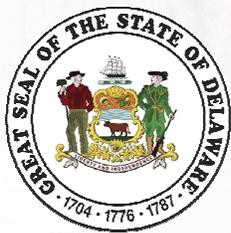


Delaware Strategies for State Policies and Spending

2010



Delaware Office of
State Planning Coordination

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The staff of the Delaware Office of State Planning Coordination:

- Constance Holland, Director, AICP
- Herb Inden
- David Edgell, AICP
- Bryan Hall, AICP
- Dorothy Morris
- Michael Mahaffie
- Laura Simmons
- Diane Dukes
- Renee Dixon

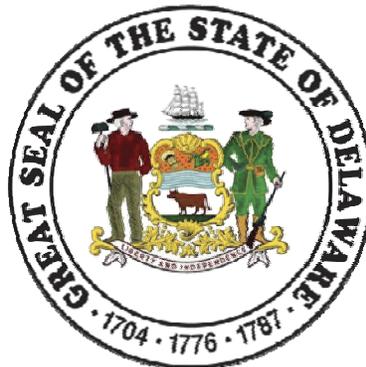


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Using this Document

This document is intended for a diverse audience and will be used by state agencies, local governments, and citizens. In particular, with regard to the State of Delaware, this document will be used to guide state agency operating and capital-budget requests. With these policies as a guideline, state government will make appropriate, cost-effective investments in all areas of the state in order to promote efficient development patterns, encourage sustainable¹ economic development, protect agriculture and open space, and discourage sprawl.

This document will also be used in a variety of other ways, including (but not limited to):

- The review of projects that come to the Preliminary Land Use Service (PLUS) process;
- Public service facility locations capital budget requests;
- School site approvals;
- State input to local land-use decision-making, including for the preparation of local comprehensive plans; and,
- State agency operating budget expenditures and policy decision-making.

It is important to note that the maps contained within this document are not “parcel-based,” so it is still necessary to thoroughly investigate the constraints of particular land parcels, even though they may be contained in one of the growth-oriented investment levels of the Strategies for State Policies and Spending. It is equally important to note that while this document and map series directs state investments, it is not a land-use plan. In Delaware, the state has delegated land-use authority to the local

¹ Sustainable development maintains or enhances economic opportunity and community well-being while protecting and restoring the natural environment upon which people and economics depend. Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs.

governments. Any land-development activity must meet all of the relevant codes and ordinances of local jurisdictions.

Purpose

The continuing purpose of the Strategies for State Policies and Spending is to coordinate land-use decision-making with the provision of infrastructure and services in a manner that makes the best use of our natural and fiscal resources. The importance of such coordination lies in the fact that land-use decisions are made at the local level, while the bulk of infrastructure (e.g., roads and schools) and services (e.g., emergency services and social services) that support land-use decisions are funded by the state. Thus the development of this document with local governments and citizens helps to create a unified view toward growth and preservation priorities that all governments can use to allocate resources.

This update of the Strategies for State Policies and Spending builds on the groundwork laid in 1999 and 2004 by the Cabinet Committee on State Planning Issues. The document is a result of extensive coordination with local governments and state agencies to determine which areas are most prepared for growth and where the state can make the most cost-effective investments in roads, schools and other public facilities and services.

Severability

Should a court decide that any section or provision of this Strategies for State Policies and Spending document is unconstitutional or invalid, such decision shall not affect the validity of this Strategies for State Policies and Spending document as a whole or any part other than the part judged unconstitutional or invalid.

Executive Summary

The purpose of this document, as with the 1999 and 2004 Strategies for State Policies and Spending documents, is to coordinate land-use decision-making with the provision of infrastructure and services in a manner that makes the best use of our natural and fiscal resources. The importance of such coordination lies in the fact that land-use decisions are made at the local level, while the bulk of infrastructure (e.g., roads and schools) and services (e.g., emergency services and social services) that support land-use decisions are funded by the state. Thus the development of this document with local governments and citizens helps to create a unified view toward growth and preservation priorities that all levels of government can use to allocate resources.

The state makes significant investments, influenced by where and how growth occurs. For instance, over 200 schools receive nearly two-thirds of their funding from the state; DelDOT is responsible for maintaining nearly 90% of the over 13,000 lane miles in Delaware (the nationwide average for states is approximately 20%); and the state also funds approximately 15 State Service Centers that deliver more than 160 programs and services to accommodate more than 600,000 visits annually. Thus, the need to coordinate with those making land-use decisions cannot be stressed enough.

In 1999 the Cabinet Committee on State Planning Issues approved the first Strategies for State Policies and Spending. The original document was developed to assist the Cabinet Committee on State Planning Issues with its mission as specified in §9101, Title 29, (c) of the Delaware Code — to guide state investment decisions to promote efficient development patterns, protect agriculture and open space, discourage sprawl, and communicate with local governments on land-use matters. This document was updated in 2004. As in 2004, this update effort is done to

maintain the relevancy and consistency with our continually changing landscape.

During the update process, the Office of State Planning Coordination (OSPC) consulted state agencies, county governments, metropolitan planning organizations, and local governments for comments. State-certified municipal and county comprehensive plans were also referred to during the data-gathering process.

In addition, the OSPC held a total of 6 public meetings — two in each of Delaware’s three counties to accept the public’s comments on the State Strategies text and maps. Comments were also accepted in writing, and online by email.

This document will continue to use the same area designations (Levels 1 – 4 and Out-of-Play) used in the 2004 update: Levels 1 and 2 identify areas of the state that are most prepared for growth and where the state can make the most cost-effective infrastructure investment for schools, roads, and public safety. Level 3 areas reflect areas where growth is anticipated by local, county, and state plans in the longer term, or areas that may have environmental or other constraints to development. State investments will support growth in these areas; however, the state may have other priorities in the near term, especially for Levels 1 and 2. In the Level 4 areas, the state will make investments that will help preserve a rural character, such as investments to promote open space and agriculture. The state is also looking to enhance agricultural activities by encouraging the location of complementary businesses in these areas. Out-of-Play lands are those that cannot be developed for reasons including they are federal- or state-owned protected lands, parkland, the development rights have been purchased, or state or local regulations prohibit development on them.

The State of Delaware's Land-Use Role

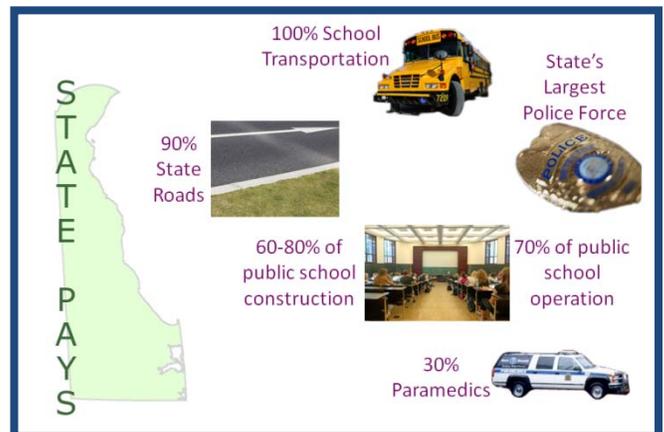
Delaware is changing rapidly, both in population numbers and where people live. Should the State of Delaware be concerned about land-use planning? After all, land-use decisions are a local matter – aren't they? Actually "no," they're not really just a local matter. Though land-use decisions are made by local jurisdictions (municipal and county) the impact of local government land-use decisions, land development patterns, and each Delawarean's decision of where to live affects us all statewide. The affect can be felt both fiscally, as taxpayers, and in the livability of our state.

Unlike most other states, Delaware provides many of the services and a great deal of infrastructure throughout the state. For example:

- **Roads** – the state maintains more than 90 percent of Delaware roads as compared to a national average of 20 percent. This includes more than 13,000 lane miles; 1,500 bridges; 1,100 traffic signals, and 250,000 signs;
- **Paratransit** – in 2009 more than 900,000 trips were made by the Delaware Transportation Corporation (DTC) at a per person cost to the state of approximately \$33, compared to \$4 for the cost of a fixed-route DART ride;
- **Schools** – the state provides between 70 and 80 percent of school operating funding;
- **School Construction** – the state provides between 60% and 100% of educational-facility capital-construction funding, depending upon the local school districts' relative property wealth;

- **School Transportation** – the state provides 100 percent of school transportation costs (cost are up more than 50% since 2002);
- **Paramedic Services** - the state provides 30% of paramedic funding ;
- **Police** - the State Police are Delaware's largest police force; and
- **Service Centers** - the state funds 15 State Service Centers that deliver more than 160 programs and services on approximately 600,000 visits annually.

As can be seen from the above examples, state government has a large stake in where land is developed, and as such, the cost of providing these services is greatly affected by our pattern of land-use. In general, the more spread out we are, the more costly it is for taxpayers. Thus, for the state to allocate resources efficiently, we need to determine a clear path to our goal. Comprehensive Plans are the best available tool for setting our path and determining where to make investments.

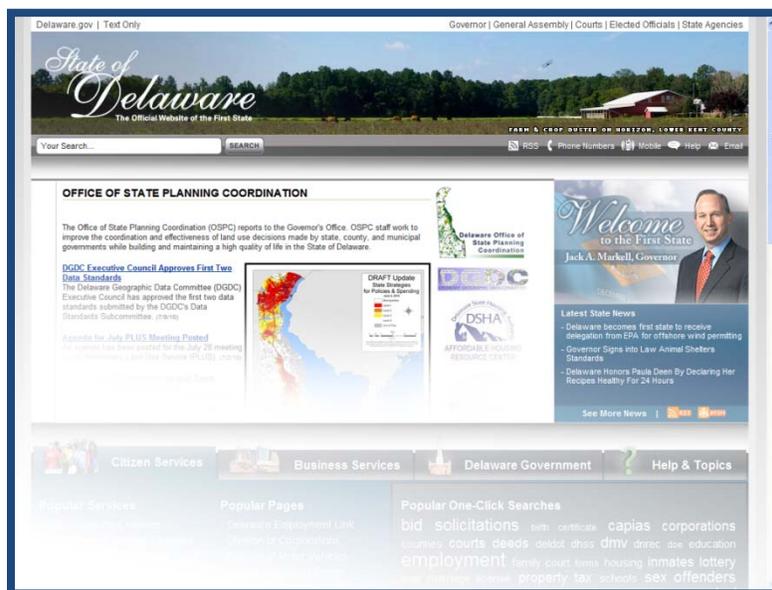


Planning Background – Recent Changes

Current state land-use policies were shaped by past governors starting in the mid 1990s. Governor Markell and the previous governors dating back to this time understood the need for the state to be engaged with local governments in land-use decision-making because of the state’s fiscal responsibilities. With increased development pressure throughout the state and the demand to maintain a high quality of life that included good jobs, quality education, a low tax structure and the preservation of our natural resources, it was understood that there was a need to work as a partner with local governments. The governors understood that waste and inefficiencies would occur if all levels of government weren’t working together.

There were many significant actions that have occurred since the mid 1990s that have led to a more efficient land-use-planning process, including: the reestablishment of the Cabinet Committee on State Planning Issues; the development of the Preliminary Land Use Service (PLUS) process; and the development of the Strategies for State Policies and Spending. Also, the local comprehensive planning process was strengthened through legislation that included the creation of a comprehensive-plan-certification process, a requirement to implement approved comprehensive plans and other related initiatives.

Governor Markell will continue to build upon this strong intergovernmental approach to land-use in his focus to create a more efficient and responsive government along with economic and educational opportunities through development practices that enhance the state’s quality of life. Governor Markell states, “With adequate foresight and planning, we can encourage transportation, school construction, open-space preservation, and other capital investments in areas that are cost-effective and responsible.”



The Legal Basis for the Strategies for State Policies and Spending

The Strategies for State Policies and Spending provides a policy framework for planning in Delaware. Developed by the Cabinet Committee on Planning Issues to fulfill its directives under Title 29, Chapter 91 of the Delaware Code, the strategies provide a framework for the infrastructure and service investments by state agencies. The strategies also provide overall regional planning guidance for counties and local jurisdictions and are based largely on local desires and planning efforts, which were enabled and required by Titles 9 and 22 of the Delaware Code and certified by the state as directed by Title 29, Chapter 91 of the Delaware Code.

