



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF MANAGEMENT AND BUDGET
Budget Development, Planning and Administration
State Planning Coordination

September 30, 2008

Ann Marie Townshend
City of Dover
P.O. Box 475
Dover, De 19903-0475

RE: PLUS review – 2008-08-04; City of Dover Comprehensive Plan

Dear Ms. Townshend:

Thank you for meeting with State agency planners on September 3, 2008 to discuss the proposed City of Dover 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.

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) Map 13-1 must be revised to show future land use categories for lands to be annexed into the City. The appropriate text must also be included in Chapter 13.
- 2) The State objects to further annexations of property East of State Route 1. The only exception is that we would agree to the annexation of the existing residences and lots along the westerly side of Fox Point Road. It is the State's policy to discourage new growth East of State Route 1. Starting with the historic Coastal Zone Act, State actions have encouraged natural resource and agricultural preservation rather than growth and development in this area of Kent County. Tens of millions of dollars have been spent by the State and Federal governments and by private conservation organizations to protect and preserve the natural

- 3) environment and sustain a vibrant agricultural area that occupies some of the best farmland in the State. Our office would like to further note that the City of Dover is party to a Memorandum of Understanding dated April 13, 1999 between the State, the City and the County. This MOU originated due to the events surrounding the State allocating funding to purchase the Garrison Tract for economic development purposes (at the time it was proposed to be a computer chip manufacturing plant). The purpose of the MOU was to articulate the understanding and desire among all parties that the Garrison Tract would be the only developed area East of Route 1. Towards this end, all parties agreed to not extend utilities to any project East of Route 1 unless all jurisdictions updated their plans to indicate that such an extension is desirable. The MOU also obligates the City of Dover to “strongly adhere to the existing comprehensive plan and zoning designation for the remaining areas east of SR1 which support agricultural uses and low density development.” Both the Delaware Department of Agriculture and the Delaware Department of Natural Resources and Environmental Control have objected to these annexation areas. Please review their detailed comments, which can be found below in this letter.

- 4) We note that according to Map 12-1, the lands formerly reviewed as Bay Village of Dover (PLUS 2004-08-09) are being designated for future medium density residential use. For the reasons stated above, the State strongly opposed the Bay Village of Dover plan, and in fact purchased a conservation easement on a portion of these lands to prevent large scale development of the parcel. This easement must be identified on the plan and maps. While we understand that this parcel is within the City limits, the State is still very concerned about the effects of medium density residential development East of Route 1. We will not support the development of these lands unless the following criteria can be met. The plan should be revised to reflect these goals:
 - a. The lands are developed in a manner which respects the environmental features on the site, including wetlands, woodlands and wellhead protection areas;
 - b. The project respects the conservation easement purchased by the State;
 - c. The project enhances land conservation objectives East of Route 1, perhaps as a TDR receiving area;
 - d. The project is developed as “workforce housing” and is developed in conjunction with the Garrison Oak business park; and
 - e. There is a clear understanding by all parties that this development is a special circumstance which addresses both economic development and land conservation objectives, and does not in any way represent a policy shift which would allow or encourage other land developments E. of Route 1.

- 5) On Page 8 of Chapter 10, the plan notes that the Garrison Oak tract was purchased by the City in 1999. While this is technically a correct statement, it should be

mentioned that the tract was purchased using State funds that were specifically allocated for that purpose by the General Assembly in the FY2000 Bond Bill. The epilogue language in the Bond Bill obligates that these funds were to be used for a “high technology industrial park.” The epilogue language also specifies that the City enter into a Memorandum of Understanding (MOU) regarding the use of the property. The City must be aware of the stipulations attached to the property via the bond bill epilogue language, and coordinate closely with the State regarding any future uses for the site. Legislative action will be necessary should any future uses not fall within the broad parameters of a “high technology industrial park.” The Office of State Planning Coordination will serve as the initial contact on this matter, and we will coordinate as necessary with DEDO, OMB, and other relevant agencies and legislative liaisons.

- 6) On map 13-1, the plan identifies a number of parcels for annexation that are also contained within the Town of Wyoming’s certified comprehensive plan. The City and the Town of Wyoming must meet and develop a working agreement regarding how these lands will be considered for annexation when, and if, annexation is desired by the property owners.
- 7) Note A on Map 13-1 describes the annexation of certain parcels when and if the owners remove them from the Agricultural Preservation Districts. The map does not clearly identify which parcels are affected by the note. Please clarify.

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

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

The Office of State Planning Coordination would like to commend the City of Dover for a very well done comprehensive plan. The plan document and map series are very extensive, and represent a detailed vision for the future growth and development of Dover. Throughout the public meetings and workshops it has been clear that Dover has been working diligently to implement the previous comprehensive plan. This document is both a refinement of the original plan, and a compilation of the various plans and efforts underway to improve the quality of life in the City. The planning process has yielded an updated series of goals and objectives that reflect current conditions in Dover, and the plan itself contains many detailed implementation strategies to help the City and its residents achieve these goals in the coming years. The Economic Development chapter is particularly thorough, and clearly represents Dover’s efforts to work with the County and DEDO on a comprehensive economic development strategy for the City.

Please consider the following recommendations to improve the plan:

- 1) The State continues to support the development of the Garrison Oak Industrial Park for high technology industrial uses, as described in Chapter 10 of the plan.

