



DATA SHEET FOR 2022 COMPREHENSIVE PLAN AMENDMENT

DEEP BRANCH & HERRING BRANCH GREENWAY

Planning Commission Meeting: May 17, 2022

City Council: May 23, 2022

Ordinance Number	:	2022-21
Applicant	:	City of Milford 201 S. Walnut Street Milford, DE 19963
Application Type	:	Comprehensive Plan Future Land Use Map Amendment
Present Comprehensive Plan Map Designation	:	Low Density Residential
Proposed Comprehensive Plan Map Designation	:	Open Space
Tax Map & Parcel(s)	:	3-30-11.00-002.00 3-30-11.00-002.03 3-30-11.00-002.05 3-30-11.00-008.00 (por) 3-30-11.00-039.00 3-30-11.00-039.07 3-30-11.00-039.09 3-30-11.00-039.11 3-30-11.00-350.00 (por) 3-30-11.13-001.00 3-30-11.13-002.00 3-30-11.13-003.00 3-30-11.13-004.00 3-30-11.13-004.01

ENC: Staff Analysis Report
PLUS Comments
Exhibit A – Comprehensive Plan Amendment
Ordinance 2022-21



STAFF REPORT
April 28, 2022

Ordinance Number : 2022-21
Application Type : Comprehensive Plan Future Land Use Map Amendment

Ordinance 2022-21 is an amendment to the Future Land Use Exhibits of the City of Milford 2018 Comprehensive Plan affecting twelve (12) parcels and the portion of two (2) parcels located along the south side of Deep Branch and Herring Branch between S. Walnut Street and Marshal’s Pond. Below is a list of the parcels affected by this amendment request. It should be noted that only one of the parcels is currently within City limits.

- 3-30-11.00-002.00
- 3-30-11.00-002.03
- 3-30-11.00-002.05
- 3-30-11.00-008.00 (portion) – located within City limits
- 3-30-11.00-039.00
- 3-30-11.00-039.07
- 3-30-11.00-039.09
- 3-30-11.00-039.11
- 3-30-11.00-350.00 (portion)
- 3-30-11.13-001.00
- 3-30-11.13-002.00
- 3-30-11.13-003.00
- 3-30-11.13-004.00
- 3-30-11.13-004.01

The City has acquired Sussex County Tax Parcel 3-30-11.00-039.00 and is working to develop a greenway master plan for this area. The greenway would include passive and active recreation areas, including but not limited to bike trails, walking paths, picnic areas, wildlife viewing areas, ball fields and courts, gazebos which will be determined through a master planning effort and under the advisement of the City’s Parks and Recreation Advisory Board, DNREC and City Council.

Enclosed is a copy of the State Preliminary Land Use Service (PLUS) comments dated March 18, 2022 for your review.



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

March 18, 2022

Rob Pierce, AICP
Planning Director
City of Milford
201 S. Walnut Street
Milford, DE 19963

RE: PLUS review 2022-02-04 – Milford Comprehensive Plan Amendment - Herring Branch Greenway

Dear Mr. Pierce:

Thank you for meeting with State agency planners on February 23, 2022, to discuss the proposed comprehensive plan amendment for the City of Milford. According to the information received, the proposed plan amendment would change the Future Land Use classification on 14 parcels from Low Density to Open Space, to prepare for the future Herring Branch Greenway.

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.

Office of State Planning Coordination – Contact Josh Thomas 739-3090

- The 14 parcels that comprise the proposed amendment are located in Investment Levels 1 and 2 according to the 2020 Strategies for State Policies and Spending. The majority are located in unincorporated Sussex County with a small portion in Milford’s jurisdiction. It is understood that Milford will seek annexation of the properties if the amendment is approved.
- Growth is supported in Levels 1 and 2, and the proposed greenway would add community amenities and contribute to public health. The amendment addresses Milford’s comprehensive plan goal to “Encourage the inclusion of connected, accessible parks and open spaces in new development” (1-4h. Parks, Recreation, and Open Space). It also supports one of the plan’s objectives to “establish a unified open space and greenways network...” (1-4h. Parks, Recreation, and Open Space). Our office has no objection to this proposed comprehensive plan amendment. With that being said, the City of Milford is encouraged to carefully consider the comments found in this letter from the other state agencies.

