



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

November 27, 2017

Hon. James Frazier
Town of Magnolia
P.O. Box 233
Magnolia, DE 19962

RE: PLUS review 2017-10-07; Town of Magnolia Comprehensive Plan Pre-Update

Dear James:

Thank you for meeting with State agency planners on October 25, 2017 to discuss the Pre-PLUS review of the Town of Magnolia's Comprehensive plan. State agencies have reviewed the documents submitted and offer the following comments. We hope that these comments and recommendations assist the Town as the Plan Update is being prepared. 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 of the Del. Code.

- The Office of State Planning Coordination has developed a Comprehensive Plan Checklist based on the requirements found in Title 22, § 702 of Delaware Code. The checklist can be downloaded from our website here: <http://stateplanning.delaware.gov/docs/comprehensive-plan-checklist-guide.pdf>.
- The Town of Magnolia has a population of less than 2,000 persons. As such, the following requirements must be included in the updated comprehensive plan to be considered for certification: clearly articulated positions on population growth, housing growth, expansion of boundaries, development of adjacent areas, redevelopment potential, community character, general use of land, critical community development infrastructure and key infrastructure issues. Demonstration of coordination with State, County and other municipalities is also required for certification.

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

- In addition to addressing all of the Certification requirements, it is recommended that the updated comprehensive plan address any additional planning issues that are important to the town. For example, traffic and sidewalk infrastructure were briefly discussed as issues at the PLUS meeting. Keep in mind that most small town comprehensive plans address some, if not all, of the other planning areas that are required of larger towns.
- The discussion at the PLUS meeting indicated that transportation issues in general were a concern for the Town. It is recommended that the Town reach out to the Dover/Kent MPO to discuss how the MPO might be able to assist with the comprehensive plan and any related transportation plans or studies which may be identified through this process. Please contact Reed Macmillan, Executive Director, at (302) 387-6032.
- Please be aware that Kent County is currently updating the County's comprehensive plan. It is recommended that the Town provide input through the County's plan update process in regards to future land use, growth and infrastructure issues surrounding the Town. The Town's vision for the "development of adjacent areas" and "expansion of boundaries" should be discussed with the County as they develop their plan. Please contact the Kent County Department of Planning Services directly for information regarding their plan update schedule and opportunities for the Town to provide input.

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

- The Town of Magnolia was surveyed in 1991, and determined eligible for listing in the National Register of Historic Places. The Town has two National Register-listed properties, the Matthew Lowber House (K00113) and the John B. Lindale, House (K00128).
- The Town should consider pursuing the goal of listing the proposed district in the National Register of Historic Places. If the Town pursues this, it will be equipped to establish protections such as a historic zoning ordinance for the district and incentives to help protect the historic area. A major benefit of listing is that it makes properties eligible for financial incentives in the form of federal, state, and county historic preservation tax credits and occasional grants. Such financial incentives can help in the maintenance of the aging housing stock, which is one of the Plan's concerns and recommendations.
- The Town could then build on their preservation efforts by participating in the Certified Local Government (CLG) Program. 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.)

- One of the main goals in the current statewide historic preservation plan, Preserving Our Past for a Better Future, is to encourage active participation in historic preservation by all local governments. We are currently updating the statewide historic preservation plan and welcome the City's comments and suggestions for inclusion in the new statewide plan. We will also be happy to provide technical assistance for the town's upcoming revisions. The Delaware's Historic Preservation Plan is available online at: <http://history.delaware.gov/pdfs/Preservation%20Plan%202013-2017.pdf>.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- The 2009 Plan had four goals in its Transportation Section (see Plan pages 42 and 43). If they are still relevant, DelDOT has recommendations regarding three of them. The first goal was to work with DelDOT to develop strategies for generating accurate and timely data regarding vehicle traffic in the Town, especially at the traffic signal. DelDOT's Vehicle Volume Summary program was the source of the volumes in Tables 23 and 24 of the Plan and for a Comprehensive Plan is probably the best source of data in that it is readily available in a manageable form. Questions regarding that data may be directed to Mr. Luis RiosFontanez, who manages that program. Mr. RiosFontanez may be reached at (302) 760-2154 or Luis.Fontanez@state.de.us.
- The wording of the goal, however, suggests that the Town is dissatisfied with the Vehicle Volume Summary data. While DelDOT is willing to discuss other sources of data, it would be helpful if the Town could better define what it wants to do with the data. A good initial contact would be DelDOT's Traffic Studies Engineer, Mr. Peter Haag. Mr. Haag may be reached at (302) 659-4084 or Peter.Haag@state.de.us but he may need to direct the Town elsewhere depending on what they need.
- The Town's second Transportation goal was to work with DelDOT and the Dover-Kent County Metropolitan Planning Organization to develop a strategy for mitigating the impacts of vehicle traffic passing through. As written, this goal was predicated on achieving the first goal. DelDOT suggests that the two goals could be pursued concurrently. Dover-Kent MPO does a solicitation every winter for planning study ideas from all of the Kent County municipalities and will be doing another call shortly. DelDOT recommends that the Town submit their ideas to the MPO. Part of the MPO's work can include determining what data is needed and collecting it.
- The third Transportation goal was to consider conducting a comprehensive ped/bike assessment of the transportation infrastructure in town to improve pedestrian and bicycle safety and reduce the auto dependency of residents. Again, this study may be something that the Dover-Kent MPO could do. Alternatively, the Town could contact Mr. Anthony Aglio, DelDOT's Bicycle and Pedestrian Coordinator. Mr. Aglio's office has ongoing

