



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

June 22, 2016

Mr. Rob Pierce
City of Milford
201 S. Walnut Street
Milford, DE 19963

RE: PLUS review 2016-05-01; City of Milford Pre-update Review

Dear Rob:

Thank you for meeting with State agency planners on March 25, 2016 to discuss the update of Milford's comprehensive plan. State agencies have reviewed the documents submitted and have asked that the following be considered when you update your plan for certification.

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

The Office of State Planning Coordination is pleased to be able to offer assistance to the City of Milford as they begin the process of updating the comprehensive plan. The comments and suggestions below are offered for the consideration.

- The format is better than previous plan. The previous version with books 1-3 was hard to determine where to find the information. It may be possible to consolidate information and reduce the number of chapters. The previous format of three books resulted in some information being repeated multiple times. Also, please reconsider the order of the plan elements to allow for a more logical flow. For example, the annexation section talks about growth and annexation in the neighborhoods before the general concept of neighborhood areas is introduced.
- OSPC supports the inclusion of the SE Area Master Plan as an appendix to the Comprehensive Plan. Any changes to the Master Plan may warrant a review of the master plan document with the agencies that were involved in writing it.
- It is recommended that the transportation implementation strategies in SE Area Master Plan be incorporated into the comprehensive plan.
- Review the plan text carefully and update all plan text to reference 2016 data and information. The first example: Page 5 incorrectly indicates that this plan amends the 2003 plan – in fact it updates the 2009 plan.

- Review the text on p. 6 about the Charter requiring adoption of comprehensive plans every 5 years. Is this really the case? Please note that Del. C. requires that comprehensive plans be reviewed every five years, and updated every ten years.
- Please make sure all plan elements contain “policies, statements, goals and planning components” as required by Del. C.
- The plan elements should have some recommendations or implementation items tied to each one. The current plan is weak in this regard. There is a lot of good data, information and analysis which led to statements – but few definable tasks to implement the plan elements, at least within the plan text. Closely coordinate implementation items in each plan section with the implementation matrix, see below.
- Please update all demographic data to 2010 Census or the most recent American Community Survey, as applicable.
- It is recommended that the City work with Sussex County and Kent County to amend the “wastewater study area” around Milford. The purpose of this study area and its location should be mutually agreed to by both counties and the City. The study area should be tied to Milford’s growth and annexation plan. Both Kent and Sussex are beginning their comprehensive plan updates, so the timing is good for some intergovernmental coordination on this issue.
- The City has submitted a Downtown Development District application which incorporates the “Rivertown Rebirth Plan.” This plan is essentially a master plan for the revitalization of the downtown area. It is recommended that the neighborhoods be amended to create a neighborhood that focusses on the downtown. Perhaps the boundaries could be the same as those proposed in the DDD application. Then, it would be good to incorporate the Rivertown Rebirth plan as an appendix to guide redevelopment activities in that downtown area.
- The “Proposed Borrowing for Water, Sewer and Electric Improvements” is out of place, being located after Transportation. Also, is it perhaps too detailed for the comprehensive plan. It is suggested that this section be reviewed, and possibly updated or even eliminated from the comprehensive plan. Due to the fact that comprehensive plans have the “force of law” it may be advisable to delete the actual dollar amounts.
- Please update State Strategies section to reference the recently implemented 2015 State Strategies.
- Please review the “urban growth boundary” to verify that all areas are still desirable for annexation. Note that the UGB included agricultural lands and open spaces E of Rt. 1 that were intended to be annexed and preserved under Milford’s ordinances. Please acknowledge if this is still the approach, and adjust as necessary.
- Consider revising the neighborhood boundaries to match current planning needs. As mentioned previously, the downtown area could be revised to more closely match the current downtown revitalization plans. The NE area is another potential boundary amendment which could reflect the concept of a NE area master plan.

