; (2) fully integrate state and local land use plans; and (3) bring state agency staff together with developers, and local officials, early in the process.” For projects not submitted through the PLUS process, the County should look into

adapting a policy of conceptual planning efforts with state agencies so that considerable funds are not spent early in the development process.

- Paragraph 2 continued - pertaining to “making resource inventories readily accessible.” The Wildlife Action Plan which includes maps developed from the Natural Heritage’s database is available online at <http://www.dnrec.state.de.us/nhp/information/CWCS2.asp>. Maps can be used by developers to determine species presence, communities, or special habitats of concern. Many of the GIS layers used by DNREC can be easily found on the DNREC Environmental Navigator: <http://www.nav.dnrec.delaware.gov/dnreceis/>

Delaware datamil <http://datamil.delaware.gov/>, New Castle County mapping site, and the Dept of Agriculture’s GIS mapping site. Developers are always encouraged to contact DNREC regarding environmental or natural resource protection, permitting, etc.

Objective 2: Preserve, protect, and enhance water quality and promote efficient and responsible water quantity measures.

- An Inventory and Needs Assessment for Green Infrastructure in Delaware was conducted by Responsive Management during 2004 and involved many DNREC employees and Delaware residents. The results can be found at: http://www.responsivemanagement.com/download/reports/DE_Green_Infrastructure_Report.pdf . NCCo may find the results of this study useful for identifying and assessing environmental attitudes of NCCo residents.
- The Division of Water Resources and Watershed Assessment Sections are pleased with the County’s continuing efforts to preserve and enhance water quality. In order to further these efforts, the county should consider adding after the last sentence in paragraph 2 of this section, the following:
 - “One mechanism that the county will use to ensure that a proposed project complies with nutrient Total Maximum Daily Loads (TMDL) requirements is to have projects complete a nutrient budget. The nutrient budget will compare nutrient loadings before and after projects are built to determine if a project increases or decreases nutrient discharges to receiving bodies of water, thus allowing the county to make more informed decisions.”

A protocol for completing this budget is available from Lyle Jones at the Watershed Assessment Section of the Division of Water Resources, (302)739-9939.

In the third paragraph of this same section, the plan states that “the UDC requires 100% protection for wetlands, floodplains...” This is not technically true. Instead, the term “preservation” should be substituted for “protection.” Stating that wetlands receive “100% protection” implies an all-encompassing level of protection from all impacts (such as nutrient runoff, erosion, atmospheric deposition, etc.), which is not reflected in the UDC, the comprehensive plan, or state and federal wetland regulatory requirements. It would also be more accurate to state that the UDC wetland regulations are as restrictive, or more restrictive, than the existing federal or state wetland regulatory requirements. However, because of the way the UDC codes are written, it is not clear whether this is really the case or not.

The current New Castle County UDC requires only a 100-foot buffer from the edge of the perennial/intermittent stream channel associated with either a tidal or nontidal stream, or a 50-foot buffer from an isolated nontidal wetland. These stated buffer widths are not sufficient to mitigate water or habitat quality impacts. Studies have consistently shown that a 100-foot upland buffer from all wetlands and water bodies, in most cases, is the minimum buffer width necessary to maintain water and habitat quality. Given the fact that land use and water quality are intimately connected, incorporation of the above-stated buffer width is a necessary best management practice (BMP) to achieve water quality goals mandated by State and Federal TMDLs.

- It is strongly recommended that the County incorporate an implementation strategy with the stated goal of establishing a 100-foot buffer from all wetlands and water bodies.

Paragraph 3

- Define an excellent recharge area. What is considered substantial protection? Non-structural BMPs are extremely valuable; however, the County should focus on enhancing buffers for wetlands, riparian areas, and stormwater management facilities to help mitigate stormwater runoff. Vegetated buffers are multifunctional and not only benefit water quality but also air quality and wildlife habitat. Adding a section on buffer enhancement or re-vegetation efforts will make a nice segue into the next section’s objective

Objective 3: Improve air quality by increasing average development densities and redevelopment of existing properties.

The Delaware Coastal Program recommends that you reword the UFORE section to state...

- Increasing tree canopy density in urbanized areas has been found to have a positive impact on air quality. Preliminary data collected by the Delaware Center for Horticulture in cooperation with the Delaware Forest Service and Department of Natural Resources and Environmental Control, which is currently under analysis in an UFORE study, indicates that the tree canopy in New Castle County is only 18.9%.

Goal 2: Provide a coordinated open space network that links natural, historical, and agricultural resources, public and private open spaces, and parkland.

- List the tools that have been successful for open space preservation. What programs work?

Objective 4:

- Develop a coordinated open space system for the county with DNREC and others to ensure a “green infrastructure” for the future. The Delaware Coastal Programs strongly encourages actions which identify and outline strategies to preserve open space and linking greenways.

Implementation Strategies

The implementation strategies listed on page 68 are a good start, but should be more specific and should identify those persons responsible for implementation.

Additional Implementation Strategies to consider:

- Revise weed ordinances to allow for non-traditional open space management techniques and habitat restoration activities
- Increase NCCo canopy density by 5% (or more) in the next 10 years

- Develop and fund a voluntary (or mandatory) buffer establishment program for homeowners/communities that abut wetlands or riparian areas to reduce nutrient inputs.
- Require developers to provide community maintenance corporations with open space management plans prior to build-out, including conservation easements and/or vegetation enhancements, and clearly demarcating open space, wetlands and buffers, and forests with permanent monuments.

Strategy 1

- While the provision in Title 9, Chapter 26 [§2653(3)] requiring that sending and receiving areas be in the same planning district still remains, the County has discretion to define what its planning districts are and the ability, through intergovernmental agreements, to transfer rights to municipalities within the County. The County should consider these alternatives as part of its comprehensive planning process and formulate objectives and/or strategies that further make use of these options.

