



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

May 10, 2004

Ms. Karen Brittingham
City of Milford
201 South Walnut Street
Milford, DE 19963

RE: PLUS review – PLUS 2004-04-06; City of Milford Comp. Plan Amendment

Dear Ms. Brittingham:

Thank you for meeting with State agency planners on April 21, 2004 to discuss the proposed 2004 Annexation Plan Amendment which looks at annexation to the South of Milford.

According to the information received, you are seeking to amend your comprehensive plan to include an additional 352.9 acres located to the south of Milford in your comprehensive plan for annexation. It is our understanding that a large portion of this land, if annexed, is proposed for an Active Adult community with a mix of housing options, 87 acres would be considered for residential or a possible school site and the balance would remain as it is currently developed, residential.

Please note that the comments in this letter are regarding the annexation and overall development of this area. If your comprehensive plan is amended and development occurs, we will comment on the specific development proposals through the PLUS process.

This office has received the following comments from State agencies:

State Planning Office – Contact: David Edgell 739-3090

The city has made it clear to the State that they are considering a larger comprehensive plan amendment to include a very large annexation area. The larger amendment will take several more months for the City to consider before the State sees it again for review and consideration.

This is a smaller amendment intended to accommodate a proposed development plan and some adjacent parcels. This area is in a “developing” and “secondary developing” area under the 1999 State Strategies, and is mostly in Investment Level 3 according to the

DRAFT State Strategies. The State does not have any particular objections to this annexation area amendment.

Please note that the State will not consider any additional annexation plan amendments until the full plan amendment is done later this year.

State Historic Preservation Office (SHPO) – Contact: Anne McCleave 739-5685

There are no National Register listed properties in the proposed annexation areas. While the State Historic Preservation Office has no objections to the proposed annexation plan, they ask that the Town provide a buffer and restrict any development in the wooded areas around Herring Creek and other streams in this area. This will help preserve any prehistoric and historic archeological sites in this area.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

DelDOT has noted that the proposed annexation areas can be divided into six groups. Descriptions of each of the groups, together with DelDOT comments on them, follow:

- 1) Parcel 1-30-3.00-261, or more properly the remainder of that parcel, measures 87.7 acres. The parcel fronts on the west side of US Route 113 and a strip running along the frontage is already within the municipal boundary. The proposed use of the property is residential development, possibly including a school site. DelDOT supports the inclusion of this property in the annexation plan because the annexation would amend the municipal boundary to match the parcel line and eliminate an enclave of land under County jurisdiction but accessible only through the City.
- 2) Parcel 1-30-3.00-263.04, or more properly the remainder of that parcel, measures 21.8 acres. The parcel's south boundary is a tributary of Herring Branch and the present municipal boundary in this area is a straight line that approximates the course of that tributary. The proposed use of the property is contributing open space for a residential development. DelDOT supports the inclusion of this property in the annexation plan because the annexation would amend the municipal boundary to match the parcel line and eliminate an enclave of land under County jurisdiction but accessible only through the City.
- 3) Parcels 1-30-6.00-108 and 109, and 1-30-3.00-264 and 264.01, together measure 179.0 acres and occupy most of the area bounded by Route 113, Walnut Street, Parcel 1-30-3.00-263.04 and Herring Branch. They are proposed for development as Central Parke, an Active Adult Community. A traffic impact study for that development is in progress and DelDOT will comment on the development in detail when they have the results of that study. The inclusion of this property in the annexation plan is consistent with state policy to encourage growth in and adjacent to existing developed areas.

- 4) Parcels 1-30-6.00-101, 102, 103, 104, and 105 are a cluster of residentially developed lots, measuring about 14.7 acres, and located along the east side of Route 113 between the south edge of the current municipal boundary and the point where Route 113 crosses Herring Branch. Annexing them would make City sewers available to those lots and eliminate their septic systems. Parcel 1-30-6.00-106 is a right-of-way for electrical power lines and separates the five lots just mentioned from the proposed Central Parke development. If parcels 1-30-6.00-105 and 108 are annexed without it, it would be a functional enclave of land contiguous to Sussex County only across Herring Branch. DelDOT would not be opposed to the annexation of parcels 1-30-6.00-101, 102, 103, 104, and 105, if they are annexed either simultaneously or in an order that allows for contiguity. If they are to be annexed, DelDOT would encourage the annexation of parcel 1-30-6.00-106 at the same time as parcel 105 or 108.
- 5) Parcels 1-30-6.00-108.01, 108.02 and 108.03 are not labeled on the PLUS exhibits but appear to be located on the northwest corner of the proposed Central Parke development. They are all residentially developed lots that straddle the municipal boundary. Each lot has less than an acre outside the City limits at present. DelDOT supports the inclusion of these properties in the annexation plan because the annexation would amend the municipal boundary to match the parcel line and eliminate an enclave of land under County jurisdiction but accessible only through the City.
- 6) Parcels 1-30-10.00-001 and 1-30-3.00-003 respectively span and are on the east side of Walnut Street. Parcel 1-30-10.00-001 measures 41.0 acres and is in row crops and woodlands. Parcel 1-30-3.00-003 measures 1.6 acres and is wooded. Their annexation would allow their development, when it occurs, to be done with City water and sewer. It would also, in combination with some of the other annexations proposed, maintain Herring Branch as a consistent southern municipal boundary for the City.