- Review the text of all land use categories to ensure that they match both the goals of the City and the regulations in the zoning ordinance.
- The Vision Statement (discussed p.92) should come much earlier in the document. The City's vision for its future should guide the development of the entire plan. Is there an overall vision, or just a vision for each plan element? An overall vision would be good to have if it does not exist.
- The table which details vision, goals, objectives and implementation is a very effective way to represent the path forward from the plan. We recommend keeping this format.
- Carefully review the strategies for implementation in the table. Are these strategies still relevant in 2016? Have any been completed and can be removed from the list?
- Consider moving some of the implementation items into the overall list of implementation items in the table, i.e. TID; TDR program and ordinance etc.
- The map set does not include an existing land use map, and it should.
- The maps showing land use in individual neighborhoods should be labeled. Are they depicting existing or future land use?
- The floodplain and sourcewater ordinances were added to the application for information and review only. Just a reminder – do not put these in the comprehensive plan, even as appendixes. This is due to the fact that the municipal plans have the “force of law” under Del. C. The plan can refer to them in a way that makes it clear that they may be amended from time to time.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- Sections 2.2.2.4 and 2.4 of the Development Coordination Manual address Transportation Improvement Districts. We understand that the City wishes to work with DelDOT to establish such a district corresponding to their Southeast Neighborhood Master Plan. DelDOT and Office of State Planning Coordination staff met with City staff in this regard on May 26. DelDOT looks forward to working with the City to create and operate the district.

The 2011 Master Plan provides a good starting point from which to work but it will need to be updated to reflect changes in land use that have occurred since then. One notable change is that the hospital previously planned east of Delaware Route 1 is now being built west of Route 1 where a shopping center was previously planned.

A necessary step early in the creation of the district (See particularly Section 2.4.2.7.) is to include in the Comprehensive Plan a statement that the City wants to create the district and a map showing where they want to create it.

The Development Coordination Manual is available at http://www.deldot.gov/information/business/subdivisions/changes/pdfs/Development_Co

[ordination Manual-Chapter_2.pdf?041116](#). The City may contact me with questions not addressed in the Manual.

Suggestions

- On page 57, under Local Issues, the Plan references DelDOT's 2002 Statewide Long Range Transportation Plan (SLRTP, mentioned again on page 60) and, while some text is missing, it appears to reference the 2004 Strategies for State Policies and Spending (SSPS). The current SLRTP is dated 2010 and is available at http://www.deldot.gov/information/pubs_forms/delrtp/delrtp_102510.pdf, although we have begun work on an update. More information on this plan is available from Ms. Liudmila Robinson, who can be reached at (302) 760-2458. The current SSPS are dated 2015.
- On page 59, under Greater Milford Area Issues, the Plan mentions two problem intersections, Delaware Routes 14 and 15 on the west and Delaware Route 1 and Wilkins Road on the east. DelDOT has since completed at-grade intersection improvements at Delaware Routes 14 and 15 and a grade-separated interchange at Delaware Route 1 and Wilkins Road.
- Again on page 59 under Greater Milford Area Issues, the Plan mentions that the US 113 North/South Study "focused on both corridor preservation and a bypass alignment in the vicinity of Milford" and expands on that statement on pages 60 and 77. While the text of the Plan is accurate, it does not reflect the events of the last nine years.

On July 1, 2007, the General Assembly passed Senate Bill 155, the Fiscal Year 2008 Bond Bill. The epilogue language of the bill states that DelDOT "shall be prohibited from proceeding with the US 113 South/North Improvements Project in the Lincoln and Milford area as proposed in the Department's Capital Transportation Program" and that the Department should "continue to work to achieve local consensus for an acceptable alignment corridor for the Milford/Lincoln project area."

After further analysis and consultation with local leaders, Secretary Wicks informed the General Assembly on January 23, 2008 that "there is no community consensus for a compromise alternative. Therefore, DelDOT will not be continuing the US 113 North/South Study in the Milford/Lincoln Area."

While the US 113 North/South Study moves ahead in Ellendale, Georgetown, Millsboro, Dagsboro, Frankford and Selbyville, no progress has been made in the Milford Area since July 2007 and no work is currently underway in the Milford/Lincoln Area.

- On page 61, under Greater Milford Area Issues, the paragraph about the four Neighborhoods should be updated to reflect the development of the Southeast Neighborhood Master Plan.

- Again on page 61 under Greater Milford Area Issues, the paragraphs discussing interchanges on Delaware Route 1 should be updated to reflect completed, active and planned construction. We provide the following table for the City’s use in that regard. More information on these and other projects in the Route 1 corridor is available at <http://www.deldot.gov/information/projects/sr1/>.

Location	Status	Expected Completion
Thompsonville	Under construction	Winter 2016
NE 10th Street/NE Front Street Interim Improvements	Cancelled	Cancelled
NE Front Street	Rights-of-Way being acquired	Fall 2019
Delaware Route 30	Completed	Summer 2014

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

The Department envisions a Delaware that offers a healthy environment where people embrace a commitment to the protection, enhancement and enjoyment of the environment in their daily lives; where Delawareans’ stewardship of natural resources ensures the sustainability of these resources for the appreciation and enjoyment of future generations; and where people recognize that a healthy environment and a strong economy support one another.