Strategy 4

- DNREC recommends that the County provide more detail about implementation strategies for SRAs, either as additional numbered strategies or “sub-strategies” under Strategy 4. At a minimum this detail should include some discussion of the following steps:
 1. Review County regulations, policies and programs to determine which ones contribute to meeting the eight ecological conservation strategies for SRA protection.
 2. Analyze the SRA maps to ascertain which SRAs are already sufficiently protected, and which are not.
 3. Develop mechanisms as outlined in the DNREC letter to ensure sufficient protection of all SRAs. In mid-January, DNREC sent letters to the counties detailing requirements for addressing SRA protection in county land use plans as stipulated in the Delaware Land Protection Act.
 - DNREC recommends that language about SRAs in this section make explicit the requirements to: a) include the SRA maps; and b)

include a discussion of the development of SRA protection mechanisms.

- DNREC also recommend that reference be made to the eight ecological conservation strategies (letters a - h in the January 19th letter from Secretary Hughes and Connie Holland) (copy attached) that will be used to evaluate protection mechanisms.
4. Develop an appeals process to provide relief from County SRA protection mechanisms.
- Appeals should be evaluated using consistent criteria that require proof of hardship or other extraordinary circumstances, and some statement to this effect should be included in the discussion. The state wishes these criteria to be as consistent as possible among the counties, and will provide further guidance on this matter at a later date. For now we recommend that, as part of the discussion of this step, the County should distinguish possible forms that the appeals process could take. For example, an application procedure could be established under Appendix 1 of the UDC (Application and Plan Requirements); Appendix 6 of the UDC could expand the role of the RPATAC to provide jurisdiction for appeals; and Appendix 7 of the UDC could include an appeals application form. Specific details regarding supporting materials for applications, terms of appeal and conditions for granting such appeals would be developed as part of plan implementation.
 - DNREC recommends that the County should distinguish possible SRA protection mechanisms for further consideration during plan implementation. Possible approaches to mention include the following:
 1. Developing overlay standards for the SRAs (conceivably the existing CNA language would remain the same). This approach could provide some level of additional protection or “buffer” to the CNAs.
 2. Assigning a specific protection ratio to SRAs pursuant to Article 10 of the UDC. Such a protection ratio would conceivably be lower than that for CNAs but provide some level of protection to the larger areas buffering CNAs.

3. Permitting the transfer of development rights from SRAs as part of the County's TDR program (SRAs as sending areas). Such an approach would necessitate a clear understanding of the value of TDR for other purposes, such as agricultural lands preservation, and the economics of transfers for multiple purposes, but such an approach could be made to work.
4. Preparing design standards for any development that does occur in SRAs as a companion to other protection strategies. Such standards would be similar in intent to the County's conservation design standards (pursuant to its "Environment First" ordinance), but would be tailored to SRA protection (small lot cluster, buffer standards, density bonuses tied to resource protection or corridor protection, etc.).
5. Revision of SECTION 40.05.420 CALCULATION FOR TOTAL PROTECTED LAND of the UDC to include protection levels for SRAs.

Strategy 6

- The Division and the Watershed Assessment Section appreciates the County's commitment to achieving water quality standards. This strategy should be revised to reflect the following changes:

"Develop Pollution Control Strategies for waters not meeting Delaware's Water Quality Standards by coordinating implementation actions with DNREC, Tributary Actions Teams, and other groups, as appropriate, so that TMDL reductions will be met."

In addition, given that the Christina Tributary Action Team is close to finalizing recommendations and that the Appoquinimink Team has completed recommendations, the County may want to incorporate elements from these recommendations. For more information, see Lyle Jones, Watershed Assessment Section (302)739-9939.

Strategy 7

- This strategy should state the County's desired outcome for adopting a Green Infrastructure map – presumably to improve coordination of open space protection as described under Goal 2.

Strategy 8

- Establish an obtainable goal for forest canopy density and partner with state agencies and non-profits to develop short and long term inventory analyses for forestry resources. Develop and fund a voluntary (or mandatory) tree enhancement program for homeowners/communities that abut wetlands or riparian areas.

Section VII - Infrastructure

B. Sewer Services

The Division of Water Resources and the Groundwater Discharges Sections are concerned that Objective #5 appears to recommend a reversal of the County's commitment to beneficial reuse via spray irrigation by saying that spray irrigation facilities are costly and land-consumptive methods of wastewater disposal. Instead, the draft Plan recommends exploring the use of Rapid Infiltration Basins (RIBs) which will use as little as 10% of the land required for spray irrigation.

DNREC strongly recommends that NCC acknowledge in the plan that nutrient loadings, and nutrient fate and transport issues be addressed in accordance with all applicable TMDLs before a conversion from spray irrigation to RIBs can be considered.

C. Water Supply

The Division of Water Resources and the Water Supply Sections are concerned that this section on water supply mischaracterizes DNREC's role with respect to water systems. DNREC does not regulate water distribution systems, nor does it enforce drinking water standards. The Division of Public Health is similarly misrepresented. Neither agency regulates water service franchise areas. The plan fails to mention this as the role of the Public Service Commission and while fire protection is emphasized, it does not reference the State Fire Marshal's Office.

As noted above, the mischaracterization of key state agencies' roles with respect to water systems needs to be rectified. There are explanations of agencies' roles contained within the entire series of Progress Reports that could be researched for correcting the mischaracterizations. However, it may be more efficient to enlist the aid of the Water Resources Agency (WRA) at the University of Delaware on this task, as they have extensive information on governance and agencies' roles, as well as equally extensive experience in developing plans for local governments. WRA could provide valuable editorial assistance on both the governance framework and the supply element.

Subsection E. Stormwater

The Drainage and Stormwater specific comments are:

Paragraph 3:

- Should be changed to read “Representatives of DNREC’s Division of Soil and Water Conservation meet monthly and perform a tri-annual review of the performance of the county...”

