



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

May 18, 2014

Glen Gaurvy
Town of Little Creek
P.O. Box 298
Little Creek, DE 19961

RE: PLUS review 2015-04-02; Town of Little Creek Pre-update Review

Dear Glen:

Thank you for meeting with State agency planners on April 22, 2015 to discuss the update of Little Creek's comprehensive plan. State agencies have reviewed the documents submitted and have asked that the following be considered when you update your plan for certification.

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

Our office is pleased to have the opportunity to work with the Town of Little Creek as the Town prepares the required 10 year update of the comprehensive plan. The plan, and subsequent amendments to the plan, has served the Town well for the last 10 years.

The plan update is getting started a bit early, but it does appear that there are a lot of projects going on right now in and around Little Creek that make this effort very timely. Those efforts include, but may not be limited to, the Rt. 9 Scenic By-Way; the Town's efforts to plan for climate change and sea-level rise; the current University of Delaware Sea Grant research for their "Working Waterfronts" project; DNREC's Bayshore Initiative; and the project to dredge the Little River.

Our office encourages the Town and its consultants to incorporate these and other projects into the Plan Update. We are able to assist the Town with Census data and meeting facilitation, and are working to coordinate these efforts with the Town's schedule. In summary, we commend the Town of Little Creek for being proactive in updating their comprehensive plan to include the many important projects and programs in and around the Town of Little Creek.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

Recommendation 1 from Section 2-8, is that the Town “should evaluate both enforcement and design based solutions to traffic on Main Street and the high volume of heavy trucks that pass through the town along this road.” While “enforcement” seems self-explanatory, it is not clear what is meant by “design based.” We recommend that examples of what is meant be included in the text. If traffic calming measures are what is envisioned, the Town may want to contact Mr. Michael Somers in our Traffic Section for ideas on suitable measures to include as examples. Within DelDOT, Mr. Somers manages a traffic calming program oriented toward subdivision streets but to some extent the techniques of traffic calming can be applied to other roads. Mr. Somers may be reached at (302) 659-4099.

The Plan should recognize that Main Street is part of Delaware’s Bayshore Byway, a part of the Bayshore Initiative. Little Creek is an important Discovery Zone on the byway. For more information, refer to the byway’s Corridor Management Plan located here:

http://deldot.gov/information/community_programs_and_services/byways/route9.shtml#byways_page and the manual [Context Sensitive Solutions for Delaware Byways](http://deldot.gov/information/community_programs_and_services/byways/pdf/Context_Sensitive_Solutions_for_Delaware_Byways.pdf), located here: http://deldot.gov/information/community_programs_and_services/byways/pdf/Context_Sensitive_Solutions_for_Delaware_Byways.pdf. As necessary, the Town may contact Ms. Ann Gravatt, our Byways Program Coordinator, at (302) 760-2254 with questions about the Bayshore Byway or about our Byways Program in general.

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

Page 20, 2-3. Environmental Features. While excellent recharge areas are an environmental feature, they are more closely identified with water supply. We recommend moving the discussion of excellent recharge areas to page 30, 2-6a. Water System.

Text of the comprehensive plan may include description of source water requirements in 7 Del. C. 6082(c), and include goals and objectives related to the protection of the resource. This text shall be placed within the water and sewer element of the local government’s comprehensive plan, as prescribed by Title 22 of the Delaware Code.

The local government may adopt, after consultation with DNREC, an ordinance that is protective of the resource. If adopted, the ordinance shall refer to the most current official source water map and relevant data, as provided in the current Comprehensive Plan and as amended from time to time or include a map update procedure.

We encourage the Town of Little Creek to adopt a source water protection ordinance to identify excellent recharge areas as Critical Areas that need protection to insure a sufficient supply of clean drinking water.

Page 21, 2-3a. Floodplains and Wetlands. We recommend these be split up into two separate sections. Regarding flood management, we would look for an acknowledgement that the Preliminary Flood Insurance Rate Maps (FIRMs) for Kent County became effective on July 7, 2014. We would also look for a discussion about the Town's floodplain regulations with respect to the new maps.

Page 22, 2-3d. The Little River. This section needs to be updated; references to Dave Carter, Laura Herr, and Wayne Lehman should be removed as they no longer work for the Department.

