



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

April 21, 2008

Mr. Roy Lopata  
Planning Director  
City of Newark  
220 Elkton Road  
P.O. Box 390  
Newark, DE 19715-0390

RE: PLUS review – 2008-03-06; City of Newark Comprehensive Plan Update

Dear Mr. Lopata:

Thank you for meeting with State agency planners on March 26, 2008 to discuss the proposed City of Newark Comprehensive plan update.

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

***Certification Comments:*** These comments must be addressed in order for our office to consider the plan amendment consistent with the terms of your certification and the requirements of Title 22, § 702 of the Del. Code.

1. Upon review of the City of Newark Comprehensive Plan Update, the Ground Water Protection Branch (GPB) found that the Plan does not discuss source water protection. Per 7 Del Code, the City must adopt a Source Water Protection Ordinance. Additional information regarding this issue is noted under the DNREC comments.

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

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

The City of Newark is to be commended for doing their update in a timely manner.

Though the City is fairly well built out, there are still some cautions to avoid future conflict. The plan should be sure to address any possible issues with regard to any undeveloped or underdeveloped property before development proposals are considered. In this regard, it is good that the plan mentions the possible closing of the Chrysler plant. It would be in the City's best interest to begin planning for alternative uses, again, prior to a specific development proposal so that the City can be proactive in promoting a future use that the citizens of Newark would like to see in the event that Chrysler decides to relocate and sell the property. We offer our assistance in involving state agencies.

We did have some concern with the "Comprehensive Planning Defined" section in Chapter 1. Mr. Lopata stated that he understood the concerns and would address them in rewriting this section to focus more on the legal aspects of what a comprehensive plan is with regard to state and local codes.

Again, we congratulate the City in its efforts and offer our assistance in implementing the plan.

**State Historic Preservation Office (SHPO) – Contact: Terrence Burns 739-5685**

No comments received.

**Department of Transportation – Contact: Bill Brockenbrough 760-2109**

The City of Newark is updating their 2003 Comprehensive Plan. Generally, DelDOT finds the Plan to be more than adequate for the City's needs. There are two areas, however, where they felt they must comment further:

- 1) On page 19, with some repetition on page 90, there is discussion of a planned DelDOT project to relocate Newark's passenger rail station. DelDOT understands the position expressed in the draft Plan, opposing the relocation and they offer the following information for consideration and possible inclusion in the final Plan.

Relocation of the passenger rail station was recommended based on the following considerations:

- a) The present South College Avenue facility has no room to expand parking, and has now reached capacity.

- b) There is a conflict between Norfolk Southern freight and SEPTA passenger operations. Norfolk Southern trains must wait between 5:30 a.m. until 9:00 a.m. to operate in and out of the north end of their freight yard. With expanded SEPTA frequencies, Norfolk Southern operations will become unacceptably constrained.
- c) The Norfolk Southern freight yard at Chrysler is the location of trains to and from the Port of Wilmington and the Delmarva Peninsula. The Norfolk Southern yard will not close with the Chrysler plant.
- d) There are safety concerns about freight trains operating at inter city and commuter rail platforms.
- e) Improving the present South College Avenue facility to be compliant with Federal Railroad Administration rules for ADA accessibility would require massive, expensive reconstruction.
- f) The Route 72 site will have double the parking capacity available at the South College Avenue facility.
- g) The Route 72 site has sufficient space to add track that will accommodate two SEPTA trains at once, or one MARC train and one SEPTA train at once. The additional track space affords the option to store trains overnight that would reduce operational cost to Delaware.
- h) The Route 72 site is strategic in that it has the potential to directly serve any future downstate passenger service via the Delmarva Secondary. The South College Avenue site is nearly a mile west of the Delmarva Secondary.

There was in fact ample consultation with the City regarding the decision to relocate the commuter rail station. Public Hearing Workshops were held in Newark on November 29, 2004 and June 20, 2005. A Newark Working Group was formed consisting of city officials, MPO, University of Delaware, Chrysler and various stakeholders. The Working Group met in WILMAPCO offices on March 16, April 27 and May 25, 2005. The group recommended relocating the station. Roy Lopata, Acting City Manager, was a member of the Working Group. He abstained from approving the recommendation to relocate the station.

