



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

June 22, 2017

Gail Seitz
City of New Castle
220 Delaware Street
New Castle, DE 19720

RE: PLUS 2017-05-06, City of New Castle Comprehensive Plan Pre-Update

Dear Gail,

Thank you for meeting with State agency planners on May 24, 2017 to discuss the update of the City of New Castle comprehensive plan. State agencies have reviewed the documents submitted and have asked that the following be considered when you update your plan for certification.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- Presently, the Wilmington Area Planning Council (WILMAPCO) is in the process of completing a Corridor Master Plan for the part of Delaware Route 9 that between the Cities of Wilmington and New Castle. Because it will shape land use and transportation in a large area adjoining the north side of the City, DelDOT recommends that the City incorporate the recommendations of that Master Plan into its planning.
- Many, perhaps most, of the improvements contemplated in Table 18 and Map 4 still remain to be done. DelDOT recommends that the City update Table 18 and consider adding a column listing anticipated funding sources for the improvements.

Apart from DelDOT's Capital Transportation Program, two DelDOT programs are potential funding sources for some of these improvements: the Safe Routes to School Program (applicable to connections to William Penn High School) and the Transportation Alternatives Program (TAP). More information on the TAP program is available at http://www.deldot.gov/information/community_programs_and_services/tap/index.shtml or from Ms. Sarah Coakley, a Principal Planner in DelDOT's Regional System Improvement Section. Ms. Coakley may be reached at (302) 760-2236 or Sarah.Coakley@state.de.us.

- More information on the TAP program is available at http://www.deldot.gov/information/community_programs_and_services/tap/index.shtml

122 Martin Luther King Jr. Blvd. South – Haslet Armory · Third Floor · Dover, DE 19901
Phone (302)739-3090 · Fax (302) 739-5661 · www.stateplanning.delaware.gov

or from Ms. Ann Gravatt, a Planning Supervisor in DelDOT's Local Systems Improvement Section. Ms. Gravatt may be reached at (302) 760-2254 or Ann.Gravatt@state.de.us.

- DelDOT is presently working with the City on two tasks that are not explicitly shown on Table 18. Adding these tasks may be among the changes that need to be made there. One is the deactivation of a traffic signal at the intersection of 6th Street (State-maintained northeast of Delaware Street) and Delaware Street. The other is an effort to identify and better manage truck traffic through the City. As necessary, the Town may contact DelDOT's Traffic Studies Engineer, Mr. Peter Haag, regarding these efforts. Mr. Haag may be reached at (302) 659-4084 or Peter.Haag@state.de.us.

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

DNREC envisions a Delaware that offers a healthy environment where people embrace a commitment to the protection, enhancement and enjoyment of the environment in their daily lives; where Delawareans' stewardship of natural resources ensures the sustainability of these resources for the appreciation and enjoyment of future generations; and where people recognize that a healthy environment and a strong economy support one another.

DNREC's intent is to offer recommendations to improve conservation and protection of the City's resources and to improve the plan elements related to environmental protection, open space, recreation and water quality and supply. DNREC would welcome the opportunity to meet with the City in a collaborative manner to discuss these recommendations and possible future ordinances.

Recommendations for Comprehensive Plan Revisions

Page 57, Goal 3: Conserve State Resource Areas (SRAs).

- Please remove all references to SRAs. The Strategies listed would still apply to protecting environmentally sensitive areas, generally.

Water Allocation.

- The City of New Castle's current water use is 12.8 to 15.5 million gallons per month. The allocated well capacity is 48 million gallons per month, or about 211% above current peak use. This capacity is likely to be sufficient to meet the projected 30% growth in the Comprehensive Plan. The current rate of water losses (2.7% in 2016) is not a concern.

The Town has recently added a third well to address contamination concerns. During the allocation permitting process to add this new well, the Town will need to assure the Water Allocation Branch (WAB) that current operating procedures will not cause the contaminants to advance toward other wells. If this can be done, there should be no problem meeting the demand projected in the Comprehensive Plan.

Source Water Protection.

- The DNREC Water Supply Division, Ground Water Protection Branch (GPB) has reviewed the above referenced project. The Town passed and adopted a source water protection ordinance in 2008 in compliance with 7 Del. C. 6082(b).

The Comprehensive Plan must include:

- Text of the comprehensive plan must include description of source water requirements in 7 Del. C. 6082(b), and include goals and objectives related to the protection of the resource. This text shall be placed within the water and sewer element of the local government's comprehensive plan, as prescribed by Title 9 or Title 22 of the Delaware Code.
- A map of source water resources (excellent recharge areas, wellhead protection areas) shall be included in the plan. This map must be derived from the most current source water protection datasets* provided by the Department of Natural Resources and Environmental Control (DNREC).
- The map and plan text must clearly include the note that the regulatory provisions of any source water ordinance will refer to the most current source water protection datasets*.

