



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

August 25, 2017

Mr. Rob Pierce
City of Milford
119 S. Walnut St.
Milford, DE 19963

RE: PLUS review 2017-07-08; City of Milford Comprehensive Plan

Dear Rob:

Thank you for meeting with State agency planners on July 26, 2017 to discuss Milford's comprehensive plan. State agencies have reviewed the documents submitted and offer the following comments. 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 Comments: These comments must be addressed in order for our office to consider the plan update consistent with the requirements of Title 22, § 702 and Title 29, § 9103 of the Del. Code.

- Document via letter or email that the plan has been reviewed by Kent County and Sussex County, and any comments or recommendations they note have been addressed.
- Page 8, Section 1-1 – The Office of State Planning Coordination does not certify comprehensive plans. Plans are certified by the Governor. Please amend this section.
- Page 8, Section 1-1 – There is an incorrect reference to the Delaware Code. Comprehensive plan requirements for municipalities are in Title 22, Chapter 7. Also, the requirement is that the plans be at least reviewed every five years and updated every 10 years. Please amend the text.
- Articulate the City's position on population growth. Chapter 3 provides detailed data and population projections, and the "Summary of Key Findings" on page 36 includes some statements and ideas for policies. But the City's policy position on population growth is not clearly articulated.

- Page 95, there is language which states that future land use designations are not strictly literal, and that community scale commercial may be allowed in areas shown as residential. As written, this seems to indicate that the City does not need to abide by future land use when making zoning decisions. If this is the case, then the plan does not meet the requirements of Del. C. because the future land use is to be the basis for developing zoning ordinances and maps that implement the plan. Please clarify what is meant here, and demonstrate that the plan meets this basic requirement of Del. C.
- Section 10-6, pages 101-102. The annexation text describes the City's intention to preserve open space E of Rt. 1 inside the UGB, but then in the next paragraph states that "The UGB is an area in which urban services will be provided. . ." Presumably urban services will not be provided in preserved open space. Please clarify this section.
- Page 40-41, please be aware that DNREC's water section is reviewing the City's water allocation. There may be additional issues that become a certification issue. Please reserve a section in the plan for such issues.
- Page 42, please be aware that no comments were available for source water protection at the time this letter was issued. Comments may be forthcoming. Please reserve a section in the plan for such issues.

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

The Office of State Planning Coordination would like to commend the City of Milford for holding a very inclusive planning process, and creating a very detailed and thoughtful plan document that reflects the community's character and addresses the City's needs as it grows. Each plan chapter and element was carefully drafted and clearly represented community input as well as operational considerations that will allow for implementation by the City and other partners. The format of this plan is streamlined when compared to the 2008 plan, resulting in a document that is easier to read. The integration of climate change resiliency throughout the plan elements is noteworthy in that it is much easier to see the steps that the City and the development community can take to prepare for a changing climate. Overall the plan's balance of open space preservation, economic development, and quality of life will serve the City well as it grows in the next decade and beyond.

The following recommendations are intended to help clarify and strengthen the plan document.

- As the plan is formatted, each section has "Goals" which are policy statements / aspirations and "Objectives" which are actionable steps the City intends to take to achieve the Goals.

- Objectives are only provided some of the Goals. Objectives should be provided for each Goal. Why have a Goal if the City does not intend to work towards achieving it?
- Some of the Objectives are written in such general terms that they don't identify what is to happen to achieve the goal. Objectives should be actionable and measurable.
- Throughout the text there are items that should be tied to Goals and Objectives, but are not. Review the text and add Goals and Objectives as necessary.
 - Example: the text of the water supply chapter identifies a shortfall in water allocation, and indicates that the City is "working with DNREC." This should be translated into a Goal to "obtain an adequate water allocation to supply future growth" and an Objective to "obtain the proper water allocation permits from DNREC in advance of growth and increased water demand."
- It is not recommended that the zoning map be included in the comprehensive plan. The zoning map and ordinance implement the comprehensive plan, they need not be a part of it. The plan is a ten year document, and zoning and other land use regulations may need to be amended and updated within that time period in order to implement the plan and respond to changing conditions. Because the comprehensive plan has the force of law, a plan amendment (PLUS review, PC, Council action) may be required every time there is a rezoning. Please discuss this with the City Solicitor.
- As currently written Chapter 10 confuses the role of zoning and land use. Starting at Section 10-4 it is recommended that the section on "Future Land Use Categories" be moved to the beginning, and that discussion of the "land use and zoning link" be simplified and placed after the future land use categories. The comprehensive plan and the future land use categories and map guide future development. The zoning ordinance and other land use regulations implement the plan
- The Future Land Use Maps have one commercial designation, Highway Commercial. It is recommended that this be changed to simply "Commercial" so that it is applicable in all commercial areas. For instance, "Highway Commercial" does not appear to be the proper designation for downtown in the DDD area.
- It is unusual that there is not an "Institutional" future land use category. Churches, schools, government buildings and the like all appear to be categorized as "Residential." Is this the intended future land use? If the use is institutional and is intended to remain so, it is recommended that it be categorized as such. Otherwise, the City is signaling that it intends all institutional uses be transitioned to residential uses over time.
- Pages 96 – 100, Section 10-4 – The use of the land use and zoning table may not provide the City with the desired flexibility to implement the plan over the next decade. When discussing the land use and zoning link, it is recommended that a disclaimer be added that reserves the City's right to create new zoning districts or modify existing districts as