- 2) On page 50, the discussion of Roads and Highways suggests that congestion in the City is attributable to an imbalance in the road network, with most of the demand being east-west while most of the capacity is on north-south routes, specifically Delaware Routes 2, 72, and 896, and Marrows Road and Casho Mill Road.

DelDOT points out that for most of its length Route 2 is an east-west road and that the City is also served by Delaware Routes 4 and 273, and I-95, all of which run predominantly east-west in the Newark area. In their view, congestion in downtown Newark is a more complex problem. Public opposition to an arterial ring road (extending Route 4, a.k.a. Christina Parkway) in combination with development up to and across the Maryland line, has rendered it difficult, if not impossible, to build such a road now. DelDOT does not recommend that the City

seek construction of a ring arterial. Such roads have disbenefits as well as benefits. The City should recognize that the traffic congestion in its downtown is to a large extent the result of the development that has attracted people to the downtown.

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

**Water Quality**

The following issues should be addressed in the Environmental Quality Section (page 44).

1. The Plan narrative should mention specific Federal and State wetland regulatory programs for protecting nontidal and tidal wetlands and incorporate the following as a “stand-alone” subsection under the Environmental Quality Section.

“Regulatory Protection of wetlands is mandated under Section 404 provisions of the Federal Clean Water Act. Certain other wetlands such as tidally-influenced wetlands and wetlands associated with streams/ditches are accorded additional regulatory protection under Title 7 Chapter 66 and Title 7 Chapter 72 provisions of the State of Delaware’s Code, respectively. Compliance with these statutes may require an Army Corps of Engineers approved field wetlands delineation and/or an official DNREC wetland jurisdictional determination.”

2. The Plan should incorporate the following narrative and table on TMDLs as a “stand-alone” subsection of the Environmental Quality Water Resources Section. Under Section 303(d) of the 1972 Federal Clean Water Act (CWA), states are required to identify all impaired waters and establish total maximum daily loads to restore their beneficial uses. A TMDL defines the amount of a given pollutant that may be discharged to a water body from point, nonpoint, and natural background sources and still allows attainment or maintenance of the applicable narrative and numerical water quality standards. A TMDL is the sum of the individual Waste Load Applications (WLAs) for point sources and Load Allocations (LAs) for nonpoint sources and natural background sources of pollution. A TMDL may include a reasonable margin of safety (MOS) to account for uncertainties regarding the relationship between mass loading and resulting water quality. In simplistic terms, a TMDL matches the strength, location and timing of pollution sources within a watershed with the inherent ability of the receiving water to assimilate the pollutant without adverse impact. A Pollution Control Strategy (PCS) specifies actions necessary to systematically achieve pollutant load reductions specified by a Total Maximum Daily Load for a given water body, and must reduce pollutants to level specified by State Water Quality Standards.

The City of Newark is located within the Piedmont Drainage. Within the Piedmont Drainage bounding the City of Newark are two watersheds. These individual watersheds have specific stream segments with a range of assigned nutrient (nitrogen and phosphorus) and bacterial TMDL load reduction rates that must be met in order to comply with the State Water Quality Standards. The following table presents the range of nutrient and bacteria reduction requirements for each watershed (Information about loading rates for specific stream segments can be obtained from DNREC).

Table 1: TMDL Nutrient and Bacteria reduction requirements for watersheds within the boundaries of the City of Newark.

<b>Piedmont Drainage</b>	<b>N- reduction requirements</b>	<b>P-reduction requirements</b>	<b>Bacteria-reduction requirements</b>
White Clay Creek	0-62% High Flow	0-77% High Flow	29-95% High Flow
Christina River	0-62% High Flow	0-77% High Flow	29-95% High Flow

3. The Plan should make specific recommendations for reducing imperviousness. The following recommendations should be adopted for reducing impervious cover.