The Delaware Code (Title 29, Chapter 91) creates the Cabinet Committee on State Planning Issues (CCSPI) to advise the governor on land-use planning, growth, and infrastructure-investment policy issues.

To achieve this objective, the Cabinet Committee, through the Office of State Planning Coordination, developed this document to provide policy guidance for state activities and serve as a framework for the plans and actions of local governments. This document outlines strategies that will guide state decisions about growth.

The Cabinet Committee defined two fundamental policies to guide these strategies:

1. State spending should promote sustainable quality, efficiency, and compact growth
2. State policies should foster order and resource protection, not degradation.

These strategies will guide the investments made by state agencies, and ensure that those public investments are efficient, equitable, and promote compact growth and resource conservation. State

agencies are directed to fund only those projects that are in compliance with these strategies.

The role of the Cabinet Committee on State Planning Issues, from Title 29, Chapter 91, Section 9101 of the Delaware Code is as follows:

1. Recommendations for the most desirable general pattern of land-use within the state, in light of the best available information concerning topography, climate, soil and underground conditions, water courses and bodies of water and other natural or environmental factors as well as in light of the best available information concerning the present and prospective economic bases of the state, trends of industrial, population or other developments, the habits and standards of life of the people of the state, and the relation of land-use within the state to land-use within adjoining areas;
2. The major circulation pattern recommended for the state, including major routes and terminals of transportation and communication facilities, whether used for movement of people and goods within the state or for movement from and to adjoining areas;
3. Recommendations concerning the need for and the proposed general location of major public and private works and facilities, such as utilities, flood control works, water reservoirs and pollution-control facilities, military or defense installations and other governmentally financed or owned facilities; and
4. Recommendations on land-use planning actions that are subject to review and comment pursuant to Chapter 92 of Title 29.

Why an Update?

Comprehensive-planning documents are a reflection of public policies at a particular time, and they require continual review, revision, and refinement. This document updates the Strategies for State Policies and Spending approved in 2004. The purpose of this document is to provide the basis for near-term spending decisions, define long-term development issues, and assist local planning efforts. It should be periodically revisited — just as county and municipal plans are — to reflect demographic, economic, and land-use trends, and to analyze specific issues.

These strategies are based on a vision that extends at least 20 years into the future, but they should be updated periodically. Ideally, this review should be synchronized with county and municipal planning efforts and with other state planning documents, such as the Statewide Long Range Transportation Plan, the Statewide Housing Assessment, and the State Historic Preservation Plan. These reviews must address federal requirements such as those defined in the Clean Air Act Amendments and the Clean Water Act.

Intergovernmental Coordination

Delaware's county and municipal governments have the authority to plan for and manage land-use and to institute zoning and other controls required to implement comprehensive plans. This tradition of local control over land-use is appropriate and reflects the conviction that decisions about land-use should be made by those most closely involved.

The state respects this long-standing tradition of local control over land-use. Yet the state government has a continuing involvement in the overall land-use patterns because of its responsibility to the state taxpayers. The state provides or financially supports many major public services and facilities

(transportation, health care, education, corrections, and Safety and Homeland Security) and is responsible for protecting the state's natural resources and ensuring its overall economic health. The state also assists local governments financially by providing grants and loans. It is for these reasons that the Cabinet Committee on State Planning Issues is charged by statute with recommending the overall pattern of development for the state and the location of major public facilities.

The development of the Strategies for State Policies and Spending doesn't change the basic relationship between levels of government as it relates to land-use, nor do these strategies reduce the local governments' authority to make land-use decisions consistent with either their statutory authority or their locally adopted comprehensive plans.

The strategy basically establishes a framework wherein the state intends to allocate its resources and focus its program efforts. In this way, the state fulfills its obligations to effectively make public investments and manage taxpayers' resources, while respecting the tradition of local government authority over basic land-use decisions.

Local governments are essential partners in developing and implementing these strategies and ensuring an efficient pattern of land-use. The Delaware Code (Titles 9 and 22) requires that these jurisdictions all prepare comprehensive land-use plans. These plans are reviewed by the Office of State Planning Coordination and eventually certified by the Governor (Title 29, Chapter 91) based on the State Spending Strategies. The process, which has been embodied in the Delaware Code, ensures intergovernmental coordination by making certain that the state, county, and local governments are all planning together, and it provides the Governor with recommendations on resolving disagreements.

The strategies set priorities for the state’s management of regulatory programs, land protection, state lands, and buildings. They are also a framework for state comments on local comprehensive-planning and land-use decisions.

State agencies will still make site-specific decisions about particular infrastructure issues and enforce regulatory processes. Such decisions will examine the unique circumstances at each site. These decisions will be based on the guidance given by the State Strategies.

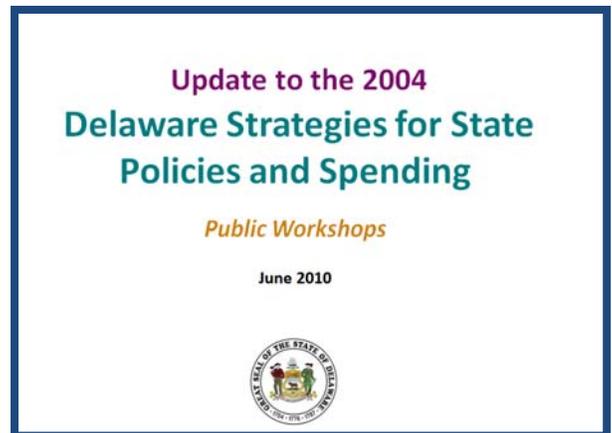
Although the strategies and map are not meant to prohibit development or limit local authorities’ control over land-use, they will be a critical component to be examined during county and municipal comprehensive-plan development and revision processes required under the Delaware Code.

The State Strategies are a large part of the state guidance for municipal planning and inter-governmental coordination between counties and municipalities. The Strategies and maps are not intended to replace local land-use plans, but guide the development of county and municipal plans. Additionally, the strategies and map will be an integral part of the criteria used for state review and comment to local governments under the Preliminary Land Use Service (PLUS), grants, and other state programs.

Public Outreach and Comments

A total of 6 public meetings, 2 in each of Delaware’s 3 counties, were held to accept comments on the Strategies for State Policies and Spending text and maps. Comments were also accepted in writing at the meetings and on-line by email.

During the update process the Office of State Planning Coordination consulted with state agencies, county governments, municipal planning organizations, and local governments for their comments on the document. While gathering data, the state consulted comprehensive plans that had been state-certified as well as those currently in the state-review process.



Directing Growth

Overall indicators of development

Demographic analysis will play a key role in guiding decisions on how to accommodate the expected growth in Delaware. At present, Delaware is expected to grow by nearly one-third by the year 2030. It is imperative that we understand the composition of this incoming population in order to meet their needs in a manner that preserves Delaware's quality of life and that it is done at minimal cost to taxpayers. Looking at Delaware data for land-use policies we have the following:

- Between 2000 and 2030, Delaware's population is projected to increase by roughly 260,000 to a total of 1,049,865. Where this projected population is located in relation to Delaware's existing population, infrastructure, and services will, no doubt, make a significant impact on the magnitude of state investments needed to support this growth. While more than half of all Delawareans are still expected to reside in New Castle County in 2030, the Delaware Population Consortium (DPC) anticipates that Kent and Sussex residents will account for approximately six percent more of Delaware's 2030 population than they did in 2000.
 - From 2000 to 2030, the percentage of Delawareans over the age of 65 will almost double, while the percentage over 85 is expected to triple.
 - Delaware's population of non-U.S. born residents doubled between 1990 and 2000. In Sussex County, this population more than tripled through the same time period.
 - With people come vehicles. Both the total number of vehicles and the miles being driven are increasing faster than the population is growing. DeIDOT reports that Average Annual Vehicle Miles Traveled doubled between 1980 and 2005, while Delaware's population, according the U.S. Census Bureau, increased approximately 32% between 1980 and 2000.
- The trend in Delaware has been toward growth in unincorporated areas outside towns. In 1960 Delaware's population was more evenly distributed between incorporated places (cities and towns) and unincorporated, rural areas. According to the 1960 census, more than 39% of Delawareans lived in towns and cities and almost 61% lived outside towns. By 1990, according to the U.S. Census, approximately 29% of Delaware's population lives in towns and cities. This trend has continued according to the 2000 census; the population in incorporated places has fallen to just over 27% of Delawareans. More than 72% of Delawareans now live outside town and city limits.
 - National trends seem to agree with what we observe in Delaware, which gives us clues on the shape and location of development to accommodate our changing population is supported in the following:
 - Research indicates that demographic changes and consumer preferences will dramatically shift the demand for the style and type of housing in the next 20 years.
 - "As baby boomers become empty nesters and retirees, they are drawn to compact, walkable neighborhoods. So are single adults and married couples without children."²
 - The aging population tends to favor "down-sizing" and moving near community amenities.
 - Younger Americans do not share their parents' preference for large-lot, single-family lifestyles. They tend to prefer a community setting and more compact units.

² Ewing, Reid, "The Demand for Smart Growth: What Survey Research Tells Us". Planning Magazine, December 2007

- Arthur C. Nelson of Virginia Tech projects that by 2025, the demand for attached and small-lot housing will exceed the current supply by 35 million units (71 percent), while the demand for large-lot housing will actually fall short of the current supply. “We have too much of the big stuff already.”³

Moving Toward Complete Communities

Research provides strong evidence that a mixed-use and compact- development pattern is well suited to maintaining Delaware’s fiscal health and preserving the many characteristics that make Delaware a desirable place to live and work. This type of development is also well suited to meet future needs of Delawareans as indicated by the demographic trends noted above. In essence, we are speaking of a “complete community.” As one definition of complete communities phrases it: *“The objective is to use less land and reduce the separation of land uses in order to achieve a variety of values including open space protection, community vitality, affordable housing, air quality, transit use, and more walkable places.”*⁴

It should be noted that we are not just speaking about density, as there are many negatives that can be associated with dense development. For instance, density without mixed-uses and any consideration for design, can be associated with decreased open space, more stormwater run-off, urban heat islands and increased congestion

As advocated in this document, complete communities typically include an integrated pedestrian and bike network, newer streets

interconnected with existing streets, intermingling of residential and commercial uses, and the inclusion of parks or open-space networks within developments. If properly designed, the positive impacts of this type of development from the public sector perspective would include a more diverse range of transportation and housing options and a more economical extension of public services and utilities. Additionally, since this type of development would use less land there would be less pressure on using the state’s agriculture and open space lands for development.

• Number of Counties	3
• Number of Municipalities	57
• Land area – square miles	1,953
• Land area – acres	1,249,920
• Farm land – acres	490,000
• Persons per acre	1.4
• Population, 2009 estimate	885,122
• Lane miles of highways	13,403



³ Ewing, Reid, “The Demand for Smart Growth: What Survey Research Tells Us”. Planning Magazine, December 2007

⁴ Pivo, Gary, “Creating Compact and Complete Communities: Seven Propositions for Success”. Practicing Planner, AICP, Summer, 2005.