Department of Agriculture – Contact: Mark Davis 739-4811

DDA does not specifically object to this proposed amendment. However, the DDA is notes that it is very difficult to coordinate land use decisions across multiple jurisdictions when plans are updated so frequently. The DDA is concerned that this amendment may set an undesirable precedent, and does not encourage revising plans that are less than 1 year old.

The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-3091

Stormwater Management

As discussed, the parcel that is identified for the older adult living community, borders on Herring Creek. There is an opportunity for the developer of this parcel to improve the riparian buffer and integrate that buffer in the overall stormwater quality management requirements for the site.

The developer should contact the Sussex Conservation District Stormwater Program at (302) 856-7219 or DNREC Stormwater Program at (302) 739-4411 for guidance in this area.

Habitat

Regarding the Southwest Annexation Planning project, a review of DNREC database indicates that there are currently no records of state-rare or federally listed plants, animals or natural communities at or adjacent to the following parcels:

Tax Map Numbers: 1-30-3.00-261, 1-30-3.00-263.04, 1-30-3.00-264, 1-30-3.00-264.01
1-30-6.00-101, 1-30-6.00-102, 1-30-6.00-103, 1-30-6.00-104, 1-30-6.00-105, 1-30-6.00-106, 1-30-6.00-108.1, 1-30-6.00-108.2, 1-30-6.00-108.3, 1-30-6.00-108, 1-30-6.00-109, 3-30-10.00-1, 1-30-3.00-3

As the design phase of this project moves forward, DNREC strongly encourages the landowner(s) to consider preservation of upland, riparian, and wetland forests on these parcels. Forests provide environmental services that benefit humans directly such as water quality protection (erosion control and sediment, nutrient, biological and toxics removal), climate moderation, aesthetic value and recreational opportunities. In addition, forests provide habitat for many species of plants and animals. Forest fragmentation resulting from development separates wildlife populations, increases road mortality, and increases “edge effects” that leave many forest dwelling species, particularly songbirds, vulnerable to predation. DNREC would gladly assist the landowner(s) in evaluating these parcels for wildlife habitat. Many new incentive-based programs for wildlife management are available to private landowners through our agency. Please contact the DNREC office if the landowner(s) is interested in more information.

Recreation

The Division of Parks and Recreation conducted a telephone survey of Delaware residents to gather information on outdoor recreation patterns and preferences as well as other information on their landscape perception. These findings are the foundation of the 2003-2008 Statewide Comprehensive Outdoor Recreation Plan (SCORP) providing guidance for investments in needed outdoor recreation facilities. The high and moderate facility needs in Eastern Sussex County are listed below. Consideration should be given to incorporate some of these recreation opportunities into the City of Milford’s annexation plans.

High Priorities include walking or jogging paths, bike paths, and fishing areas; Moderate

Priorities include picnic areas, skate facilities, canoe/kayak access, hiking trails, swimming pools, playgrounds, soccer fields, tennis courts, power boar access and baseball/softball fields.

Public Service Commission - Contact: Kevin Neilson 739-4247

If the land is annexed into the City of Milford, the Public Service commission must be notified in writing.

Regarding future development of these parcels, any natural gas supply or closed system propane supply must conform to pipeline safety requirements.

Delaware State Housing Authority – Contact Karen Horton 739-4263

The City is considering an amendment to their certified comprehensive plan for the Calhoun Farm and surrounding properties. DSHA supports the amendment as much of the proposed annexation is for an active adult community with a mix of housing options - which reflect the existing character of the community. In addition, the 2003 Statewide Housing Needs Assessment indicates that the elderly is the fastest growing segment of the population and housing is needed to meet this demand.

To summarize, the State has no objections to this comprehensive plan amendment. Please submit the final comprehensive plan amendment for review and certification. The amendment will be certified as an addendum to your comprehensive plan, and we encourage you to format the document in manner that can easily be attached to the larger plan document. We will also be expecting a new map or map series that supercedes the existing map and/or map series. Annexation requests from this plan addendum area will be considered by our office once we have certified the addendum. Annexation requests must be accompanied by a completed Plan of Services. Our office will need 20 working days to review the Plan of Services. Please note that we will not consider any additional annexation plan amendments (either for single parcels, particular development plans, or small groups of parcels) until we review the large annexation plan amendment that Milford is contemplating. We encourage the City to incorporate all proposed annexation plan amendments into that document.

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

Sincerely,



Constance C. Holland, AICP
Director

CC: Kent County
Sussex County