



May 15, 2007

Linda Collins
11 Clubhouse Road
Millville, DE 19967

RE: PLUS review – PLUS 2007-04-03

Dear Ms. Collins:

Thank you for meeting with State agency planners on April 25, 2007 to discuss the proposed Town of Millville comprehensive plan amendment.

According to the information received, you are seeking a plan amendment to your “future land use” map and “zoning” map to include several parcels being reviewed for annexation as part of the Millville by the Sea project.

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.

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

Office of State Planning Coordination – Contact: Bryan Hall 739-3090

The Office of State Planning and Coordination (OSPC) have no objections to the proposed comprehensive plan amendment as described in the application 2007-04-03. The OSPC encourages the town to continue to partner and coordinate with both state and county agencies as they move forward with the development and implementation of this comprehensive plan amendment.

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

The Division of Historical and Cultural Affairs has no objection to the proposed comprehensive plan amendment.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

The Town of Millville is considering an amendment to its 2003 Comprehensive Plan. The amendment would expand the town's comprehensive plan to include several parcels in the Millville by the Sea (1-34-15.00-16.00, 18.0, 19.00, 91.00 and 109.00) and DeMarie Property (1-34-16.00-7.00, 7.01, 7.02 and 7.03) developments. Specifically, the future land use map and the zoning map would be amended to include parcels associated with those developments that were not previously planned to become part of the Town. The Town is working on a broader update of its comprehensive plan. The subject amendment is to address two specific developments that cannot wait for that update.

As discussed at the PLUS meeting, DelDOT has been working with the developer of Millville by the Sea to assure that the necessary road improvements will be made as the development occurs. DelDOT understands that the developer has represented to the Town that DelDOT requirements, combined with the requirements of their creditors, are "forcing" the developer to seek annexation of the subject part of their land now and are "forcing" the Town to consider this amendment to their comprehensive plan ahead of their normal process. To repeat, DelDOT's concern is to assure that the necessary road improvements will be made as the development occurs. DelDOT's understanding is that the subject part of Millville by the Sea would be one of the last parts developed. Therefore, while it may be convenient for the developer to obtain the annexation now, DelDOT does not see why it is essential. The improvements required are intended to support the health, safety and welfare of current and future travelers and residents. However, they are still willing to hear any concerns the Town might have and to see what might be done to address those concerns.

DelDOT is not opposed to the proposed amendment. As part of their more general effort to update their comprehensive plan, they recommend that the Town take a proactive approach to the matter of expanding its annexation area. In following Beaver Dam Road and (Sussex Road 368), Peppers Corner Road and Powell Farm Road (both Sussex Road 365), the Town presently has a rational boundary for that area. It may be appropriate to expand that boundary, but they urge the Town to think about where they want their limits to be, in addition to reacting to present proposals. If expansion to include the present proposals is appropriate, the Town might also look further, perhaps to a certain stream or tax ditch. The area in the northwest corner of Route 17 and Burbage Road is presently excluded, and might also be a good candidate for inclusion.