Studies have shown a strong relationship between increases in impervious cover to decreases in a watershed’s overall water quality. Reducing the amount of surface imperviousness through the use of pervious paving materials (“pervious pavers”) in lieu of asphalt or concrete, is an example of a practical BMPs that could easily be implemented to help reduce surface imperviousness. As a consequence, it is strongly recommended that the Comp Plan incorporate a recommendation to enact an ordinance that requires the use of pervious paving materials, whenever practicable, in lieu of conventional paving materials. The use of pervious paving materials is especially important for large commercial parking lot areas.

It is strongly recommended that the City enact an ordinance requiring a impervious surface mitigation plan for all residential and commercial development exceeding 20% imperviousness. The impervious surface mitigation plan should demonstrate that the impervious cover in excess of 20% will not impact ground water recharge, surface water hydrology, and/or water quality of the site and/or adjacent properties. If impacts to groundwater recharge, surface water hydrology will occur, the plan should then demonstrate mitigation of said impacts and/or if impacts cannot be mitigated, the site plan will be modified to reduce the impact of impervious cover. Additionally, it is further recommended the pervious paving materials be required. In commercial areas, it is strongly

recommended that pervious paving materials be required for at least 50% of the total paved surface area(s).

Finally, the Plan calls for adopting an ordinance that specifically defines how developers may calculate surface imperviousness. This ordinance should specify and require that the calculation for surface imperviousness include all of the following forms of constructed surface imperviousness: all paved surfaces (e.g., roads, sidewalks, and parking areas), rooftops, and open-water stormwater management structures.

4. The Plan should make a recommendation to protect open space via ordinance

It is strongly recommended that the City adopt an “open-space” ordinance which specifically excludes structural Best Management Practices (BMPs) such as community wastewater treatment areas, open-water stormwater treatment structures and wetlands from consideration as open space.

The Plan should incorporate the following recommendations:

- a) Develop an ordinance requiring all applicants to submit to the City of Newark a copy of the development site plan showing the extent of State-regulated wetlands (as depicted by the State Wetland Regulatory Maps), and a United States Army Corps of Engineers (USACE) approved wetlands delineation as conditional approval for any new commercial and/or residential development. Additionally, the site plan should depict all streams and ditches which are jurisdictional pursuant to the Subaqueous Act (7 Del. C., Chapter 72) as determined by DNREC.
- b) It is strongly recommended that the City of Newark develop their own wetland ordinance to help protect freshwater wetlands where regulatory gaps exist between federal and state jurisdictions (i.e., isolated wetlands and headwater wetlands).

DNREC strongly recommends implementing an ordinance mandating a 100-foot upland buffer width from all wetlands or water bodies (including ditches).

Based on a review of existing buffer research by Castelle et al. (Castelle, A. J., A. W. Johnson and C. Conolly. 1994. *Wetland and Stream Buffer Requirements – A Review*. J. Environ. Qual. 23: 878-882), an adequately-sized buffer that effectively protects wetlands and streams, in most circumstances, is about 100 feet in width. In recognition of this research and the need to protect water quality, the Watershed Assessment Section recommends that the applicant maintain/establish a minimum 100-foot upland buffer (planted in native vegetation) from the landward edge of all wetlands and water bodies (including all ditches).

DNREC recommends the following ordinances be considered:

- An ordinance requiring an impervious surface mitigation plan for all residential and commercial developments exceeding 20% imperviousness. In commercial developments, it is strongly recommended that pervious paving materials be required on at least 50% of the total paved surface area(s). Please follow the suggestions made in the aforementioned narrative regarding recommendations for “reducing surface imperviousness.”
- An ordinance requiring the calculation for surface imperviousness for all commercial and residential development include all constructed forms of surface imperviousness, including all paved surfaces (roads, parking lots, and sidewalks), rooftops, and open-water stormwater management structures.
- An ordinance requiring the applicant/developer to assess their project’s TMDL nutrient loading through use of the Department’s nutrient budget protocol.
- An ordinance that prohibits development on hydric soil mapping units (using the NRCS soil survey or a licensed soil scientist as determinants).
- An ordinance requiring the applicant to use “green-technology” stormwater management in lieu of “open-water” stormwater management ponds whenever practicable.

