



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

November 8, 2019

David S. Hugg III
City of Dover
15 Loockerman Plaza
P.O. Box 475
Dover, DE 19903

RE: PLUS review 2019-10-01; City of Dover Comprehensive Plan

Dear David:

Thank you for meeting with State agency planners on October 23, 2019 to discuss the City of Dover'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. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting.

Certification Comments:

- The text references a number of maps that are missing from the document, notably in the transportation chapter and the housing chapter. Please include all maps that are referenced.
- Chapter 6, Historic Preservation: The DDD program is briefly mentioned. There should be more recognition of the how the DDD Rebate can be an important incentive to encourage rehabilitation of historic properties. The other incentives are a variety of tax credits, which are good, but the DDD Rebate has the potential to be a more significant dollar amount and is available shortly after completion of the project. There also should be a more explicit mention of the State Historic Preservation Tax Credit, and how this can be used to encourage historic preservation and revitalization activities.
- Chapter 10, Economic Development: Although the economic development plan does mention the Downtown Development District program in two places, it is done so in passing. The Downtown Development District Program is an important partnership for economic development and community revitalization between the State and the City of

Dover. A substantial amount of State funds are directed to redevelopment activities in Dover through the DDD Rebate. Please clarify the role that the DDD program plays in the city's economic development efforts, and define some actionable steps in the recommendations to utilize the DDD program and associated incentives to drive redevelopment activities in the Downtown.

- Chapter 11, Housing and Community Development: There is a discussion of housing incentives on page 11-7 that includes mention of the DDD program, but again the program is not clearly described. Please clarify that the DDD Rebate can result in 20% rebate of capital investment in new affordable home construction. It would also be important to note that Habitat for Humanity and NCALL have received substantial rebates on a significant number of new homes built in the downtown area. Perhaps there could be some discussion of the impact of this activity on the downtown neighborhoods? A rebate/leverage figure would be meaningful and impactful, and hopefully serve to encourage others to participate in affordable housing activities.
- Chapter 13, Growth and Annexation Plan: Map 13-2 does not provide future land uses for Category 3 annexation areas. Del.C. requires that when parcels are annexed, they must be assigned a zoning district consistent with the comprehensive plan. If the plan does not provide a future land use, a plan amendment is required to assign the future land use prior to annexation. Please revise the plan text to clarify that a plan amendment will be required prior to the annexation of any of the Category 3 areas. Some of these areas are somewhat distant from existing City services and infrastructure, which can and should be addressed in a future plan amendment.
- Page 13-3 contains an outdated reference to the "Community" area in *State Strategies*. That terminology was replaced with the "Investment Levels" starting in the 2005 update. Please amend the text to remove reference to the "Community" areas.
- Page 13-3 contains a reference to "Livable Delaware." This was Governor Minner's land use policy initiative, and it was specific to her administration. Please remove this reference.
- Page 13-9 references "State notification requirements" according to the provisions of Title 29, Chapter 92. These notification requirements were removed from Del. C. in 2004 as a part of the legislation that created the PLUS process. Please review the current version of Del. C. and amend the plan accordingly.
- Page 13-8 indicated that two areas adjacent to Dover Downs are identified as "land use to be determined." These areas do not appear to be on the map. The map or text or both must be amended so that the map and text are consistent. If no land use is indicated, then a plan amendment will be required prior to annexation. If these properties are not consistent with the *State Strategies* and/or Kent County's comprehensive plan (which they are probably not, given the location described) then further discussion with OSPC and Kent County will be necessary.

- Page 13-6 mentions a “new property west of Artis Drive” as a Category 2 annexation area. This property does not appear on the map. Please clarify where this property is located, and amend the map, text or both so that the map and text are consistent. If this property is not consistent with the *State Strategies* and/or Kent County’s comprehensive plan (which it is probably not, given the location described) then further discussion with OSPC and Kent County will be necessary.
- Chapter 14, Intergovernmental Coordination: Please provide written documentation that all adjacent jurisdictions have received the plan for review and have no objections to the plan. We will be looking for written documentation from Kent County, Camden and Wyoming at a minimum. An email correspondence will be sufficient as long as it indicates that the jurisdiction has reviewed the plan and has no objections.

