



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

July 29, 2008

The Honorable Deloris Price, Mayor
P.O. Box 6
Ellendale, DE 19941

RE: PLUS review – 2008-06-02 Town of Ellendale Pre-Update Comp. Plan Review

Dear Mayor Price:

Thank you for meeting with State agency planners on June 25, 2008 to discuss the current Town of Ellendale comprehensive plan and the items that should be considered as you move forward toward the 5-year update of this 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.

This office has received the following comments from State agencies:

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

The Office of State Planning Coordination is pleased to see that Ellendale is continuing to refine the comprehensive plan, and detail an achievable vision for the future of the town. As discussed at the PLUS meeting, we have several suggestions that we would like you to consider as the plan is revised:

- We recently reviewed a plan amendment for Ellendale's "Special Study Area" as PLUS 2008-01-06. This was an ambitious plan to allow for a large annexation area west of Route 113, and went so far as to recommend relocation / recreation of the town core to this area. To summarize our comments from our letter dated

February 25, 2008, we were skeptical of the aggressive expansion and recommended the town consider making this an “area of concern” rather than an annexation area. Our thoughts on this matter have not changed.

- We suggest that the town reconsider its annexation area to focus on annexations that are enclaves or that are in reasonable proximity to the historic core of the town, east of Route 113. Think of this five year plan as the first phase of the town’s growth, and pay particular attention to annexations that are likely to be accomplished in the next five year period covered by this plan update.
- In this plan update, the town should pay particular attention to the future land uses recommended both in town and in the short term annexation areas. Ensure that these future land use categories are consistent with the town’s vision for redevelopment and growth, and are achievable given infrastructure availability, resource constraints, and market conditions.
- The town should thoroughly evaluate infrastructure availability for sewer and water. The land use and annexation plan should reflect the limited and finite capacities of these services, and realistically estimate areas that can be served in the five year period covered by this plan update.
- The town should consider the impacts of the Route 113 North/South Limited Access study, and how the anticipated access changes will impact the commercial areas at the intersection of 113 and 16. The County has a highway commercial area west of Route 113 that should be considered as well.
- The Town should continue to work to improve intergovernmental relations. This has been an ongoing process with Sussex County and one that is working. There needs to be more coordination with the Ellendale Fire Department regarding growth and development issues.

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

No comments received

Department of Transportation – Contact: Bill Brockenbrough 760-2109

In December 2007, DeIDOT adopted major revisions to its regulations for subdivision streets and commercial entrances. Recognizing that in the 2004 Plan Ellendale was considering significant growth and development, there is one part of the revised regulations that would be significant with regard to any development proposals the Town might be considering as part of their Plan. Specifically with regard to level of service standards for traffic impact studies, as a general rule, DeIDOT’s standard is C in rural areas and D in areas that are developed, developing or planned for development. However, Section 2.9.12.1 provides that “A local government, as part of its adopted comprehensive plan may determine that a lower LOS (D, E or F) for some portion of the

day is necessary and appropriate for the pattern of development they seek to create. If a proposed development is located in, or affects such an area, DelDOT will consider the local government's standards to the extent that adherence to them does not result in substandard LOS or unacceptable operational condition outside that area."

DelDOT appreciates the Town's efforts to work with them in the US 113 North-South Study and look forward to continuing that relationship as they move forward with that effort.

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

Water Quality

The following are corrections and/or recommendations that should be incorporated in the Town of Ellendale's Comprehensive Plan (or "The Plan").

Recommendation, Substitutions and Corrections:

Page 54, Soils Classifications

The applicant should reference the soils types from the recently updated soil survey, not the 1974 soil survey. Contact the Natural Resources Conservation Service (NRCS) at 302-856-3990 for further information.

Page 57, Nanticoke River Watershed

The Chesapeake Bay and the Delaware Bay Estuary should be referred to as "Drainages," not "Watersheds."

Page 59

"The Delaware Bay Estuary Watershed" heading should be changed to "The Delaware River and Bay Drainage." Also, replace "deforested" with "filled" under the same heading of the first paragraph.

Page 173, New Town Code Provisions

Please eliminate or delete the "Wetlands and Water bodies" heading. Please replace the numbered 1-9 provisions under the same heading of the existing narrative with the following ordinance recommendations:

- a) An ordinance requiring all applicants to submit to the Town 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, or "the Corps") 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 (Title 7, Delaware Code, Chapter 72) as determined by DNREC.