programmatic responsibilities but may be able to provide some technical assistance. Mr. Aglio may be reached at (302) 760-2509 or Anthony.Aglia@state.de.us.

State Housing Authority – Contact: Karen Horton 739-4263

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

- The 2015-2020 Housing Needs Assessment (HNA) is a great resource and can be found at the below link. There is the full document, executive summaries, handouts, a reporting portal (that takes you to an interactive map).
<http://www.destatehousing.com/FormsAndInformation/needs.php>
- In addition to the *2015-2020 Statewide Housing Needs Assessment*, the following housing information is available on DSHA's 'Research and Plans' website
<http://www.destatehousing.com/FormsAndInformation/datastats.php>. DSHA updates this data regularly and produces the following reports:
 - Kent County Housing Fact Sheet –
http://www.destatehousing.com/FormsAndInformation/datastatmedia/ds_kent_fs.pdf
 - Median Home Price and Affordability Gap data for each year for the most recent quarter and the past 10 years -
<http://www.destatehousing.com/FormsAndInformation/affordgap.php>
 - Monthly Foreclosure and Sheriff Sale Data -
<http://www.delawarehomeownerrelief.com/data.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/fairhousing.php>). The Analysis contains several recommendations for local jurisdictions. These include the following:
 - Review how 'family' is defined and remove undue restrictions on group homes.
 - Review for and repeal crime-free or nuisance abatement ordinances which often require the attachment of a lease addendum, which have the effect of subjecting tenants to eviction for a broad range of offenses and presents several conflicts:
 - Silencing crime victims who need emergency aid or to report a crime. Particularly survivors of domestic violence where additional protections were recently enacted under the Violence Against Women Act (VAWA).
 - The federal Fair Housing Act (FHA), which protects tenants from discriminatory housing policies and practices.
 - Increases housing instability and ultimately homelessness for victims of domestic and sexual violence, persons with disabilities, and other vulnerable tenants. They can reduce the availability of desperately needed affordable rental housing.

- Tenants' rights to be free from discrimination, to contact the government for assistance, and to receive due process.
- o 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 Town in reviewing tools and strategies to increase affordable housing opportunities within the Town.
- 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 Blaier 698-4532

- Pages 37 and 51: The Department urges the town to continue to work with the Delaware Forest Service to meet its tree canopy goals.
- The Department of Agriculture has no additional comments on this comprehensive plan update.

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

Water Supply/Source Water Protection (pp. 26-29).

- In this section, we would expect to see a discussion of the Town's current source of water supply, what protections the Town has in place to protect that water supply, and what the Town's plans are for future water supply. Does the Town have the capacity/allocation, in terms of water supply, to accommodate any future growth and development?

Wastewater (pp. 29-30).

- In this section, we would expect to see a discussion of the Town's current source of wastewater treatment and what the Town's plans are for future wastewater treatment. Does the Town of Magnolia's collection and conveyance system have the capacity to accommodate any future growth and development? Does the Kent County wastewater treatment system have the capacity? These are good issues to explore as part of the intergovernmental coordination that is required when developing your comprehensive plan.

Stormwater Management (pp. 30-31).

- The Department recommends that the Town of Magnolia incorporate a requirement for a stormwater review into the Town'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 Town. 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 Town 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 Town incorporate the Stormwater Assessment Report as a required element when a plan is submitted to the Town's preliminary plan approval process.

The revised *Delaware Sediment and Stormwater Regulations*, effective January 1, 2014, have a goal of reducing stormwater runoff for the 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 Town. 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.

Natural Resources (pp. 32-36).

