

**Preliminary Land Use Service (PLUS)
Comprehensive Plan Amendments and Municipal Ordinances**

Delaware State Planning Coordination
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Date of Most Recently Certified Comprehensive Plan: August 11, 2003

Application Type:

Comprehensive Plan Amendment: _____ XXX _____

Ordinance: _____

Other: _____

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Please describe the submission:

The Town of Felton has proposed an amendment to their 2003 Comprehensive Plan due to a rise in growth, development and requests for annexation. The amended planning area includes properties, which were not included in the 2003 Comprehensive Plan, whose owner(s) have expressed interest with the Town regarding annexation and which are now mainly located within the State Strategies Investment Levels 1 and/or 2. The Town's intention for the newly requested annexation parcels is for those parcels to be residential with the inclusion of a vineyard on the north side.

The projected growth for the Town is mainly to the north and south due to agricultural districts to the west and an area of study on the east as well as infrastructure limitations in some areas.

The 2003 Comprehensive Plan annexation parcels consisted of approximately 405 acres; with this amendment the total annexation area will be +/- 1,050, an increase of 645 acres. The attached Map, Growth Area Time Phasing, shows a new Planning Area as well as the enlarged annexation area. A chapter will be added to the 2003 Comprehensive Plan which will indicate any changes to the projected land uses, population, infrastructures and other elements to be affected by the amendment.

Attachments: Chapter 7 for inclusion to the 2003 Comprehensive Plan and Map 8A Growth Area Time Phasing.

CHAPTER 7. 2005 AMENDMENTS

7.1 Strategies for State Policies and Spending

7.1a July 2004 State Investment Strategies Map

7.2 Felton Plan Progress

7.2a Community Character

7.2b Community Services

7.2c Resource Protection

7.2d Infrastructure

7.3 Growth and Annexation

7.3a Annexation Strategy

7.3b Sprawl Avoidance Strategies

7.4 Felton's Land Use Plan

7.4a Amended Annexation Area

7.5 Administrative Responsibilities

7.1 2004 Strategies for State Policies and Spending

In July 2004, the Governor's Cabinet Committee on State Planning Issues adopted updated Strategy Goals and map delineations in the document *Delaware Strategies for State Policies and Spending, 5 Year Update, July 2004*, after an extensive process of public consultation with citizens and municipal leaders. The strategies are predicated on the fact that, while local governments exercise control over land use decisions in their own jurisdictions, state investment and policy decisions can influence land use and the pattern and pace of growth. The Strategy Level Maps are not Land Use Maps per se, however, the strategies were created as a tool to help manage new growth in Delaware while revitalizing existing towns and cities and protecting the state's environment and unique quality of life.

The certified 2003 Comprehensive Plan of the Town of Felton, recognized that the previous State Strategies had grown out-of step with both the Kent County land use tool, the Growth Zone, and the existing land development. With the new Strategies in place, the Town of Felton has chosen to amend its Growth and Annexation Plan. The updated Strategy levels for the Felton area are shown on Map 7 (Amended).

7.1a Current Strategies Map in the Felton Area

The strategy maps now designate the Town of Felton and much of its 2003 Planning Area as locations with positive benefits for various levels of State spending. The State should be supportive of additional development within these areas of Felton Planning area. The area to the southwest of Beaverdam Branch of the Murderkill River has been successfully included in agricultural preservation and also include significant sensitive floodplain and wetlands areas. These areas are now designated "Out of Play." The Town of Felton has

not changes its position on protection of groundwater recharge and quality and sensible regulation of construction in flood-prone areas. The Town's Planning Area has been amended to remove these sensitive areas from future development consideration.

To summarize, the State Strategies seek to limit sprawl by supporting and encouraging the growth and redevelopment of communities like Felton. New growth outside of communities should be located adjacent to existing infrastructure and services.

Development activity within Felton's amended Growth and Annexation Plan should be encouraged by the State.

7.2 Felton Plan Progress

7.2a Community Character

Felton's population has continued to grow since certification of the 2003 plan, largely due to build-out of new residences. The Town continues to expect population and household increases at higher rates than its historical average. Growth projections for Kent County published by the Delaware Population Consortium have been raised from 9.5% from 2000 to 2010 to 18.2% as shown in the table below.