- b) It is strongly recommended that the Town 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).
- c) We strongly recommend 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), 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).

- d) 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).
- e) An ordinance requiring that the calculation for surface imperviousness (for both commercial and residential development) take in to account all constructed forms of surface imperviousness, including all paved surfaces (roads, parking lots, and sidewalks), rooftops, and open-water stormwater management structures.
- f) An ordinance requiring the assessment of a project's Total Maximum Daily Load (TMDL) nutrient loading rate through use of the Department's nutrient budget protocol. The applicant should be further required to use any combination of approved Best Management Practices (BMPs) to meet the required TMDLs for the affected watershed(s) in question.
- g) An ordinance which specifically excludes structural Best Management Practices (BMPs) such as community wastewater treatment areas, open-water stormwater treatment structures and regulated wetlands from consideration as open space.
- h) An ordinance that prohibits development on hydric soil mapping units. Proof or evidence of hydric soil mapping units should be provided through the submission of the most recent NRCS soil survey mapping of the parcel or through the submission of a field soil survey of the parcel by a licensed soil scientist.

- i) An ordinance requiring the applicant to use “green-technology” stormwater management in lieu of “open-water” stormwater management ponds whenever practicable.

Additions and/or Clarifying Comments

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 Environmentally Sensitive Areas Section:

Regulatory Protection of wetlands is mandated under Section 404 provisions of the Federal Clean Water Act. Certain other wetlands (mainly in tidal areas) are accorded additional regulatory protection under Title 7, Chapter 66, provisions of the Delaware Code. 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 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 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 Town 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, and/or water quality will occur, the impervious surface mitigation 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 should adopt 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. Please see recommendations for impervious cover in the aforementioned “New Town Code provisions” section.

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

It is strongly recommended that the Town adopt an “open-space” ordinance recommendation 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.

Pages 175 & 176, Total Maximum Daily Loads (TMDLs)

Please replace the existing narrative in its entirety with the following narrative and table:

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 Town of Ellendale is located within the Cedar Creek and Gravelly Branch watersheds of the greater Delaware River and Bay and Chesapeake Bay drainages, respectively. As previously stated, the TMDLs assigned for each watershed must be met in order to meet the State Water Quality Standards.

The following table presents the range of nutrient and bacteria reduction requirements for the Cedar Creek and Gravelly Branch watersheds.

Table 1: TMDL Nutrient (Nitrogen and Phosphorus) and Bacteria reduction requirements for the Cedar Creek and Gravelly Branch watersheds.

Delaware River and Bay Drainage	N- reduction requirements	P-reduction requirements	Bacteria-reduction requirements
Cedar Creek	45%	45%	96
Chesapeake Bay Drainage	N- reduction requirements	P-reduction requirements	Bacteria-reduction requirements
Gravelly Branch	30%	50%	2%

Water Resource Protection Areas

The Ground-Water Protection Branch reviewed the Town of Ellendale 2008-06-06 Comprehensive Plan for the Town of Ellendale. The document submitted has not changed since it was reviewed as PLUS 2008-01-06. Wellhead protection and excellent ground-water recharge potential areas exist within the municipal boundary and in the areas proposed for annexation (see map).

As the Town of Ellendale plans to annex large parcels of land, it would be of benefit to develop source water protection ordinances to protect the Town’s drinking water supplies. The development of ordinances at this time is in keeping with sound planning practices.

The Ground-Water Protection Branch recommends the Comprehensive Plan include:

1. Provide a table and discussion of an analysis of the increase in population within the annexation area. This will provide an estimate of the increase in water demand and if new wells will be required to meet this demand.
2. Develop Source Water Protection Ordinances to regulate land use within these critical areas designed to protect those critical areas from activities and substances that may harm water quality and subtract from overall water quantity.
3. If the plan is to contain a section on hydrology, it needs to be comprehensive. The statements need to be supported with information.