needed in order to implement the comprehensive plan. As such, appropriate zoning districts for each land use category would not be limited to those shown on Table 28.

- Here is an example of plan text from the Camden 2014 Plan Amendment for your reference:

“Table 2013-4 shows the relationship between the future land use designations depicted on the future land use map and the zoning districts summarized in Table 2013-3. This table describes how Camden’s zoning districts might match up with the land uses recommended on the future land use map. These match ups are intended as guidance for the Town Council to consider during the rezoning process. They are not intended to preclude the development of new zoning districts or revisions to the zoning ordinance, the subdivision ordinance, or any other land use regulations.”

- Page 104, Chapter 11 – It is recommended that the City review the Objectives and develop a short, medium and long term work plan to implement the comprehensive plan. What projects will the City initiate in the first year? What should be done within five years, and in ten?

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- In the list of City, County and State Officials, note that the County Administrator is a member of the American Institute of Certified Planners (AICP).
- On page 52, in Section 6-1, in the first paragraph, consider amending the third sentence to read “However, the State has made significant investments in a series of trails and paths within major population and employment centers.” While there are exceptions, most of our investments in bicycle and pedestrian projects have been within developed areas, rather than linking developed areas.
- On page 54, in Section 6-2a, the location of Automated Traffic Recorder (ATR) #8062 is described incorrectly, apparently due to an error on a map in DelDOT’s Vehicle Volume Summary Manual. The ATR is on US 113 immediately south of that road’s confluence with Delaware Route 1.
- On page 58, in Section 6-4, there are references to a “Corridor Capacity Preservation Study” that more properly should be references to the “Corridor Capacity Preservation Program (CCPP).” There were initial studies that DelDOT has since updated but this effort is an ongoing DelDOT program. While the discussion in the Plan seems adequate, more information on the CCPP is available from DelDOT’s CCPP manager, Mr. Tom Felice. He can be reached at (302) 760-2338 or Tom.Felice@state.de.us.
- On pages 56 and 59, and perhaps elsewhere in the Plan, there are references to “City representatives” and “The City” having concerns and reporting things to the author(s) of the Plan. While DelDOT appreciates that the University of Delaware is assisting the City

with the Plan, ultimately it is the City that will adopt the document as theirs and the document should be written from that perspective.

- On page 60, in the paragraph on Transportation Resiliency, there are two statements that DelDOT believes warrant further discussion in the Plan. First, the Plan states that 3.5 miles of roads are vulnerable to inundation in the FEMA designated floodplain. For the reader's convenience, DelDOT recommends that the Plan include a list of those road segments.

Second, the Plan states that DEMA-designated evacuation routes are "likely to be impassable due to inundation." As written, the statement is vague and alarmist. If the City wants to keep it in the Plan, DelDOT recommends that they include more information that would give that reader a better idea of the circumstances under which that inundation might occur. As necessary, Dr. Silvana Croope, Ph.D., DelDOT's Sustainability Strategist, may be contacted for assistance in quantifying the risk to the evacuation routes. Dr. Croope can be reached at (302) 760-2708 or Silvana.Croope@state.de.us.

- Again on page 60, in the section regarding the Transportation Improvement District (TID) there is a reference to "traffic improvement studies," where it appears that "Traffic Impact Studies" was intended.

