



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

April 23, 2015

Mr. Hans Medlarz
City of Milford
201 Walnut Street
Milford, DE 19963

RE: PLUS review 2015-03-01, City of Milford Comprehensive Plan Amendment

Dear Hans,

Thank you for meeting with State agency planners on March 25, 2015 to discuss the proposed comprehensive Plan Amendments for the City of Milford. The amendments will:

- change the map and text of the Milford South East Neighborhood Master Plan amending the future land use designation of certain parcels west of Route 1 from Commercial and Residential to Employment Center
- Change the Wickersham subdivision from Residential-Low Density to Residential High Density
- Change a parcel north of the Wickersham subdivision from Commercial to Residential – High Density, and
- Change the definition of Residential – High Density future land use

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.

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

This office has received the following comments from State agencies:

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

Our office has no objections to the proposed amendment to the City's Southeast Neighborhood Master Plan. The primary purpose of the amendment is to change land use categories to enable a major employment center (a hospital) to be constructed on lands originally planned to be a regional commercial center. The proposed new land use will provide a substantial economic

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development benefit to the City of Milford, while also providing enhanced health care services to residents of the City and surrounding areas. This land use change does not alter the fundamental aspects of the Master Plan related to transportation, environmental protection, utilities, agricultural preservation or residential land use. In fact, these elements of the Master Plan proved to be the decisive factor which has enabled the new employment center to be attracted to locate in this portion of Milford.

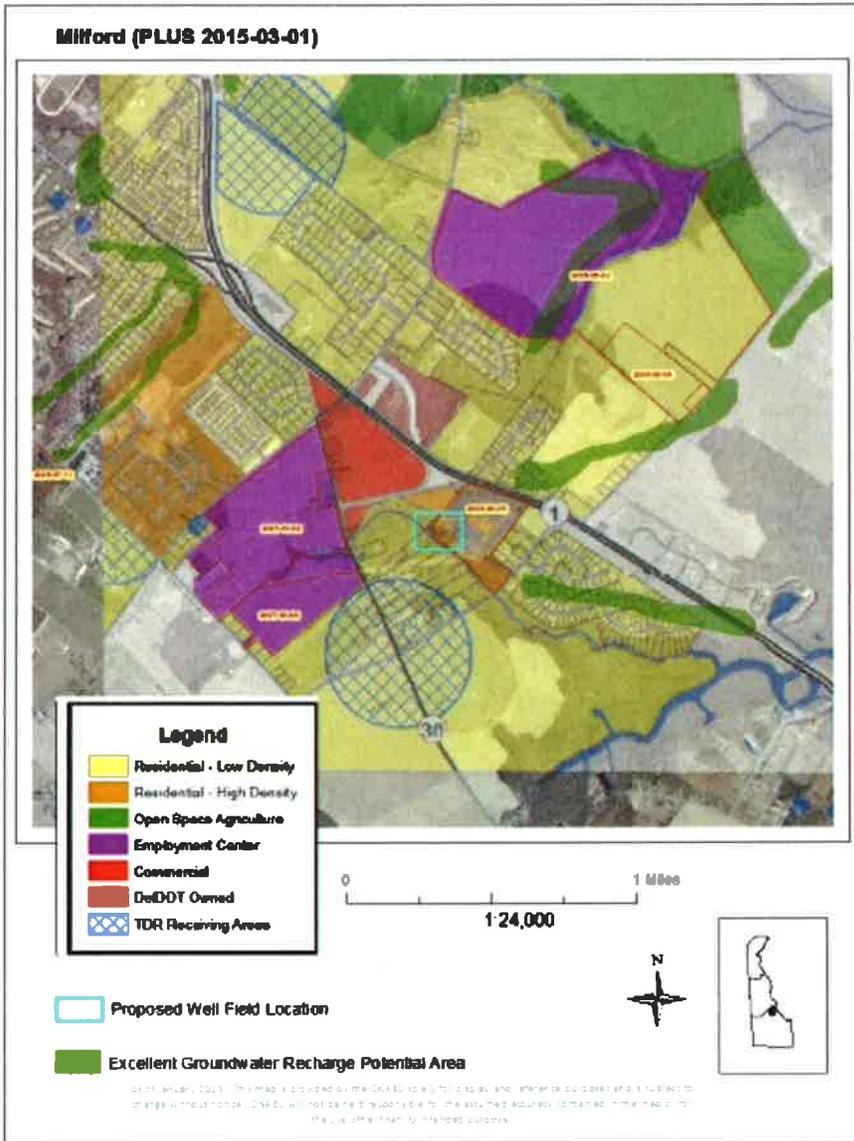
It was noted during the PLUS meeting that the City has yet to fully implement the TDR program that was anticipated by the Master Plan. We encourage the City to work with OSPC and DDA to develop the ordinances and implement this program. During the development of the ordinances it may be appropriate to reevaluate the specific boundaries of the TDR receiving areas. The hatched areas should remain on the plan for now as place holders to indicate the approximate locations of the receiving areas.

