



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

September 23, 2009

Mr. Kenneth Bieri
Assistant Planning Manager
New Castle County
87 Reads Way
New Castle, DE 19720

RE: PLUS review – 2009-08-05; New Castle County Ordinance 09-067

Dear Mr. Bieri:

Thank you for meeting with State agency planners on August 26, 2009 to discuss the proposed text amendment to address several issues determined to be in need of adjustment by the Department of Special Services including plan processing, the installation of dry sewer lines, lot size and unsewered lots, and the distinction between sewer areas north and south of the canal. Specifically, this ordinance amends the following:

- Section 40.05.320 to stop the processing of any plan where public sewer cannot be provided thereby eliminating any need for further review by the County.
- Section 40.11.210, to combine and condense the standards for LOS with respect to areas north and south of the C&D Canal. The current language refers to “publicly sewered areas” north of the canal and “identified sewer service areas” south of the canal. Recent amendments to the UDC refer only to sewer service areas with no distinction for north or south of the canal.
- Section 40.22.340 to remove the requirement to install dry sewer lines in new subdivisions proposing individual septic systems. It has been determined through past experience that the existence of dry sewer lines does not provide any benefit to septic elimination projects.

- Section 40.22.360 A 1 (c) which authorizes the Department to grant an administrative variance to residential lots not meeting the minimum lot size for on-lot septic systems where the proposed system has been reviewed and approved by DNREC.
- Section 40.22.360 A 2 removes language that no longer has any application there are no former code plans under review that are seeking an exception to the new code standards.

Please note that changes to the proposed ordinance could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting.

This office has received the following comments from State agencies:

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

The Office of State Planning Coordination has no objection to the ordinance.

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

The State Historic Preservation Office has no objections to the proposed ordinance.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

The Department of Transportation has no objection to any of the proposed adjustments.

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

The Department of Natural Resources and Environmental Control has no comment regarding this ordinance

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

No comments were received regarding this ordinance.

Department of Agriculture - Contact: Scott Blaier 739-4811

The Department has no objections to the proposed ordinance.

Public Service Commission - Contact: Andrea Maucher 739-4247

No comments were received regarding this ordinance.

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

No comments were received regarding this ordinance.

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

No comments were received regarding this ordinance

Delaware State Housing Authority – Contact Valerie Miller 739-4263

No comments were received regarding this ordinance.

Department of Education – Contact: John Marinucci 735-4055

The Department of Education has no comments or objections regarding the ordinance under consideration.

Following receipt of this letter the County should coordinate with this office on the approval/adoption of this ordinance and once a decision has been reached regarding this ordinance, the County should notify the state and, if approved, send a copy of the final approved ordinance 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