



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF MANAGEMENT AND BUDGET
STATE PLANNING COORDINATION

January 23, 2006

Jamie Smith
Town of Laurel
P.O. Box 210
Laurel, DE 19956-0210

RE: PLUS review – PLUS 2005-12-08; Town of Laurel Comp. Plan Amendment

Dear Ms. Smith:

Thank you for meeting with State agency planners on December 28, 2005 to discuss the proposed Town of Laurel comprehensive plan amendment.

According to the information received, you are seeking to amend your growth and annexation boundaries to add some parcels and delete others, with little or no net change in the size of their growth and annexation area.

The land to be added is a +/- 480-acre assemblage known as the Horsey Discovery project. The assemblage is located northeast of Laurel on the east side of Delaware Route 13, north of Camp Road (Sussex Road 470) and Discount Land Road (Sussex Road 468), south of Friendship Hill Road (Sussex Road 480 a.k.a. Waller Road), and on both sides of Colonial Road (Sussex Road 489).

The land to be deleted is in three parts.

1. A parcel located on the southwest side of the town with frontage on the north side of Sharptown Road (Delaware Route 24).
2. A parcel located on the east side of the town with frontage on the south side of Sycamore Road (Sussex Road 466).

3. Many small parcels located on east side of the town located on all sides of the intersection of Laurel Road (Delaware Route 24) and Old Stage Road (Sussex Road 461).

The Town also seeks to change its future land use map with regard to the Grow Mark fertilizer plant. The map shows it as Mixed Use because the Town believed that the plant would be closed. The company, however, has affirmed their intention to stay at this site, so the Town seeks to change the mapped use to Light Industry.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State.

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

Office of State Planning Coordination – Contact: Ann Marie Townshend 739-3090

The Office of State Planning Coordination has no objections to the comprehensive plan amendment presented by the Town of Laurel, however we are concerned about piecemeal amendments to comprehensive plans, especially as they relate to annexation areas. The comprehensive plan process allows for multiple levels of government to coordinate on future growth and plan for the infrastructure and services that growth requires. Frequent plan amendments make it very difficult to plan for infrastructure and services.

For this reason, once the proposed amendment is adopted by the Town of Laurel and certified by the State, we will not accept any further amendments to the annexation area until the regularly scheduled update in 2009.

We note that Sussex County raises some questions about how the plan amendment under consideration interplays with the County's comprehensive plan and some proposed ordinances at the County level. We would be glad to participate in a discussion with Town and County officials to gain some clarity on this issue.

Division of Historic and Cultural Affairs – Contact: Alice Guerrant 739-5685

The Division of Historical and Cultural Affairs has no comments or concerns about this Laurel comprehensive plan amendment.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

With the understanding that the Horsey Discovery project will be addressed as a development at a later PLUS meeting, DelDOT has only one comment on the proposed plan amendment:

DelDOT is somewhat concerned that the Town may be pursuing annexation of these lands, especially the 480-acre assemblage, without considering how its development would fit with the Town's vision for its future. They understand that there are limits on the capacity of Town utilities and that those limits may have prompted the Town's proposal to keep size of the growth and annexation area constant. However, DelDOT assumes that the current boundaries of that area were established on a rational basis in response to a vision for what the Town wants to become. If they have not done so, DelDOT recommends that the Town set their boundaries in the context of their intentions for the Town's long-term growth and development rather than specific proposals now before them.

The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-9071

Water Quality: TMDLs, Buffers, Forest Preservation, Impervious Cover, and Stormwater Management

It is strongly recommended that the future conceptual development plan for this area include environmentally proactive land use practices or strategies – a.k.a. Best Management Practices (BMPs) or Best Available Technologies (BATs) – that reduce or mitigate impacts to water and habitat quality and help achieve required TMDL nutrient load reductions in the Broad Creek/Nanticoke watersheds. The following are some are some strongly recommended examples:

- 1) Maintain a minimum 100-foot upland buffer from all wetlands and water bodies. An Army Corps of Engineers approved wetlands delineation should be required on all annexed lands and used as the basis for determining where the buffer should be preserved or enhanced.
- 2) Preservation as much the existing forest cover as possible.
- 3) Reduce surface imperviousness through use of pervious paving materials (where practicable) and by preservation/planting of additional native tree and/or shrub plantings.