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

- DNREC offers several comments and suggestions to improve conservation and protection of the Town's resources. While the cumulative impact of various program suggestions and concerns may sound negative, the intent is to improve the plan elements related to environmental protection, open space, recreation and water quality and supply. DNREC would welcome the opportunity to meet with the Town in a collaborative manner to discuss these recommendations and possible future ordinances.
- DNREC offered comments on the Milford SE Planning Area in March 2011. Those comments, in addition to the ones below, are still applicable; please see attached.

Source Water Protection Areas.

- This amendment proposes to rezone the Wickersham development located on west of Rt. 1 and north of Johnson Road from Residential -Low Density to Residential - High Density. Milford is developing a well field in the northwest corner of the development (see map). As these wells are confined, their delineated wellhead protection area will have a 150-foot radius. Milford's Source Water Protection District §230-19.5 D (5) (a) [1], allows for only infrastructure, equipment, buildings, access and other uses associated with the well, distribution and treatment facilities of the water system and their maintenance be allowed within the wellhead protection area. DNREC recommends rezoning this well field area to open space.
- This application still shows Employment Center zoning on the east side of route one (see map). The City should consider rezoning this State Strategies for State Policies and Spending Investment Level 4 area to a land use that would afford the excellent recharge in that area protection from development and high levels of impervious cover.



Rare, Threatened, and Endangered Species/Habitat.

- Swamp Pink, a federally listed species, is downstream of the forest on the parcel so we will recommend that any development activities on this parcel maintain a 300-foot buffer from the forest. Additionally, appropriate erosion and sediment control measures should be taken to minimize impacts to swamp pink, which are very sensitive to sedimentation.

Delaware State Housing Authority – Contact Karen Horton 739-4263

- DSHA supports the proposed map and text amendment to the Milford South East Neighborhood Master Plan that would change the land use category for three approved subdivisions from Residential – Low Density to Residential – High Density. The density for this land use category will range from 5 to 12 dwelling units per acre. As a general rule, DSHA supports land use categories that permit higher densities as housing is more economical to construct, provides for a variety of housing types, and is needed for households with a broad range of incomes.
- The application of this land use category for new residential subdivisions is expected not to exceed 6 dwelling units per acre. DSHA recommends allowing densities up to 12 dwelling units per acre for the reasons stated above. In addition, while suburban homes have dominated development in Delaware for several decades, a growing body of research indicates that we are in the midst of a significant market shift. The baby boomers that once drove suburban development are now aging and are looking to downsize into something more manageable. The Delaware Population Consortium (DPC) projections for the next ten years indicate that not only will there be a large amount of suburban homes placed on the market by baby boomers, but that there will be a *decline* in households in age ranges that typically seek large homes. These same DPC projections show growth in the younger age ranges most likely at stages in their life and income to support apartments, condominiums and entry level homes. Allowing densities up to 12 dwelling units per acre for this category will provide opportunities for this range of housing.

The combination of excess suburban housing supply currently on the market, additional supply being added by aging baby boomers, more stringent lending standards, along with a changing market indicate that it is *critical* that communities move away from lower density housing and *proactively* provide a variety of housing options to meet market demand.