Please contact the Department for assistance in developing ordinances. Resources can be found at:

Fast Facts: Protecting the Sources of Your Drinking Water
http://www.wr.udel.edu/swaphome/Publications/swap_facts.pdf

Delaware Department of Natural Resources and Environmental Control (2005): Source Water Protection Guidance Manual for the Local Governments of Delaware: Dover, DE, 144 p.

http://www.wr.udel.edu/publications/SWAPP/swapp_manual_final/swapp_guidance_manual_final.pdf

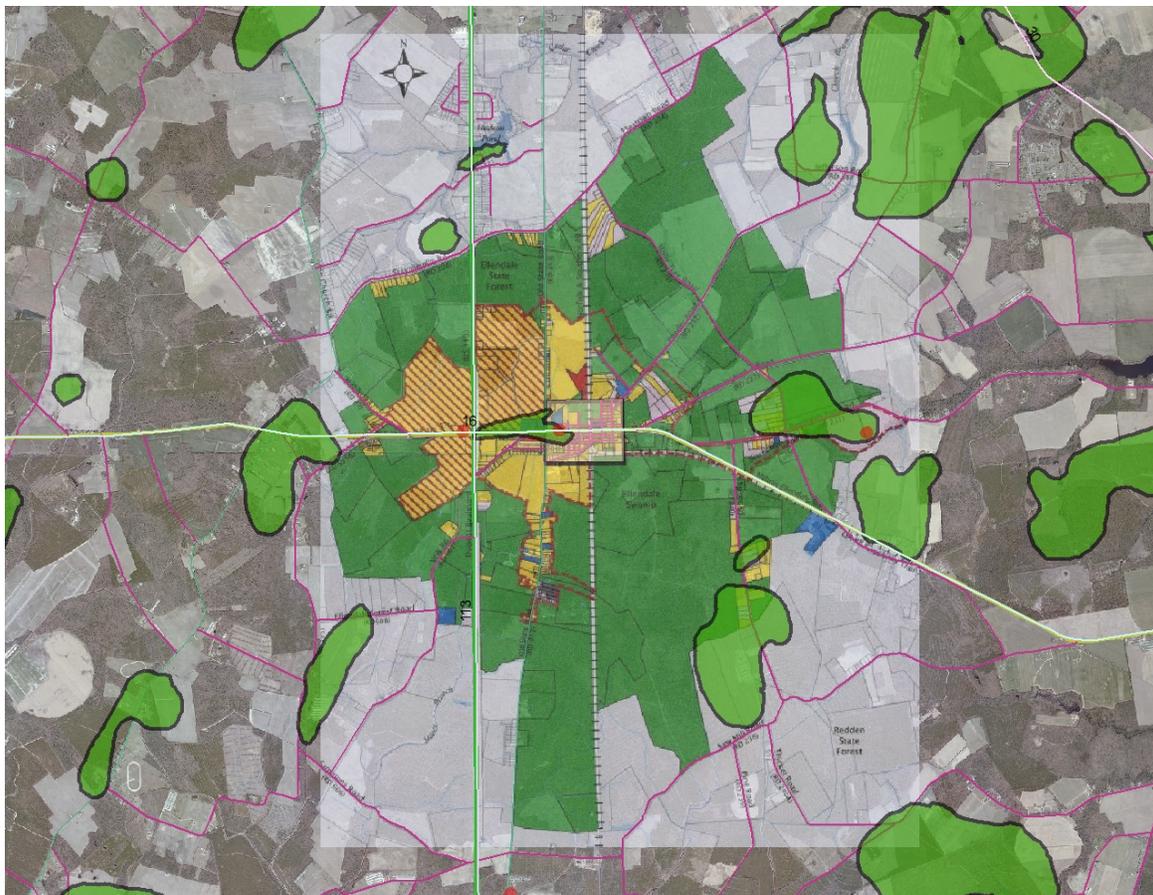
Draft Model Ordinance for Smaller Municipalities for Kent and Sussex Counties

http://www.wr.udel.edu/swaphome/Publications/SWPOrdinances/FinalDraftModelOrdinance_KnS_041408.pdf

Map of the Town of Ellendale’s proposed land use (PLUS 2008-06-02)

Excellent ground-water recharge potential areas are shown green outlined in black.

Existing Wellhead protection areas are shown in red.