The State also strongly supports the plan recommendation to prepare a “master plan” for the development of the park, and looks forward to participating. It has been almost 10 years since the tract was purchased using State funds, and all parties agreed to the MOU stipulating land use in the area. It is recommended that in light of changing conditions and the issues articulated earlier in this letter (including issues surrounding the Bay Village parcel) that all parties reconvene and review the terms and conditions in the MOU. This would be an excellent venue to also discuss the development of a master plan for the parcel, and how the State can assist.

- 2) Map 13-1 also identifies the annexation of a parcel known as the “Kesselring Parcel.” This particular parcel has been identified as the route of one option in the West Dover By-Pass Study, and has also been the subject of some discussions between the County and the owner regarding open space. The City should coordinate with DelDOT and the County regarding any annexation of this parcel. This parcel would also be subject to any agreements with the Town of Wyoming.
- 3) It is recommended that the plan describe the relationship of Dover’s plan with Kent County’s land use plan. This plan does not describe much about the County’s land use goals, plan and regulations although those policies will greatly impact growth in and around Dover. It is acknowledged that the County plan is still under consideration by Levy Court and is not yet finalized, adopted or certified. It is hoped that the County plan will be finalized before Dover’s plan is adopted so that this information can be carefully considered by staff and included in the plan.
- 4) Dover has a number of ordinances that encourage and compel developers to provide high quality design elements in their projects. Examples include the historic district, the corridor overlay zone, architectural review for commercial projects, and ordinances requiring tree plantings, sidewalks, and screening of trash receptacles among others. Some of these items are mentioned in various plan chapters, but it does not seem as if there is an overall statement about the importance of quality design to the City of Dover. If there is no such statement, goal or objective, it is recommended that one be added, perhaps in Chapter 12.
- 5) And finally, it would be helpful if the plan were numbered sequentially.

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

No Comments received.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) It would be more informative to break Table 2-1 into two tables, one from 1997 to 2002 and one from 2003 to 2007, and to show in those tables the acreage rezoned from each land use category to each land use category.
- 2) In several places, notably page 3 of Chapter 2, the Plan mentions the City’s policy of discouraging development on lands east of SR 1. The City’s efforts to develop the Garrison Oak tract are inconsistent with this stated policy. DeIDOT urges the City to reconsider these efforts or explain the rationale for not following the stated policy in this case.
- 3) On page 4 in Chapter 4, there are three references in the first full paragraph to US Route 8. DeIDOT believes Delaware Route 8 was intended. US Route 8 does not pass through Delaware.
- 4) On page 4 in Chapter 4, in the third full paragraph, it is stated that the majority of the respondents to the workshop questionnaire found Routes 13 and 113 were not able to handle their daily traffic and that at peak hours during the summer months they found the traffic to be “unbearable.” Further, it is stated that some respondents found that since the Route 8 interchange opened traffic on Division Street has increased exponentially and 70% found that this highway is not able to handle its daily traffic.

It is important to recognize that the information conveyed here is necessarily the perception of a relatively small group of people. DeIDOT recognizes that Routes 13 and 113 are congested during morning and afternoon peak hours, but with exceptions, such as the NASCAR weeks, those periods are substantially less than an hour.

DeIDOT also recognizes that traffic on Division Street has increased since the Route 8 interchange opened. This was expected and the City was advised that this would occur when they sought to have the interchange opened. The interchange ramps were opened in September 2002. As can be calculated from the table below, peak hour volumes have increased 15 to 20 percent since then. Some of that increase has necessarily been from the developments under construction immediately west of the interchange.

Peak Hour Traffic Volumes on DE Route 8 at US Route 13		
Date	AM	PM
November 1999	487	596
March 2003	535	617
July 2008	620	739

It is not clear what the City or the surveyed citizens want done. DeIDOT is designing a project to improve the capacity of the Route 13/Route 8 intersection.

They note that the present road cross-section of Division Street east of Route 13 encourages speeding there. While that is necessarily an enforcement problem, a Transportation Enhancement project to modify the cross-section and provide drivers with cues that they are entering an urban area might be helpful. Presently our Transportation Enhancement program has been discontinued due to funding constraints, but we are maintaining a file of projects for future consideration. If the City would like to have such a project in the future they should contact Mr. Jeffrey Niezgoda in our Statewide & Regional Planning Section. Mr. Niezgoda may be reached at (302) 760-2178.

