



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

May 22, 2018

Mayor Howard Coleman
Town of Kenton
284 S. Main Street
P.O. Box 102 Kenton, DE 19955

RE: PLUS review 2018-04-01; Kenton Comprehensive Plan Amendment

Dear Howard,

Thank you for meeting with State agency planners on April 25, 2018 to discuss the proposed comprehensive Plan Amendment for the Town of Kenton. This amendment will revise the text of the annexation chapter of the comprehensive plan and amend the Future Land Use, Annexation and Area of Concern map to include two parcels for potential annexation.

Please note that changes to the plan could result in additional comments from the State. Additionally, the comments below reflect only issues that are the responsibility of the agencies that were represented at the meeting.

This office has received the following comments from State agencies:

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

A developer has approached both the Town of Kenton with a proposal to construct a general retail store adjacent to the western town boundary. The developer has indicated a willingness to annex into Kenton in order to allow the new store to be constructed inside of the town boundary. The developer of the new store has indicated that they will proceed with construction of the store whether the property is annexed or not.

Kenton's comprehensive plan does not currently have any annexation areas. This plan amendment will create an annexation area for two parcels to enable the annexation of the lands proposed for the new store. The plan amendment also alters the text of the annexation plan to enable consideration of annexations on a "case-by-case" basis, such as this one.

The proposed new annexation area is within the "Area of Concern" identified in Kenton's comprehensive plan. The "Area of Concern" indicates areas for future consideration for

annexation, as well as areas where the town is concerned that any land development may impact the Town of Kenton.

Should this development occur our office supports it being included within the municipality. As such, we have no objections to this plan amendment. However, as is noted below by DelDOT, the Town currently lacks zoning or other land development ordinances. The Town of Kenton is strongly encouraged to enact zoning or other land development regulations as is recommended in the comprehensive plan in the very near future. Land development regulations should be in place in order to guide and regulate the development of the store, should the project come to fruition.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The lands in the proposed annexation area front on Sudlersville Road (Delaware Route 300) which is maintained by the State. Any access to a development along Sudlersville Road will require an entrance plan and permit in accordance with DelDOT's Development Coordination Manual, regardless of whether the subject parcel is annexed. The manual is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
- Section P.5 of the DelDOT Development Coordination Manual, available at <https://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>, addresses fees that are assessed for the review of development proposals. If the Town of Kenton requires a Letter of No Objection to Recordation (LONOR) DelDOT will require payment of the Initial Stage Fee when the record plan is submitted for review.
- All annexations are necessarily considered on a case-by-case basis. That is not true for potential annexation areas. Identifying potential annexation areas and future land uses in a comprehensive plan allows the community to think about where and how it wants to grow. The proposed plan amendment is to allow a specific development and appears to have been proposed without that broader discussion.
- Presently, the Town lacks a zoning map and a land use and development code. As such, it has little ability to require anything of a developer once they are in the Town. Therefore, in considering any annexation into the Town, it would be prudent to develop a thorough set of requirements and obtain bonds or other securities from the developer to guarantee that those requirements would be met if they are annexed. Requirements could include:
 - Infrastructure that the developer must provide, for example sewer, sidewalks and streetlights.
 - Land uses that would be permitted, or not permitted, and

- Characteristics the development must have, or not have, for example setbacks, height limits, and landscaping.
- The effort involved to develop such requirements would be substantial and the developer may not be willing to provide the necessary securities. However, annexation without a zoning map and a land use and development code would put the Town at substantial risk for unwanted land uses that are a burden and a detriment to the community.

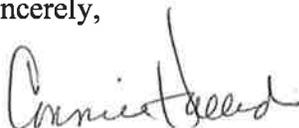
Department of Natural Resources and Environmental Control – Contact Michael Tholstrup 735-3352

- 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 has no objection to the proposed annexation of this parcel, or the proposed language changes to the Town's Comprehensive Development Plan.
- The Town should note that the area to be annexed is entirely within an excellent groundwater recharge area. Excellent Groundwater Recharge Potential Areas are made up of soils and geology that allow water to infiltrate more quickly into aquifers; this is important for the continued availability of groundwater for drinking water and irrigation purposes. Development activities on site should maximize opportunities for infiltration and minimize paved surfaces. Further, activities that could potentially contaminate groundwater supplies should be avoided.
- According to Department maps, the proposed annexation site has no other factors that would limit development including wetlands, floodplains, slope, hydric soils, tax ditches or underground storage tanks.
- Considering that the Kenton has yet to develop and implement zoning regulations, it will be difficult to effectively protect the Town's natural resources including water quality and quantity. Maintaining natural resource protections and conservation measures will improve long term regional sustainability and protect the overall health of the community.
- DNREC would like to be a partner in protecting and highlighting the environment as a natural amenity of the landscape. The Department has resources and expertise available to help ensure that sites are developed in a sustainable manner. Please contact Mike Tholstrup for more information.

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Constance C. Holland".

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