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: David Edgell 739-3090

The Office of State Planning Coordination would like to commend the City of Dover for a very well-done comprehensive plan draft. The document and map series are very extensive and represent a detailed vision for the future growth and development of Dover. One very noteworthy element of this version of Dover’s plan is that the effort began with a thoughtful evaluation of the progress made over the past ten years implementing the 2009 Comprehensive Plan. The findings then were used to inform the public outreach and ultimately to guide the development of the plan. In this way, the plan has a realistic vision of current progress, challenges and opportunities which ultimately drives the plans vision and goals. The detailed, and realistic, implementation chapter will ensure that the City’s efforts across departments continue to strive towards achieving the goals set out on the plan.

Please consider the following recommendations to improve the plan:

- Chapter 9, Transportation Plan: The plan makes an effort to mention the many transportation planning studies that have been completed and are in effect. It is a very good thing to acknowledge these plans and that the comprehensive plan uses them to inform the transportation chapter. However, these plans are mentioned but not fully described or explained. It is recommended that the plan add a more comprehensive summary of the existing plans and studies that are referenced throughout the chapter and in the recommendations. This will give all readers the context to understand how these plans are used to inform the transportation planning initiatives in the plan.
- Chapter 12, Land Development Plan: It is recommended that the analysis comparing the Land Development Plan to the zoning of each parcel be completed before the plan is adopted. This is important to do in case there are any “mistakes” in the Land

Development Plan that then may be corrected prior to plan adoption. Doing so now will potentially avoid the need for a plan amendment prior to the comprehensive rezoning.

- Chapter 12, Land Development Plan: The Land Development Plan Map is presented as a series of maps zoomed in to the quadrants of the City. This does make the map view larger and more readable, especially on an 8 ½ X 11 page. However, as presented it is difficult to get a full picture of central Dover. It is recommended that a new Land Development Plan map view be provided that focusses on central Dover.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- On page. 1-9, Accomplishment 8 could state that construction has begun on the Senator Bikeway between Weston Drive and Cecil Street.
- Regarding the discussion on page 5-6, the connection between jobs and housing is important, and DelDOT applauds the emphasis that more jobs will result in shorter commuting. 2017 US Census Economic Studies (On The Map) data shows that 16,360 people work in the City of Dover and commute in to the City to work, while 8,172 City residents commute out of Dover to a different place for work, and 3,771 residents both live and work in Dover. In addition to creating jobs to shorten commuting, DelDOT would suggest considering efforts to encourage people who work in Dover to also live in the City.
- The discussion of Scenic Resources on page 5-9 could be a good place to indicate that Dover is part of the Harriet Tubman Underground Railroad history of the area. This designated scenic and historic byway route for historic interests and programming exists as part of downtown Dover as a destination for this byway, i.e. the byway does not simply pass through as it is indicated in later sections of the Plan.
- DelDOT offers the following specific comments regarding the “Byways/Scenic and Historic Highways Program” paragraph on page 6-9 of the Plan:
 - The term “corridor plan” is used repeatedly and is incorrect. Please replace it with “corridor management plan.”
 - The Plan correctly observes that designated byways are promoted by “a number of State agencies,” but they are also promoted by the municipalities located along them and by the county tourism offices. Please edit the paragraph to expand the overall promotional element, making clear that it is not limited to State agencies.
 - The “Route 9 Coastal Heritage Highway” is an incorrect name for the Delaware Bayshore Byway.
 - On the Harriet Tubman Underground Railroad Byway, this byway route does pass through Dover, but downtown Dover also really part of the Tubman Byway as a

public destination. This fact could also be mentioned in the economic development chapter with regard to the marketing and promotion of byways and for complementary tourism opportunities in Dover. So, the economic development impacts of the Byway for Dover may include further opportunities for ecotourism, historic tourism, events of the area, and other historic preservation events. These things all involve the use of hotel, eating, and shopping, etc. Consider further elaboration on this point.