- 5) On page 4 in Chapter 4 there is discussion of Division Street as though it were distinct from Delaware Route 8. Similarly, on page 8 in Chapter 9, the list of urban minor arterial streets mentions both “Forrest Avenue, and N. Little Creek Road.” All three of these street names apply to sections of Delaware Route 8. DelDOT can appreciate the need to use local street names to indicate specific sections of the route, but it might also help readers to indicate parenthetically that these streets are part of a larger route, for example “Division Street (Delaware Route 8)”.
- 6) On page 3 in Chapter 9, it is pointed out that there is no full service truck stop in the Dover area and that this lack has led to trucks parking overnight on road shoulders and in shopping center parking lots. This is a valid concern that the City could do something about. DelDOT recommends that the City add a recommendation in the Plan to encourage the development of a full service truck stop in the US Route 13/Delaware Route 1 corridor in cooperation with Kent County, the Delaware Economic Development Office and DelDOT.
- 7) On page 9 in Chapter 9, in a section on Roadway Capacity and Performance, there is a sentence “Nearly 59% stated that the corridor has not approved in appearance and many commented that the increase of strip malls along Rt. 13 has increased traffic overall.” The Plan should recognize that there are two distinct issues in this sentence, one of which has little to do with capacity or, in the usual sense, performance. It appears that some of the respondents want the City to change its design standards for new development and perhaps undertake aesthetic improvements. This should be reflected in the Plan.
- 8) Recognizing that they are reviewing a draft, DelDOT has generally avoided commenting on typographical errors. However there are three in Table 9-5 that could leave the reader confused or perhaps mislead:
 - a) In the Roadway column, there is an entry for SR 1 where we believe SR 10 was meant.
 - b) On Scarborough Road, the deficient section is identified only as Crawford Carroll Boulevard. What is the other end of the segment?

- c) On Alternate US 113(State Street), Route 3 is mentioned. DelDOT believes Route 13 was meant.
- 9) Regarding the specific transportation projects discussed in Chapter 9, DelDOT is in general agreement with the Plan as written with the following concerns:
 - a) Garrison Tract Connector Road – As discussed in item 2 above, development of the Garrison Oak Tract is contrary to City policy. It is also contrary to State policy. The City purchased the Garrison Oak Tract with full knowledge that access to Route 1 would not be granted at White Oak Road. DelDOT agreed to construct an access road to serve the Garrison Oak Tract by means of the Delaware Route 8 interchange but still question the wisdom of pursuing this use in this location.
 - b) East West Route Corridor Study – DelDOT understands the desirability of preserving an east-west corridor from Dover to US Route 301 in Maryland and DelDOT is willing to work with the City in this regard. However, they are not convinced that the Corridor Capacity Preservation Program is the best means of doing that.
- 10) On page 17 of Chapter 9, the last sentence of the section on the US 13 Service Road Corridor Study reads “Phase II has been completed.” It is not clear what Phase II or its completion entails.

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

Overall, the City’s Plan update was generally well-received by the Department. DNREC was pleased to learn that the City intends to re-write/revise their environmental ordinances. The Department is prepared and willing to assist the City in the development, preferably at the beginning of the process, of new ordinances or revisions to existing ordinances that will have the effect of implementing the Plan or portions thereof.

Water Resources/Water Quality

General Comments

1. The Plan should make specific recommendations for reducing imperviousness. The following recommendations could be incorporated in an ordinance:

Require 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. 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 BMP that could easily be implemented to help reduce surface imperviousness.

Require an 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).

Define how developers may calculate surface imperviousness. 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.

2. The Plan should make a recommendation to protect open space

It is strongly recommended that the City exclude structural Best Management Practices (BMPs) such as community wastewater treatment areas, open-water stormwater treatment structures and wetlands from consideration as open space.

Specific Comments

Chapter 5, Pages 2 and 3, Soil Classifications: The plan should reference the recently completed soil survey update for information on soils in the immediate vicinity of Dover. Please contact the NRCS for additional information.

Chapter 5, Page 3, Wetlands: The first paragraph should be corrected. The two types of wetlands are tidal and nontidal wetlands. Tidally-influenced wetlands are not just saltwater wetlands. Tidally-influenced wetlands can be either salt or freshwater wetlands. Nontidal wetlands are strictly freshwater wetlands. Also, Little River watershed should be changed to Little Creek watershed. Finally, the reference to a Silver Lake watershed should be removed as this is not a recognized watershed.

The Plan narrative should mention specific Federal and State wetland regulatory programs for protecting nontidal and tidal wetlands and incorporate the following proposed (or paraphrased) language as a “stand-alone” subsection under the Environmental Protection Plan 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 provisions of Title 7, Delaware Code, Chapter 66. Compliance with these statutes may require an Army Corps of Engineers approved field wetlands delineation and/or an official DNREC wetland jurisdictional determination."

Chapter 5, Page 4, Water Quality and Total Maximum Daily Loads: DNREC feels that water quality and total maximum daily loads should include more specifics and clarifying commentary. Therefore, they suggest that you eliminate the existing narrative under this section and replace with the following narrative and table:

Dover is located within the St. Jones and Little Creek watersheds which are impaired according to Section 303(d) of the Clean Water Act. 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 (e.g., swimming, fishing, and drinking water). 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) identifies the actions necessary to systematically achieve the pollutant load reductions specified by the Total Maximum Daily Load(s). Reducing the pollutants to the level specified by the TMDL(s) will ensure that a water body meets the water quality criteria and goals required for compliance with the State Water Quality Standards.

The City of Dover is located within the St. Jones and Little Creek watersheds of the greater Delaware River and Bay drainage. This watershed is assigned a range of nutrient (nitrogen and phosphorus) and bacterial TMDL load reduction requirements that, as mentioned previously, must be met in order to meet the State Water Quality Standards (See table 1).

Delaware River and Bay Drainage	N- reduction requirements	P-reduction requirements	Bacteria-reduction requirements
St. Jones	40%	40%	90%
Little Creek	40%	40%	75%

Table 1: TMDL Nutrient (Nitrogen and Phosphorus) and Bacteria reduction requirements for the St. Jones and Little Creek watersheds.

