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December 5, 2007

Ms. Constance C. Holland, AICP
Director
Delaware Office of State Planning Coordination
Col. John Haslet Armory
122 William Penn Street
Dover, DE 19901

Subject: Submission of Town of Ellendale Comprehensive Plan Amendment for PLUS
Committee Review

Dear Ms. Holland:

On behalf of our client, the Town of Ellendale, we are pleased to submit the enclosed Town of Ellendale Comprehensive Plan Amendment for review by the PLUS Committee at its January 16, 2008 meeting. Enclosed also please find a December 4, 2007 Town Council Ordinance, supporting analysis, a completed PLUS Committee Comprehensive Plan Submission form and a CD-ROM containing a .PDF file of the amendment materials.

Please call me at 443-260-2760 or email us at dnutter@aol.com with any questions you might have.

Best regards,

David G. Nutter, AICP
Principal

Cc: Delores E. Price, President, Ellendale Town Council
Bryan Hall, Principal Planner

Enc.

**Preliminary Land Use Service (PLUS)
Comprehensive Plan Amendments and Municipal Ordinances**

Delaware State Planning Coordination
540 S. DuPont Highway • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-6958

Name of Municipality: Town of Ellendale, Sussex County, Delaware	
Address: Town of Ellendale Ellendale Town Hall P.O. Box 6 Ellendale, DE 19941	Contact Person: Delores E. Price, President, Ellendale Town Council
	Phone Number: 302-422-6727
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	E-mail Address: ellendaletown@comcast.net

Date of Most Recently Certified Comprehensive Plan: Adopted 12/07/04, Certified 01/03/05, and Amended 11/01/05

Application Type:

Comprehensive Plan Amendment: X

Ordinance: _____

Other: _____

Comprehensive Plan Amendment or Municipal Ordinance prepared by:	
Address: Nutter Associates, Community Planners 507C South Boulevard Salisbury, MD 21801	Contact Person: David G. Nutter, AICP
	Phone Number: 443-260-2760
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Maps Prepared by:	
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Preliminary Land Use Service (PLUS)
Comprehensive Plan Amendments and Municipal Ordinances

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Please describe the submission:

This comprehensive plan amendment will amend the certified Ellendale of the Forest: 2004 Greater Ellendale Comprehensive Plan, as adopted on December 7, 2004 by Ordinance of the Ellendale Town Council, and certified by the state on January 3, 2005, in order to change the status of the Special Study Area west of U.S. 113 to fully include it within the Future Land Use and Potential Growth and Annexation Area components of the comprehensive plan. All conditions specified in the comprehensive plan are satisfied in the attached analysis. Future Land Use is designated to be mixed-use. The area will be shown as part of the Phase I Potential Growth and Annexation Area.

Please see attached report.

TOWN OF ELLENDALE
Comprehensive Plan Amendment
Potential Annexation of Special Study Area West of US 113
& Confirmation of Future Land Use
Presented to the Town of Ellendale Town Council

Background and Purpose of the Comprehensive Plan Amendment

During the preparation of the *Ellendale of the Forest: Greater Ellendale Comprehensive Plan* in 2004, it was recommended that an area west of the intersection of U.S. Route 113 and Delaware Route 16, Ellendale's major highway intersection, be included within the comprehensive plan's Future Land Use Plan and Potential Growth and Annexation Area.

The reason for the recommended inclusion is that:

- Significant economic and residential development will almost certainly occur at this location, whether this area is annexed or not, and
- The historic Town, founded on the railroad, needs the economic and social health that will result by including this modern location in its comprehensive plan and ultimately, through annexation, within its municipal boundaries.

The area is not presently contiguous with the current Town boundary and therefore this is a long-range planning matter, which comprehensive plans are intended to address. After extensive discussion with Town, Sussex County and state agencies, it was decided to include this area as a "Special Study Area" in the certified Comprehensive Plan, with the understanding that the area could be designated as a future land use and potential annexation area by vote of the Ellendale Town Council upon the reasonable satisfaction of conditions identified in the Plan. The Comprehensive Plan identified Mixed-Use as the desirable future land use of the Special Study Area. During the comprehensive plan preparation it was identified as a Phase 1 potential annexation area.

At this time, the Town of Ellendale Town Council has made substantial progress in its planning for the future and wishes to proceed to amend the Comprehensive Plan to confirm the future land use of this area and include it within the Future Land Use and Potential Growth and Annexation Area components of the comprehensive plan.

Mixed-use was proposed by the comprehensive plan as the Future Land Use for this area. The area is approximately 312 acres in size and is located both north and south of DE Route 16. With the exception of the northwest corner of Routes 16 and 113, the area is not within the boundaries of Sussex County's Ellendale – New Market Sanitary Sewer District. It is shown on the state of Delaware's 2004 State Strategies for Policy and Spending maps as a Level of Investment 4 Area, meaning that the state's goal for this area is land conservation and low-density development. It was unclear at the time of plan adoption how the U.S. 113 North-South Limited Access Study would impact the properties in question.

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The area west of U.S. 113 is approximately 4,000 feet west of the Town of Ellendale's current western Town boundary along Old State Road (DE Route 213). It is separated from the Town boundary by three or more privately owned properties.

The reason so much attention has been given to this land is because it was agreed in the plan that the intersection of DE Route 16 (Beach Highway) and U.S. 113 (the DuPont Highway) would in the future be an important mixed use economic and residential development center of Ellendale. Given that Ellendale is a railroad town which had a booming economy, focused on the intersection of the rail line and Main Street, in the late 19th and early 20th centuries, but that its railroad economy disappeared in the age of trucks and highways, this is a compelling finding. The overall purpose is therefore to preserve and to sustain the existence of the Town, as an incorporated municipality.

