



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

April 27, 2005

Mr. Jim Galvin
City of Dover
15 E. Loockerman Street
Dover, DE 19901

RE: PLUS review – PLUS 2005-03-10; City of Dover Comprehensive Plan
Amendments

Dear Mr. Galvin:

Thank you for meeting with State agency planners on April 6, 2005 to discuss the proposed City of Dover Comprehensive Plan amendments.

Please note that changes to the amendments, 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.

The following are a complete list of comments received by State agencies:

Office of State Planning Coordination – Contact: David Edgell 739-3090

Our office would like to congratulate Dover on the City's ongoing plan implementation efforts. We appreciate the dedication of the staff and the attention to detail in preparing the plan amendments and the comprehensive rezoning. These efforts will ensure that Dover's Plan will continue to effectively guide growth and development in the City. The amendments and the comprehensive rezoning also serve to keep the plan in compliance with the requirements of Delaware Code.

Certification Issues: The following items must be addressed in order for our office to consider certification of the Plan Amendment.

1. In order for our office to consider this plan amendment complete we will require that the full version of the 2003 Dover Plan (Certified on September 22, 2003) be published. The published plan should contain the complete map series.
2. The plan amendments reviewed under this PLUS application must be integrated into the Dover Plan. We offer you two options to accomplish this integration: a) integrate the “new” text and maps into the body of the 2003 plan, and publish the plan as a complete and updated document as of 2005; or b) publish the “new” text and maps as an integrated appendix to the 2003 plan. If the second option is chosen, the appendix must be physically attached to the plan document.
3. We understand that the maps submitted through the PLUS process were working maps, but do expect that the final maps will be formatted consistently. The map series must contain complete maps that share a consistent format, and include common map elements such as a legend, a north arrow, a graphic scale etc.
4. The State is opposed to the proposed additional annexations in the area north of the Dover Air Force Base, east of Horsepond Road. This new annexation area should be removed from the plan. This area is located East of Route 1, and is in Investment Level 4 according to the Strategies for State Policies and Spending. Our office is very concerned about the potential impact that a future industrial use will have on the long term viability of the Dover Air Force Base. A request for future industrial use of this parcel was reviewed recently as PLUS 2005-02-02 “EZ Industrial Farms.” A copy of our response letter for that application is attached for reference.
5. The revised annexation plan includes a group of parcels East of Route 1 in the vicinity of Dover Downs. It is our understanding that the majority of these parcels are owned by Dover Downs, and used for camping and parking during race weekends. One large parcel is not currently under the ownership of Dover Downs. Our office does not object to these parcels being annexed into the city, provided that the primary use will remain agricultural, open space, and camping / parking during race events. Our office will be opposed to any future development of these parcels. In order to for our office to consider certification of the plan we suggest that if these parcels are to be annexed that they be placed in the City’s Agricultural Zone (A) and that zone be revised to restrict future uses to agriculture and open space, allowing for seasonal parking and camping as needed by Dover Downs. The plan and map should be amended to describe the intended future use of the parcels upon annexation, and clearly indicate that no future development is intended in this area.
6. The revised annexation plan includes annexations along the Route 8 Corridor, west of the City. Our office has no objections to this proposed annexation area. A portion of this area is in Investment Level 3 according to the Strategies for State Policies and Spending, but it is currently outside of Kent County’s growth zone. We suggest that the City contact the County regarding this area and ensure that this proposed plan amendment is integrated in the County’s planning process for their