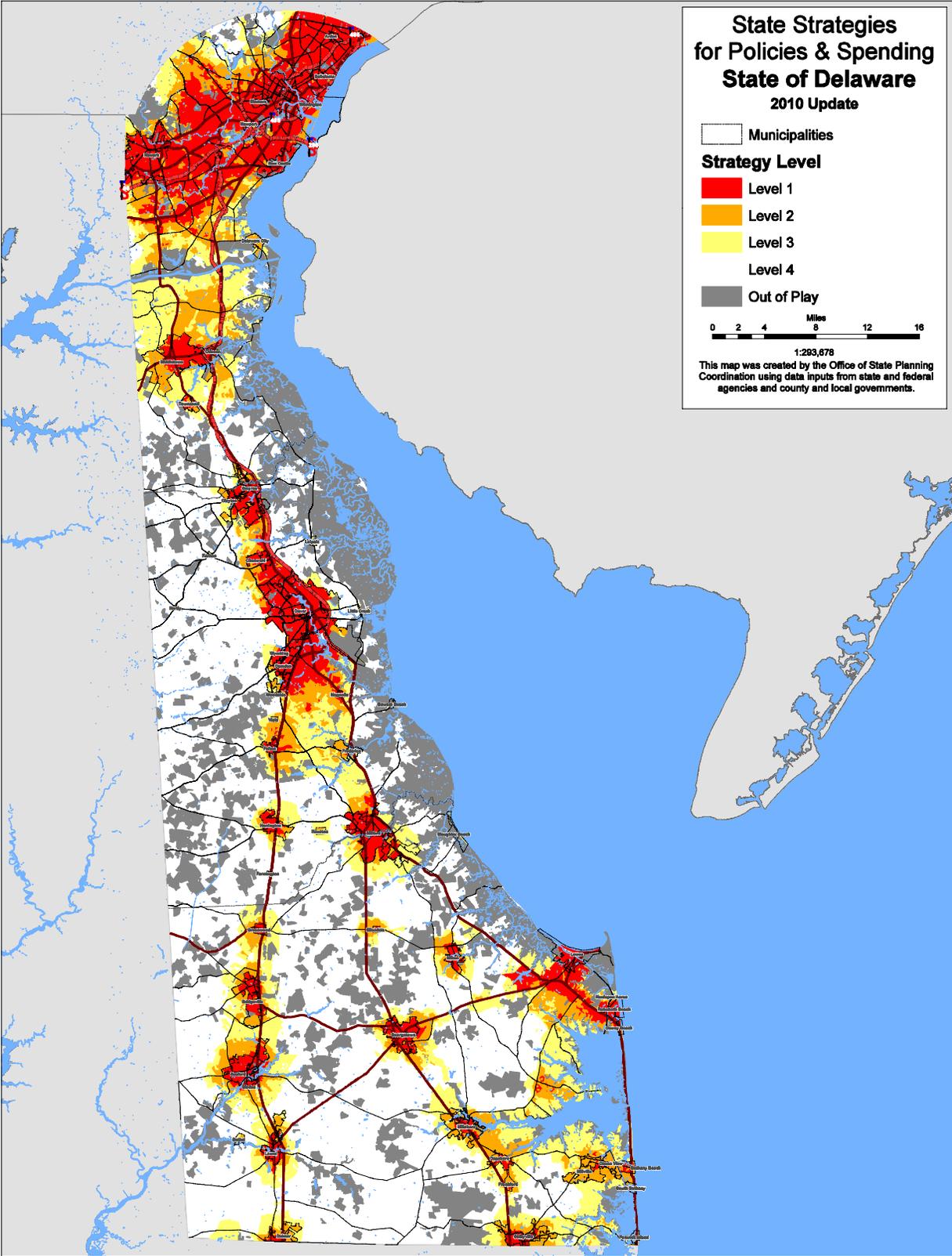
Updating the State Strategies Maps

The accompanying strategies maps are a graphic representation of a combination of state and local land-use policies. They are intended to guide state agencies as they make investment decisions. These maps do not restrict landowners' rights to use or develop their lands. Nor do they restrict a purchaser's option to live anywhere desired.

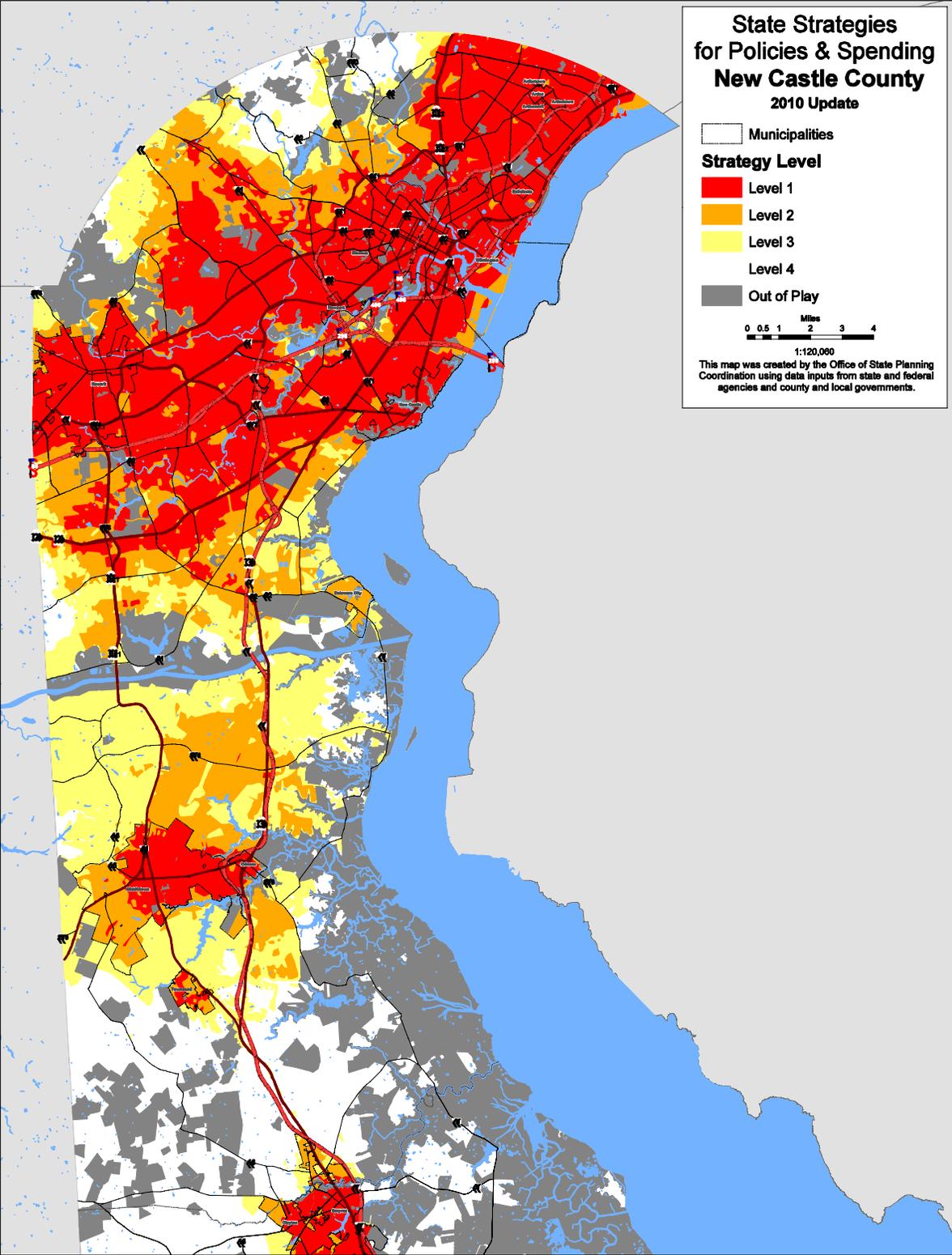
This update of the Strategies for State Policies and Spending maps were accomplished using spatial-data analysis to balance state, county and local policies for various kinds of residential growth, economic development, and land preservation. This analysis was designed to create a statewide map that reflects the combined policies of all levels of government and highlight which areas are most appropriate for various types of growth.

To conduct this analysis, all factors that argue for new development and redevelopment were gathered. All factors that argue for land preservation and/or agricultural economic development were also gathered, as were data showing areas that are "out of play" for various legal reasons. These can be state or federally owned, purchased development rights, permanent easements, and the like. All of these factors were combined using spatial-analysis tools. The resulting data set was classified into Levels 1, 2, 3, 4, and "Out-of-Play" areas.

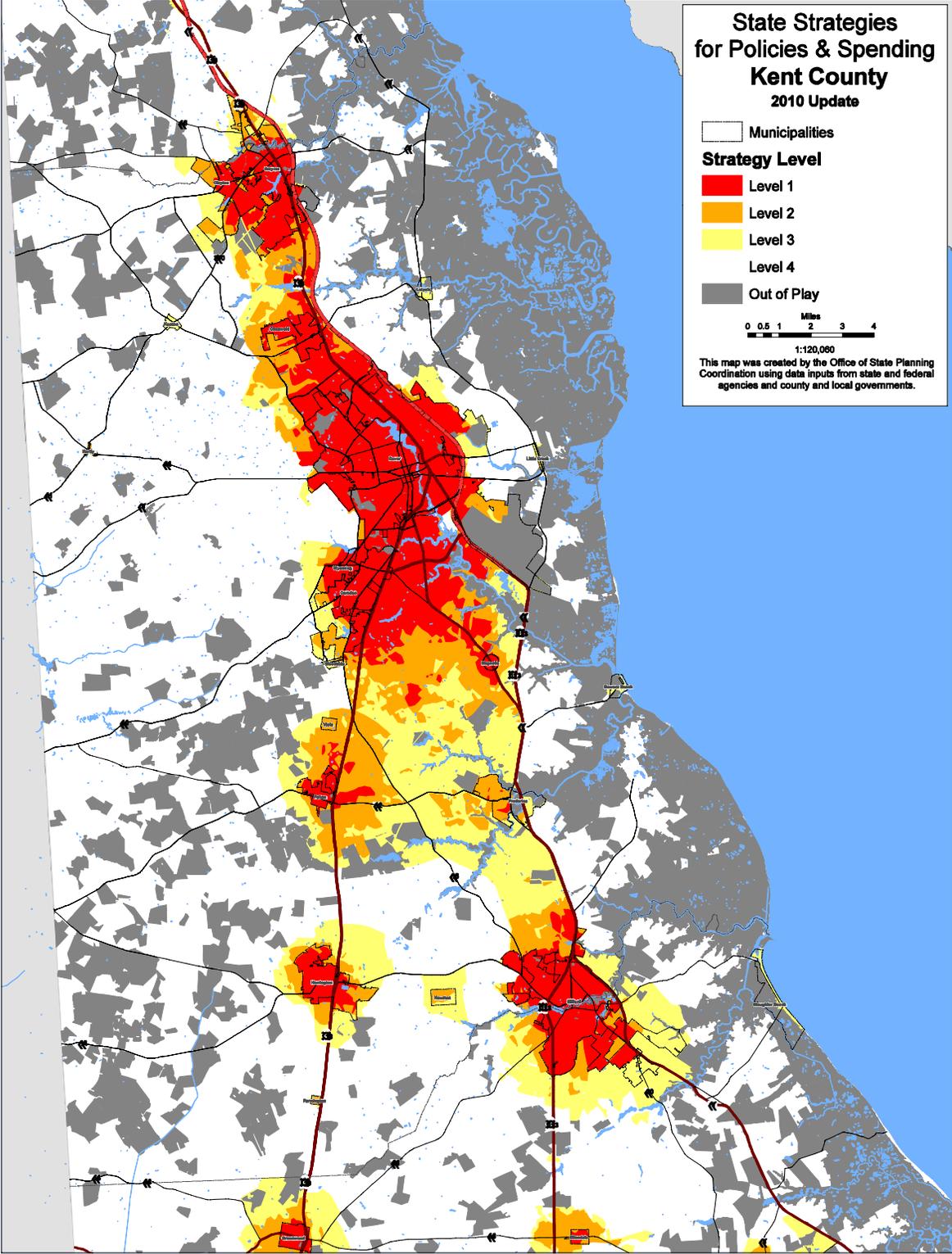
Following the spatial analysis, the map data were reviewed by local government officials and members of the public, and the map was edited, where appropriate, to reflect additional information.