Page 24, 2-3e. Total Maximum Daily Loads (TMDLs). It is strongly recommended that the Comprehensive Plan mention the TMDL reduction requirements for nutrients (e.g., N & P) and bacteria. The Little Creek watershed TMDL calls for a 40% reduction for both nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 75% reduction in bacteria from baseline conditions.

Page 30, 2-6a. Water System. Have there been any changes since the 2006 Plan?

Page 30, 2-6b. Wastewater Treatment System. Have there been any changes since the 2006 Plan?

Page 30, 2-6d. Stormwater Management. The Department recommends that the Town of Little Creek incorporate a requirement for a stormwater review into the Town's preliminary approval requirements for new development requests. The *Delaware Sediment and Stormwater Regulations* have been revised and became effective January 1, 2014. A three-step plan review process is now prescribed in the regulations. Proposed development projects must submit a Stormwater Assessment Study for the project limits of disturbance and hold a project application meeting with the reviewing delegated agency as the first step, prior to submitting stormwater calculations or construction drawings, which are steps two and three. Resulting from the project application meeting a Stormwater Assessment Report will be completed by the reviewing agency and the developer and forwarded to the Town. This Stormwater Assessment Report will rate the anticipated engineering effort necessary to overcome certain stormwater assessment items such as soils, drainage outlets, and impervious cover. The Sediment and Stormwater Program recommends that the Town consider the ratings from the Stormwater Assessment Report in making a decision to issue preliminary approval for any development request by incorporating the Stormwater Assessment Report as a required element when a plan is submitted into the municipal preliminary plan approval process.

The revised *Delaware Sediment and Stormwater Regulations*, effective January 1, 2014, have a goal of reducing stormwater runoff for the rainfall events up to the equivalent one-year storm, 2.7 inches of rainfall in 24 hours. Runoff reduction encourages runoff to infiltrate back into the soil as in the natural pre-development system and results in pollutant removal and stream protection. Best management practices (BMPs) that encourage infiltration or reuse of runoff, such as porous pavements, rain gardens, rain barrels and cisterns, green roofs, open vegetated swales, and infiltration systems should be allowed for new development sites within the Town. Furthermore, limiting land disturbance on new development projects and limiting impervious surfaces by allowing narrower street widths, reducing parking requirements, and allowing pervious sidewalk materials will be necessary to help achieve the runoff reduction goals in the revised regulations.

Page 32, 2-7h. Parks and Recreation. In August of 2011, the Delaware Division of Parks and Recreation conducted a telephone survey of Delaware residents to gather information and trends on outdoor recreation patterns and preferences as well as other information on their landscape perception. These findings are the foundation of the 2013-2018 Statewide Comprehensive Outdoor Recreation Plan (SCORP) providing guidance for investments in needed outdoor recreation facilities and needs within county and municipal comprehensive plans. For the purpose of refining data and research findings, Delaware was divided into five planning regions. The Town of Little Creek is located within SCORP Planning Region 3.

When looking at the findings from the 2011 telephone survey, it is apparent that Delawareans place a high importance on outdoor recreation. Statewide, 93% of Delaware residents indicated that outdoor recreation had some importance in their lives, while 67% said it was very important to them personally. These findings are very close to the results of the same question asked in the 2008 public opinion telephone survey, indicating a continued demand for outdoor recreation opportunities throughout the State.

Placing high importance on outdoor recreation resonates throughout the five SCORP regions. In Region 3 (Kent County), 63% said it was very important to them personally.

Outdoor Recreation Needs/Priorities

Based on the public opinion survey, the most needed outdoor recreation facilities in Farmington include:

High facility needs:

- Walking and Jogging Paths
- Public Swimming Pools
- Bicycle Paths
- Fishing Areas
- Playgrounds
- Community Gardens

Picnic Areas
Off-Leash Dog Areas

Moderate facility needs:

Hiking Trails
Camping Areas
Ball Fields
Basketball Courts
Football Fields
Public Golf Courses
Soccer fields
Boat Access
Canoe/Kayak Launches
Tennis Courts

Wildlife Species and Habitats. Consider the incorporation of the Delaware Wildlife Action Plan, which is a comprehensive strategy for conserving native wildlife species and habitats into the Little Creek Comprehensive Plan. For example, the Delaware Wildlife Action Plan identifies Key Wildlife Habitat that may be considered in Land Use Planning. The Delaware Wildlife Action Plan is in the process of being updated, with a new version expected to be available in 2016. For more information on the Delaware Wildlife Action Plan, see: <http://www.dnrec.delaware.gov/fw/dwap/Pages/default.aspx>.

