

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

Delaware State Planning Coordination
122 William Penn Street • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-6958

Name of Municipality:	Town of Townsend		
Address: P.O. Box 223 661 South Street Townsend, DE 19734	Contact Person:	Dawson Green	
	Phone Number:	302.378.8082	
	Fax Number:	302.378.7099	
	E-mail Address:	dgreen@townsend.delaware.gov	

Date of Most Recently Certified Comprehensive Plan 08/05/2010

Application Type:

Comprehensive Plan Amendment: X
Ordinance: _____
Other: _____

Comprehensive Plan Amendment or Municipal Ordinance prepared by:	Town of Townsend		
Address: P.O. Box 223 661 South Street Townsend, DE 19734	Contact Person:	Dawson Green	
	Phone Number:	302.378.8082	
	Fax Number:	302.378.7099	
	E-mail Address:	dgreen@townsend.delaware.gov	

Maps Prepared by:	Institute For Public Administration, University of Delaware		
Address: 180 Graham Hall 111 Academy Street Newark, DE 19716-7380	Contact Person:	Linda Raab	
	Phone Number:	301.881.1997	
	Fax Number:	302.831.3488	
	E-mail Address:	linda.raab@gmail.com	

Description:
This Plan Amendment proposes adding six parcels to Townsend's annexation area. A Draft Plan Amendment document follows this page. Page 3 lists the parcels proposed to be added to Townsend's annexation area, and page 4 shows their locations.

TOWN OF TOWNSEND
*2014 Amendment
to the
2010 Comprehensive Plan*



Adopted
[INSERT DATE]

Jermaine Hatton, Mayor
John Ness, Councilman
Joel Esler, Councilman
Lorraine Gorman, Councilwoman
Rudy Sutton, Councilman



Dawson Green, Town Manager
Azure DeShields, Finance Officer
Cathy Beaver, Town Clerk
Owen Hyne, Town Engineer
Fred Townsend, III, Town Attorney

PLACEHOLDER FOR ORDINANCE ADOPTING PLAN

PLACEHOLDER FOR PLUS COMMENTS

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TOWN, COUNTY, AND STATE OFFICIALS

Town of Townsend

Town Council

Jermaine Hatton, Mayor
Joel Esler, Councilman
Lorraine Gorman, Councilwoman
John Ness, Councilman
Rudolph Sutton, Councilman

Zoning Committee

Rick Anibal
Dwain Haines
Owen Hyne

Town Staff

Dawson Green, Town Manager
Azure DeShields, Financial Officer
Cathy Beaver, Town Clerk
Shirley Hart, Office Assistant
George Hargrove, Public Works

Owen Hyne, Town Engineer
Fred Townsend III, Esq.

New Castle County

County Executive

Thomas P. Gordon

County Council

Chris Bullock, Council President
Joseph Reda, 1st District
Robert S. Weiner 2nd District
Janet Kilpatrick, 3rd District
Penrose Hollins, 4th District
Lisa Diller, 5th District
William Powers, 6th District
George Smiley, 7th District
John J. Cartier 8th District
Timothy P. Sheldon, 9th District
Jea P. Street, 10th District
David L. Tackett, 11th District
Bill Bell, 12th District

Chief Administrative Officer

David Grimaldi

Department of Land Use

Eileen P. Fogerty, General Manager
George O. Haggerty, Assistant General Manager
James Smith, Assistant General Manager

State of Delaware

Governor

Jack Markell

Senate

Bruce C. Ennis, District 14

House of Representatives

Jeffrey N. Spiegelman, District 11

Office of State Planning Coordination

Constance C. Holland, AICP, Director

INSTITUTE FOR PUBLIC ADMINISTRATION

This Plan Amendment was prepared by the Town of Townsend Zoning Committee with assistance from the Institute for Public Administration (IPA), a unit within the University of Delaware's School of Public Policy & Administration. IPA links the research and resources of the University of Delaware with the management and information needs of local, state, and regional governments in the Delaware Valley. IPA provides assistance to agencies and local governments through direct staff assistance and research projects as well as training programs and policy forums.

Institute Director

Jerome R. Lewis, Ph.D.

