



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

February 21, 2018

Mr. John R. Collier
Town of Milton
115 Federal Street
Milton, DE 19968

RE: PLUS review 2018-01-04; Town of Milton Comprehensive Plan

Dear John:

Thank you for meeting with State agency planners on January 24, 2018 to discuss Milton'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.

Source Water Protection

- The Comprehensive Plan must contain the following elements per the Memorandum of Understanding between the Office of State Planning and DNREC Division of Water dated July 2011. Exclusion of these elements may result in a certification issue.

Text of the comprehensive plan must include description of source water requirements in 7 Del. C. 6082(b), and include goals and objectives related to the protection of the resource.

This text shall be placed within the water and sewer element of the local government's comprehensive plan, as prescribed by Title 22 of the Delaware Code. It must include a discussion of the regulatory provisions and the protection afforded by the Town's source water ordinance.

- While the Town has adopted a source water protection ordinance, there is no discussion of the ordinance in the Plan. Milton's Source Water Ordinance is referenced, but not described, in the Plan's Natural Environment Section on page 83. Please add the required elements as described above in water and sewer element of the plan.

State Resource Areas

Please remove references to State Resource Areas in the Plan (pages 35 and 85). Legislation passed recently eliminated these particular maps and they are no longer maintained by DNREC. On page 85, DNREC offers the following text instead of the reference to State Resource Areas:

The natural environment of the Broadkill River contains unique and natural environments; the Broadkill River and the wetlands surrounding its entire length from Prime Hook to Milton are considered Key Wildlife Habitat because they are part of a large complex that can support an array of plants and animals. Moreover, from Milton to the border of the Nature Conservancy's McCabe Preserve, the Broadkill is surrounded by unique and sensitive freshwater tidal forested scrub-shrub wetlands, mixed broadleaf freshwater tidal marsh or Atlantic White Cedar bogs and swamps. These habitats are considered Habitats of Conservation Concern because they are rare within the state and have the potential to harbor a high diversity of Species of Greatest Conservation Need.

TMDLs

Table 17, Pollution Control Strategy, on page 83, is incorrectly labeled as "Pollution Control Strategy." It should be labeled "TMDL Nutrient Reduction Requirements." Please correct.

Maps

- I am aware that the town has been working with this office and Sussex County on a discrepancy with the town boundary. After talking to Miriam, it appears that the parcel in the southeast corner of the town, adjacent to Round Pole Branch is still unresolved. This discrepancy needs to be resolved and the boundaries updated, if needed, before adoption of the plan.

Exhibit G

- The land use categories within the town should be included on this map as well. If necessary, the town can do one Future Land Use Map that identifies land use categories within the existing town and then another map to show the potential annexation areas and the future land use for these parcels.
- The Future Land Use map lists, in the index an Agricultural District, An Agricultural District 10 year program, and an Agricultural Easement. This should be combined into only two separate categories - - Agricultural Districts (this would include expansions) and

Agricultural Easements. The map should be corrected to reflect only these two categories for Agriculture.

- Per the Department of Agriculture, Exhibit G: Future Land Use/Potential Expansion, shows parcel 235-15.00-4.00 as “Mixed Use – Residential”, not as an Agricultural District. It also shows parcel 235-15.00-28.00 as “Marine Resources”, not an Agricultural District. While these parcels should contain a Future Land Use, they should also be identified as an existing Ag District.
- In addition, Exhibit G shows parcel 235-15.00-30.00, 235-15.00-31.00 and 235-15.00-32.00 as an Agricultural District, when they are actually easements. Please correct the map to correctly identify these parcels as an Agricultural Easements.

Intergovernmental Coordination

- The town must demonstrate that they have coordinated with the State, its agencies, the county and other municipalities during plan preparation. Once the plan is in its final draft the town should share the plan with the County and seek comment. 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 in the PLUS response letter.

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: Dorothy Morris 739-3090

Congratulations to the Town of Milton on a very well written plan which will guide the town through the upcoming years. It is clear from reading the plan that the town has worked many hours to identify the positive attributes of the town and the issues that need to be addressed. The following recommendations, both mine and those from the State agencies should be reviewed and discussed as way to strengthen your plan.

