



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

June 22, 2009

Ms. Dolores Price
Town of Ellendale
P.O. Box 6
Ellendale, DE

RE: PLUS Review; Town of Ellendale

Dear Ms. Price:

Thank you for meeting with State agency planners on May 27, 2009 to discuss the proposed Town of Ellendale 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.

1. The plan update is presented as an addendum starting on page 198 of the plan document. There are many components of the update text and map series that supersede or conflict with the earlier plan text (pages 1 -197). The result is a plan document that can be unclear or misleading to those not familiar with it. This may lead to conflicts or potential legal issues in the future due to varying interpretations of the document. The town may remedy this situation in one of two ways:
 - a. Option 1: Annotate the original text (pages 1-197) to clearly identify which sections of it are invalid or updated by the addendum text; or
 - b. Option 2: Integrate the information found in the addendum into the plan text itself, and delete all outdated text.

2. The Delaware Code requires that all annexations be placed in a zoning district that is consistent with the jurisdiction's adopted comprehensive plan. In order to do so it is necessary for the annexation plan and map to identify future land use categories for annexation areas. The plan and map series must be revised to do so. The current annexation map, map 7, is an annexation phasing map. It is recommended that a new map showing future land uses for the Phase 1 and 2 areas be included.
3. From our discussions at the PLUS meeting it is our understanding that the Town intends to annex the Phase One and Phase Two areas within the five year period as appropriate opportunities arise. It is our further understanding that the Town does not intend to annex lands within the Study Area within this five year period, and only then in conjunction with a future plan update that would provide more detail about future uses. The annexation plan text on pages 219 and 220 is not clear in this regard. The text on page 220 could be construed to indicate that the town intends to annex lands in the Study Area should the opportunity arise. Our office supports the annexation plan as discussed and understood at the PLUS meeting and described above. Please revise the annexation plan text to clarify and reflect this understanding.
4. The plan must be revised to include a section in the text describing the future land use plan. Such a section would generally describe land uses in the town, and then describe what is meant by the categories of land use on the Future Land Use Map and the Annexation Plan map. You might even go so far as to describe which zoning districts are acceptable in the various land use categories.
5. There were two Future Land Use maps presented with the plan document that we reviewed. Version 1 shows a small area of mixed use in the center of town, while Version 2 shows a corridor of mixed use area along Route 16. From our discussions at the PLUS meeting it is our understanding that the Town intends to implement Version 2. Please remove Version 1 from the final plan document.

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

This office has received the following comments from State agencies:

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

The Office of State Planning Coordination commends the Town of Ellendale for preparing a well crafted comprehensive plan that defines a clear vision for the Town's future. It is obvious that Ellendale values its small town heritage and rural setting, while preparing for growth and development compatible with the context of the town. Our office supports this plans efforts to re-focus growth and development in the immediate vicinity of the Town, East of Route 113. We also support the concept of further

developing a “main street” district by promoting mixed uses along Route 16. Through careful annexations, the phasing of growth, and attention to necessary infrastructure and transportation issues this plan should work well to guide the next period of growth and revitalization in Ellendale’s long history.

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 development's impacts to historic properties and archaeological sites and is an advocate for their protection. In addition, all of the information is according to the reference and resource materials at the State Historic Preservation Office, which is the central research repository of the Division of Historical and Cultural Affairs. Preserving Delaware's heritage and showcasing the historic legacy of our state are the guiding principles of our agency, and through active historic preservation efforts, the Division is committed to enhancing Delaware's quality of life by helping people connect with those aspects of our past that have made this state what it is today.