Chapter 5, Page 8, Part II - Plan goals: Natural Resources and Environmental Protection: This section should offer more specific “actionable” environmental protection strategies than currently offered. DNREC recommends an ordinance or ordinances which would:

- a) Require all applicants to submit to the City 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) Help protect freshwater wetlands where regulatory gaps exist between federal and state jurisdictions (i.e., isolated wetlands and headwater wetlands).
- c) Require 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) Exclude structural Best Management Practices (BMPs) such as community wastewater treatment areas and open-water stormwater treatment structures from consideration as open space.
- e) Require an impervious cover mitigation plan for all residential developments exceeding 20% imperviousness. In commercial developments, it is strongly recommended that pervious paving materials be required for at least 50% of the total paved surface area(s) where practicable.
- f) Require 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.
- g) Require the assessment of a project's 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.
- h) Prohibit 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) Require the applicant to use “green-technology” stormwater management in lieu of “open-water” stormwater management ponds whenever practicable.

Water Resource Protection Areas

The Water Supply Section, Ground Water Protection Branch (GPB) has reviewed the Comprehensive Plan for the City of Dover; the City’s Source Water Protection Ordinances were reviewed as a supporting document. DRNEC recognizes the City’s efforts in preparing this Plan. The Plan contains contextual errors. The Source Water Protection Ordinances adopted by the City require additional clauses to clarify their compliance with the Delaware Code.

The section entitled *Hydrology* in the Comprehensive Plan relates more to stormwater management than hydrology. By definition, hydrology refers to the study of the movement, distribution, and quality of water addressing both the hydrologic cycle and water as a resource. It would be appropriate to move the aquifer information contained in the *Water Quality* section to the *Hydrology* section.

GPB recommends:

- The section entitled Hydrology should contain a discussion on the aquifers Dover utilizes.
- The section should contain information regarding how areas of excellent recharge infiltrate stormwater.

In accordance with Title 7, Delaware Code, Chapter 60, Subchapter VI, §6082, the City is to adopt the wellhead protection areas and areas of excellent recharge as delineated by DNREC. Section 29.4 of the Ordinance refers to Zoning Maps. The City is not clear in citing the source of the delineations shown on the maps. Neither the ordinance nor the Comprehensive Plan clearly states that the City adopts the delineations as provided by the Department.

GPB recommends:

- Include a clear statement adopting the source water protection areas as delineated by the Department.

Section 29.87 Boundary Disputes allows the City of Dover to determine what methods are appropriate to investigate a dispute over the boundary of a delineated wellhead protection area. In accordance with Title 7, Delaware Code, Chapter 60, Subchapter VI, §6082, it is the Department that may, when based on sound science, revise or update the wellhead protection areas.

GPB recommends:

- Reword Section 29.87 showing the Department as the authority that changes delineations, not the City.

Section 29.711 states that any challenge to an area of excellent recharge must follow the procedures used in the Delaware Geological Survey (DGS) entitled, "Report of Investigations, No. 66, Ground-Water Recharge Potential Mapping in Kent and Sussex Counties, Delaware". This clause is not clear that DGS and the Department must review the challenge. The challenge can then be accepted if DGS and the Department approve.

GPB recommends:

- Reword Section 29.711 showing the Department as the authority to change the delineation and not infer that another entity has the authority.

Wastewater

The City of Dover discharges all of its raw wastewater to the Kent County Regional Wastewater Treatment Facility for treatment and discharge to the Murderkill River. The City has grown to an area of over 23 square miles, including 195 miles of sewer lines. Homes and businesses in Dover produce 40% of the sewage treated by the Kent County Treatment Plant each day. The Plan does not indicate if the City of Dover has a flow allocation limit from Kent County. This information should be included in the Plan.

The draft Plan does not allow for construction of individual residential, or community On-site Wastewater treatment and Disposal Systems within the City limits, although there are a few isolated properties that still have septic systems. The draft Plan states: "As lands are annexed into the City, sanitary sewer service will be supplied. It is the developer's responsibility to expand the sanitary sewer system, including any necessary capacity upgrades, at their expense." Will there be sufficient sewer capacity from the Regional Kent County Wastewater Treatment Facility to serve the areas proposed for future annexation? Are Future Growth Areas identified in the Plan within the Kent County Growth Zone?

The draft Plan identifies several on-going endeavors designed to ensure the City's wastewater infrastructure is properly operating, and capable of accommodating future annexation plans. This includes an Inflow/Infiltration Removal project, planned Capital improvement projects, and an update of the 1999 Wastewater Master Plan. It is recommended that a draft of the Wastewater Master Plan be incorporated in the Plan.

Stormwater and Drainage

General Comments

- There are 3 Tax Ditch organizations within the City of Dover. They are the East Dover Hundred tax Ditch, McKee Run Tax Ditch, and Mifflin Tax Ditch.
- Adequate drainage and the proper maintenance of drainage systems within and around the City of Dover are vital to existing and proposed development, and the overall quality of life within the city.

