



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

May 18, 2009

Dolores Slatcher  
City of Seaford  
414 High Street  
P.O. Box 1100  
Seaford, DE 19973

RE: PLUS 2009-04-04; City of Seaford Comprehensive Plan

Dear Ms. Slatcher:

Thank you for meeting with State agency planners on April 27, 2009 to discuss the proposed City of Seaford draft comprehensive plan update.

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

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

- As part of the comprehensive plan review process, DNREC is concerned about several significant weaknesses with the City's Source Water Protection ordinance, passed in November 2007. DNREC and this office requests a meeting to discuss provisions in the ordinance that are contrary to the state Source Water Protection law (Delaware Code Title 7, Chapter 60, Subchapter VI) prior to the 2009 comprehensive plan update is certified.

- The last comprehensive plan annual report we have on file for the City of Seaford is dated 2005. Please forward annual reports for 2006, 2007 and 2008 for our records. The annual reports are a requirement in the Delaware Code, and we will not be able to forward the plan to the Governor until this requirement is met. A template is attached to this letter that you may use when preparing your report.

***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: Bryan Hall 739-3090**

The Office of State Planning and Coordination commends the City for its efforts for this most recent update of their comprehensive land use plan. After review of the document, this office finds that it meets the minimum requirements as defined by Delaware Code for certification by the State. However, I would ask that you review these recommendations provided by State and County agencies to further strength you plan, such issues as highlighting the parks and recreation program, expanding the public process to address the concerns of future annexations and the need to manage key infrastructure such as waste water and storm water within the community. Finally as outlined under the certification requirements of this report, I look forward to scheduling a meeting between the City, my office and DNREC to address concerns raised regarding source water protection. If you have any questions, please contact me.

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

The role of the Division of Historical & Cultural Affairs in the Preliminary Land Use Service (PLUS) process is to provide information on the potential affect or impacts that a development or construction project may have on historic or cultural resources, and is an advocate for their protection. These historic or cultural resources can be a historic property, building, structure, landscape, district, object, archaeological site, cemetery, burial ground, or unmarked human remains.

Development projects, whether they are big or small, or whether they are located in rural areas or urban areas, have the capability to impact historic or cultural resources. In some cases, many of them, such as architectural resources and archaeological sites have been adversely affected by development projects through the demolition or ground-disturbing activities. These resources are also irreplaceable and quite valuable because of the important information they can provide about our state's past and a visual connection to our state's heritage.

In accordance with the Preliminary Land Use Service (PLUS) outlined in [Chapter 92 of Title 29](#) of the Delaware Code, here are the observations in reference to this PLUS Review Application. In addition, all of the information provided in reference to these observations is according to the archival resources or reference materials of the State

Historic Preservation Office, which is the central research repository of the Division of Historical and Cultural Affairs.

The Division of Historical and Cultural Affairs reviewed the 2003 Seaford Comprehensive Plan and annual report as requested. The implementation strategies for plan goal “To Preserve and Enhance Seaford’s Historic Heritage” need to be considered and proposed.

The state of Delaware lost an important historic property when Lawrence, the 1840, temple front- Greek Revival style house north of Seaford on Route 13A was annexed into the city limits and then demolished. Lawrence was identified on the Seaford Comprehensive Plan, Historic and Cultural Plan map as one of 16 identified sites of interest, either in the city limits or nearby. When the property was annexed into the City, there was no strategy in place to address the preservation of the building as part of the annexation process. There are tools available to the town to preserve historic properties, either through the annexation process or within municipal boundaries, which should be strongly considered in light of this tremendous loss to the architectural heritage of Seaford. Some of these specific tools include: a demolition delay ordinance, a historic zoning ordinance, and a review of existing ordinances to see how projects that reuse historic buildings can provide incentives to aid in reuse. The Division of Historical and Cultural Affairs can provide assistance in identifying strategies the town may wish to implement. If you have any questions, or would like to discuss these issues further, please contact Alice Guerrant at 302-736-7412 or by e-mail, [alice.guerrant@state.de.us](mailto:alice.guerrant@state.de.us).

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

- 1) In Chapter 2, Transportation, in the discussion of Principal Arterials, there is a list of needed improvements that appears to have begun as a list of intersection improvements along US Route 13 but also includes road segments elsewhere in the city and railroad crossings. It would be helpful to collect all of the needed improvements identified throughout the chapter in the Recommendations section at the end of the chapter.
- 2) Chapter 2 begins with a statement that “There are four categories of roads that service the Seaford area,” but the fourth category, local roads and streets, is not mentioned. As this is the category where the City has the most control and responsibility, DelDOT would have expected a significant section there.
- 3) In Chapter 9, Land Use Plan and Annexation, there is no discussion of the Land Use Plan. The term “Land Use Plan” is used twice, but from the text, it appears that the Annexation Plan is what was meant. Also, the text refers to “Figure 8” twice but none of the maps are numbered. Again it appears that the Annexation Plan was meant. The maps should be numbered to reflect the text.
- 4) Again in Chapter 9, DelDOT finds the application of the term “Town Center District” in that it encompasses most of the existing city. Typically they see it

- applied primarily to the central business district and similar areas of concentrated, primarily commercial, development. Also, it is not clear what distinguishes the Development District from the Town Center District. The text refers only to “specific projects that cannot be located in the Town Center District.” More explanation is needed.
- 5) Finally, there are some aspects of the update that could be improved by expansion and reformatting:
- a) Although it is mentioned briefly in the Executive Summary, the update includes relatively little discussion of the public involvement process. Even if the only such process was to make the document available for public comment and to receive comment at a regular Council meeting, that process should be documented in a section or chapter, including a count or estimate of the number of people attending and/or speaking at any public meetings regarding the update and at least a summary statement regarding the comments received. Including this information serves to answer any future criticism that the citizens were not consulted in the development of the Plan.
  - b) Similarly, there is not a readily identifiable vision statement and goals section. Elements of such a section exist in the Executive Summary and Chapter 1, but they should be assembled and should serve to guide the development of the Plan
  - c) Finally, DelDOT recommends that the City add an Implementation chapter, assembling the various recommendations found in Chapters 2 through 9, and attaching approximate dates for doing the things recommended. At a minimum they should be classified as short-term (next five years) or long-term. There is an Implementation section at the end of the Executive Summary, but it should be summarizing a separate chapter.