- On page 6-15, consider rewording Historic Preservation Goal 2, Recommendation 8, to read “Engage in promotion and implementation of corridor management efforts within the Delaware Byways Program that support historic preservation and promotion of tourism and visitation for downtown Dover.”
- Regarding the Patterns of Travel discussion on pages 9-3 and 9-4, DelDOT has four comments:
 - DelDOT appreciates the mention of how residents get to work, however they would suggest discussing this outside of the specific mode of auto travel. In addition, they would suggest emphasizing the percentages of alternative modes as well as citing the dataset as ACS 2013-2017 as the longest estimates are for five years. It finds that 11.4% of Dover residents carpool to work 1.6% use public transit, 3.5% walk and 1.2% bike.
 - Please also note the data set cited should be ACS 2013-2017 as there is no 10 year dataset ACS 2009-2017. If the comparison is between two sets then DelDOT would suggest citing ACS 2008-2012 and ACS 2013-2017 as the comparison datasets.
 - DelDOT believes there are some errors in the citation of households with vehicles. 2013-2017 CP04 Comparative Housing Characteristics finds that 12.0% of households do not own a car, 37.2% have only one vehicle available, 35.9% have two vehicles available, and 14.9% have three or more vehicles available. They would suggest review and incorporation of the table B08201 Household Size by Vehicle Available to understand car-less and car-light populations. Given these numbers, it is important to continue to emphasize planning for transit and non-motorized travel. They question the assumption that “automobiles have dominated the way people travel in Dover for decades.”
 - It is important to note that the Census ties vehicle counts to households. 4,573 City of Dover residents, or 12.3% of the City of Dover population lives in group quarters. Assuming many of these are barracks at Dover Air Force Base (on the City side, not the Dover Base Housing CDP side) and college/university residence halls, the number of cars and traveling by this may be higher among group quarters dwellers than assessed using census vehicle data.

- On pages 9-4 and 9-5, the percentage change columns in Table 9-2 and the discussion in the paragraph following that table are based on a common misunderstanding of DelDOT's Vehicle Volume Summaries. While the Summaries provide an updated volume every year for every State-maintained road segment, most of the volumes provided are factored from counts done in previous years. The factors used are developed using data from a relatively small number of permanent count stations around the state and may or may not be indicative of actual changes on the road segments to which they are applied. In drawing year-to-year comparisons it is essential to look at the Year Last Counted column in the Summaries and only use volumes that were actually counted in those years.

DelDOT recommends that Table 9-2 be de-populated to reflect only actual counts and that the paragraph be rewritten based on the remaining data. In that regard, it should be noted that the suggested explanation of special events raising the annual average volume on a road segment is not adequate. Even when a segment is counted, unless there is a permanent count station on that segment, the volume shown is based on a week-long count factored for seasonal variation.

- On page 9-6, at the end of the Truck Travel paragraph, there is a statement that "The City-owned Garrison Oak Business and Technical Center lacks near-by on-ramps or off-ramps to SR 1 despite being right next to it." Delaware Route 1 had already been planned, designed and built when the City chose to locate the Center there.
- Regarding the Public Transit section on pages 9-6 and 9-7, DelDOT offers two comments:
 - For what reasons has new development near the transit center not been forthcoming? Key nearby parcels, including some with currently limited uses, are owned by both the City of Dover and State of Delaware. DelDOT suggests a review of the recommendations of the 2011 plan for incorporation in the document.
 - Unfortunately, DART has decided that it will eliminate Route 106 due to low ridership. However, they are extending Route 105 to serve stops at Generals Green and the Dover Air Force Base Visitors Center previously served only by Route 106, and the 105.
- Regarding the Pedestrian and Bikeways section on pages 9-9 and 9-10, DelDOT offers two comments:
 - DelDOT suggests renaming the section "Pedestrian and Bicycle Facilities" from "Pedestrian and Bikeways" to refer to facilities instead of a combination of users and facilities.