Chapter 5, Page 8, Recommendation 1: Protect Environmental Resources through the Development Review Process

- Existing drainage ways should be incorporated into the green infrastructure. However, a maintenance plan needs to be in place should blockages from storm debris, beaver, or other sources occur. The City should identify existing open channels within the City boundary as these channels may require maintenance in the future. Most of the channels have trees and wetlands adjacent to the channel and the riparian buffer provide a multitude of benefits for water quality and wildlife. 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 50 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.
- 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. The placement of permanent obstructions within tax ditch rights-of-way is prohibited. Any change to the location of the tax ditch, or the existing tax ditch rights-of-way, will require a change to the tax ditch court order.

Chapter 5, Page 9, Recommendation 2: Coordinate with other Environmental Agencies

- The Sediment and Stormwater Program is currently in the process of reviewing and updating the State's stormwater management regulations which, in the past, have focused on new development. However many existing storm water runoff issues are associated with older developments built prior to the adoption of stormwater regulations in 1990. Managing surface water for quality as well as

quantity has become a major focus as well. Awareness of water quality concerns and regulations have required us to explore methods for quality and quantity management in new development as well as opportunities for retrofits and restorations.

- Lines and grades: If the City does not have a lines and grades requirement for new construction, the Division recommends that this be considered to help resolve drainage issues arising from new construction during and post construction. County/municipal building inspectors would be able to use approved lines and grades requirement to field verify prior to issuance of Certificate of Occupancy or building permit, as appropriate.
- The Division of Soil and Water Conservation is requesting that the City incorporate a requirement for a stormwater and drainage review into the City's preapproval requirements for new development requests. Proposed development projects should hold a pre-application meeting with the delegated agency, the Kent Conservation District, to discuss stormwater and drainage prior to the City reviewing and/or approving plans or issuing building permits. The Sediment and Stormwater Program is set to begin requiring a pre-application meeting for all proposed land disturbing activities that require a detailed Sediment & Stormwater Plan within the coming year. These meetings are structured to assist developers in the design process and for early notification of approval requirements. In order to schedule a pre-application meeting, the applicant must forward a completed Stormwater Impact Study (SIS) to the appropriate Delegated Agency. Please contact Jennifer Campagnini or Elaine Webb with the DNREC Sediment and Stormwater Program if you have any questions regarding this new process. Please note that this process does not replace the State's PLUS process. The SIS Findings report will also be provided through that process.

Chapter 7, Page 14, Recommendation 2: Implement a Stormwater Utility within the City of Dover

- The Drainage and Stormwater Section supports the idea of a stormwater utility. While the City is developing an implementation plan the City should pursue drainage easements along waterways, ditches, and storm drains where currently there is none. This would give the City the ability to hire contractors to remove blockages without the time consuming task of the State obtaining permission to trespass on the property.
- 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 or piling alongside the ditch. For private ditches, a Drainage Management Plan would include a maintenance plan

for drainage conveyances, include points of access for maintenance equipment, and designate spoil disposal areas.

Chapter 8, Page 6, Recommendation 2: Develop an Open Space Park Management and Master Plan

- The City should identify existing open channels within the City boundary, and future annexation areas, 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 along with recreational opportunities. The development of a master drainage plan could also serve as a guide to link future development open space as greenways.

Chapter 8, Page 7 Recommendation 3: Recreation, Open Space, and Park Linkages

- Explore the use of drainage ways and other open space set aside for drainage maintenance for bicycle and pedestrian interconnections in new developments. For developments on waterways that are of sufficient size to kayak consider an unimproved launch area in the recreation open space plan. This would allow more residents to access the waterways, in a non-mechanized manor, while keeping the cost of operations and maintenance down.

Chapter 8, Page 7, Recommendation 4: Disaster Preparedness

- An inventory of publicly owned dams has been developed and State Regulations for Dam Safety will be completed by the end of the year. State Dam Safety regulations apply to publicly owned dams. Dams will be classified in three hazard classifications based on impact and risk to public health and safety. Failure of a High hazard dam will cause loss of life; failure of a dam with significant hazard may cause loss of life, and failure of a low hazard dam will not cause loss of life, but may have other impacts. Each classification will have different technical requirements that it must meet when the State Regulations are promulgated. If development occurs downstream of a dam, the hazard class could change. A change in the hazard class could require a dam owner to upgrade a dam to meet the higher technical requirements. Some municipalities have sewage lagoons with dams that may qualify as a regulated dam.
- An inventory of publicly owned dams has been developed and State Regulations for Dam Safety will be completed by the end of the calendar year. State Dam Safety regulations apply to publicly owned dams. Dams will be classified in three hazard classifications based on impact and risk to public health and safety. Each classification will have different technical requirements that it must meet when the State Regulations are promulgated. Information on dam locations and inundation areas is not available at this time. The Department will forward all documentation to the City once the data are ready for release.

Chapter 12, Page 17, Recommendations: Environmentally Sensitive Areas

- Existing woodland provides valuable wildlife habitat as well as soil erosion protection and water quality filtering. The City can adopt ordinances that are more stringent than the current State of Delaware Sediment and Stormwater regulations and protect woodland, riparian buffers, and wetlands by not allow the clearing of woodland, riparian buffers, and wetlands for the creation of stormwater management areas.
- 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.
- Water bodies, ponds, intermittent and perennial streams, along with ditches should be buffered from development. However, the planting of riparian buffers should consider future drainage maintenance. When applied in conjunction with a Drainage Management Plan, existing buffers should be enhanced or new buffers planted to obtain riparian buffers on each side of the existing water conveyance. A 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 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 buffer should be encouraged.