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

DNREC is concerned about significant weaknesses with the City’s Source Water Protection ordinance, passed in November 2007. Similar concerns have been raised with other local governments during DNREC’s review of their comprehensive plans.

The issues are listed in detail farther below, but the most notable concerns are:

- There is no apparent upward limit on impervious cover as Seaford’s ordinance is written, affording no meaningful protection of the resource;
- The ordinance adopts wellhead protection area maps but not excellent recharge maps as required by State law; and

- The ordinance allows licensed surveyors or the City’s Building Official to change source water protection boundaries, when the law states only DNREC can revise the overlay maps “based on sound science and factual information.”

Before Seaford’s plan is certified, DNREC requests a meeting to discuss provisions in the ordinance that are contrary to the state Source Water Protection law (Delaware Code Title 7, Chapter 60, Subchapter VI).

### **Fish and Wildlife**

There are large areas that the City plans to annex and for which development is anticipated; however, there are few action items in the plan that address how the city will protect sensitive natural resources. Goals are unclear for ensuring that developments are designed in an environmentally sensitive manner, and there are no action items pertaining to forest protection or protection of habitat that supports rare, threatened or endangered species.

### Wetland Protection

On page 12, ‘Environmental Concerns’ preservation of existing wetlands is mentioned and federal and state regulations are described. Upland buffers that border wetlands are essential for protecting the function and integrity of those wetlands; however, buffers are not mentioned anywhere in the plan. Existing buffer requirements are not ecologically adequate for protecting water quality. Efforts by the State to implement more stringent buffer requirements have been mostly unsuccessful in Sussex County. Therefore, the City of Seaford should take the lead to ensure that wetlands and waterways are protected within their boundaries as well as those lands they plan to annex.

On page 38, Chapter 8, a recommendation is made to ‘monitor the task force developing a strategy to implement the TMDL regulations for the Nanticoke River’. There aren’t any specific action items in the comprehensive plan so currently it is unknown what actions will be taken *by the City* as a result of this plan to ensure that the water quality in the Nanticoke Watershed is protected. The City’s follow-through on recommendations made by the Task Force will be key.

Land-use decisions that impact water quality could also impact fisheries that occur within the Nanticoke River. The Nanticoke River/Broad Creek complex is the most heavily fished stream in Delaware by licensed anglers, constituting nearly 20% of stream angling overall. Statewide, the most sought-after fish by Delaware-licensed anglers is the largemouth bass, and the Nanticoke River bass fishery has been the most popular fishery in the state. The Nanticoke River fishery also supports the majority of the largemouth bass tournament angling in Delaware and has been the single most popular tournament site for 15 consecutive years. Largemouth bass spawning occurs in both the Nanticoke River and Broad Creek, with the most consistent spawning/nursery area on the Nanticoke River located between Rt. 13 and the Seaford public boat ramp.

*Recommendations:*

1. The City should require developments to have adequate wetland and riparian buffers as established by scientific research (buffers should be no less than 100 feet in width and in the case of sensitive habitat or the presence of rare species, the buffer zone may need to be 300 feet).
2. The City should consider protecting areas within the Nanticoke River system that have been identified as important habitat for freshwater mussels, and as spawning and nursery habitat for fish. Some activities that impact habitat are: a) tree removal along the shoreline. Shade is important for maintaining water temperature conducive to spawning, and b) replacement of natural habitat by docks, piers, bulkheads, and rip-rap. Replacing natural habitat with man-made materials can affect the distribution of benthic and macro-invertebrates which serve as the forage base for many fish species, and replaces natural nursery habitat.

Forest Preservation/Wildlife Habitat Protection

The plan does not mention forested resources or action items that will aide in preservation of those resources. Fairly large connected blocks of forest are associated with Chapel Branch, an area proposed for annexation and potential residential development. There is undeveloped forested land along the Nanticoke River and along Chapel Branch, Butler Mill Branch, Bucks Branch and Clear Brook.

Cumulative forest loss and fragmentation throughout the State is of utmost concern to the Division of Fish and Wildlife which is responsible for conserving and managing the State's wildlife (see [www.fw.delaware.gov](http://www.fw.delaware.gov) and the Delaware Code, Title 7). There is an overall lack of forest protection on the State and County level.

On page 33, a recommendation states "Incorporate natural areas designated by the state in the planning of large developments." What exactly does that mean? Will the city strive to protect these areas or allow them to become open space within a development? Habitat isn't protected if it is reduced to narrow perimeter strips of land around a development or exists as small, disconnected spaces within a development.

On Page 40, 'Protection of Sensitive Areas' there is brief mention of protecting valuable resources such as State Natural Areas, water quality of the Nanticoke River, and Barnes Woods, but the recommendations that follow that mention do not include any action items for protecting those resources.