Drainage

Surface water management and the development of a master drainage plan are key elements that are missing in the comprehensive plan. Tax Ditch Organizations within the potential growth/ annexation areas for the town are the Ellendale Tax Ditch, Gravelly Branch Tax Ditch, Maple Marsh Tax Ditch, and the School House Tax Ditch. Along with

tax ditches, that have an established right-of-way within the Tax Ditch Organizations, are a network of private ditches, without right-of-way, that convey surface water to existing tax ditches. Well-organized and maintained tax ditches provide the drainage conveyance framework that enables the area to have productive farmland and desirable residences.

Existing tax ditch rights-of-way should be protected from development encroachment to allow for routine maintenance and periodic reconstruction. Routine maintenance primarily consists of mowing ditch bank vegetation and the removal of small blockages. Periodic tax ditch reconstruction involves the removal of sediment from the ditch bottom to reestablish the original design grade. The removed sediment, referred to as spoil, is typically disposed of by spreading within the tax ditch right-of-way.

Consider requiring buffers when land is converted from agriculture to urban uses:

- Streams, tax ditches, and private ditches will require periodic reconstruction at intervals dependent upon the sedimentation load from upstream. Periodic reconstruction involves the removal of sediment from the ditch bottom to establish or reestablish a design grade. The removed sediment, referred to as spoil, is typically disposed of by spreading along side the ditch within the tax ditch right-of-way. Tax ditch rights-of-way need to be unobstructed.
- Planting of riparian buffers should consider drainage maintenance. On private ditches, where practical, the buffers should be planted on the south and west side of the ditch to maximize shading. Trees and shrubs should be native species, spaced to allow for mechanized drainage maintenance at maturity. Tree and shrub planting in this manner will provide a shading effect promoting water quality while allowing future drainage maintenance. Trees should not be planted within 5 feet of the top of the bank to avoid future blockages from roots. The buffers as well as the channel banks should be planted with herbaceous vegetation to aid in the reduction of sediment and nutrients entering into the conveyance. Grasses, forbs and sedges planted within this buffer should be native species, selected for their height, ease of maintenance, erosion control, and nutrient uptake capabilities.
- The town should explore the practice of one-sided construction and maintenance of private ditches and tax ditches providing there is adequate room for maintenance. Work with the DNREC Drainage Program, Sussex Conservation District, and the Ellendale Tax Ditch, Gravelly Branch Tax Ditch, Maple Marsh Tax Ditch, and the School House Tax Ditch to ensure adequate tax ditch right of way is retained for the placement of spoil.

Suggested additions to a subdivision ordinance:

- A 20-foot drainage easement for storm drains, 10 feet per side within subdivisions.

- Open channels within subdivisions require a minimum 20-foot drainage easement as measured from top of bank to allow maintenance access and/or reconstruction.
- Maintenance access along open channels should be dedicated open space.
- Swales within subdivisions would require a 20-foot drainage easement measured from the centerline of the swale, or the width of the swale, whichever is greater.
- Prohibit the routing of major stormwater pipes through yards within a subdivision.
- Encourage the elevation of rear yards within subdivisions to direct water towards the streets where storm drains are accessible for maintenance.
- The Drainage Program requests a 15-foot side yard setback on all subdivision lots with a storm drain on the side. A 15-foot side yard setback will allow room for equipment to utilize the entire 10-foot drainage easement and maneuver free of obstructions if the drainage conveyance requires periodic maintenance or future re-construction.
- The Drainage Program requests a 10-foot drainage easement around all catch basins located on private property to ensure adequate room for maintenance.
- Any catch basin or swale placed in rear and side yards will need to be clear of obstructions and be accessible for maintenance. Decks, sheds, fences, and kennels can hinder drainage patterns as well as future maintenance to the catch basin or swale. Deed restrictions, building setback lines, along with drainage easements recorded on deeds, should ensure adequate future maintenance access.
- Have all drainage easements recorded on deeds and place restrictions on obstructions within the easements to ensure access for periodic maintenance or future re-construction. Future property owners may not be aware of a drainage easement on their property if the easement is only on the record plan. However, by recording the drainage easement on the deed, the second owner, and any subsequent owner of the property, will be fully aware of the drainage easement on their property.
- Drainage easements should be for the town and recorded as such. This gives the town the ability to hire a contractor for maintenance for the drainage conveyance.
- Tax ditch rights-of-way should be designated open space.
- Exempt tax ditch rights-of-way, riparian buffer areas, and stormwater management areas from grass height restrictions to aid in the prevention of nuisance geese.