Townsend Plan Amendment Team

Linda Raab, AICP, Project Manager

Nicole Minni, GISP, Mapping and GIS Support

INTRODUCTION

Townsend is interested in creating job opportunities and achieving a better balance between residential and non-residential land uses in the Town. Over the past several months, the Town has received a number of expressions of interest in commercial and industrial development. In responding to these inquiries, the Town found that existing commercial and industrial land within the current corporate limits and annexation areas is either already developed or not suitable for the types of development that potential applicants are seeking. Accordingly, the Town Council asked the Zoning and the Land Use and Development Committees to identify areas suitable for commercial and industrial development. This Plan Amendment, which proposes to add six parcels to Townsend's annexation area, is the result of that investigation.

PLAN AMENDMENT PROCESS

Zoning Committee Recommendation

In accordance with Section 66-129 (UDC 2002, § 904) of Townsend's *Zoning and Unified Development Code*, the Zoning Committee met on November 18, 2013 and unanimously recommended that the six parcels, described in Table 1 and shown on the map in Figure 2, be added to the Town's annexation area. The Zoning Committee sent its recommendation to the Town Council's Land Use & Development Committee (chaired by Mayor Jermaine Hatton) who agreed that the Town should submit a plan amendment to include the six parcels in the Town's annexation area and request review and comment under the Preliminary Land Use Service (PLUS).

Land Use & Development Committee Recommendation

The Land Use & Development Chair presented the committee's recommendation to Town Council at the November 20, 2013 Workshop. Town Council voted unanimously to request PLUS review of this Plan Amendment.

State Review

Title 29, Section 9203 of the *Delaware Code* requires that the state review and comment on county and municipal comprehensive plans, including amendments to plans. Known as the Preliminary Land Use Service (PLUS), the process involves review and comment from state departments and agencies. The Office of State Planning Coordination (OSPC) organizes the comment process.

On _____, OSPC and the state agencies involved in the PLUS process reviewed this Plan Amendment. In a letter dated _____, OSPC provided comments on the Plan Amendment.

Town Council Adoption

This section outlines the Town Council's adoption process.

Ordinance Introduction

In accordance with Section 401 of the town charter, an ordinance adopting this Plan Amendment was introduced in writing on _____. On _____, a fair summary the ordinance was published in the *Middletown Register*.

Public Outreach

The _____ notice in the *Middletown Register* also announced the date for a public hearing in accordance with the Section 66-98 (UDC, § 904C) of the *Zoning and Unified Development Code*. In addition, notices were posted on the Town’s website and at the post office.

Town Council Hearing

On _____, the Town Council held a public hearing on this Plan Amendment at which all persons desiring to testify were given a chance to be heard.

