



**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION**

June 25, 2014

Mr. Gary Norris
16273 John Rowland Trail
Milton, DE 19968

RE: PLUS Review 2014-05-04, Milford Comprehensive Plan Amendment

Dear Mr. Norris,

Thank you for meeting with State agency planners on May 28, 2014 to discuss the proposed amendment to Milford's Comprehensive Plan.

According to the application, the City of Milford desires to amend the existing comprehensive plan to address zoning changes and the preparation of a Master Plan for the Northeastern area.

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.

Certification Issues:

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

- Chapter 12 is the Land Use and Annexation Plan. This portion of the plan appears to be drafted to replace and supersede Chapter 12 from the 2008 Comprehensive Plan. As such, it needs to clearly describe all of the neighborhood areas, as well as the two “Master Plan” areas that are included in the City. As written it is incomplete and unclear. This is a certification issue because all comprehensive plans must clearly indicate future land use both in the current municipal limits and in the annexation area. Here are some suggestions that will improve this chapter:
 - The 2008 Comprehensive Plan created four Neighborhood Areas: North, Town Center, Southeast, and Southwest. The intention of this Plan Amendment appears to be to create a fifth Neighborhood Area, the Northeast Neighborhood Area. This should be clearly stated in the beginning of this chapter.
 - **Northeast Neighborhood:** Create a new section for this area. Describe land uses, why it was created, the need for the master plan, and what the

City hopes to accomplish with the master plan. There are at least three paragraphs of text in the middle of page 29 that could be adapted for this section.

- **North Neighborhood:** Rewrite this section to acknowledge that the Northeast has been split off. Discuss land use, and take out references to land uses and other issues that are now in the Northeast. Also, the current text for the North Neighborhood includes mention of lands in Sussex County on the top of page 28. It does not appear that this area extends into Sussex County, please review.
 - **Town Center Neighborhood:** This Amendment does not have any discussion of the Town Center (except for major changes). Add a discussion of the land uses and land use issues in the Town Center. Because the eastern portions of the old Town Center Neighborhood are now in the Northeast Neighborhood, this text can focus on the downtown area even more.
 - **Southwest Neighborhood:** This Amendment does not have any discussion of the Southwest Neighborhood (except for major changes). Add a discussion of the land uses and land use issues in the Southwest.
 - **Southeast Neighborhood:** This section directs the reader to the Southeast Neighborhood Master Plan. This is good, and no changes are recommended.
- Update the Maps (Figure 14, 14A, 14B, 14C, and 14D) to reflect the new neighborhood boundaries.
 - The future land use maps all show a blank area for both the Southeast Neighborhood and the Northeast “Study Area.” This is fine for the Southeast Neighborhood since the master plan governs land use in that area. It will be fine for the Northeast as well once the master plan is in place. However, what happens between now and then? If the City intends to adopt a moratorium until the master plan is adopted then perhaps the blank land use will not be an issue. Otherwise, the plan must be revised to address future land use in this area in some way.
- The maps for this Amendment are of particularly poor resolution. The maps shown on the screen during the PLUS meeting were of much higher quality. It is necessary to be able to tell the land use of the individual parcels. On these maps the parcels are not even visible. The resolution of the maps must be improved to at least the level of quality of the maps shown during the PLUS meeting.
 - On the map series, the master plan areas (Southeast and Northeast) appear blank on the maps. There is a space in the legend that indicates there should be a color or pattern associated with those master plan areas. Perhaps it is not showing up due to the resolution issue. In any event, the legend and the maps must be revised so that this is visible.

- On Figure 6 it is necessary to add streets and parcels to the map. It is not possible to locate the historic districts without the reference that streets provide.
- The PLUS response letter for the previous application (PLUS 2013-04-02) is dated April 3, 2013. This date is before the actual PLUS meeting, which occurred on April 24, 2013. Did you mean April 3, 2014?
- There is a note on Figure 10 (and other maps) about the agricultural district in the North Neighborhood. According to the note the Ag District was subject to removal by the owners in March 2014. Please see the status update about these Ag Districts in the DDA comments later in this letter, and update the note accordingly.

Recommendations: Our office strongly recommends that the Town consider these recommendations from the various State agencies as you review your plan for final approval.