In accordance with the Preliminary Land Use Service (PLUS) outlined in [Chapter 92 of Title 29](#) of the Delaware Code, here are the following observations:

Ellendale’s 2004 plan had a strong historic preservation focus, emphasizing protection of community character and blending new development with existing. While the Town did not reach many of its specific goals yet from this plan, the 2009 update, by continuing to incorporate the 2004 plan and by noting two goals for establishing the Town Center overlay district and historic preservation regulations, continues the Town’s commitment to preserving its history and character. The Division will gladly assist the Town with technical advice on getting the historic district listed and on other historic preservation issues as questions arise. If you need any technical assistance, or would like to discuss these issues further, please contact Alice Guerrant at 302-736-7412 or by email at Alice.Guerrant@state.de.us.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

The Town of Ellendale has submitted their draft update of their comprehensive plan for review. Briefly, the update builds upon the previous effort to provide a good Plan. We offer the following comments and suggestions as to how the update might be improved.

- 1) In Section 8.7, Transportation, the update mentions a traffic calming project for Delaware Route 16 “to ensure pedestrian safety while further improving the appearance of the community.” The DelDOT Traffic Section has a traffic calming program that focuses primarily on low-cost improvements to reduce travel speeds as a means of improving safety. If the Town has a pressing concern in this regard, they would urge them to contact Mr. Michael Somers, the planner in charge of that program. Mr. Somers may be reached at (302) 659-4099.

- The update also mentions that the project should include expanded sidewalks, landscaping and trees. This description suggests a Transportation Enhancement project. To the extent that funds are available, we would be willing to work with the Town on such a project, and we urge the Town to contact Mr. Jeff Niezgoda, a Planning Supervisor in our Statewide and Regional Planning Section, regarding a possible future project for this purpose. Mr. Niezgoda may be reached at (302) 760-2178.
- 2) DelDOT is pleased to see the emphasis on sidewalks in Section 8.7. If the Town does not already have an ordinance to this effect, DelDOT would recommend that they amend their code to require property owners to maintain sidewalks in front of their properties. Maintenance should be specifically defined and could range from a basic requirement to keep them clear of snow and other debris, to a requirement to repair damage beyond a certain degree, to a requirement to install where none exist as part of any improvement requiring a building permit.
 - 3) DelDOT is also pleased to see in Section 8.7 that the update continues to recognize and support DelDOT's recommended preferred alternative in the US 113 North/South Study.
 - 4) At the end of Section 8.8, Agriculture and Natural Resources, there is an item stating that the Town will “Explore the use of drainage ways and other open space set aside for drainage maintenance for bicycle and pedestrian interconnections in new developments.” To the extent that these areas exist and connect two destinations, children and some adults will use them. However, DelDOT offers two cautions in this regard. First, to be fair to prospective home buyers, if there is any intent that cyclists or pedestrians will use an easement, it should be referred to as a drainage and access easement. Second, again if there is any intent that cyclists or pedestrians will use an easement, care should be taken to provide a facility that will be safe for travel in the storm event that the facility is designed to accommodate.
 - 5) In Section 8.12, Annexation Plan, in the subsection on the Transfer of Development Rights Program, the name of the program is incorrect in the second paragraph.

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

DNREC comments on Town of Ellendale Comp Plan

This plan identifies natural resource protection as a priority, and this goal will be accomplished by developing new Town of Ellendale municipal zoning ordinances, subdivision regulations, and related codes (page 21). This is a good approach for preserving and minimizing impacts to natural resources, as voluntary efforts may not

provide adequate protection. On page 173-174, *I. Environmentally Sensitive Areas*, the goal is: “Protect the irreplaceable swamp, forest, stream, habitat, floodplain, wetlands, aquifer and historical and cultural resources of the community.” Being considered are new Town Code Provisions that address rare species issues, forest protection and the need for 100-foot wetland buffers. DNREC would be pleased to work with the town on ordinances that protect your resources.

Water Quality

Page 173, Wetlands and Water bodies

Please consider substituting the following short narrative on wetland regulatory issues:

“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 175, Total Maximum Daily Loads

Please consider substituting the following narrative on TMDLs:

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 achieve pollutant load reductions specified by a Total Maximum Daily Load for a given water body; 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 Town of Ellendale is located within the Mispillion, Gravelly Branch and Broadkill watersheds. The pollutants specifically targeted for reduction in the aforementioned

watersheds are nutrients (e.g., nitrogen and phosphorus) and bacteria (See table 1). As mentioned previously, these TMDL pollutant reductions must be met in order to satisfy the water quality goals and criteria in the State Water Quality Standards (See table 1). The PCS for the Mispillion watershed is projected for completion by the fall of 2011. The PCS for the Gravelly Branch watershed is projected for completion by the end of 2010. No date has been projected yet for the completion of the Broadkill watershed PCS.