After much deliberation by the Town Council and citizens, and discussion with Sussex County and state of Delaware representatives, a "summit meeting" including Town Council, Sussex County, involved State agency, property owners and interested developers was conducted in Ellendale Town Hall on December 6, 2004. It was agreed that the area would be identified in the comprehensive plan as a "Special Study Area" (with Future Land Use presumed to be Mixed-use) that would be added to the comprehensive plan in the future if stated conditions were met.

A list of ten (10) conditions was included in the plan that would satisfy the special requirements affecting this property. These were included in the certified comprehensive plan and are attached as an appendix to this report.

Annexation is a double-edged sword. On one hand, the people being annexed will have to pay the higher taxes of the Town. On the other, the Town will not reap any fiscal benefit from development that occurs if annexation does not also occur. Whether or not annexation occurs, there are likely to be public service requirements imposed on the Town because of its proximity. In the middle of the equation stands the developer, who stands to gain a somewhat higher density of development under the Town Zoning Ordinance, more public services than could otherwise be expected and the image of being part of a historic town.

Oftentimes, it seems developers expect that a Town will somehow pick up the current Town boundary and carry it over to them. Given that annexation in Delaware, and almost all other states (North Carolina is an exception), is voluntary, that is not possible. Basically, the Town must await voluntary initiatives by each property owner involved. It cannot be overemphasized that annexation has always been, and will undoubtedly continue to be a very complicated and time-consuming process for all participants. Given these conditions, it is very difficult to plan for rational annexation in the state of Delaware, or in most states.

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It is important to note that the purpose of this work pertains to Potential Annexation in the future. This is not an analysis of actual annexation at this time because this land is not now contiguous with the Town boundary.

The Ten (10) Conditions Specified in the Certified Comprehensive Plan

(1) Confirmation of Future Land Use for the Special Study Area, Presumed to be Mixed Use

Future Land Use is viewed as a comprehensive assessment of factors including:

- (1) Community vision, aspiration and leadership,
- (2) History and existing land use,
- (3) The Comprehensive Plans and Zoning Ordinances of Town and County,
- (4) The State of Delaware State Strategies for Policy and Spending,
- (5) Transportation and accessibility factors,
- (6) Public utility measures,
- (7) Other Public services,
- (8) Real estate markets and economic trends, and
- (9) Soil and other physical elements.

Community Vision, Aspiration and Leadership

The Special Study Area west of 113 is viewed as the primary economic development center for Ellendale in the future, as measured by feasible levels of capital investment, daytime business activity and the job-creating potential. The Comprehensive Plan stated that the best traditions of Ellendale should be preserved and that in the future “Ellendale Should Look Like Ellendale”. As Ellendale has always had a mixture of uses, this supports the continuation of a “traditional neighborhood” or mixed-use pattern west of U.S. 113. This is also consistent with the designation of the lands between Old State Road and the DuPont Highway as mixed-use on the Future Land Use Map of the Comprehensive Plan.

History and Existing Land Use

There has been significant commercial use at this location since the early 19th century. Existing highway-oriented commercial uses are located at the northeast and northwest corners of the U.S.113/DE 16 intersection. There does exist Sussex County C-1 commercial zoning at the northwest, northeast and southeast corners of the intersection. The owner on the southwest corner, presently in agricultural use, is now requesting C-1

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Commercial zoning from Sussex County. The remainder of the land west of U.S. 113 is in agricultural use.

The Comprehensive Plans and Zoning Ordinances of Town and County

The Future Land Use map from Ellendale's Comprehensive Plan designates the area between the DuPont Highway and Old State Road, north of Beach Highway, as Mixed-use. The Town's Zoning ordinance requires that owner/developers seeking the annexation of parcels larger than 2 acres apply for the Large Parcel Overlay District, which allows for mixed uses.

The 2003 Sussex County Comprehensive Plan Update shows the Special Study Area as a low density and rural conservation area. The current Sussex County Zoning Ordinance designates the area AR-1, or Agricultural-Residential, except for the C-1 General Commercial zoning for the De-Lux Market site at the northwest corner of the intersection. The AR-1 zoning district permits two residential units per acre. If a developer seeks and obtains zoning designation as a PRC - Planned Residential Center from Sussex County, both mixed uses and residential densities of up to 4-5 units per acre are permitted, if the site is at least 40 acres in size and connected to a central sewer system. The County in 2006 also adopted a Cluster Density Trade Ordinance that permits developers to double their densities by paying the County \$15,000 per unit, with the money to be spent by the County for open space. Sussex County is currently preparing a new and updated county comprehensive plan and is scheduled to prepare and adopt new or updated zoning and subdivision regulations, based on the findings of the new plan, by mid-2009.

The September 25, 2007 draft 2007 Sussex County Comprehensive Plan Update now underway identifies the Special Study Area as a "Developing Area".

The draft states that:

"Developing Areas are newer, emerging growth areas. They are often located near main arterial roads that connect major destinations within the County. Most of the proposed Developing Areas are adjacent to municipalities and most are within potential future annexation areas of a municipality. In some cases, the developing areas are not yet served by sewer and water systems but have the potential to secure these services either from public or private providers that provide service to nearby locations.

The following major guidelines should apply to future growth in the Developing Areas:

- Permitted Uses – A range of housing types are appropriate in most Developing Areas, including singles, townhouses and multi-family units. In selected areas, commercial uses should be allowed. A variety of office uses would be appropriate

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in many areas. Portions of the developing areas with good road access and few nearby homes should allow for business and industrial parks. Careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home.