Objective 2:

- Define Green Technology BMPs or reference DNREC definition. The definition in the Delaware Sediment and Stormwater Regulations identifies examples of Green Tech practices. Responsibilities and Challenges: Address the Governor’s Surface Water Management Task Force recommendations and Clean Water Advisory Council strategies.

Objective 3:

- Consider requiring or encouraging stormwater management retrofits at redevelopment. (This is also in support of paragraph 4 under Responsibilities and Challenges.)
- Consider the cumulative and regional upstream and downstream impacts of development on surface water management and drainage, including flooding.
- It is recommended that the County explicitly encourage low-impact development.

Implementation Strategy:

- Recommendation for Storm Water Management Code: consider requiring vegetated buffers on active construction sites for sediment control to protect surface water quality. When considering the water quality benefits of vegetated buffers, they are almost exclusively thought of as post construction Best Management Practices. In point of fact, receiving waters adjacent to active construction sites would also benefit from vegetated buffers which act as filters for sediment-laden runoff. Lands under development are required to implement controls such as sediment traps, silt fence, inlet protection and vegetative stabilization to minimize off site sediment in accordance with Delaware’s

Sediment and Stormwater Law and Regulations. However, these BMPs must act in tandem to comply with the effluent limitation requirements which mandate a Best Available Technology (BAT) approach rather than numerical discharge limits. Vegetated buffers would be a valuable addition to our BMP toolbox to further reduce sediment laden runoff from construction sites. On active projects where permanent buffers are not required by local ordinances, temporarily maintaining vegetation would help to remove additional sediment until such time as the contributing drainage area was stabilized. One caveat to using vegetated buffers for sediment control is that they are only effective for overland flow. Many construction sites are designed to pipe runoff to receiving water bodies after treatment in a sediment trap or basin. Such a scenario would result in stormwater bypassing the buffer.

- Water Resources recommends inserting an implementation strategy similar to the following:

Strategy 6:

Work with the Department of Natural Resources and Environmental Control, the Environmental Protection Agency, and other partners to ensure that Total Maximum Daily Loads are adequately addressed in the revisions to the County's Municipal Storm Sewer Systems permit.

Appendix A, Draft Implementation Schedule

The existing schedule is very general – listing only the County's very broad goals – and DNREC recommends that it be expanded to the more detailed level of Objectives, or even implementation strategies, if possible.

APPENDIX B, Relationship to Existing Documents

The County should include two other documents that are referenced in the Comprehensive Plan: Delaware Wildlife Action Plan, 2006; and State Resource Area Maps, 2006 Update.

State Fire Marshal's Office – Contact: R. T. Leicht 323-5365

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office.

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 updated between the DE State Fire Marshal's Office and New Castle County. The State Fire Marshal's Office would be issuing approvals much like DelDOT, Kent Conservation, and DNREC. This Agency's approvals are based on the DE State Fire Prevention Regulations only.

Pg 51-III. Inter-Governmental Coordination, A. Current Coordinated Initiatives: suggest that the words fire protection be placed in the first sentence behind environmental protection, and sentence three should have SFMO (DE State Fire Marshal's Office)

Pg 127 – Third paragraph should state ...to provide adequate flow and pressure for fire protection. Fire hydrant locations shall meet the requirements set forth in the DE State Fire Prevention Regulations. (Within the SFPRs there are several different spacing requirements)

Pg 139 – Strategy 3 should state: Ensure that water volume and pressure standards are met for fire fighting.

Pg 139 – Strategy 4 should state: Work with DE State Fire Prevention Commission through the DE State Fire Marshal's Office, DelDOT, and the Office of State Planning to resolve differences among planning, building and fire code requirements to ensure that structures are constructed in a safe manner.

Department of Agriculture - Contact: Scott Blaier 698-4500

The Delaware Department of Agriculture commends the County on a well thought out Comprehensive Land Use Plan. The Department especially appreciates the County's attention to the longstanding and viable agricultural industry within its boundaries. The Department offers the written comments below for the County's consideration. These comments include general comments as well as specific recommendations. In addition, the Department would be glad to meet with the County at any time to discuss these suggestions and comments, and assist in any way possible with the implementation of the goals and objectives set forth in the plan.

Agricultural and forestland preservation are a direct consequence of good urban planning. Proper development of urban areas designated to receive growth at appropriate density will help preserve these lands. Properly developed urban areas with attractive aesthetics and recreational areas along with adequate infrastructure (i.e. a good transportation (transit) network, services, etc.) will make them desirable to live in as opposed to the current desire to move to “the country” to escape areas where this ideal is not realized. The Department believes the County has a laudable goal to direct 60 percent of future development above the C & D Canal. Furthermore, The Department of Agriculture believes that much of that growth should be directed into a developing/redeveloping City of Wilmington.

The Department appreciates the County’s recognition of the longstanding agricultural heritage and the intrinsic value of its high quality soils. The Department would like to emphasize that there is still a significant amount of cropland, pastureland, and forestland in northern New Castle County above the C & D Canal.

Included with these comments is a map showing relative Land Evaluation Site Assessment (LESA) classification for parcels located in New Castle County. The LESA model is a numerical-based rating system that identifies parcels most suitable and likely to remain in agriculture over the long-term. The Department of Agriculture requires a minimum LESA score in order for a farm parcel to qualify to participate in its Agricultural Lands Preservation Program. The Department believes all parcels classified as having LESA Suitability Class 1 (dark green) and II (light green) should be afforded maximum protection and preservation efforts within the County, especially Suitability Class I.

In 2006, the Department established the Coverdale Farm District near Hockessin, and the Camac Farm Expansion near Lums Pond State Park. The establishment of these districts enables other parcels between 10 and 200 acres in size, and within three (3) miles of these districts, to participate in the Department’s Agricultural Lands Preservation program. A map of each of these Preservation Districts is included with these comments to show where these parcels are located, and other parcels in the state that are eligible to participate in the Preservation Program because they are within 3 miles of these established districts.