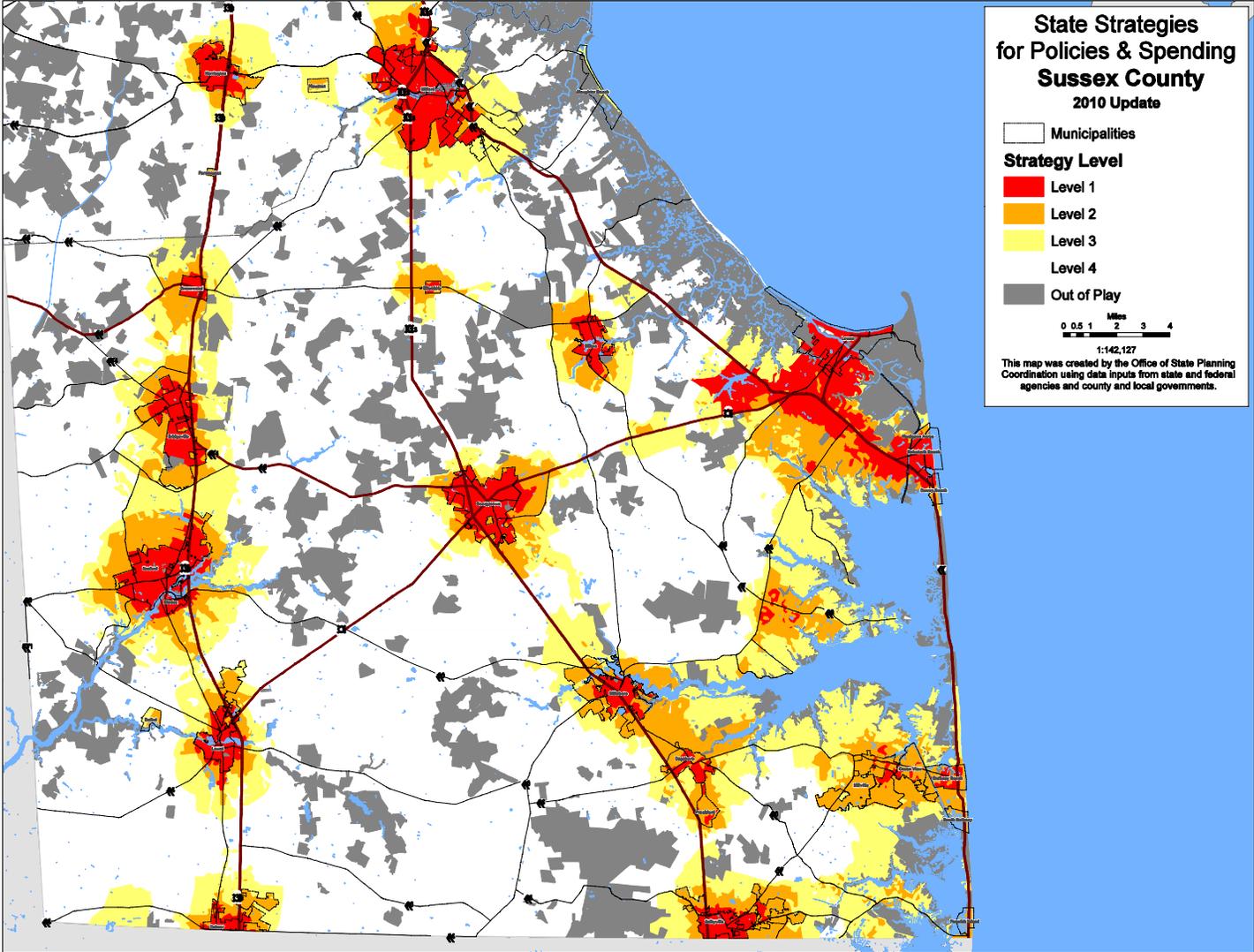
New Castle County:



Kent County:



Sussex County:



Investment Areas Overview

In this Strategy document, the map area designations will remain as they are currently referred to in the 2004 document - **Investment Levels 1, 2, 3, 4, and Out of Play.**

It should be noted that the Levels are not meant as ascending levels of importance, but rather as a way to distinguish the different types of funding priorities within each area. Levels 1 -3, are the areas that state policies will support growth and economic development activities with Levels 1 and 2 being the primary focus. In these areas, the State would like to see local government land use policies that promote higher densities and mixed-use type development such that complete communities can be developed where people could live, play, work and shop.

Level 4 is where state policies will support agriculture and open-space activities including the promotion of agriculture industry support activities. In these areas, the state would like to see local government land use policies that are rural in nature and that will support agribusiness activities where appropriate.

Out-of-Play Areas are lands that are not available for development or for redevelopment. These include publicly-owned lands, lands for which serious legal constraints on development are identified and lands in some form of permanent open-space protection (such as Ag-land or open space).

It should also be noted that, at times, state infrastructure investments may not seem appropriate based on the area description, but that, circumstances may exist where such investments would be deemed appropriate where state and local governments agree that such actions are necessary to address unforeseen circumstances involving public health, safety, or welfare.



Investment Level 1

Description

Investment Level 1 Areas are often municipalities, towns, or urban/urbanizing places in counties. Density is generally higher than in the surrounding areas. There are a variety of transportation opportunities available. Buildings may have mixed uses, such as a business on the first floor and apartments above.

Investment Level 1 Strategies:

In Investment Level 1 Areas, state investments and policies should support and encourage a wide range of uses and densities, promote other transportation options, foster efficient use of existing public and private investments, and enhance community identity and integrity. Overall, it is the state's intent to use its spending and management tools to maintain and enhance community character, to promote well-designed and efficient new growth, and to facilitate redevelopment in Investment Level 1 Areas. These areas would be a prime location for designating "pre-permitted areas" to help steer development where the citizens are most prepared to accept it.



Decisions about investments and policies should be based on these principles:

- **Agriculture:** Promote urban-forestry initiatives, farmers' markets, the sale of local agricultural products in traditional grocery stores, restaurants, as well as public and private institutions. Foster and promote efforts to expand public knowledge of agriculture, particularly animal agriculture. Further the Department of Agriculture's consumer protection efforts in support of sustainable economic development. Promote the
- **Economic Development:** Focus new and expansion projects on facilities or sites located in Level 1 and Level 2 Areas. Also, promote the retention and expansion of existing businesses. Consider providing enhanced incentives to those projects that select locations in Level 1 or Level 2 Areas.
 - Work with communities, property owners, federal and state agencies and developers to identify and promote the redevelopment and reuse of underused, abandoned, or "brownfield" sites, in a manner consistent with the Investment Level 1 and Level 2 Areas' character and needs. Aggressively seek alternative funding for development/ redevelopment projects in Level 1 and 2 Areas.
 - **Education:** It is the goal of the state Department of Education (DOE) to direct new school construction to areas that will integrate school facilities into the communities and neighborhoods they serve. DOE recognizes the integral role of educational facilities within communities. As such, DOE seeks to assure that residential growth that generates additional demand on educational facilities is managed and planned with adequate educational infrastructure in mind.
 - Where possible, retrofit and renovate older schools that still serve the community in the general proximity.
 - Assure adequate civil infrastructure availability to accommodate current and future educational facilities.
 - Assure 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.

- Assure transportation system adequacy to accommodate bus and delivery-vehicle traffic to current, planned, or potential educational facilities.
- Provide recreation and athletic facilities and opportunities to the communities served.
- **Housing:** Support the development of a broad mix of housing options to meet the needs of people of all abilities, income levels, and housing types. Coordinate the provision of housing with the location of jobs, transit, services, and infrastructure. Take advantage of quality design to create attractive areas that maximize quality of life. Housing, particularly multi-family, should be compatible with a community’s character. To buffer market forces that can result in displacement and to protect public investment, use incentives and programs to ensure long-term affordability in new construction and preserve affordability in existing housing.

Emphasize infill and redevelopment of vacant and under-utilized parcels within developed areas. Successful infill can provide additional density in a manner that fits the existing context and maximizes the use of existing public infrastructure. Promote rehabilitation of aging housing stock to improve existing communities.

Level 1 Areas are experiencing the impacts of the foreclosure crisis through increased and longer-



term vacancies and abandoned homes. This is particularly acute in areas that were already struggling. Utilize collaborative measures to restore and improve these existing neighborhoods through a variety of acquisition, code-enforcement, rehabilitation, and community-development measures.

- **Natural Resources and the Environment:** Focus on existing water and wastewater systems for improved efficiency, enhanced water-quality management, and additional capacity for redevelopment and infill. Support development and maintenance of recreational and open-space facilities, including urban parks and recreational areas, waterfronts, and interconnectivity through greenways, bikeways, and so forth. Provide grants and funding for water and wastewater, parks acquisition and development, greenways and trails, recycling, brownfields, and “green building” incentives.
- **State Facilities and Investments:** Investment Level 1 Areas are priority locations for new public uses and expanded existing uses. State investments in public facilities, such as libraries, courts, and health-care and public safety buildings, should be strategically located to foster community identity and vitality, and complement the historic character.
- **Transportation:** In Level 1 Areas the state’s first priority will be for preserving existing facilities and making safety improvements. Level 1 areas will also be its highest priority— for context sensitive transportation system capacity enhancements ; transit -system enhancements, ADA accessibility, and for closing gaps in the pedestrian system, including, the Safe Routes to School projects. Additionally, Level 1 areas are a first priority for planning projects and studies, bicycle facilities, signal-system enhancements, the promotion of interconnectivity of neighborhoods and public facilities. Additionally, street design and access should be compatible to the context of an area.

Investment Level 2

Description

This investment level has many diverse characteristics. These areas can be composed of less developed areas within municipalities, rapidly growing areas in the counties that have or will have public water and wastewater services and utilities, areas that are generally adjacent to or near Investment Level 1 Areas, smaller towns and rural villages that should grow consistently with their historic character, and suburban areas with public water, wastewater, and utility services. These areas have been shown to be the most active portion of Delaware’s developed landscape. They serve as transition areas between Level 1 and the state’s more open, less populated areas. They generally contain a limited variety of housing types, predominantly detached single-family dwellings.

Investment Level 2 Strategies:

In Investment Level 2 Areas, like Investment Level 1 Areas, state investments and policies should support and encourage a wide range of uses and densities, promote other transportation options, foster efficient use of existing public and private investments, and enhance community identity and integrity.

Investments should encourage departure from the typical single-family-dwelling developments and promote a broader mix of housing types and commercial sites encouraging compact, mixed-use development where applicable. Overall, the state’s intent is to use its spending and management tools to



promote well-designed development in these areas. Such development provides for a variety of housing types, user-friendly transportation systems, and provides essential open spaces and recreational facilities, other public facilities, and services to promote a sense of community. Like the Level 1 Areas, Level 2 Areas would be a prime location for designating “pre-permitted areas.”

Decisions about investments and policies should be based on these principles:

- **Agriculture:** Promote urban forestry initiatives, farmers’ markets, the sale of local agricultural products in traditional grocery stores, restaurants, as well as public and private institutions. Foster

and promote efforts to expand public knowledge of agriculture, particularly animal agriculture. Further the Department of Agriculture’s consumer-protection efforts in support of sustainable economic development.

Promote the use of nutrient BMP in the urban/suburban setting in support of improved water quality. Identify and pursue agricultural development opportunities such as retention and expansion of processing companies, institutional and retail food operations, and agricultural cooperatives.

- **Economic Development:** Focus on locating large, high-quality employers in Investment Level 2 Areas where the availability of sites close to infrastructure, services, and existing residences makes such locations viable. Also, promote the retention and expansion of existing businesses. Consider providing enhanced incentives to those projects that select locations in Level 2 Areas.

Work with communities, property owners, federal and state agencies and developers to identify and promote the development of select greenfield locations for business and manufacturing parks that can take advantage of existing infrastructure with minimal expansion. Seek to reuse underused, abandoned, or “brownfield” sites, in a manner consistent with the Investment Level 2 Areas’ character and needs. Aggressively seek alternative funding for development/ redevelopment projects in Level 2 Areas consistent with the desire to utilize existing infrastructure to the greatest extent possible.

- **Education:** The same principals articulated under Investment Level 1 apply to Investment Level 2 Areas (see Investment Level 1 description).
- **Housing:** Support residential growth supplemented with infrastructure and essential neighborhood services. Continue to encourage a broad mix of housing options, such as small single-family detached, duplexes, and townhomes, to meet the diverse needs of all income ranges and household types. In some areas, Level 2 may be appropriate for more compact development, once areas are built out and utilities are available. Also, rehabilitation efforts are needed to ensure safe and habitable housing.

Some areas of Level 2 are also experiencing the impacts of the foreclosure crisis through loss of homeownership and increased and longer-term vacancies and abandoned homes. Measures will be needed here to restore homeownership.

- **Natural Resources and the Environment:** Extend existing or create new water and wastewater systems where logical, or where they would prevent future environmental or health risks. Protect critical waterways, promote establishment of greenways, and maintain

“green” separators between more intensely developed areas. Provide grants and funding to reestablish forests within community open spaces, plant new trees, control invasive species, maintain existing resources, and promote connectivity of open areas.