Recreation

In May and June 2008, the Division of Parks and Recreation conducted a telephone survey of Delaware residents to gather information on outdoor recreation patterns and preferences as well as other information on their landscape perception. These findings are the foundation for the new 2008-2011 Statewide Comprehensive Outdoor Recreation Plan (SCORP) which will provide guidance for investments in needed outdoor recreation facilities. In an effort to gauge local outdoor recreation preferences and to provide detailed information to municipal parks departments, five municipalities (including Dover) were oversampled. Eighty-nine percent of Dover respondents said that

outdoor recreation was very or somewhat important to them. The SCORP survey reveals that the top 5 outdoor activities for Dover residents include:

- Walking or jogging
- Swimming at the beach
- Passive Recreation/Enjoying Open space
- Picnicking
- Swimming in a pool

The high and moderate facility needs in Dover are listed below. Consideration should be given to address/incorporate some of these recreation opportunities into the Dover Comprehensive Plan.

High facility needs (Dover):

- Walking/jogging Paths
- Public Swimming Pools
- Bicycling Paths
- Picnic Areas
- Open Space/Passive Recreation
- Playgrounds
- Fishing Areas
- Hiking Trails

Moderate facility needs (Dover):

- Campgrounds
- Public Golf Courses
- Softball/ Baseball Fields
- Basketball Courts
- Football Fields
- Soccer Fields
- Volleyball Courts
- Tennis Courts

For additional information about the SCORP or outdoor recreation priorities, contact Kendall Sommers at 302.739.9235.

Natural Areas

Chapter 5, Natural Resources and Environmental Protection, of the Draft Comp Plan does not discuss or mention the Fork Branch Nature Preserve, which is the largest area of forest land within Dover. Further, there is no formal recognition of Delaware's Natural Areas Inventory lands located within the City of Dover associated with Fork Branch Natural Area. As such, no goals or strategies focused on preserving the Fork Branch Natural Area are offered in the Plan.

The Division of Parks and Recreation, Office of Nature Preserves respectfully requests the City of Dover acknowledge the State lands that provide open space value, ecological services, and recreational opportunities to the City of Dover. Moreover, the Office of Nature Preserves urges the City to consider ways in which the City and the State can work together to preserve lands located within the Fork Branch Natural Area.

Map 5-1, Natural Features, State Natural Areas Inventory lands should be identified on this map. It may be appropriate to identify State Natural Areas Inventory lands on the regional map as well.

If you have any questions, please contact Eileen Butler at 302-739-9235.

Air Quality

How does the City intend to address, or is already addressing, mitigation for the impacts of residential development on air quality (e.g., higher density to promote more walkability/transit-friendliness, planting more trees, the Energy Star program, etc.)?

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.

Underground/Aboveground Storage Tanks

Should any underground storage tanks or petroleum-contaminated soil be discovered by any person during construction, the DNREC-TMB and the DNREC Emergency Response Hotline must be notified within 24 hours. The DNREC-TMB and the Emergency Hotline may be reached at (302) 395-2500 and at (800) 662-8802, respectively. In addition, should any contamination be encountered, PVC pipe materials would have to be replaced with ductile steel and nitrile rubber gaskets in the contaminated areas.

All plans for UST system installations must be approved in advance by the TMB with exception of UST systems of 1,100 gallons or less that contain heating fuel for consumptive use on the premise where it is stored or systems that contain motor fuels for non-commercial purposes.

If any aboveground storage tanks (ASTs) less than 12,500 gallons are installed, they must be registered with the DNREC-TMB. If any ASTs greater than 12,500 gallons are installed, they are subject to installation approval by the DNREC-TMB.

Should the municipality anticipate being more restrictive than Delaware's *Regulations Governing Underground Storage Tank Systems* or Delaware's *Regulations Governing Aboveground Storage Tanks*, please be aware that the municipality shall be responsible for enforcing the more restrictive rules.

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

No comments received

Department of Agriculture - Contact: Scott Blaier 739-4811

The Delaware Department of Agriculture would like to commend the City of Dover for a well-written comprehensive plan update. The Department of Agriculture offers the following comments.

Chapter 13, Part III – City of Dover Annexation Plan Future Annexation and Land Use and Map 13-1

Map 13 correctly illustrates the properties that the Department of Agricultural opposes for annexation by the city. The Department, and State, has a long-standing policy against growth east of State Route 1 (SR1).

The Department objects to the annexations east of SR1 because this area has been designated for agriculture preservation, open space, and wildlife habitat. In accordance with that designation, the Agricultural Land Preservation program has spent over 6.3 million dollars to permanently preserve 5,713 acres of farmland east of SR1 and Dover. In addition, there are currently 1,591 acres enrolled in the program as Agricultural Districts, with the potential to become permanently preserved in the future (please see accompanying map).

The Department believes that if additional expansion is permitted in this area, it will provide little incentive for new landowners to participate in the program. In addition, landowners already in the program are unlikely to sell a permanent preservation easement to the state knowing that their farm will eventually be surrounded by new residential subdivisions and businesses, and all the conflicts and inconveniences that will bring.

The City's footnote regarding the Papen Farm parcels satisfactorily addresses the Department's concerns regarding annexation of these parcels. As a general policy, the Department opposes annexation of any property actively enrolled in the Agricultural Lands Preservation program. After the landowner has withdrawn the property from the program, it is their decision as to whether they annex into a particular municipality, or remain under county jurisdiction.