122 Martin Luther King Jr. Blvd. South – Haslet Armory · Third Floor · Dover, DE 19901
Phone (302)739-3090 · Fax (302) 739-5661 · www.stateplanning.delaware.gov

Department of Natural Resources and Environmental Control – Contact K. Clare Quinlan 735-3480

- **Disclaimer Clause:** Staff from the Delaware Department of Natural Resources and Environmental Control (DNREC) reviewed the comprehensive plan amendment submitted for PLUS review. The absence of comments regarding specific resources does not indicate that there are not additional constraints or environmental issues on site, nor does it indicate DNREC support of a project. Developers and municipal officials are encouraged to reach out to Clare Quinlan at (302) 735-3480 if they have any specific requests for information.
- The City of Milford seeks to amend the Future Land Use Map to change 14 parcels from Low Density Residential to Open Space in order to develop a greenway along Deep Branch and Herring Branch.
- DNREC reviewers are supportive of the City's efforts to preserve its natural resources and promote outdoor recreation. While DNREC reviewers have no objections to the amendment, please be aware that parcel 330-11.00-8.00 recently became a remediation site known as DE-1787 Rookery North. It is unknown at this point whether, or to what extent, there is any contamination present on the site. There may be additional limitations on the site even if deemed open space, depending on current investigation results. Prior to any use of the site, the owners must contact the Remediation Section at (302) 395-2600 to determine the status of the site and any associated limitations.

Delaware State Fire Marshal's Office – Contact Duane Fox 739-4394

- The DE State Fire Marshal's Office has the responsibility to review all commercial and residential subdivisions for compliance with the DE State Fire Prevention Regulations. This Agency asks that a MOU be established between the DE State Fire Marshal's Office and the City of Milford. The State Fire Marshal's Office would be issuing approvals much like DelDOT, Kent Conservation, and DNREC. This Agency's approvals are based on the DE State Fire Prevention Regulations only.
- The Delaware State Fire Marshal's Office has no objection to the comprehensive plan update.
- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

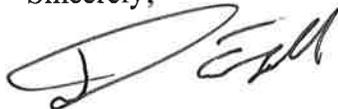
State Historic Preservation Office – Contact Carlton Hall 736-7400

- There is high potential for archaeological resources within these parcels. Deep Branch and Herring Branch run through the center of these parcels. The surrounding land has remained relatively undisturbed despite nearby development. Due to the proximity to fresh water, there is high potential for prehistoric archaeological resources in these parcels. There are four recorded historic properties adjacent to the parcels. Historic aerials and topographic maps show that despite the surrounding development, the parcels have remained consistently wooded. There is high potential for historic archaeological resources in these parcels. This Office recommends an archaeological survey prior to any ground disturbance.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov
- If there are any questions, inquiries, or concerns, feel free to contact the Delaware State Historic Preservation Office for assistance at 302-736-7400.