- **State Facilities and Investments:** Investment Level 2 Areas are also priority locations for new public uses and expanded existing uses. State



investments in public facilities, such as libraries, courts and health-care and public safety buildings, should be strategically located to foster community identity and vitality.

- **Transportation:** Level 2 Areas share similar priorities as with the Level 1 Areas where the aim remains to: make context sensitive transportation system capacity enhancements; preserve existing facilities; make safety enhancements; make transportation system–capacity improvements; create transit system enhancements; ensure ADA accessibility; and, close gaps in the pedestrian system, including the Safe Routes To School projects. Other priorities for Level 2 Areas include: Corridor Capacity Preservation; off-alignment multi-use paths; interconnectivity of neighborhoods and public facilities; and signal-system enhancements.

Investment Level 3

Description

Investment Level 3 Areas generally fall into two categories. The first category covers lands that are in the long-term growth plans of counties or municipalities where development is not necessary to accommodate expected population growth during this five-year planning period (or longer). In these instances, development in Investment Level 3 may be least appropriate for new growth and development in the near term.

The second category includes lands that are adjacent to or intermingled with fast-growing areas within counties or municipalities that are otherwise categorized as Investment Levels 1 or 2. These lands are most often impacted by environmentally sensitive features, agricultural-preservation issues, or other infrastructure issues. In these instances, development and growth may be appropriate in the near term, but the resources on the site and in the surrounding area should be carefully considered and accommodated by state Agencies and local governments with land-use authority.

Investment Level 3 is further characterized by:

- Areas with leap frog development⁵ that is not contiguous with existing infrastructure;
- Areas that are experiencing some development pressure;



⁵ **Leap Frog Development** – New development separated from existing development by substantial vacant land. (A Planner’s Dictionary, American Planning Association, Edited by Michael Davidsons and Fay Dolnick.)

- Areas with existing but disconnected development; and
- Possible lack of adequate infrastructure.

Investment Level 3 Strategies:

Due to the limits of finite financial resources, state infrastructure spending on “hard” or “grey” infrastructure such as roads, sewer, water, and public facilities will generally be directed to Investment Level 1 and 2 Areas during this planning period. The state will consider investing in these types of infrastructure in Investment Level 3 Areas once the Investment Level 1 and 2 Areas are substantially built out, or when the infrastructure or facilities are logical extensions of existing systems and deemed appropriate to serve a particular area.

Decisions about investments and policies should be based on these principles:

- **Agriculture:** Promote farmers’ markets, on-farm markets, sale of local agricultural products in traditional grocery stores, restaurants, as well as public and private institutions. Foster and promote efforts to expand public knowledge of agriculture, particularly animal agriculture.

Further the Department of Agriculture’s consumer-protection efforts in support of sustainable economic development. Promote the use of nutrient BMP in the urban/suburban/rural fringe setting in support of improved water quality. Identify and pursue agricultural-development opportunities such as retention and expansion of processing companies, institutional and retail food operations, and agricultural cooperatives, granaries, seed and fertilizer companies. Identify new opportunities for, and retain existing, agricultural-support businesses.

Foster and support the long-term needs of traditional production agriculture and forestry activities, as well as the needs of niche and small-scale production agriculture. Support the continued success of existing farmland and forest land-preservation activities as well as identifying and furthering new, innovative preservation strategies, such as those that create specific opportunities for young farmers and ensure the generational succession of land and operations.

- **Economic development:** Focus on agribusiness and forestry activities that complement and enhance agriculture in these areas. Visitor-industry development, such as heritage, ethnic, and agri-tourism festivals and events and similar operations, may be appropriate uses that would provide employment opportunities and produce additional income.
- **Educational:** DOE recognizes the integral role of educational facilities within communities. As such, DOE seeks to assure that residential growth, that generates additional demand on educational facilities, is managed with adequate educational infrastructure in mind as a part of growth plans. Proposals to develop Investment Level 3 should be carefully evaluated to determine its impact on educational-infrastructure phasing and land-use patterns in the area.

It is the goal of DOE to direct new school construction to areas that will integrate school facilities into the communities and neighborhoods they serve. Educational facilities proposed to be constructed in Investment Level 3 will be redirected into Investment Level 1 and 2 Areas to the extent possible. Educational facilities will be considered for construction in Investment Level 3 Areas, provided that:

- They have reasonable access to adequate civil infrastructure (water, sewer, etc.) as

well as public support services (police, fire, EMS).

- They have reasonable access to transportation-system connections in order to support reasonable multimodal access to the facility, to include, but not limited to, walk paths, bike paths, and safe pedestrian-grade crossings.
 - They have reasonable access to a transportation system that is adequate to accommodate bus and delivery-vehicle traffic.
 - They provide reasonable recreation facilities and opportunities to the communities served.
- **Housing:** Level 3 Areas are characterized by low density and rural homes, which may or may not be served by public utilities. New housing development in the short term would, in most cases, represent leap-frog development, which would be undesirable. In the longer term, these areas may be desirable for a variety of housing types, styles and densities in conjunction with local government comprehensive plans.



In some areas, Level 3 may be appropriate for compact development once Level 2 Areas are built out and utilities are available. In other areas, Level 3 may be more appropriate as low-density housing that serves as a transition from more urban / suburban areas to the rural areas in Level

4. It is important to ensure that housing is constructed in conjunction with needed infrastructure and services. State resources would be used only to support the rehabilitation of existing homes.

Level 3 Areas are likely to contain some abandoned or partially completed subdivisions as a result of the housing boom. Current market demand, as well as demographic trends and changing consumer preferences, indicates there will be less demand for large-lot homes – particularly in partially built subdivisions that are now considered to be a risk for potential buyers. Various strategies, depending on the viability of the subdivision, will include sunseting⁶ unbuilt subdivisions, converting some of the partially built subdivisions back to agriculture uses, or if they contain infrastructure, replatting⁷ for a smaller, but viable, market segment.



Photo: Mike Mahaffie

- **Natural Resources and the Environment:**

Protect critical waterways, promote establishment of greenways, and maintain “green” separators between more intensely developed areas. Emphasize the protection of critical natural habitat and wildlife, aquifer recharge, and stormwater-management/drainage areas. Financial assistance to local government’s water and wastewater facilities in Investment Level 3 needed to correct public health and existing environmental problems will be considered on a case-by-case basis. Otherwise, prioritize financial assistance in Investment Level 1 and 2 Areas before considering Investment Level 3.

- **State Facilities and Investments:** Depending on needs and conditions, Investments in these areas will focus on parkland expansions, open-space purchase, green energy, and facility maintenance.

Other types of investments will depend on long- term plans.

- **Transportation:** The priorities in the Level 3 Areas are for the Department to focus on regional movements between towns and other population centers. Local roadway improvements will be made by developers and property owners as development occurs. Lower priority is given to transportation system–capacity improvements and transit-system enhancements.

⁶ **Sunset Law** – A provision shutting off a program on a specific date, requiring reexamination and a fresh authorization prior to that date to continue. (A Planner’s Dictionary)

⁷ **Plat** – To increase or decrease the number of lots in a subdivision. (A Planner’s Dictionary)

Investment Level 4

Description

Delaware’s Investment Level 4 Areas are rural in nature, and are where the bulk of the state’s open-space/natural areas and agricultural industry is located. These areas contain agribusiness activities, farm complexes, and small settlements. They are typically found at historic crossroads or points of trade, often with rich cultural ties (for example, unincorporated areas like Clarksville in Sussex County, Star Hill in Kent County, and Port Penn in New Castle County).

Investment Level 4 Areas also boast undeveloped natural areas, such as forestlands, and large recreational uses, such as state and county parks and fish and wildlife preserves. Sometimes, private recreational facilities, such as campgrounds or golf courses (often with associated residential developments), are also situated in Investment Level 4 Areas.

Some limited institutional uses may exist in such areas. Delaware’s Investment Level 4 Areas are also the location of scattered residential uses, featuring almost entirely single-family detached residential structures. These are homes for those who value the quiet and isolation provided by locations away from more developed settings, albeit with an almost total reliance on private vehicles for every transportation need.

Delaware’s Investment Level 4 Areas also include many unincorporated communities, typically with their own distinctive character and identity. These places reflect the rich rural heritage of the state. Investment Level 4 Areas depend on a transportation system primarily of secondary roads linked to roadways used as regional thoroughfares for commuting and trucking.

In addition, Investment Level 4 Areas may be the location for certain uses that because of their specific requirements are not appropriate for location elsewhere. Such uses, expected to be limited in number, could involve public safety or other uses that require their location outside designated investment areas. Industrial activity would be limited, except where specific requirements of major employers may dictate an exception for a use, which, because of specific siting and potential conflicts with neighboring uses, should not be placed elsewhere.

It is the state’s intent to discourage additional urban and suburban development in Investment Level 4 Areas unrelated to agriculture and to the areas’ needs. This will be accomplished through consistent policy decisions and by limiting infrastructure investment, while recognizing that state infrastructure investments maybe appropriate where state and local governments agree that such actions are necessary to address unforeseen circumstances involving public health, safety, or welfare.



Investment Level 4 Strategies:

In Investment Level 4 Areas, the state's investments and policies should retain the rural landscape and preserve open spaces and farmlands, support farmland-related industries, and establish defined edges to more concentrated development.

Investment decisions about investments and policies should rely on these principles:

- **Agriculture:** Promote on-farm markets, the sale of local agricultural products in traditional grocery stores, restaurants, as well as public and private institutions where possible. Foster and promote efforts to expand public knowledge of agriculture and improve the public's view on animal agriculture.

Further the Department of Agriculture's consumer-protection efforts in support of sustainable economic development. Promote the use of nutrient BMP and planning in the rural setting in support of improved water quality.

Identify and pursue agricultural development opportunities such as retention and expansion of processing companies, institutional and retail food operations, and agricultural cooperatives, granaries, and seed and fertilizer companies. Identify new opportunities for and support existing agricultural support businesses.

A special emphasis should be placed on meeting the needs of animal agriculture while ensuring the health of the environment in this setting. Foster and support the long-term needs of traditional production agriculture and forestry activities, as well as the needs of niche and small-scale production agriculture.

Preservation of our agriculture industry is our highest priority in this Level. The state will make investments that enhance the agriculture industry in our state, which include economic

incentives and related investments. Invest in the continued success of existing farmland- and forestry-preservation activities as well as identifying and furthering new, innovative preservation strategies, such as those that create specific opportunities for young farmers and ensure the generational succession of land and operations.

- **Economic Development:** Development in Investment Level 4 Areas should emphasize only development that is compatible with and enhances agriculture, agribusiness, appropriate visitor activities, and similar economic activities.
- **Education:** DOE does not recommend or support the construction of new educational facilities in Investment Level 4 Areas. Educational facilities proposed for Investment Level 4 Areas will be redirected into Investment Level Areas 1 through 3.

The construction of athletic facilities that do not require the creation of impervious surfaces in Investment Level 4 Areas will be considered on a case-by-case basis, with due consideration given to such factors as increased traffic and the need for additional support services.

- **Housing:** Construction of new homes is discouraged in Level 4 Areas. Housing programs will focus on existing housing in regard to maintenance, health, and safety. Level 4 Areas include several unincorporated, low-income communities with their own distinctive character and needs. Programs will continue to promote revitalization of these areas through housing rehabilitation. State investment in these communities would be done in a manner so as not to spur additional development.

Level 4 Areas are also likely to contain some abandoned or partially completed subdivisions as a result of the housing boom. Strategies similar

to those mentioned in Level 3 for these subdivisions will be needed to prevent blight and vandalism and ensure safety.

- **Natural Resources and the Environment:** Emphasize the protection of critical natural habitat and wildlife, aquifer recharge, and stormwater-management/drainage areas. Provide for recreational activities, including parks and fishing/hunting facilities, while helping to define growth areas.
 - Maximize opportunities for ecological restoration and conservation cost-shares. Additional state investments in water and wastewater systems will be limited to existing or imminent public health, safety, or environmental risks only, with little provision for additional capacity to accommodate further development.
- **State Facilities and Investments:** Investments in these areas will focus on parkland expansions, and ag-land and open-space preservation. Other facility investments in these areas will be discouraged unless it relates to a specific need.
- **Transportation:** The focus for the Level 4 Areas will be to preserve and maintain existing facilities in safe working order, corridor-capacity preservation, and the enhancement of transportation facilities to support agricultural business.