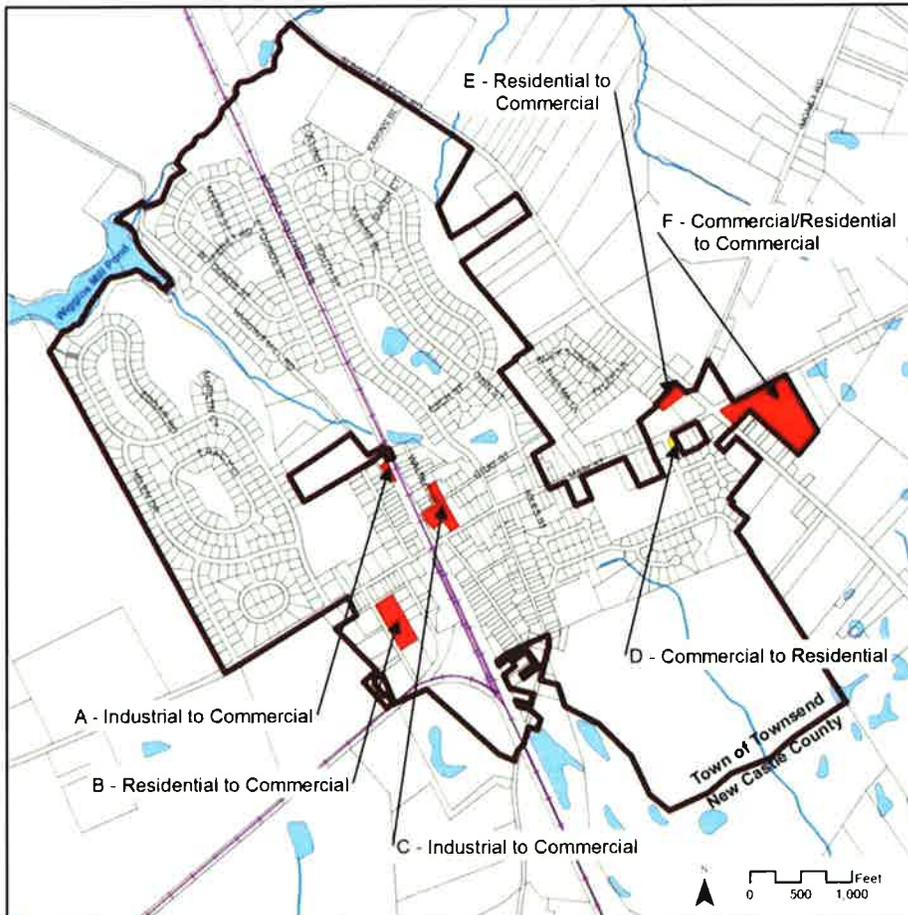
Adoption

On _____, the Town Council adopted this Plan Amendment by ordinance.

PLANNING AND ZONING SINCE 2010

Since adopting the 2010 comprehensive plan, the Town amended the plan in 2011, 2012, and 2013. Figure 1 shows the parcels whose land use was changed by the three plan amendments that took place between 2011 and 2013. Simultaneous with adoption of the third plan amendment in 2013, the Town comprehensively rezoned the entire municipality to comply with Title 22, Section 702(c) of the *Delaware Code* in 2013.

