



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

November 30, 2015

Cindy Bolin
Town of Farmington
98 School Street
Farmington, DE 19950

RE: PLUS review 2015-10-01; Town of Farmington Comprehensive Plan

Dear Cindy:

Thank you for meeting with State agency planners on October 28, 2015 to discuss the update of Farmington's comprehensive plan. State agencies have reviewed the documents submitted and offer the following comments. 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 update consistent with the requirements of Title 22, § 702 of the Del. Code.

Certification Issue: The municipality must demonstrate intergovernmental coordination with the State, County and other municipalities through the plan preparation process. In Farmington's case, the Town has demonstrated coordination with the State through the Pre-PLUS and PLUS review processes, and with the City of Harrington through continued collaboration on the wastewater element of the plan. However, the Town must provide documentation that Kent County has been given an opportunity to review and comment on the plan, and indicate any changes to the plan that were made based upon this communication.

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

Our office would like to commend the Town of Farmington for a well done comprehensive plan update. The plan update is a refinement of the town's plan that should serve Farmington well as the town continues to grow and develop. Please consider these recommendations as you revise your plan.

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

State Historic Preservation Office – Contact: Terrence Burns 302-736-7404

- The State Historic Preservation Office has noted that they appreciate the Town’s recognition of community interest in preserving its small town character, and hope they continue these efforts in the future. Furthermore, the Town may want to pursue the goal and process of listing in the National Register of Historic Places the proposed historic district that this office identified some years ago. If the Town accomplishes this goal, it will be equipped to establish protections such as a historic zoning ordinance for the district and incentives to help protect the historic area. 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.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- In Section 1-4 (page 8) where the dates of the public meetings are listed, consider specifying the year. It may seem obvious now that they were held in 2015 but the meetings may not be clearly remembered a few years from now.
- In Section 2-2f (pages 14 through 16) the Plan acknowledges that the Census data is not accurate for Farmington due to the Town’s small population. We suggest that for all or most of this section, the Town may have, or be able to collect, data of their own. Why use a Census estimate if the Town can look up an actual count?
- Section 2-3e (page 21) addresses uses known in Farmington as “cottage industries.” If this term is in general use in the town, it is reasonable to use it in the plan. However, we suggest the term “home occupations” as one that is widely used for what sounds like the same range of activities.

The Department of Natural Resources and Environmental Control – Contact: Michael Tholstrup 735-3352

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

1-2c. Natural Features

- **Floodplains** - DNREC has been working with the Federal Emergency Management Agency (FEMA) to produce new flood risk maps for each County. Preliminary Flood Insurance Rate Maps (FIRMs) for Kent County become effective on July 7, 2014. Every participating municipality in the state will be required to have their floodplain regulations reviewed. A FEMA approved set of regulations must be adopted prior to the effective date of the map listed above.
- **Total Maximum Daily Loads (TMDLs)** - DNREC recommends the creation of separate section for TMDLs. They further recommend that the Plan specify the required watershed TMDL load reductions for nutrient and bacteria in each watershed. The Town of Farmington lies within the watersheds of Marshyhope Creek and the Nanticoke River, two watersheds that ultimately drain to the Chesapeake Bay. The Marshyhope Creek requires a 20% and 25% reduction in nitrogen and phosphorus from baseline conditions, respectively; the Marshyhope Creek also requires a 21% reduction in bacteria from baseline conditions. The Nanticoke River requires a 30% and 50% reduction in nitrogen and phosphorus from baseline conditions, respectively; the Nanticoke also requires a 2% reduction in bacteria from baseline conditions.

DNREC also suggests that the TMDL section reference the Chesapeake Bay Watershed Implementation Plan (WIP). The WIP identifies specific pollution reduction practices (i.e., BMPs) and programs to reduce nitrogen, phosphorus, and sediment from a variety of discharge sources to waters in the greater Chesapeake Basin. The WIP is an important component for achieving water quality goals through attainment of Delaware's Water Quality Standards—ultimately leading to the restoration of a given water body's (or watershed's) designated beneficial use(s). The WIP is a multiphase process consisting of three phases. The first two phases have been completed, with the third phase scheduled for completion in 2017.

The WIP will include both regulatory and non-regulatory components. Additional information about the WIP can be obtained from the following website:

http://www.wr.dnrec.delaware.gov/Information/Pages/Chesapeake_WIP.aspx.

- **Soils** - The 1971 soil survey referenced in the 2004 Comprehensive Plan is outdated; we suggest that you refer to the updated soil survey instead. The updated soil survey can be retrieved from the internet via the following web link:
<http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>

2-5b. Wastewater Treatment System

- Does the City of Harrington's collection and conveyance system have the capacity to accommodate Farmington's future growth and development? Does the Kent County wastewater treatment plant have the capacity? These are good issues to explore as part of the intergovernmental coordination that is required when developing your comprehensive plan.

2-5d. Stormwater Management

- The Department recommends that the Town of Farmington 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.

2-6h. 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 Farmington 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

- *Recommendation:* The Town of Farmington is encouraged to work toward incorporating and/or continuing to offer some of these opportunities in the development of their Comprehensive Plan.

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 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 Housing Authority – Contact: Karen Horton 739-4263

- DSHA supports the Town of Farmington’s Comprehensive Plan Update and its goals and general policies related to housing. These positions were thoughtful, based on a comprehensive analysis of demographic and housing data, and appropriate for the Town.

As a resource for municipalities, 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.

Department of Agriculture – Contact: Scott Blaier 698-4532

- The Department of Agriculture would like to congratulate the town on a well-written comprehensive plan update. Page 29 and 33 of the plan recognizes the Delaware Aglands Preservation Program. The department would be glad to discuss the program and potential benefits to the town.

Approval Procedures:

- 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.
- Our office will require a maximum of 20 working days to complete this review.
 - If our review determines that the revisions have adequately addressed all certification items (if applicable), we will forward you a letter to this effect.
 - 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.
- Once you receive our letter stating that all certification items (if applicable) 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.
- 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.
- At his discretion, the Governor will issue a certification letter to your Town.

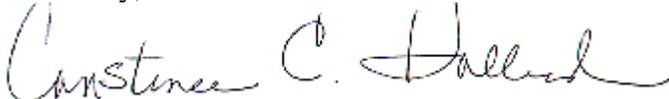
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- Once you receive your certification letter, please forward two (2) bound paper copies and one electronic copy of your plan to our office for our records.

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

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland". The signature is written in black ink and is positioned above the printed name and title.

Constance C. Holland, AICP

Director, Office of State Planning Coordination