Out-of-Play

Some lands are clipped out of the analysis and will be shown on the Strategies maps in a light- gray color. These lands which are not at all available for development include publicly-owned lands, lands for which serious legal and/or environmental constraints on development are identified, and lands in some form of permanent open-space protection.

A full list of those data sets used to map out-of-play lands and of the sources for those data sets is presented as part of a technical appendix at the end of the document.



Moving Forward and Recommendations

The following are offered as a way to achieve the goals and objectives stated and implied throughout this document:

Collaborative Initiatives

- **Designing and Building Complete Communities:** As stated earlier in this document the evidence strongly indicates that a mixed-use and compact development pattern is well suited to maintaining Delaware’s fiscal health and preserving the many characteristics that make Delaware a desirable place to live and work. There are a number of projects that will be considered to implement this initiative including some that are ongoing and some that will be created, including (but not limited to):
 - **Master Planning:** Create a model approach to cooperative planning for large areas from recent efforts that include projects in Southern New Castle County, Milford, and Georgetown to be used statewide.
 - **Pattern Book:** This will be a joint effort between the real estate community and the state to visually demonstrate to local governments and developers the variety of options for communities and how to develop codes to be able to build them.
 - **Healthy Communities:** This is an effort with the Nemours Health and Prevention Service to promote healthy living with better designed communities.
- **Comprehensive-Plan Fiscal Note:** Complete work on this project that would allow, as part of the certification process for comprehensive plans, a fiscal note to be attached to help identify future state investments needed to support planned and proposed development within local governments.
- **Transfer-of-Development-Rights Program (TDR):** Continue to promote this as a way to preserve agriculture land and open space.
- **Preliminary Land Use Service (PLUS):** Continue to adjust and refine as needed to insure that this process is as efficient and useful as possible.
- **Plan Certification:** Continue to work with local governments in keeping their plans up to date.
- **State Facilities:** The state will promote locations for public facilities that will enhance community integrity and encourage the use of more than one transportation option. State investments in public facilities, such as schools, libraries, courts, and health-care and public safety buildings, should be strategically located to foster community identity and vitality, and complement the historic character where appropriate.
- **Score Card Implementation:** Finalize evaluation criteria to identify development projects that can contribute significantly to the attainment of state goals and thus be treated as strategically important projects by state and local governments.
- **Inter and Intra Governmental Coordination:** Encourage and increase coordination among and between agencies, local governments and affiliated groups to promote governmental efficiency and effectiveness in implementing these strategies.
- **Data and Geographic Information:** Continue to update and refine how this data is gathered and used to insure consistency and proper use.

- **State Statutes related to Planning:** Review and modify state code for consistency and for suitability to achieving land use goals.

Agriculture

- Create formalized partnerships between the state agriculture and economic development offices and local governments to attract and retain agricultural processors, grower cooperatives and agribusiness-support operations, as well as foster and support farmers' and on-farm markets by creating and nurturing business-friendly land-use policies and providing financial incentives.
- Continue to support the state's successful poultry industry.
- Support research and implementation efforts to establish alternative energy sources to serve the significant energy needs of the agricultural industry.
- Continue state financial support of existing farmland- and forestland-preservation programs.
- Continue to assess the viability of, and promote when appropriate, the creation and implementation of transfer-of-development-rights efforts.
- Develop a young-farmer loan program.
- Continue to seek and gain federal funding for preservation through fee-simple purchase and easements mechanisms.
- Provide estate and preservation-planning workshops to rural landowners through a partnership among state agencies, the private sector, and the Cooperative Extension.
- Expand urban-forestry program to underserved jurisdictions and large developments in the suburban setting.
- Promote and greatly expand elementary and middle school agricultural-literacy efforts.

- Promote nutrient-management education activities as appropriate in Levels 1 through 4.
- Continue successful partnership among the Delaware Nutrient Management Commission, DDA, and DNREC to promote nutrient-management practices in all Strategy Levels as well as further nutrient-management education in support of achieving state and federal water-quality goals.
- Develop and implement a cost share program for new agricultural irrigation systems. This will further stabilize and nurture the agricultural economy by reducing risk and fostering operational diversity
- Partner with DNREC and others to develop a comprehensive water allocation strategy to ensure future availability of potable water for all uses.

Economic Development

- Develop and adopt a comprehensive economic-development strategy that reflects the Investment Areas priorities and strategies.
- As a segment of the comprehensive strategy, develop specific approaches to the sustainable reuse of underutilized industrial facilities.
- Work with the business community, appropriate governmental agencies and nonprofit organizations to assist businesses in implementing energy-conserving technologies while providing opportunities to grow "green"-based businesses in Delaware.
- Review and, if necessary, realign business-development incentives to assure that they support the investment-area strategies.
- Continue and expand, where feasible, formal downtown and small business/entrepreneur development programs.
- Enhance coordination/collaboration with county and municipal economic development operations

to assure compliance with the investment-area priorities and strategies.

Education

- Continue to participate in the Preliminary Land Use Service (PLUS) process and direct proposed educational facilities to the PLUS process for project review.
- Continue to direct education infrastructure to Investment Levels 1 or 2 and authorize educational facilities to be located in Level 3 only:
 - If adequate public and civil infrastructure is in place or will be in place when the educational facility requires said infrastructure.
 - When no other reasonable and viable educational-facility sites, which are in reasonable proximity to the communities being served, are available within Investment levels 1 or 2.
- Continue to direct education infrastructure away from Investment Level 4 and Out-of-Play Areas.
- Continue to promote the integration of school sites into adjacent communities through facility usage, as governed by local-school-district board policies and site design that promotes pedestrian-friendly access.
- Continue to liaise with districts, state agencies, local jurisdictions and developers to help achieve the optimal resolution to educational facility locations.
- Continue to encourage and enable the use of school campuses that co-locate multiple educational facilities on a single site, thus sharing common facilities and reducing infrastructure costs.

Housing

- Reduce the impact of the foreclosure crisis on Delaware communities via federal and state programs designed to get foreclosed properties back on line, as well as outreach and support to local communities struggling with abandoned properties and subdivisions.
- Provide outreach to local communities planning for affordable housing via the Delaware State Housing Authority (DSHA) Affordable Housing Resource Center, which is an online resource for government officials and public viewers to learn about their community's housing needs and strategies to address these needs.
- Market and educate local officials and planners on the importance of planning for housing for all income levels via the continued successful partnership among DSHA, University of Delaware (UD), and Office of State Planning Coordination to conduct an annual course on housing as part of the UD Institute for Public Administration's Delaware Planning Education Program.
- Provide technical assistance and support to local communities on a wide range of housing and community-development initiatives.
- Use Housing Development Fund to fund new construction in only Level 1 and Level 2 Areas.
- Provide public support to developments containing long-term affordable housing where appropriate.
- Preserve affordability of existing affordable housing to prevent displacement and protect public investment.
- In partnership with the Office of State Planning Coordination, continue density and design mobile workshops to raise awareness about well-designed neighborhoods and the role of density to those in the planning industry and residents who often oppose high-density development.

- Continue “live near your work” efforts among the state, local jurisdictions, and employers to provide financial assistance to employees who purchase homes near their place of employment.
- Advance the idea of requiring land-use proposals using state resources to include a percentage of long-term affordable housing.
- Assist in the revitalization of distressed neighborhoods by encouraging businesses, firms, and individuals paying Delaware income tax – either personal or corporate – to invest in programs serving impoverished neighborhoods by offering tax credits to offset their Delaware tax liability.

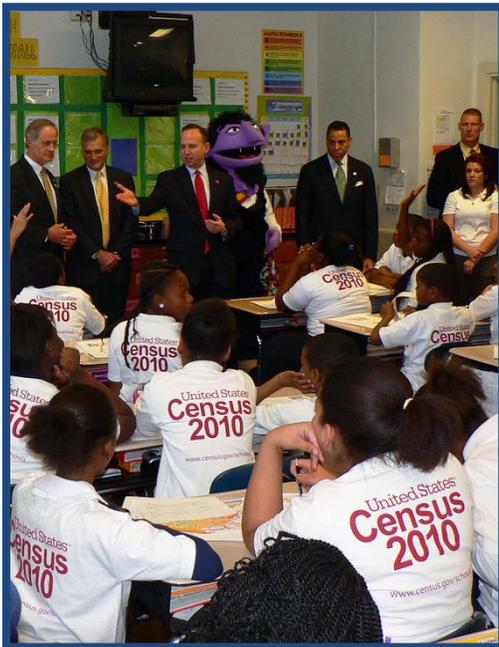


Photo: Mike Mahaffie

Natural Resources and the Environment

- Integrate public health and environmental outcomes into land use decision-making by renewing commitment to air quality, water quality and remediation of contaminated sites.
- Mitigate damaging and costly flooding by promoting smart stormwater practices and enhancing wetlands to increase their water retention and ecological value. As coastal storms and flooding become more severe due to more intense weather events and sea-level rise, assist state agencies and local governments with data and planning to prevent disasters and avoidable taxpayer expense.
- Integrate an infrastructure overlay into the planning process that includes roads, drinking water, sewer, stormwater, broadband, and energy distribution/transmission to focus state investments and drive private investment.
- Develop Conservation Opportunity Areas that are watershed and science-based to show which areas are most ecologically vulnerable and where investments should be prioritized for conservation and restoration.
- Work to improve water quality by supporting large municipal wastewater systems and discouraging the use of community wastewater systems, particularly outside of identified growth areas and strengthening regulations for individual on-site wastewater systems.
- Prevent damaging and costly inland flooding while recognizing the important role and maintaining the free ecological services of freshwater wetlands.
- Discouraging the use of community wastewater systems, particularly outside of identified growth areas and strengthening regulations for individual on-site wastewater systems.

State Facilities and Investments

The state will promote locations for public facilities that will enhance community integrity and encourage the use of more than one transportation option.

State investments in public facilities, such as schools, libraries, courts, and health-care and public safety buildings, should be strategically located to foster community identity and vitality, and complement the historic character where appropriate. The focus of such locations will be in the Levels 1 and 2 Areas. The location of public facilities in Levels 3 and 4 Areas will be based on specific needs and conditions as warranted. Additionally, investments in Levels 3 and 4 will focus on parkland expansions, open-space purchase, green energy, and agricultural preservation where appropriate.

Transportation

- Maintain the state’s current system in good repair.
- Continue to focus on improving the operational efficiency of the traffic-signal system.
- Prioritize financial resources to improve system performance that compliments the state strategies.
- Continue focus on improving the ability of the transportation system to help protect the users from injury and death.
- Enhance efforts to meet the changing needs of senior travelers.
- Engage in more master planning with local governments.
- Prioritize resource commitments with local governments in order to implement adopted master plans.
- Specifically focus on creating an inventory of pedestrian facilities (sidewalks) and then filling in any gaps.

- Collaborate to link cities and towns by a network of off-alignment multi-use paths that can be used by commuters in addition to recreational pedestrians and bicyclists.
- Reduce the rate of growth of vehicle miles traveled (VMT) as a result of all these efforts plus the efforts of businesses to reduce business-related travel.
- Focus on meeting the needs of travelers that have impediments.
- Collaborate more in efforts to manage storm water more effectively.
- Work with sister agencies to better understand how to be prepared for possible climate changes and its related effects.
- Continued collaborative efforts with local governments and related industries to create more sustainable communities.



Photo: Eric Crossan

Citizen Involvement in Land-Use Decisions

Land-use planning has been delegated to local jurisdictions in Delaware. Delaware's counties and municipalities have comprehensive plans, zoning ordinances, and other land-use regulations that dictate what land-uses are appropriate in various areas of the jurisdiction and how land will be developed.

Most local jurisdictions in the state have local-planning commissions and boards of adjustment that serve in either a decision-making or an advisory capacity to the local legislative body. Meetings of local town or county councils, planning commissions, and boards of adjustment are open to the public. Most of these bodies hold public hearings or workshops about land-use issues. As a citizen, this is your best opportunity to be involved with the land-use decision-making process in your area.