### **Water Resource Protection Areas**

Upon review of the City of Newark Comprehensive Plan Update, the Ground Water Protection Branch (GPB) found that the Plan does not discuss source water protection. The Plan does show areas of land for annexation that are located in Level 2 Source Water Protection Areas (see the following map).

The City of Newark uses both ground and surface water to supply drinking water. The City 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. The deadline to be in compliance was December 31, 2007 (Title 7, Del.C.). Sections of the Newark Municipal Code were reviewed to determine what requirements have already been addressed.

The City of Newark Municipal Code Article VII. Water Resource Protection Regulations addresses wellhead protection and excellent ground-water recharge areas.

These regulations are protective except for Article VII: Section 30-54: (a) (3) and (b) (1). These two clauses reference “substances listed in 40 Code of Federal Regulations, Part 116 and 117”. This categorization has been revised to reference

“CERCLA Hazardous Substances” in State and Federal Code. In order for these regulations to be fully protective, Ground Water Protection Branch recommends:

- Change the language to reflect the current nomenclature examples may be found in *Template for DRWA Riders* at:  
<http://www.wr.udel.edu/swaphome/publications.html>

Surface water supplies require protection for Level 1 and Level 2 areas. The source water protection area for the City’s intake on White Clay Creek is clearly shown on maps in the report *Source Water Assessment of the City of Newark, Delaware Public Water Supply Intake Located on White Clay Creek*, (Water Resource Agency, 2002).

Additionally, there are Level 2 protection areas within the municipal boundaries for Smalley’s Pond and Red Clay Creek that serve public water intakes downstream of the City. These areas need to be clearly addressed as source water protection areas and afforded protection by ordinances (Title 7, Del C.).

Areas designated as Level 1 source water protection are the lands closest to the main stream and its tributaries. Level 1A areas are defined as the 100-year floodplain and erosion prone slopes adjacent to the streams. Level 1B area is defined as the buffer areas 200 feet on both sides of the stream (Water Resource Agency, 2002). These areas are afforded protection in the existing Newark ordinance under the regulations governing floodplains and steep slopes.

The Level 2 protection areas are defined as the entire watershed upstream of a water supply intake (see map). These areas need to be clearly addressed as source water protection areas and afforded protection by ordinances to comply with Delaware Law (Title 7, Del C.).

Ground Water Protection Branch recommends:

- Develop ordinances that specifically protect Level 2 source water protection areas within the municipal boundaries.
- Consult with the Water Resources Agency at the University of Delaware to develop an ordinance that will address Level 2 source water protection areas