*<http://www.nav.dnrec.delaware.gov/DEN3/DataDownload.aspx>

Sea Level Rise.

- Since the City's Comprehensive Plan was last updated in 2009, more resources are available for the City of New Castle to plan for sea level rise.

Delaware Sea Level Rise Advisory Committee

To adapt to sea level rise the Delaware Sea Level Rise Advisory Committee published the Preparing for Tomorrow's High Tide: Recommendations for Adapting to Sea Level Rise in Delaware, (September 2013)

<http://www.dnrec.delaware.gov/coastal/Documents/SeaLevelRise/FinalAdaptationPlanasPublished.pdf>

Executive Order Number Forty-One

“Preparing Delaware for Emerging Climate Impacts and Seizing Economic Opportunities from Reducing Emissions” was signed on September 12, 2013. <http://governor.delaware.gov/wp-content/uploads/sites/24/2016/12/EO041.pdf>

Determination of Future Sea-Level Rise Planning Scenarios

The Delaware Geological Survey will review recent scientific literature and assessments of sea-level change in Delaware and identify appropriate scenarios to use for planning purposes throughout the state. The release of the International Panel on Climate Change (IPCC) Fifth Assessment Report (AR5) in 2013 and the NOAA National Climate Assessment indicates that the rate of sea level rise is likely to increase. This project will also develop new inundation maps along Delaware's coast that correspond to the identified projections. It is not clear if this project will be completed in time for the town's new plan but it should be helpful for the Town of Blades to have the information when it is available.

<http://www.dgs.udel.edu/projects/determination-future-sea-level-rise-planning-scenarios-delaware>

Resilient Community Partnership

The Delaware Coastal Programs (DCP) "Resilient Community Partnership" program intends to assist a community with improving its resilience to hazardous weather and climate change. Resilience planning improves a community's capacity to prepare for and recover from coastal and inland flooding, erosion, sea level rise and other impacts.

Through the partnership, DCP offers direct staff support, policy expertise, technical assistance and funding to help a community through the resilience planning process. Recognizing communities may just be starting the process or several steps along the way, the DCP will provide the support necessary to further a community's efforts through the stages of assessment, planning and implementation.

If you have questions or would like additional information about the partnership, please contact the Delaware Coastal Programs at (302) 739-9283 to speak with (or email) Danielle Swallow or Dr. Bob Scarborough.

Coastal Training Program

The Delaware National Estuarine Research Reserve's Coastal Training Program is serving on the Steering Committee for the Delaware Resilient and Sustainable Communities League (RASCL). RASCL is made up of practitioners from across Delaware who interface with community decision makers in order to help them create more sustainable and resilient communities.

Members include representatives from several DNREC Divisions, DelDOT, DEMA, Sea Grant, Delaware Geographic Survey, UD Institute for Public Administration, Delaware Center for Inland Bays, and the Del. Office of State Planning Coordination.

For more information, please contact Kelly Valencik, the Coastal Training Program Coordinator at kelly.valencik@state.de.us or (302) 739-6377.

Sea Level Rise Inundation Maps

Portions of the City of New Castle and its surroundings will be subject to direct and permanent inundation from sea level rise. For more information on the Sea Level Rise Inundation Maps please see: (<http://www.dnrec.delaware.gov/Pages/SLRMaps.aspx>).

Sea levels in Delaware have risen by about a foot over the past century (NOAA, 2014). This rate of sea level rise is likely to accelerate in the coming decades as a result of global climate change and local subsidence. Accelerated sea level rise will result in permanent flooding of low-lying coastal areas and increased risk of flood damage during storms (DNREC, 2012).

Air Quality.

- It is recommended that “mitigation measures to improve the city’s existing air quality” be added to the environmental recommendations list. According to the City of New Castle’s updated comprehensive plan, since the 1940’s New Castle’s population has increased “just over 10 percent” (page 3) and is expected to increase to “6,894 in 2030 or 43%” (page 4). Also included in the plan was that 35.3% of New Castle county residents are aged 44 or above. The second largest demographic indicated in the plan were those aged 9 and younger which represented 13.7% of the population.
- Young children, the elderly and those with pre-existing conditions (i.e.: cardiovascular disease, emphysema and asthma) are considered “at risk” due to the negative impacts of air pollution.