Agricultural Business and Economic Development

The Department urges the County to place a strong emphasis on agricultural business (agribusiness) and economic development in their plan, to both sustain and promote agriculture. The Department considers both forestry and the equine industry as agricultural enterprises. While we all can agree that preserving working agricultural and

forest lands within the County is a noble and worthwhile endeavor, ultimately agriculture must be profitable and competitive to survive.

The County should also be aware and considerate of the infrastructure and ancillary businesses needed to support agriculture, such as pesticide/fertilizer dealers, grain processing and storage facilities, heavy farm equipment/tractor sales and repair, etc.

The Department strongly suggests that the County favor agriculture production exemptions in the zoning code that give preference to agricultural businesses (to include forestry and equine) in established rural areas. We would be glad to assist the County in identifying model ordinances to accomplish this goal.

Economic Development and agricultural marketing should be a key component in the County's plan. Farmers must have markets for their products to be successful. The Department of Agriculture has a fully staffed marketing section that would be glad to assist the County in further exploring and developing its economic potential with regard to agriculture. Please contact the Marketing Section toll free (within Delaware) at 1-800-282-8685 to learn more about how they may be able to help the Town.

Protecting and Preserving Agricultural and Forest Resources

The Department is also encouraged by the County's Objective number 9, to acquire permanent preservation easements on 321 acres per year. As a general comment, open space subdivision rules are not saving farmland and forest, and in many cases are creating large areas of unplanned open space that become a burden and liability to homeowners associations and maintenance corporations (i.e. mowing costs, liability insurance, etc.) Where growth is encouraged and supported, we suggest the County allow parcels to be fully developed at the highest possible density including adequate and manageably-sized open spaces (i.e. passive and active parks). The additional density could be transferred (TDRs) from other areas of the County where resource protection is the priority. This strategy would preserve large tracts of agricultural/rural landscape and provide meaningful un-fragmented habitat for wildlife, to name a few benefits. This would also provide for viable farming operations.

To this end, where housing developments are planned adjacent to one another, we would encourage the County to aggregate open space and forestland to create more viable wildlife habitat, preserve the existing visual landscape, and numerous other environmental benefits.

The Delaware Forest Service would appreciate an opportunity to work with the County to develop a plan for increased reforestation, particularly in the Blackbird/Millington

corridor. The Delaware Forest Service Urban and Community Forestry Program currently assist towns and communities within the County with funding for tree planting and tree management projects. In addition the Delaware Forest Service Urban and Community Forestry Program asks the county to consider the following to support its ongoing efforts to promote forestry throughout the county:

1. Reference – Goal One – Objective 3 – Natural Resources: add the Delaware Forest Service Urban and Community Forestry Program as a major partner to the UFORE Project along with Delaware Center for Horticulture. This should be noted as a joint effort to support the resource at a local, county and statewide level.
2. Further expand the above mentioned goal to further adopt the UFORE guidelines as part of future county code and establish a canopy density goal for the county in cooperation with all local jurisdictions.
3. Reference – Goal One – Objective 2 – In cooperation with the Delaware Forest Service and DNREC work to redefine the current UDC to allow for a variety of use to further support open space design and management to improve and enhance habitat throughout the county.

More recently, enabling legislation was passed in 2006 to establish a Forest Preservation Program in the state. Though the program is currently not funded, the Governor has requested monies in her current budget request to fund the program. We would encourage the County and its eligible landowners to take advantage of this program to preserve some of the extensive forested land remaining throughout New Castle County.

Transfer of Development Rights (TDR)

To be effective, the County's TDR program must ensure fairness and equity in the price farmers are offered for preserving their land. In order to "level the playing field" the Department suggests the County use a proven system for assigning agricultural value to land, such as the system used by the State's Agricultural Lands Preservation Program. Each year the program appraises a number of parcels in New Castle County, and based on those appraisals, can provide a "realistic" average value for agricultural land in New Castle County.

The Department suggests the County consider using a "TDR bank" as part of its program, whereby developers pay money directly into the bank based on the increased density they are granted in relation to the cost of preserving an acre of farmland in New Castle County. At this time, the State is compiling draft legislation to address TDR banks.

As a further incentive to this approach, the County could use the monies accrued in their TDR bank as a match to capture funds available from the State's Agricultural Lands Preservation Program. Over the past few years all three counties have taken advantage of these funds to leverage their money and increase their ability to preserve agricultural land in their respective county. The statute provides for the County to receive a dollar for dollar match of state monies (up to 3 million dollars each fiscal year), in effect doubling the money it has to preserve agricultural land. In addition, depending upon availability, there may be federal monies available to match the County's contribution from the Farm and Ranch Lands Protection Program, further leveraging the County's monies.

In addition to the potential for the County to preserve more land by leveraging its funds, this type of TDR bank offers an expeditious and certain outcome for developers. It would save developers from spending time and money to actually find a landowner willing to sell their development rights, and furthermore, having to negotiate a price for placing a permanent agricultural easement on their property. The County might also consider offering an additional incentive to developers for using the TDR program, such as an expedited permitting process. The County and relevant state permitting agencies could work together to reduce the developer's cost (time value of money) by significantly expediting their permit process.

Another key component for successful implementation of a TDR program is to pre-determine specifically where the increased density will go within the receiving area. Once that has been determined, the County needs to make the appropriate zoning changes to allow the increased density "by right" when using the TDR program. This would require going through a public hearing and approval process once. If increased density allowance is presented to the public on a parcel by parcel, project by project basis, it is inevitable that it will be challenged and rejected by local opposition. The local opposition will understandably not be aware of the larger public purpose of preserving farmland and open space elsewhere, improving the environment, maximum the use of existing infrastructure, enabling effective and efficient public transportation, creating affordable housing, etc.