Office of State Planning recommendations are:

- Page 40, first paragraph states that Community Design is a new requirement under Title 22, Chapter 7. The Community Design element is not a new element under Delaware Code. Please correct that sentence.
- The Town has identified approximately 3600 acres of proposed annexation and expansion. Under the Utility Section of the plan, the town should discuss how it will serve any new expansions. Specifically, the town should discuss their wastewater capacity, and the need for any upgrades. The town mentions that the wastewater treatment plant should be moved but the implementation items do not lay out a strategy for moving the plant.

- Exhibit G – Future Land Use Map - The Town has identified several 10 Year Agricultural Districts in your annexation are and you have stated on page 103 that annexation of these lands may be in appropriate. With that said the town has not identified a Future Land Use for some of the parcels in the 10 year district. If the owner seeks annexation, the town will need to amend their plan to identify the proposed Future Land Use before annexation can take place.

I look forward to working with the town as you review and address the issues/recommendations in this letter. Please feel free to contact me if you have any questions or if I can be of assistance with these changes.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- On pages 54 through 56, the Plan provides tables showing 2001, 2008 and 2015 daily traffic volumes on various State-maintained road segments and the percentage change in those volumes from 2008 to 2015. The source cited is the “DelDOT website” and the volumes appear to be taken from the DelDOT Vehicle Volume Summary manuals and, in some cases, rounded to the nearest 100 vehicles. Please be aware that those volumes are usually estimates and that the actual percentage changes may be quite different from what those numbers suggest. DelDOT recommends that these tables be reworked to rely on actual counts or that they be removed entirely.

Text based on the volumes, e.g. the statement on page 54 that “Traffic [on SR 16] appears to be growing currently by slightly less than 10% per year” should be reevaluated based on the actual counts. In that particular road, DelDOT sees the traffic growing at just over four percent per year from 2001 to 2014.

While the Vehicle Volume Summaries report a new traffic volume every year for every State-maintained road segment, DelDOT does not count traffic on every segment every year. For that reason, the Summary always specifies the year that traffic was last counted. In between traffic counts, DelDOT factors the volumes up or down based on counts done on relatively small samples of roads that are considered to be similar with regard to traffic.

- The text at the bottom of page 55 refers to “Blue Diamond Lines statewide transit service.” DART First State’s Bus Route 303, Dover to Georgetown, still includes a scheduled stop in Milton but they no longer use the Blue Diamond name. The current service is discussed well on page 63.
- There is a statement on page 56 that “DelDOT is applying a new access management policy to major state-owned arterials.” This appears to be a reference to DelDOT’s Corridor Capacity Preservation Program (CCPP) although that program has been in effect since 1996. DelDOT recommends that the program be identified by name. Information on the CCPP is available at https://www.deldot.gov/Publications/manuals/corr_cap/index.shtml. On page 57, that program is referred to as the “Corridor Preservation Program,” a slight misnomer.