- Densities – The County envisions base density in these areas to be 2 units per acres, with the option to go to 4 units per acre if the developer uses optional density bonuses. Those optional bonuses may involve payment of fees that fund permanent land preservation elsewhere in the County, or other options. In addition, consideration should be given to possible density bonuses if a developer funds a major road improvement that otherwise would not be required. That type of bonus may require conditional use approval by County Council and may not be allowed in the Environmentally Sensitive Developing Area. Smaller lots and flexibility in dimensional standards should be allowed if the developer uses a cluster option that results in permanent preservation of a substantial percentage of the tract.
- Infrastructure – Central water and sewer facilities are strongly encouraged. If central utilities are not possible, permitted densities should be limited to 2 units per acre. The Developing Areas are largely based upon areas where public sewage service is already available or where the County plans upon providing public sewage service within five years.”

The State of Delaware 2004 State Strategies for Policies and Spending

The 2004 State Strategies for Policies and Spending Maps designate the Special Study Area as a Level of Investment Area 4, in which low density rural, agricultural, natural resources and residential uses are desirable. The State will next update its Strategies Maps in 2008-2009, adjusting them to reflect the findings of certified municipal and county comprehensive plans and giving greater attention to existing land use.

At the December 2004 summit meeting on the treatment of the Special Study Area in the Ellendale Comprehensive Plan, the Delaware Departments of Agriculture and Natural Resources asked that special consideration be given to natural resources protection and the possible establishment of a permanent “Greenbelt” along the west edge of the Study Area. Dialogue is continuing with both Departments and natural resources protection is addressed in this report.

Transportation and Accessibility

The US 113 North-South Limited Access Highway Study by DelDOT, Sussex County and the Federal Highway Administration has produced a relatively stable alignment concept in the Ellendale area. The concept provides for unlimited local access along the

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east side of a new U.S. 113 Limited Access Highway in the Ellendale area, but severely limited local access along the new highway's west side adjacent to the Study Area. The design shown for the U.S. 113/DE Route 16 intersection itself imposes severe access limitations on both the northwest and southwest corners of the intersection, and appears to require the taking of the De-Lux Market.

Public Utility Measures

Water and Sewer utility service is making rapid progress in the Ellendale Area. Sussex County began operation of its new Ellendale – New Market Sanitary Sewer system in 2005-6. The Sewer System was designed primarily to solve public hygiene problems of shallow wells being infected by individual, aging septic tanks. It will permit the development of approximately 250 new homes within the sewer district.

Soil, Hydrology And Other Natural Resources Elements

Soil Data has been gathered from the Natural Resources Conservation Service. The Special Study Area evinces a typical mix of soils similar to that east of U.S. 113. With some sensitive soils requiring special treatment and land conservation measures within the overall Study Area, the soils are generally equally well suited for land development. The same is true of hydrological factors. Special and more detailed attention is being given to these factors in planning for this area. Special attention will also be given to addressing the protection of adjacent segments of the Redden and Ellendale state Forests and to the desire to create Greenbelt Protection to the west of the area. The Town wishes to work with Sussex County to establish a Greenbelt of open spaces along the west edge of the Study Area. As plans progress for this area, special design measures, such as 100' buffers around wetlands, bio-swales, preservation of forested areas and new tree plantings will be required by the Town. Specifically, per correspondence with, and mapping provided by, Ms. Edna J. Stetzar, Biologist/Environmental Review Coordinator with the Delaware Department of Natural Resources and Environmental Control dated January 3, 2007, the forested area within tax parcel 230-26.00-99.00 will be preserved as it abuts Ellendale State Forest and provided habitat.

Real Estate Markets And Economic Trends

Delaware is experiencing large scale residential development that has been caused by a combination of the early stage of Baby Boom Generation retirements and low interest rates. Interest rates have now risen from historic lows and the runaway market of the 2000-2005 period is in serious correction. It is expected that housing development will continue but at a more reasoned pace, continuing to be largely based on Baby Boom Retirement. State, county and Town policy seek to address the need for affordable housing. Nationally and regionally, developers are now increasingly committed to

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mixed-use development based on buyer and community preferences. The U.S. Route 113 Limited Access Highway Study has increased developer interest in future development along this corridor. It is expected that these trends will continue to be the dominant economic trends affecting the Special Study Area.

(2) Ellendale Sanitary Sewer District expansion proposal to serve the new area, approved by Sussex County

With assistance from a Livable Delaware grant, the Town prepared an RFP for procuring the services of a private water and supplemental service provider. As a result of the RFP process, both Artesian and Tidewater Utilities submitted proposals and were interviewed. Tidewater was selected, pending negotiation of an acceptable agreement. That agreement is being negotiated at this time. If it does not prove acceptable to the Town, the Town can negotiate with Artesian. There has been thorough consultation with Sussex County and a final agreement will be submitted to the County.

(3) Potential annexation area boundary acceptable to DE State Office of Planning Coordination and DE Department of Agriculture.

The amended Potential Growth and Annexation Area boundary is shown on the attached Potential Growth and Annexation Area map. The western boundary is the western boundary of the parcels included. Consultation has been made with the Office of State Planning Coordination and the Department of Agriculture. Both agencies have indicated that the boundary is acceptable if a serious effort is made by the Town to ensure a “greenbelt” conservation treatment for the lands to the west. The Town will work with Sussex County to achieve this result.

(4) US 113 and Route 16 access plan for the new area (vehicular, transit, pedestrian and bicycle) acceptable to DE Department of Transportation.

DelDOT has recommended a Refined On-Alignment Alternative, which involves the construction of two additional lanes in and adjacent to the existing right-of-way on the west side of existing US 113 from Hudson Pond to approximately VFW Road. These additional lanes would become limited access Southbound US 113. The existing southbound lanes of US 113 would become the limited access Northbound US 113. The existing northbound lanes would become a two-way frontage road providing access for properties fronting on the east side of existing US 113. An interchange (an overpass with ramps) would replace the existing Delaware Route 16/US 113 intersection and would provide access between limited access US 113 and the local road system. DelDOT’s schedule entails completing an environmental assessment by the end of 2007 and obtaining Federal Highway Administration Approval and notifying the public of this

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approval by the winter of 2008. As DelDOT's schedule permits, the Town will work with it to develop plans for transit, pedestrian and bicycle facilities.