Figure 1. Adopted Future Land Use Changes 2011-2013



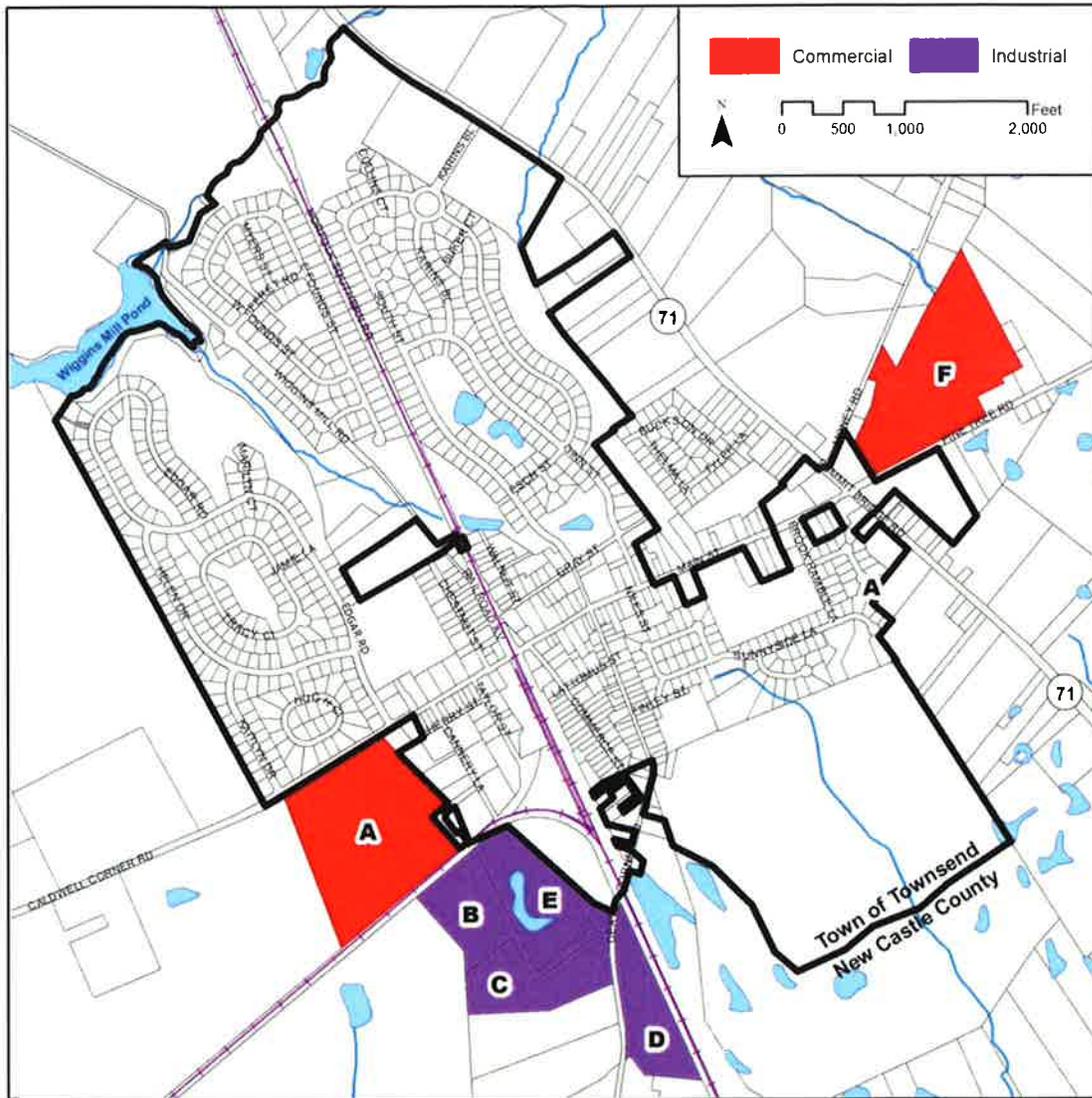
PARCELS PROPOSED FOR ANNEXATION

Table 1 lists each parcel that this Plan Amendment adds to Townsend’s annexation area and identifies their anticipated land uses. It also documents the basis for each change. Figure 2 shows their locations and proposed land uses.

Table 1. Parcels Proposed for Annexation

Map Ref	Parcel ID Property Address Acres State Strategies Level	New Castle County Property Class	New Castle County Zoning	Future Land Use in this Plan Amendment	Justification for Change
A	14-015.00-254 Caldwell Corner Rd 27.4 Acres Level 3	Farmland	SR, Suburban Reserve	Commercial	<ul style="list-style-type: none"> • Add opportunity for local and community retail to serve the residents of the Townsend vicinity. • Add opportunity for commercial, office and service uses that could create jobs for the Townsend vicinity.
B	14-015.00-236 Dexter Corner Rd 10.5 Acres Level 3	Farmland	SR, Suburban Reserve	Industrial	<ul style="list-style-type: none"> • Provide opportunity for the types of uses needing proximity to railroad. • Industrial uses more appropriate near railroad than residential and many commercial uses. • Provide environment for job-creation that can result from the availability of industrial land.
C	14-015.00-238 744 Dexter Corner Rd 11.0 Acres Levels 3 & 4				
D	14-016.00-301 785 Dexter Corner Rd 10.9 Acres Levels 3 & 4				
E	14-015.00-031 Dexter Corner Rd 13.7 Acres Level 3				
F	14-012.00-034 109, 115, 135 Pine Tree Rd 28.9 Acres Levels 2 & 3	Farmland	SR, Suburban Reserve	Commercial	<ul style="list-style-type: none"> • Add opportunity for local and community retail to serve the residents of the Townsend vicinity. • Add opportunity for commercial, office and service uses that could create jobs for the Townsend vicinity.

Figure 2. Map Showing Parcels Proposed for Annexation



ANNEXATION PROCESS

Title 22, Section 101 of the *Delaware Code* outlines the provisions governing municipal annexations.

1. Areas proposed for annexation must be identified in the comprehensive plan.
2. Any parcel proposed for annexation must be contiguous to the existing municipal boundary. "Contiguous" means that some part of a parcel proposed for annexation must be co-terminus with the boundaries of the annexing municipality and roads or rights-of way cannot be used to create "corridor" annexations.
3. Before a municipality can approve an annexation, a plan outlining how public services will be provided must be approved by the state. This review is coordinated by OSPC.
4. At the time of annexation, the municipality must enact an ordinance placing the newly annexed area in a zoning district that is consistent with the comprehensive plan.
5. As part of the annexation process, a municipality must provide public notice to affected parties and hold public hearings in a manner that complies with state and local statutes. The public outreach must include at least a 30-day comment period.