	Census			Projection		
Year	1980	1990	2000	2010	2020	2030
Kent County	98,219	110,993	127,085	150,231	166,913	180,296
% Increase		13.0%	14.5%	18.2%	11.1%	8.0%
Delaware Total	548,104	666,168	786,448	887,875	971,590	1,035,060
% Increase		21.5%	18.0%	12.8%	9.4%	6.5%

A detailed discussion of the DPC's projection methods are available at:

[Http://www.cadsr.udel.edu/demography/consortium.htm](http://www.cadsr.udel.edu/demography/consortium.htm)

Delaware Population Consortium

October 11 2005, Version 2005.

7.2b Community Services

Since adoption of the 2003 Comprehensive Plan, the Town continues to provide police service. Internal review regarding staffing needs provides levels of service that match the Town's growth. Similarly, providers of outside services for fire protection, EMS, and trash collection continue to have a voice in growth plans that affect their level of service.

A recent Library Master Plan for Kent County Library system ran counter to the Town's hope to bring more accessible library services to Felton, however, the Town remains committed to library services as part of small town life.

7.2c Resource Protection

Felton has continued to value and promote its historic character as an active and on-going policy of its Comprehensive Plan. The Town's goals to create or redevelop park-like settings through out the Town continues. Connectivity via intersecting streets with sidewalks remains a priority and development plan requirement. Similarly, the Town recognizes the importance of natural areas both within the Town and the surrounding County lands for healthy watersheds and sustainable groundwater resources. Since adoption of the Comprehensive Plan, Kent County has added a Transfer Development Rights (TDR) Ordinance to its regulations. In this amendment, the Town of Felton adds consideration of TDR language to its ordinances, as further protection of farm lands and sensitive natural resources to the west of Felton.

7.2d Infrastructure

Wastewater service continues to be provided by Kent County with capacity for Felton growth. The Felton Water System has received an EPA grant for arsenic removal under the new Safe Drinking Water Act Arsenic rule. The water production capacity of the Town continues to be adequate to provide for current peak demand, anticipated growth and contractual bulk water sales. As part of this amendment, it is recommended that the previous Water Facility Plan assumptions (both population growth and land use based on the earlier State Strategies) be reviewed and updated if significant change is noted.

The Town's current CPCN now includes several parcels to the south that are now being considered for annexation. The Lake Forest Elementary School as well as the High School are now within the Town's CPCN territory.

7.3 Growth and Annexation

73a Annexation Strategy

The Town continues to encourage the annexation of adjacent lands as it will allow the Town to have a role in the review and approval of development proposals and to formalize service arrangements within those properties. The Town also realizes that annexation should proceed in a deliberate and rational manner as there are many inherent problems in growing too quickly. Therefore the section below will serve as a base to use when deciding on annexation and/or development plans.

- Each annexation request will be evaluated by the Town to determine the project's benefits and impacts on town services.
 - Annexation of the vineyard and winery included in this Plan amendment will serve to assist in agri-business development and provide a tourism destination that can lead visitors to the historic center of Felton.
 - Development is imminent in the intervening properties as growth in the County continues and is strongly directed to occur within the County Growth zone.
 - The location of the expanded annexation area on the west side of US Route 113 provides cost effective expansion from Felton for sewer and water, rather than from east of the highway. Also, Tidewater Utility Inc., is unable at the time of this amendment to provide water serve. (The Memorandum of Understanding remains in effect between Felton and Tidewater regarding

Felton's permission to adopt portions of the Tidewater service area through annexation.)

- The property's location within the State Investment Strategies Map:
 - The entire Annexation amendment area is within the Level 2 strategy area, the Kent County Growth Zone and receiving area for transferred development rights as well as within the County Growth overlay. The map outlines of these classifications may be modified in the future, however, and the Town should confirm new annexations can be considered favorably. The State has defined these areas for growth in the near term future or in the intermediate term and will be most likely to commit to infrastructure improvements in the area.

7.3b Sprawl Avoidance Strategies

The Town of Felton values the Livable Delaware goal that new municipal growth should be balanced with the protection of farmland and open space, and "suburban sprawl" should be avoided.