However, the City of New Castle can take steps to ensure that it combats the adverse effects of air pollution. A component of improving existing air quality levels is to maximize multi-modal travel through bike lanes, sidewalks and convenient access to transit opportunities. DAQ was pleased to see that “Pedestrian Facilities” and “Bicycle and other Non-Auto Facilities” were made a transportation priority in the plan (page 31). The City of New Castle is encouraged to address any gaps in the current bicycle and pedestrian network for increased connectivity. Multi-modal travel can significantly reduce mobile source emissions. For every vehicle trip that is replaced by the use of a sidewalk or bike path, 7 pounds of VOC and 11.5 pounds of NOx are reduced each year. A key component that is also crucial to multimodal travel is the convenience of transit opportunities. It was mentioned in the plan that New Castle County does have two bus lines (#15 and 37) operated by the Delaware Transit Corporation (DTC). The City is recommended to continue to work with DTC to provide convenient, continuous and timely transit access to residents in the New Castle area.

- The City of New Castle is also encouraged to expand its tree canopy. According to the Delaware Forest Service, in 2014, the City of New Castle’s tree canopy percentage was 27%. Native trees reduce emissions by trapping dust particles and replenishing oxygen. Trees also reduce energy emissions by cooling during the summer and by providing wind breaks in the winter, whereby reducing air conditioning needs by up to 30 percent and

saving 20 to 50 percent on fuel costs. All urban trees that are selected should be native to Delaware.

- Lastly, DNREC recommends that the City of New Castle continue to re-examine existing facilities to see where gateways and place-making components can be added such as streetscape elements (landscaping, lighting, pedestrian centers, mixed use areas and signage) in order to generate a Complete Community that incorporates smart growth scenarios and lessens the potential for urban sprawl. Should the developer have any more questions or concerns, the DAQ point of contact is Lauren DeVore, and she may be reached at (302) 739-9437 or lauren.devore@state.de.us.

Solid Waste and Recycling.

- The Universal Recycling Law (7 Del. C. §6053) requires all waste service providers (including a municipality that uses contractors for service) to provide recycling collection to their residential customers (including multi-family settings). Municipalities that provide trash and recycling services can demonstrate some of the lowest prices in Delaware. Municipalities should plan for outreach/educational strategies for constituents, as well as continued implementation.
- Delaware Law and Regulations specify that the ‘commercial sector’ shall participate in a comprehensive recycling program. As such, all those involved with the planning of new facilities should give consideration to space for collection of recyclables that would be typically generated. For example, an engineer might develop a facility site plan that shows a curb cut and fencing around space for a trash dumpster. To later site an adjacent recycling dumpster could be difficult and costly. But if that space were allocated in the planning phases, it would be so much easier. Please take this into consideration for your comments for all new construction. The commercial sector includes all for-profit, not-for-profit, institutional, charitable, educational, health care, and government organizations.
- For more information or assistance related to recycling requirements, benefits, tools, and assistance, please call 302-739-9403.

Recommendations for Ordinances and Plan Implementation

Wetlands Delineations:

- *Recommendation:* Require all applicants to submit to the Town 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.

Freshwater Wetlands Protections:

- *Recommendation:* Implement regulations to protect freshwater wetlands where regulatory gaps exist (i.e., isolated wetlands and headwater wetlands).

100 Foot Upland Buffer:

- Based on a review of existing buffer research by Castelle et al. (Castelle, A. J., A. W. Johnson and C. Conolly. 1994. *Wetland and Stream Buffer Requirements – A Review*. J. Environ. Qual. 23: 878-882.), an adequately-sized buffer that effectively protects water quality in 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 all water bodies (including ditches) and wetlands.

Recommendation: Require a 100-foot upland buffer width from all delineated wetlands (approved by the USACE and DNREC) or water bodies (including ditches).

Impervious Surface Mitigation Plan:

- *Recommendation:* 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 storm water management structures.
- *Recommendation:* To encourage compact development and redevelopment in the Town's central business area, require an impervious surface mitigation plan for all residential and commercial developments exceeding 20% imperviousness outside that area, or at least in excellent recharge areas outside that area. The impervious surface mitigation plan should demonstrate that the impervious cover in excess of 20% will not impact ground water recharge, surface water hydrology, and/or water quality of the site and/or adjacent properties. If impacts to groundwater recharge, surface water hydrology will occur, the plan should then demonstrate how these impacts will be mitigated. If the impacts cannot be mitigated, the site plan should then be modified to reduce the impacts from impervious cover.