Section 103 of Townsend’s charter also has standards governing annexations. Section 103.1, like the state statute, authorizes the Town “... to extend its boundaries by annexation of territory contiguous to its then existing town limits ...”. This section goes on to specify the application procedure and identify the circumstances where an election must be held to approve an annexation.

ANNEXATION CONSIDERATIONS

This section identifies a number of key considerations for annexation of the parcels in this Plan Amendment. They include water and sewer service, the nearby farms, and the *Strategies for State Policies and Spending* depicted in Figure 3.

Public Services

When identifying properties for annexation the economic feasibility of providing public services is important. Two key public service considerations for Townsend are water and sewer service. Although these (and other services) items are dealt with in detail in the Plan of Services review by the Office of State Planning Coordination prior to any annexation, they should receive a preliminary review as part of the preparation of a comprehensive plan or plan amendment.

Water Service

The Town must work with the current water provider to determine the actions needed to deliver water service to the parcels proposed for annexation.

Sewer Service

As noted in the 2010 plan update, New Castle County provides sewer service to the Town through an agreement that extends through 2026 (page 31). One of the provisions of that agreement, affecting Parcels A and F is that the allocation for commercial uses is “... limited for the next 25 years to 45,000 square feet (23,000 gallons per day) [page 32]. Another provision affecting Parcels B-D in Figure 2 is that the county has the right to refuse “any annexation of industrial use” (page 32). Thus, the 2010 plan concluded that the Town needs additional sewer capacity to grow (page 32) and (on page 33) went on to recommend that the Town:

... re-negotiate with New Castle County to increase the sewer capacity stated in the agreement to allow growth in areas that are in accordance with the State Investment Strategies and the SNCC Memorandum of Agreement Local Area Plan for the M-O-T region.

It appears likely that additional sewer capacity would be needed to service the properties proposed for annexation in this Plan Amendment and that the county could block the annexation of the parcels proposed for industrial use. Accordingly, this Plan Amendment continues to recommend that the Town and the county re-negotiate the sewer agreement in a manner that balances Townsend’s growth potential with the county’s ability to provide sewer service.

Adjacent Farmland

As Figure 3 shows, Parcels A-C on Figure 2 are adjacent to farmland that is in the state’s Agricultural Easement Program. A farm in New Castle’s farmland preservation program is located north of Parcels A-C across Caldwell Corner Road. Inclusion in these farmland preservation programs means that these lands cannot be developed; they will remain in agriculture permanently. This Plan recognizes that

subsequent development of Parcels A-C, which are identified for Industrial and Commercial land uses in this Plan Amendment, must include measures to protect these farms.

Intergovernmental Coordination

As noted in the previous section, New Castle County provides sewer service to Townsend. The following meetings were held to discuss Townsend's sewer agreement, ascertain current sewage flow and treatment allocation, and make elected officials and staff aware of this Plan Amendment in advance of requesting PLUS review.

- December 9, 2013—Meeting with county Special Services Division to discuss current sewer allocation and ascertain the number of gallons per day being treated at the county sewerage treatment facility.
- December 23, 2013—Meeting with County Executive Thomas P. Gordon and William E. Powers, District 6 County Council member (whose district includes Townsend) attended by Mayor Hatton to request additional sewage capacity for Townsend and present the proposal to annex the six parcels in this Plan Amendment.
- February 2, 2014—Follow-up meeting with County Executive Gordon and Council Member Powers at which time it was recommended that Mayor Hatton meet with staff from the county's Land Use Department.
- March 5, 2014—Responding to County Executive Gordon's recommendation, meeting with Eileen P. Fogerty, Land Use Department General Manager and George O. Haggerty, Jr., Assistant General Manager, attended by Mayor Hatton, Townsend Manager Dawson Green, and Herb Inden, OSPC Circuit Rider Planner for New Castle County.