- updated Comprehensive Plan (which is due on or before November 15, 2006). The final plan should detail the discussions between the City and the County.
7. There is a large Agricultural Preservation District located north of Hazletville Road, to the west of and adjacent to the "Village of Cannon Mill" development. This agricultural preservation district is shown on the annexation plan as an Area of Study. Please remove the "Area of Study" designation. The City is welcome to consider this parcel for potential inclusion in the annexation plan if and when the owners choose not to be involved in the Agricultural Preservation Program. In the interim, we would agree to a note on the plan that would indicate the City's interest in this area. Contact our office to discuss potential wording for such a note. We will provide examples, and coordinate with the Delaware Department of Agriculture regarding the proper terminology to use.
 8. Provide documentation in the final plan to indicate that the public has been notified and involved in the plan amendment process, and that other jurisdictions have been notified and have been given the opportunity to make comments and participate in the plan review process.
 9. Once these changes have been made please re-submit a complete plan and map series to our office for review. The plan submission must include the full text of the 2003 Dover Plan in its final form. We will require 20 working days for our review. Once we verify that all issues discussed in this PLUS letter have been addressed we will notify the City in writing. Upon adoption of the revised plan by the Planning Commission and Council we will certify the plan amendment.
 10. The re-certification will not alter the original certification date of September 22, 2003. A complete plan update will be due on September 22, 2008.

Other Recommendations and General Discussion: The following recommendations are made in order to strengthen the plan and the plan text.

1. It is recommended that all maps use the template developed for the 2003 Dover Plan.
2. Our office has no objections to the land use changes or the comprehensive rezonings proposed for the areas currently within Dover's boundaries.
3. Given the nature of the plan text changes (particularly the additions to the annexation plan), our office recommends integrating them directly into the plan text and publishing a "revised and updated" plan document. We are concerned that if the changes are published as an appendix then there is the chance of some confusion between the new version of the text and the original 2003 version of the text. If an appendix format is chosen, we recommend that the appendix clearly indicate which sections of the original 2003 text are specifically deleted, and which portions of the 2005 text will replace the deleted text.

State Historic Preservation Office (SHPO) – Contact: Alice Guerrant 739-5685

There are many historic properties in and around Dover. Dover has a Historic District Commission, which acts to review and protect properties in the City Historic District, and as the public forum for preservation issues in Dover. They have supported an active Main Street program for several years.

The amendments and proposed annexation areas do not have any immediate effect on historic properties, but the City is encouraged to consider ways to provide protections for any significant historic properties that may be brought into the City in future or that may be affected by infill development. SHPO strongly encourages the City to implement the historic overlay zoning already proposed in their plan and the enlargement of the City Historic District, as recommended by their consultant some years ago.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) In the Annexation Plan, there are three areas proposed for re-categorization from Category 3, “Lands Requiring Further Evaluation for Annexation”, to Category 2, “Lands with Near Term Annexation Potential”. These re-categorizations concern DelDOT because each of these areas are, for the most part, designated as Level 4 Investment Areas in the Strategies for State Policies and Spending.

DelDOT is not necessarily opposed to the re-categorization of the area along the south side of Route 8 and Artis Drive. To be consistent with the Strategies for State Policies and Spending, they would require the City or the developers of those lands to make any improvements to Route 8 or Artis Drive needed to support that development.

Regarding the lands owned by the Dover International Speedway, DelDOT is not opposed to their re-categorization because it is reasonable to place all of the speedway’s land under the same jurisdiction. However, DelDOT would be opposed to their development beyond the current parking and camping uses. They would like the Plan to be clear that parcels should be zoned for uses that preclude development.

Regarding the lands east of Horsepond Road between the Kent AeroPark and South Little Creek Road, we are opposed to their re-categorization and more importantly to the proposed industrial development of those lands. South Little Creek Road is already heavily traveled and the planned Clearview Meadow subdivision will add more traffic. Development east of Route 1 would add still more traffic to that mix. Further, development there could draw traffic down Fox Road from the Route 1 interchange on North Little Creek Road. That road is not suitable for carrying significant amounts of through traffic and, consistent with the Strategies for State Policies and Spending, we do not plan to improve it.