DNREC’s intent is to offer recommendations to improve conservation and protection of the City’s resources and 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 City in a collaborative manner to discuss these recommendations and possible future ordinances.

Recommendations for Comprehensive Plan Revisions

- Page 19, Redevelopment. Brownfields are real property that may be vacant, abandoned or underutilized as a result of a reasonably-held belief that they may be environmentally contaminated (7 Del.C., § 9103(3)). Productive use of these idle properties provides “new” areas for economic development, primarily in former industrial/urban areas with existing utilities, roads and other infrastructure. DNREC encourages the development of Brownfields and can provide grant funding and other assistance when investigating and remediating Brownfield sites.
- The Delaware Brownfields Marketplace is an interactive database that contains a list of market-ready Brownfield sites throughout Delaware. The inventory is designed to make it easier for potential buyers and developers to locate available Brownfield properties. Cleaning up and reinvesting in these properties protects the environment, reduces blight,

and helps to create jobs for Delaware citizens, while preserving Delaware's precious green space and natural resources.

To add sites to the Marketplace (with owner approval) or to determine if any sites in Milford are Brownfields, please contact Melissa Leckie at DNREC's Site Investigation and Restoration Section at (302) 395-2600 or by e-mail at Melissa.Leckie@state.de.us. For more information online, please visit: <http://apps.dnrec.state.de.us/BFExt/BFExtMain.aspx>

Recommendation: If any future development occurs on sites with previous manufacturing, industrial, or agricultural use, SIRS strongly recommends that the land owner(s) perform environmental due diligence of the property by performing a Phase I Environmental Site Assessment (*including a title search to identify environmental covenants*) in accordance with Section 9105(c) (2) of the Delaware Hazardous Substance Cleanup Act (HSCA). While this is not a requirement under HSCA, it is good business practice and failure to do so will prevent a person from being able to qualify for a potential affirmative defense under Section 9105(c) (2) of HSCA.

- Pages 50-53, Water System/Supply/Treatment/Storage/Improvements. Have you given any consideration to water allocation projections based on population/employment projections? What is the status of your proposed water system improvements?
- Pages 53-56, Sanitary Sewer System/Wastewater System Operations/Sewer Facilities Upgrades. Have you discussed the capacity of the County's Wastewater Treatment System with Kent County? Can it accommodate Milford's plans for growth and development (population/employment projections)? What is the status of the sewer facility upgrades required for growth areas?
- Page 66, Groundwater Resources.

Recommendation: Combine this section with the section on Source-Water Protection (pages 71-72), add a map on source water protection areas, and move to the section on water supply (pages 50-52).

- Pages 67-68, Flood History. Rather than focus on flooding *history*, consider focusing on flood *management*:
- The Department recommends that the City of Milford incorporate a requirement for a stormwater review into the City's preliminary approval requirements for new development requests. The *Delaware Sediment and Stormwater Regulations* have been revised and became effective January 1, 2014. A three-step plan review process is now prescribed in the regulations:
 1. Submit a Stormwater Assessment Study for the project limits of disturbance and hold a project application meeting with the reviewing delegated agency,