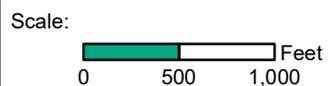
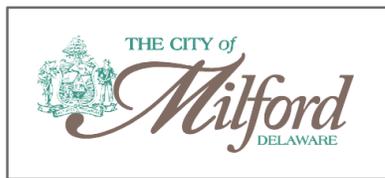
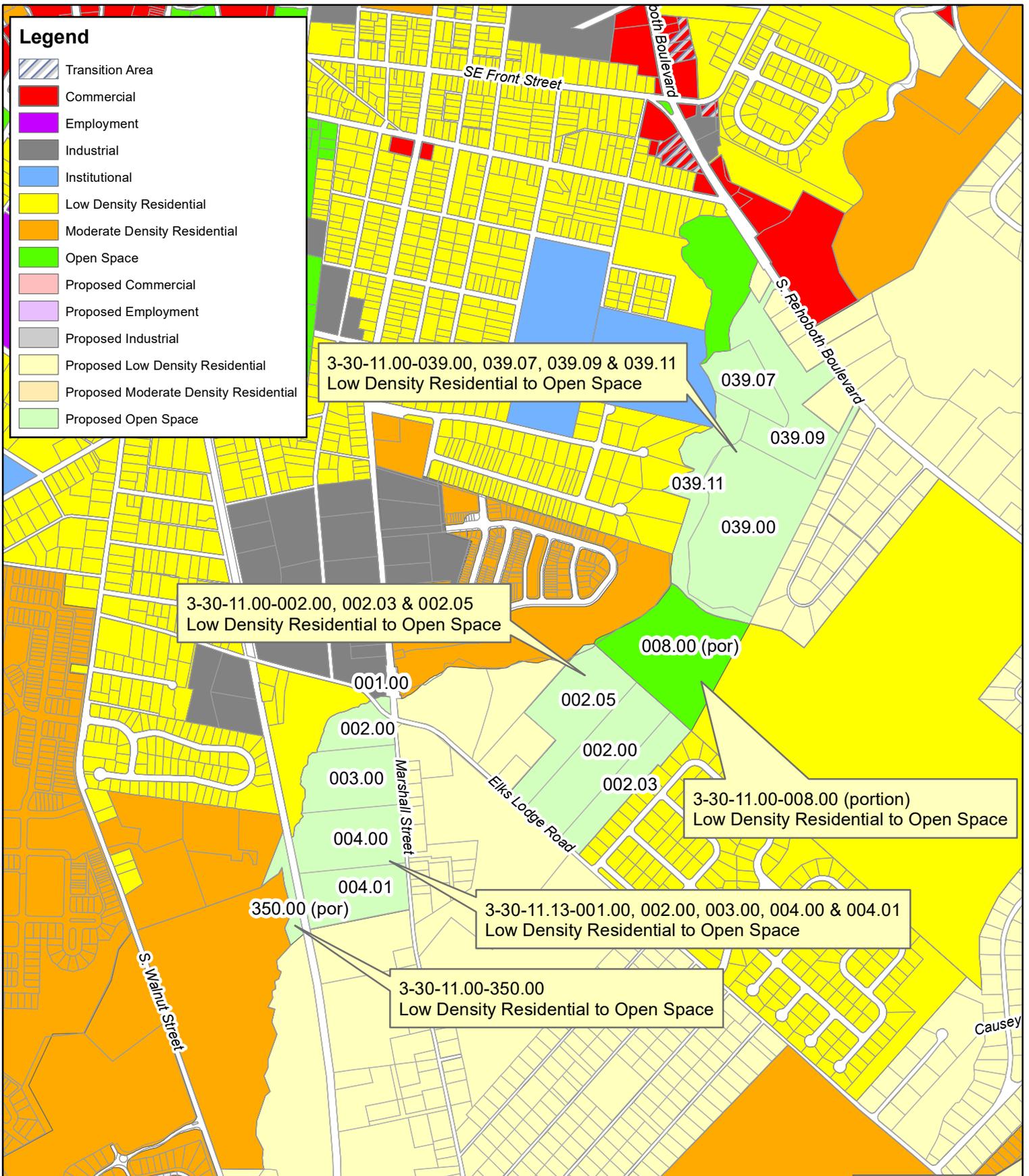
Once a decision has been reached on this proposed comprehensive plan amendment, please forward a copy of the plan amendment to the Office of State Planning Coordination for our records. The plan amendment must include the adopting resolution or ordinance, a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan. If the amendment is not approved by the town, please notify the office so we can update our records.

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

Sincerely,



David L Edgell, AICP
Director, Office of State Planning Coordination



Drawn by: WRP Date: 11/23/21

Title:

Exhibit A
2022 Comprehensive Plan Amendment
Future Land Use Map



**CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS**

Planning Commission Hearing: Tuesday, May 17, 2022 @ 7:00 PM

City Council Hearing: Monday, May 23, 2022 @ 7:00 PM

NOTICE IS HEREBY GIVEN that the proposed Ordinance is currently under review by the City of Milford Planning Commission and City Council. City Council has the option to approve or deny the application. By not adopting the ordinance, City Council will deny the application. By adopting the ordinance, City Council will approve the application and the reason for the language being written in the affirmative. This form of writing is not intended to influence any decision of City Council.

