STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

July 22, 2021

Ms. Kim Hughes
Town of Ellendale
300 McCaulley Ave
Ellendale, DE 19941

RE: PLUS review 2021-06-09; Town of Ellendale

Dear Ms. Kim Hughes:

Thank you for meeting with State agency planners on June 23, 2021 to discuss the Town of Ellendale's comprehensive plan. State agencies have reviewed the documents submitted and offer the following comments. Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State.

Certification Comments **–The following comments must be corrected before the plan can be reviewed for certification.**

Town Demographics/Population growth:

- The population data table included in your plan appears to show gender, race, and age demographics. This table should be reformatted or broken into more than one table to make it better understandable. In addition, the town should show poverty data as if compares to county and state.

- Table 4 (population projections) appears to be missing. Please include this table and a discussion on how the town will grow compared to the county and state.

- The paragraph under the Table 4 reference should be rewritten to better describe the population projections for the comprehensive planning timeframe. The projections should look at the most current census number and project out 10 or possibly 20 years.

  The first paragraph on page 17 discusses affordable housing but also states the town is expected over the next decade to keep about the same pace but then states is experiencing development pressure and could mushroom to over 3,400 residents. Please better explain

this paragraph. What data is being used to project that the towns population could experience such a huge surge?

Position on Housing growth

- Please clarify the town's position on housing growth. The pages referenced in the give a complete list of your goals and objectives related to housing; however, the housing section should outline the present state of housing by including demographics on housing type, age of housing, and ownership vs. rental and vacancy rates to better describe why the listed strategies are vital to facilitate future housing growth.

Position on Expansion of Boundaries

- Paragraph 2 on page 42 states "The town states that expansion is planned to follow existing sewer infrastructure, annex Forested Land in out of play areas, and encourage growth west of the town." Please clarify this sentence. Does the town intend to annex Forested Lands that are listed as Out of Play within the Sate Strategies document or is the town proposing to annex forested land and designate them as preserved lands?

Position on Redevelopment Potential –

- Please clarify the town's position on redevelopment potential within the town. This should include an inventory of areas within the community in need of revitalization and redevelopment, a discussion on the issues which have lead to the decline and the town; a list possible redevelopment resources that are available to the town and residents and should conclude with strategies that can assist the town in making the redevelopment reality, some of which are already included on pages 22 -23.

General Uses of Land

- The Existing Land Use descriptions on pages 39 and 40 do not correspond to the land use categories on the Existing Land Use map. This will make it difficult to implement the plan in the future, as the meanings of the land use categories are open to interpretation. Please add at least a brief description of each land use category in the text of the chapter that corresponds with the Existing Land Use Map.

- As per the requirements of Del. C., the text and maps of municipal plans have the "force of law." The plan text of this chapter does not correspond to the land use categories used on Map 4, Future Land Use. This will make it difficult to implement the plan in the future, as the meanings of the land use categories are open to interpretation. Please add at least a brief description of each land use category in the text of the chapter. Care should also be taken in the text to refer to the land use categories as defined on the map, and not use other terms which could end up being mis-interpreted.

- The Growth and annexation map must include Future Land uses for the proposed annexation areas. Annexations can only be approved if they are in compliance with the

adopted comprehensive plans. For your phase I and phase II areas, please update the map to include a Future Land Use designation.

Position on Key Infrastructure Issues

- The town needs to expand the water and sewer section on page 25 – This should include information on the services currently provided and what services continue to be needed. If necessary, the town should include goals and implementation items to help you reach your future goals related to water and sewer. In doing this, the town can better articulate their position related to Key Infrastructure Issues.

Public Outreach

Please expand this section to include an overview of the public process of updating this plan. This should include:

- An overview of the Survey sent out to the town including when it was sent out, how many responses were received.

- A list of meetings in which the public could discuss or comment on the plan, including any Planning Commission meeting, council meetings and any other meetings or events where the plan was discussed.