(5) Public water service proposal acceptable to the Town and DE Public Service Commission.

Based on the January 1998 Delaware Water Study for Unserved and Underserved Communities, consistent advocacy by the Ellendale Community Civic Improvement Association and the First State Community Action Agency, as well as the findings of a special Public Water service Feasibility Study commissioned as part of the Town of Ellendale Comprehensive Plan, the Town of Ellendale issued an RFP in March of 2006 to select a Public Water Service Provider. Both Tidewater Utilities, Inc. and Artesian, Inc. responded to the RFP and were interviewed by the Town Council. Both firms proposed to provide both public water service and sanitary sewer service to supplement the existing Ellendale – New Market Sewer System. The Town selected Tidewater Utilities, Inc., of Dover, Delaware for the purpose of negotiating an acceptable agreement. The Town is now attempting to negotiate an acceptable agreement with Tidewater and has the right to negotiate with Artesian if this fails.

(6) Planning and Zoning Commission established by the Town.

On November 1, 2005, the Ellendale Town Council adopted a Town of Ellendale Zoning Ordinance and Town of Ellendale Subdivision and Land Development Regulations and appointed both a Planning Commission and Board of Adjustment. On January 3, 2006 it established application fees for planning and zoning projects. On April 4, 2006, the Ellendale Town Council adopted an Annexation Procedure including a Town Council resolution, goals for annexation, a Town of Ellendale model annexation agreement and annexation application fees based on types of property. Development Impact Fees were established on May 16, 2006.

(7) Zoning Ordinance and Subdivision Regulations adopted by the Town.

As described in item (6) above, the Town now has thorough and modern zoning and subdivision regulations, both of which were reviewed by the Office of State Planning Coordination prior to adoption by the Town Council.

(8) Natural resources protection plan acceptable to DE Department of Natural Resources and Environmental Control and Delaware Department of Agriculture.

Consultation has been made with both the Department of Natural Resources and Environmental Control regarding natural resources protection. The non-commercial

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portions of the Special Study Area have been in agricultural use for two centuries and do not display notable natural resource features. An exception is that the southwestern and northern edges abut portions of the Redden and Ellendale State Forests. There are some hydric soils on the site. There is no evidence of endangered species in the Study Area. The natural resources protection plan therefore consists of the Town's commitment to work with Sussex County on greenbelt protection for adjacent lands to the west, protection of the adjacent Redden and Ellendale State Forest sites with buffer landscaped areas, and the use of bio-swales to ensure protection of the underlying aquifer and proper drainage.

In accordance with the attached letter of January 3, 2007 from Edna J. Stetzar, Biologist/Environmental Review Coordinator of DNREC, the forested areas on tax parcels 230-26.00-15.00 and 230-26.00-99.00 will be preserved. State wetland areas will be buffered and protected.

(9) Progress toward plan for essential municipal services (police, fire, administration, code enforcement).

The Town of Ellendale has limited public services including general town government and administration, planning, community development, zoning and subdivision regulation, street lighting future contract administration. Due to lack of funds the Town recently eliminated its former two-officer Police Department. Consideration has been given to future trash removal service. The Town is in serious financial straits and no solution is in sight. This adds to the need to include the Special Study Area in the Potential Growth and Annexation Area.

Under these difficult circumstances, the Town has made progress in this area, including the employment of a part-time Code Enforcement Officer. Fiscal impact and cost of services analysis has begun as part of the Town's adopted Development Impact Fees Analysis. In analyzing the Special Study Area, specifically with regard to levels of services and adequate public facilities requirements, cost thresholds, estimated costs and revenues, and timing, appropriate recommendations will be made.

(10) Phasing of potential annexation vis-à-vis Phase 1 and Phase 2 Potential Annexation Areas.

Potential Annexation Areas within certified comprehensive plans is Delaware's form of long-range planning. The certified Greater Ellendale Comprehensive Plan foresees a phase one-annexation period over the next ten years and a phase 2-annexation period over the following ten-year period. Actual annexation, as mentioned, requires direct

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contiguity with the Town boundary. Phase 1 Potential Annexation is proposed for the Special Study Area.

A Preliminary Land Use Service (PLUS) Committee Comprehensive Plan Amendment Form is attached in accordance with state requirements. The Amendment and this report document the findings of the tasks undertaken to fulfill the special conditions set by the Comprehensive Plan. Following Town Council action, presentation will be made to the PLUS Committee of the Delaware Office of State Planning Coordination.

Attachments:

Preliminary Land Use Service (PLUS) Committee Comprehensive Plan Amendment Form for the proposed Comprehensive Plan Amendment

Special Conditions for the Inclusion of the Special Study Area, from the Ellendale of the Forest: 2004 Greater Ellendale Comprehensive Plan, as certified by the state of Delaware

Future Land Use Map, as proposed for amendment

Potential Growth and Annexation Area, as proposed for amendment

Professional Services for the Preparation & Initiation of a Comprehensive Code Enforcement Project for the Town Of Ellendale – Summary Report, September 2006

Letter of January 3, 2007 from Edna J. Stetzar, Biologist/Environmental Review Coordinator of DNREC