Delaware River and Bay drainage	Nitrogen reduction requirements	Phosphorous reduction requirements	Bacteria-reduction requirements
Broadkill	40%	40%	75%
Mispillion	57%, 88% in Kings Causeway Branch	57%, 88% in Kings Causeway Branch	87%
Chesapeake Bay drainage			
Gravelly Branch	30%	50%	2%

Table 1: TMDL Nutrient (Nitrogen and Phosphorus) and Bacteria reduction requirements for the Broadkill, Mispillion, and Gravelly Branch watersheds.

Water Resource Protection Areas

DNREC Water Supply Section, Ground-Water Protection Branch (GPB) applauds the Town’s statements on page 206-207 regarding source water protection. GPB is in agreement with the Town’s strategies to ensure protection of this valuable resource.

Drainage/Stormwater

General Comments

- The Drainage and Stormwater Section appreciates the consideration the Town of Ellendale has given to drainage in the 2009 Comprehensive Plan Update. Please contact DNREC if they can be of assistance as you implement your plan.
- The Drainage and Stormwater Section recommends sub watershed planning within the study area. By utilizing the drainage pattern, the Town may be able to combine habitat protection, recreation, and storm water management. The Town should partner with Sussex County as the watersheds extend out of the Phase 1 and 2 areas identified by the Town.

Page 204, Parks and Recreation

- Existing woodland provides valuable wildlife habitat as well as soil erosion protection, water quality filtering, and surface water uptake. Unless managed for timber, wooded areas typically were areas that were unprofitable for farming due to poor drainage. Without trees to absorb the surface water these areas tend to

require intensive drainage. The Drainage Program recommends such areas be incorporated into a parks and recreation plan and not be allowed to be cleared for the creation of stormwater management areas.

Page 204, Stormwater Management

- 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 Town should pursue drainage easements along waterways, ditches, and storm drains where currently there are none. The Drainage Program is aware that the Town does not want the responsibility of routine maintenance on the conveyances. However, the Town should have the ability to remove blockages -- either natural or manmade.
- The Division of Soil and Water Conservation is requesting that the Town incorporate a requirement for a stormwater and drainage review into the Town'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 & 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.
- Explore the feasibility of 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 213, Consider additions to Subdivision Code

- Lines and grades: If the Town 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. 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 Drainage Program recommends that 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.
- As the Town of Ellendale updates any land use or subdivision codes, the Sediment and Stormwater Program requests that the Town make a note of the Sediment and Stormwater requirements on any construction-related project application checklists, etc.

Natural Areas

The forested portion of land in the southeast corner of Ellendale is currently listed on Delaware's Natural Areas Inventory. Natural Areas contain lands of statewide significance identified by the Natural Areas Advisor Council as the highest quality and most important natural lands remaining in Delaware. Serious consideration should be given to permanently protecting these resources. For more information, please contact the Office of Nature Preserves at 302.739.9235.

Parks and Recreation

The following is an overview of updated information to keep in mind when planning various park facilities.

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 2009-2011 Statewide Comprehensive Outdoor Recreation Plan (SCORP) providing guidance for investments in needed outdoor recreation facilities. The SCORP can be a useful document when addressing parks and recreation facilities and needs within county and municipal comprehensive plans. For the purpose of refining data and research findings, Delaware was divided into five planning regions. The Town of Ellendale is located within SCORP Planning Region 5.

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.

Placing high importance on outdoor recreation resonates throughout the five SCORP regions. In Region 5 (eastern Sussex County), 91% of residents indicated that outdoor recreation had some importance in their lives, while 64% said it was very important to them personally.