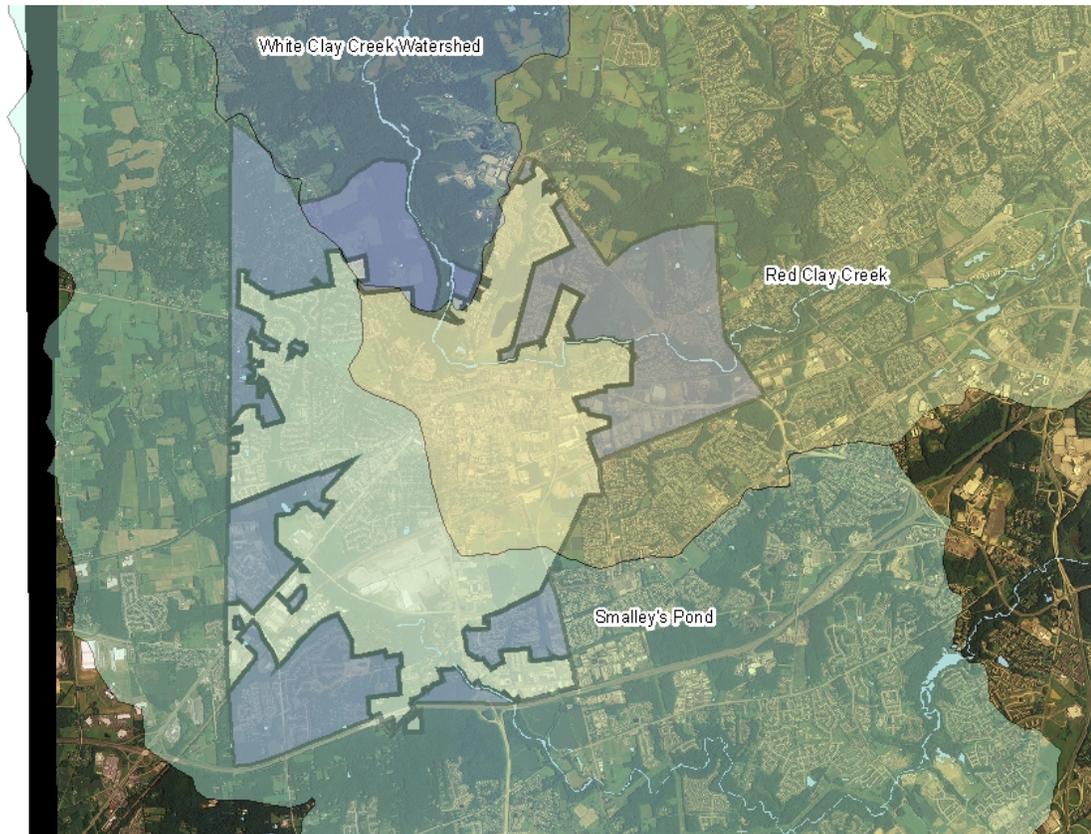
### *References*

Delaware Code Annotated (2006). Title 7 Chapter 60 Subchapter VI, § 6083 (2006). Adoption of source water assessment, wellhead protection and excellent ground-water recharge potential areas by the Governor's Cabinet Committee on State Planning Issues. [Electronic version]. Retrieved November 8, 2006, from:  
<http://www.delcode.state.de.us/title7/c060/sc06/index.htm#TopOfPage>

Water Resource Agency, 2002, *Source Water Assessment of the City of Newark, Delaware Public Water Supply Intake Located on the White Clay Creek*: Newark, University of Delaware, p. 19.

<http://www.wr.udel.edu/swaphome/publications.html>

**Map of City of Newark Source Water Assessment Areas Level 2** The three major watersheds delineated as Level 2 areas are shaded and labeled. The areas proposed for annexation are shaded in purple beneath the watersheds.



### **Rare Species/Wildlife Habitat**

Cumulative forest loss and wetland degradation throughout the State is of utmost concern to the Division of Fish and Wildlife which is responsible for conserving and managing the State' wildlife (see [www.fw.delaware.gov](http://www.fw.delaware.gov) and the Delaware Code, Title 7). Current State, County and local ordinances and regulations do not adequately protect these resources. Therefore, we have to rely on landowners and/or the entity that approves projects (i.e. counties and municipalities) to consider implementing measures that will aide in forest loss reduction and wetland protection.

*Recommendations:*

1. DRNEC highly recommends that the City require developers, or applicants of development projects, to contact the Natural Heritage and Endangered Species Program to determine if their project activities will impact a State-rare or federally listed species. In some cases a site visit may be requested in order to provide the necessary information. The City should then consider requiring implementation of recommendations provided by the NHESP before approving site plans.

Contact information:

Environmental Review Coordinator  
Natural Heritage and Endangered Species Program  
DNREC-Division of Fish and Wildlife  
4876 Hay Point Landing Rd  
Smyrna, DE 19977

2. DNREC has not surveyed all of the parcels that are included in the planning areas, therefore it is unknown if state-rare, or federally listed plants, animals or natural communities would be impacted by development of these parcels. Limited surveys have been conducted and rare plant and animal species have been documented to occur within portions of Planning Areas 5, 9, 12 and 13. Before any development plans are approved within these planning areas, a site visit by the Natural Heritage and Endangered Species Program should be conducted to relocate and/or delineate rare species boundaries. DNREC recommends development only proceed in a way that will not eliminate these species or their habitat.
3. Planning Areas 2, 4, 8, 9, 10, and 12 either contain known habitat or potential habitat that would support the federally listed bog turtle (*Glyptemys muhlenbergii*). Bog turtles typically occur in freshwater wetlands with open canopies, mucky soils, and tussock vegetation; however, they can also occur in more marginal habitats. The bog turtle is a federally listed species, protected under the Endangered Species Act. Surveys for bog turtle habitat should be conducted on all wetlands within these planning areas to ensure that proposed activities will not impact bog turtles or their habitat.
4. Planning Area 10: The City should consider issues that State Agencies had with this area (per PLUS 2007-01-08, Stopyra) before promoting or approving any annexation and subsequent development of this site. There are significant natural resources that could be eliminated by insensitive development. The Stopyra site plan contained inadequate wetland buffers, would result in a large amount of forest loss, and could potentially impact rare species. The City should consider preservation of environmentally valuable features identified in this area. If there is