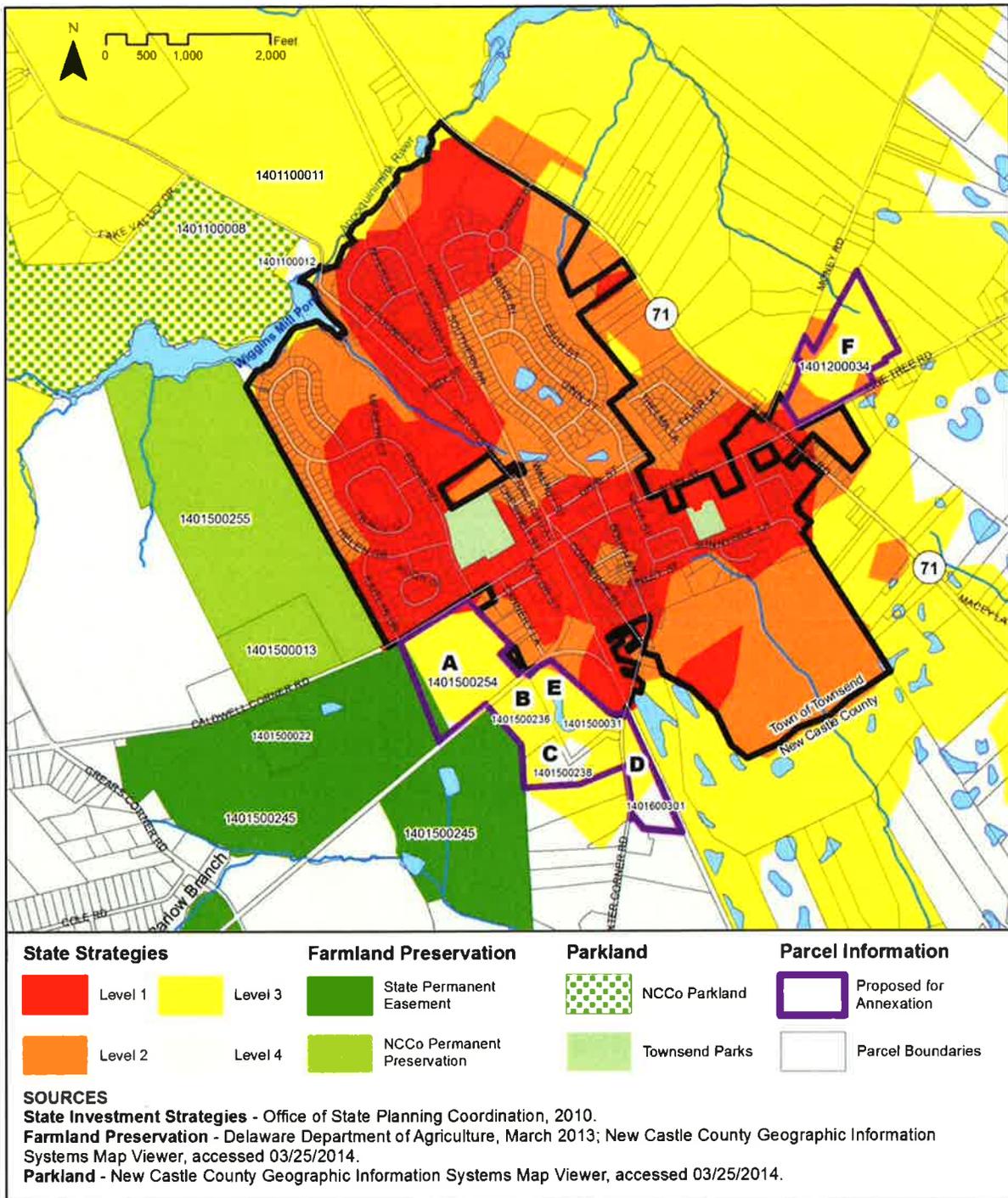
Strategies for State Policies and Spending

In 1999, the Cabinet Committee on State Planning Issues adopted the *Strategies for State Policies and Spending*. This document outlined the needs and concerns for future state planning and growth and identified geographic areas where the state was most prepared for growth. The *Strategies* were updated in 2004 and in 2010.