Perhaps more importantly, the statement that "DelDOT staff...requires only an affirmative statement of intent in an adopted comprehensive plan (this document) and a map detailing the proposed TID's boundaries," could mislead a casual reader. While these requirements do appear in Section 2.4.2.7 of DelDOT's Development Coordination Manual, and are things that DelDOT requires as preconditions for entering a TID Agreement, the City should be aware that a significant effort on their part will be necessary to create and operate a TID in partnership with DelDOT.

- On page 61, there is an Objective "Collaborate with DelDOT to investigate an east-west transportation solution between Route 113 and the new Bayhealth Health Campus." DelDOT recommends that supporting text be added to the Plan, explaining what is meant and why it is important. If "an east-west transportation solution" means improvements to Johnson Road and Wilkens Road, DelDOT is committed to managing these roads as they are to managing all State-maintained roads and will consider the need for improvements as it arises. The planning effort associated with the TID for the Southeast Master Plan should be helpful in this regard.

If it means adding through lanes to these roads or building new roads in that general corridor, DelDOT believes such an effort would be subject to the same lack of consensus that stopped them from proceeding with the US 113 North/South Improvements Project in the Lincoln and Milford area in 2008. Complicating that effort, ongoing development in the area in the nine years since then has created further constraints on what can be done in that regard.

State Historic Preservation Office – Contact: Terrence Burns 302-736-7404

- The City should build on their preservation efforts, regarding the Certified Local Government (CLG) Program. Local governments that recognize the importance of historic preservation, are encouraged to pursue Certified Local Government (CLG) status. This program strengthens preservation efforts, by providing technical and financial assistance, while encouraging preservation programs and practices. (As part of the nationwide CLG Program, Delaware's CLG Program is administered by the Delaware State Historic Preservation Office, in partnership with the National Park Service).
- The City of Milford has a large area on the Sussex County side which may now be eligible and could be included in an expanded National Register historic district. The City should consider an updated survey and a possible expansion of the district. Our office would be happy to provide technical assistance for this effort; if interested, please contact Madeline Dunn (302-736-7417), National Register Coordinator.

State Housing Authority – Contact: Karen Horton 739-4263

- DSHA has no objections and supports the City's goals and objectives as they relate to housing. The City critically examined the range of housing challenges facing their community and developed integrated strategies to encourage compatible, resilient, connected development and redevelopment that represents a variety of housing types.
- DSHA also supports the public participation process used to engage all residents of Milford, including those who do not speak English as a primary language, in participating in the Comprehensive Plan update.
- We take this opportunity to advise that the DSHA *Live Near Your Work* program listed on page 64 is no longer active.
- The plan proposes that a master plan be conducted for the City's northeast area (which encompasses most of Census Tract 425) to more fully explore development capacity, preferred land uses, and engage the community to solicit consensus. DSHA shares the City's interest in this area as we have identified census tract 425 as being distressed due to its' very low homeownership rate and high percentage of subsidized rental units. DSHA would welcome the opportunity to participate in the master plan process.

If you have any questions, please feel free to call me at (302) 739-4263 or via e-mail at karenh@destatehousing.com. Thank you.

Department of Agriculture – Contact: Scott Blaier 698-4532

- The Department of Agriculture (DDA) would like to congratulate the city on a well-written comprehensive plan update. DDA appreciates the city's attention, discussion, and support of agriculture and farmland preservation throughout the plan (i.e. page 16 Natural

Resources and page 83 Agricultural Open Space). Please consider the following suggestions and comments.

Page 83 (9-5. Agricultural Open Space)

- Please note that parcels smaller than 200 acres are also eligible for the Agricultural Lands Preservation Program. Smaller parcels can enroll in the program by “expanding” off existing 200 acre districts if they are located within 3 miles of the district. All farm parcels in the state located below the C&D Canal are within 3 miles of an established district, and therefore eligible to participate in the program based on that criterion.
- Please note that landowners do not have to wait for 10 years (as a district or expansion) to sell a preservation easement to the state. Landowners may sell their development rights as soon as 1 year after they enroll in the Agricultural Lands Preservation Program.

Page 93 (10-2d. Southeast Master Plan)

- The department continues to endorse and support the city’s SE Master Plan. At the city’s request, the department will continue consult with the city to “fine tune” and implement their TDR program.
- The department encourages the city to contact its Forestry Section (698-4578) to learn about urban forestry programs that may help it meet its tree canopy and green infrastructure goals.

The 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.