Parcels Map

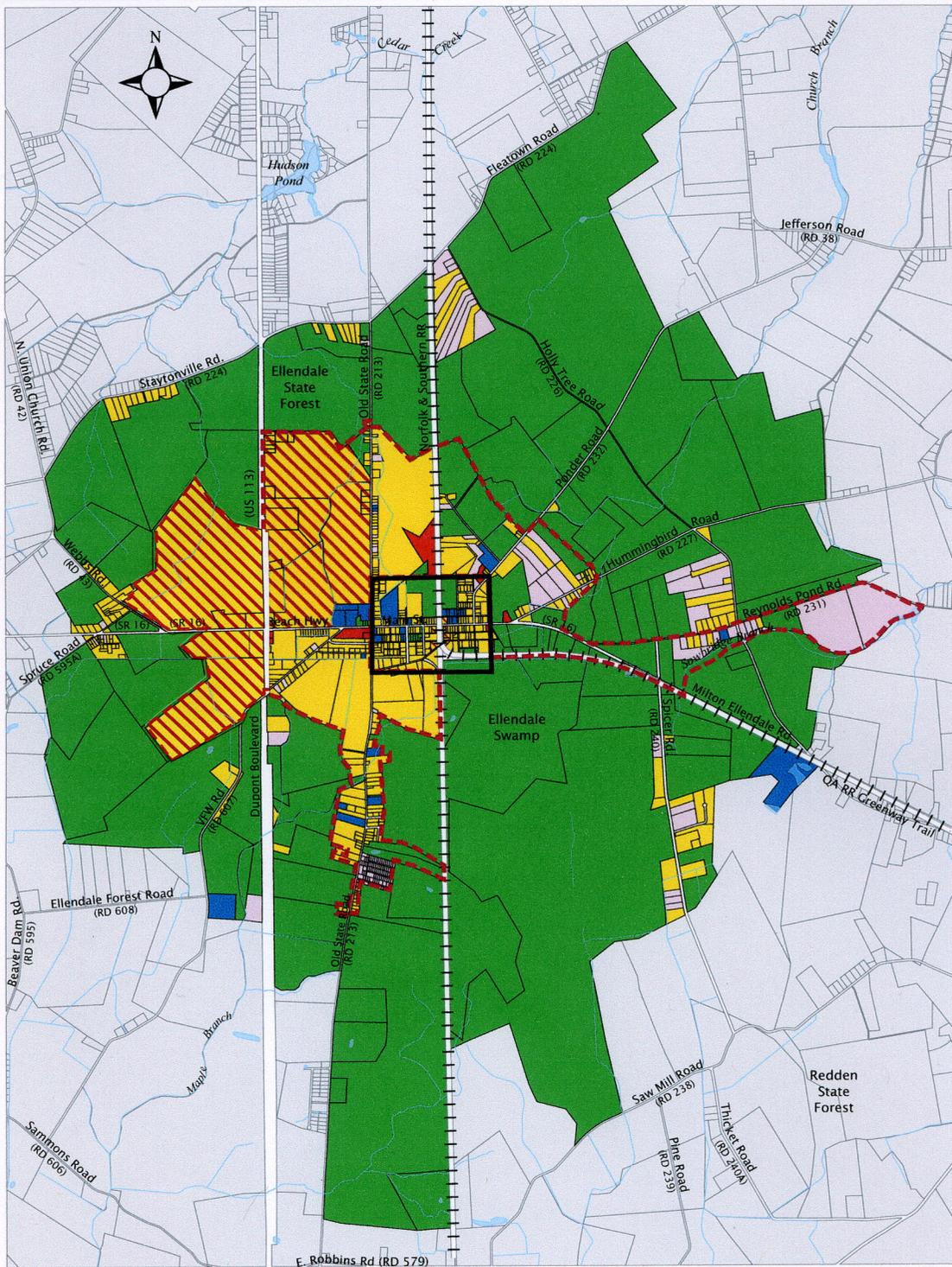
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ADDENDUM
TO THE DECEMBER 7, 2004
APPROVAL OF THE 2004 GREATER ELLENDALE COMPREHENSIVE PLAN
BY ORDINANCE
OF THE ELLENDALE TOWN COUNCIL
PERTAINING TO THE SPECIAL STUDY AREA WEST OF US 113

Pursuant to a consensus reached at a Special December 6, 2004 Meeting of the Town Council with the Delaware Office of State Planning Coordination and representatives of Sussex County, DelDOT, the Delaware Department of Agriculture and interested citizens, the Ellendale Town Council made the following addendum pertaining to the area west of US 113 in its December 7, 2004 adoption by Ordinance of The 2004 Greater Ellendale Comprehensive Plan:

The Special Study Area, or portions of it, may be designated as a potential annexation area by vote of the Ellendale Town Council, upon completion of the following in a manner satisfactory to the Council:

1. Future land use designation for the new area (presumed to be mixed use).
2. Ellendale Sanitary Sewer District expansion proposal to serve the new area, approved by Sussex County.
3. Potential annexation area boundary acceptable to DE State Office of Planning Coordination and DE Department of Agriculture.
4. US 113 and Route 16 access plan for the new area (vehicular, transit, pedestrian and bicycle) acceptable to DE Department of Transportation.
5. Public water service proposal acceptable to the Town and DE Public Service Commission.
6. Planning and Zoning Commission established by the Town.
7. Zoning Ordinance and Subdivision Regulations adopted by the Town.
8. Natural resources protection plan acceptable to DE Department of Natural Resources and Environmental Control and Delaware Department of Agriculture.
9. Progress toward plan for essential municipal services (police, fire, administration, code enforcement).
10. Phasing of potential annexation vis-à-vis Phase 1 and Phase 2 Potential Annexation Areas.



Land use

- | | | | |
|--|---|---|--|
|  | Agricultural/Natural resources/Open space |  | Utility |
|  | Business |  | Waterway |
|  | Residential - Single |  | Transportation |
|  | Residential - Mobile homes |  | Railroad |
|  | Mixed Use |  | Town of Ellendale |
|  | Institutional/Civic/Government |  | Potential growth & annexation boundary |

Sources:
 USGS 1:24,000 Digital Line Graphs, 1998
 Sussex County, Dept. of Mapping and Addressing, 2002

Prepared for the Town of Ellendale, Delaware by
 Nutter Associates and the Regional GIS Cooperative
 at Salisbury University, June 2004.