Chapter 10 of the plan discusses economic development. The Department encourages the city to develop and promote agricultural business whenever possible, especially farm markets. The Department now has a fully staffed marketing section, and we encourage the town to contact them at (302) 698-4535 to see how they can help. 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.

The Delaware Forest Service encourages the City of Dover develop a formal urban forestry management plan that addresses a tree canopy goal. Trees are a vital part of any community and the Delaware Forest Service recommends that trees be preserved during the development process. 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 Delaware Urban & Community Forestry Program would be glad to offer assistance. Please contact the Delaware Forest Service for more information at (302) 698-4500.

Public Service Commission - Contact: Andrea Maucher 739-4247

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

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

No comments received

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 be included in the City of Dover Comprehensive Review:

Increase opportunities for physical activity and active transportation

- The new Boys & Girls Club planned at the Schutte Park Complex should be constructed in a manner that provides children and families safe and easy access to the facility. In order to promote active transportation options for users of the Club, the City of Dover should incorporate pedestrian- and bicycle-friendly amenities, such as crosswalks, sidewalks, walking trails and designated bike lanes to connect the facility with surrounding areas.
- The walkable open space network the City of Dover plans to establish to link the community to facilities, schools, libraries, and travel paths should also incorporate amenities that promote bikeability so that travel by foot and by bicycle are both possible. As referenced in the plan, the city should pursue via Code amendment or policy adoption interconnectivity for these walking trails and bike paths.
- The high-density development being contemplated should not only occur in infill areas near essential services, public transit and employment opportunities, but also near retail establishments. In addition, these new development projects should incorporate walking trails and bike paths.

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.
- Explore opportunities for a community garden, especially if there are vacant lots. Community gardens not only provide residents access to healthy nutrition, but they also provide opportunities for physical activity and community cohesiveness.⁵

Promote a healthy community

- Explore ways to promote a healthy community in the City of Dover. The Division of Public Health with the University of Delaware's Institute for Public Administration produced a resource manual to increase opportunities for a healthy community. Here is the link to this document, http://www.ipa.udel.edu/publications/HealthyCommunities_guideWeb.pdf

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

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

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

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

⁵Hancock, 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 Municipal Comprehensive Plan for the City of Dover to determine how the Municipality has incorporated the State's goals, policies, and strategies as they relate to affordable housing. Since the City of Dover 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. DSHA supports the Plan and we applaud the City of Dover for aggressively responding to the needs of affordable housing. We support the Plan's goals for providing sound affordable housing to low- and moderate-income people and furthermore, preserving the existing housing stock through City codes. The DSHA specifically likes the strategy to provide balanced housing opportunities for all income levels and phases in life. They encourage the City to explore the feasibility of providing an accessory unit option in residential areas as a matter of right, to encourage social- and economic-integration, and life-cycle housing. Overall, this is a well thought out Plan that addresses housing issues pertinent to the City of Dover.

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

If you have any questions or would like to explore any of the housing tools in more depth, please feel free to call Victoria Powers at (302) 739-4263 ext. 219 or via e-mail at vicky@destatehousing.com. Thank you.

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 and involvement to coordinate with the city, the local school district, the Office of State Planning Coordination as well as other school districts and stakeholders.
 6. The DOE suggests the City of Dover make reference to the replacement South Dover Elementary School construction project currently underway as well as the Capital School Districts acquisition of the Carey Farm on Route 8 as an eventual site for a new Dover High School.
 7. DOE has no other 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, the 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 City.
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 plan. If you have any questions, please contact me at 302-739-3090.