Preparing for a Changing Climate. The Town of Little Creek has received a Coastal Management Assistance Planning Grant from the Delaware Coastal Program for the purpose of improving the Town's resiliency to sea level rise and coastal storms. Sea level rise is one of several climate change impacts that can affect communities, the others being variable precipitation and increasing temperatures. Together, precipitation and accelerated sea level rise contribute to increased flooding. Under Governor Markell's Executive Order 41, directing Delaware State agencies to prepare for emerging climate impacts and seizing economic opportunities from reducing emissions, DNREC and the Office of State Planning Coordination are tasked with identifying actions local governments can take to improve community resiliency, including an assessment of infrastructure vulnerabilities, land use policies, and other adaptation strategies that may be integrated into comprehensive land use plans. With that in mind, DNREC requests the opportunity to work with the Town and their consultants to develop language for the comprehensive plan that addresses climate change impacts, as well as adaptation and mitigation strategies for the Town to pursue through implementing ordinances.

Map 5, Environmental Features. DNREC will provide the latest data for excellent recharge areas and floodplains.

Recommendations for Ordinances and Plan Implementation

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 Kent County, the 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 Housing Authority – Contact: Karen Horton 739-4263

Since the Town of Little Creek’s population is less than 2,000, Title 22, Section 702 Del C., requires the Town to state their position on housing growth.

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.

If you have any questions, please feel free to call me at (302) 739-4263 or via e-mail at karenh@destatehousing.com. Thank you.

State Historic Preservation Office – Contact: Terence Burns 7367404

The Town of Little Creek does have some individual properties listed in the National Register of Historic Places. These National Register-listed properties are part of the Multiple Resources of Leipsic and Little Creek (K03057). In addition, the State Historic Preservation Office has defined an eligible historic district within the town, the Little Creek Historic District (K06969).

The Town may want to establish a historic zoning ordinance and incentives to protect the historic properties. A major benefit of listing is that it makes properties eligible for financial incentives in the form of federal, state, and county historic preservation tax credits and occasional grants.

Such financial incentives will help in the maintenance of the aging housing stock, which is one of the Plan's concerns and recommendations. If you have any questions or concerns, please call Alice Guerrant at 302-736-7412.

Department of Agriculture – Contact: Scott Blaier 698-4532

The Department of Agriculture has reviewed the Town's existing comprehensive plan, and offers the following suggestions and comments.

The department applauds the town's interest in farmland preservation as mentioned on pages 35, 39, and elsewhere in the plan. We would be glad to assist the town in exploring farmland preservation as a tool to maintaining the rural character and setting of the town.

Please make sure the maps for the new plan have the latest up to date GIS layer of properties/parcels enrolled in the state's Agricultural Lands Preservation program. We encourage the Town to work with the Department's Urban Forestry Program to meet its green infrastructure, aesthetics, and tree canopy goals. The program has competitive grant funding available in addition to expertise in urban forestry and tree maintenance (302) 698-4500.

Department of Health and Social Services – Contact Ed Hallock 741-8590

Little Creek has expressed an interest in providing information on testing well water to its residents. The Office of Drinking Water provides that information at <http://dhss.delaware.gov/dhss/dph/hsp/privdw.html> and <http://dhss.delaware.gov/dhss/dph/hsp/files/watertest.pdf>. If the town is interested in additional information please contact the Department of Health and Social Services.

Since this was a Pre-update meeting for your plan update, we will need to see the completed document at a regular PLUS meeting once your Planning Commission has approved the draft plan for public review. Thank you for the opportunity to review this update. 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
Director, Office of State Planning Coordination

cc: Ryan Mahwinney, URS Corporation