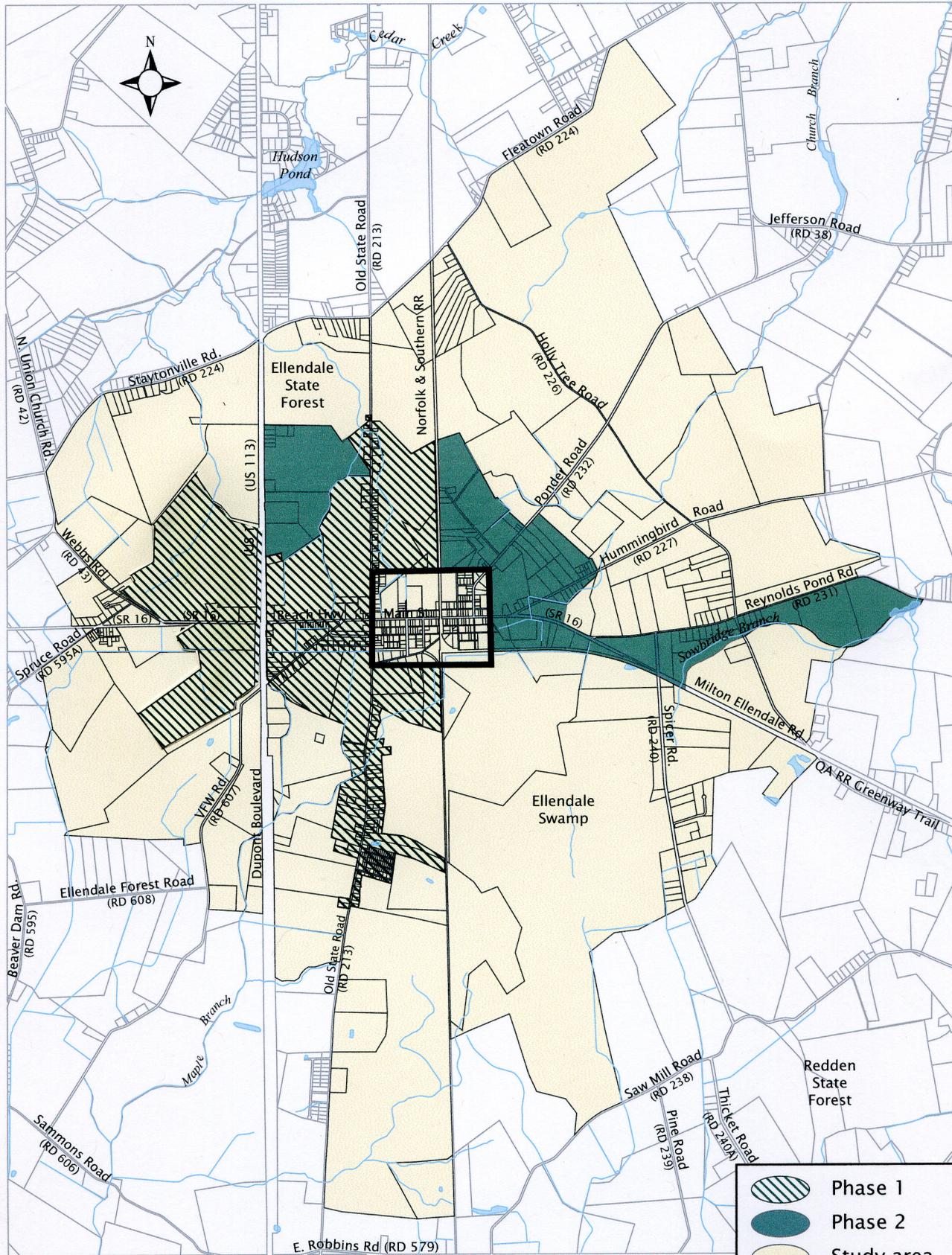
2004 Greater Ellendale Comprehensive Plan

Greater Ellendale Area Future Land Use

Sussex County, Delaware

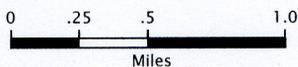
The 2004 Greater Ellendale Comprehensive Plan

Potential Growth and Annexation Areas



Sources:
 USGS 1:24,000 Digital Line Graphs, 1998
 Sussex County, Dept. of Mapping and Addressing, 2002

Prepared for the Town of Ellendale, Delaware by
 Nutter Associates and the Regional GIS Cooperative
 at Salisbury University, June 2004.



	Phase 1
	Phase 2
	Study area
	Water feature
	Municipal boundary
	Railroad



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***Ellen M. Nutter
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***David G. Nutter, AICP
Principal***

September 1, 2006

Mr. Merriel D. Mitchell, Mayor
Ms. Kimberly Dawn Hughes, Town Clerk
And Members of the Town Council of
The Town of Ellendale
Ellendale Town Hall
300 McCauley Street P.O. Box 6
Ellendale, DE 19941

Subject: **Professional Services for the Preparation & Initiation of a Comprehensive Code Enforcement Project for the Town Of Ellendale – Summary Report**

Dear Mayor Mitchell and Members of the Town Council:

This will serve as a summary report on the work we undertook for the Town as part of the Town of Ellendale Comprehensive Code Enforcement (“CCE”) project. The work was authorized by our Agreement for Professional Services with the Town of Ellendale dated December 6, 2005 and continued through today’s date.

Background:

The Town of Ellendale Zoning Ordinance and Subdivision and Land Development Regulations were adopted by ordinances by the Town Council on November 1, 2005. The Town Council also created a Town of Ellendale Planning Commission and Board of Adjustment at that time.