- Referring to the last full paragraph on page 9-9, DelDOT suggests referring to “multi use paths or sidewalks” along US Route 13 as DelDOT is currently in constructing sidewalks along US 13 in locations where development is not imminent. DelDOT also requires developers with major redevelopment projects to construct shared use paths.
- Pertaining to the Aviation discussion on page 9-11, Henderson Airport is no longer a public use airport but would fall in the category “reserved for private use.”
- A map of the functional classification system described on pages 9-12 and 9-13 would be helpful.
- Map 9-1, mentioned on page 9-15, is missing and should be added.
- Other transportation-related maps that seem to be missing and should, perhaps, be added include a map of the Harriet Tubman Byway, and maps of the completed and prioritized projects discussed on pages 9-17 through 9-19.
- On page 9-16, in the Transportation Improvement District section, there is a statement that the Facilities Boundary of the US Route 13/Bay Road Corridor Transportation Improvement District “should be changed so that Walker Road and Governors Avenue are no longer the preferred alternate route from the northernmost part of the TID to the southernmost part.” The designation of the Facilities Boundary is not particularly related to the designation of “preferred alternate routes” and DelDOT does not know what the City means by that term. DelDOT is willing to revisit the Facilities Boundary but it is apparent that discussions with current City staff are needed in this regard.
- In the list of Completed Projects on page 9-17, DelDOT suggests stating that “key segments” of the Senator Bikeway and the Capital City Trail have been completed, to reflect that other segments are in development.
- Regarding the list of Prioritized Projects on pages 9-17 through 9-19, the listed projects vary in their positions in DelDOT’s Project Prioritization Process. Some projects are not in DelDOT’s Capital Program (Garrison Oak Connector, Kings Highway/Route 13 Intersection Improvements, Route 8/Hazletville Road Connector) but are in the MPO Long Range Plan. The remaining projects are in the DelDOT Capital Transportation Plan (CTP), and therefore the Transportation Improvement Program (TIP) of the Dover/Kent County MPO. Many have slightly different names. The US 13 Sidewalks and the Senator Bikeway (possibly a component of “Sidewalks in the Walk Zone of Dover High School”) projects are being achieved using the Statewide Bike and Pedestrian Program line in the CTP. DelDOT suggests clarifying these projects’ prioritization by the MPO and DelDOT, and for projects in the CTP stating an estimated completion date.
- On page 9-19, in the paragraph on the US 13 Service Roads project, there is a reference to the Corridor Capacity Preservation Program. This program is limited to four specific

roads, which do not include the section of US Route 13 being discussed in that paragraph. The reference should be removed.

- On Page 9-21, the last bullet point under Recommendation 4 reads “Ensure vital pedestrian and bicycle amenities such as seating, street lighting, street crossings, and bicycle parking are addressed in the plan.” Consider changing “addressed” to “included.”
- In Chapter 9 (Transportation Plan), Chapter 12 (Land Development Plan) and Chapter 15 (Implementation Plan), there is much discussion of non-motorized transportation and continuing to support bicycle and pedestrian improvements. However, the discussion focuses on having DelDOT provides the infrastructure adjacent to roadways. The goals are to continue a good network of bike lanes and separated shared use paths and to provide for pedestrian safety. DelDOT recommends that the City expand the Plans goals to include provisions for bike parking areas or bike racks as part of the site plan review for new development and re-development efforts.
- At the top of page 10-6, in the discussion of Commercial Corridors and Centers, Delaware Route 8 in West Dover is described as “pedestrian oriented.” That may be an overstatement. The corridor is pedestrian accessible but most uses there are reached primarily by automobile.
- Consider adding a recommendation in Chapter 15 to “Explore current ordinances and site plans to better incorporate non-motorized elements into land use plans”. DelDOT can build and provide the bicycle and pedestrian improvements, but those improvements should assist and complement the City’s land uses and ordinances as described in the Plan.