- On page 57, there is a list of intersections and a brief discussion of each one but the significance of the list is not explained or apparent. Some aspects of the list need to be updated. Specifically, the intersection of SR 1 and SR 16 is now funded for construction of a grade separation in Fiscal Years 2021 through 2023, projects at the intersection of US 113 and SR 16 and the intersection of SR 1 and Cave Neck Road are funded for right-of-way acquisition in Fiscal Years 2023 and 2024. For more detailed information, the Town should consult DelDOT's Capital Transportation Program, which is available at <https://www.deldot.gov/Publications/reports/CTP/index.shtml>.
- There is a statement in the first paragraph on page 56 that "DelDOT require that jurisdictions recommend which LOS [Level of Service] is preferred and adopt that in their Comprehensive Plan." DelDOT does not have such a requirement. DelDOT does refer to local government standards for LOS in its [Development Coordination Manual \(https://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes\)](https://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes). First, in Section 2.2.8.12.1, in the context of Traffic Impact Studies, the [Manual](#) addresses how DelDOT will treat local standards that differ from their own. Second, in Section 2.4.2.6, in the context of Transportation Improvement Districts, it describes the need for DelDOT and the local government to work together to establish service standards for any District they are creating and mentions that such standards may include LOS.
- The list of Implementation Strategies on pages 65 and 66 begins an item to "Coordinate with DelDOT to determine the existing level of service" at certain intersections. While DelDOT is willing to share what information it has in this regard, Levels of Service vary over time as traffic volumes rise and fall and DelDOT does not have especially current information on LOS in the Milton area. A traffic study would be necessary to obtain that information and DelDOT would urge the Town to consider carefully what it plans to do with the information before undertaking the expense of such a study.
- As drafted, the Plan does not mention that Milton is part of Delaware's Bayshore Byway. There is now a current and approved state scenic and historic byway running through the town. Milton was newly added in early 2017 and is a key location and contributing hub of this byway. Each town/city/municipality has treated the Byway differently in their Plan, but this aspect (and potential planning measures) might be noted within General Information, Infrastructure, Preservation, or Community and Economic Development/Redevelopment and Sustainability sections. Future transportation plans or possible transportation objectives, preservation goals, or annexation might be newly included or added with possible Implementation Strategies for each section (making reference to this byway). Including this element within Comprehensive Plan Section(s) as deemed necessary will help with any grant or possible funding measures in the future with DelDOT, DNREC, or local elected officials (and include in the XIV Grants section). A map is available at <http://deldot.maps.arcgis.com/apps/webappviewer/index.html?id=03d5049bc49041658cfecad5fd6ba8b9> and more information on this byway and the Byways program is available at <https://www.deldot.gov/Programs/byways/index.shtml?dc=about>.

- The plan overall should have an element of multi modal transportation, addressing connection of residential areas to community facilities and services as well as to the Central Business District or other places of interest. DelDOT recommends expansion of the trail network as one possible way to address this point.
- The plan should align with Sussex County's Comprehensive Plan and include more connectivity and multi modal transportation. Please refer to the chapter on Mobility in the Sussex Plan. More attention should be paid to the effects of changes in the surrounding land use, such as the new Bayhealth campus being developed to the north in Milford, which will include an A.I. DuPont facility, and continued development pushing up from the south.

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

- The State Historic Preservation Office (SHPO) commends the town of Milton for including Historic Preservation in the core values of its 2017 draft Comprehensive Plan. The new draft plan expands the discussion of the Town's preservation goals and tools, highlighting the benefits of the Certified Local Government (CLG) program and the federal and state historic preservation tax credit programs. The town of Milton also identified a number of possible implementation strategies to advance the preservation goals in the Comprehensive Plan, which is very helpful. SHPO recommend further coordination with our CLG Coordinator, Kara Briggs (302) 736-7433, for assistance and guidance as the Town works to further develop these strategies.
- There is some information in the draft plan that should be updated, e.g., Milton completed the "Guide to Rehabilitation and Construction in the Milton Historic District," published in July 2017. Additionally, the town's current CLG project is to formally amend the National Register Historic District, taking into account the results of the resurvey work done over the past few years.
- 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. SHPO is currently updating the statewide historic preservation plan and welcome the City's comments and suggestions for inclusion in the new statewide plan. SHPO will also be happy to provide further 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 Agriculture – Contact: Scott Blaier 698-4532

- The Department of Agriculture (Department) would like to commend the town or a well-written Comprehensive Plan update. The Department appreciates the section on Agricultural Lands Preservation on page 99, and further discussion on page 103.
- However, Exhibit G: Future Land Use/Potential Expansion, shows parcel 235-15.00-4.00 as "Mixed Use – Residential", not as an Agricultural District. It also shows parcel 235-

15.00-28.00 as “Marine Resources”, not an Agricultural District. And finally, it shows parcels 235-15.00-30.00, 31.00, and 32.00 as Agricultural Districts, when they are actually easements.