The CCE Project was designed to interrelate the Ellendale of the Forest: 2005 Greater Ellendale Comprehensive Plan, the Town of Ellendale Zoning Ordinance and the Town of Ellendale Subdivision and Land Development Regulations. We also reviewed other Town documents and ordinances pertinent to Code regulation in Ellendale, including the Town Charter and various ordinances.

(1) Research into Best Management Practices

Research was conducted into Best Management Practices. These included work by the American Planning Association, the Urban Land Institute, the International Codes Council (ICC), and Rutgers University. Work by other municipal governments on Delmarva was also researched.

(2) Consultation with County and State Planning and Zoning Officials

Contacts were made with Sussex and Kent County planning and zoning officials and the Delaware Office of State Planning Coordination.

(3) Establishment, training and support of a new Town of Ellendale Planning Commission and Board of Adjustment, including guidance as to available training programs for commissioners and board members

In cooperation with the Town Attorney, a training session was conducted for the new Planning Commission and Board of Adjustment members. Materials were provided on being an effective Planning Commissioner and on the Freedom of Information Act and other Delaware laws. Special sessions were conducted over the next 6 months on such topics as Historic Preservation reviews consistent with national policy, Delaware's comprehensive planning laws, annexation policy and other matters. Commission and Board members were encouraged to attend the Delaware League of Local Governments training sessions at the University of Delaware.

(4) Preparation and adoption of a Planning, Zoning, Subdivision and Annexation Review Fees Ordinance based on a survey of comparable area fees and town costs

A survey was conducted of comparative building permit, planning, zoning, subdivision and annexation application and review fees in surrounding municipalities. Fees were established for Ellendale. A resolution was prepared for, and adopted by the Town Council, establishing the recommended fees.

(5) Preparation of Building Permit, Subdivision Application and Annexation Request Forms; assistance in transitioning from Sussex County to Town of Ellendale regulatory authority

Research was undertaken on application forms used by other comparable municipalities and Sussex County. Building Permit, Subdivision and Annexation Request forms were prepared for the Town of Ellendale.

Contact was made with all authorities having any jurisdiction over code regulation matters in the Town of Ellendale, including the Delaware Office of State Planning Coordination, DNREC, DelDOT, the Sussex County Conservation District and the Sussex County Departments of Planning and Zoning, Engineering, Community Development and Housing, Division of Assessment and County Constable's Office. Research was conducted on methods used by other municipalities in Sussex County for building permit issuance, including methods that continued to rely on Sussex County for ICC Building Code regulation. Paperwork was prepared to request the transfer of portions of Building Permit issuance, all of Zoning Compliance and Subdivision Regulation from the Sussex County Council to the Town of Ellendale Town Council.

(6) Preparation and approval of a Comprehensive Plan Amendment with state review

A Comprehensive Plan Amendment was prepared to establish residential and commercial future land use designations for several parcels in Ellendale. An ordinance was prepared and presented to the Town Council for approval. Presentation was made at a state PLUS Committee meeting to receive state approval as required by law.

(7) Contacts and coordination with the Delaware Office of State Planning Coordination, Sussex County Planning and Zoning and the Sussex County Constable's Office

Periodic contact was made on specific comprehensive plan, zoning ordinance, subdivision regulations, building code, housing code and property maintenance code issues with the appropriate agencies.

- (8) Attendance at Meetings of the Planning Commission And Ellendale Town Council and assistance with administrative matters

Meetings of the Ellendale Town Council and Planning Commission were attended on a frequent basis, with reports and presentations to each. Topical reports were prepared on manufactured versus modular homes and other timely issues as they arose.

- (9) Assistance to the Town in recruiting and selecting a Part-Time Code Enforcement Officer

An unsuccessful effort was made to find funding assistance for a part-time Code Enforcement Officer for the Town. Considerable time was expended in locating, recruiting and training a Code Enforcement person. When the first candidate did not work out, the process was repeated, leading to the hiring of a second person.

- (10) Preparation of an Informational Bulletin on Planning, Zoning And Code Enforcement Procedures

A bulletin was prepared to provide the public with a handy guide to permitting and reviews.

- (11) Assistance in the selection and adoption of appropriate ICC 2006 Property Maintenance and Existing Building Codes

Research was done to identify appropriate Property Maintenance and Occupancy Codes the Town should adopt. The 2006 ICC Property Maintenance and Existing Building codes were identified for these purposes, computer files obtained and both codes were adopted by ordinances of the Town Council.

- (12) Advice on Town Staff and Planning Commission Activities such as coordination and record keeping.

Periodic advice was provided to Town Staff and Town Council and Planning Commission members on record keeping, minutes, dealing with the public and correspondence.

We enjoyed this opportunity to serve the Ellendale Community.

Sincerely,



David G. Nutter, AICP
Principal



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL
DIVISION OF FISH & WILDLIFE
NATURAL HERITAGE & ENDANGERED SPECIES
4876 HAY POINT LANDING ROAD
SMYRNA, DELAWARE 19977

TELEPHONE: (302) 653-2880
FAX: (302) 653-3431

January 3, 2007

David Nutter
Nutter Associates
507C South Boulevard
Salisbury, MD 21801-5753

*RE: Potential additional annexations into Ellendale Comprehensive Plan
Tax Parcels 230-26.00-15.00, 19.00, 18.01, 98.00 and 99.00, W. of US 113, Ellendale*

Dear Mr. Nutter:

Thank you for contacting the Natural Heritage and Endangered Species program about information on rare, threatened and endangered species, unique natural communities, and other significant natural resources as they relate to the above referenced project.

We have not surveyed these parcels, therefore, it is currently unknown if there are state-rare or federally listed plants, animals or natural communities at or adjacent to these parcels.