Consisting of text and maps, the *Strategies* document is important for municipal planning because it depicts graphically, as well as describes, areas intended for development. It classifies the entire state into four investment levels based on the predominant type of development. These levels form the basis for determining where state-supported growth should occur and establishes guidelines for state investment in those areas. The state is most prepared for growth to occur in Levels 1 and 2. In Level 3 areas, development is not anticipated in the immediate future, but is not precluded, since these areas are adjacent to, and sometimes within, built-up areas in Levels 1 or 2. In Level 4 areas, development is generally not expected.

Municipal and county comprehensive plans must consider the *Strategies* in the development of future land use within their boundaries and, for municipalities, identification of annexation areas. As Figure 3 shows, the six parcels identified for annexation in this Plan Amendment are mostly in Level 3, and parcels C and D contain small amounts of Level 4 areas. Permanently preserved farms abut Parcels A, B, and C creating a logical western border for the extension of Townsend's annexation boundary. Parcel F is surrounded by Level 3 areas.

Figure 3. State Strategies, Farms & Parkland — Townsend Vicinity



MAPS

This Plan Amendment hereby replaces Maps 7a and Map 7b to reflect the changes identified in Table 1 and depicted on Figure 2.

**Town of Townsend,
Delaware**



**Map 7a.
Future Land Use**

- Residential
- Commercial
- Industrial
- Institutional/Community
- Town Center
- Redevelopment
- Potential Annexation

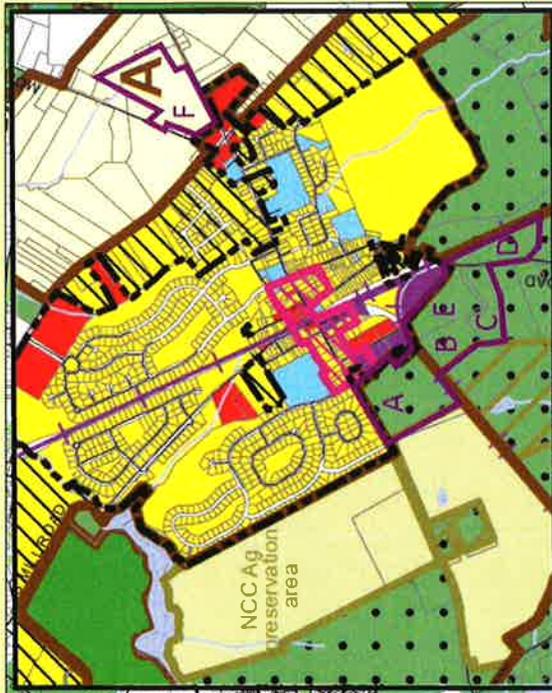
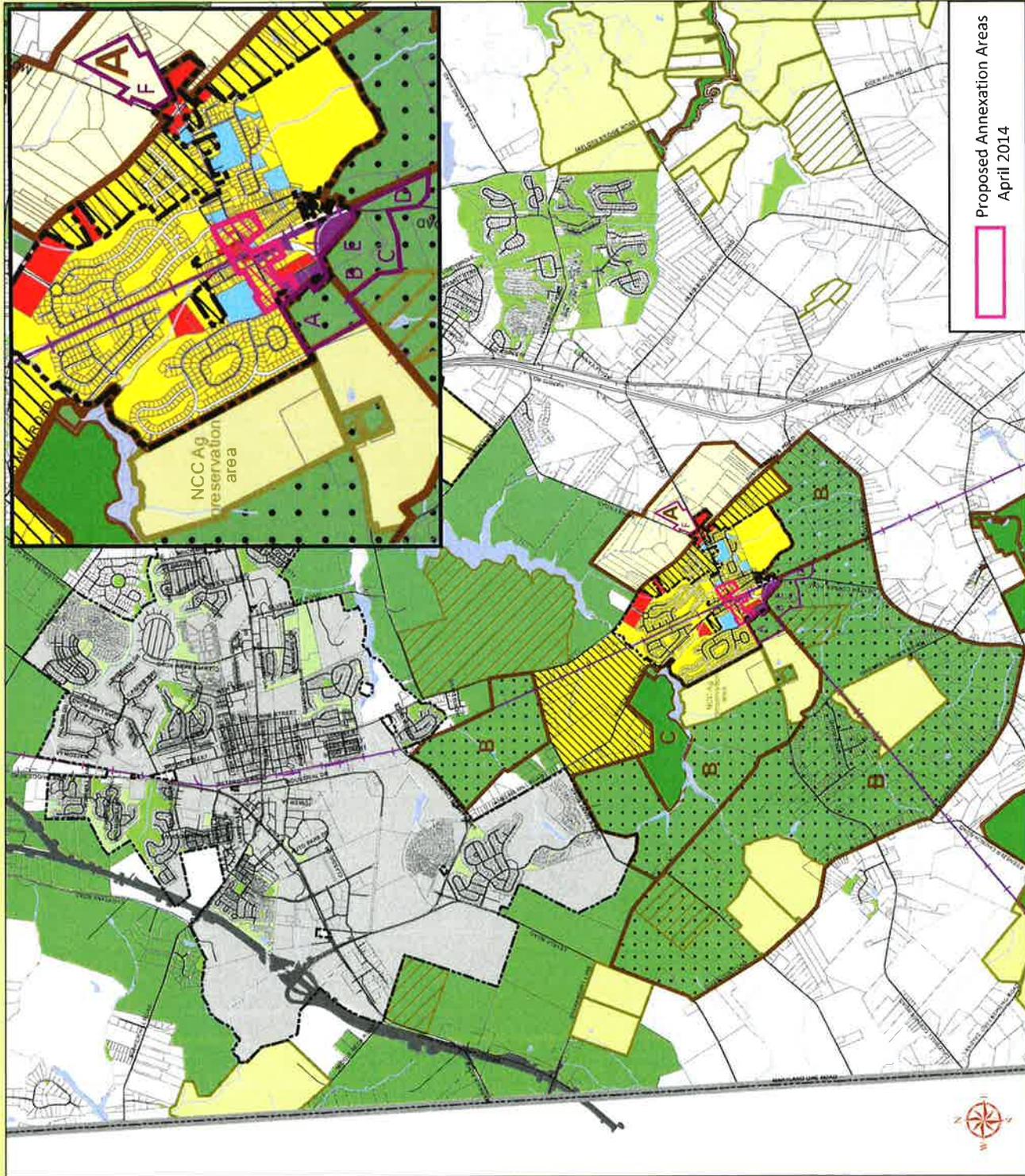
- Areas of Concern**
- Area A - Partially deed restricted
 - Area B - Possible future possible area - potential pending area for TDR
 - Area C - NCC Parkland