- Until a parcel formally is withdrawn from the program by the landowner, the properties will remain in the program, and are not subject to development. Easements are permanent, and can never be developed. To avoid confusion, the Department asks that you please designate them as enrolled in the Farmland Preservation Program (either district or easement).
- Please contact Jimmy Kroon, the Department of Agriculture’s GIS Coordinator, to get the latest GIS coverage showing the properties enrolled in the State’s Agricultural Lands Preservation Program (302) 698-4533.

The Department of Natural Resources and Environmental Control – Contact: Michael Tholstrup 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 is pleased that the Comprehensive Plan for Milton reflects a vision that is based upon conservation of the Broadkill River and its natural surroundings, and upon creating a healthy, walkable, and connected community, while also recognizing the long-term challenges of water quality, flooding, and sea level rise. DNREC is a partner in this vision and welcomes the opportunity to meet with the Town in a collaborative manner to discuss the recommendations below, ordinance improvements and/or grant and technical assistance programs.

Recommendations for Comprehensive Plan Revisions

Source Water Protection

- The Comprehensive Plan must contain the following elements per the Memorandum of Understanding between the Office of State Planning and DNREC Division of Water dated July 2011. Exclusion of these elements may result in a certification issue.

Text of the comprehensive plan must include description of source water requirements in 7 Del. C. 6082(b), and include goals and objectives related to the protection of the resource. This text shall be placed within the water and sewer element of the local government’s comprehensive plan, as prescribed by Title 22 of the Delaware Code. It must include a discussion of the regulatory provisions and the protection afforded by the Town’s source water ordinance.

While the Town has adopted a source water protection ordinance, there is no discussion of the ordinance in the Plan. Milton's Source Water Ordinance is referenced, but not described, in the Plan's Natural Environment Section on page 83. Please add the required elements as described above in water and sewer element of the plan.

Total Maximum Daily Loads (TMDLs)

- Table 17, Pollution Control Strategy, on page 83, is incorrectly labeled as "Pollution Control Strategy." It should be labeled "TMDL Nutrient Reduction Requirements." Please correct.

State Resource Areas

- Please remove references to State Resource Areas in the Plan (pages 35 and 85). Legislation passed recently eliminated these particular maps and they are no longer maintained by DNREC. On page 85, DNREC offers the following text instead of the reference to State Resource Areas:

The natural environment of the Broadkill River contains unique and natural environments; the Broadkill River and the wetlands surrounding its entire length from Prime Hook to Milton are considered Key Wildlife Habitat because they are part of a large complex that can support an array of plants and animals. Moreover, from Milton to the border of the Nature Conservancy's McCabe Preserve, the Broadkill is surrounded by unique and sensitive freshwater tidal forested scrub-shrub wetlands, mixed broadleaf freshwater tidal marsh or Atlantic White Cedar bogs and swamps. These habitats are considered Habitats of Conservation Concern because they are rare within the state and have the potential to harbor a high diversity of Species of Greatest Conservation Need.

Soils

- On page 83, the plan incorrectly identifies that soil classification information was obtained from the "Department of Natural Resources (NRCS)." The correct agency is the US Natural Resources Conservation Service (NRCS). Please correct.

Flooding and Sea Level Rise

- The Town of Milton is to be commended for thoughtfully incorporating issues of flooding and sea level rise throughout the comprehensive plan and its vision for the future. DNREC also supports efforts within this comprehensive plan to use the 2015 sea level study as a basis to guide future efforts (e.g. referencing the study in possible implementation strategies within the Utilities section). These efforts can be a model for other towns seeking to prepare for the long term impacts of flooding, sea level rise and increased precipitation. Specific suggestions for changes and improvements include:

Please ensure that the Plan maps reflect the new Flood Insurance Rate Maps (FIRMs) for the Town, which became effective on March 2, 2015. It is difficult to tell whether the included map utilized the new FIRMs.

The Town should consider including a discussion about their flood management ordinance.