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

- As discussed at the PLUS meeting, it is recommended that this document be formatted as an addendum to the existing comprehensive plan. The amendment should clearly indicate which chapters and sections of the comprehensive plan it replaces or supercedes.
- It is recommended that the amendment be reviewed and edited for grammar and punctuation before it is finalized and adopted.
- On page 6, add Table 5D where indicated.
- On page 6, starting at the third paragraph through page 7, should be updated with 2014 data about housing demand, building permits and construction trends through 2014. The current text discusses these housing market characteristics as of 2008.
- On page 8, add Table 5E where indicated.
- On pages 11 through 13, move the section on housing to the Housing section in Chapter 6.
- On page 12, list sources for the graphs.
- On page 13, graph at the top of the page, delete as this is the same as the first graph on page 12.
- On page 13, housing units in structure, this data should be in a table and there should be a paragraph accompanying it. Also provide the source (I assume it is Census 2010). This would be moved along with the other housing data to Chapter 5.
- On page 14, delete the graph as this is the same graph as on the top of page 10.

- On page 19, top of page, the text recommends that the GIS data sets developed in 2011 for redistricting should be made available to the Police Department. Was this data made available to them? Please update.
- On pages 23 and 24, there is a discussion about the Milford Central Academy and the Milford Middle School. I had heard that the Milford Middle School was to be demolished next year, and that the grade levels would be redistributed to other schools. Please verify the status of this issue with the District and update if necessary.
- On Figure 11, the name of the Banneker Elementary School is misspelled (as Bannicker).

Department of Transportation – Contact Bill Brockenbrough 760-2109

- In Chapter 5, on Pages 5 and 6, DeIDOT recommends that the last paragraph under Redevelopment and the first paragraph under Housing need to be edited. There are some sentences that do not read well.
- In Chapter 7, in the first paragraph on Page 19, the Plan states that a potential site for a proposed fire substation is shown on “Map No. 10.” DeIDOT was unable to locate the property on Figure No. 10, Future Land Use, or any other figure. In looking for it, the “Map” numbers in the text do not correspond with the “Figure” numbers. Further, on many of the figures, it was difficult or impossible to see the roads and streets.
- Figures 10, 14D and 15 refer to the Northeast Master Plan Study Area, but DeIDOT was unable to find mention of the study or the area in the text of the Plan. Where is it addressed?
- None of the figures show future land uses for the Northeast Master Plan Study Area. DeIDOT understands that the City wishes to determine appropriate land uses through the preparation of the Study, but suggests that some interim guidance, perhaps the existing land uses, should be provided in the Plan for reference until the Study is complete. Alternatively, the Plan could recommend a moratorium on land use changes pending the results of the Study.
- With regard to the expansion of the Institutional zoning district associated with Milford Memorial Hospital, we recommend some changes to the street network. Specifically, DeIDOT recommends that Plum Street, which is an alley parallel to Walnut Street between Kings Highway and West Clarke Avenue, be improved and that it continue to be used to provide driveways and parking lot access for the buildings that front on Walnut Street, even as the uses of those buildings change. Doing so will help to preserve both traffic flow and the neighborhood character along Walnut Street.

Recognizing that Plum Street is a relatively long and narrow alley, with buildings close to the right-of-way line, DeIDOT has two suggestions for how it could better serve the properties

fronting on Walnut Street. First, Plum Street could be designated one-way. The street is presently about nine feet wide and situated in a right-of-way of about 12 feet. Widening it to provide a second lane, and thereby safely accommodate two-way traffic, would be difficult and expensive.

Second, Sussex Avenue could be extended south to connect to Plum Street. The right-of-way for this connection already exists and making the connection would reduce the distance one would need to travel along Plum Street to enter or exit one of the properties served.

- With regard to the expansion of the Commercial zoning district along the US Route 113 corridor, DelDOT reminds the City that there is no plan to widen or bypass this portion of the corridor, as there is from Hudson Pond south. The creation of a strip commercial district along an arterial highway necessarily means that there will be increased congestion for the length of that district.

If the City wishes to minimize that congestion, they should begin thinking about how access on the corridor should be managed and should identify conceptually in the Plan what they want to have occur in this regard. For example, the City could begin planning for a system of service roads along the backs of the lots that front on the east side of the highway, similar to what is planned on west side. As the agency responsible for managing access in the corridor, DelDOT would need to be involved in the planning of the service roads, but absent a State project to create the roads, the City would need to identify the need for them in their Plan and begin requiring rights-of-way and construction as the properties along the corridor develop.