development in this area, it should be conducted only under stringent guidelines designed to protect existing natural resources.

In addition to a potential for the federally listed bog turtle (*Glyptemys muhlenbergii*), the following State-rare birds nest in the vicinity and because suitable habitat exists, these species could occur within Planning Area 10:

*Buteo lineatus* (Red-Shouldered Hawk), *Buteo platypterus* (Broad-Winged Hawk), *Coccyzus erythrophthalmus* (Blackbilled Cuckoo), *Dendroica cerulea* (Cerulean Warbler)- State-endangered, *Lanius ludovicianus* (Loggerhead Shrike)-State-Endangered, *Riparia riparia* (Bank Swallow), and *Vermivora pinus* (Blue-Winged Warbler).

According to GIS database, interpretation of aerial photographs and topography, a unique wetland type could occur on this property. A Piedmont streamside seepage wetland appears to occur on the western half of the project area. This state-rare community type is typically small, diverse, and fed by groundwater year-round and tend to occur at the base of steep slopes.

5. The city should promote preservation and connectivity between forested habitat within these planning areas. There are incentive-based programs available to private landowners through our agency. Shelly Tovell is the contact person (302-735-3600).

### **State Resource Areas/Natural Areas**

The open space associated with the development in Planning Area 5 is a State Resource Area and a part of the Christina River Natural Area.

Planning Area 6 contains both SRA and a portion of the Christina River Natural Area. It is heavily wooded and directly adjacent to the I-95 corridor. As such development should be strongly discouraged.

Planning Area 10 is the Stopyra property. A majority of this site contains the White Clay Creek Natural Area and is also a State Resource Area. Existing habitat indicates that there is a high probability for rare species (both plants and animals) and the property is considered historically significant. The language in the 2000 and 2001 Bond Bill infers that the members of the General Assembly intended for this property to remain under the jurisdiction of New Castle County. Additionally, the property is very steeply sloped and contains significant natural resources. The New Castle County development Code is more restrictive in maintaining its resource base than the City of Newark regulations. For these reasons, the State would be unlikely to support annexation of this property into the City limits unless the City could address our environmental concerns satisfactorily. At this point, DNREC support's maintaining County jurisdiction, especially if any future development should occur. [the property is currently proposed for a re-zoning under the County development

code to permit commercial development. Should the developer be successful, it will be developed under County Code and thus ineligible for future annexation by the City].

Planning Area 12 contains a significant amount of State Resource Area and White Clay Creek Natural Area that lies within the White Clay Creek State Park. What is the purpose of the City extending its jurisdiction over State lands? Is this even feasible?

**State Fire Marshal's Office – Contact: Duane Fox 856-5298**

The State Fire Marshal's Office has no objection to, and makes no comments regarding Comprehensive Plans or amendments to a Comprehensive Plan.

**Department of Agriculture - Contact: Scott Blaier 739-4811**

The Department would like to commend the City on a well-written comprehensive plan. The Department has no objections to the plan. The Department would like to offer the comments below for the City's consideration.

The Delaware Forest Service recommends that the City of Newark develop a formal urban forestry management plan that addresses a tree canopy goal. This goal would compliment the efforts of the 1990 Downtown Street Tree & Sidewalk Program.

Increasing tree canopy will compliment and enhance the City's current environmental efforts to protect air and water quality. Please contact the Delaware Forest Service to learn more about the Statewide Urban Forestry Initiative at (302) 698-4500.