*Recommendations:*

1. The City should make an effort to implement measures that will aide in forest protection on land currently within the City’s jurisdiction as well as land proposed for annexation.
2. DNREC recommends the Town refer to the Delaware Wildlife Action Plan (DEWAP) when making land-use decisions. Some of the land proposed for annexation is mapped as key wildlife habitat in the plan. DEWAP is a comprehensive strategy for conserving the full array of native wildlife and habitats-common and uncommon- as vital components of the state’s natural resources. This document can be viewed via DNREC’s Natural Heritage and Endangered Species Program website at <http://www.dnrec.state.de.us/nhp>. This document also contains a list of species of greatest conservation need (SGCN<sup>1</sup>) as well as species-habitat associations.

Rare, Threatened and Endangered Species

There is no mention in the plan of protection of state-rare or federally listed plants, animals and natural communities. Division scientists have not surveyed most of the area to be annexed, however, rare species occur within forested and wetland habitat along with Chapel Branch, Butler Mill Branch and Clear Brook.

*Recommendation:*

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

Contact information:

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

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<sup>1</sup> Species of greatest conservation need (SGCN) are identified in the Delaware Wildlife Action Plan (DEWAP). In a broad sense, SGCN, as defined for DEWAP, are indicative of the overall diversity and health of the State’s wildlife resources. Some may be rare or declining, others may be vital components of certain habitats, and still others may have a significant portion of their population in Delaware.

### State-owned Ponds

Hearns Mill Pond, Craigs Pond and tributaries that flow into these ponds occur within areas proposed for future annexation and potential residential development. Both of these ponds are owned by State. The State expends funding in an on-going effort to protect the water quality of public ponds for water based recreation and use by all citizens of Delaware. The counties and/or municipalities make land use decisions which impact State ponds. The State continues to request adequate buffers be left in place by developers, however, often developers are still permitted to leave inadequate buffers that only exacerbate existing water quality problems.

#### *Recommendation:*

DNREC recommends a minimum of 100 feet of existing vegetation be left intact along all State-owned Ponds and tributaries that flow into the ponds. Lot lines and infrastructure should not occur within this buffer zone. The City should make this a requirement in their comprehensive land use plan.

### **Parks and Recreation**

In May and June 2008, the Delaware Division of Parks and Recreation conducted a telephone survey of Delaware residents to gather information and trends on outdoor recreation patterns and preferences as well as other information on their landscape perception. These findings are the foundation of the 2008-2011 Statewide Comprehensive Outdoor Recreation Plan (SCORP) providing guidance for investments in needed outdoor recreation facilities. This year, the Division of Parks and Recreation has collaborated with the Nemours Foundation, through its Division of Health and Prevention Services, to oversample five municipalities within the state. The City of Seaford was one of these five oversampled municipalities. The SCORP can be a useful document when addressing parks and recreation facilities and needs within county and municipal comprehensive plans.

### Importance of Outdoor Recreation

When looking at the findings from the 2008 telephone survey, it is apparent that Delawareans place a high importance on outdoor recreation. Statewide, 91% of Delaware residents indicated that outdoor recreation had some importance in their lives, while 64% said it was very important to them personally. These findings are very close to the results of the same question asked in the 2002 public opinion telephone survey, indicating a continued demand for outdoor recreation opportunities throughout the state.

At the municipal level, 85 percent of residents in the City of Seaford indicated that outdoor recreation had some importance in their lives. Although Seaford residents appear to place less importance on outdoor recreation than any other municipality sampled, Seaford had the second highest response (60%) for outdoor recreation being VERY important to them personally.

### Participation in Outdoor Recreation

In Seaford, walking or jogging (81% have participated) was the most participated in household activity followed by picnicking (68%), passive recreation in the outdoors (63%), and visiting historic sites (62%). In Seaford, hiking, more than any other activity falls below residents' expectations. Only 18% of Seaford residents rated hiking facilities in their community as good while 54% rate facilities in their community for hiking as fair or poor.

Thirty-five percent of Seaford residents, more than all other oversampled municipalities, do not agree with the statement, "There are parks and/or outdoor recreation areas in or near my neighborhood that are easy to get to." When asked which of the following would encourage more active participation in outdoor activities, 59% in Seaford indicate more close to home facilities would encourage them to participate in outdoor recreation more actively.

### Reasons for Participating in Outdoor Recreation

Similar to the 2002 telephone survey, the top reasons for participating in outdoor recreation statewide include; for physical fitness, to be with family and friends, and both for relaxation and to be close to nature. According to the 2008 telephone survey responses, physical fitness is, by far, the number one reason given for participating in outdoor recreation. This response to this same question increased statewide from 2002 to 2008 from 49.7% to 59% respectively.

More than half (53%) of the residents surveyed in Seaford said they participate in outdoor recreation for their physical fitness. Other top reasons for participating in outdoor recreation in Seaford include; to be with family and friends (20%), for relaxation (19%) and to be close to nature (19%).

### Outdoor Recreation Needs/Priorities

During the telephone survey, respondents were asked if they would like to see facilities added to their community park. When the respondent's answer was yes, they were given the opportunity to identify specific facilities they would like to have available. Results from questions identifying household participation, personal participation, and added facilities were combined to demonstrate demand for specific outdoor recreation opportunities/facilities. Once ranked, this list was broken down three ways to identify high, medium, and low priorities for outdoor recreation facilities. Because Delaware is such a small state, much of the public preference and attitude survey findings are meaningful statewide. However, variations in development density and population composition make it important to examine survey findings at the regional level. The process of ranking facilities was repeated at the municipal level. The following are the high and moderate outdoor recreation facility priorities for Seaford.