Poorly Drained (Hydric) Soils:

- *Recommendation:* Prohibit development in poorly or very poorly-drained (hydric) soil mapping units. Building in such areas predictably leads to flooding and drainage concerns from homeowners, as well as significant expense for them and, often, taxpayers. Proof or evidence of hydric soil mapping units should be provided through the submission of the most recent NRCS soil survey mapping of the parcel, or through the submission of a field soil survey of the parcel by a licensed soil scientist.

Green Technology Stormwater Management:

- *Recommendation:* Require the applicant to use “green-technology” storm water management in lieu of “open-water” storm water management ponds whenever practicable.

Stormwater Utility:

- *Recommendation:* 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 New Castle County, the Conservation District, and the Delaware Clean Water Advisory Council as partners in funding stormwater retrofits.

Drainage Easements:

- *Recommendation:* The Town should pursue drainage easements along waterways and storm drains where currently there is none.

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

- The City of New Castle is listed in the National Register of Historic Places and as a National Historic Landmark. The City’s Historic and Cultural Resources Plan, with the previous strategies and goals, should be modified as strategies are carried out. The updated plan should outline the accomplishments of the previous plan and provide new strategies for the next planning period. If the City has any questions or concerns, please call Madeline Dunn at 302-736-7417.

Delaware State Housing Authority – Contact: Karen Horton 739-4263

- According to Title 22, Section 702 Del C., municipalities with population greater than 2,000 persons, must include policies, statements, goals, and planning components which serve to define the community’s strategy for providing affordable housing for current and future residents.
- DSHA offers the following information as the City prepares its Comprehensive Plan Update:
 - The 2015-2020 Housing Needs Assessment (HNA) is a great resource and can be found at the below link. There is the full document, executive summaries, handouts, a reporting portal (that takes you to an interactive map). <http://www.destatehousing.com/FormsAndInformation/needs.php>
 - In addition to the *2015-2020 Statewide Housing Needs Assessment*, the following housing information is available on DSHA’s ‘Research and Plans’ website <http://www.destatehousing.com/FormsAndInformation/datastats.php>. DSHA updates this data regularly and produces the following reports:
 - New Castle County Housing Fact Sheet –

- http://www.destatehousing.com/FormsAndInformation/datastatmedia/ds_ncc_fs.pdf
 - Median Home Price and Affordability Gap data for each year for the most recent quarter and the past 10 years -
<http://www.destatehousing.com/FormsAndInformation/affordgap.php>
 - Sheriff Sale data from 2008 to 2016 by Zip Code –
http://www.delawarehomeownerrelief.com/media/sheriffsale_2008_ncc.pdf
 - Monthly Foreclosure and Sheriff Sale Data -
<http://www.delawarehomeownerrelief.com/data.php>
- DSHA encourages municipalities receiving federal funds for housing to be aware of their Civil Rights obligations at the U.S. Department of Housing and Urban Development (HUD). Specifically, federal fund recipients are obligated to Affirmatively Further Fair Housing (AFFH) by taking proactive steps to promote racially, ethnically, and socioeconomically diverse communities. To assist with this obligation, in July 2011, DSHA collaborated with the Cities of Wilmington and Dover, and New Castle County to conduct the *Statewide Analysis of Impediments to Fair Housing Choice*. (<http://www.destatehousing.com/FormsAndInformation/fairhousing.php>). The Analysis contains several recommendations for local jurisdictions. These include the following:
 - Local government entities throughout the State of Delaware should reduce and/or waive their respective sewer, water, and/or public facilities and services impact fees for area developers and non-profit organizations seeking to build affordable housing units, both renter and owner units.
 - Ease zoning and other regulatory barriers to affordable rental housing for families.
 - Review how ‘family’ is defined and remove undue restrictions on group homes.
 - Incentivize the development of mixed-income housing in non-impacted areas.
 - Area localities should encourage members of appointed boards and commissions, elected officials, real estate agents, and municipal and county staff that deal with housing, community development, zoning, and code enforcement issues to attend an annual fair housing training.
 - DSHA offers technical assistance to the Town in reviewing tools and strategies to increase affordable housing opportunities within the Town.
 - 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 "Affordable Housing Resource Center" under Other Programs.

If you have questions or would like more information on the above recommendations, please feel free to call me at (302) 739-4263 ext. 251 or via e-mail at karenh@destatehousing.com.

Since this was a Pre-update meeting for your plan update, we will need to see the completed document at a regular PLUS meeting once your Planning Commission has approved the draft

plan for public review. Thank you for the opportunity to review this update. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in blue ink that reads "Constance C. Holland". The signature is fluid and cursive, with the first name being the most prominent.

Constance C. Holland, AICP

Director, Office of State Planning Coordination