The Department of Natural Resources and Environmental Control – Contact: Michael Tholstrup 739-9071
Recommendations for Plan Update

Overall Comments

- The document is well written. DNREC reviewers believe the Plan adequately addresses stormwater management, water quality and pollution prevention.
- DNREC reviewers congratulate the authors for including the City’s accomplishments since 2008.
- Instead of chapter numbering, consider page numbering for the entire plan.
- Hyperlink the table of contents.

Chapter 1: Introduction

- Table 1-1, Natural Resources and Environmental Protection Accomplishment #6- should refer to the State of Delaware as providing the trail in the Fork Branch Nature Preserve.

Chapter 5: Natural Resources and Environmental Protection

- Page 5-2, Woodlands – DNREC reviewers support the City of Dover’s Zoning Ordinance, Article 5, Section 16.
- Page 5-2, Natural Resources and Environmental Protection plan, Soil Classifications: The City of Dover’s Comprehensive Plan appears to be referencing the 1971 USDA Soil Survey of Kent County, Delaware; however, it should reference the soils information found in the updated NRCS soil survey layers. The updated soils information can be retrieved from the web soil survey here:
<http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>
- Page 5-2, Wetlands – DNREC reviewers support the City of Dover’s Zoning Ordinance, Article 5, Section 11.
- Page 5-3, Hydrology: Please change “Little River Watershed” to “Leipsic River Watershed”
- Page 5-6, Water Quality and Total Maximum Daily Loads – DNREC reviewers support the City of Dover’s Water Quality and TMDLs section of the comprehensive plan that aims to improve water quality and reduce TMDLs throughout the St. Jones and Little Creek watersheds.
- Page 5-7, Water Quality and Total Maximum Daily Loads, Table 5-1: Please change “Little Creek” to “Leipsic River.”
- Page 5-7, Change “Division of Soil and Water Conservation” to Division of Watershed Stewardship.
- Chapter 5-8, “Water Quality and Total Maximum Daily Loads,” 2nd paragraph regarding the pollution control strategy (PCS). Please change “Little Creek watershed” to “Leipsic River watershed.” A PCS has not been developed for the Leipsic River watershed.
- Chapter 5-9, DNREC reviewers appreciate the City of Dover’s support for the Fork Branch Nature Preserve.
- Chapter 5-11, Planning for Climate Change Recommendations:
 - The City of Dover is encouraged to reduce greenhouse gas emissions. Many strategies to do so can also save the City money, improve public health, and support economic development efforts. Incorporating electric vehicles into the City’s fleet would reduce tailpipe emissions and save money. Providing electric vehicle charging stations incentivizes electric vehicle drivers to work, visit, and play in downtown areas. Funding is available for local governments, businesses, and citizens for both vehicles and charging stations through the Delaware Clean Vehicle Rebate Program (www.de.gov/cleantransportation)
 - DNREC reviewers recommend the City expand and make safer their bicycle and pedestrian network to help reduce the emissions of carbon pollution that are the root cause of climate change. Expansion of alternative transportation opportunities will help limit the impact of vehicular travel and facilitate the transition from vehicular travel to other more environmentally friendly modes.