2. Submit stormwater calculations, and
 3. Submit construction drawings
- Following the project application meeting, a Stormwater Assessment Report will be completed by the reviewing agency and the developer and forwarded to the City. This Stormwater Assessment Report will rate the anticipated engineering effort necessary to overcome certain stormwater assessment items such as soils, drainage outlets, and impervious cover. The Sediment and Stormwater Program recommends that the City consider the ratings from the Stormwater Assessment Report in making a decision to issue preliminary approval for any development request. Further, the Sediment and Stormwater Program recommends that the City incorporate the Stormwater Assessment Report as a required element when a plan is submitted to the City's preliminary plan approval process.
 - The revised *Delaware Sediment and Stormwater Regulations*, effective January 1, 2014, have a goal of reducing stormwater runoff for rainfall events up to the equivalent one-year storm, 2.7 inches of rainfall in 24 hours. Runoff reduction encourages runoff to infiltrate back into the soil as in the natural pre-development system and results in pollutant removal and stream protection. Best management practices (BMPs) that encourage infiltration or reuse of runoff, such as porous pavements, rain gardens, rain barrels and cisterns, green roofs, open vegetated swales, and infiltration systems should be allowed for new development sites within the City. Furthermore, limiting land disturbance on new development projects and limiting impervious surfaces by allowing narrower street widths, reducing parking requirements, and allowing pervious sidewalk materials will be necessary to help achieve the runoff reduction goals in the revised regulations.
 - Page 72-73, Environmental Plan. The Department would like to work with the City to elaborate and strengthen this section of the Plan. For example, the Species Conservation and Research Program offers to provide guidance in developing preservation corridor setback requirements for new development and developing riparian buffer standards which would be offered as an alternative to setback or other screening requirements.
 - Page 78, Parks and Open Space/Recreation. In August of 2011, the Delaware Division of Parks and Recreation conducted a telephone survey of Delaware residents to gather information and trends on outdoor recreation patterns and preferences as well as other information on their landscape perception. These findings are the foundation of the 2013-2018 Statewide Comprehensive Outdoor Recreation Plan (SCORP) providing guidance for investments in needed outdoor recreation facilities and needs within county and municipal comprehensive plans. For the purpose of refining data and research findings, Delaware was divided into five planning regions. The City of Milford is located within two SCORP Planning Regions: 3 (Kent) and 5 (Sussex).
 - When looking at the findings from the 2011 telephone survey, it is apparent that Delawareans place a high importance on outdoor recreation. Statewide, 93% of

Delaware residents indicated that outdoor recreation had some importance in their lives, while 67% said it was very important to them personally. These findings are very close to the results of the same question asked in the 2008 public opinion telephone survey, indicating a continued demand for outdoor recreation opportunities throughout the State.

Outdoor Recreation Needs/Priorities

Based on the public opinion survey, the most needed outdoor recreation facilities in Milford include:

Region 3 (Kent)

High Priorities

- Walking/Jogging Paths
- Swimming Pools
- Bike Paths
- Fishing Areas
- Playgrounds
- Community Gardens
- Picnic Areas
- Off Leash Dog Areas

Moderate Priorities

- Hiking Trails
- Camping Areas
- Ball Fields
- Basketball Courts
- Football Fields
- Public Golf Courses
- Soccer Fields
- Boat Access
- Canoe/Kayak Access
- Tennis Courts

Region 5 (Sussex)

High Priorities

- Walking/Jogging Paths
- Bike Paths
- Swimming Pools
- Community Gardens
- Fishing Access

- Off Leash Dog Areas
- Picnic Areas
- Basketball Courts
- Playgrounds

Medium Priorities

- Hiking Trails
- Boat Access
- Canoe/Kayak Launches
- Camping Areas
- Ball Fields
- Football Fields
- Public Golf Courses
- Soccer Fields
- Tennis Courts

Recommendation: The City of Milford is encouraged to work toward incorporating and/or continuing to offer some of these opportunities in the development of their Comprehensive Plan.

- In anticipation of the larger Blueway, the boat dock located at the Police Station will be reconstructed and expanded as part of the DNREC Boat Launch project. The Boat Launch has been designed to be handicapped-accessible and to include use by kayak enthusiasts. In addition, kayak trails are being investigated in the tidal reaches of the River, from Bicentennial Park to Goat Island and hence northeast to the mouth of the Mispillion. Deep Creek, which flows from Sussex County to the River near Beaver Dam Road, is also being considered at this time.

Recommendation: Deep Branch is characterized by a number of Key Wildlife Habitats, either large wetland complexes or freshwater tidal forested scrub shrub wetlands, so we would recommend that any construction for kayaking be minimally disturbing. Additionally, the potential for increased kayaking on Deep Creek may facilitate increased access to sensitive wetland habitat that would be otherwise inaccessible. Milford should consider installing signage at the boat launch that cautions boaters not to land at unauthorized locations.

- Page 91, Open Space and Proposed Open Space. What is the status of TDRs, Conservation Easements, and purchases of land? Large wetland complexes within the Proposed Open Space areas (Figure 10, Future Land Use) are Key Wildlife Habitats and should be kept intact and preserved for wildlife.

Tub Mill Pond.

- Tub Mill Pond, a state-owned pond, has a number of documented State-rare plants. Given their sensitivity to water quality fluctuations, we would like to see appropriate

buffers in areas proposed for high and low density residential (Figure 10, Future Land Use).

Preparing for a Changing Climate.