Intergovernmental Coordination

Please obtain written verification from Sussex County and Milford that they have reviewed the Ellendale comprehensive plan and have no objections to adoption. If these jurisdictions provide comments, please indicate how these comments have been addressed.

Recommendations: Our office strongly recommends that the Town consider these recommendations from the various State agencies as you review your plan for final approval.

Office of State Planning Coordination – Contact: Dorothy Morris (302) 739-3090

- The town should coordinate with the County to determine how the town can be notified of potential development within the Study Area on the Growth and Annexation Map.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- DelDOT recommends that the use of bulleted lists, found in other Chapters of the Plan, be extended to the Transportation Chapter to improve readability and to make specific strategies, goals and objectives easier to find.

- On page 27, there is a statement that "the Town would like to request more information on retaining the property not utilized for the US 113/Route 16 Grade Separated

Intersection as a means to expand the Town's municipal boundary to the west." It is unclear to DelDOT what this statement means, so perhaps it should be expressed differently. Regardless, current information on the DelDOT project is available from DelDOT's project manager, Mr. Mark Whiteside. Mr. Whiteside may be reached at (302) 760-2127 or Mark.Whiteside@delaware.gov.

- Also on page 27, there is a section titled "Delaware Route 16 and other Local Roads." While part of Route 16 is a local road in the sense that it passes through the town, "Local Road" is a defined term with regard to DelDOT's Functional Classification System and, in the context of that system, Route 16 is a Major Collector, not a Local Road. For clarity, DelDOT suggests changing the title to "Delaware Route 16 and Local Roads."

- DelDOT recommends that the references to the concept of a Pedestrian Friendly Community, detailed on pages 28 and 29 in the Transportation chapter, be added to the Housing (page 22), Economic Development (page 38), and Land Use (page 39) chapters as well.

- Ms. Jennifer Cinelli, a planner in DelDOT's Regional System Planning Section can help connect the Town to the appropriate DelDOT staff as needed. Ms. Cinelli can be reached at (302)760-2549 or Jennifer.Cinelli@delaware.gov.

Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480

Growth and Annexation Map

Annexation of certain areas proposed for development purposes is inconsistent with the Delaware Strategies for State Policies and Spending.

A portion of forested lands within proposed Phase 1 and 2 Growth and Annexation areas lie within Levels 3 and 4 of the Delaware Strategies for State Policies and Spending as well as the Redden Natural Area, for example parcels 230-31.00-80.00, 230-31.00-80.01. 230-26.00-122.00, and the southern portion of parcels 230-27.00-66.00 and 230-26.00-126.00. Natural Areas contain lands of statewide significance identified by the Natural Areas Advisory Council as the highest quality and most important natural lands remaining in Delaware.

Some of the forested lands within proposed Phase 1 and 2 Growth and Annexation areas lie within Levels 3 and 4 of the Delaware Strategies for State Policies and Spending and the Delaware Ecological Network, for example parcels including and eastward of parcel 230-27.00-72.00, parcels including and northeast of parcel 230-27.00-24.00, parcels 230-27.00-66.00 and 230-26.00-126.00. This network is made up of interconnecting natural areas of significant ecological value. Forest disturbances in these areas will jeopardize habitat on the parcel and possibly beyond the parcels' boundaries; therefore, lands within the Delaware Ecological Network should be preserved. These areas provide wildlife habitat, uptake nutrients, infiltrate stormwater, and improve water quality.

Forests also provide shading and cooling, while also reducing carbon that contributes to climate change.

Storm Water Management (p. 25)

In the Stormwater Management section (p. 25), the draft comprehensive plan should address construction stormwater management as it relates to engineering plan review and the *Sediment and Stormwater Regulations*.

Example text is provided below:

> In Ellendale, the Sussex Conservation District (with exception of state and federal lands) is the Delegated Agency for administering Delaware's *Sediment and Stormwater Regulations*. The Delegated Agency reviews and inspects construction projects that disturb an area of more than 5,000 square feet and conducts maintenance inspections of stormwater Best Management Practices.