- We recommend that the City of Milford implement this TDR program as it would serve two important goals. In addition to preserving agricultural areas, it will allow the purchase of development rights by the owners in the receiving areas so that housing can be constructed at a higher density or height than ordinarily permitted by the base zoning. This would be an additional method to provide a variety of housing options to meet market demand.

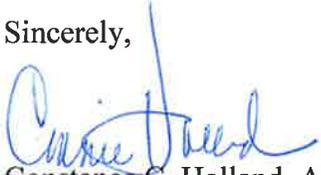
Once a decision has been reached on this proposed comprehensive plan amendment, please forward a copy of the plan amendment to the Office of State Planning Coordination for our records. The plan amendment must include a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan.

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

Sincerely,



Constance C. Holland, AICP

Director, Office of State Planning Coordination

Attachment

DNREC Comments on Milford SE Planning Area

Back in March 2010, DNREC staff from several programs met to review Milford's proposed southeast annexation area. Programs and sections represented included Planning, Watershed Assessment, Parks, Natural Heritage and Endangered Species, Drainage and Stormwater, and Source Water Protection. Carol Bason of the University of Delaware's Coastal Communities Enhancement Initiative also attended.

The purpose of the meeting was to make proactive suggestions to the City of Milford for proceeding with development while protecting key resources and creating more livable and connected communities in that area. We used DNREC's GIS resources to identify **three opportunity areas**: The medical-commercial area east of Route 1; the mixed-use shopping area at the intersection of Route 30 and Johnson Road; and the southernmost area along Swiggetts Pond and Cedar Creek.

General Observations

DNREC originally had urged the city and the developers to consider regional approaches to stormwater management for new development in the planning area. However, a GIS review of the terrain and natural features indicated that, in order to obtain sufficient drainage area, the City would need to include stormwater from DeIDOT road improvements along with stormwater from the retrofitting of existing developments. While a regional approach to stormwater management might not be practical, there is an opportunity for greater communication and coordination between DNREC and DeIDOT with regards to stormwater management and road improvements.

Stormwater infiltration in excellent recharge area. We strongly recommend the applicant/developer avoid building and/or stormwater infiltration in the area of excellent recharge (Area One). The protection of the area of water recharge offers multiple long-term environmental benefits – e.g., water quantity, water quality, and the preservation of stream/wetland ecological functions. An estimated one third of Milford's total drinking water supply is withdrawn from a shallow unconfined aquifer known as the Columbia aquifer. The Columbia aquifer's major source of water recharge is from those areas delineated as areas of excellent recharge. Therefore, using this area of excellent recharge to site building structures and/or water infiltration structures may reduce the quality and quantity of water available to existing and future residents from wells that obtain drinking water from this aquifer. Moreover, the impact to water quality and quantity is likely to extend to those residents that live far beyond the proposed project site as the Columbia aquifer is a major drinking water source for a significant portion of the population that resides in Kent and Sussex counties. The upshot to development in the area of excellent water recharge is to pass those water quality and water quantity impacts - in the form of increased water utility rates - to existing and future residents as the waters of the Columbia aquifer are depleted and/or contaminated.

Stormwater utility. We urge the City to consider the creation of a stormwater utility to fund, retrofit, and maintain stormwater practices for the entire planning area. Delaware Code already enables local governments to create stormwater utilities and collect fees. DNREC's Sediment and Stormwater Program can assist in establishing the utility.

Cedar Creek Natural Area. Sections of the wooded areas of the Milford Southeast Master Plan Area are part of the Cedar Creek Natural Area (see attached map). Natural Areas contain lands of statewide significance identified by the Natural Areas Advisory Council as the highest quality and most important natural lands remaining in Delaware. The Milford Southeast Area Master Plan should acknowledge and provide protection for the Cedar Creek Natural Area.

Natural Area Protection recommendations include:

1. Prohibit/limit the removal of trees within the Natural Area
2. Provide buffers to the Natural Area- Prohibit additional development within 300 ft. of the existing Natural Area
3. Prohibit storm water structures in the Natural Area
4. Require green technologies to manage stormwater; use the natural processes of vegetation to filter stormwater and take up harmful pollutants, improve groundwater recharge without expensive infrastructure.

