



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 – 2009-08-06; New Castle County Ordinance 09-066

Dear Mr. Bieri:

Thank you for meeting with State agency planners on August 26, 2009 to discuss the proposed text amendment to improve and simplify the current three-step review process for rezonings and major land development plans. The new process consolidates the process and requires and encourages all technical and public comments to be submitted during the exploratory plan review stage. This includes the State of Delaware Preliminary Land Use Service (PLUS) review. As a result, emphasis is placed on streamlining the process, being more productive, doing more with less, and the fact that comments received at the earlier stage rather than preliminary stage are far more likely to be incorporated into the plan than at the later preliminary stage. This will allow the applicant and the Department an opportunity to incorporate appropriate comments into the design of the plan at any earlier stage and prior to the expenditures of detailed engineering analysis.

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

We support the county’s efforts to streamline the process for the review of major subdivisions and rezonings and to make this process more responsive to comments from other agencies and citizens. Additionally, adding the State of Delaware’s Preliminary Land Use Services (PLUS) review process into this procedure should provide a more complete and consistent state review of such projects. It should be noted that we will have to revisit the current MOU for PLUS to make the language fit with this amendment. Please contact Herb Inden at 739-3090, to begin this process.

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

- To begin with a minor comment, in Section 9 of the ordinance, revising Section 40.11.130 of the UDC, there is a reference to Section 15 of DelDOT’s Rules and Regulations for Subdivision Streets “or any amendments thereto.” DelDOT notes that the cited section and the cited document have already been replaced by Chapter 2 of DelDOT’s Standards and Regulations for Subdivision Streets and State Highway Access.
- More importantly, DelDOT is concerned that the proposed elimination of the preliminary plan stage could adversely affect their plan review process. Presently, Subparagraph B.1 in Section 40.31.114 of the UDC requires the applicant to submit a “Letter of approval from DelDOT regarding transportation matters.” DelDOT refers to this letter as a “Letter of No Objection” in that it states that they do not object to the plan being recorded. As they read the ordinance, the County would still require this letter and they appreciate their doing so. DelDOT’s concern is that this letter is currently issued on the basis of a review of the preliminary plan. While they appreciate the opportunity to review exploratory plans through PLUS, in their experience most such plans have not been sufficiently engineered for a detailed review of them to be useful and DelDOT cannot say on the basis of such a plan whether recordation would be appropriate.
- Further, as a practical matter, a significant amount of engineering must be done before record plans are prepared, to ensure that the plans being recorded show a workable design. Thus it appears that developers’ engineers will still need to prepare something like preliminary plans even if their submission to the County is not required. DelDOT asks that the County meet with the DelDOT Subdivision Engineer, Mr. Marc Cote’, to discuss in more detail how their proposed plan

review process can best be reconciled with their current plan review process. Mr. Cote' may be reached at (302) 760-2165.

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

DNREC supports the County's efforts to identify environmental concerns earlier in the development process. They agree with the County that this will allow for a less costly incorporation of appropriate comments into the design of the plan.

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.

PLUS – 2009-08-06

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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". The signature is written in black ink and is positioned above the printed name and title.

Constance C. Holland, AICP
Director