This amendment reinforces specific policies Felton Town Council has adopted:

- Property owners who wish for services must pay for the extension of those services. This will encourage property that is adjacent to the current town boundaries to develop first.
- Water service may be extended when it supports development that is consistent with the Town's Land Use Plan, and provides a net benefit to the Town. Water infrastructure should be extended only when financial commitment from the developer and/or the Town has been obtained.
- Requests for service outside of the Town should be fully evaluated to include the benefits to the Town and County, consistency with the County growth plan and long term operations and maintenance costs to the Town.

7.4 Felton's Land Use Plan

7.4a Amended Annexation Area

The amended Annexation Plan is shown on Map 8A(Amended). Parcels within the plan include properties whose owners have inquired about annexation with the Town and which are now generally within the State Investment Strategy Levels 1 and 2. Some developed properties that may have individual wells or septic systems are included in the event they need service due to well or system failure, such as the Felton Manor development. The Town could offer service to these lots because water and sewer are adjacent or very near by. Individual lots along the west side of Chimney Hill road are not included because the annexation phasing does not anticipate inclusion of those properties within the five-year planning period, and infrastructure is not currently available should a well or septic system fail in that area. Amendment Attachment 1 is a table of properties included for addition to the Town's Annexation Plan under this amendment.

The Town's 2003 Comprehensive Plan had a planning area of approximately 7,300 acres. Some of the parcels are within the "Out of Play" level of the State Strategies and have now been removed bringing the proposed planning area to approximately 6,300 acres. The annexation area was approximately 410 acres; with this amendment the new annexation area has grown to approximately 1,050 acres.

The future land use and annexation areas recommended by the plan are represented on Map 8B -Future Land Use - Amended. The Plan was developed assuming that the majority of newly annexed land be used primarily for residential purposes, along with the inclusion of the vineyard and winery and recommendation for neighborhood commercial uses.

Of special note is a decision not to identify lands to the south of the Town as future industrial use. While these areas could make use of the existing railroad, other facilities and infrastructure that enhance industrial use are lacking. Hospital or emergency medical

facilities are not available for the type of potentially severe injuries that can be sustained in industrial practice. The Route 13 corridor capacity preservation program is moving forward to promote through traffic on the highway and truck traffic (the most used mode of materials and goods delivery would add to heavy vehicle crossings and traffic. Finally, the State Strategies includes this area for less intensive development (Levels 3 and 4, boarded by out-of play areas to the west.

In the vicinity of Reeves Crossing Road at the southern extend of the area, the ground has been mapped as “Excellent Recharge,” and will be protected, either in the County or within Felton, by a combination of limitations on impervious area and restrictions on certain land uses.

Therefore, the Town proposes a land use vision for the area that includes residential uses designed using cluster development concepts that should include neighborhood commercial uses and common usable open space. Should these properties be annexed into the Town, connectivity to the Town via a pedestrian and bike friendly road network is envisioned. These concepts are consistent with the various recommendations and implementation proposals included in the 2003 Comprehensive Plan.

7.5 Administrative Responsibilities

- The Town is aware of its responsibility to rezone where needed to match this Comprehensive Plan.
- The Town is in the process of updating the Felton Zoning Code..
- The Town of Felton acknowledges that Title 22, Chapter 1. § 101 requires all new annexations to be consistent with this comprehensive plan. For annexation

evaluations, we must provide a detailed Plan of Services report to the Office of State Planning Coordination prior to final Council action.

- The Town will continue to submit its annual report to the Office of State Planning Coordination with information regarding implementation activities, and new issues or conditions.

