



**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION**

May 22, 2018

Richard E. Hall
New Castle County
87 Reads Way
New Castle, DE 19720

RE: PLUS review 2018-04-06; New Castle County Plan Amendment

Dear Richard,

Thank you for meeting with State agency planners on April 25, 2018 to discuss the proposed Comprehensive Plan amendments for New Castle County. These amendments will update the Unified Development Code design standards and the development review process.

Please note that changes to the plan could result in additional comments from the State. Additionally, the comments below reflect only issues that are the responsibility of the agencies that were represented at the meeting.

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact Tricia Arndt 739-3090

- The Office of State Planning Coordination has no objection to this ordinance. We ask that you consider and address any recommendations or comments from other State agencies.

Department of Transportation – Contact Bill Brockenbrough 760-2109

DelDOT has no comments of any sort on the Ordinance that would modify Articles 1, 3, 10, 12, 20, 22, 27, 31 and 33 and Appendices 1 and 2.

The following comments apply to the Ordinance that would modify Articles 3, 4, 5, 7, 10, 20, 21, 22, 23 and 33 and Appendix 3.

- Section 40.20.230 requires street connections between adjoining subdivisions within a superblock. DelDOT generally supports such connections. However, 17 Del. C. §531 regulates DelDOT's ability to accept such streets for State maintenance where one of the subdivisions restricts residents to the age of 55 and over and the other subdivision does

not. DelDOT recommends that the County consider the need to address this law in their code.

Department of Natural Resources and Environmental Control – Contact Michael Tholstrup 735-3352

Source Water Protection.

- Sec. 40.10.165- Removed language to create a bmp guidance manual of structures in recharge areas. Has a manual been developed?

Sediment and Stormwater Management.

- Sec. 40.10.115- Removed the flow rate language and refers to standards in Ch. 12 of the NCC Code. Does this represent a change in the requirement?

Fish and Wildlife.

- Sec. 40.31.112- DNREC recommends applicants identify and delineate natural resources (e.g. wetlands, floodplains, forest block) within the project boundaries so that plans can be designed to avoid or minimize impacts to natural resources (Appendix 1).

Appendix 1. Application and Plan Requirements; 3. Other Reports and Applications -- this section should include Natural Resource Surveys.

- The following language is taken from a document recently developed by DNREC titled “*Proposed Amendment to Article 10, Environmental Standards, New Castle County, Unified Development Code.*” As discussed at the April PLUS meeting, the full document has been shared with the County planners and will be reflected in a future phase of UDC amendments:

“Pre-project design of a site shall include a comprehensive natural resource survey that identifies, describes, and delineates all natural resources that occur within a projects boundary. The identification and mapping of natural resources is needed in order to determine what areas should be avoided and protected on-site prior to design and development. Natural resources may include forests, adjacent contiguous forests and corridors, forest interior, specimen trees, steep slopes, wetlands, floodplains, stream corridors, riparian buffers, and rare or threatened and endangered species. Natural resources that include mature and young forests, specimen trees, and wetlands must be identified and delineated in the field. The identification of other natural resources (floodplains, steep slopes, stream corridors, riparian buffers, forest interior, and adjacent contiguous forests and corridors), can be done by analyzing the most current, pertinent information, such as topographic, geologic, wetland and soil maps and through the use of aerial imagery. From the analysis of these sources, a concept plan can be generated that can guide more detailed planning before final designs are submitted. Natural resource surveys and mapping shall be conducted by a

professional landscape architect, environmental consultant, botanist, plant or wildlife ecologist, forester, or other certified professional in the applicable environmental discipline. A detailed map created using GIS software that delineates and defines any natural resources identified within the project boundaries shall be submitted to the New Castle County Planning Department in order to conduct a thorough review of the proposed project. If any natural resources identified are to be impacted by project activities, then an Environmental Impact Assessment report shall be submitted to the Planning Department (see section 40.10.701)."

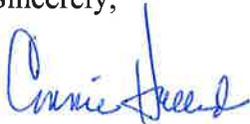
Parks and Recreation.

- Sec. 40.21.141- DNREC recommends that New Castle County not allow features that increase soil disturbance and open space fragmentation in sensitive species/habitat areas. For example, loop or court-yard style cul-de-sacs could be prohibited when located near sensitive areas.
- Sec. 40.21.161- We recommend that New Castle County require the avoidance of vertical curbs in areas located within 300 feet of a wetland or when a road bisects forested habitat or stream corridors.
- Sec. 40.31.112- DNREC supports the Community Outreach standard as provided in the Pre-Application Sketch Plan Review/Conference as a positive step forward for early community engagement.

Once a decision has been reached on this proposed comprehensive plan amendment, please forward a copy of the plan amendment to the Office of State Planning Coordination for our records. The plan amendment must include a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan.

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

Sincerely,



Constance C. Holland, AICP
Director, Office of State Planning Coordination