The Department would like to thank New Castle County for its continued efforts on the State TDR Working Committee. The County's input on drafting effective state-wide TDR enabling legislation has been invaluable. The Department would be glad to assist the County in its efforts to preserve additional agricultural and forest land. Please feel free to contact the Planning and Land Preservation Section (302) 698-4530.

Delaware State Housing Authority – Contact Vicki Walsh 739-4263

The Delaware State Housing Authority (DSHA) has reviewed the New Castle County Comprehensive 2007 Land Use Plan to determine how the County has incorporated the State's goals, policies, and strategies as they relate to affordable housing. DSHA supports the Plan and applauds New Castle County for aggressively responding to the needs of affordable housing. The following are examples of proactive strategies the County is using to create new affordable housing opportunities:

Increase Density

DSHA is encouraged that this Plan identifies sufficient and appropriately located land to rezone in order to provide housing for all income ranges. We support the following implementation strategies:

- Mandatory Transfer of Development Rights (TDR) for receiving sites within the developed area or future growth areas to encourage density in designated areas;
- Promotion of infill and redevelopment to optimize existing infrastructure, focusing on transit corridors with a mix of housing;
- Revision of the Unified Development Code (UDC) regulations to provide density incentives along transit corridors, in mixed-use centers, and for the provision of affordable housing; and
- Revision of the UDC regulations governing mixed-uses, villages and hamlets to promote development of mixed-use centers in targeted locations.

Removing Barriers to Affordable Housing

Excessive regulations can stifle the ability of the private housing industry to meet the increasing demand for affordable housing in Delaware. The current UDC has several barriers that impact housing affordability. DSHA is encouraged that New Castle County will revisit the UDC to identify and remove the barriers that impact housing affordability. The 2007 Comprehensive Plan has responded to our past concerns regarding the UDC restrictions to affordable housing. In addition to revisiting the UDC to increase densities, we support the following implementation strategies:

- Identify regulatory barriers to affordable housing and amend as needed. In addition, revising regulations relating to affordability and diversity of housing;
- Create a streamlined development process for priority housing objectives such as affordable housing;
- Remove barriers to encourage the consolidation of smaller parcels of land to

- enable more efficient redevelopment; and
- Strengthen partnerships with other agencies, the development community, non-profit housing providers, and incorporated municipalities to increase the supply of affordable rental units.

New Initiatives

DSHA strongly supports and encourages the creation of affordable housing through initiatives, such as Accessory Dwelling Units (ADUs), Inclusionary Zoning, and a Housing Trust Fund development for affordable housing. Specifically, we support the Plan's initiatives for ADUs and Inclusionary Zoning.

- The need for more affordable housing is probably the single most important reason for the growing interest in ADUs. ADUs can help increase the supply of affordable housing, without the necessity of local government expenditures or subsidies. ADUs make it possible for adult children to provide care and support to an elderly parent in a semi-independent living arrangement and can help older homeowners maintain their independence by providing additional income to offset property taxes and the cost of home maintenance and/or repair.
- Inclusionary Zoning (IZ) allows the development of affordable housing to become an integral part of other developments taking place in a community. Across the country, IZ programs are being adopted to help create more affordable housing. We offer two suggestions. First use mechanisms such as deed restrictions that run with the land, to ensure long-term affordability. Secondly, IZ programs often work well with Community Land Trusts (CLT), whose purpose is to ensure perpetual affordability so that homes remain affordable from one buyer to the next. We encourage the County to partner with the Diamond State CLT so that the affordability of some homes can be preserved in perpetuity.

In summary, the County has outlined excellent steps to preserve and maintain the existing housing, encourage infill and redevelopment, and create land use environments that encourage affordable housing opportunities. The DSHA encourages the County to fully implement this plan to ensure that affordable housing opportunities for all income ranges become a reality. They are very excited about the 2007 Comprehensive Plan and offer DSHA as a resource to New Castle County to help achieve its housing goals.

If you have questions or would like to meet to discuss specific housing issues, please do not hesitate to contact Victoria L. Walsh at 739-4263, ext. 219, or via e-mail at vicky@destatehousing.com.

Delaware Economic Development Office – Contact: Jeff Stone 672-6849

Section VI. Economic Development

Objective 1. Encourage a diversified economic base

This objective, as with all of the objectives listed, is laudable but does not define what would be the ideal “diversified economic base.” The narratives for each objective relate more to what the status is, not what it should be. The County should contact DEDO to learn more about the Economic Development studies that have been completed and can provide this information.

Objective 2. Ensure the Availability of Sufficient Land for Employment Growth in Variety of Industry Sectors

This objective speaks to the critical issue of land availability. Acreage is not the only issue. Of the 11,000 acres of non-residential land, how much is actually developable, how much is served by adequate infrastructure, and how much is in lower value zoning categories such as retail? Objective 1 mentions agriculture as a significant component of the county economy but no mention is made of efforts to preserve or enhance agricultural land uses.

The provision of infrastructure is critical to the most desired higher value office, technology and manufacturing uses. A considerable portion of the acreage noted on the maps as business parks and heavy industrial is currently not served by public wastewater or water systems. This severely limits the potential uses. If the highest and best uses are to be achieved adequate infrastructure in the form of roads, water, sewer, communications, etc., must be planned and provided for. The County should outline its priorities in this area.

Objective 4. Encourage the Growth and Development of High-Technology Business.

A sound objective that requires some clarification as to the definition of high-technology business. Not all technology businesses are suited for a New Castle location. Those that complement the bio, pharma and information industries already in the county and can utilize the existing county workforce as well as the resources of the university system need to be the priority targets.

Objective 5. Preserve Industrially Zoned Lands to Support New Industrial Development Ranging from Small Business Incubator Facilities to Larger Business Organizations.

A sound objective. Industrial zoned land is at a premium and must be protected from incursion from non-industrial uses that do not directly support industrial firms.