- 2) Regarding the Land Development Plan Map, the proposed changes do not appear to have significant transportation impacts. DelDOT will examine specific development proposals for the subject lands as they are proposed.
- 3) Regarding the Implementation Plan, DelDOT views the schedule changes discussed therein as a local matter that does not concern them. However, DelDOT would like to offer technical support as the City undertakes to revise its Subdivision Ordinance beginning in 2007. The City should contact the DelDOT Subdivision Engineer, Mr. Drew Boyce, in that regard. He may be reached at (302) 760-2165.

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

Wetlands

The Department feels that some of the projected growth may be hampered by the presence of wetlands. Therefore, it is strongly recommended that a section on wetlands and their jurisdictional guidelines for regulation be added to the Comp. Plan. DNREC suggest the following:

“Regulatory Protection of wetlands is mandated under Section 404 provisions of the Federal Clean Water Act. Tidal wetlands are accorded additional regulatory protection under provisions of Title 7, Delaware Code, Chapter 66. Compliance with these statutes may require an Army Corps of Engineers approved field wetlands delineation and/or DNREC approval.”

It is also strongly recommended that the Comprehensive Plan contain language restricting lot line placement within delineated wetlands.

Buffers

The Department strongly encourages the City to adopt a buffer ordinance requiring a minimum 100-foot buffer width from all streams and wetlands. Efforts to maintain existing natural forested buffers beyond the recommended 100-foot minimum are also strongly encouraged. The Department further encourages stronger efforts to restrict the unnecessary removal of relatively mature upland forests. The Department feels that future development should also accommodate environmental concerns.

TMDLs

Given the fact that land use and water quality are strongly connected, development in and around the City of Dover should be conducted with respect to environmental sustainability. Since protection of the environment is ultimately tied to the achievement of the Federal TMDL nutrient reduction(s) and the pollution control strategies to achieve

these reductions, all levels of government should be unified and involved to make sure these reductions are achieved. Therefore consider inserting the following (or something of similar meaning) in this plan:

“Although Total Maximum Daily Loads (TMDLs) as a “pollution runoff mitigation strategy” to reduce nutrient loading have not yet been developed for most of the tributaries or subwatersheds of the Delaware Bay to date, work is continuing on their development. TMDLs for the St. Jones subwatershed – the primary drainage bounding the City of Dover – are scheduled for completion in December 2006.”

Impervious Cover

Research has consistently shown that once a threshold of imperviousness is crossed in a given watershed, water quality and/or stream habitat cannot be maintained at the predevelopment level. In fact, the consensus among many independent researchers is that watershed imperviousness should not exceed 10% in environmentally sensitive watersheds. Given that the percent impervious surface cover in the St. Jones subwatershed is currently about 15 percent (from 2002 data), greater efforts should be given to using/implementing Best Management Practices (BMPs) that reduce or significantly slow the generation of such surfaces. Such things as reducing the allowable upland forest cover removal, mandating a minimum 100-foot buffer width from wetland/waterbodies, and requiring 100-foot setbacks from stormwater management ponds – are some good examples of effective BMPs. Therefore, the Department strongly recommends that the City adopt and/or develop ordinances that reflect some of these concerns.

Water Supply

The current water allocation for the City of Dover appears to be adequate to supply the potential near-term increase in population as a result of the proposed annexations. It should be noted, however, that several of the areas marked Category 3 already have CPCNs for Tidewater.

Source Water Protection Areas

Please find attached a map of the City of Dover outlined in tan with red wellhead areas and light green excellent recharge areas. The source water assessment for the City of Dover was completed in February 2003. Three copies of the assessment were provided to Dover Water.

The link to the Source Water Assessment for the City of Dover:

http://www.wr.udel.edu/swaphome/phase2/Final_assess/GroundWater/Dover_SWA%20.pdf

Drainage

The Drainage Section requests language in the City of Dover Subdivision Ordinance for the establishment of access ways for drainage maintenance in new subdivisions.