High facility needs:

Walking/Jogging Paths  
Picnic Areas  
Passive Recreation Areas  
Bicycle Paths  
Public Swimming Pools  
Playgrounds  
Fishing Access  
Hiking Trails

Moderate facility needs:

Nature Programs  
Boating Access  
Campgrounds  
Horseshoes  
Soccer Fields  
Public Golf Courses  
Softball/Baseball Fields  
Basketball Courts

The City of Seaford is encouraged to work toward incorporating and/or continuing to offer some of these opportunities in the development of their Comprehensive Plan.

Seaford Outdoor Recreation Inventory

There are 15 parks and/or recreational facilities that are currently within Seaford's municipal boundaries:

- Seaford Community Pool- This facility is located on Virginia Avenue and includes an Olympic sized pool, a kiddie pool, shower facilities, snack bar, picnic tables, a pavilion and shuffleboard. The pool is open from Memorial Day to Labor Day.
- Williams Pond- the City's local ballpark that is operated by the Nanticoke Little League.
- Nutter Park- Located in east Seaford and was named in honor of Henry E Nutter Jr. who served on the City Council for 32 years. The park's facilities include playground equipment and basketball courts.
- Kiwanis Park- A Memorial Park located on Stein Highway that consists of a Veterans Wall and walk.
- Riverview Park- A passive recreational park that is also located on the Nanticoke River at the foot of Nanticoke Street. It features a pavilion for picnics.
- Seaford Regional Boat Ramp- Located on the Nanticoke River on the southern edge of the City. It provides boat launching and parking facilities and is actively used.
- Soroptimist Park- Located on Williams Pond and contains a playground, a picnic pavilion, and camping facilities.
- Seaford Gateway Park- A small park located at the intersection of Front Street and High Street. This park serves as the gateway to Seaford's historic downtown district.
- Seaford Tennis Courts- This property is a public park that is also used by the schools for their team sports. It has 10 lighted tennis courts.
- Seaford Community Track Complex- Like the tennis courts, this public park is also used by the schools for team sports. It has a state of the art field, track and soccer field.

- Seaford Sports Complex- This facility is located in Ross Business Park off Market Street Extended. The park contains a softball field and the Jay's Nest, a community playground.
- Western Sussex Boys and Girls Club- approximately 22 acres with active recreation amenities including soccer Fields and baseball fields.
- Seaford River Walk- A walking path that extends along the Nanticoke River east of Market Street.
- Seaford Canoe Launch- located at the end of Water Street.
- Seaford Ball Fields- Active recreation site located along Nanticoke Avenue next to Central Elementary School and the Seaford School District Central Offices.

#### Delaware Land and Water Conservation Trust Fund (DTF)

The Division of Parks and Recreation provides matching grant assistance through the Delaware Land and Water Conservation Trust Fund (DTF) to local governments for land acquisition and for park development. Lands that have received DTF assistance must remain as open space for conservation or recreation purposes in perpetuity. Ten of the recreational sites within the City of Seaford have received funding through the DTF program. They include: Seaford Community Pool, Williams Pond Park, Riverview Park, Soroptomist Park, Seaford Gateway Park, Seaford Tennis Courts, Seaford Community Track Complex, Western Sussex Boys and Girls Club, Seaford River Walk, and the Seaford Sports Complex. The City of Seaford could further benefit from this program when incorporating new outdoor recreational facilities or adding amenities to existing parks. For more information on the Delaware Land and Water Conservation Trust Fund, please contact: Robert Ehemann @ 302.739.9235.

#### Nanticoke River Captain John Smith Water Trail

The Captain John Smith Chesapeake National Historic Trail was authorized by Congress in 2006 so that visitors to the Chesapeake Bay can understand the significance of John Smith's explorations, and his interaction with and impact upon the rich Native American cultures. Moreover, visitors can come to appreciate and care for the life and landscape of this national treasure, America's largest estuary. The Trail follows Captain John Smith's voyages up the Nanticoke River. The Trail is a work in progress and comes as a result of the diligent work of many public and private partners. More information on the Captain John Smith National Historic Trail can be found at [www.nps.gov/cajo/](http://www.nps.gov/cajo/)

*This information was compiled by the Delaware Division of Parks and Recreation, Parks Resource Office. For more information on the Statewide Comprehensive Outdoor Recreation Plan and public opinion survey results please contact Kendall Sommers at [Kendall.Sommers@state.de.us](mailto:Kendall.Sommers@state.de.us) or 302.739.9235.*

#### **Potential Brownfield Sites**

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.

### **Water Resources Comments**

Page 12, Environmental Concerns, 1<sup>st</sup> paragraph: The Plan should eliminate the first paragraph under the Environmental Concerns section pertaining to wetland issues, and replace with a new subsection (entitled “Wetlands or Wetland Issues”) along with the following narrative. Please consider the following:

“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 State of Delaware’s Code. Compliance with these statutes may require an Army Corps of Engineers approved wetlands delineation and/or official DNREC wetland jurisdictional determination.”

Page 12, Environmental Concerns, 2<sup>nd</sup> paragraph: The Plan should eliminate most of the second paragraph under the Environmental Concerns section pertaining to water quality issues, and replace with a new subsection (entitled “TMDLs”) along with the following narrative. Please consider the following:

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 (WLA’s) for point sources and Load Allocations (LA’s) 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 reduce nutrient and bacterial pollutant loading to the level(s) specified by the Total Maximum

Daily Load; and must reduce pollutants to level specified by the State Water Quality Standards. A variety of site-specific best management practices (BMPs) will be the primary actions required by the PCS to reduce pollutant loading(s).