Participation in Outdoor Recreation

In SCORP Region 5 (eastern Sussex County), walking and jogging (86%) was the most participated in household activity followed by swimming at the beach (74%), and visiting historic sites (70%). Region 5 had lower than the statewide average household participation in tennis (13%) but had the highest level of participation in fishing (57%).

Reasons for Participating in Outdoor Recreation

In Region 5, 55% of the residents said that they participate in outdoor recreation for their physical fitness. This is a 9% increase from the same question asked in 2002. This increase is a clear indication of a growing demand for walking paths and trails. Other top reasons for participating in outdoor recreation in Region 5 include; for relaxation (20%), to be close to nature (17%), and to be with family and friends (15%).

Outdoor Recreation Needs/Priorities

Based on the public opinion survey, the most needed outdoor recreation facilities in Ellendale include:

High facility needs:

- Walking and jogging paths
- Bicycle paths
- Public Swimming Pools
- Fishing Areas
- Open Space and Passive Recreation Areas
- Picnic Areas
- Playgrounds
- Hiking Trails

Moderate facilities needs:

- Access for Boating (canoe, kayak, and powerboat)
- Public Golf Courses
- Campgrounds

- Baseball/Softball Fields
- Horseshoe Pits
- Basketball Courts
- Tennis Courts

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

Town of Ellendale Parks and Recreation Facility Inventory

There is one Park and Recreation facility in the Town of Ellendale:

- Ellendale Town Park

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. The Town of Ellendale could 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.

Rare Species

Species of greatest conservation need (SGCN¹) have been documented in areas on Map 9 designated as Phase 2 and ‘Study Area’. Not all areas have been evaluated for potential to support SGCN; therefore, additional areas may support these species. When setting priorities for forest preservation, the Town should contact the Natural Heritage and Endangered Species Program (NHESP) of DNREC’s Division of Fish and Wildlife to target those areas that support or could potentially support SGCN. A site survey of some properties may be necessary to evaluate habitat and to survey for SGCN.

In addition, when considering development plans, the Town should require applicants of development projects to contact NHESP. 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.

¹ 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.

Contact information:

c/o Environmental Review Coordinator
Natural Heritage and Endangered Species Program
DNREC-Division of Fish and Wildlife
4876 Hay Point Landing Rd
Smyrna, DE 19977
(302) 653-2880 ext. 101
Edna.Stetzar@state.de.us

Forested Wildlife Habitat

When making land-use decisions, the Town should refer to the Delaware Wildlife Action Plan (DEWAP). Some of the land within Town boundaries and proposed for annexation is mapped as Key Wildlife Habitat. 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 as well as species-habitat associations.

A priority action listed on page 22 is to work with various entities in implementing “land conservation programs.” The Landowner Incentive Program (LIP) within the DNREC-Division of Fish and Wildlife could contribute to this goal. This incentive-based program is available to private landowners who desire to manage wildlife habitat on their land. Shelly Tovell can be contacted at (302) 735-3600 for more information.

On Page 134, under *H. Development Activity*, a development proposed by Integrity Associates LLC on the W. side of Rt. 113, both north and south of Rt. 16 is discussed. This development was also the subject of PLUS 2008-01-06, an amendment to the Town’s Comprehensive Plan. A letter dated December 5, 2007 from Nutter Associates (which were representing the Town) to Constance Holland of the Office of State Planning Coordination declared that forested areas on tax parcels 230-26.00-15.00 and 230-26.00-99.00 will be preserved and 100-foot wetland buffers will be required by the Town. If these parcels are annexed and developed in the future, the Town should follow through with these actions.

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 and the Delaware Code, Title 7). In Delaware, there is an overall lack of protection for forested wildlife habitats that are not managed “working forests.” The Town has an opportunity to lead efforts in developing ordinances designed specifically to protect forest habitat. A document that may be of use in this effort is “Protecting Delaware’s Forests for Biodiversity. December 2003. The Environmental Law Institute, Washington, D.C. ISBN No. 0-0000-00-0 ELI Project No.