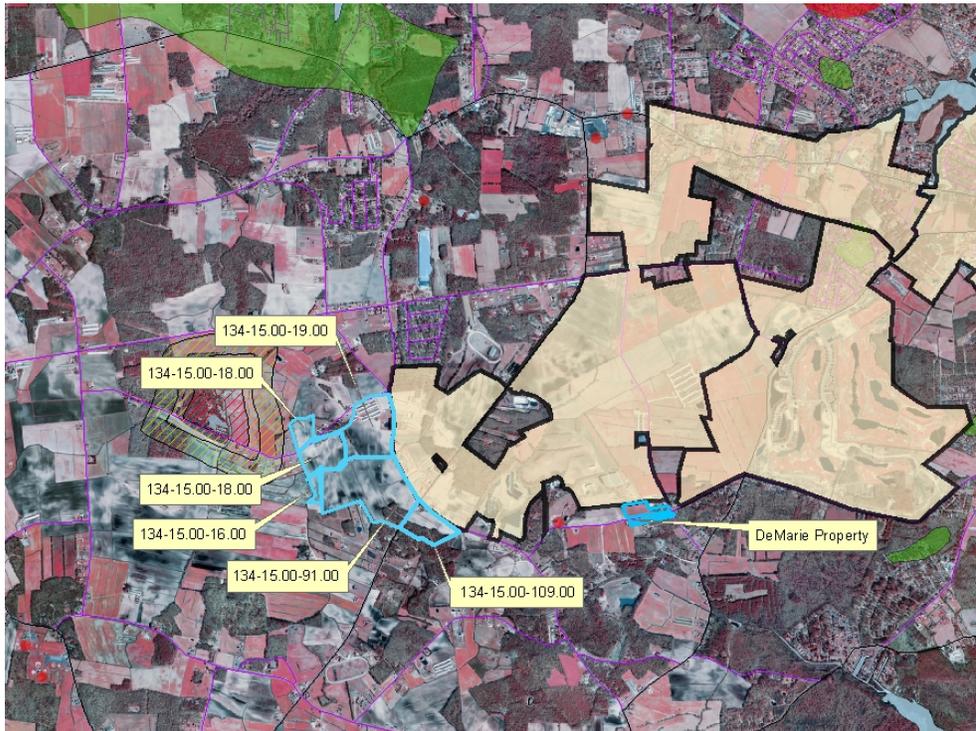
**The Department of Natural Resources and Environmental Control – Contact:
Kevin Coyle 739-9071**

Water Resource Protection Areas

The Water Supply Section has determined that it does not fall within any excellent ground-water recharge potential or wellhead protection areas (see map).

The Town's 2003 comprehensive plan and the 2004 amendment do not contain any references to excellent ground-water recharge potential areas or wellhead protection areas. Water Supply suggests that the Town develop wellhead protection area ordinances in preparation for meeting the Town's need for a public water system.

Map of the Town of Millville. The parcels under consideration for annexation are shown in blue. Excellent ground-water recharge potential areas are in green. Wellhead protection areas are shown in red.



Drainage and Stormwater Management

The Town of Millville is proposing to amend the future annexation areas in their comprehensive plan. The Drainage and Stormwater Section has no objection to the amendment request; however, we encourage the Town of Millville to consider the following items.

- The Drainage and Stormwater Program strongly recommends and encourages the Town of Millville to consider drainage and stormwater infrastructure and management options in future revisions to their Comprehensive Plan. Municipalities need to emphasize drainage as a necessary infrastructure element in areas targeted for growth and development, and in areas of redevelopment. State stormwater regulations do not provide specific guidance for development in areas of poor drainage or historic flooding problems except for requiring a downstream study. Site-specific engineering solutions often end at the property line of the parcel being developed. A more comprehensive approach to providing solutions for drainage issues in areas designated for growth will require coordination between the town, DNREC, and DelDOT.
- The Drainage and Stormwater Section also encourages the town to consider drainage and stormwater management as a component of ordinances and codes. It is also strongly recommended that you consider developing your own drainage code as well to address private drainage issues as land develops. Representatives from the Division of Soil and Water Conservation's Drainage and Stormwater Section will be happy to meet with the Town to provide assistance and/or draft language for consideration as you develop any ordinances. Please contact Jennifer Campagnini at 302.739.9921 or at Jennifer.campagnini@state.de.us to set up a meeting or to provide additional assistance.

The current Sediment and Stormwater Law and Regulations are available online at <http://www.dnrec.state.de.us/DNREC2000/Divisions/Soil/Stormwater/StormWater.htm>. The regulations are due to be revised in the coming year.

State Fire Marshal's Office – Contact: Duane Fox 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 Delaware State Fire Prevention Regulations. This Agency asks that a Memorandum of Understanding be established between the Delaware State Fire Marshal's Office and the Town of Millville. 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 Delaware State Fire Prevention Regulations only.