The City of Seaford is located within the greater Chesapeake Bay Drainage; specifically within the Nanticoke River watershed. The pollutants targeted for reduction in the Nanticoke River watershed are nutrients (e.g., nitrogen and phosphorus) and bacteria (See table 1). As mentioned previously, the PCS will require specific actions that reduce nutrient and bacterial loads to levels consistent with the goals and criteria specified in the State Water Quality Standards. The PCS for the Nanticoke watershed is projected for completion/approval by 2010.

<b>Chesapeake Bay drainage</b>	<b>N- reduction requirements</b>	<b>P-reduction requirements</b>	<b>Bacteria-reduction requirements</b>
Nanticoke watershed	30%	50%	2%

Table 1: TMDL Nutrient (Nitrogen and Phosphorus) and Bacteria reduction requirements for the Nanticoke watershed.

Page 13, Soils: The plan should reference the recently completed soil survey update rather than the old soil survey. Please contact Diane Shields at the Natural Resources Conservation Service, 678-4172, for additional information.

Source Water Protection Areas

DNREC Water Supply Section, Ground-Water Protection Branch (GPB) has reviewed the Draft Comprehensive Plan for the City of Seaford. We have referred to the 2007 Plan Update (PLUS 2007-11-12). In addition, GPB reviewed the City’s source water protection ordinance, Chapter 15 Article 4B *Well Head Protection Overlay District* as part of this review. We recognize the City of Seaford’s efforts in developing the 2008 Comprehensive Plan. However, we strongly urge the City to strengthen references to source water protection in its plan, as well as strengthen its existing ordinance.

1. There is brief discussion in the section entitled *Water* on page 21. The text notes the adoption of the City’s Well Head Protection Overlay Zoning District. There is also a sentence stating that the overlay district references wellhead maps ‘maintained’ by DNREC. As GPB recommended in PLUS 2007-11-12 the Comprehensive Plan needs to formally state adoption of source water protection areas as critical areas in compliance with Title 7 Chapter 60 Subchapter VI, § 6082 (b).
  - GPB recommends:

Formally state the adoption of source water protection areas as critical areas in compliance with Title 7 Chapter 60 Subchapter VI, § 6082 (b).

2. GPB found a reference to the Source Water Assessment for the City of Seaford's well field on page 21 of the Comprehensive Plan. GPB could not find any references to excellent ground-water recharge areas in the Comprehensive Plan. In addition, the City is to afford protection to all public water systems within the municipal boundaries not just those owned and operated by City.

- GPB recommends:

It is strongly suggested in Title 22, Section 702 Del C and it would benefit the City if the 2009 Plan had a separate section for source water protection. This section needs to express an understanding of the concepts of wellhead protection areas and excellent ground-water recharge potential areas. It needs to cite the significance and content of Delaware's Source Water Protection Law. The Plan should express an understanding of the purpose and need for protection. It should also express the intent and implementation of the City's plan to protect the public drinking water supply.

3. The Wellhead Protection Map submitted with the Plan shows both wellhead and excellent ground-water protection areas. The map did not georeference into the ESRI computer program ArcMap without distortion (see map). The map may be suitable for display purposes but should not be used as a reference.

- GPB recommends:

The City contact DNREC Source Water Protection Program for an updated map showing all the public water systems and areas of excellent recharge.

4. The Comprehensive Plan contains sections on Geology and the Topography and Hydrology of the area as strongly suggested under Title 22, Section 702 Del C. These sections lack literature citations to support the text. The characterization of the Seaford area as having three layers of silts separated by two layers of sand is highly simplistic and is not an accurate depiction. In addition, the author uses the nomenclature of formations when referring to aquifers.

- GPB recommends:

Correcting these inaccuracies and using citations for the source of the information to support the statements

In addition, the Ground-Water Protection Branch would like to offer several suggestions for strengthening the City's existing ordinance:

- 1) Sec. 15-62L (6) of the Ordinance states the purpose of protecting Groundwater Recharge Areas (GRA) but does not define the area.

- GPB recommends inclusion of the following language

*Those areas with high percentages of sand and gravel that have "excellent" potential for recharge as determined through a Stack Unit Mapping Analysis delineated by the Delaware Geological Survey and presented in the Report of Investigations No. 66, Ground-water Recharge Potential Mapping in Kent and Sussex Counties, Delaware, Geological Survey, 2004.*

- 2) The term Site Coverage in Sec. 15-62L (7) is confusing. The intent of the ordinance is to apply to the portion of the parcel that lies within the source water protection area.

- GPB recommends

Clarify the term *Site Coverage*

- 3) Sec. 15-62N Adoption of Maps only adopts WHPA maps. The statement must include the maps showing excellent ground-water recharge potential area maps.

- GPB recommends formally adopting excellent ground-water recharge potential area maps delineated by DNREC as required by Title 7 Chapter 60 Subchapter VI, § 6082 (b).