- Sea level rise is one of several climate change impacts that can affect communities, the others being variable precipitation and increasing temperatures. Together, precipitation and accelerated sea level rise contribute to increased flooding. The Climate Framework for Delaware recommends that DNREC, through the Division of Energy and Climate, provide technical support to local governments, in coordination with the Office of State Planning Coordination (OSPC), to enhance focus on climate impacts (including the reduction of greenhouse gas emissions) and long-term sustainability (through adaptation and mitigation) in the comprehensive plan and in implementing ordinances. With that in mind, DNREC requests the opportunity to work with the City and their consultants to develop language for the comprehensive plan that addresses climate change impacts, as well as adaptation and mitigation strategies for the City to pursue through implementing ordinances.

Delaware Sea Level Rise Advisory Committee.

- To adapt to sea level rise the Delaware Sea Level Rise Advisory Committee published the Preparing for Tomorrow's High Tide: Recommendations for Adapting to Sea Level Rise in Delaware, (September 2013)
<http://www.dnrec.delaware.gov/coastal/Documents/SeaLevelRise/FinalAdaptationPlanasPublished.pdf>

The release of the International Panel on Climate Change (IPCC) Fifth Assessment Report (AR5) in 2013 and the NOAA National Climate Assessment indicates that the rate of sea level rise is likely to increase. Executive Order Number Forty-One "Preparing Delaware for Emerging Climate Impacts and Seizing Economic Opportunities from Reducing Emissions" was signed on September 12, 2013.

The Delaware Geological Survey will review recent scientific literature and assessments of sea-level change in Delaware and identify appropriate scenarios to use for planning purposes throughout the state. This project will also develop new inundation maps along Delaware's coast that correspond to the identified projections. It is not clear if this project will be completed in time for the City's new plan but it should be helpful for the City of Milford to have the information when it is available.

<http://www.dgs.udel.edu/projects/determination-future-sea-level-rise-planning-scenarios-delaware>

Resilient Community Partnership.

- The Delaware Coastal Programs (DCP) intends to repeat implementation of its "Resilient Community Partnership" program to assist a community with improving its resilience to hazardous weather and climate change. Resilience planning improves a community's

capacity to prepare for and recover from coastal and inland flooding, erosion, sea level rise and other impacts.

Through the partnership, DCP offers direct staff support, policy expertise, technical assistance and funding to help a community through the resilience planning process. Recognizing communities may just be starting the process or several steps along the way, the DCP will provide the support necessary to further a community's efforts through the stages of assessment, planning and implementation.

If you have questions or would like additional information about the partnership, please contact the Delaware Coastal Programs at (302) 739-9283 to speak with (or email) Danielle Swallow or Dr. Bob Scarborough.

Sea Level Rise Inundation Maps.