- Incorporating energy efficiency measures in building design and redevelopment can help cut energy costs and makes homes and work spaces more comfortable for occupants. DNREC provides grants through the Energy Efficiency Investment Fund (EEIF) to help commercial and industrial customers replace aging, inefficient equipment and systems with energy efficient alternatives (www.de.gov/eefif).
- DNREC administers a free Weatherization Assistance Program to help establish comfortable, energy-saving homes. The program, run through the Division of Climate, Coastal, & Energy, helps homeowners and renters cut their energy bills by weatherproofing and improving the energy efficiency of their homes. The need for weatherization of homes could be mentioned in the draft plan and we encourage the City to help inform residents of this program. More information about the program can be found here: www.de.gov/wap.
- DNREC staff are always available to assist and would be happy to meet with City staff to discuss climate change vulnerabilities, energy efficiency, and greenhouse gas reduction strategies.
- Chapter 5-15, “Natural Resources and Environmental Protection, Recommendations:” DNREC reviewers strongly recommend the following “actionable strategies” be included as “proposals for ordinance” in the City of Dover’s revised Comprehensive plan. DNREC encourages the City to:
 - Increase upland buffer widths from all wetlands or waterbodies (including ditches) to 100 feet.
 - Specify that calculations for surface imperviousness (for both commercial and residential development) include all constructed forms of surface imperviousness - including all paved surfaces (roads, parking lots, and sidewalks), rooftops, and open-water storm water management structures.
 - Exclude structural best management practices such as community wastewater treatment areas, open-water storm water treatment structures, and natural areas containing regulated wetlands from consideration as open space.
 - Exclude or limit development on hydric soils.
 - Use “green-technology” storm water management in lieu of “open-water” storm water management ponds whenever practicable.
- Chapter 5-15, Natural Resources and Environmental Protection Goals:
 - Goal 1- Recommendation 1: Consider including future flood risk in the development review process, using tools that incorporate sea level rise inundation. DNREC developed specific guidance for flood avoidance in future sea level rise scenarios. These resources are non-regulatory and utilized by State agencies, but can assist in municipal planning efforts (www.de.gov/floodavoidance).
 - Goal 4- Recommendation 8: Energy efficiency and building design standards can each be used to improve environmental impacts; The City should consider a greenhouse gas inventory assessment to identify sources other than transportation which can be addressed in the local building/energy codes.
 - Reducing impervious cover by incorporating and/or incentivizing green infrastructure techniques into development and redevelopment can have multiple benefits to the City, including MS4 requirements and reduced wastewater

treatment costs (when stormwater is redirected). This can be accomplished at the individual site and community scales. For more information on the benefits of green infrastructure, please visit de.gov/greeninfrastructure.

General Recommendations:

- Plan goals should include discussion of proactive measures to avoid impacts from future sea level rise inundation and storm surge.
- DNREC reviewers are supportive of the City working toward enacting a storm water utility which will help in regulating and financing storm water management projects in the future.
- Map 5-3, Lands Under Preservation- depicting the Fork Branch Nature Preserve should be updated to include property that has been acquired as Preserve within a potential annexation area. For more information, please contact Jennifer Holmes with the DNREC Division of Parks and Recreation, Office of Nature Preserves: (302)739-9239 or Jennifer.Holmes@delaware.gov.
- DNREC reviewers would like to see actionable goals that implement best management practices outlined in the *2012 St. Jones Pollution Control Strategy* (as noted in the Plan) to improve and restore fish habitats throughout these watersheds, especially that of Silver Lake. The City of Dover is encouraged to explore feasible short term solutions/ technologies that will improve water quality within the St. Jones and Little Creek watersheds while the long-term best management practice strategies take effect.

Chapter 7 - Public Utilities and Infrastructure

- Page 7-1, Water Utility: There is concern for over-pumping of the Columbia aquifer. A 2018 report by the Delaware Geological Survey (DGS) studied the City of Dover's Long Point Road Wellfield (LPRW) and numerous irrigation systems which pump water from the shallow Columbia aquifer. The researchers identified two main concerns caused by over pumping (1) increase risk for saltwater intrusion into the aquifer from saline tidal creeks and marshes and, (2) induce extra drawdown that could reduce the rate at which groundwater flows horizontally through an aquifer and decrease well yields. The report, prepared by DGS, can be accessed here: <https://www.dgs.udel.edu/publications/ofr52-results-groundwater-flow-simulations-east-dover-area-delaware>.
- Page 7-8, "The Stormwater Utility was brought before City Council in 2020 for further review and implementation". Was the stormwater utility brought before council in 2019 instead of 2020?