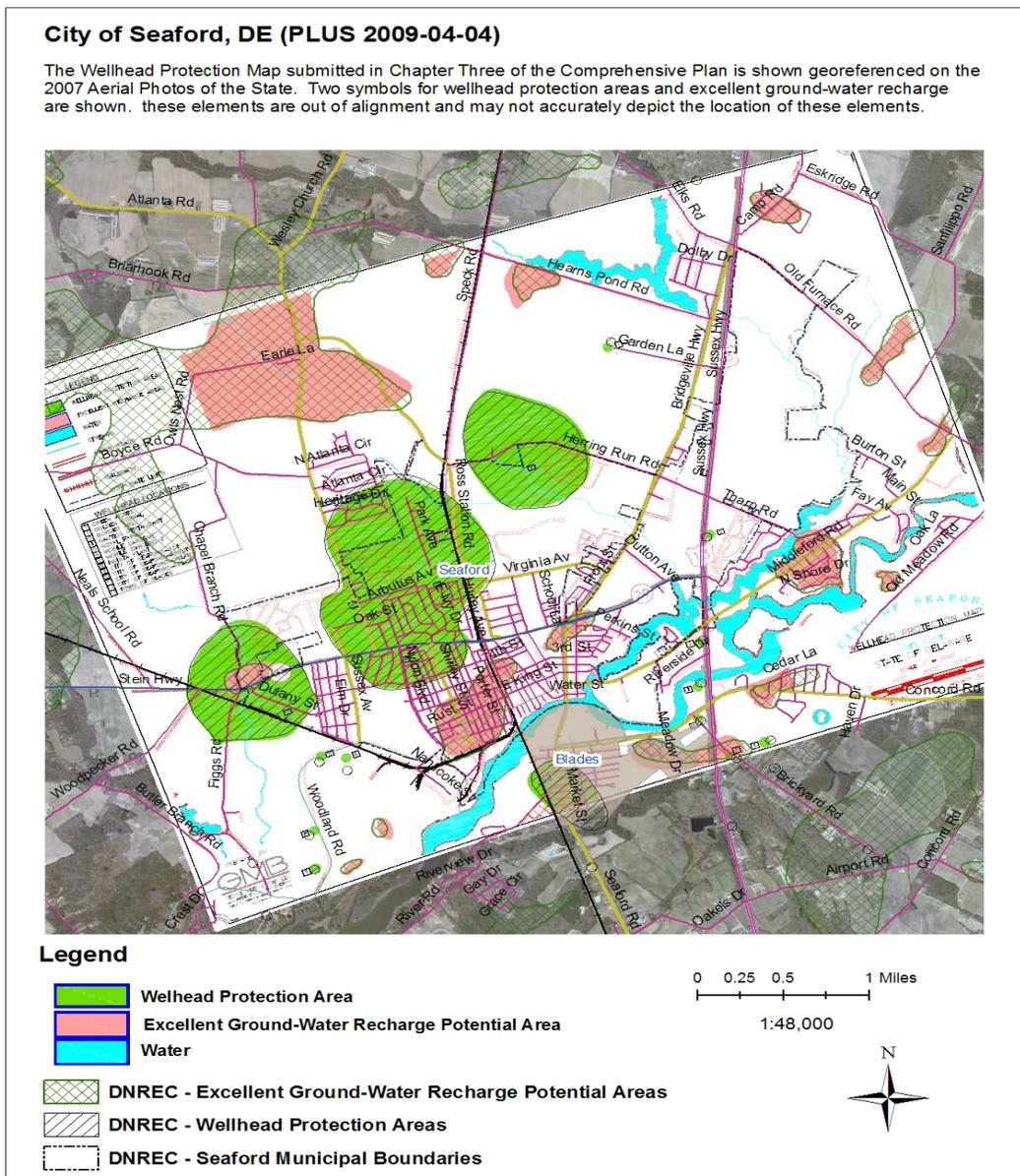
5. Sec. 15-62O states in part that if a location of a WHPA or an area of excellent ground-water recharge area is disputed, a survey by a licensed surveyor can serve as the basis to change the boundary. In addition, the City of Seaford Building Official can make the final determination. This statement does not appear to recognize that only DNREC can change the boundary of a wellhead or recharge area. Title 7 Chapter 60 Subchapter VI, § 6082 (e) states “The Department may, when based on sound science and factual information, revise and update the overlay maps of source water assessment areas.”

- GPB recommends adopting language from the *Draft Model Ordinance for Smaller Municipalities of Kent and Sussex Counties, Section XXX6 Boundary Determination for SWPA*. This publication can be downloaded from the SWAPP website at

[http://www.wr.udel.edu/swaphome/Publications/SWPOrdinances/FinalDraftModelOrdinance\\_KnS\\_041408.pdf](http://www.wr.udel.edu/swaphome/Publications/SWPOrdinances/FinalDraftModelOrdinance_KnS_041408.pdf)

6. The ordinance does not differentiate between wellhead protection areas (WHPA) or excellent recharge potential areas in protection. The ordinance must provide for a recommended 150-foot radius around the well annulus that in afforded a higher level of protection.

- GPB recommends that parcels of land within 150-feet of the well annulus should be preserved in a natural condition with the exception of impervious surface limited to building and access associated with the well and distribution and treatment facilities and their maintenance. Please refer to Section XXX4 A) of the *Draft Model Ordinance for Smaller Municipalities of Kent and Sussex Counties*, for additional language.
7. Sec. 15-62P (2) allows development to exceed 35% impervious cover without an upper limit. It does not provide for a procedure to quantify the calculation of ground-water recharge. In addition, it does not have an upper limit.
- GPB recommends allowing impervious cover to exceed 35% but under no circumstances allow it to exceed 50%. Please refer to Section XXX4 B) and Section XXX5 A) of the *Draft Model Ordinance for Smaller Municipalities of Kent and Sussex Counties*, for additional language. DNREC GPB Source Water Assessment and Protection Program staff is available to assist the City in developing these changes.