Sincerely,

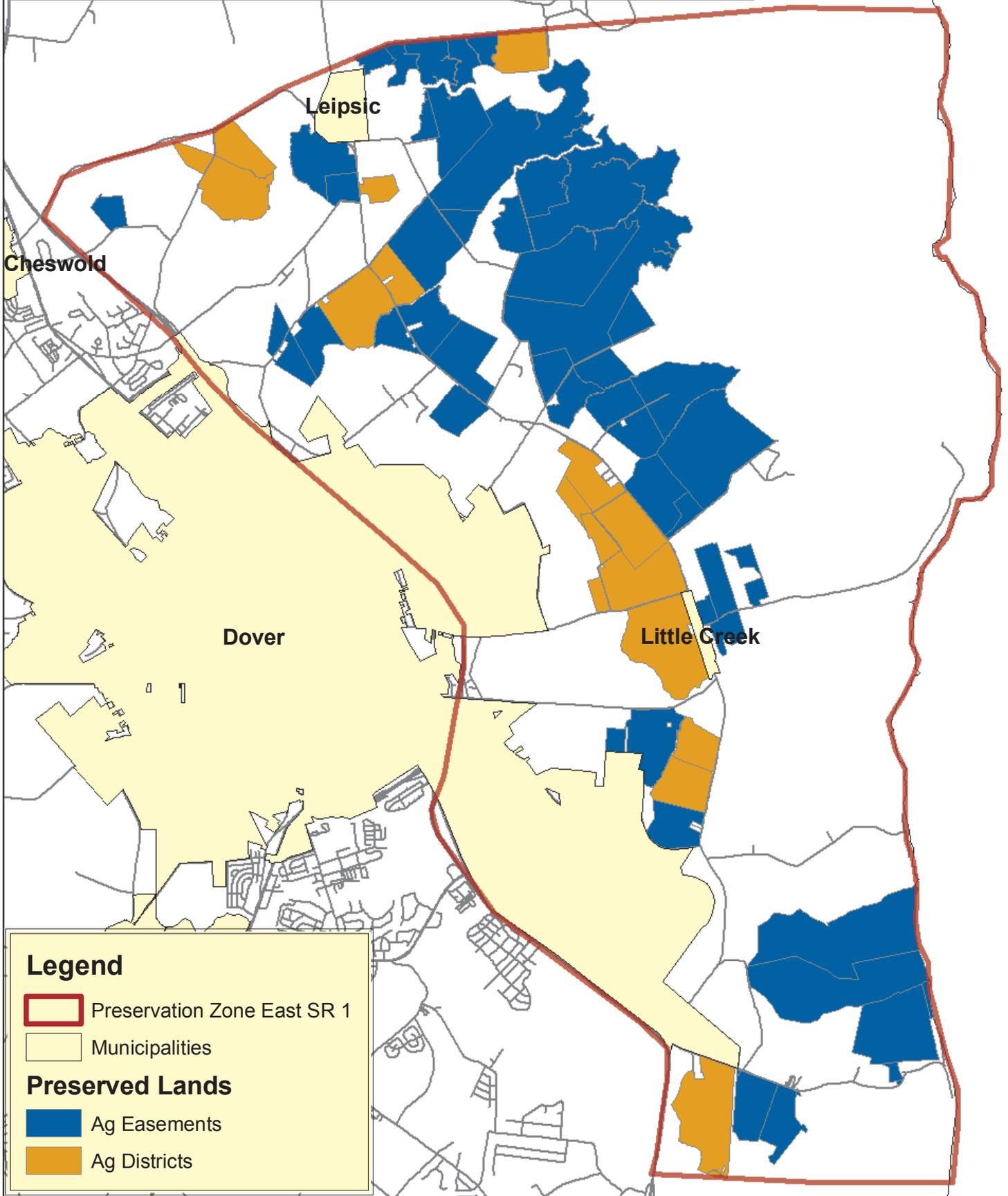
A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland, AICP
Director

Attachments: FY 2000 Bond Bill Epilogue re: Garrison Oak Funding
Department of Agriculture map

DALPF Preservation Area East of SR 1 and Dover

September 2008



Legend

 Preservation Zone East SR 1

 Municipalities

Preserved Lands

 Ag Easements

 Ag Districts

FY2000

1 expected that the development of the life sciences industry in Delaware will have multiple economic development benefits
2 including enhancing global competitiveness, increasing the diversity of the state's economic base, creating high quality jobs
3 and developing a high level of technical competence in Delaware's workforce. In addition, this development will strengthen
4 the research and technology transfer capabilities of the University of Delaware, Delaware State University and Delaware
5 Technical and Community College.

6 The funds appropriated herein are intended to attract and support key faculty members conducting research at the
7 Institute. Funds may be targeted toward equipping and developing research laboratories. The Institute is encouraged to use
8 the state funds appropriated herein to leverage private funding as appropriate. The Institute shall report to the Co-Chairs of
9 the Joint Legislative Committee on Capital Improvements by April 30, 2000 as to the expenditures of this appropriation.
10

11 Section 48. Garrison Tract Fund. (a)The Section 1 Addendum authorizes the amount of \$2,000,000 for acquiring the
12 property generally known as the Garrison Tract for development of that property into a high tech industrial park.

13 (b) Title to the Garrison Tract will be transferred directly from the current fee owner to the City of Dover. The City of
14 Dover will be responsible for all infrastructure development and costs associated with developing the Garrison Tract.

15 (c) The City of Dover, Kent County and the State, working together, have identified the Garrison Tract as important to
16 the future of Central Delaware and its citizens and are committed to developing the property as a high-technology industrial
17 park. Accordingly, the three parties will work together to resolve any remaining differences and finalize the Memorandum
18 of Understanding (MOU) between the three parties within ninety days from the City of Dover taking title to the property.

19 *FY2002 - Got \$500.0 for infrastructure improvements - No epilogue*

20 Section 49. Delaware River and Bay Authority Acquisition and Development. If the Governor and the Delaware
21 Department of Natural Resources and Environmental Control ("DNREC") request that the Delaware River and Bay
22 Authority acquire and develop real property and improvements for the purpose of shoreline preservation and development
23 (including, without limitation, wetlands and open-land acquisition, active recreational and park development or facilities of
24 commerce) along or in proximity to the shoreline of the Delaware Bay and inland waters, or tributaries flowing into the
25 Delaware Bay in the vicinity of Cape Henlopen State park (excluding lands owned by the State of Delaware, east of the
26 Lewes and Rehoboth Canal) pursuant to the Compact (17 Del. C. §1701 et. seq.) and the applicable statutory requirements,
27 and if any such project is undertaken and funded by the Delaware River and Bay Authority after written approval by the
28 Governor, then such project is hereby authorized and approved by this legislation. Any conveyance of real property and
29 improvements owned by the State of Delaware pursuant to the foregoing authority shall be exempt from the provisions of