- Municipal Boundaries
- Agricultural Districts
- Agricultural Easements
- Incorporated Middletown
- Greenbelt
- NCC Private Open Space
- NCC Public Open Space
- Green North & Spur Road Alternative

**ADOPTED 09/04/2013
ORDINANCE 13-02**



Source: Future Land Use 2010 Interim Comprehensive Plan, 2010-2015, 2015-2020, 2020-2025, 2025-2030, 2030-2035, and 2035-2040. Spur Road Alternatives - R&K Engineers, Agricultural Districts - R&K Engineers, Agricultural Easements - R&K Engineers, Incorporated Middletown - R&K Engineers, Greenbelt - R&K Engineers, NCC Private Open Space - R&K Engineers, NCC Public Open Space - R&K Engineers, Green North & Spur Road Alternative - R&K Engineers. This map was prepared by the University of Delaware, Institute for Public Administration (IPA) and by the design and planning firm R&K Engineers, Inc. for the Town of Townsend, Delaware. The design and planning firm R&K Engineers, Inc. is not responsible for any use of this document for purposes other than those for which it was intended.



**Proposed Annexation Areas
April 2014**

PLUS Draft 04/01/2014



***Institute for Public Administration
School of Public Policy & Administration
College of Arts & Sciences
University of Delaware***

180 Graham Hall University of Delaware Newark, DE 19716-7380

phone: 302-831-8971 e-mail: ipa@udel.edu fax: 302-831-3488

www.ipa.udel.edu

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