Cedar Creek Nature Preserve. Cedar Creek Nature Preserve is adjacent to the south end of the Southeast Planning Area. A number of rare species can be found in association with this habitat type. To protect the rest of this contiguous forest area, Milford should work with private landowners and the State Office of Nature Preserves to dedicate the Natural Area within the Annexation Area as Nature Preserve. For more information, please contact the Office of Nature Preserves at 302-739-9235.

Wildlife Habitat. We recommend the City refer to the Delaware Wildlife Action Plan, which is a comprehensive strategy for conserving the full array of native wildlife and habitats-common and uncommon- as vital components of the state's natural resources. This document can be viewed via the Natural Heritage and Endangered Species Program, Division of Fish and Wildlife's website at <http://www.dnrec.state.de.us/nhp>. This document also contains a list of species of greatest conservation need, species-habitat associations as well as maps of Key Wildlife Habitat (KWH). These habitats are rare, have special significance in Delaware, are particularly sensitive to disturbance, and/or have a high diversity of species. They can support a full array of species across the landscape and the maps show areas of the state where conservation efforts can be focused. These maps are also intended to help guide more site-specific conservation planning efforts.

Parks and Recreation. The City of Milford has been awarded a grant through the Delaware Land and Water Conservation Trust Fund (DTF) to develop a Pedestrian/Multi-Modal Master Plan. The purpose of this plan will be to identify new routes within the City of Milford that need to be designated for bicycle facilities and multi-modal paths as well as gaps in the existing connectivity system and links to other

modes of transportation. The plan will expand the existing transportation system and will support economic activity and growth by integrating land use transportation planning through coordinated bike and multi-modal routes. **We recommend that the Milford Southeast Master Plan incorporate the Milford Pedestrian/Multi-Modal Master Plan.**

We also recommend the City refer to the 2008-2011 **Statewide Comprehensive Outdoor Recreation Plan (SCORP)**, which provides guidance for investments in needed outdoor recreation facilities. Citizens surveyed in Milford and eastern Sussex list the following as high priorities for recreation: walking/jogging paths, bicycle paths, public swimming pools, playgrounds, open space/passive recreation, picnic areas, hiking trails and fishing areas.

Density. We congratulate the city for significantly reducing the density in the southernmost section of the Southeast Neighborhood. We believe the reduction creates a better gradation from downtown Milford to the city's boundaries and will put less pressure on key resources in Area Three.

Area One

Area One, where a commercial-medical campus is proposed, contains a large excellent recharge area (*see Area One Map*) and forested tidal wetlands on its easternmost edge. The developers have said they intend for this complex to be developed as a campus, with the likelihood of multiple stories and even structured parking. We agree that such an approach is necessary to limit impervious cover and protect these key resources. We hope intense development can be limited to the upland portion of the parcel, and that the eastern portion would be used for passive recreation and open space.

The Downer and Ingleside soils in Area One are the preferred location for stormwater infiltration. Excellent recharge areas should be protected so that they may function for the maximum benefit possible to limit the generation of stormwater runoff. When these areas are to be utilized for any stormwater runoff management practices, the pretreatment of stormwater may be necessary prior to infiltration. Another possibility is to construct wetlands between the excellent recharge area and the forested tidal wetlands to manage stormwater and strengthen the buffer between the tidal areas and the developed portion of the property. Again, revenues from a stormwater utility could be used to purchase easements and/or construct and maintain those wetlands as stormwater facilities.

Grid Color. It appears that the upper-right grid in this parcel should be "painted" purple, according to our information about the development of this property.

Area Two

A large mixed-use residential and retail development is planned for Area Two (*see Area Two Map*). Our chief area of concern here is protecting the forested wetlands that are mapped in the southern end of this area, on both sides of Route 30. Because of the falling elevations from the north end of this area

toward the mapped wetlands, we advise that optimal stormwater management would be constructed wetlands or other green-technology best-management practices in the area immediately north of the forested wetlands, on either side of Route 30. They would help buffer the wooded wetlands from development.