The Planning Commission of the City of Milford will hold a PUBLIC HEARING on an amendment to the City of Milford 2018 Comprehensive Plan on Tuesday, May 17, 2022 at 7:00 pm or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, May 23, 2022 at 7:00 pm or as soon thereafter as possible before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

**ORDINANCE 2022-21
AMENDING AND ADOPTING BY ORDINANCE
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN
Amendment #10**

DEEP BRANCH & HERRING BRANCH GREENWAY

3-30-11.00-002.00	3-30-11.00-039.00	3-30-11.13-001.00
3-30-11.00-002.03	3-30-11.00-039.07	3-30-11.13-002.00
3-30-11.00-002.05	3-30-11.00-039.09	3-30-11.13-003.00
3-30-11.00-008.00 (por)	3-30-11.00-039.11	3-30-11.13-004.00
	3-30-11.00-350.00 (por)	3-30-11.13-004.01

FUTURE LAND USE DESIGNATION CHANGE

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 702 Comprehensive Development Plan of the Delaware Code, the City of Milford adopted Ordinance 2017-24 the '2018 Comprehensive Plan' on January 22, 2018 to implement the current Comprehensive Plan, and

WHEREAS, during a PLUS review on February 23, 2022, the Planning Director prepared and consulted with the Office of State Planning the tenth amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment involves changes to the Comprehensive Plan Future Land Use, which will permit the future land use designation of twelve properties and a portion of two properties to an alternate future land use designation; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the tenth 2018 Comprehensive Plan amendment on May 17, 2022 and did recommend approval and adoption of the amendment to the 2018 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the tenth amendment of the 2018 Comprehensive Plan on May 23, 2022 at which time the amendment of the 2018 Comprehensive Plan was

reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the amended 2018 Comprehensive Plan is hereby adopted May 23, 2022 and the amended 2018 Comprehensive Plan for the City of Milford becomes effective on June 2, 2022.

Planning Commission Review & Public Hearing: May 17, 2022

City Council Introduction: May 9, 2022

City Council Review & Public Hearing: May 23, 2022

SYNOPSIS:

Edward M & Susan M Stokes, Elks Lodge Road, Tax Parcel 3-30-11.00-002.00; change in future land use designation from low density residential to open space.

David M. Stokes, Elks Lodge Road, Tax Parcel 3-30-11.00-002.05; change in future land use designation from low density residential to open space.

Mark A & Joyce A Nauman, Elks Lodge Road, Tax Parcel 3-30-11.00-002.03; change in future land use designation from low density residential to open space.

The Greens at Broadview, LLC, S. Rehoboth Blvd, Tax Parcel 3-30-11.00-008.00 (portion); change in future land use designation from low density residential to open space.

City of Milford, S. Rehoboth Blvd, Tax Parcel 3-30-11.00-039.00; change in future land use designation from low density residential to open space.

Annette S Billings, S. Rehoboth Blvd, Tax Parcel 3-30-11.00-039.07; change in future land use designation from low density residential to open space.

Betty F Sharp Trustee, S. Rehoboth Blvd, Tax Parcels 3-30-11.00-039.09 & 039.11; change in future land use designation from low density residential to open space.

Timothy L Golden, Swains Private Rd, Tax Parcel 3-30-11.00-350.00 (portion); change in future land use designation from low density residential to open space.

State of Delaware, Division of Highways, McCoy Street, Tax Parcel 3-30-11.13-001.00; change in future land use designation from low density residential to open space.

Cheryl K Hoey Irrevocable Trust, Marshall Street, Tax Parcels 3-30-11.13-002.00, 003.00, 004.00 & 004.01; change in future land use designation from low density residential to open space.

Additional information may be obtained by contacting Rob Pierce in the Planning Department at either 302.424.8396 or RPierce@milford-de.gov.

041822

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