The development of a comprehensive plan is perhaps the most important step for the town or county. This document sets the overall pattern of land-use, and all land-use regulations are based upon this document. Many jurisdictions conduct extensive public-participation efforts to gauge citizen input on these important documents.



Photo: Mike Mahaffie

Web Sites and Links of Interest

The Office of the Governor: governor.delaware.gov

The Office of State Planning Coordination: stateplanning.delaware.gov

Department of Agriculture: dda.delaware.gov

Department of Economic Development: dedo.delaware.gov

Department of Education: www.doe.k12.de.us

Department of Health and Social Services: dhss.delaware.gov/dhss

Department of Finance: finance.delaware.gov

Department of Safety and Homeland Security: dshs.delaware.gov

State Historic Preservation Office: history.delaware.gov/preservation

Delaware State Housing Authority: destatehousing.com

Affordable Housing Resource Center: www.destatehousing.com/AffordableHousingResourceCenter/ot_toolbox.html

Department of Natural Resources and Environmental Control: www.dnrec.delaware.gov

Office of Management and Budget: omb.delaware.gov

Department of Transportation: deldot.gov

Appendices

- A. Matrix of Strategies for State Policies and Spending in Investment Levels
- B. Absorption Analysis
- C. Spatial-Data Analysis
- D. Historical-Planning Milestones
- E. Strategy Maps – 1999 & 2004

APPENDIX A: Matrix of Strategies for State Policies and Spending in Investment Levels

State Agency	Level 1 Investment Areas	Level 2 Investment Areas	Level 3 Investment Areas	Level 4 Investment Areas
All Agencies – new facility location	Highest priority for new facilities, especially those serving the public.	Also, very high priority for new facilities, especially those serving the public.	Future considerations primarily, tied to anticipation of growth in these areas. Consideration given based on actual needs.	Discourage facilities unless tied to particular needs and agreed to by appropriate governmental entities.
Agriculture	Highest priority for community and urban forestry, farmers markets and marketing/promotion of agricultural products to the urban populations, and foster agricultural literacy.	Community and Urban Forestry and marketing/promotion of agricultural products to the urban/suburban populations, and foster agricultural literacy.	Targeted Agriculture Preservation and Community Forestry, on farm markets, identification and development of agricultural support businesses, and foster agricultural literacy.	Highest priority for Farmland Preservation and support of the agricultural infrastructure, and foster agricultural literacy.

State Agency	Level 1 Investment Areas	Level 2 Investment Areas	Level 3 Investment Areas	Level 4 Investment Areas
Economic Development	Priority for job creation/retention, brownfields grants, for conduit tax exempt bond program and strategic funds, Neighborhood Assistance; focus of community education strategy.	Priority for job creation/retention, brownfields grants, for conduit tax exempt bond program and strategic funds, Neighborhood Assistance; focus of community education strategy.	Focus on agribusiness and forestry activities that complement and enhance agriculture in these areas. Visitor- industry development, such as heritage, ethnic, and agri-tourism festivals and events and similar operations, may be appropriate uses that would provide employment opportunities and produce additional income.	Development in Investment Level 4 Areas should emphasize only development that is compatible with and enhances agriculture, agribusiness, appropriate visitor activities, and similar economic activities.
Environment & Natural Resources	Highest priority (point) for sewer funding, grants for parks acquisition & development, greenways & trails grants, highest priority for recycling grants.	Sewer funding, grants for parks acquisition & development, greenways & trails grants, open space preservation, recycling grants.	Community septic, open space preservation.	Septic, open space preservation.

State Agency	Level 1 Investment Areas	Level 2 Investment Areas	Level 3 Investment Areas	Level 4 Investment Areas
Education	<p>Top priority for educational facilities; co-location of services in campus settings to the extent possible (e.g. libraries). Unqualified consideration of Certificates of Necessity and state participation in projects in accordance with established statutes, regulations and procedures.</p>	<p>Expedited approval for Educational facilities; co-location of services in campus settings to the extent possible. Unqualified consideration of Certificates of Necessity and state participation in projects in accordance with established statutes, regulations and procedures.</p>	<p>Guide/influence educational facilities toward levels 1 and 2 to the extent possible Limited approval of educational facilities. Qualified consideration of Certificates of Necessity and state participation in projects in accordance with established statutes, regulations and procedures.</p>	<p>Strongly discourage and guide/influence educational facilities toward levels 1 and 2. Very limited, exception based approval of educational facilities. Extremely Qualified consideration of Certificates of Necessity and state participation in projects in accordance with established statutes, regulations and procedures. Potential withholding of Certificates of Necessity and/or state participation.</p>

State Agency	Level 1 Investment Areas	Level 2 Investment Areas	Level 3 Investment Areas	Level 4 Investment Areas
<p>Housing Authority</p>	<p>Priority for creating and sustaining the full range of housing types that is transit-oriented, accessible, well-designed, and affordable in appropriate locations.</p> <p>Programs will create new housing opportunities through new construction and redevelopment. Threshold requirement for new construction. Emphasize development of under-utilized parcels within developed areas.</p> <p>Programs will sustain existing homes through rehabilitation and preservation of affordability. Assist homeowners, renters and communities impacted by the foreclosure crisis. Restore struggling neighborhoods through a variety of acquisition, rehabilitation, and community development activities.</p> <p>Provide technical assistance to communities, continue partnership with OSPC and UD, and continue Density by Design activities.</p>	<p>Priority for creating and sustaining a variety of housing types that is transit-oriented, accessible, well-designed, and affordable supplemented with infrastructure and essential neighborhood services.</p> <p>Programs will create new housing opportunities through new construction and redevelopment. Threshold requirement for new construction.</p> <p>Programs will sustain existing homes through rehabilitation and preservation of affordability. Assist homeowners, renters and communities impacted by the foreclosure crisis. Restore struggling neighborhoods through a variety of acquisition, rehabilitation, and community development activities.</p> <p>Provide technical assistance to communities and continue Density by Design activities.</p>	<p>Priority to sustain homes through rehabilitation to ensure safe and habitable housing. Assist homeowners, renters and neighborhoods impacted by the foreclosure crisis.</p>	<p>Sustain homes and vitality of small rural communities. This includes weatherization and rehabilitation of housing. Investment in housing infrastructure to address public safety and welfare concerns.</p>

State Agency	Level 1 Investment Areas	Level 2 Investment Areas	Level 3 Investment Areas	Level 4 Investment Areas
Health and Social Services	Focus efforts to create healthy lifestyles by providing walkable or other recreational opportunities and/or contribute to an infrastructure to support aging or disabled individuals' ability to remain in their community through accessible medical and necessary retail establishments, as well as personal support services. Highest priority (points) for drinking water funding.	Highest priority (points) for drinking water funding.		
Office of State Planning Coordination	Preliminary Land Use Service (PLUS) Review – most favorable for development and the location of public facilities.	PLUS Review – most favorable for development and the location of public facilities.	PLUS Review – favorable for longer term planning in anticipation of future development.	PLUS Review – most favorable for open space and ag-land preservation and the promotion of agri-business.

State Agency	Level 1 Investment Areas	Level 2 Investment Areas	Level 3 Investment Areas	Level 4 Investment Areas
<p>Safety & Homeland Security</p>	<p>Enhanced policing through grants, bike cops, and satellite offices. This is a priority area for locating future facilities.</p>	<p>Top priority for locating EMS services. Resource development or reallocation of EMS, fire and law enforcement services to sufficiently respond to increased calls for service as population increases.</p>	<p>Focused measures to reduce response time. Resource development or reallocation of EMS, fire and law enforcement services to sufficiently respond to increased calls for service as population increases including the possibility for new facilities.</p>	<p>Long-range planning but no near-term investment Kent/Sussex pay for additional coverage.</p>

State Agency	Level 1 Investment Areas	Level 2 Investment Areas	Level 3 Investment Areas	Level 4 Investment Areas
<p>Transportation</p>	<p>In Level 1 Areas the state’s first priority will be for preserving existing facilities and making safety improvements. Level 1 areas will also be its highest priority– for context sensitive transportation system capacity enhancements ; transit - system enhancements, ADA accessibility, and for closing gaps in the pedestrian system, including, the Safe Routes to School projects. Additionally, Level 1 areas are a first priority for planning projects and studies, bicycle facilities, signal-system enhancements, the promotion of interconnectivity of neighborhoods and public facilities. Additionally, street design and access should be compatible to the context of an area.</p>	<p>Level 2 Areas share similar priorities with the Level 1 Areas where the aim remains to: make context sensitive transportation system capacity enhancements; preserve existing facilities; make safety enhancements; make transportation system–capacity improvements; create transit system enhancements; ensure ADA accessibility; and, close gaps in the pedestrian system, including the Safe Routes To School projects. Other priorities for Level 2 Areas include: Corridor Capacity Preservation; off-alignment multi-use paths; interconnectivity of neighborhoods and public facilities; and signal-system enhancements.</p>	<p>The priorities in the Level 3 Areas are for the Department to focus on regional movements between towns and other population centers. Local roadway improvements will be made by developers and property owners as development occurs. Lower priority is given to transportation system–capacity improvements and transit-system enhancements.</p>	<p>The focus for the Level 4 Areas will be to preserve and maintain existing facilities in safe working order, corridor-capacity preservation, and the enhancement of transportation facilities to support agricultural business.</p>

Appendix B:

Absorption Analysis

2010 update of the Strategies for State Policies and Spending compared to projected household growth

The 2010 update of the *Strategies for State Policies and Spending*⁸ allows for more than enough room to accommodate expected population and household growth through 2030, according to an analysis based on 2007 land use and land cover data⁹ and the *2009 Delaware Population Projections Series*¹⁰ published by the Delaware Population Consortium.

This analysis measures the amount of undeveloped but buildable land within the areas preferred for growth in the draft *Strategies* and takes into consideration the need for commercial, recreational, transportation, and utility development to support new residential development. It compares the amount of available, buildable acreage within Levels 1, 2 and 3 against the projected growth in households at three levels of housing density.

Available Versus Needed Acreage, Investment Levels 1, 2 and 3, 2007 - 2030

	Buildable Acres, 2007			Projected Household Growth	Ratio of Available to Needed Land		
	Total	Percent Residential	Available for HUs		At 3 HU per Acre	At 5 HU per Acre	At 7 HU per Acre
Kent	42,023	64.6%	27,147	20,590	3.96	6.59	9.23
New Castle	57,689	57.5%	33,171	39,382	2.53	4.21	5.90
Sussex	93,014	68.1%	63,342	42,989	4.42	7.37	10.31
State	192,726	62.7%	120,839	102,960	3.52	5.87	8.22

Percent Residential = percent of total expected to be developed as residential, based on existing land use patterns.

At three units per acre, a relatively low density typical of a medium to large lot subdivision, there would be nearly four times as much land available in the growth areas of the draft *State Strategies* as would be needed to meet projected household growth through 2030 in Kent County. In New Castle County there would be more than two and a half times as much land as needed. In Sussex County, there would be more than four times as much land as needed to meet projected household growth.

In those areas designated as growth areas in the draft *State Strategies*, average densities are often higher than three units per acre. At five units per acre, there would be between four and seven times the land needed to meet projected growth. At seven units per acre, there would be between five and ten times as much land as needed.

⁸ <http://stateplanning.delaware.gov/strategies/strategies.shtml>

⁹ http://stateplanning.delaware.gov/info/lulcdata/2007_lulc.shtml

¹⁰ http://stateplanning.delaware.gov/information/dpc_projections.shtml

Data Analysis

“Buildable acres” were derived from the 2007 land use/land cover data set by extracting those lands that are suitable for development that were not already built upon. “Percent residential” is a calculation of the percent of developed lands in each county that were in primarily residential land uses in the 2007 data. This calculation is a conservative estimate of residential usage since some areas, which include both residential and commercial land uses, are not included as residential in this analysis.

The percent residential calculation was applied to the buildable acres data to provide a total acreage that is likely to be used for new residential development.

“Projected household growth” is a calculation of the number of new households, and therefore housing units, that will be needed to house the projected population growth between 2007 and 2030, based on Delaware Population Consortium projections.