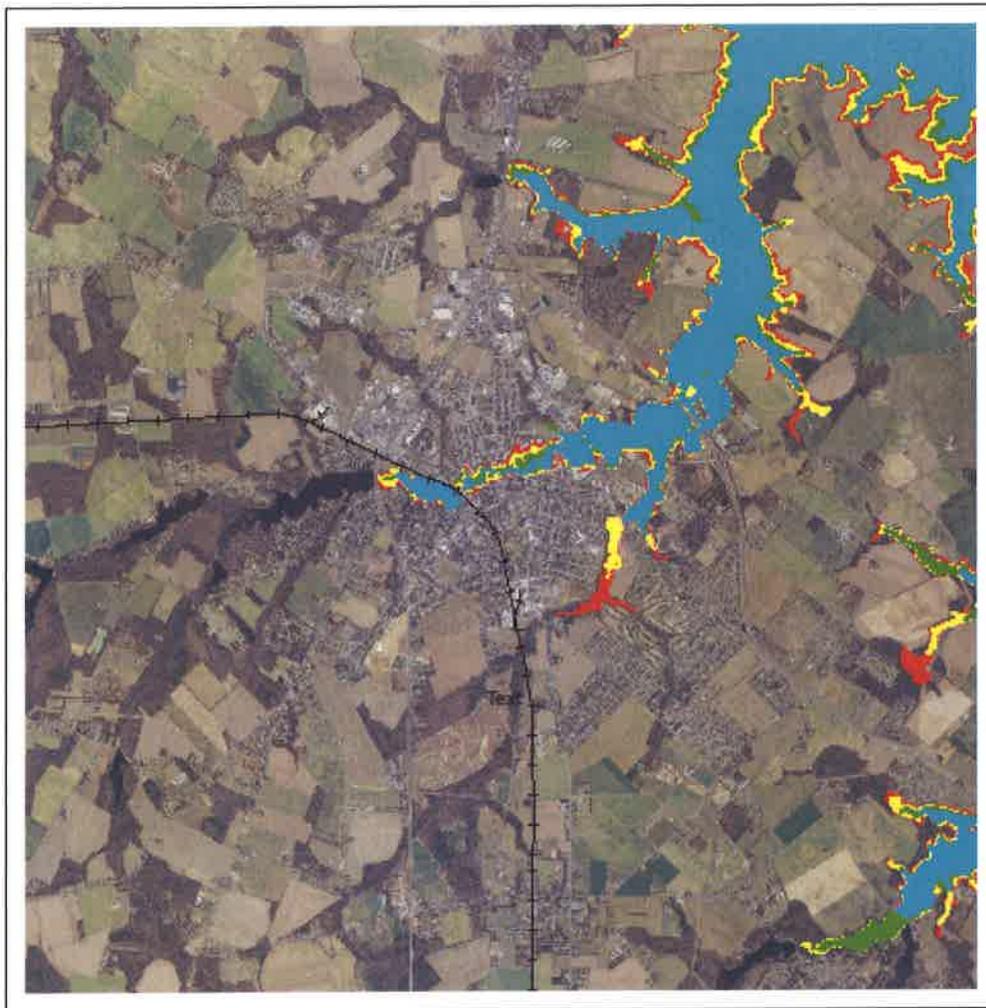
- Portions of the City of Milford and its surroundings will be subject to direct and permanent inundation from sea level rise. For more information on the Sea Level Rise Inundation Maps please see: (<http://www.dnrec.delaware.gov/Pages/SLRMaps.aspx>).

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:

1. The City should consider additional land use controls for the areas subject to 1.5 meter of sea level rise.
2. 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.
3. 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.



City of Milford Delaware Projected Sea Level Rise, May 2016

Legend

-  Current MHHW
-  0.5 meters SLR
-  1.0 meters SLR
-  1.5 meters SLR

0 0.5 1 2 Miles



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://www.dnrec.delaware.gov/coastal/Pages/DESLRAdvisoryCommittee.aspx>.

Air Quality.

- Sussex County, Delaware is classified as non-attainment for not meeting federal and state 8-hour ozone standards. With an “inclination of “retirees” and first generation “Baby Boomers” locating to Milford from Northern States,” Milford boasts a growing population of elderly residents (page 28) and is home to approximately 1,682 children (page 31). These two demographics, as well as those with respiratory illness, are considered the most at-risk due to the potentially harmful effects of emissions.

In addition, the City of Milford is encouraged to implement transportation alternatives and land use measures that will substantially enhance air quality and reduce air emissions. The DNREC commends Milford’s efforts to provide financial incentives that encourage residents to purchase housing in multi-use development communities through their Live Near Your Work program (pg. 24). DNREC also supports solutions that provide tie-ins to the nearest bike paths and links to any nearby mass transport systems including parks, public and cultural facilities and residential neighborhoods. It is recommended that all sidewalks and curb conditions in historical areas that are deteriorating be replaced as soon as funds become available to provide multi-modal transit options and connectivity (page 57). The continuation of Milford’s anti-sprawl initiatives is also highly encouraged (page 33).

DNREC advises that the City of Milford to continue its air pollution mitigation strategies by monitoring and considering the effects of large industry impacts on air quality levels. One such example is the expansion of Milford’s number one economic supplier, Purdue Incorporated’s facility to accommodate an additional 12,000 square foot area (page 17).

There are additional measures that can be implemented to reduce the impact of growth and development on air quality in Milford. The City should submit a plan to the DNREC Division of Air Quality (DAQ) that details all of the specific emission mitigation measures that will be incorporated into the Milford Comprehensive Plan. The Division of Air Quality point of contact is Lauren DeVore, and she can be reached at lauren.devore@state.de.us or at (302)739-9437.

Recommendations for Ordinances and Plan Implementation

- **Wetlands Delineations:**

Recommendation: Require all development/redevelopment project applicants to submit to the City a copy of the development site plan showing the extent of State-regulated wetlands (as depicted by the State Wetland Regulatory Maps), and a United States Army Corps of Engineers (USACE) approved wetlands delineation as conditional approval for any new commercial and/or residential development. Additionally, the site plan should depict all streams and ditches which are jurisdictional pursuant to the Subaqueous Act (7 Del. C., Chapter 72) as determined by DNREC.