Suggested additions to a Land Development Code:

The Drainage Program recommends adding the definitions of maintenance access, buffer, vegetative buffer, riparian buffer, tax ditch right-of-way, and other such key words to the planning and zoning code.

- The town of Ellendale should develop a master drainage plan to identify existing open channels within the town boundary and within future annexation area as these channels may require maintenance in the future. The riparian buffers along the channels provide a multitude of benefits to water quality and wildlife. Most of the channels have trees and wetlands adjacent to the channel. There must be a balance between preserving the riparian buffer and having the capability to access the channel to perform maintenance. A recommended easement width of 20 feet from edge of existing tree line, wetland, or top of bank whichever is greater would allow such access. By identifying such areas now, future development would incorporate the easement into community open space thereby preserving the riparian buffer while allowing for channel maintenance access.
- Water bodies, ponds, intermittent and perennial streams, ditches should be buffered from development. Existing buffers could be enhanced or new buffers planted to obtain 100-foot buffers on each side of the existing water conveyance. A minimum 50-foot tree and shrub planting on buffers with the tallest trees planted on the south and west side of the water conveyance will maximize shading of water. Trees and shrubs should be native species, spaced to allow for mechanized drainage maintenance at maturity. Tree and shrub planting in this manner will provide a shading effect promoting water quality while allowing future drainage maintenance. Do not plant trees closer than 5 feet of the top of the bank to avoid future blockages from tree roots. Plant the balance of the 100-foot buffer, as well as stream and ditch banks, with herbaceous vegetation to aid in the reduction of sediment and nutrients entering into water conveyance. Grasses, forbs and sedges planted within these buffers should be native species, selected for their height, ease of maintenance, erosion control, and nutrient uptake capabilities. Remove invasive vegetation prior to the planting of native species. The construction of pedestrian and bicycle paths within the outer 50 foot of the buffer should be encouraged.
- Wetlands should be protected from development with a 50-foot vegetated buffer. Grasses, forbs and sedges planted within these buffers should be native species, selected for their height, ease of maintenance, erosion control, and nutrient uptake capabilities. Remove invasive vegetation prior to the planting of native species.
- Designate all buffers for water bodies, ponds, intermittent and perennial streams, ditches, and wetlands as un-subdivided open space. No portion of any building lot should be within the buffers.

- Designate all wetland buffers as un-subdivided open space. No portion of any building lot should be within the buffers. During prolonged wet periods, the wetland buffers may become too wet for normal residential use. Designation as open space will aid in the prevention of decks, sheds, fences, kennels, and backyards being placed within the buffers thereby reducing nuisance drainage complaints.
- Existing woodland provides valuable wildlife habitat as well as soil erosion protection and water quality filtering. Preserve existing woodland within proposed annexation areas. Do not allow the clearing of woodland to create stormwater management areas. Develop a tree planting guideline, a tree mitigation planting guideline and woodland preservation language to protect the existing woodland from harvest after annexation.
- For new subdivisions, the developer's engineer should check the existing downstream conveyance and pipes for function and blockages prior to the town's approval of plans and annexation. The developer should notify downstream landowners of any change in volume of water released on them. The examination of downstream conveyance and notification to downstream landowners should not stop at the town boundary.
- Evaluate the existing drainage patterns within future annexation areas to ensure adequate drainage for the cumulative stormwater impact upon full build out of the annexation area. The city should be mindful of potential stormwater impacts from the town onto county residents.

Encourage Bicycle and Pedestrian interconnections in new developments:

- Explore the use of drainage ways and other open space set aside for drainage maintenance for bicycle and pedestrian interconnections in new developments.

For questions or clarifications, please contact Jim Sullivan at (302) 739-9921.

Site Investigation and Restoration

DNREC's Site Investigation and Restoration Branch (SIRB) encourages the development of Brownfields and can provide assistance when investigating and remediating Brownfield sites. Although SIRB has no specific comments regarding the proposed comprehensive plan at this time, if any future development occurs on sites with previous manufacturing, industrial, or agricultural use, SIRB recommends that a Phase I Environmental Site Assessment be conducted prior to development, due to the potential for a release of hazardous substances. If a release or imminent threat of a release of hazardous substances is discovered during the course of future development (e.g., contaminated water or soil); construction activities should be discontinued immediately, and DNREC should be notified at the 24-hour emergency number (800-662-8802). In

addition, SIRB should be contacted as soon as possible at 302-395-2600 for further instructions.