The wooded section in this area also supports Key Wildlife Habitat. Generous riparian buffers (300 feet or greater) are important to protect water quality and preserve forested areas surrounding the tributaries of Cedar Creek to enable these rare species to thrive.

Area Three

This area (*see Area Map Three*) contains Atlantic White Cedar Wetlands, which are considered very rare within the state and support rare species. This vegetative community grows under unique conditions and is sensitive to changes in water quality – especially pH. Adequate upland buffers are extremely important to the persistence of these wetlands and the species it supports.

Rare plant, insect, mussel, fish and birds occur within the forest and wetland areas associated with the Cedar Creek drainage, as well as impoundments such as Swiggetts Pond and Cabbage Pond. Known occurrences of the federally threatened plant, swamp pink (*Hellonias bullata*) have been documented within wetlands associated with Beaverdam Branch and Cedar Creek.

In most cases, we recommend at least a 300-foot upland buffer primarily due to the presence of or potential for swamp pink. The buffer would also be instrumental in achieving the Total Maximum Daily Load (TMDL) pollution limits for this portion of the Mispillion watershed.

We believe the recommended buffer also provides an opportunity for Milford to work with landowners, DNREC and other partners to establish a passive recreation resource that could include a kayak launch and allow for birding and hiking on unpaved trails in and around the Cedar Creek Natural Area.

Implementation Strategies

Recommendations

Stormwater

- Avoid building and/or stormwater infiltration in the area of excellent recharge (Area One).
- Create a stormwater utility to fund, retrofit, and maintain stormwater practices for the entire planning area.

Cedar Creek Natural Area/Nature Preserve

- Natural Area Protection recommendations include:
 1. Prohibit/limit the removal of trees within the Natural Area
 2. Provide buffers to the Natural Area- Prohibit additional development within 300 ft. of the existing Natural Area
 3. Prohibit storm water structures in the Natural Area
 4. Require green technologies to manage stormwater; use the natural processes of vegetation to filter stormwater and take up harmful pollutants, improve groundwater recharge without expensive infrastructure.

- To protect the rest of the contiguous forest area adjacent to the south end of the Southeast Planning Area, Milford should work with private landowners and the State Office of Nature Preserves to dedicate the Natural Area within the Annexation Area as Nature Preserve.

Wildlife Habitat

- Refer to the Delaware Wildlife Action Plan, which is a comprehensive strategy for conserving the full array of native wildlife and habitats-common and uncommon- as vital components of the State's natural resources.

Parks and Recreation

- Incorporate the Milford Pedestrian/Multi-Modal Master Plan in the Milford Southeast Master Plan.
- Refer to the 2008-2011 **Statewide Comprehensive Outdoor Recreation Plan (SCORP)**, which provides guidance for investments in needed outdoor recreation facilities.

Area One

- Limit intense development to the upland portion of the parcel; the eastern portion should be used for passive recreation and open space.
- We recommend that the Downer and Ingleside soils in Area One be the preferred location for stormwater infiltration.

Area Two

- Protect the forested wetlands that are mapped in the southern end of Area Two, on both sides of Route 30. Because of the falling elevations from the north end of this area toward the

mapped wetlands, we advise that optimal stormwater management would be constructed wetlands or other green-technology best-management practices in the area immediately north of the forested wetlands, on either side of Route 30.

- The wooded section in this area also supports Key Wildlife Habitat. We recommend generous riparian buffers (300 feet or greater) to protect water quality and preserve forested areas surrounding the tributaries of Cedar Creek to enable these rare species to thrive.

Area Three

- We recommend at least a 300-foot upland buffer primarily due to the presence of or potential for swamp pink. The buffer would also be instrumental in protecting the Atlantic White Cedar wetlands as well as achieving the Total Maximum Daily Load (TMDL) pollution limits for this portion of the Mispillion watershed.

SE Neighborhood - Milford "Preferred" Scenario Map by Land Use