- **Freshwater Wetlands Protections:**

Recommendation: Implement regulations to protect freshwater wetlands where regulatory gaps exist (i.e., isolated wetlands and headwater wetlands).

- **100 Foot Upland Buffer:** Based on a review of existing buffer research by Castelle et al. (Castelle, A. J., A. W. Johnson and C. Conolly. 1994. *Wetland and Stream Buffer Requirements – A Review*. J. Environ. Qual. 23: 878-882.), an adequately-sized buffer that effectively protects water quality in wetlands and streams, in most circumstances, is about 100 feet in width. In recognition of this research and the need to protect water quality, the Watershed Assessment Section recommends that the applicant maintain/establish a minimum 100-foot upland buffer (planted in native vegetation) from all water bodies (including ditches) and wetlands.

Recommendation: Require a 100-foot upland buffer width from all delineated wetlands (approved by the USACE and DNREC) or water bodies (including ditches).

- **Impervious Surface Mitigation Plan:**

Recommendation: Require the calculation for surface imperviousness (for both commercial and residential development) take in to account all constructed forms of surface imperviousness - including all paved surfaces (roads, parking lots, and sidewalks), rooftops, and open-water storm water management structures.

Recommendation: To encourage compact development and redevelopment in the City's central business area, require an impervious surface mitigation plan for all residential and commercial developments outside the central business area exceeding 20% imperviousness, or at least in excellent recharge areas outside the central business area. The impervious surface mitigation plan should demonstrate that the impervious cover in excess of 20% will not impact ground water recharge, surface water hydrology, and/or water quality of the site and/or adjacent properties. If impacts to groundwater recharge, surface water hydrology will occur, the plan should then demonstrate how these impacts will be mitigated. If the impacts cannot be mitigated, the site plan should then be modified to reduce the impacts from impervious cover.

- **Poorly Drained (Hydric) Soils:**

Recommendation: Prohibit development on poorly or very poorly-drained (hydric) soils. Building in such areas predictably leads to flooding and drainage concerns from property owners, as well as significant expense for them and, often, taxpayers. Proof or evidence of hydric soils should be provided through the submission of the most recent NRCS soil survey mapping of the parcel, or through the submission of a field soil survey of the parcel by a licensed soil scientist.

- **Green Technology Stormwater Management:**

Recommendation: Require the applicant to use “green-technology” storm water management in lieu of “open-water” storm water management ponds whenever practicable.

- **Stormwater Utility:**

Recommendation: Explore the feasibility of a stormwater utility to fund upgrades to existing stormwater infrastructure. Upgrades to the stormwater system may reduce pollutant loads and help reach the established total maximum daily load for nitrogen, phosphorus, and bacteria. Reach out to Kent and Sussex Counties, the Conservation Districts, and the Delaware Clean Water Advisory Council as partners in funding stormwater retrofits.

- **Drainage Easements:**

Recommendation: The City should pursue drainage easements along waterways and storm drains where currently there is none.

Delaware State Housing Authority – Contact: Karen Horton 739-4263

- According to Title 22, Section 702 Del C., the City of Milford must include an Affordable Housing Plan that includes policies, statements, goals, and planning components which defines the city’s strategy for providing affordable housing for current and future residents.

Suggestions

DSHA offers the following information as the City prepares its Comprehensive Plan Update:

- Incorporate demographic trends into the Housing Analysis. A growing body of research indicates that Delaware, like the rest of the nation, is in the midst of a significant market shift. 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 entry level homes.

In addition, many families did not recover from the national economic crisis unscathed. Many families lost their homes, or suffered significant credit damage making it difficult to return quickly to homeownership. As households reverted from ownership to renting, or postponed purchasing a home, both nationally and in Delaware the last decade marked the highest growth in renter households in the last 60 years. This trend is only expected

to continue according to the *2015-2020 Statewide Housing Needs Assessment* (<http://www.destatehousing.com/FormsAndInformation/needs.php>) completed by TRF and GCR, Inc. for the State of Delaware. In addition, market rents are not affordable to many of the workers within the State's key industries, notably retail, tourism, healthcare and construction. The Assessment also indicates that almost half of all renters and one-third of homeowners are cost-burdened, or living in overcrowded or substandard housing. These stressors are compounded for persons with disabilities and other vulnerable households. At the same time, development is more complex than ever, resources to reduce costs remain scarce, and bridging affordability gaps using existing programs is a perpetual challenge.

