

DEPARTMENT OF TRANSPORTATION

DIVISION OF PLANNING AND POLICY

Statutory Authority: 17 Delaware Code Sections 131, 146 and 508; Chapters 1 and 5
(17 Del.C. §§131, 146, 508)

GENERAL NOTICE

PUBLIC NOTICE

Interpretive Guideline Regarding Implementation for Regulation 2309 Standards and Regulations for Subdivision Streets and State Highway Access

The December issue of the *Delaware Register* (11 DE Reg. 815) included the Final Order adopting proposed changes to the Delaware Department of Transportation's Standards and Regulations for Subdivision Streets and State Highway Access. As noted therein, these changes were previously advertised in the *State Register of Regulations*, at Vol. 11, page 67 (July 2007). In addition to written public comments on the proposed changes, the Department held a Public Hearing on July 26, 2007 to receive additional input. Legislative briefings were also held in each county, on September 24, 2007 (Kent), September 26, 2007 (Sussex), and October 3, 2007 (New Castle County). A Public Meeting was also held regarding these proposed changes on October 30, 2007.

The public comments received included questions about the required implementation date and the possible mechanism for "grandfathering" existing land use applications. As noted in the Final Order, "the Department committed to working on additional changes regarding "grandfathering," which if sought to be adopted would require a new publication and written comment period before adoption."

To address possible immediate issues about implementation, however, the Department issues this Interpretive Guideline to assist affected parties and the Department in handling the necessary transition between the old regulations and the newly adopted regulations.

Therefore, the Interpretive Guideline is as follows:

Land development applications (including subdivision, entrance, site plan, rezoning, and conditional use) submitted to and accepted for review by local government in accordance with required local procedures prior to and including March 31, 2008 will be subject to DeIDOT's subdivision and entrance standards and regulations in effect prior to December 21, 2007.

Land development applications (including subdivision, entrance, site plan, rezoning, and conditional use) submitted to and accepted for review by local government in accordance with required local procedures after March 31, 2008, will be subject to DeIDOT's Standards and Regulations for Subdivision Streets and State Highway Access in effect on December 21, 2007.

SO ORDERED this 19th day of December, 2007.

Carolann Wicks, P.E., Secretary, Delaware Department of Transportation

11 DE Reg. 947 (01/01/08)