On page 38, refer to stormwater as "Storm Water" to be consistent with the rest of the document.

Municipal Separate Storm Sewer System (MS4)

The Ellendale Comprehensive Plan should explain basic requirements of the Municipal Separate Storm Sewer System (MS4) permit. The following text additions are recommended in the Stormwater Management Section (p. 25):

> Stormwater is conveyed through the Municipal Separate Storm Sewer System (MS4) and consists of rainwater or melted snow that runs off streets, rooftops, fields, lawns or other surfaces. Ellendale currently does not meet population thresholds requiring MS4 permitting. Future changes in population (based on most recent census data) or more rigorous regulatory requirements could result in changes to Ellendale's MS4 permit requirements in the future.

For more information on MS4 permit status, please contact the DNREC Surface Water Discharges Section at 302-739-9946.

Source Water Protection (p. 26)

As acknowledged in the draft comprehensive plan, an Excellent Groundwater Recharge Area is located within the Town's limits. These areas have soils that are conducive to water infiltrating downward from surface water into groundwater. Preservation of these areas is important for replenishing groundwater supplies and ensuring drinking water for future generations.

Ellendale has included a map of the Excellent Groundwater Recharge Area as Map 3; however, the environmental map is the fifth map in sequence. Label maps according to the sequence that they appear in the text.

Trash and Recycling

Trash removal services is mentioned in the draft comprehensive plan (p. 23); however, recycling is not considered. In the Plan, address how trash and recycling is managed. According to Delaware Code [7 Del. C §6053(1)(a)], the waste hauler must provide recycling as well as disposal (https://delcode.delaware.gov/title7/c060/sc03/index.shtml).

Examples of what to include in the text is provided below:

- Provide information about the provider of trash and recycling services for Ellendale.
- Include information on current capacity, and if current needs are being met for both recycling and trash services.
- Address future capacity needs.

Available resources:

- For information on the Delaware Recycles program, visit https://dnrec.alpha.delaware.gov/waste-hazardous/recycling/.

Flood-Prone Districts (p. 34-35)

DNREC reviewers recommend referencing the following codes on "flood-prone districts" within the plan. The Sussex County Code [Chapter 115 (Zoning), Article XVIII] defines overlay district regulations called "flood-prone districts." These regulations apply to all special flood hazard areas within the jurisdiction of Sussex County, as identified in 115-141.1D.

Buffers

Page 30 refers to buffers along waterways as Map 3 (Environmental Features). The language suggests that such buffers have already been adopted. However, the strategy associated with a possible future buffer requirement appears on page 34, to "review and amend if necessary existing codes to address impervious surface impacts, buffer requirements, open space uses, and requirements for site plan review." Page 35 states that the Town will consider buffer requirements for lands converted from agriculture to urban uses. Revise language on page 30 to indicate that a buffer requirement is not yet in place but proposed for consideration. Additionally, Map 3 does not show buffers as described in the associated text, nor does the Environmental Features Map, which is Map 5 in sequence.

Climate Change

The comprehensive planning process is a unique opportunity to view all aspects of the future for Ellendale. Climate change is an important factor in future decision making, which is not addressed in the draft Comprehensive Plan. The comprehensive plan should address climate change.

Example text is provided below:

All areas within Delaware are susceptible to climate change. Pressing issues that Ellendale faces include heavy precipitation events and rising temperatures.

1. Increased Heavy Precipitation Events
   Climate change is expected to result in more frequent heavy precipitation events. This can lead to flooding, especially in areas with inadequately sized drainage infrastructure. This flooding can result in safety hazards, inaccessible roadways, travel delays, and damage to buildings or other infrastructure. Ellendale's infrastructure and its ability to handle such events plans a contributing role in how effectively the area can be evacuated and how it can prevent damage from these events. Planning for these events also contributes to how successful the Town and emergency services can respond to these events.