### **Stormwater/Drainage comments**

Page 12, Topography and Hydrology

- 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 proposed annexation area for the City are the Bucks Branch Tax Ditch, Herring Run Tax Ditch, Middleford Tax Ditch, Atlanta Devonshire Tax Ditch, and the Priestly 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. 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.
- The City should pursue drainage easements along waterways, ditches, and storm drains where currently there is none. The Drainage Program is aware the City does not want the responsibility of routine maintenance on the conveyances. However the City should have the ability to remove blockages either natural or manmade.
- Be advised the Sediment and Stormwater Program is currently undergoing revisions to the sediment and stormwater regulations. It is unclear at this time when the new regulations will be promulgated.
- 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 Sussex Conservation District, to discuss stormwater and drainage prior to the town 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 and 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 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.

- Lines and grades: If the City does not have a lines and grades requirement for new construction, the Division recommends 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.
- Explore the feasibility of a stormwater utility to fund upgrades to existing stormwater infrastructure. Upgrades to the stormwater system may reduce pollutant loads and help reach the established total maximum daily load for nitrogen, phosphorus, and bacteria. Reach out to the Sussex Conservation District, Sussex County and the Delaware Clean Water Advisory Council as partners in funding stormwater retrofits.

#### Page 12, Environmental Concerns

- The Drainage Program recommends including wetlands setbacks as part of the ordinances to protect environmental resources. Wetlands should be protected and a setback of un-subdivided open space should surround them. No portion of any building lot should be within the setback. During prolonged wet periods, the area within the wetland setback 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 setback thereby reducing nuisance drainage complaints.

#### Page 31, Community Facilities

- 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 manner, while keeping the cost of operations and maintenance down.

#### Page 33, Recommendations

- The Drainage Program recommends each parcel have a tax ditch right-of-way review conducted on the parcel prior to annexation by the Town. Please contact our Georgetown office at (302) 855-1930 to request a review tax ditch rights-of-

way on a parcel. When a development project involves a tax ditch, or tax ditch right-of-way, include the Drainage Program in the pre-application meeting with the Sussex Conservation District to discuss drainage, stormwater management, tax ditch maintenance, and the release of stormwater into the tax ditch.

- The Drainage Program recommends existing drainage ways be incorporated into open space plan. 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, along with potential annexation sites, as these channels may require maintenance in the future. Most of the channels have trees and wetlands adjacent to the channel and the riparian area provide a multitude of benefits for water quality and wildlife. There must be a balance between preserving the riparian area and having the capability to access the channel to perform maintenance. By identifying such areas now, future development would incorporate the areas into community open space thereby preserving the riparian area while allowing for channel maintenance access.

#### Chapter 9, Land Use Plan and Annexation

- The Drainage and Stormwater Section recommends sub watershed planning within the future annexation areas to the west of the City. By utilizing the drainage pattern, the City may be able to combine tax ditch protection, habitat creation, recreation, and stormwater management. The City would need to partner with Sussex County, as the watersheds extend out of the proposed annexation area identified by the City.
- The Drainage Program recommends each parcel have a tax ditch right-of-way review conducted on the parcel prior to annexation by the Town. Please contact our Georgetown office at (302) 855-1930 to request a review tax ditch rights-of-way on a parcel. When a development project involves a tax ditch, or tax ditch right-of-way, include the Drainage Program in the pre-application meeting with the Sussex Conservation District to discuss drainage, stormwater management, tax ditch maintenance, and the release of stormwater into the tax ditch.
- 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 City onto county residents.
- 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 prior to and after annexation.

## **Plan Implementation**

**The Plan should offer more specific “actionable” environmental protection strategies than currently offered. Within the Environmental Concerns section, we strongly recommend proposing 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. (1994), an adequately-sized buffer that effectively protects wetlands and streams - in most circumstances - is about 100-foot 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) Require 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) Require 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) 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.
- g) Exclude structural Best Management Practices (BMPs) such as community wastewater treatment areas, open-water stormwater treatment structures and natural areas containing regulated wetlands from consideration as open space.

- 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 Natural Resources Conservation Service 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.

#### Literature Cited

Castelle, A. J., A. W. Johnson and C. Conolly. 1994. *Wetland and Stream Buffer Requirements – A Review*. J. Environ. Qual. 23: 878

#### Stormwater/Drainage 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.
- As the City of Seaford updates any land use or subdivision codes, the Sediment and Stormwater Program requests the town make a note of the Sediment and Stormwater requirements on any construction-related project application checklists, etc.

#### **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. The DE State Fire Marshal’s Office has the responsibility to review all commercial and residential subdivisions for compliance with the DE State Fire Prevention Regulations. This Agency asks that a MOU be established between the DE State Fire Marshal’s Office and the Town of Seaford. The State Fire Marshal’s Office would be issuing approvals much like DelDOT, Kent Conservation, and DNREC. This Agency’s approvals are based on the DE State Fire Prevention Regulations only.

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

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

The Department would like to commend the city on a well-written comprehensive plan update. I think everyone would agree that the pre-PLUS meeting proved very helpful, and the city was able to address many of the state’s comments prior to the official PLUS meeting.

The Department typically makes a comment about coordinating with its Forestry Section to discuss the city's tree planting goals. However, the city has already done much work in this regard, and we would only encourage the city continue working with the Forestry Section.

The Department realizes that the city already has several agricultural related businesses within the city. However, we urge the city to include a brief discussion about supporting existing agribusiness and promoting new business as opportunities arise. This discussion would probably fit best in the plan's Economic Development Chapter (Chapter 7).

The Department is pleased to know that the city already has a farm market. However, often times it is difficult to link up local farm product providers with farm market retailers. The Department 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.

**Public Service Commission - Contact: Andrea Maucher 739-4247**

No comments regarding the comprehensive plan update.