We do request that the forested area on tax parcel 230-26.00-15.00 be preserved as it is part of a larger forest block and contains wetlands.

We also request that the forest on tax parcel 230-26.00-99.00 be preserved as it abuts Ellendale State Forest and provides habitat for forest dependent wildlife as well as those that require early successional habitat. This parcel is also part of Governor Minner's "Green Infrastructure for a Liveable Delaware" (Executive Order Number Sixty-one; <http://www.state.de.us/governor/orders/webexecorder61.shtml>). This initiative includes a network of ecologically important natural resource lands of special state conservation interest. Green Infrastructure lands were identified through interpretation of the most important known rare species sites, existing protected lands, 1997 statewide aerial photography, and regional ecological evaluations by the USF&W Service, The Nature Conservancy, and the Delaware Natural Areas, Natural Heritage, and Open Space Programs. The lands identified as green infrastructure serve to maintain natural ecological processes protect and support native species, air and water resources, sustain agricultural enterprises, and contribute to the health and quality of life for the citizens of

Delaware. Because most of the Green Infrastructure lands are privately owned, it is a voluntary initiative that appeals to the stewardship of private landowners.

We are continually updating records on Delaware's rare, threatened and endangered species, unique natural communities and other significant natural resources. If the start of the project is delayed more than a year past the date of this letter, please contact us again for the latest information. If you have any questions, please contact me at (302) 653-2883 ext. 126.

Sincerely,

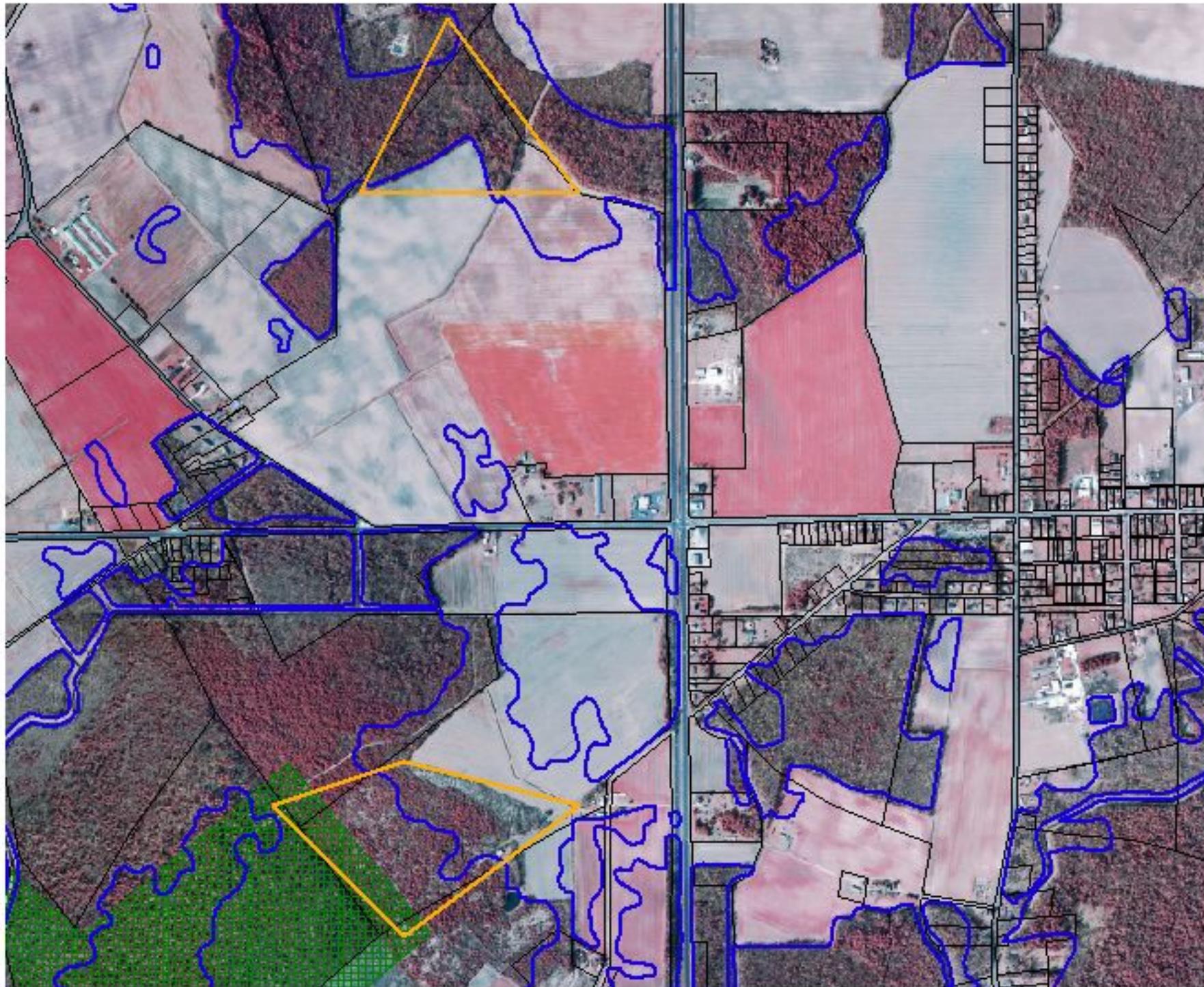
A handwritten signature in cursive script that reads "Edna J. Stetzar". The signature is written in dark ink and is positioned above the printed name.

Edna J. Stetzar

Biologist/Environmental Review Coordinator

**Forest Coverage within Ellendale Annexation Parcels
(based on 2002 Aerials)**

Approximate Location of Forested Area of Concern outlined in orange



-  State Wetland Maps
-  Sussex County Tax Parcels
-  State Forests



0.5 0 0.5 1 Miles