972513”. There are forest conservation laws adopted by adjacent states that are working in terms of providing conservation while allowing for economic growth.

Developments that are permitted to occur on forested parcels should include a conservation element, such as: required retention of a percentage of forest cover, mitigation plan, requirement that every reasonable effort to minimize cutting or clearing of trees first be exhausted prior to allowing clearing to occur, and submission of a conservation plan for the site.

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 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) 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.

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

At this time, this Agency has no objection to, and makes no comments regarding, the Comprehensive Plan or an amendment to a Comprehensive Plan.

Department of Agriculture - Contact: Scott Blaier 739-4811

The Department would like to congratulate the Town of Ellendale on a thoughtful, well-written comprehensive plan. The Department further appreciates the mention and support of many key agricultural issues in the plan. The Department offers the following comments and suggestions for consideration in the plan.

Section D (Future Land Use and Zoning Section) on page 153 discusses development within the town's designated study area, and specifically near state forest land and preserved agricultural lands. The Department is encouraged the town recognizes these areas and has considered the appropriate land use and transition to these areas. The town should consider the use of transfer of development rights (TDRs) and cluster development with additional open space requirements, to provide adequate buffers between forestland and preserved agricultural land. The Department is pleased to see the plan incorporate the idea of a "greenbelt" around the perimeter of the town's eventual boundary. The Department would be glad to assist the town in realizing these goals.

Where development occurs near state forest land, it is important to maximize overall open space in those developments, and provide the widest buffered area practicable where the development abuts state forest lands. This will provide multiple environmental and aesthetic benefits, as well as contributing to community safety by providing a fire break between state forests and residential areas. In addition, we would request that the town consider requiring (in ordinance) that any development abutting state forest lands have signs posted to alert new residents that the lands are state forest lands, and to abide

by the rules and regulations governing those lands when using the lands. In addition, we would request that the developer of those lands provide individual homeowners in the development with a copy of the rules and regulations at settlement, along with covenants or by-laws governing the development. The Rules can be found here:

http://dda.delaware.gov/forestry/forms/StateForestrulesregs_0303_Final.pdf

The Department urges the town to continue to work with the State Forest Service to address the town's tree canopy goal, especially along the town's Main Street. The Delaware Forest Service would be glad to work with the town to address its tree canopy goal. Trees are a vital part of any community, and the Urban & Community Forestry Program would be glad to offer assistance. Please contact the Delaware Forest Service for more information at (302) 659-6705 or 698-4547.

The Department encourages the town to continue to develop and promote agricultural business whenever possible, including farm markets. 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. 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.

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 were received regarding this plan

Delaware Division of Public Health- Health Promotion Bureau- Contact: Michelle Eichinger (302) 744-1011

The Delaware Division of Public Health, Health Promotion Bureau aims to encourage municipalities to address strategies that promote a healthy community. This includes addressing opportunities to promote physical activity, access to healthy eating, and reduce tobacco use. These behaviors strongly affect the prevalence and mortality of chronic diseases (e.g. heart disease, diabetes, cancer, etc). While specific, individual-based programs can influence healthy behaviors, environmental and policy change strategies have a larger impact in fostering healthy behaviors.

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. Further, developments that include open space

for active recreation offer an opportunity to engage in physical activity. 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.

Over 90% of adult Delawareans feel that people should be protected from second-hand smoke. About 18% of adult Delawareans are exposed to second-hand smoke at work. The vast majority of exposure is in outdoor worksites and entry-ways, although some exposure at indoor settings is still occurring, despite the state law.⁵ According to the Public Health Service's National Toxicology Program, secondhand smoke is listed as a known carcinogen, or cancer-causing agent. In the 2006 U.S. Surgeon General's Report, *The Health Consequences of Involuntary Exposure to Tobacco Smoke*, secondhand tobacco smoke causes diseases and premature death in children and adults who do not smoke. The report also concluded that exposure to secondhand smoke has immediate adverse effects on the cardiovascular system and causes heart disease and lung cancer; there is no risk-free level of exposure to secondhand smoke; and evidence from peer-reviewed studies show that smokefree policies and laws do not have an adverse economic impact on the hospitality industry.⁶

As a way to promote healthy communities, we recommend that the following be included in the Town of Ellendale Comprehensive Plan:

Identify opportunities for physical activity and active transportation

The draft comprehensive plan offered an excellent plan to address physical activity through the trail systems and agri-tourism (e.g. hiking, canoeing, biking).