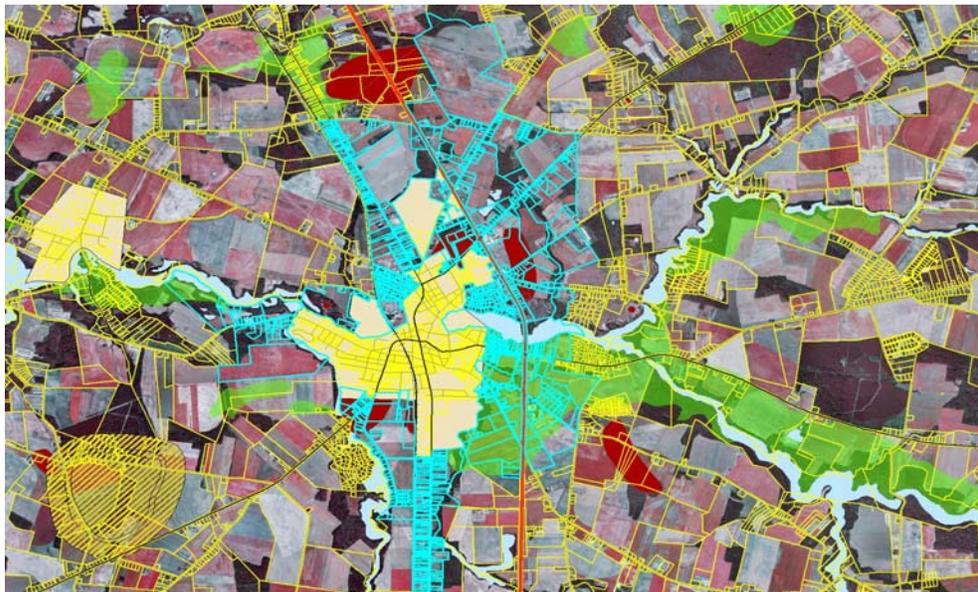
- 4) Use of innovative or “green-technology” stormwater practices. Stormwater Management structures should not be placed in forested areas and should be at least 100-feet from delineated wetlands and water bodies.

Water Resource Protection Areas

The DNREC Water Supply Section has reviewed the Town of Laurel Comprehensive Plan Amendment and determined part of the area impacts excellent recharge area and wellhead protection areas (see map below). Excellent recharge areas have highly permeable sediments at the surface that provide rapid infiltration of precipitation as well as potential groundwater contaminants. Wellhead protection areas have been delineated by DNREC Source Water Protection Program. Wellhead protection areas are surface and subsurface areas surrounding a public water supply well where the quantity and quality of groundwater moving toward such wells may be adversely affected by land use activities.

These parcels will become part of the Town of Laurel through two phases of annexation as described on the map. The two phases of annexation will both affect excellent recharge areas and wellhead areas. As the town considers developing Critical Source Water Area regulations in Compliance with Delaware Source Water Law, these areas should be considered high priority areas. The Comprehensive Plan should include language that adopts these critical areas as areas to be protected.

Map of Annexation areas (parcels outlined in light blue) east and southeast of Town of Laurel with excellent recharge in green and wellhead areas in dark red



State Fire Marshal's Office – Contact: Duane Fox 302-856-5298

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office.

The DE State Fire Marshal's Office has the responsibility to review all commercial and residential subdivisions for compliance with the DE State Fire Prevention Regulations. This Agency asks that a MOU be established between the DE State Fire Marshal's Office and the Town of Laurel. The State Fire Marshal's Office would be issuing approvals much like DelDOT, Kent Conservation, and DNREC. This Agency's approvals are based on the DE State Fire Prevention Regulations only.

The DE State Fire Marshal's Office has no objection to the annexation growth and boundaries.

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures

Department of Agriculture - Contact: Milton Melendez 698-4500

Neither the Delaware Department of Agriculture nor the Delaware Forest Service has any objections to the Town of Laurel Comp. Plan Amendment. Both the Department and the Forest Service supports the reconfiguration proposed by the amendment, and encourages the Town of Laurel to consider Transfer of Development Rights where that may be possible in the future. Finally, the Forest Service would encourage the community to continue its efforts to maintain forest resources in the community and within the annexation areas by working with the Forest Service to improve forest and tree preservation regulations within the city's zoning regulations.

Public Service Commission - Contact: Andrea Maucher 739-4247

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

Current law does not preclude the Commission from granting a CPCN to a private utility within a municipality's "growth zone."

Sussex County – Contact: Richard Kautz 855-7885

What impact will these revisions have on the Sussex County Plan? The proposed expansion is into the County "Low Density Area" and the proposed reductions are from the County "Town Center" and "Developing Area". For example, if the amendments to the County Zoning Ordinance are adopted as proposed (limiting clusters to designated Growth Area), will the County have to amend its plan to be consistent with the Laurel plan for those deleted and expanded areas? The deletion to the southwest is the biggest issue because it creates a hole in the "Town Center" growth area.

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

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".

Constance C. Holland, AICP
Director

CC: Town of Laurel