Implementation Strategies

Strategy 3: Revise the UDC regulations to provide density incentives along transit corridors, in mixed-use centers, and for provision of affordable housing.

- Other incentives, for example the use of TIFs, should be considered in order to insure the best results in these potentially high value and high impact areas, which are often difficult to upgrade.

Strategy 4: Create a streamlined development process for highly desirable growth (e.g. high-tech industry, affordable housing)

- “One stop shops” and “expedited reviews” are used nationally to encourage desired developments.

Strategy 5: Encourage and offer incentives for the retention and growth of high wage manufacturing and technology jobs.

- Incentives can be a critical tool in retention and expansion. Financial incentives should not be determined by the fiscal condition of the county. To state their availability but not be able to actually provide them has an extremely negative effect on the development community’s perception of and willingness to work with the County. It is better to not have them than to advertise them and not be able to deliver.

Strategy 8: Develop a marketing strategy to reach the small business community and provide information about the Land Development Process and the ways in which we can provide information and assistance as they start new enterprises or seek to expand.

- Provide for the encouragement of entrepreneurial and minority business development especially with the resources available through the University System.

Additional Comment

- Delaware Park draws thousands of visitors to New Castle County. This represents a huge source of imported money. Consideration might be made in the economic development section for developing other attractions and opportunities to enhance their experience and draw these visitors to the county.

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.
4. 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.
5. The DOE offers its support to assist the town and participate in coordination between the town, the affected school districts, New Castle County, the Office of

- State Planning Coordination as well as other school districts and stakeholders as future developments and annexations may be considered.
6. New Castle County is to be commended for the efforts of the County Executive to coordinate and communicate with the county school districts through the quarterly meetings with district superintendents.
 7. The DOE seeks the opportunity to work with New Castle County to assist school districts that are growing and in need of ground for new schools to find the land that those districts need.
 8. The DOE has no further comments or objections to the proposed plan.

Procedures for Plan Certification

1. The jurisdiction will reply to the state comments in writing and submit a revised plan, if necessary, to the Office of State Planning Coordination for review.
2. Within 20 working days, the State will reply to the revised plan and sends a letter either accepting changes or noting discussion items.
3. The Office of State Planning Coordination shall submit a final comprehensive plan report and recommendation to the Advisory Council on Planning Coordination for its consideration;
4. Within 45 days of the receipt of the report the Council shall issue its findings and recommendations and shall submit the plan or amendment to the Governor or designee for certification.
 - a. Within this timeframe, the Council, at its discretion, may conduct a public hearing on the proposed plan or amendment, except that no hearing shall be held if the proposed plan or amendment is found to be consistent with state goals, policies and strategies and not in conflict with plans of other jurisdictions;
5. Within 20 days of receipt of the findings and recommendations from the Council, the Governor shall certify the plan or return it to the local jurisdiction for revision. The local jurisdiction shall have the right to accept or reject any or all of the recommendations as the final decision on the adoption of the plan is up to the local jurisdiction
6. The jurisdiction shall adopt the plan as final following certification.

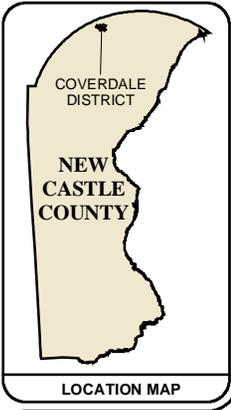
- a. The jurisdiction shall send a copy of the adopted plan to the Office of State Planning Coordination.

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

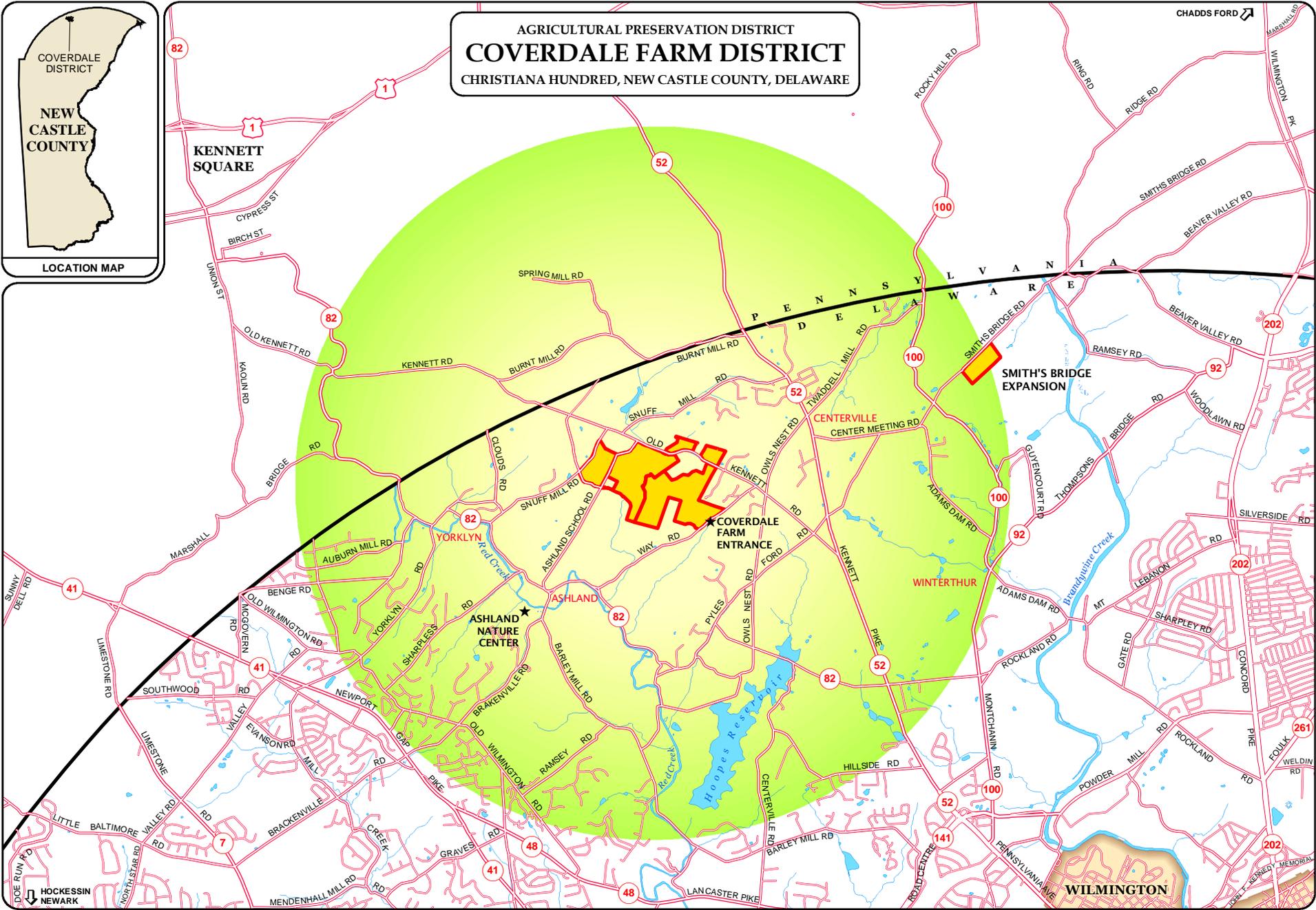
Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