The Drainage Section strongly recommends any drainage conveyance between two parcels within a subdivision be dedicated as a drainage easement and such easement be designated as passive open space, not owned by individual landowners. The easement should be planted as vegetated buffers and be of sufficient width to allow for future drainage maintenance or the reconstruction of drainage conveyances as described below.

- Along an open ditch or swale, the Drainage Section recommends a maintenance equipment easement of 25' measured from the top of bank on the maintenance side, and a 10' setback easement measured from top of bank on the non-maintenance side. These easements should be planted and maintained as vegetated buffers to aid in the reduction of sediment and nutrients entering into the drainage conveyance. Grasses, forbs and sedges planted within these buffers should be native species, selected for their height, ease of maintenance, erosion control, and nutrient uptake capabilities. Trees and shrubs planted within the maintenance easement should be native species, spaced to allow for mechanized drainage maintenance at maturity. Trees should not be planted within 5 feet of the top of ditch to avoid future blockages from roots.
- Along a stormwater pipe, the Drainage Section recommends a maintenance equipment easement of 15' each side of the pipe as measured from the pipe centerline. These easements should be planted and maintained as vegetated buffers to aid in the reduction of sediment and nutrients entering into the drainage conveyance. Grasses, forbs and sedges planted within these easements should be native species, selected for their height, ease of maintenance, erosion control, and nutrient uptake capabilities. Trees and shrubs planted within the maintenance easement should be spaced to allow for mechanized drainage maintenance at maturity.

The above-mentioned easement widths are necessitated for the maintenance and/or reconstruction of drainage conveyances. For the further enhancement of water quality, the Drainage Section encourages additional widths of vegetated buffers.

Department of Agriculture - Contact: Mark Davis 739-4811

The City of Dover has submitted changes and amendments to its approved Comprehensive Plan. DDA believes that in so doing the City opens the plan as a whole for comments. This is not unlike the position expressed by the OSPC to the City of Milford when it recently submitted changes to its approved Comp. Plan. DDA would like to see any reference to annexation designation removed from lands which are enrolled in the farmland preservation program. This includes long and short term

annexation and “Area of Study” designations. None of the listed designations should include ag preservation areas (districts or easements).

Delaware State Housing Authority – Contact Karen Horton 739-4263

The City of Dover Comprehensive Plan Update Amendments amends the annexation plan, land development plan maps, and the implementation plan. The City conducted an analysis and identified 35 parcels of land for annexation that would yield a positive financial benefit for the City. DSHA encourages the City, when annexing land and rezoning, to rezone land that allows for the greatest density to permit a variety of future housing options and prices. The annexation of land at lower density creates difficulty in rezoning land for higher densities in the future.

Delaware Economic Development Office – Contact: Dorrie Moore 739-4271

The Delaware Economic Development Office (DEDO) supports the City of Dover Comprehensive Plan Amendments for the following areas but they would like to identify two areas of concern.

- Annexation Plan Amendment
- Land Development Plan Amendment with Comprehensive Rezoning Map
- Implementation Plan Amendment

The first area of concern is the Comprehensive Rezoning Project 2005 – item number 17 - the rezoning of 20 acres on Bay Road west of the Schoolview Subdivision. At the time of the PLUS meeting the property owner had not been contacted regarding the rezoning. If this contact has taken place and the property owner is in agreement to rezone the DEDO would support the rezoning.

The second area of concern is with the industrial property, east of Route 1, commonly known as the Coker Property. Please refer to the comments in the State letter to the PLUS application – PLUS 2005-0202. The DEDO supports the State Planning Office in their determination of this project.

The DEDO will support the proposal in the Implementation Plan to work on a coordinated economic development effort between the Chamber, Council and the State.

Following receipt of this letter the applicant shall provide to the Office of State Planning Coordination a written response to comments received as a result of the PLUS process, noting whether comments were incorporated into the project design or not and the reason therefore.

PLUS 2005-03-10

April 27, 2005

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

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland". The signature is written in black ink and is positioned above the printed name.

Constance C. Holland, AICP

Director