PLUS Review Comments and Responses – to be added here

Map Appendix

Map 1. Location Map

Map 2. Planning Area (Amended)

Map 3. 2003 Land Use within the Planning Area

Map 4. 2003 Land Use within the Town of Felton

Map 5. Unofficial Zoning (Amended)

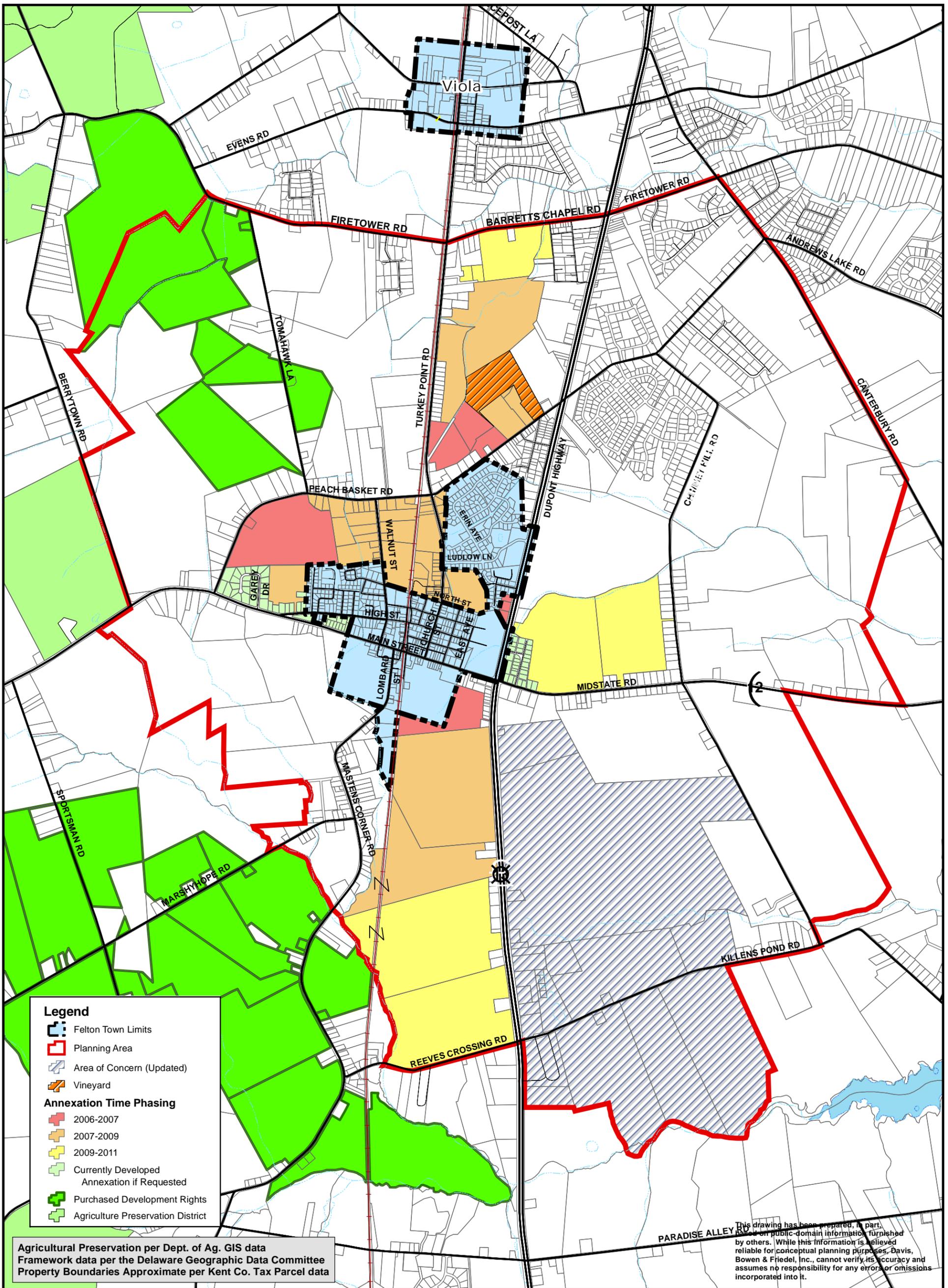
Map 6. Environmental Issues and Conservation Areas

Map 7. 2004 State Strategies (Amended)

Map 8A. Growth Area and Annexation Plan (Amended)

Map 8B. Future Land Use (Amended)

Map 9. Modified State Strategies in the Vicinity of Felton (Removed)



Town of Felton COMPREHENSIVE PLAN

Map 8A Growth Area
Time Phasing

4

August 2003

0 1,000 2,000 4,000 Feet

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