2. Temperature Rise
   Another key issue surrounding climate change is a steady rise in temperature. Rising temperatures will result in a longer growing season, heat waves, and more days when it doesn't cool at night. This has many implications for infrastructure and human health. Air conditioning systems in buildings may not be sized appropriately for increasing temperatures and shorter, milder winters can mean residents are dealing with more ticks and mosquitoes. Of particular concern are vulnerable populations (e.g. elderly or low-income) who may not have access to air conditioning in the summer.

DNREC reviewers recommend that Ellendale add strategies in the draft comprehensive plan that address issues associated with climate change.

Available resources:

- Several towns in Kent County and throughout the state have incorporated climate change measures into their comprehensive development plans.

- There are several good examples, including a recent report prepared by the UD Institute for Public Administration that details how climate change was incorporated into the City of Milford Comprehensive Plan. This report also describes best practices for incorporating climate change into comprehensive plans. It is available online: http://www.cityofmilford.com/DocumentCenter/View/2884/2018-Comp-Plan?bidId=.

- Comprehensive information about climate change and climate impacts in Delaware can be found here: https://dnrec.alpha.delaware.gov/energy-climate/climate-change/.

- Climate change impacts to human health are reviewed in the fall issue of the Delaware Journal of Public Health: https://issuu.com/dam-dpha/docs/djph_october2017.

- DNREC staff are always available to assist and would be happy to meet with City/Town staff and its consultants to discuss climate change vulnerabilities and greenhouse gas reduction strategies. For additional assistance, please contact the DNREC Division of Climate, Coastal & Energy at (302) 735-3480 (https://dnrec.alpha.delaware.gov/climate-coastal-energy/).

State Historic Preservation Office – Contact Carlton Hall 736-7400

- The Delaware SHPO appreciates Ellendale's commitment to preserving the town's character and suggests that the Town pursue the goal of listing in the National Register of Historic Places the proposed historic district. You may want to take a closer look or conduct another survey depending on the amount of development that took place since the nineties, with the potential district determined eligible in 1992.

- There may be other properties that may be eligible for listing in the National Register of Historic Places and our office recommends more surveys of additional buildings which could take advantage of historic tax credit programs.

- Note also that the new statewide historic preservation plan, Partners in Preservation: Planning for the Future, Delaware's Historic Preservation Plan 2018-2022, is now available online at: https://history.delaware.gov/pdfs/2018-2022DelawareSHPOPlan.pdf (single-page version for printing also available). The new plan emphasizes partnering to achieve common goals and connecting with other planning efforts. The Delaware SHPO encourages all municipalities to consider how the goals, strategies and actions outlined in the new plan may support and be coordinated with their local planning efforts.

Department of Agriculture – Contact: Milton Melendez 698-4534

- The Delaware Department of Agriculture welcomes the opportunity to provide recommendations for this municipal comprehensive plan. The Agriculture/Food System complex is the state's largest industry and its most significant land use.

- As an economic force the agriculture/food system provides more jobs and impacts in the state's economy that any other sector. In addition to the direct economic impacts throughout the state, agriculture and forestry provide billions of dollars in environmental services to the citizens of Delaware in the form of air and water cleansing, weather moderation, carbon sequestration, outdoor recreation, wildlife habitat, scenic vistas – and the list goes on. These services are largely uncompensated and represent a significant contribution to the quality of life and the health of Delaware's citizens and visitors.

- Agriculture and forestry are the state's most important land uses. The majority of the state's private lands are farms. Farms and forests dominate the landscape. This fact alone dictates that these land uses must be a crucial part of the future land use planning in every comprehensive plan. Over three-quarters of the private open space in Delaware is in farms. The maintenance of these land uses is crucial to our future quality of life and

the orderly and pleasing development of the state. In addition the State of Delaware is investing millions of taxpayer dollars in the permanent preservation of these lands and all the attendant benefits they provide. Every comprehensive land use plan should account for these factors in balancing future development, preservation of farmland and forest, and the enhancement of the economic activities associated with our working lands.