The Delaware State Fire Marshal's Office has no objection to the Comprehensive Plan Amendment application submitted addressing the boundary amendment for future town annexation of parcels related to the Millville-by-the-Sea project.

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: Scott Blaier 698-4500

The Department has no objections to the Town's request to amend its Comprehensive Plan to include annexing several additional properties as part of the Millville by the Sea project.

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.

Delaware State Housing Authority – Contact Vicki Walsh 739-4263

The Town of Millville Comprehensive Plan is proposing an Amendment to their Comprehensive Plan, to include several parcels in the future land use map and zoning map that requested annexation as part of the Millville by the Sea project. DSHA has reviewed the Town's Amendment and supports this proposed Amendment for re-zoning for single family to multi-family housing units. For informational purposes, the 2003 Statewide Housing Needs Assessment indicates that much of the housing in the Selbyville/Frankford CCD is outside of the affordability level of low – and moderate-income households. For example, real estate data collected by DSHA for the fourth quarter of 2006 indicated that the median home price was \$360,000, which is outside the affordability level of low- and moderate-income households. Conversely, the affordability price for low- and moderate-income households, earning 100% of area

median income is estimated to be \$174,485. Households that cannot afford to live in the coastal resort area have been displaced to western Sussex County. The provision of moderately- priced units for first time homebuyers would help support the housing needs of low- and moderate-income families employed by the local retail, service, and tourism economy.

To ensure that some of the units reach these households, the DSHA recommends that the Town of Millville, as part of any annexation agreements for these parcels, require some of the units to be set aside to be affordable for low- and moderate-income persons via long term affordability restrictions. DSHA is glad to assist the Town in this effort.

Department of Education – Contact: John Marinucci 739-4658

1. The DOE supports the State Strategies for Policies and Spending, to the extent possible and practicable within the limits of the Federal and State mandates under which the Department operates.
2. In its review of Comprehensive Plans and Comprehensive Plan Amendments, the DOE considers:
 - Adequate civil infrastructure availability within the region to accommodate current and future educational facilities.
 - Transportation system connections and availability to support multimodal access within the community, to include but not limited to walk paths, bike paths, and safe pedestrian grade crossings.
 - Transportation road system adequacy to accommodate bus and delivery vehicle traffic to current, planned or potential educational facilities.
 - Recreation facilities and opportunities within the community and their respective proximity to current and planned or potential education facilities. The DOE also recognizes the potential that the educational facilities are to be considered recreational facilities by and within the community.
3. The DOE *typically* considers industrial/commercial development incompatible with educational facilities, however, residential development and educational facilities *are typically* considered to be compatible. As a result, the DOE is interested in the proximity of current and planned or potential education facilities to commercial/industrial development zones.
4. The DOE recognizes the integral role of educational facilities within communities. As such, the DOE seeks to assure that residential growth, that generates additional demand on educational facilities, is managed with adequate educational infrastructure being made a part of sub-division plans as appropriate.

5. The DOE offers its support to assist the town and participate in coordination between the town, the local school districts the County, the Office of State Planning Coordination as well as other school districts and stakeholders as future developments and annexations may be considered.
6. The DOE has no objections to the specific amendments under consideration

Sussex County – Contact: Richard Kautz 855-7878

No comment about the project. The site is to be entirely within the town limits and does not directly impact County services or properties outside the town limits.

The County will be completing its Comprehensive Plan Update this year and requests that all Town Plan amendments be completed ASAP and sent to the County for inclusion in the Plan.

The town is encouraged to avoid the creation of new enclaves when annexing, to eliminate existing enclaves during its negotiation of the annexation agreement, and to notify the Sussex County Planning Department when the annexation becomes effective.