In the Plan’s Overall Community Vision and Goals (pp. 12-18), Milford is to be commended for identifying and discussing in more detail throughout the Plan the following: resiliency, high temperatures, green stormwater management practices, weatherization, energy efficiency, flooding, and climate change.

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

Recycling (p. 38).

- The Universal Recycling Law (7 Del. C. §6053) requires all waste service providers (including a municipality that uses contractors for service) to provide recycling collection to their residential customers (including multi-family settings). Municipalities that provide trash and recycling services can demonstrate some of the lowest prices in Delaware. Municipalities should plan for outreach/educational strategies for constituents, as well as continued implementation.
- Delaware Law (7 Del. C. §6053) and Regulations (7 Del. Admin. C. §1305) specify that the 'commercial sector' shall participate in a comprehensive recycling program. As such, all those involved with the planning of the commercial sector should give consideration to space for collection of recyclables that would be typically generated. For example, space for a recycling dumpster should be provided adjacent to each trash dumpster. The commercial sector includes all for-profit, not-for-profit, institutional, charitable, educational, health care, and government organizations.
- For more information or assistance related to recycling requirements, benefits, tools, and assistance, please call 302-739-9403.

Stormwater 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.

Economic Resiliency (p. 69).

- The Energy Efficiency Investment Fund is administered by DNREC's Division of Energy and Climate, not the Sustainable Energy Utility (SEU).

Water Resources (pp. 71-72).

- Recommend moving the sections on Drinking Water Sources (pp. 71-72) and Excellent Recharge Areas (p. 72) to the Section on Water Supply (pp. 40-42).

Wetlands and Buffers (p. 75).

- While we appreciate that riparian buffers are considered in the Comprehensive Plan, Milford could do more to improve their buffer requirements. The comprehensive plan indicates that in areas previously disturbed or developed, the code will only seek a 10-foot buffer. While larger buffers may not always be feasible in these areas, there are likely cases where there is space available to expand a buffer through plantings. Milford should consider incorporating language to encourage riparian buffer expansion in these areas, where feasible, so that these sites are not limited to 10-foot buffers.

Sea Level Rise.

- The Plan appears to have assessed Sea Level Rise issues and set goals. The Delaware Coastal Programs has resources that may assist the City of Milford in achieving its goals.

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](http://www.dnrec.delaware.gov/coastal/Documents/SeaLevelRise/FinalAdaptationPlanasPublished.pdf), (September 2013)
<http://www.dnrec.delaware.gov/coastal/Documents/SeaLevelRise/FinalAdaptationPlanasPublished.pdf>

Executive Order Number Forty-One

“Preparing Delaware for Emerging Climate Impacts and Seizing Economic Opportunities from Reducing Emissions” was signed on September 12, 2013.

<http://governor.delaware.gov/wp-content/uploads/sites/24/2016/12/EO041.pdf>

Determination of Future Sea-Level Rise Planning Scenarios

- 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. 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. 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.
- Typical eligible communities are any incorporated municipality or county within the State of Delaware. An unincorporated area may also apply with an expressed commitment by the county in which it is located to serve as a project sponsor and support its efforts throughout the process.
- 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.

Coastal Training Program

- The Delaware National Estuarine Research Reserve's Coastal Training Program is serving on the Steering Committee for the Delaware Resilient and Sustainable Communities League (RASCL). RASCL is made up of practitioners from across Delaware who interface with community decision makers in order to help them create more sustainable and resilient communities. Members include representatives from several DNREC Divisions, DelDOT, DEMA, Sea Grant, Delaware Geographic Survey, UD Institute for Public Administration, Delaware Center for Inland Bays, and the Office of State Planning Coordination.

For more information, please contact Kelly Valencik, the Coastal Training Program Coordinator at kelly.valencik@state.de.us or (302) 739-6377.

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.

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

Air Quality.