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

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At this time, this Agency has no objection to, and makes no comments regarding, the Comprehensive Plan or an amendment to a Comprehensive Plan.

The Delaware State Fire Marshal's Office has the responsibility to review all commercial and residential subdivisions for compliance with the Delaware State Fire Prevention Regulations. This Agency asks that a MOU be established between the Delaware State Fire Marshal's Office and the Town of Ellendale. 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 Delaware State Fire Prevention Regulations only.

Department of Agriculture - Contact: Scott Blaier 739-4811

The Department of Agriculture (DDA) would like to commend the Town of Ellendale for reviewing their Comprehensive Plan with the PLUS group prior to updating it. In addition to the comments offered below, the Department of Agriculture would be glad to meet with the town to discuss the plan, and help in any way possible.

The Department appreciates the mention and support of a number of issues important to DDA such as: Redden State Forest, farmland preservation, transfer of development rights (TDRs), etc. The DDA especially appreciates the town's vision of a "greenbelt" around the town using preserved farmland, state forestland, and other open space and natural areas. DDA hopes the town will continue to support and advance these initiatives in its updated plan.

As a general policy, the DDA continues to discourage any annexation and growth of Ellendale west of U.S. Route 113. The town presented a proposal for such an expansion to the PLUS group in January of 2008, and asked that they be allowed to amend their comprehensive plan to allow this expansion. The DDA will continue not to support such an initiative.

Beginning on page 135, the current plan discusses "agritourism". The plan does an excellent job listing and describing (in detail) the many agritourism opportunities in the Ellendale area, including those as far away as the Lewes Terminal Market, and the Nassau Valley Vineyards. In addition to mentioning existing establishments near Ellendale, we would also encourage the town to consider its own opportunities to develop agritourism and agribusiness within the town. The DDA has a fully staffed Marketing Section that would be glad to assist the town in that endeavor.

The DDA appreciates the town's detailed discussion and support Agricultural Lands Preservation on page 144 of the current comprehensive plan. However, a number of things have changed since this plan was written, and the Department would be glad to assist the town in updating and clarifying this section.

As the plan points out, the Town of Ellendale is located among several tracts of Redden State Forest. Therefore, it is important to consider forestry in the town's plan. Trees are a vital part of any community and the Delaware Forest Service recommends that trees be preserved in the development process. Currently, the town has no ordinance for tree protection and planting. A tree ordinance protecting existing woodlands in future development as well as existing street trees can be developed and implemented to address this issue. The DDA's Delaware Urban & Community Forestry Program would be glad to offer assistance to the town in accomplishing this goal. Please call 302-698-4500 for more information.

In closing, The Department of Ag would like to mention two minor text clarifications and updates. There is no longer an Ellendale State Forest; it is now part of Redden State Forest. However, the old Ellendale State Forest has retained its identity, and for distinction, can be referred to as the Ellendale Tract of the Redden State Forest. They would also point out that Redden State Forest now encompasses more than 10,000 acres (page 143 estimates it at almost 10,000 acres).

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

Ensuring that new residential and commercial development incorporates pedestrian- and bicycle-friendly features allows people to travel by foot or by bicycle and promotes physical activity as part of daily routines. Regular physical activity offers a number of health benefits, including maintenance of weight and prevention of heart disease, type 2 diabetes and other chronic diseases.¹ Research shows that incorporating physical activity into daily routines has the potential to be a more effective and sustainable public health strategy than structured exercise programs.² This is particularly important considering about 65% of adult Delawareans are either overweight or obese.³ This current obesity crisis is also affecting children. Approximately 37% of Delaware's children are overweight or obese⁴, which places them at risk for a range of health consequences that include abnormal cholesterol, high blood pressure, type 2 diabetes, asthma, depression and anxiety.¹

In Delaware, as in other states across the nation, certain patterns of land use can act as a barrier to physical activity and healthy eating for children and adults alike. Examples of such barriers include neighborhoods constructed without sidewalks or parks and shopping

centers with full-service grocery stores situated too far from residential areas to allow for walking or biking between them.