The Sussex County Engineer Comments:

In regards to the area west of County Road 365: Sussex County Engineering Department has no objection to the proposed comprehensive plan amendment. The area west of CR 365 is proposed to be part of the Millville by the Sea project. A portion of the project is within the boundary of the North Millville Expansion of the Bethany Beach Sanitary Sewer District. There is currently no sewer service to the parcels. The Sussex County Engineering Department requires a connection to the County operated wastewater system. The proposed development will require a developer installed collection system in accordance with Sussex County's standard requirements and procedures.

The area proposed to be added to the town's future land use area is not within a sewer district boundary and a sewer district expansion is required before the portion outside of the sewer district can receive sewer service. Attached is a list of steps to be completed for sewer district expansion. The total EDUs shall not exceed the Sussex County allocation to Millville by the Sea. Inclusion of the additional area shall not increase the total equivalent dwelling units (EDUs) previously approved by Sussex County for the Millville by the Sea project. In addition, the area must be annexed into the Town of Millville.

There is no gravity collection line adjacent to the parcels. Extension of sewer lines to serve the parcels will be at the developer's expense. The Sussex County Engineer must approve the connection point. A sewer concept plan must be submitted to the Sussex County Engineering Department for review and approval prior to extending the sewer district boundaries to include the area and prior to construction plan submittal. A checklist for preparing sewer concept plans is attached.

One-time System Connection charges will apply. Please contact Ms. Denise Burns at 302 855-7719 for additional information on charges.

In regards to the area south of County Road 368: The Sussex County Engineering Department has no objection to the proposed comprehensive plan amendment. The proposed area is in a future sewer service area and the Sussex County Engineering Department requires a connection to the County operated wastewater system. The area is a portion of a proposed project referred to as the DeMarie Property. The proposed development will require a developer installed collection system in accordance with Sussex County's standard requirements and procedures.

The proposed project exceeds system design assumptions for the future sanitary sewer system currently under construction. The design assumption for the parcels in the proposed project assumed a total of 61 units. If the parcels are not annexed into the town of Millville, the maximum will be 4.0 dwelling units per acre for a total project size not to exceed 44 units. It is noted that the parcels do not adjoin the town of Millville.

A portion of the project is located on the north side of Beaver Dam Road, (County Road 368) and is in the North Millville Expansion of the Bethany Beach Sanitary Sewer District. There is currently no sewer service to the parcels at this time. That portion was assumed to annex into Millville, and on the basis of the town's Comprehensive Plan, was allocated 6.2 equivalent dwelling units (EDUs) per acre in sewer design assumptions. If the parcels are not annexed into Millville, they will be limited to a maximum of 4.0 EDUs per acre.

A portion of the project is located on the south side of Beaver Dam Road, (County Road 368) and must be annexed into a sewer district before receiving sewer service. Sussex County would support a request for annexation. Attached is a list of steps to be completed for sewer expansion. There is currently no sewer service to the parcels at this time.

Sussex County does not expect to complete construction of sewer service in the area until the summer or fall of 2007 at the earliest. Sussex County does not currently have a firm

schedule to provide sewer service to Beaver Dam Road west of Substation Road. Therefore, it will be necessary for the developer to extend mainline sewer to the projects entrance on Beaver Dam Road and continue to the projects western boundary at Beaver Dam Road. The developer, at the developer's expense, will complete extension of sewer lines to the project. The Sussex County Engineer must approve the connection point. A sewer concept plan must be submitted to the Sussex County Engineering Department for review and approval prior to extending the sewer district boundaries to include the proposed parcels and prior to construction plan submittal. A checklist for preparing sewer concept plans is attached.

One-time System Connection charges will apply. Please contact Mrs. Denise Burns at 302 855-7719 for additional information on charges.

For questions regarding these comments, contact Rob Davis, Sussex County Engineering Department at (302) 855-1299.

Once the Town has reached a decision regarding this amendment, please send the final amendment resolution to this office for our records. 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: Sussex County