



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

September 9, 2005

Ms. Dolores J. Slatcher
City of Seaford
414 High Street
P.O. Box 1100
Seaford, DE 19973

RE: PLUS review – PLUS 2005-08-12; City of Seaford Comp Plan amendment

Dear Ms. Slatcher:

Thank you for meeting with State agency planners on August 24, 2005 to discuss the proposed City of Seaford comprehensive plan amendment.

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.

While there are no comments that must be addressed in order to maintain the certification status of the comprehensive plan, we ask that you consider the following 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 being proposed by the City of Seaford. We note, however, that the “Existing Land Use” map (Figure 1) was amended, as well as the “Land Use Plan” map (Figure 7) to make the categories consistent with the zoning. With this change to the “Existing Land Use” map, this map no longer represents the existing land uses in town, but rather, the zoning categories, and could therefore be misleading. At the PLUS meeting on August 24, City staff noted in response to this concern that the institutional uses, such as the hospital and schools, are indicated as Landmark Locations in the legend, which should eliminate some of this confusion.

Please be advised that the approval of this amendment does not alter the date of the original plan certification, and a plan review, as required by Delaware Code, will be due on February 25, 2008.

Division of Historic and Cultural Affairs – Contact: Robin Bodo 739-5685

The Division of Historical and Cultural Affairs has no objection to the proposed Comprehensive Plan Update for the City of Seaford. The town is encouraged to consider protection for historic properties annexed by the town, such as the listed historic properties, “Lawrence” and Hearn’s and Rawlins Mill, both located on Bridgeville Highway. Additionally when annexing former farms, the town should consider requiring the developers of these properties to explore the potential for burials, both marked and unmarked. Please refer to the following sections of the Delaware State Code: (1) Title 11 Sub-Chapter 1340, titled “Desecration of Burial Places”; and (2) Title 7 Chapter 54, known as the “Delaware Unmarked Human Remains Act”.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) DelDOT is not opposed to the elimination of the Open Space designation as an expedient way to align the plan and the zoning map if it is done for a valid reason. However, it should only be done as a temporary measure, with a commitment to establish a zoning district in the code and apply it to the open spaces that the City wants to preserve. The information provided by the City does not indicate whether that is the case. Planned open space, in forms such as parks and golf courses, is a valuable asset for any city. Such land uses merit the protection that a separate zoning district can provide.
- 2) DelDOT commends the City for wanting to keep its plan up to date and support their changing the plan to reflect rezonings and annexations that have occurred since the plan was adopted.

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

Water Resource Protection Areas

The DNREC Water Supply Division has reviewed the Seaford 2003 Plan Update and the Plan Annual Report to the Comprehensive Plan. We strongly encourage the Town of Seaford to adopt wellhead protection areas and excellent recharge areas as Critical Areas that need to be protected to insure a sufficient supply of clean drinking water. The Plan update states that wellhead protection areas are recognized as areas to protect. With Seaford’s interest in annexation of land that includes excellent recharge areas, it is important to recognize these areas as the Comprehensive Plan is updated.

DNREC strongly encourages the City of Seaford to adopt ordinances that protect Critical Areas (wellhead and excellent recharge) within the municipal boundaries. This step can be taken after the Critical Areas are adopted in the Comprehensive Plan.

These wellhead area and excellent recharge areas should be included in the comprehensive planning process as suggested by 7 Del. C. Chapter 6082. This is the first step that towards source water protection and allows flexibility in creation of ordinance and regulation through citizen input and review.

Water Resource Protection Areas (WRPAs) are defined as (1) surface water areas such as floodplains, limestone aquifers, and reservoir watersheds, (2) wellhead areas, or (3) excellent recharge areas. The purpose of an impervious cover threshold is to minimize loss of recharge and protect the quality and quantity of ground and surface water supplies in WRPAs.

New development in WRPAs may exceed the 20% impervious cover threshold, but be no more than 50% impervious, provided the applicant submits an environmental assessment report recommending a climatic water budget and facilities to augment recharge. The environmental assessment must document that post-development recharge will be no less than predevelopment recharge when computed on an annual basis.

Commonly, the applicant offsets the loss of recharge due to impervious cover by constructing recharge basins that convey relatively pure rooftop runoff for infiltration to ground water.

The Department recommends the following (ranked in order of preference):

- 1) Preserve WRPAs as open space and parks by acquisition or conservation easement.
- 2) Limit impervious cover of new development to 20% by right within WRPAs.
- 3) Allow impervious cover of new development to exceed 20% within WRPAs (but no more than 50% impervious) provided the applicant develops recharge facilities that directly infiltrate rooftop runoff.
- 4) Allow impervious cover of new development to exceed 20% within WRPAs (but no more than 50% impervious) provided the applicant develops recharge facilities that infiltrate stormwater runoff from forested and/or grassed surfaces with pretreatment.

For more information, refer to:

Source Water Protection Guidance Manual for the Local Governments of Delaware at <http://www.wr.udel.edu/swaphome/phase2/SWPguidancemanual.html>

and

Ground-Water Recharge Design Methodology at
http://www.wr.udel.edu/swaphome/phase2/Publications/swapp_manual_final/swapp_guidance_manual_supp_1_2005_05_02.pdf

Other water resource protection resources like flood-prone areas, wetlands, steep slopes, and stream corridors could be added as elements of a water resources protection section of the comprehensive plan. The Town's interests in protecting its water resources, such as public health and economic welfare, would then be well-served.

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

The Delaware State Fire Marshal's Office has no objections to the Comprehensive Plan update.

Department of Agriculture - Contact: Milton Melendez 698-4500

Neither the Delaware Department of Agriculture nor the Delaware Forest Service opposes the City of Seaford Comprehensive Plan Amendment. Both the Department and the Forest Service encourages environmentally sensitive design in areas where development is supported by the *Strategies for State Policies and Spending*. The amendment to the comprehensive plan does not have an impact to agricultural activities in the immediate area. Finally, the Department and the Forest Service encourages the City of Seaford to visit www.smartmap.com/dda and download the latest GIS layers containing Agricultural Districts and Easements for incorporation in this plan update.

Department of Education – Contact: Nick Vacirca 739-4658

The Department of Education recommends that all comprehensive plans allow schools as a conditional use in all zoning areas.

Public Service Commission – Contact: Andrea Maucher 739-3227

If there are parcels in the City's growth area that are part of any water provider's certificated service territory, the City could offer service prior to annexation if it applies to the Commission for a CPCN. The Commission is not aware of any statute that would prohibit the Commission from granting a CPCN to a private utility to serve those parcels should an application be filed

Following receipt of this letter the City should review all State agency comments and advise this office of any changes made to the plan in response to our comments. Once the updated plan is approved, please forward notice to this office that the update has been finalized.

PLUS 2005-08-12
September 9, 2005
Page 5 of 5

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 and title.

Constance C. Holland, AICP
Director