- In this section, we would expect to see a discussion of the conservation, use and protection of the Town's natural/environmental features. This could include, but is not limited to soils, hydrology, topography, floodplains, wetlands, wood uplands, habitat areas, and aquifer recharge areas.

Total Maximum Daily Loads (33-34).

- We recommend that the Plan specify the required TMDL load reductions for nutrients and bacteria in the watershed. The Town of Magnolia lies within the watershed of the St. Jones River, which ultimately drains to the Delaware Bay and Estuary. The St. Jones TMDL requires a 40% reduction in nitrogen and phosphorus from baseline conditions and a 90% reduction in bacteria from baseline conditions.

Floodplains (p. 35).

- The Town's floodplain boundaries were revised by FEMA on July 7, 2014. FEMA delineates the boundary of 1% annual chance flood events on their Flood Insurance Rate Maps. These floodplain boundaries are used for flood insurance and floodplain management purposes. The purpose of the maps is to depict areas at risk of flooding and to aid in developing mitigation strategies to keep development and people out of harm's way. This new data needs to be reflected in an updated map.

Critical Natural Areas (p. 36).

- Please delete the references to State Resource Areas in the last two sentences in this section.

Recreation and Open Space (p. 36).

- 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 Town of Houston is located within SCORP Planning Region 3.

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.

Placing high importance on outdoor recreation resonates throughout the five SCORP regions. In Region 3 (Kent County), 63% said it was very important to them personally.

Outdoor Recreation Needs/Priorities

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

High facility needs:

- Walking and Jogging Paths
- Public Swimming Pool
- Bicycle Paths
- Fishing Areas
- Playgrounds
- Community Gardens
- Picnic Areas
- Off-Leash Dog Areas

Moderate facility needs:

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

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 Town and their consultants to develop language for the comprehensive plan that addresses climate change impacts, as well as adaptation and mitigation strategies for the Town to pursue through implementing ordinances.

Recycling.

- 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.

Air Quality.

- According to the comprehensive plan, 10.11% of Magnolia's population consists of individuals that are 65 or older and approximately 40.6% of this same population currently lives in poverty. Sensitive groups, including those aged 5 and younger, the elderly and those with pre-existing cardiopulmonary conditions such as emphysema, asthma and COPD are at an increased risk of the negative effects of air pollution. One particular pollutant of concern is PM 2.5 or particulate matter. Particulate matter comes in two sizes, PM 10 (which is 10 microns in diameter and has the ability to become embedded in the lining of the lungs,) and PM 2.5 which is small enough to be absorbed into the bloodstream.

One alarming problem that was discussed in the latest comp plan was the issue of the amount of cars and trucks using Main Street, which is a minor arterial and the primary street in Magnolia (page 8). The most recent traffic counts have demonstrated an 11.4% increase in traffic volume through the Town in the past 10 years (page 41). It is recommended that the Town work with DelDOT and the Dover/Kent MPO to seek solutions to this growing problem and the possibility of designating an alternative through route for traffic.

Another transportation problem that was addressed in the comprehensive plan was the issue of sidewalks not receiving adequate maintenance and the overall lack of a complete sidewalk system (page 41). The Town is advised to seek a sidewalk maintenance ordinance and work together with DelDOT to remedy this issue to create a Town that is walkable and bikeable. The DNREC Division of Air Quality supports the goal of the Town to "improve the ability of pedestrians to safely move through the Town by reducing the impact of vehicular travel on the downtown area of Magnolia" (page 8). DNREC encourages the expansion of alternative transportation opportunities that limit the impact of vehicular travel and facilitate the switch from vehicular travel to other more environmentally friendly modes.


DNREC also supports Magnolia's decision to leverage Delaware Land and Water Conservation Trust Fund (DTF) dollars in order to create a local public park in Magnolia. DNREC also commends Magnolia's ambitious goals of working together with the U.S. Forest Services "Tree City USA Program" which works to preserve and maintain existing trees in the Town and also to plant new ones where applicable.

Magnolia is encouraged to continue to find creative ways to both preserve the Town's unique small-Town charm while also adapting to a changing land use and public planning environment. Examples of such enhancements would include the addition of a public park, maintenance and construction of needed sidewalk and pedestrian network improvements, creative and innovative solutions to mitigate traffic problems in the area and also the addition of more mixed use development. Such mixed use development would include alternative development types that are not limited to single family detached homes (which comprise the majority of Magnolia's current development (an estimate of 93.5%; page 17) and cater to a more diverse population.

Should the applicant 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.

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 update. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland, AICP

Director, Office of State Planning Coordination