The “ratio of available to needed land” compares the acreage available for residential development in levels 1, 2 and 3 to the acreage needed at three different densities to meet projected household growth.

Appendix C: Spatial-Data Analysis

The updated State Strategies map was created using a spatial data analysis that balances state, county and local policies that favor growth for different areas of the state with policies that favor land preservation, agricultural economic development, and natural resource management. The analysis creates a statewide spatial data set that reflects the combined policies of all levels of government to highlight which areas are most appropriate for different forms of growth.

Geospatial data sets that show land-use policies were collected from state agencies and county and municipal governments. Each data set was processed into a standard, statewide, gridded format in which each grid-cell was given a positive or a negative value¹¹ reflecting its suitability for development or redevelopment.

The data sets were combined using ESRI’s Spatial Analyst software¹² to create a single, statewide, gridded data set in which each grid-cell has a value of between -11 and 20. These values were classified into logical groups to form a draft set of the four levels called for the *Strategies for State Policies and Spending*. These were smoothed and saved as a polygon GIS data set.

Data sets showing lands that are “out of play” for various reasons and cannot be developed were used to clip-out out of play areas in the draft strategies data set.

Corrections, additions and deletions needed following public workshops and meetings with state agency planners, county government officials, and municipal government leaders were made by hand in a series of drafts edited to ensure that the final *Strategies* map accurately reflects certified county and municipal comprehensive plans.

Favoring Growth	Favoring Preservation	Out of Play
Growth & annexation areas	County non-growth areas	PDR lands
Municipalities	TDR sending areas	Permanent easements
Developed lands	High-value agricultural lands	State parks
Active development projects	High-value working forests	State forests
TDR receiving areas	Agricultural preservation districts	Selected county and municipal parks
Areas served by wastewater treatment	Corridor capacity preservation areas	Tidal wetlands
Areas with public water supply	The Delaware Coastal Zone	
Areas planned for Water/Wastewater	State natural resources priority areas	
Areas served by public transportation	A buffer around wetlands	
Areas near schools	Wellhead protections areas	
Areas with local police	Floodplains	
Areas near state police	A buffer around correctional facilities	
Areas near Fire and EMS	DAFB Accident & noise buffers	
Areas near hospitals	Excellent water recharge areas	
Areas near state service centers		
Areas near libraries		
Census 2000 Urban Areas		
DSHA sites		

¹¹ All data sets were given a value of either positive-1 or negative-1.

¹² <http://www.esri.com/software/arcgis/extensions/spatialanalyst/index.html>

Appendix D: Historical Planning Milestones in Delaware

1959 – Delaware establishes a State Planning Council, charged with developing a Preliminary Comprehensive Development Plan, detailing the most desirable pattern of land use, and defining a transportation plan, open space plan, and public facility plan for the state.

1968 – The Delaware State Planning Office submits its 1967 Preliminary State Comprehensive Development Plan to Governor Charles L. Terry Jr. The plan contains a generalized land use map for the entire state, and these seven goals:

- To concentrate urban development.
- To preserve agricultural and other open land.
- To maximize the utility of major highways through control of access.
- To encourage mass transportation, especially rail, throughout the state.
- To provide an adequate level of health, welfare, and educational services.
- To provide adequate urban services in the development areas.
- To encourage the growth of non-polluting industries.

1976 – The Delaware Tomorrow Commission, created by Governor Sherman W. Tribbitt, issues its report. Among the commission’s goals were to discourage sprawl in new community development, to preserve prime farmland and to encourage the use of existing unused industrial sites and buildings. The commission concluded that the time had come to supplement the original Coastal Zone Act, enacted in 1971 to control industrial uses in a defined coastal area, with a comprehensive statewide land use planning act.

1979 – The Intergovernmental Task Force, created by Governor Pierre S. du Pont through Executive Order, issues its report. The Task Force reviewed and examined the delivery of services (exclusive of educational services) by each level of government, and determined whether its method or manner of delivery are the most cost effective. The Intergovernmental Task Force’s findings suggested reforms in several areas.

1987 – The Environmental Legacy Committee submits its report “Shaping Tomorrow’s Environment Today,” to Governor Michael N. Castle. The report led to the passage of the Quality of Life Act, which requires regular revision of county comprehensive land use plans.

1994 – Governor Thomas R. Carper establishes the Cabinet Committee on State Planning Issues, which begins public outreach efforts to create a vision for Delaware in the 21st Century.

1995 – Governor Carper establishes the Office of State Planning Coordination, which was disbanded under a previous governor. This restructuring allows the Office to provide timely and effective land use planning comments

to county and municipal planning departments so they, in turn, can weigh the state's opinion before making decisions. The Office staffs the Cabinet Committee on State Planning Issues.

Governor Carper adopts the Cabinet Committee's recommended 10 "Shaping Delaware's Future" development goals and guiding principles:

- Direct state investment and future development to existing communities, urban concentrations, and designated growth areas.
- Protect important farmlands from ill-advised development.
- Protect critical natural resources areas from ill-advised development.
- Develop methods for assessing the fiscal impact and cost-benefit analysis of development for use by both state and local governments when considering land-use policies and infrastructure investments.
- Streamline regulatory processes and provide flexible incentives and disincentives to encourage growth in desired areas.
- Encourage redevelopment and improve livability of existing communities and urban areas, and guide new employment into underused commercial and industrial sites.
- Provide high quality employment opportunities for citizens with various skill levels, and attract and retain a diverse economic base.
- Protect the state's water supplies, open spaces, farmlands and communities by encouraging revitalization of existing water and wastewater systems and the construction of new systems.
- Promote mobility for people and goods through a balanced, multi-modal transportation system.
- Provide access to educational opportunities and health care for all Delawareans.
- Coordinate public policy planning and decisions among state, counties and municipalities. (added in 1999 as the eleventh goal)

Governor Carper signs the "Shaping Delaware's Future" amendment to the Quality of Life Act, which requires Delaware counties to submit comprehensive plans by Dec. 31, 1996, and every five years thereafter. Governor Carper also signs Transfer of Development Rights legislation that permits counties to develop and adopt regulations governing the transfer of development rights from identified low-density residential districts, zones or parcels of land to residential districts, zones or areas in the county.

1996 – Governor Carper amends the Land Use Planning Act to strengthen the state's commenting process on major development proposals. Governor Carper also signs the Corridor Preservation Act, allowing the Delaware Department of Transportation to protect certain highways from development, in order to preserve their capacity.

1998 – House Bill 396 adopted: This bill amended Title 22 of the Delaware Code to include a section (702) on municipal comprehensive planning. New provisions of this section included: differing content guidelines for small municipalities (less than 2,000 residents) and larger municipalities (greater than 2,000 residents); a provision for the plan to be the basis for the development of zoning regulations; giving the plans the force of law; and, providing timelines for reviews and updates.

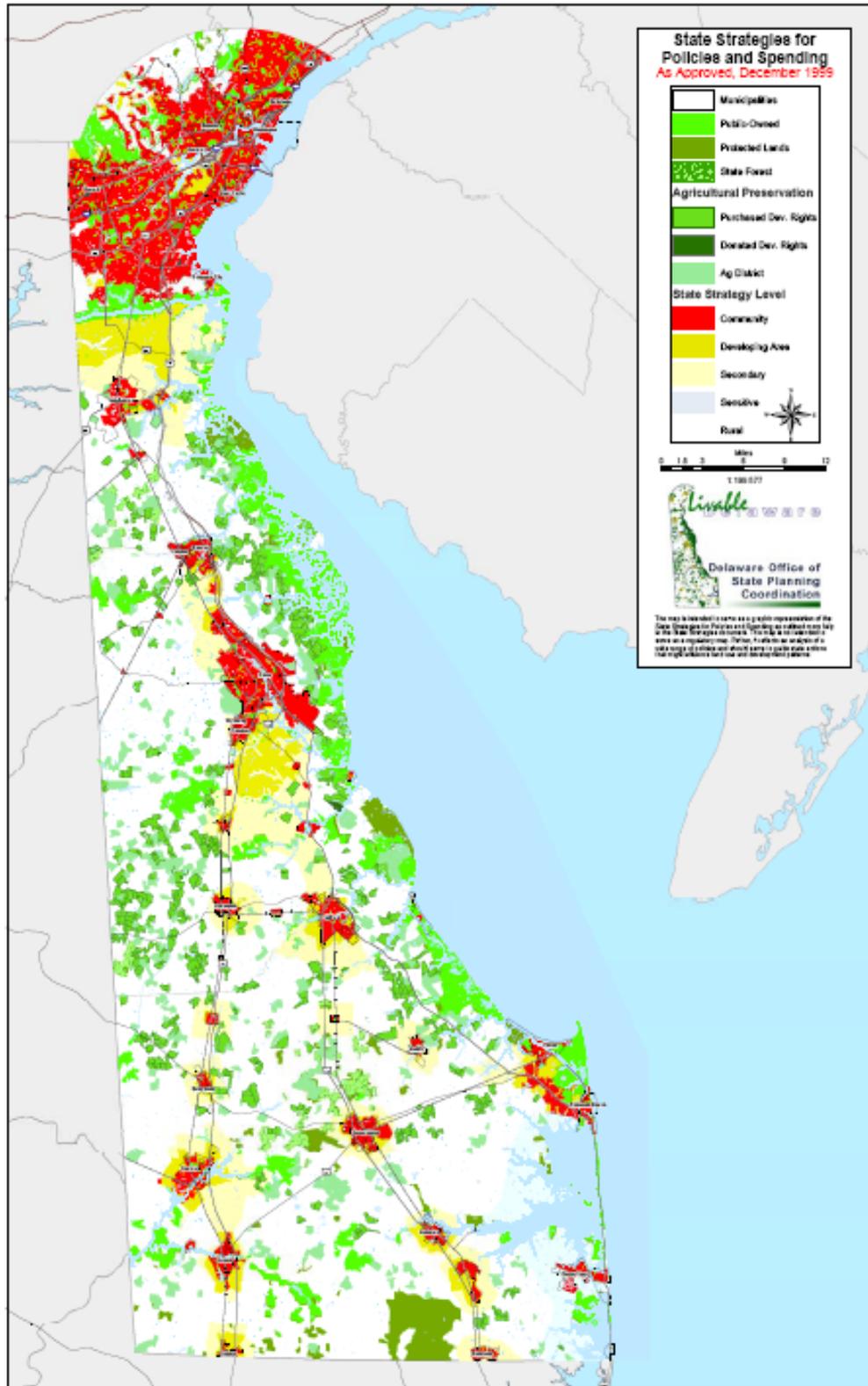
1999 – The General Assembly passes two land use bills, one making the transfer of development rights easier both within counties and between counties and municipalities, and another linking the adequacy of schools to residential land development throughout New Castle County. By June 1999, the Cabinet Committee had awarded \$1,239,959 to local governments in the form of infrastructure planning, wastewater and water grants. Municipal and county governments also received additional funding from other sources.

2001 – House Bill 255 adopted: This legislation changed the use of comprehensive plans in several ways. First, it gave comprehensive plans legal status and required that within 18 months of a plan's adoption that the plan must be implemented by rezoning land to match the comprehensive plan's future land use recommendations. The plans are also required to be updated every 5 years. Additionally, annexations had to be consistent with the certified plans. Another major change required by this legislation was that the plans are to be certified by the State. This is to insure that growth goals and objectives are consistent with state spending priorities as articulated in the State Spending Strategies, a document that incorporates both state and local land use priorities.

2003 - Senate Bill 65 adopted: This bill replaced the Land Use Planning Act (LUPA) by creating the Preliminary Land Use Service (PLUS) process. This new process enables state agencies to meet monthly and review and comment on development projects and comprehensive plans during the preliminary stages of development.

2004 - Senate Bill 305 adopted: This legislation ties the location of schools to the Delaware Strategies for State Policies and Spending by establishing a school site review process. The intent is to make sure that schools are located near existing or planned-for infrastructure. The approval of school site locations is now required from the Director of the Office of Management and Budget, the Secretary of Education, and the Director of the Office of State Planning Coordination.

Appendix E: Strategy Maps - 1999 & 2004



2004:

