



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

July 22, 2010

Janet Vinc
Town of Smyrna
P.O. Box 307
Smyrna, DE 19977

RE: 2010-04-06; Town of Smyrna comprehensive plan

Dear Ms. Vinc:

Thank you for meeting with State agency planners on June 23, 2010 to discuss the proposed Town of Smyrna draft comprehensive plan update.

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 amendment consistent with the terms of your certification and the requirements of Title 22, § 702 of the Del. Code.

1. The Future Land Use Map must be presented as separate map from the Existing Land Use Map. In this plan, the Future Land Use Map depicts the intended land use for all areas in town and in the annexation area for this planning period. This map should be re-titled "Future Land Use and Annexation Map" or something similar to indicate that it also includes areas to be annexed.
2. All plan sections must be updated with 2010 data. If there has been no change or progress since 2005, then this may be noted in the plan text.
3. In the plan text, all map references must be corrected so that they correspond to the correct map.

4. The implementation section must be updated so that it covers the period 2010 to 2020. This section is extremely important for the town as it is the “work plan” that will guide planning activities for the planning period. Projects which have been completed or abandoned should be removed from this section. The other projects should have their progress updated and reprioritized based on the Town’s current needs. Finally, if any new projects are needed to implement the vision and goals of the plan then they should be added.

Recommendations: Our office strongly recommends that the Town consider these recommendations from the various State agencies as you review your plan for final approval.

This office has received the following comments from State agencies:

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

Our office would like to commend the Town of Smyrna for creating a well balanced comprehensive plan. As in the 2003 and 2005 versions, this plan envisions an economically diverse, compact community that respects its heritage and protects the natural environment.

The plan provides a sound vision and a good basis for this plan update. A general impression from the plan draft we reviewed is that more work needs to be done to update the text and maps to reflect current conditions and challenges for 2010, and provide plan recommendations for the upcoming planning period. Here are some specific recommendations:

1. Make a separate Existing Land Use Map. The Existing Land Use Map documents existing conditions at a point in time, and is useful as a planning tool and to track progress in future years. This map is not to be confused with the Future Land Use Map, described above under certification items.
2. Consider separating the Future Land Use Map (for in-town properties) from the Annexation Plan Map. Some towns have found that separating the two allows them to simplify the map legends, and highlight annexation areas. Please keep in mind that the annexation plan must also show future land use for areas to be annexed.
3. On land use maps, it is customary for institutional uses to be blue and commercial uses to be red. These colors are reversed on your maps. Please consider revising.
4. Certain maps in the series include close up maps showing certain areas in more detail. Since the Future Land Use Map will be commonly referred to, it is recommended that close up versions of that map be provided as well.
5. A detailed series of text edits and recommendations have been sent to Ms. Vinc under separate cover. As noted above, all items related updating sections to 2010 are considered certification items. Please consider the remainder of the items to be recommendations to improve the plan text and maps.

State Historic Preservation Office (SHPO) – Contact: Terrence Burns 739-5685

- Historic preservation issues, protections, and considerations are throughout this plan. The City of Smyrna has made an outstanding commitment to the preservation of its historic buildings and community character.
- Since the last plan, the City has adopted a Historic Preservation Ordinance and established a Historic Preservation Review Board. The City has also instituted a matching grant program for façade improvements on historic buildings. In this plan, the City has committed to extending historic overlay protections to historic properties in newly annexed lands.
- In addition, the plan mentions burying overhead wires and other streetscape improvements, aiming for appropriate in-fill, defining mixed-use zoning in historic areas, and promoting the adaptive reuse of historic buildings. With the establishment of the Review Board, the City can now qualify for Certified Local Government status in the National Park Service program administered by this office. We applaud the City's efforts, and are, as ever, happy to discuss any issues that may come up as it moves forward. If you have any questions or concerns, please contact Alice Guerrant at 302-736-7412.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- Again in the section on population growth and projections, a paragraph on page 9 details a decline in the issuance of residential Certificates of Occupancy beginning in 2006 and continuing through 2009. This decline seems to counter the projection of an average of 300 dwelling units per year in the next 10 to 15 years. While that projection could be correct, DelDOT suggests that the Town should allow for the possibility of a more gradual recovery, increasing toward 300 dwellings per year over the next five years, or even longer.
- In Chapter 3, Section 2, on page 51, apparently in the subsection on Other Planning Considerations, there is a section heading "PARKS" which appears to have been randomly inserted.
- In Chapter 3, Section 5, on pages 65 through 68, the Transportation Plan recommends several capital improvements that would require State funding and several planning studies that would require State, and ideally Metropolitan Planning Organization (MPO), participation. All of these improvements and studies have merit, but they all must compete for resources with other worthwhile efforts. DelDOT suggests that the Town include prioritized recommendations in the Plan to nominate the capital projects for inclusion in the MPO's Transportation Improvement Plan (TIP) as a first step toward inclusion in DelDOT's Capital Transportation Program, and to nominate the studies for inclusion in the MPO's Unified Planning Work Program.

- Again in Chapter 3, Section 5, DelDOT has several specific comments regarding the recommended planning studies:
 - The Commercial Corridor Concept Plan for US Route 13 through Smyrna (page 66) is focused on making the streetscape more attractive and a safer and more appealing environment for pedestrians. DelDOT sees great value in such improvements. However, the Town should be aware that over time the through traffic that left Route 13 when Delaware Route 1 opened will be replaced by a growth in local traffic. DelDOT's review of the traffic impact study for the Duck Creek Business Center found that widening of Route 13 would be needed to accommodate the traffic associated with that development and other projected growth in the corridor. Short-term safety and aesthetic improvements are still appropriate in the context of the existing four-lane highway, but the need for additional lanes on Route 13 should be evaluated further before major capital improvements are made.
 - In the discussion of the Glenwood Avenue Improvements (page 67), there is a statement that “[Glenwood Avenue] serves the newest commercial area in the town.” Such a statement seems to ignore the Gateway North and Simon’s Corner shopping centers on the south side of town.
 - Included in the recommendation for the Southern Development Area Study (page 67), there is a recommendation that the study “examine the potential for extension of Rabbit Chase Road north to connect to Artisan Drive”. DelDOT suggests that this potential is greatly reduced by the recorded and partially developed Southern View and Wicksfield subdivisions being in the path of such an extension. The time to have considered this connection was before these developments were planned. Now it does not seem feasible. At the PLUS meeting the Town representatives indicated that this section was to be removed from the plan.
 - At the PLUS meeting the Town representatives indicated that Smyrna is no longer interested in pursuing the “Regional Westerly Connector Study” and that section and map would be removed from the plan. Please inform us if this sentiment changes.
- In Chapter 3, Section 6, the Historic and Cultural Resources Plan, the lists of properties included in the Historic District Overlay Zone and the Historic Preservation Overlay District (beginning on page 70) could perhaps be presented more effectively with a map.
- In Chapter 3, Section 8, the Housing Plan, includes a subsection on Redevelopment and discusses the Town’s Redevelopment Authority (beginning on page 80). If the Town has not done so, DelDOT recommends that they have the Town Attorney review legislation and case law regarding such authorities since 2004, notably *Kelo v. New London*, and advise them regarding the need for any changes to this section of the Plan.

- Within Chapter 3, Section 9, the Environmental Protection, Open Space and Recreation Plan, the subsection on Natural Features (page 85) encourages protection of the developable lands along Green's Branch. This language seems dated in that most of the land along that stream is now either preserved or developed.
- Again in Chapter 3, Section 9, in the subsection on Public and Private Recreational Facilities, it is said on page 87 that Kent County "has recently acquired and will soon be developing" Big Oak Regional Park. While they may plan to do more, the County has had the park land for several years now and has developed much of it.

The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-9071

DNREC offers several comments and suggestions to improve conservation and protection of the Town's resources. While the cumulative impact of various program suggestions and concerns may sound negative, the intent is to improve the plan elements related to environmental protection, open space, recreation and water quality and supply. DNREC would welcome the opportunity to meet with the Town in a collaborative manner to discuss these recommendations and possible future ordinances.

Recommendations for Comprehensive Plan Revisions

Overall Recommendation: DNREC strongly recommends that the Town of Smyrna make more specific "actionable" environmental protection strategies.

- **Section 9, Environmental Protection, Open Space and Recreation Plan.** The Town appropriately mentions the importance of conserving and minimizing impacts to natural resources within current town boundaries and in the surrounding area. Strengthening the zoning and subdivision ordinances and using cluster development techniques are described as mechanisms for achieving better protection of 'conservation areas' and areas of 'extreme environmental sensitivity.' In order to achieve these goals, priorities for protection should be identified.

Recommendation: The Town can refer to the Delaware Wildlife Action Plan (DEWAP¹) to identify areas in particular need of protection. Several areas, primarily along Duck Creek and its tributaries, are mapped as Key Wildlife Habitat in the plan (KWH). KWH are rare, have special significance in Delaware, are particularly sensitive to disturbance, have a high diversity of rare plants or

¹ The Delaware Wildlife Action Plan (DEWAP) is a comprehensive strategy for conserving the full array of native wildlife and habitats-common and uncommon- as vital components of the state's natural resources. This document can be viewed via our program website at <http://www.dnrec.state.de.us/nhp>. This document also contains a list of Species of Greatest Conservation Need, Key Wildlife Habitat, and species-habitat associations.

support Species of Greatest Conservation Need². KWH can also consist of large wetland complexes or forested areas that can support the full array of species across the landscape. The maps in the DEWAP show areas of the State where conservation efforts can be focused. These maps are also intended to help guide more site-specific conservation planning efforts. Rare Species and Species of Greatest Conservation Need (SGCN) – contact Person Edna Stetzer at Edna.Stetzar@state.de.us or 735-8654

- **Bog Turtles.** Division Scientists have not surveyed many of the parcels currently within town boundaries being considered for future land-use or those being considered for annexation. Limited surveys have revealed several species of conservation concern associated with freshwater tidal marshes that occur along Duck Creek. In addition, there are several areas just northwest of current town boundaries that are identified as potential habitat for the federally listed bog turtle (*Glyptemys muhlenbergii*). Bog turtles typically occur in freshwater wetlands with open canopies, mucky soils, and tussock vegetation; however, they can occur in more marginal habitats as well. Because the bog turtle is a federally listed species, protected under the Endangered Species Act, its presence can affect the scope of work in these areas.

Recommendation: The plan text should be revised to acknowledge the variety of species present along Duck Creek and the tidal marshes, including the possibility presence of bog turtles. The plan should contain a goal to preserve and protect this habitat resource and the species within it.

- **Goals for Protection of Natural and Scenic Resources.** It is commendable that the Town of Smyrna offers a Comprehensive Plan that indicates that “the Town recognizes that the surrounding waterways, woodlands, and productive farmlands form an important resource network and an attractive setting for the development of Smyrna.” The Plan even suggests that one of the primary motivating forces of the Smyrna Development Plan involve strategies to protect the natural and scenic resources of the area. However, such strategies are difficult to locate within the text of the Plan.

Recommendation: It is recommended that the plan text be clarified to include clear goals and strategies to protect the natural and scenic resources of the Town.

- **Natural Areas.** A small portion of the Woodland Beach and Cedar Swamp Natural Areas lies within marsh and forested upland areas between Rt. 13 and Rt. 1. Appendix D of the Plan provides various maps, however, appendix D was not contained in the updated Comprehensive Plan document on-line; therefore, we cannot determine whether

² Species of greatest conservation need (SGCN) are indicative of the overall diversity and health of the State’s wildlife resources. Some may be rare or declining, others may be vital components of certain habitats, and still others may have a significant portion of their population in Delaware. SGCN are identified in the Delaware Wildlife Action Plan (DEWAP).

the Woodland Beach and Cedar Swamp Natural Areas were depicted on any resource map.

Recommendation: The plan maps must be provided in Appendix D, and it is recommended that State-designated Natural Areas be identified in Comprehensive Plan maps that illustrate natural resources within municipal boundaries.

- **Forest Removal and Buffers.** Although there is language in the plan urging the protection of the limited forested resources remaining in Smyrna, there is no language that discusses the possible limitation of forest removal.

Recommendation: It is strongly recommended that the uplands associated with the Natural Areas within Smyrna's boundaries remain in their entirety, as they provides the only remaining buffer to the associated waterways. It is also strongly recommended that environmental protections be laid out in the Plan to include limits of forest removal, 100-foot wetland buffers and stream buffers, 100 percent protection of wetlands, and no development permitted in the floodplain, especially in light of the fact that the Land Use Plan, along with "the zoning ordinance, subdivision regulations, environmental controls, and anticipated growth projections," are intended to serve as a reference in considering development proposals in the future.

- **Town Policy for Field Studies.** "As a matter of Town policy, developers should be required to submit more detailed field studies of specific parcels as required in the zoning or subdivision codes when submitting development proposals that might impact our environmentally sensitive resources." This is a vague statement.

Recommendation: The plan should specify what detailed studies are desired, and include goals and implementation strategies to ensure that these studies are completed and implemented.

- **Environmental Protection Overlay District.** "The Zoning Code includes provisions for designation of "Environmental Protection Overlay" districts (EPOD) intended to control development in flood plains, on steep slopes, where there are areas of high ground water, prime woodlands and other sensitive resources." Does that mean resources in EPODs receive a higher level of protection? Would State designated Natural Areas be considered a sensitive resource? What entity determines a sensitive resource?

Recommendation: The plan text should clearly state when the EPOD went into effect, and what areas are protected under this ordinance. Protections provided to environmental resources should be described in detail to demonstrate levels of preservation provided by that ordinance.

- **TMDLs.**

Recommendation: On page 85, under Water Quality Issues, we recommend the creation of a new subsection entitled “Total Maximum Daily Loads (TMDLs),” with the following more pointed narrative about TMDLs replacing the existing narrative:

Under Section 303(d) of the 1972 Federal Clean Water Act (CWA), states are required to identify all impaired waters and establish total maximum daily loads to restore their beneficial uses (e.g., swimming, fishing, drinking water, and shellfish harvesting). A TMDL defines the amount a given pollutant (i.e., or the pollutant loading rate reduction for a given pollutant) that may be discharged to a water body from all point, nonpoint, and natural background sources; thus enabling that water body to meet or attain all applicable narrative and numerical water quality criterion (e.g., nutrient/bacteria concentrations, dissolved oxygen, and temperature) in the State of Delaware’s Water Quality Standards. A TMDL may also include a reasonable margin of safety (MOS) to account for uncertainties regarding the relationship between mass loading and resulting water quality.

In simplistic terms, a TMDL matches the strength, location and timing of pollution sources within a watershed with the inherent ability of the receiving water to assimilate that pollutant without adverse impact. The realization of these TMDL pollutant load reductions will be through a pollution control strategy (PCS). A Pollution Control Strategy (PCS) is the regulatory directive that identifies what specific actions (e.g., best management practices) are necessary for reducing pollutants in a given water body (or watershed); thus realizing the water quality criterion or standards set forth in the State of Delaware’s Water Quality Standards – ultimately leading to the restoration of a given water body’s (or watersheds) designated beneficial use(s). The PCS will also include some voluntary or non-regulatory components as well.

The Town of Smyrna is located in the greater Delaware River and Bay Drainage, specifically within the Smyrna River and Leipsic River watersheds. These watersheds have assigned nutrient (nitrogen and phosphorus) and bacterial TMDL load reduction requirements (See table 1). The PCS, as stated previously, is an implementation strategy that identifies the actions necessary to systematically reduce the pollutant loading in a given water body, thus enabling attainment of the specified TMDL reduction requirements mandated for that water body. The Smyrna River and/or Leipsic River Strategies have no scheduled date for completion, but we recommend the Town include a commitment to protecting water quality in its Plan. Also, there are many Plan implementation steps that can be taken to ensure that water quality does not worsen.

Delaware River and Bay Drainage	N	P	Bacteria
Smyrna River & Leipsic River watersheds	40%	40%	75%

Table 1: TMDL reduction requirements for the Smyrna River and Leipsic River watersheds

- **Source Water Protection Text.**

Recommendation: Within the existing Water Quality Issues section, DNREC recommends the creation of a new subsection entitled “Water Resource Protection Areas,” keeping the existing narrative (including any recommended changes/modifications).

- **Sourcewater Protection Map.**

Recommendation: Figure No. 8 submitted with the comprehensive plan update contains a great deal of information and does not clearly depict the wellhead protection areas or areas of excellent recharge. DNREC recommends developing maps that show only the source water protection areas.

- **Water Supply/Allocation.** The Town’s current water supply facilities are not adequate to support the projected growth rate. The 2010 population of 8,813 persons cited in the Comprehensive Plan Update is not consistent with population numbers (10,000 persons) reported to the Water Allocation Program in annual water use reports every year since 2007.

The 2009 peak monthly water use for the Town of Smyrna was 33.6 million gallons, 93% of the total allocated monthly withdrawal. The 2009 total annual water use was 318.6 million gallons, exceeding the annual allocation.

Recommendation: It is recommended that the plan text be revised to reconcile the current and future population estimates and projections with water supply and demand. If there is insufficient allocation for future population needs, then the Town should commit to working with DNREC on future permitting. If there is insufficient capacity in the current and planned water infrastructure, then the plan should describe how the Town intends to supply water to meet future population needs.

Recommendations for Ordinances and Plan Implementation

- **Natural Resource Protection Ordinances:**

Recommendation: If the following items are not already protected by the EPOD ordinance, the Town should consider providing a higher level of protection for forest blocks, riparian forested areas, and freshwater tidal marshes along Duck Creek and its tributaries. This could be accomplished by developing a wetland/riparian buffer ordinance and/or strengthening the existing tree ordinance to specifically protect these sensitive areas. In addition to water quality protection, buffers along streams and other water bodies connect areas of habitat and provide wildlife with cover and space as they move across the landscape during daily and migratory activities. Wildlife corridors are typically found adjacent to streams or wetlands and support the survival of many species by providing sources of food and water, providing protective cover from predators and shelter from harsh weather, and reconnecting isolated populations. An effective wildlife corridor is generally much wider than buffers for water quality. Rare Species and Species of Greatest Conservation Need (SGCN) – contact Person Edna Stetzar at Edna.Stetzar@state.de.us or 735-8654

- **Site Visits for Endangered Species:**

Recommendation: The Town should consider requiring applicants of development projects to contact the Natural Heritage and Endangered Species Program to determine if their project activities will impact a state-rare or federally listed species. In some cases a site visit may be requested in order to provide the necessary information. The Town should then carefully consider implementation of those recommendations prior to final approval of site plans:

- **Native Species for Wildlife Habitat:**

Recommendation: The Town outlines a plan that includes urban forestry, aesthetics, and the creation of wildlife habitat. It is recommended that town ordinances be revised to encourage or require the planting of species native to Delaware in areas where wildlife habitat will be created. In addition to trees, these created habitats should include the basic elements needed to support wildlife (food, cover, water, and places to raise young). The attached Excel spreadsheet includes a list of Delaware native plant species and a description of the wildlife value the plant provides. Questions regarding this list or about habitat restoration utilizing Delaware native plants can be directed to Bill McAvoy, the program botanist, at (302) 735-8668 or William.McAvoy@state.de.us.

- **Redevelopment of Brownfield Sites:**

Recommendation: DNREC's Site Investigation and Restoration Branch (SIRB) encourages the development of Brownfields and can provide assistance when investigating and remediating Brownfield sites. Although SIRB has no specific comments regarding the proposed comprehensive plan at this time, if any future development occurs on sites with previous manufacturing, industrial, or agricultural use, SIRB recommends that a Phase I Environmental Site Assessment be conducted prior to development, due to the potential for a release of hazardous substances.

- **Sourcewater Protection Ordinance:**

Recommendation: On page 86 of the Town's Comprehensive Plan in the second paragraph, the Town states that they have agreed to work with DNREC to develop and adopt Source Water regulations. The Source Water Protection Program received a request from the Town for information but had no further involvement in developing the ordinance. The DNREC Water Supply Section, Ground-Water Protection Branch (GPB) reviewed the Town's Source Water Protection Ordinance as part of this update. The ordinance does not contain language to limit impervious cover nor restrict activities designed to protect source water protection areas from activities and substances that may harm water quality and subtract from overall water quantity as required by 7 Del. Code, Chapter 60, Subchapter VI, § 6082 (b). As written, the Ordinance does not appear to protect the resource. Issues include:

- No language that addresses the Town's privately owned public wells;
- No reference to the scientifically delineated wellhead areas mapped by DNREC;
- No limit on impervious cover or restriction on activities that can occur in Source Water Protection Areas; and
- No elaboration on how the provision of open space will protect these areas.

We note that it might be helpful to have a consistent definition of "open space" in your comprehensive plan and/or Town ordinances. In a guidance document that DNREC is developing for the PLUS and other local technical review processes, we have defined open space as: those areas with public value in a predominantly natural state and undeveloped condition. Such areas may contain, but are not limited to, wildlife and native plant habitat, forest, farmland, meadows, wetlands, floodplains, shorelines, stream corridors, steep slopes, and other areas that have species or habitats of conservation concern.

Open Space may be preserved, enhanced and restored in order to maintain or improve the natural, ecological, hydrological, or geological values. An important

design element to consider when incorporating Open Space in a development is to take maximum advantage of adjoining Open Space areas. This will advance the goal of an interconnected network of habitat corridors for wildlife and provide for future potential linkages.

Open Space is not:

- impervious surfaces (e.g., roads, parking lots, sidewalks, buildings)
- swimming pools or ponds that are lined or contain an impervious substrate
- stormwater management structures
- wastewater treatment systems

Types of Recreational Open Space:

Passive-Passive recreation areas include only low-impact activities having little or no disturbance on natural features.

Active-Active recreation areas (e.g., ball fields, playgrounds) should be placed only in Open Space areas that do not already contain natural habitat.

DNREC looks forward to meeting with the town in the near future to discuss improvements to this ordinance that can help Smyrna protect water quality for its residents and businesses.

- **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 the New Castle Conservation District, New Castle County, Kent County, Kent 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.

State Fire Marshal's Office – Contact: Duane Fox 856-5298

The Delaware State Fire Marshal's Office has the responsibility to review all commercial and residential subdivisions for compliance with the Delaware State Fire Prevention Regulations. This Agency asks that a MOU be established and be maintained between the Delaware State Fire Marshal's Office and the Town of Smyrna. The State Fire Marshal's Office would be issuing approvals much like DelDOT and DNREC. This Agency's approvals are based on the Delaware State Fire Prevention Regulations only.

Department of Agriculture - Contact: Scott Blaier 739-4811

Growth and Annexation:

Page 5 of plan mentions five year review of farms enrolled in the state's Agricultural Lands Preservation Program. We encourage the town to continue this exercise, and be mindful of their location as the town grows. We also ask the town to consider adopting an ordinance requiring a forested buffer between any future development within the town and preserved farmland.

Page 92 mentions town's participation in TDRs. We encourage the town to vigorously pursue this opportunity with the Office of State Planning, to help achieve the transition from the town into the surrounding rural farming areas. TDRs can be used by the town in concert with the existing state preservation program. At least one other municipality has been actively working with the state lately to move forward with TDRs.

Economic Development:

DDA encourages the town to support agribusiness opportunities as they arise. The department also encourages the town to promote and support fresh farm markets and other direct from Delaware farmer to consumer opportunities.

Urban Forestry:

Page 84 mentions town's tree canopy and urban forestry goals. The department encourages the town to continue to work with DDA's Forest Service to help the town meet its goals. It is especially important and beneficial for the town to work with the State Forest Service on tree plantings and urban forest issues before approving new residential developments in the town.

Delaware State Housing Authority – Contact Karen Horton 739-4263

- According to Title 22, Section 702 Del C., the Affordable Housing Plan must include policies, statements, goals, and planning components which serve to define the community's strategy for providing affordable housing for current and future residents. The plan draft plan is compliant with these regulations.

While the plan is compliant, it appears that Housing Chapter has not been updated since the last certified plan in 2006. The DSHA encourages the Town to update its data and assess the progress to date in implementing the housing strategies outlined in the 2006 plan to determine whether they are still relevant for this most recent draft update.

- DSHA has developed a website, **Affordable Housing Resource Center**, to learn about resources and tools to help create housing for households earning 100% of median income or below. Our website can be found at: www.destatehousing.com "Affordable Housing Resource Center" under our new initiatives.

Approval Procedures:

1. 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.
2. Our office will require a maximum of 20 working days to complete this review.
 - a. If our review determines that the revisions have adequately addressed all certification items, we will forward you a letter to this effect.
 - b. 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.
3. Once you receive our letter stating that all certification items have been addressed, the Planning Commission and Council should adopt the plan pending State certification. We strongly recommend 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.

4. 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.
5. At his discretion, the Governor will issue a certification letter to your City.
6. 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 project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

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

CC: Kent County
Town of Clayton