- The American Lung Association released its latest “State of the Air” report in February of this year. Although the air quality has somewhat improved in Sussex County, Sussex County as a whole still received a grade of “D.” Air quality remains a regional issue in Delaware. In addition, according to the comprehensive plan document, the City of Milford has “seen the smallest increase of all in school-aged children but the largest among seniors and children under 5 years old” (page 33). Both children under 5 years old and the elderly as well as those with pre-existing cardiopulmonary conditions such as those with asthma or emphysema are at an increased risk of experiencing negative health effects due to air pollution.
- DNREC was pleased to see that Milford has been taking steps to facilitate non-automotive travel options including the publishing of a robust bike plan in 2011 (page 54). The City of Milford is encouraged to continue its pursuit of multi-modal transportation options in the area including expanding its bicycle and pedestrian network. Another crucial component to driving the push from vehicle-centric travel to other modes is the availability of transit. The City of Milford is urged to coordinate with DART and the Delaware Transit Corporation to ensure adequate opportunities for transit are made available. DNREC is in full support of innovative technologies that allow real time tracking of transit including DelDOT’s “Where is My Bus?” tool. Technologies such as these ensure the efficiency of transit customer service and promote transit as a viable option for travel.
- DNREC also supports the City of Milford’s goal of promoting electric vehicle charging including dedicated parking areas for alternatively fueled vehicles (page 70). Implementing changes such as these will help to promote electricity as not merely a service but another fuel that will be readily available to commuter. DNREC encourages the continuation of telecommuting where possible and creative options that decrease vehicular travel and congestion such as Milford’s year round “Live Where you Work” program.

- In addition, DNREC was delighted to see the inclusion of enhancing the city's urban tree canopy listed as a goal in the "Natural Resources" portion of the document. According to the Delaware Forest Service, in 2014 the City of Milford had an urban tree canopy of 20.7%. DNREC supports the City of Milford's efforts to expand its existing urban tree canopy. Planting trees, particularly in parking areas, helps to reduce heat island effects while also trapping harmful particulate matter, which has the ability to be inhaled and has the potential to cause negative health effects.
- Other suggestions that DNREC would provide are finding creative solutions to alleviate the city's truck traffic issues through Northwest Front Street as well as parking problems but that does not dramatically increase impervious surface cover (page 59). One suggestion would be to use the minimal amount of parking spaces when possible and to also make parking spaces smaller so that they take up less surface area. DNREC also noticed in the "Housing" section of the document that up to 63.3% of the development in the City of Milford primarily contains housing that is single-family detached while only 4.8% is single family attached (page 46). The City of Milford is urged to continue incorporating mixed-use development when and where possible including the use of compact (cluster) development which has the effect of preserving open space and minimizing the scope of environmental effects. Mixed use developments also help to support non-automotive forms of travel and would add to the existing and expanding bicycle and pedestrian networks.
- Should the developer have any more questions or concerns, the Division of Air Quality (DAQ) point of contact is Lauren DeVore, and she may be reached at (302) 739-9437 or lauren.devore@state.de.us.

Recommendations for Ordinances and Plan Implementation

Wetlands Delineations:

- *Recommendation:* Require all 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 exceeding 20% imperviousness outside that area, or at least in excellent recharge areas outside that 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 in poorly or very poorly-drained (hydric) soil mapping units. Building in such areas predictably leads to flooding and drainage concerns from homeowners, as well as significant expense for them and, often, taxpayers. Proof or evidence of hydric soil mapping units 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 Kent and Sussex

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.

Approval Procedures:

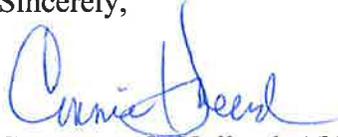
- Once all edits, changes and corrections have been made to the Plan, please submit the completed document (text and maps) to our office for review. **Your PLUS response letter should accompany this submission.** Also include documentation about the public review process. In addition, please include documentation that the plan has been sent to other jurisdictions for review and comment, and include any comments received and your response to them. Substantial changes to this draft could warrant another PLUS review.
- Our office will require a maximum of 20 working days to complete this review.
 - If our review determines that the revisions have adequately addressed all certification items (if applicable), we will forward you a letter to this effect.
 - If there are outstanding items we will document them in a letter, and ask the town to resubmit the plan once the items are addressed. Once all items are addressed, we will send you the letter as described above.
- Once you receive our letter stating that all certification items (if applicable) have been addressed, the Planning Commission and Council should adopt the plan pending State certification. We strongly recommend that your Council adopt the plan by ordinance. The ordinance should be written so that the plan will go into effect upon receipt of the certification letter from the Governor.
- Send our office a copy of the adopted plan along with the ordinance (or other documentation) that formally adopts your plan. We will forward these materials to the Governor for his consideration.
- At his discretion, the Governor will issue a certification letter to your Town.
- Once you receive your certification letter, please forward two (2) bound paper copies and one electronic copy of your plan to our office for our records.

PLUS review 2017-02-02

Page 16 of 16

Thank you for the opportunity to review this Comprehensive Plan. 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