As a way to promote physical activity and access to healthy foods, we recommend that the following amenities be included in the Town of Ellendale Pre-Update Comprehensive Review:

Amenities to encourage walking and physical activity for recreation

- Designate a portion of the open space area for recreational walking: for example include walking paths constructed of pervious materials affording minimal disturbance to the open space area
- Incorporate playground areas: these would offer some active recreation opportunities for children and their caregivers during visits to the commercial development, if feasible consider including a walking path around the playground areas.
- Open indoor recreation facilities to the public to allow opportunities to engage in physical activity during inclement or extreme weather conditions.

Increase opportunities for healthy eating

- Designate an area for a seasonal farm stand or mini farmer's market that will promote the sale of fruits and vegetables.
- Designate an area for a community garden. Community gardens not only provide residents access to healthy nutrition, but they also provide opportunities for physical activity and community cohesiveness.⁵

¹ Nemours Health and Prevention Services (2005). *Delaware Children's Health Chartbook*, Newark, DE.

² Active Living by Design. *Transportation Fact Sheet*. Retrieved May 17, 2007, from http://www.activelivingbydesign.org/fileadmin/template/documents/factsheets/Transportation_Factsheet.pdf.

³ Delaware Health and Social Services (2008), *Division of Public Health, Behavioral Risk Factor Surveillance System (BRFSS), 1990-2007*.

⁴ Nemours Health and Prevention Services (2007). *2006 Delaware Survey of Children's Health Descriptive Statistics Summary, Volume 1*.

⁵ Hancock, T. (2001). People, partnerships and human progress: building community capital. *Health Promotion International*, 16(3), 275-80.

Delaware State Housing Authority – Contact Vicki Powers 739-4263

DSHA has reviewed the existing Certified Comprehensive Plan to advise the Town of Ellendale of new regulations passed since its certification in 2005 that should be included in their scheduled update. Since 2005 there has not been new regulations passed for housing, however Delaware and throughout the country have experienced a housing

boom and resulting escalation in housing prices. Due to rising home prices, many working individuals and families have been left behind. Comparatively few new homes have been developed affordable to what is termed as Delaware's "workforce households" with incomes below 100 percent of the median income. According to HUD in 2008, Delaware's 100% median income is \$65,800. As a result, we encourage the Town of Ellendale to pursue a balanced stock, in the development of their Comprehensive Plan that will allow residents a choice in where they want to live without putting a strain on their purse strings. A balanced housing stock in any town can significantly improve the quality of life for residents and the economic competitiveness of the region. It is imperative to think about housing because Ellendale's housing stock is its largest long-term investment.

DSHA has provided a guide to help assist in writing any town's housing element: *Creating a Balanced Housing Stock: A Guide to Writing Your Town's Housing Element* outlines the steps in preparing a housing element for any Comprehensive Plan. Furthermore, DSHA is willing to work with the Town of Ellendale to provide data and technical assistance. In addition to our guide, we have developed a website and an Affordable Housing Resource Center, to learn about resources to help address the Town's housing needs.

The website can be found at: www.destatehousing.com "Affordable Housing Resource Center" under our new initiatives.

The guide can also be found on the Affordable Housing Resource Center under Housing Element, or by using the link below.

http://www.destatehousing.com/services/servicesmedia/tb_housing_element_guide.pdf

Department of Education – Contact: John Marinucci 735-4055

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 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.
 6. DOE has no comments regarding the Comprehensive Plan update under consideration.

Sussex County – Contact: Richard Kautz 855-7878

Engineering Department comments:

In its North Coastal Planning Area Study, Sussex County reviewed and determined wastewater needs associated with the Ellendale Land Use Plan. Currently the Ellendale Sanitary Sewer District has treatment and disposal through a contract with the City of Georgetown, where said contract currently allows up to 110,000 gallon per day that can be expanded to 165,000 gallons per day. However, it is recommended that long-term wastewater service be provided by a joint treatment and disposal facility that serves both Greenwood and Ellendale.

In attempting to project growth using the current plan, we are struggling to understand what exactly is proposed and/or allowed in the "study area" and "special study area". The comprehensive plan update should clarify and discuss Ellendale's future direction in regards to those areas.

A refined and updated sequence and schedule for annexations should be included as well.

For questions regarding these comments, contact Rob Davis, Sussex County Engineering Department at (302) 855-7820.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

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