The Department encourages the city to develop and promote agricultural business whenever possible, such as farm markets. Please contact Kelli Steele of the Department's Marketing Section to explore agricultural economic development activities. Food safety, nutrition, and wholesomeness are consumer priorities these days, and many people are turning to local sources of food supply. As a result, there are a number of agricultural development opportunities. Please contact the Marketing Section at (302) 698-4535 to see how they can help.

**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 Division of Public Health- Health Promotion Bureau- contact Michelle Eichinger (302) 744-1011**

DPH commends the City of Newark for drafting a comprehensive plan consistent to *Livable Delaware* principles with regards to supporting an environment that facilitates physical activity. DPH has the following comment.

It is recommended that City of Newark's Comprehensive Development Plan include plans for updating playground equipment in the city's parks to meet the standards outlined in ASTM F1487 *Standard Consumer Safety Performance Specification for Playground Equipment for Public Use*.

**Delaware State Housing Authority – Contact Vicki Powers 739-4263**

DSHA has reviewed the Municipal Comprehensive Plan for the City of Newark to determine how the Municipality has incorporated the State's goals, policies, and strategies as they relate to affordable housing. Since the City of Newark has a population over 2,000 people, HB 396 mandates that towns of 2,000 or more develop a plan to address affordable housing, which the plan does state. However, because of the increasing housing challenges facing this area, the DSHA encourages the City of Newark to also include incentives that ensure long-term affordable housing for low- and moderate-income persons. They commend the City of Newark on their special programs for housing affordability.

In addition, the following list of tools and mechanisms are examples of some initiatives that the City of Newark can implement in creating affordable housing opportunities to residents and employees:

- Innovative zoning techniques to provide additional affordable housing opportunities within the existing housing stock, such as permitting accessory dwelling units in residential areas as a matter of right;
- Require, as part of all annexation agreements for parcels being annexed, that some of the units be set aside to be affordable for low- and moderate-income persons via long-term affordability restrictions;
- Partner with the Diamond State Community Land Trust (DSCLT) to ensure long-term affordable homeownership opportunities to low- and moderate-income households. This can be done by donating land to the DSCLT, within the City of Newark, or through contractual agreements for monitoring long-term affordability restrictions on units that have been set aside to be affordable; and
- Provide developer incentives, such as density bonuses or expedited review, to facilitate affordable housing opportunities.

DSHA has developed a website, **Affordable Housing Resource Center**, to learn about resources and tools to help create housing for households earning 100% of median income or below. The website can be found at: [www.destatehousing.com](http://www.destatehousing.com) "Affordable Housing Resource Center" under our new initiatives.

**Department of Education – Contact: John Marinucci 735-4055**

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.

1. 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.
2. 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.
3. 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.
4. The DOE offers its support to assist and participate by coordinating with this municipality, the local school districts the County, the Office of State Planning Coordination as well as other school districts and stakeholders as future development and annexations may be considered.
5. DOE has no comments regarding the Comprehensive Plan update under consideration.

***Approval Procedures:***

1. Once all edits, changes and corrections have been made to the plan, please submit the completed document (text and maps) to our office for review. **Your PLUS response letter should accompany this submission.** Also include documentation about the public review process. In addition, please include

documentation that the plan has been sent to other jurisdictions for review and comment, and include any comments received and your response to them.

2. Our office will require a maximum of 20 working days to complete this review.
  - a. If our review determines that the revisions have adequately addressed all certification items, we will forward you a letter to this effect.
  - b. If there are outstanding items we will document them in a letter, and ask the town to resubmit the plan once the items are addressed. Once all items are addressed, we will send you the letter as described above.
3. Once you receive our letter stating that all certification items have been addressed, your Planning Commission and Council should adopt the plan pending State certification. We strongly recommend that your Council adopt the plan by ordinance. The ordinance should be written so that the plan will go into effect upon receipt of the certification letter from the Governor.
4. Send our office a copy of the adopted plan along with the ordinance (or other documentation) that formally adopts your plan. We will forward these materials to the Governor for her consideration.
5. At her discretion, the Governor will issue a certification letter to your town.
6. Once you receive your certification letter, please forward two (2) bound paper copies and one electronic copy of your plan to our office for our records.

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

Sincerely,



Constance C. Holland, AICP  
Director

CC: New Castle County