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

No comments received regarding the comprehensive plan update.

**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.<sup>1</sup> 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.<sup>2</sup> This is particularly important considering about 65% of adult Delawareans are either overweight or obese.<sup>3</sup> This current obesity crisis is also affecting children. Approximately 37% of Delaware's children are overweight or obese<sup>4</sup>, 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.<sup>1</sup>

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 Seaford Comprehensive Plan Review:

### **Identify opportunities for physical activity and active transportation**

The draft comprehensive plan offered an excellent plan to address active transportation.

- Address efforts to support and ensure inter-/intra-connectivity with residential and commercial properties through sidewalks, crosswalks and walking/bicycling paths. Consider a plan to install bike racks within commercial properties and in residential communities. There was concern on the funding. It is suggested that the town planner review the “Healthy Communities: A Resource Guide to Delaware Municipalities.” This document addresses strategies and funding support to incorporate amenities (i.e. tree canopy, 5’ sidewalks, walking/bicycling paths, etc) that facilitate a healthy community.
- Explore opportunities to implement joint use agreements with schools to be used by members of the community. This will allow residents to engage in indoor recreation during times of inclement weather.

### **Increase opportunities for healthy eating**

- There is an established farmers’ market in Seaford. Consider mentioning this amenity as an opportunity to increase access to healthy nutrition and to support the local agriculture industry.
- Designate an area for a community garden. Community gardens in undeveloped lots or in the town center would be an approach to improve attractiveness. In addition, community gardens not only provide residents access to healthy nutrition, but they also provide opportunities for physical activity and community cohesiveness.<sup>5</sup>

<sup>1</sup> Nemours Health and Prevention Services (2005). *Delaware Children’s Health Chartbook*, Newark, DE.

<sup>2</sup> Active Living by Design. *Transportation Fact Sheet*. Retrieved May 17, 2007, from [http://www.activelivingbydesign.org/fileadmin/template/documents/factsheets/Transportation\\_Factsheet.pdf](http://www.activelivingbydesign.org/fileadmin/template/documents/factsheets/Transportation_Factsheet.pdf).

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

<sup>4</sup> Nemours Health and Prevention Services (2007). *2006 Delaware Survey of Children’s Health Descriptive Statistics Summary, Volume 1*.

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

### **Delaware State Housing Authority – Contact Valerie Miller 739-4263**

DSHA has reviewed the Municipal Comprehensive Plan for the City of Seaford to determine how the Municipality has incorporated the State’s goals, policies, and

strategies as they relate to affordable housing. Since the City of Seaford 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 Seaford for responding to the need for affordable housing. DSHA recognizes the City of Seaford's enthusiasm to create a balanced housing stock for its residents and we applaud your willingness to have affordable housing within the City. We endorse the Plan's goals for applying for funding to rehabilitate older residential units, many of which may be affordable multifamily units. Additionally, we specifically support the strategy to adopt a new zoning category for mixed-use developments. Mixed-use developments encourage walkability and reduce the reliance on the automobile, thereby reducing the cost of living for many households. Also, mixed-use developments encourage more affordable housing options by integrating a variety of housing types.

Overall, this is a well thought out Plan with an appropriate housing analysis that addresses housing issues pertinent to the City of Seaford. However, we recommend a greater examination into Seaford's ability to provide a balanced housing stock for its residents in the future. Specifically, there is little information on predicting Seaford's housing needs versus the current housing stock. DSHA can provide any technical assistance in this manner. We have numerous resources available for local jurisdictions, including a guide to writing your housing element.

Additionally, 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. Our website can be found at: [www.destatehousing.com](http://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 me at (302) 739-4263 ext. 260 or via e-mail at [valerie@destatehousing.com](mailto:valerie@destatehousing.com). Thank you.

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

The DOE supports the State Strategies for Policies and Spending, to the extent possible and practicable within the limits of the Federal and State mandates under which the Department operates.

1. In its review of Comprehensive Plans and Comprehensive Plan Amendments, the DOE considers:
  - Adequate civil infrastructure availability within the region to accommodate current and future educational facilities.
  - Transportation system connections and availability to support multimodal access within the community, to include but not limited to walk paths, bike paths, and safe pedestrian grade crossings.
  - Transportation road system adequacy to accommodate bus and delivery vehicle traffic to current, planned or potential educational facilities.

- Recreation facilities and opportunities within the community and their respective proximity to current and planned or potential education facilities. The DOE also recognizes the potential that the educational facilities are to be considered recreational facilities by and within the community.
- 2. The DOE *typically* considers industrial/commercial development incompatible with educational facilities, however, residential development and educational facilities *are typically* considered to be compatible. As a result, the DOE is interested in the proximity of current and planned or potential education facilities to commercial/industrial development zones.
- 3. The DOE recognizes the integral role of educational facilities within communities. As such, the DOE seeks to assure that residential growth, that generates additional demand on educational facilities, is managed with adequate educational infrastructure being made a part of sub-division plans as appropriate.
- 4. The DOE offers its support to assist and participate by coordinating with this municipality, the local school districts, the County, the Office of State Planning Coordination as well as other school districts and stakeholders as this Comp plan update progresses.
- 5. DOE has no comments regarding the Comprehensive Plan update draft under consideration.

**Sussex County – Contact: Richard Kautz 855-7878**

The Transportation Element should include a discussion of the Port of Seaford and its importance to the local economy.

The Plan should include more consideration of industrial/business development along rail in either new or redeveloped sites.

***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 his consideration.
5. At his 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 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

CC: Sussex County