- 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 (e.g.. tree canopy, 5' sidewalks, walking/bicycling paths, etc) that facilitate a healthy community.

- Consider including a plan to enhance existing parks or designate open spaces for active and passive recreation. This may include park benches around ponds, playgrounds, tennis and basketball courts, etc. To address active recreation during inclement weather, explore opportunities to incorporate a joint use agreement with community centers or churches to be used by members of the community.

Increase opportunities for healthy eating

- Designate an area for a community garden. Community gardens in undeveloped/vacant lots or in the town center would be an approach to improve attractiveness. They also provide opportunities for physical activity and community cohesiveness.⁷ In addition, community gardens, that are vegetable gardens, provide residents access to healthy nutrition.
- Explore the opportunity of designating an area for a farmer's market. This not only provides access to healthy nutrition, but also is a strategy to promote agriculture sustainability in Delaware.

Tobacco Control

- Delaware's Clean Indoor Air Act is not preemptive, which allows for local governments to make the law stronger in their municipalities. As such, explore the possibility to develop an ordinance that restrict smoking outside the entrances of public places or ban smoking in local parks, which are not included in the current law. The Americans for Nonsmokers Rights offer model ordinances that may assist local governments in establishing. These can be found at <http://no-smoke.org>.

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

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

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

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

⁵ Delaware Health and Social Services (2008), *Adult Tobacco Survey*, Division of Public Health, Tobacco Prevention and Control Program.

⁶ U.S. Dept. of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health (2006). *The health consequences of involuntary exposure to tobacco smoke: a report of the Surgeon General*. Atlanta, GA:

⁷ 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 Town of Ellendale to determine how the Municipality has incorporated the State's goals, policies, and strategies as they relate to affordable housing. Since the Town of Ellendale population is

less than 2,000, the Comprehensive Plan is required to state their position on housing growth. DSHA supports the Plan's position on housing growth.

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.

Department of Education – Contact: John Marinucci 735-4055

1. The DOE supports the State Strategies for Policies and Spending, to the extent possible and practicable within the limits of the Federal and State mandates under which the Department operates.
2. In its review of Comprehensive Plans and Comprehensive Plan Amendments, the DOE considers:
 - Adequate civil infrastructure availability within the region to accommodate current and future educational facilities.
 - Transportation system connections and availability to support multimodal access within the community, to include but not limited to walk paths, bike paths, and safe pedestrian grade crossings.
 - Transportation road system adequacy to accommodate bus and delivery vehicle traffic to current, planned or potential educational facilities.
 - Recreation facilities and opportunities within the community and their respective proximity to current and planned or potential education facilities. The DOE also recognizes the potential that the educational facilities are to be considered recreational facilities by and within the community.
3. The DOE *typically* considers industrial/commercial development incompatible with educational facilities, however, residential development and educational facilities *are typically* considered to be compatible. As a result, the DOE is interested in the proximity of current and planned or potential education facilities to commercial/industrial development zones.
4. The DOE recognizes the integral role of educational facilities within communities. As such, the DOE seeks to assure that residential growth, that generates additional demand on educational facilities, is managed with adequate educational infrastructure being made a part of sub-division plans as appropriate.
5. The DOE offers its support to assist and participate by coordinating with this municipality, the local school districts, the County, the Office of State Planning Coordination as well as other school districts and stakeholders as this Comp plan update progresses.
6. DOE has no comments regarding the Comprehensive Plan update under consideration.

Sussex County

No comments received regarding this plan.

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,



Constance C. Holland, AICP
Director

CC: Sussex County