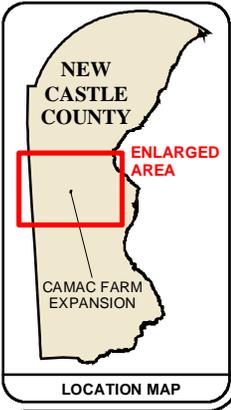
Constance C. Holland, AICP
Director



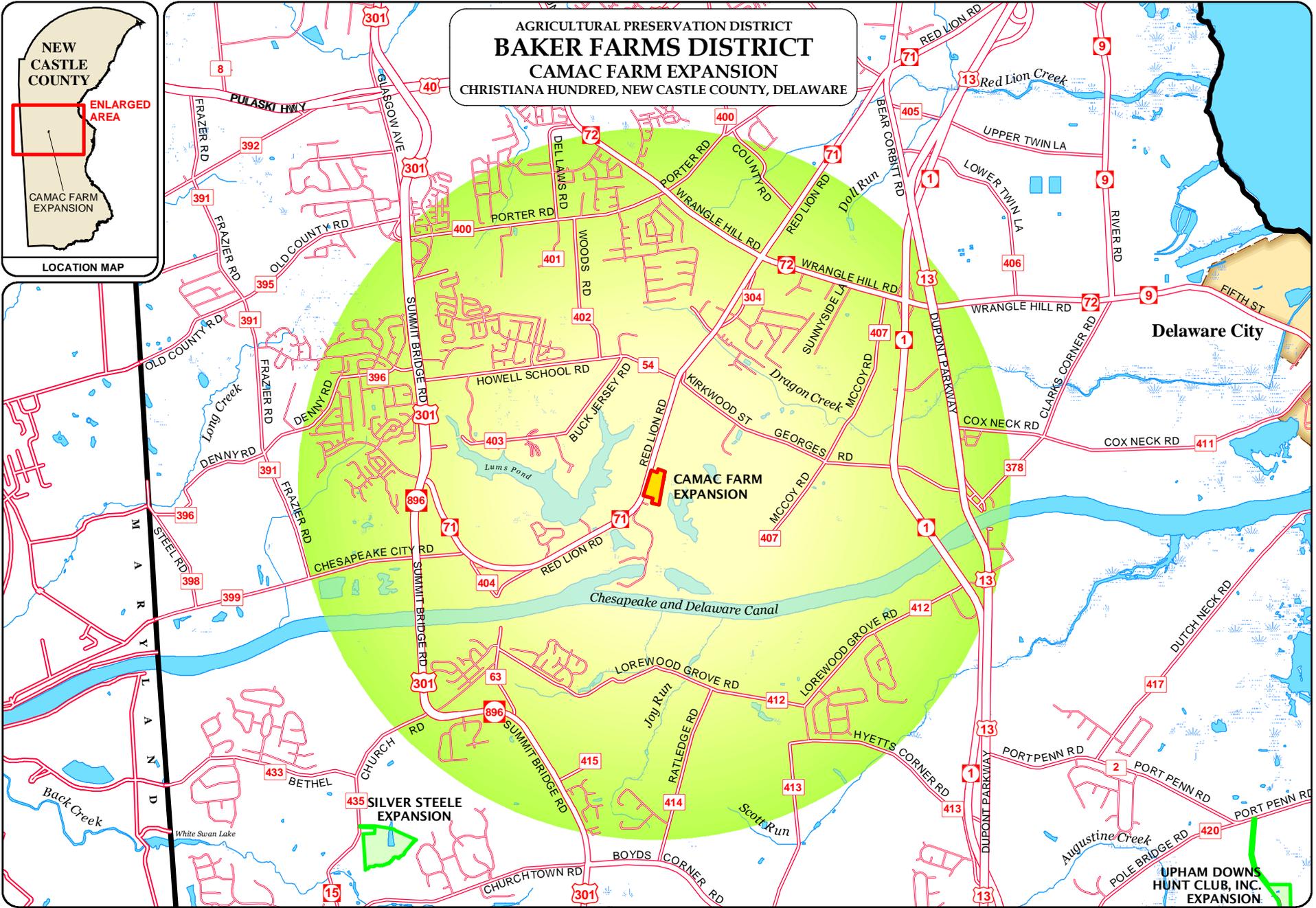
AGRICULTURAL PRESERVATION DISTRICT
COVERDALE FARM DISTRICT
 CHRISTIANA HUNDRED, NEW CASTLE COUNTY, DELAWARE