On page 30, Goal #2 for the Town Center seeks to identify strategies to minimize flooding in the Town Center. On page 34, Goal #1 for the Broadkill River seeks to investigate opportunities to mitigate and accommodate flooding. The Town should consider citing and referencing the results of the 2015 Coastal Management Grant study by Pennoni in the possible implementation strategies listed for these goals.

For future planning purposes, the Town should be aware that the state has recently released new sea level rise planning scenarios and tools. These should be utilized for any future planning activities:

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

Parks and Recreation

DNREC appreciates the incorporation of results from the Statewide Comprehensive Outdoor Recreation Plan (SCORP) in the Public Facilities and Services section. The survey's findings support many of the vision and goals of Milton's Comprehensive Plan focused on connectivity, multi-modal transportation, and water access. The authors may wish to use this information in other sections of the document to provide further documentation of community needs and desires.

- Outdoor Recreation Needs/Priorities

Based on the public opinion survey conducted in 2011 for the SCORP, the most needed outdoor recreation facilities in Region 5 (which includes Milton) include:

High facility needs: Walking and Jogging Paths, Bicycle Paths, Public Swimming Pools, Community Gardens, Fishing Areas, Off-Leash Dog Areas, Picnic Areas, Basketball Courts, Playgrounds

Moderate facility needs: Hiking Trails, Boat Access, Canoe/Kayak Launches, Camping Areas, Ball Fields, Football Fields, Public Golf Courses, Soccer Fields, Tennis Courts

Air Quality

- According to the comprehensive plan, 621 people are currently over the age of 65 and 199 are under the age of 5 (page 21). 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.

DNREC supports the efforts of the town to work with DeIDOT to expand and make safer their bicycle and pedestrian network (page 65). DNREC encourages the expansion of clean transportation opportunities that limit the impact of vehicular travel and facilitate the switch from vehicular travel to other more environmentally friendly modes.

Milton is encouraged to continue to find creative ways to both preserve the historic town's unique layout while also adapting to a changing land use and public planning environment. Examples of such enhancements would include the 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 and cater to a more diverse population.

DNREC was pleased to see that educating the Town's residents and businesses that "air and water quality are health and quality of life issues" was included as a goal in the Environmental portion of the plan. Education of air quality and air quality-related issues is paramount to understanding how to mitigate negative impacts from air emissions in the Town of Milton.

The Town of Milton is also encouraged to add electric vehicle supply equipment (EVSE) and charging where feasible in common areas and in any new or retrofitted parking areas to accommodate (and incentivize the use of) the increasing number of electric vehicles in the state and region. For more information about the various electric charging options and state programs that can provide financial and technical assistance, please see our website: de.gov/cleantransportation.

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.

Solid Waste and 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. Municipalities that provide trash and recycling services can demonstrate some of the lowest prices in Delaware.

There is no discussion of solid waste and recycling status and opportunities within the Utilities section of this Plan. The authors should consider expanding this section, particularly in light of the town's current work to develop a Sustainability Plan, which may incorporate recommendations to increase recycling rates.

Delaware Law and Regulations specify that the 'commercial sector' shall participate in a comprehensive recycling program. As such, all those involved with the planning of new facilities should give consideration to space for collection of recyclables that would be typically generated. For example, an engineer might develop a facility site plan that shows a curb cut and fencing around space for a trash dumpster. To later site an adjacent recycling dumpster could be difficult and costly.

For more information or assistance related to recycling requirements, benefits, tools, and assistance, please call 302-739-9403.

Recommendations for Ordinances and Plan Implementation

Wetlands Delineations

Recommendation: Require all applicants to submit to the Town 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 Town'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 Sussex County, the Sussex Conservation District, and the Delaware Clean Water Advisory Council as partners in funding stormwater retrofits.

Drainage Easements

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

Stormwater Management

- The Department recommends that the Town of Milton 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 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.

Sussex County – Contact: Jamie Whitehouse 855-7820

Sussex County does not expect provide sanitary sewer service within the Town of Milton or the town's growth area. Therefore, the Sussex County Engineering Department does not have comments regarding the City's comprehensive plan amendment review.

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. The State strongly recommends 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.

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

Sincerely,



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