Chapter 8 – Community Services and Facilities Plan

- DNREC reviewers appreciate the support for land preservation in Chapter 8 of the draft Comprehensive Plan. As the City of Dover plans to annex more land to the south and to the north, there may be additional opportunities for land preservation of natural areas within the City limits specifically, Fork Branch Natural Area and St. Jones River Natural Area. DNREC looks forward to continuing to work collaboratively with the City as they plan for future endeavors.

Chapter 10: Economic Development – concerning Brownfields and Redevelopment

- Page 10-19, Areas for Economic Development Planning Activities - The City of Dover has dozens of remediation sites that may qualify as Brownfield sites. Brownfields are real property the redevelopment, reuse, or expansion of which may be hindered as a result of a reasonably-held belief that they may be environmentally contaminated (*7 Del.C. §9103(3)*). Productive use of these idle properties provides "new" areas for economic development, primarily in former industrial/urban areas with existing utilities, roads and other infrastructure. DNREC encourages the development of Brownfields and offers assistance and may be able to provide grant funding when investigating and remediating Brownfield sites.

DNREC maintains a list of Brownfield sites available for redevelopment in Delaware - *The Delaware Brownfields Marketplace* - is an interactive database that contains a list of potential Brownfield sites throughout Delaware. The inventory is designed to make it easier for buyers and developers to locate potential Brownfield properties. Cleaning up and reinvesting in these properties protects the environment, reduces blight, and helps to create jobs for Delaware citizens, while preserving Delaware's precious green space and natural resources. This database can be accessed by visiting <http://apps.dnrec.state.de.us/BFExt/BFExtMain.aspx>

For information on the Brownfields Program or to determine if any sites in your municipality are currently enrolled in the Brownfields Development Program or to add new sites, please contact Melissa Leckie (Melissa.Leckie@delaware.gov) or Jill Williams-Hall (Jill.Hall@delaware.gov) in the Site Investigation and Restoration Section at (302) 395-2600 or visit: <http://www.dnrec.delaware.gov/dwhs/SIRB/Pages/Brownfields.aspx>.

General Recommendations:

- Consider including language in the Comprehensive Plan concerning the Marketplace and work with property owners to take advantage of the program by adding any known contaminated sites to the Delaware Brownfields Marketplace.

Chapter 15 - Implementation Plan

- Use action words to articulate goals. Goals should be specific, measurable, attainable, relevant and time-based (SMART). Developing SMART goals with actionable words would make tracking progress and accomplishments easier for the City.
- Page 15-2: Natural Resources and Environment:
 - “Support native tree planting and landscaping programs....” Planting efforts, in the City, could be improved with a list of recommended species for plantings or species to avoid (ie. problematic or invasive). For plant recommendations, please contact Bill McAvoy, Division of Fish and Wildlife, (302)735-8668 or William.McAvoy@delaware.gov
 - “Share the FEMA floodplain maps....” Please state how this information will be shared.
- Page 15-3: Natural Resources and Environment:

- “Continue to utilize the knowledge and expertise of the Silver Lake Commission”. Additional water quality enhancements could be made to the Lake including expanding buffers, resident goose control, and lake management improvements. The City is encouraged to work with DNREC on public education/outreach and participation/engagement measures for water quality related activities identified in Dover’s Municipal Separate Storm Water System (MS4) Program.

State Historic Preservation Office – Contact: Carlton Hall 302-736-7400

- The City of Dover has strong support for historic preservation in their Comprehensive Plan Update. Dover has been a Certified Local Government since 2015 and has two historic districts listed in the National Register of Historic Places. Historic Preservation is included in the plan in Chapter 6. As noted in the document, the City’s efforts to prepare this chapter were supported in part by a federal Historic Preservation Fund grant managed by our office. SHPO provided the City with comments on a previous draft of the chapter, and thank their staff for addressing those comments.
- Overall, the historic preservation chapter fulfills its purpose by providing an overview of the City’s history, its historic known resources, the City’s processes for considering those resources in development reviews, and programs and amenities that relate to historic preservation. The Goals and Recommendations are appropriate, and complement Delaware’s statewide Historic Preservation Plan 2018-2022 entitled Partners in Preservation: Planning for the Future.
- The Delaware SHPO would like to see historic preservation more clearly cross-referenced in other aspects of the Comprehensive Plan; e.g., SHPO would like to hear more details about how the City plans to preserve existing housing stock. The City should build on their preservation efforts, regarding the Certified Local Government (CLG) Program. The CLG program strengthens preservation efforts by providing technical and financial assistance, while encouraging preservation programs and practices. Plans should refer back to the historic preservation section.
- If there are any questions, inquiries, or concerns, feel free to contact the Delaware State Historic Preservation Office for assistance at 302-736-7400.