		PRESERVATION FOUNDATION OFFICE FILE NO. N-04-11-240	DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION 2320 S. DUPONT HIGHWAY DOVER, DELAWARE 19901	LEGEND COVERDALE FARM DISTRICT 3 MILE ELIGIBILITY AREA 0 2,000 4,000 Feet	DATE: 2/1/2007 DRAWN BY: BC CHECKED BY: AOT	ENGINEER/PLANNER THOMPSON MAPPING SYSTEMS OLD RUDNICK LANE, SUITE 2 DOVER, DELAWARE 19901 (302) 674-1800	
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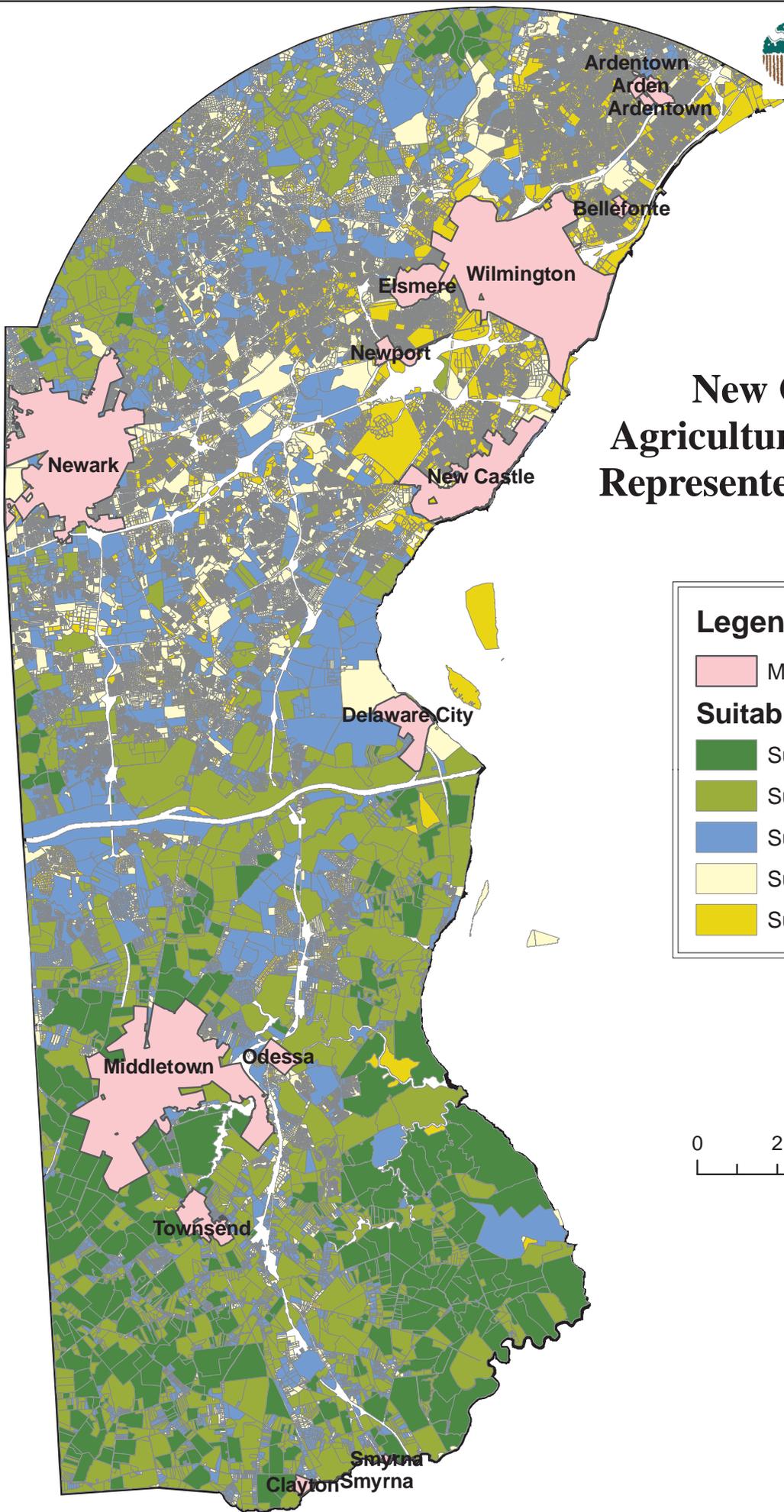


AGRICULTURAL PRESERVATION DISTRICT
BAKER FARMS DISTRICT
 CAMAC FARM EXPANSION
 CHRISTIANA HUNDRED, NEW CASTLE COUNTY, DELAWARE



	<p>DELAWARE AGRICULTURAL LANDS <i>Preservation Foundation</i></p>	<p>PRESERVATION FOUNDATION OFFICE FILE NO. N-06-01-187F</p>	<p>DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION 2320 S. DUPONT HIGHWAY DOVER, DELAWARE 19901</p>	<p>LEGEND</p> <p> CAMAC FARM EXPANSION</p> <p> 3 MILE ELIGIBILITY AREA</p> <p>0 2,000 4,000 Feet</p>	<p>DATE: 2/1/2007 DRAWN BY: BC CHECKED BY: AOT</p>	<p>ENGINEER/PLANNER THOMPSON MAPPING SYSTEMS OLD RUDNICK LANE, SUITE 2 DOVER, DELAWARE 19901 (302) 674-1800</p>	<p>THOMPSON MAPPING SYSTEMS INCORPORATED</p>
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New Castle County Agricultural Suitability Map Represented 300 LESA Model



Legend

- Municipalities
- Suitability Class By LESA**
 - Suitability Class I
 - Suitability Class II
 - Suitability Class III
 - Suitability Class IV
 - Suitability Class V