All of these factors indicate that it is *critical* that communities *proactively* provide a variety of housing options to meet the needs of their residents.

In addition to the *2015-2020 Statewide Housing Needs Assessment*, the following housing information is available to help form the City's housing analysis:

- Sussex County Housing Fact Sheet - as of April 2016
(http://www.destatehousing.com/FormsAndInformation/datastatmedia/ds_sussex_fs.pdf)
- Delaware Affordability Gap Chart - by county and available by year from 2006 to present (<http://www.destatehousing.com/FormsAndInformation/affordgap.php>)
- DSHA encourages municipalities receiving federal funds for housing to be aware of their Civil Rights obligations at the U.S. Department of Housing and Urban Development (HUD). Specifically, federal fund recipients are obligated to Affirmatively Further Fair Housing (AFFH) by taking proactive steps to promote racially, ethnically, and socioeconomically diverse communities. To assist with this obligation, in July 2011, DSHA collaborated with the Cities of Wilmington and Dover, and New Castle County to conduct the *Statewide Analysis of Impediments to Fair Housing Choice*. (<http://www.destatehousing.com/FormsAndInformation/pubs.php>). The Analysis contains several recommendations for local jurisdictions. These include the following:
 - County and local government entities throughout the State of Delaware should reduce and/or waive their respective sewer, water, and/or public facilities and services impact fees for area developers and non-profit organizations seeking to build affordable housing units, both renter and owner units.
 - Amend the City of Milford's zoning ordinance to include a more modern definition for the term "family."
 - Ease zoning and other regulatory barriers to affordable rental housing for families.
 - Incentivize the development of mixed-income housing in non-impacted areas.
 - *Because of its' very low homeownership rate and high percentage of subsidized rental units, DSHA has identified **Census Tract 425** as a severely impacted area and discourages further rental in this area and instead encourages homeownership.*
 - Area localities should encourage members of appointed boards and commissions, elected officials, real estate agents, and municipal and county staff that deal with housing, community development, zoning, and code enforcement issues to attend an annual fair housing training.

- DSHA offers technical assistance to the City in reviewing tools and strategies to increase affordable housing opportunities within the City.
- DSHA has developed a website, **Affordable Housing Resource Center**, to learn about resources and tools to help create housing for households earning 100% of median income or below. Our website can be found at: www.destatehousing.com "Affordable Housing Resource Center" under Other Programs.

If you have questions or would like more information on the above recommendations, please feel free to call me at (302) 739-4263 ext. 251 or via e-mail at karenh@destatehousing.com.

Department of Agriculture – Contact: Scott Blaier698-4532

- The department would like to compliment the city on a well-written comprehensive plan update. The department is still in support of the 2011 Milford Southeast Master Plan (Appendix A) and its recommendations, and encourages the city to make it an integral part of its future planning efforts.
- The department continues to support the city's efforts with regard to the transfer of development rights whenever possible, as discussed on page 91 of the plan.
- The department is also in support of the plan's mention of economic development as it pertains to agriculture on page 93 (Objectives 1.1 and 1.2). The department is also supports Objective 3.1 under (3. Environment, Page 105).

Appendix B Maps and Exhibits

- Please make sure the city's maps are up to date with the latest parcels enrolled in the state's Agricultural Lands Preservation Program. The latest layer can be requested through the department's GIS specialist, Jimmy Kroon (302) 698-4530 or Jimmy.Kroon@state.de.us.
- In reviewing the maps presented as Figures 10 and 10E, several parcels enrolled in the Agricultural Lands Preservation Program are designated as "Proposed Open Space" or "Open Space" (330-7.00-74.00, 330-12.00-1.02, 330-7.00-4.00, and 330-7.00-5.00). Although these parcels can indeed serve that purpose by remaining undeveloped, the department requests they be designated individually as "preserved farmland" by color code, and in the legend.

Since this was a Pre-update meeting for your plan update, we will need to see the completed document at a regular PLUS meeting once your Planning Commission has approved the draft plan for public review. Thank you for the opportunity to review this document. The State agencies and I look forward to working with you during the update process. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in blue ink, appearing to read "Constance C. Holland". The signature is fluid and cursive, with the first name being the most prominent.

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

CC: Kent County
Sussex County