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

The vast majority of comments received were related to the Northeast Study Area. As such, DNREC would fully support the development of a Master Plan for the Northeast Study Area, following a process/format that was similar to the one employed for the 2011 Milford Southeast Neighborhood Master Plan.

- **Source Water Protection**

The Office of State Planning Coordination requested a review of the City's Comprehensive Plan Amendment to ensure that the comments of PLUS 2013-04-02 were addressed. The review found they were not.

There are no references to source water protection in the comprehensive plan amendment DNREC was given to review. However, the draft plan (2013 Comprehensive Plan Text – DRAFT) accessed at the City's website contains some of the required elements of source water requirements in 7 Del. C. 6082(b). However, they do not express an understanding of subject. The elements are still found in Book 1, Chapter 10, Environmental Issues, not in Chapter 9, City Infrastructure. DNREC recommends that the discussion of source water protection be moved to Chapter 9.

On page 40 of the 2013 Comprehensive Plan Text - DRAFT, Groundwater Resources, paragraph 3, the text references Map No. 13. Map 13 could not be found in the documents and Figure 13 shows transportation elements. Figure 3A, Natural Features, depicts wellhead protection and groundwater recharge areas. DNREC recommends reconciling the citations and nomenclature. Additionally, it is not DNREC regulations that require protection for source water protection areas; State Law, 7 Del. C. §6082, requires it.

On page 45, Excellent Recharge Areas, paragraph 5, the description of excellent recharge areas as “land on top of an aquifer” is inaccurate. However, the definition in the City’s Municipal Code is correct. Please reference § 230-4 of the Municipal Code for clarification.

On page 46, Environmental Plan, paragraph 5, the text states in part “participate in sanitary surveys to provide protection to wellheads”. Sanitary surveys are described under 16 Del. Admin. C., §4462, 1.12.1.2. They are not a wellhead protection element.

In addition, on page 46, Environmental Plan, paragraph 7 references the City’s land use ordinance for areas designated “Water Resource Protection Zone” for recharge areas and recharge areas for wells in the unconfined aquifer. The City uses the term “Source Water Protection District” in their ordinances. These regulations are to protect all sources of drinking water. DNREC recommends reconciling the citations and nomenclature.

The text also cites the City’s land use ordinance that limits impervious cover. Limits to impervious cover in source water protection areas are part of the City’s source water ordinance. DNREC recommends referencing Milford’s Municipal Code §230-19.5 for information to discuss the City’s goals and objectives related to the protection of the resource as a required element.

- **Wetlands, Buffers and Key Wildlife Habitat.** The proposed Northeastern Master Plan area appears to be bordered by wetlands associated with Swan Creek and Mispillion River. A review of our database indicates that the following State rare, federally listed or Species of Greatest Conservation Need (SGCN) occur within these wetlands:

Scientific Name	Common Name	Taxon	State Rank	State Status	SGCN Tier	Federal Status
<i>Lycaena hyllus</i>	Bronze Copper	Butterfly/Skipper	S2		Tier 2	
<i>Catacoala dejecta</i>	Dejected underwing	Moth	S1			
<i>Darapsa versicolor</i>	Hydrangea sphinx	Moth	S1S3		Tier 2	
<i>Bolboschoenus novae-angliae</i>	Brackish bulrush	Flowering Plant	S1			

The Plan indicates that the City plans to preserve approximately 150 acres of riparian buffer along these waterways. However, without a map to identify the designated areas, it is difficult to provide comments and suggestions for improvements. In the absence of more specific

information, DNREC suggests preservation of as much of the wetlands as feasible. These wetlands are designated as Key Wildlife Habitat (KWH) in the Delaware Wildlife Action Plan (<http://www.wildlifeactionplans.org/delaware.html>) because they can support an array of plant and animal species.

Moreover, to protect the function and integrity of wetlands, a minimum 100-foot buffer should be left intact around the perimeter. This recommendation is based on peer reviewed scientific literature that shows an adequately-sized buffer that effectively protects wetlands and streams, in most circumstances, is about 100 feet in width. Upland buffers also serve as habitat for many terrestrial species that are dependent on aquatic and wetlands habitats for a portion of their annual life cycle. Lot lines, roadways, and infrastructure should not be placed within this buffer zone. Buffers are an integral component of aquatic and wetland habitats, reducing the amount of sediments, pollutants, and other non-point source material that may affect the function and integrity of habitat and the condition and survivability of aquatic organisms.