State Housing Authority – Contact: Jonathan Adkins-Taswell 739-4263

- Overall DSHA support the Housing Strategies described in the plan and agree that the city should “Evaluate and update Codes to encourage compact and diverse development throughout the City”. The plan actually makes a strong case for future partnering strategies. DSHA supports the partnership with the Diamond State Community Land Trust and explore opportunities to utilize the land trust model to expand homeownership. DSHA also strongly support the City’s plan to “Allow accessory dwelling units within one family residence zones” to promote more housing options and a more diverse housing type.

- Over the last few years, there has been a proliferation of Criminal Activity Nuisance Ordinances (CANO) throughout Delaware. However, depending how they are written and implemented, these ordinances can have the effect of subjecting tenants to eviction for a broad range of offenses and presents several fair housing concerns.

DSHA understands that the City of Dover adopted a “Safe Communities Initiative” type of ordinance in 2013. There are legitimate concerns about nuisance properties and the problems they create for the neighborhood and community. Unfortunately, the ordinance in place in Dover does raise some concerns, especially in light of recent court decisions related to fair housing. DSHA strongly suggest moving the action to “*Amend provisions in the Safe Communities Initiative that may be a violation to fair housing.*” into the short term implementation (2019-2021).

As a result, while the City of Dover finalizes its Comprehensive Plan, DSHA strongly recommend that the City of Dover revisit Ordinance #2013-04 as an action into the short term implementation (2019-2021).

If you have questions or would like more information on the above recommendations, please feel free to call me at (302) 739-0245 ext. 245 or via e-mail at Jonathan@destatehousing.com

Delaware Area Rapid Transit (DART) – Contact: Jared Kauffman 576-6062

- Page 9-6 and 9-7: The route 106 is being removed in the Dec 2019 service change.
- Page 9-22: Encouraging pedestrian and bicycle friendly design gets at a more holistic design of the site than simply putting in sidewalk or a bike path, which in itself not encourage their use, especially if they’re meandering and include stressful road crossings.

Department of Agriculture – Contact: Scott Blaier 698-4532

Page 12-21: Agricultural Land Uses

- The Department appreciates the discussion of agriculture, the State’s Agricultural Lands Preservation Program, and general support of agriculture.
- Bullet item number 3 under “Assumptions: Agricultural Land Uses” correctly points out potential land use compatibility issues between agriculture and developing areas, and proposes proper buffering as one solution. If the City does not already have such a buffering requirement in its code, the Department suggests the city be proactive and adopted such a requirement. A good working example can be found in Sussex County’s Code §99-16(D) (link below).

<https://ecode360.com/8882675>

- MAP 5-3 “Lands Under Preservation” does not show parcels 2-05-07500-01-0200 and 2-05-07500-01-0100, which are within the City and form part of its western boundary, as permanently preserved agricultural easements. These are shade as dark blue on the map’s legend.
- Map 13-1 “Potential Annexation Areas shows Bobola Voshell’s Cove District 2-00-06600-02-4500 as a potential annexation area. It should be noted that although this parcel is not permanently preserved through the State’s Agricultural Lands Preservation Program, the landowners have not requested the property be removed from the program. It will remain in the program until at least 6/12/2022, after which it can be renewed for successive 5 year extensions indefinitely thereafter.

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.

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

Sincerely,



Constance C. Holland, AICP

Director, Office of State Planning Coordination