- Undoubtedly future generations will judge our effectiveness at land use planning by what they see around them. Like Delawareans today they will expect us to balance growth and development with the preservation and enhancement of agriculture and forestry.

- The following proposed steps provides municipal governments with directives that can be implemented to maximize the preservation and longevity of agriculture in your surrounding areas.

AGRICULTURE

1) Identify areas within the municipality where agriculture is considered the highest priority land use
2) Encourage the protection of prime agricultural land
3) Discourage development activities and capital projects incompatible with modern agriculture
4) Encourage separation of residential and agricultural areas through the zoning and subdivision process (this includes significant buffering and setback requirements for lands adjacent to agricultural operations)
5) Encourage, support, and maintain existing and proposed agricultural support enterprises and ag-related businesses
6) Encourage the development of local markets for locally grown foods
7) Encourage agricultural use protections and strong right-to-farm policies in agricultural areas
8) Establish and support financial incentives that encourage and allow landowners to remain in agriculture
9) Promote policies that maintain and foster economic viability within the agricultural sector

DENSITY AND EFFICIENT LAND DEVELOPMENT

1) Encourage maximum use of existing and planned infrastructure
2) Designate infill areas & project number of units to be constructed in those areas
3) Discourage development patterns that promote inefficient use of land (i.e., discourage developments where lots frequently exceed minimum lot size requirements).
4) In conjunction with population projections, project acres of residential land needed for a given time period and discourage consumption of land in excess of that need with allowance for reasonable market competition
5) Direct growth toward existing population centers.

State Housing Authority – Contact: Karen Horton 739-4263

- DSHA strongly supports the Town of Ellendale's Comprehensive Plan and its objectives and strategies related to housing. Their analysis of demographic, economic and housing data; public feedback; and, the existing housing stock and environmental constraints helped identify the different strategies needed to create a range of housing options for Ellendale's current and future residents – regardless of income, stages of life, or ability. The strategies for redevelopment with mixed uses were appropriate for facilitating a vibrant downtown.

Delaware Transit Corporation (DTC) – Contact: Jared Kauffman 576-6062

- A description of paratransit service is needed because it serves within and around Ellendale.

- If data are available, describe Ellendale's transit ridership and their needs.

- If the town has goals/strategies/recommendations for improving transit service, both non-infrastructure and infrastructure concepts, please explain them within the descriptions.

- While pedestrian friendliness was noted in the transportation and housing sections, it is suggested to include descriptions of walkable friendly design and concepts within the economic development, and land use sections as well since walkability affects and is affected by these topics, and to note that encouraging walkability goes beyond simply providing infrastructure.

Approval Procedures:

- Once all edits, changes and corrections have been made to the Plan, please submit the completed document (text and maps) to our office for review. **Your PLUS response letter should accompany this submission.** Also include documentation about the public review process. In addition, please include documentation that the plan has been sent to other jurisdictions for review and comment, and include any comments received and your response to them. Substantial changes to this draft could warrant another PLUS review.

- Our office will require a maximum of 20 working days to complete this review.

    - If our review determines that the revisions have adequately addressed all certification items (if applicable), we will forward you a letter to this effect.
    - If there are outstanding items, we will document them in a letter and ask the town to resubmit the plan once the items are addressed. Once all items are addressed, we will send you the letter as described above.

- Once you receive our letter stating that all certification items (if applicable) have been addressed, the Planning Commission and Council should adopt the plan pending State certification. We strongly recommend that your Council adopt the plan by ordinance. The

ordinance should be written so that the plan will go into effect upon receipt of the certification letter from the Governor.

- Send our office a copy of the adopted plan along with the ordinance (or other documentation) that formally adopts your plan. We will forward these materials to the Governor for his consideration.

- At his discretion, the Governor will issue a certification letter to your Town.

- Once you receive your certification letter, please forward two (2) bound paper copies and one electronic copy of your plan to our office for our records.

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

Sincerely,

David L. Edgell, AICP
Director, Office of State Planning Coordination