- **Forest Preservation.** In order to retain the ecological function of the forest blocks within the proposed Northeastern Master Plan area, fragmentation of existing forest blocks should be minimized as well. Forest fragmentation separates wildlife populations, increases road mortality, and increases “edge effects” that leave many forest dwelling species vulnerable to predation and allows the infiltration of invasive species. Preserving larger, connected areas of forest as open space will provide wildlife with needed food, water, shelter and places to raise young.
- **Sea Level Rise**
Portions of the areas proposed for master planning for the Northeastern Area and the area on Route 113 north lay within an area that will be subject to direct and permanent inundation from sea level rise (<http://de.gov/slrmap>).

Sea levels in Delaware have risen by about a foot over the past century (NOAA, 2014). This rate of sea level rise is likely to accelerate in the coming decades as a result of global climate change and local subsidence. Accelerated sea level rise will result in permanent flooding of low-lying coastal areas and increased risk of flood damage during storms (DNREC, 2012).

Recommendations:

- The City should consider additional land use controls for the areas subject to 1.5 meter of sea level rise.
- To reduce the costs of providing infrastructure the City should consider not permitting roads, sewer or water to be extended into areas subject to 1.5 meter of sea level rise.
- The City should consider avoiding new structures within a mapped Sea Level Rise Area. Where such development cannot be avoided, new structures should be built with an additional 18 inches of freeboard to protect the health, safety and general welfare of people occupying and using the structures.

If you would like any additional information please contact Delaware Coastal Programs at (302) 739-9283.

References:

NOAA (National Oceanic and Atmospheric Administration). (2014). Mean Sea Level Trend, Lewes, DE. Retrieved from http://tidesandcurrents.noaa.gov/sltrends/sltrends_station.shtml?stnid=8557380.

DNREC Delaware Coastal Programs. (2012). Preparing for Tomorrow's High Tide: Sea Level Rise Vulnerability Assessment for the State of Delaware. Dover, DE: Department of Natural Resources and Environmental Control. Retrieved from <http://de.gov/slrva>.

Department of Agriculture – Contact Milton Melendez 698-4534

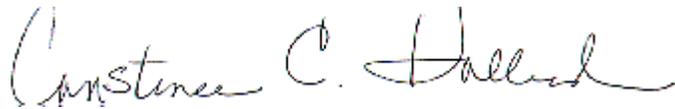
- As a general comment, the Department of Agriculture continues to support the concept of master planning for the city, and in general.
- Referring to Figure 10: Future Land Use map, please note the following updates to the annotation at the top of the map.
 - Parcel 5-00-162.00-01-68.00: This 232 +/- acre parcel is currently enrolled in the state's farmland preservation program (Project ID K-04-03-23#; Kimbowrosa District). The parcel is not permanently preserved, and will be eligible to be removed from the program July 6, 2019, provided the owner provides written notice to the Department at least 6 months prior to that date.
 - Parcel 5-00-173.00-02-07.00: This 22 +/- acre parcel is currently enrolled in the state's farmland preservation program (Project ID K-05-12-233A; Minner Expansion of the Kimbowrosa District). The parcel is not permanently preserved, and will be eligible to be removed from the program April 12, 2016, provided the owner provides written notice to the Department at least 6 months prior to that date.
 - Parcel 5-00-174.00-01-01.00: This 25 +/- acre parcel is currently enrolled in the state's farmland preservation program (Project ID K-06-03-233B; Swan Creek Expansion of the Kimbowrosa District). The parcel is not permanently preserved, and will be eligible to be removed from the program November 8, 2016, provided the owner provides written notice to the Department at least 6 months prior to that date.

Approval Procedures:

As described in this letter, there are a number of certification issues associated with this Plan Amendment. Once the Plan Amendment has been revised to address those certification issues (and hopefully the recommendations as well), please submit a draft to our office to review. Upon verification that these issues have been addressed, we will write you a letter to this effect. After receipt of our letter the City is welcome to have the plan adopted by the Planning Commission and Council.

Once a decision has been reached on this proposed comprehensive plan amendment, please forward a copy of the plan amendment to the Office of State Planning Coordination for our records. The plan amendment must include a revised version of the Future Land Use Map as well as any text that is necessary to amend the comprehensive plan and describe the change.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland". The signature is written in black ink on a white background.

Constance C. Holland, AICP
Director, Office of State Planning Coordination

CC: Kent County
Sussex County
Gary Norris