



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

August 30, 2016

Glenn Gauvry
Town of Little Creek
5 Main St.
P.O. Box 298
Little Creek, DE 19961

RE: PLUS review 2016-07-03; Town of Little Creek Comprehensive Plan

Dear Glenn:

Thank you for meeting with State agency planners on July 27, 2016 to discuss Little Creek'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.

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

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

Our office commends the Town of Little Creek for preparing a very detailed and environmentally sensitive comprehensive plan update. The Town has worked closely with our office, DNREC, DelDOT and other agencies to carefully evaluate the growth of the community and preservation of the critical natural features that surround the town. The integration of detailed strategies to address climate change and sea level rise is commendable.

We do have a number of recommendations to improve the plan:

- The text and maps in municipal comprehensive plans have the “force of law” as per 22 **Del. C.** § 702. Many of the recommendations in the plan are very specific. It is

recommended that the Town and their consultant review the language of the recommendations and verify that they are written in way that will ensure the Town can implement them.

- The plan is noteworthy for the detailed evaluation of the potential impacts of Sea Level Rise, and for developing mitigation strategies to assist the Town in redevelopment and adaptation. It is recommended that the Sea Level Rise information be better integrated throughout the plan. For instance, there is language in the Land Use chapter that encourages redevelopment of the commercial area. This language could be considered to be at odds with the language in the Environmental Features chapter that discourages development in sensitive areas. It is not until you reach the Waterfront Redevelopment Plan (starting on page 78) that you begin to understand the Town's plans to integrate the two concepts. The plan should be amended so that all chapters reference or reflect the Waterfront Redevelopment Plan, which is the central strategy for the Town.
- The town boundary must be verified and recorded prior to the Town considering any annexations. There is some text describing this process on page 37. It is recommended that it be moved to (or referenced on) page 33 as a prelude to the annexation section on that page.
- In the section about the "Area of Concern" (pages 34-35), please note that a plan amendment will be required for the Town to consider annexation of any of these lands.
- The implementation chapter starting on page 82 is very comprehensive and detailed, and contains many recommendations. There are so many recommendations, in fact, that it is hard to determine where a small town like Little Creek would start. It is recommended that there be a work plan developed which summarizes the recommendations and provides step-by-step guidance for the town to help them begin the implementation of the plan.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- On page 66, in Section 2.8 a, we recommend that South Little Creek Road be mentioned. While it is not contiguous to the current Town boundaries, it is close to being contiguous and provides an important, if secondary, link to Dover.

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

The Town of Little Creek received a grant from the DNREC Delaware Coastal Programs to assess its vulnerability to sea level rise and incorporate the emerging threats of sea level rise and increased flooding into its comprehensive plan. The town is to be commended for its thoughtful, proactive and long-term approach to this challenging issue. Staff from DNREC participated in

several comprehensive plan meetings and workshops to provide information and assistance; the information contained in this comprehensive plan draft reflects the fruits of this collaboration. In addition, DNREC is pleased to see attention to the benefits of the surrounding open spaces and wetlands, and attention to clean water. We welcome the opportunity to help the Town achieve the vision set forth in the comprehensive plan and encourage them to contact us for assistance with specific initiatives.

Recommendations for Comprehensive Plan Revisions

State Resource Areas (Pages 56 and 58).

- Please remove the references to State Resource Areas on pages 56 (Other) and 58 (State Resource Areas).

Source Water Protection (Pages 59-60).

- The DNREC source water protection program has determined that there is an area of excellent ground water recharge potential and wellhead protection areas within the Town's municipal boundaries.
- On page 59 of the Plan, the text under Source Water Protection states in part there are no public water systems in Town. A portion of a wellhead protection area for the City of Dover is within the northwestern portion of the Town's municipal boundaries. This paragraph should be reworded.
- Page 60 of the text discusses the 'excellent recharge area' within the municipal boundaries and refers to Map 10. However, Map 10 does not show an excellent ground water recharge potential area. The text should use the correct nomenclature of 'excellent ground water recharge potential area' and the area should appear on Map 10 as cited.
- As a municipality with a population of less than 2,000 persons, the Town is not required to develop source water protection ordinances per 7 Del. C. 6082(c). The Town 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.

Flooding and Sea Level Rise.

As stated above, the inclusion of an in-depth assessment of existing and future flooding issues in the town and incorporation of these concerns into the long-range plan is to be commended. It is important to note that the best way to minimize risk of flood damage is to direct growth to areas outside of areas at risk to flooding. However, given existing development within the floodplain and the town boundary, the recommendations included in this plan for future activities should help to put the town on the path to resiliency. The following questions and comments are intended to help clarify content for readers and to eliminate confusion:

- On page 43, the reference to increased flooding and heavy precipitation events could warrant a citation. A good one to use is:
 - Horton, R., G. Yohe, W. Easterling, R. Kates, M. Ruth, E. Sussman, A. Whelchel, D. Wolfe, and F. Lipschultz, 2014: *Ch. 16: Northeast. Climate Change Impacts in the United States: The Third National Climate Assessment*, J. M. Melillo, Terese (T.C.) Richmond, and G. W. Yohe, Eds., U.S. Global Change Research Program, 16-1-nn.
- On page 45, it was noted that 47% of residents think that sea level rise is a minimal threat, yet 91% would support spending more money on problems to fix it. Does this mean that even those who think it is a small problem support spending money to fix it? Some explanation here could be helpful.
- On page 47, it is unclear which scenario “extreme storm event” is referencing. Due to the number of flooding scenarios explained, “extreme flood event” could be interpreted several ways. If it is referencing flooding in the AE zone, would this section be better placed in “Flooding”?
- On page 48, Figure 9 is entitled “forecasted” high tide. This is slightly misleading. The SLR scenarios depict a potential future scenario, and are not “forecasts” by any means. Suggest using alternate terms like “projected” or “potential” instead of “forecasted”
- On page 49, it would be helpful if there was a context for how the Goals were developed, similar to the explanation in section 2.4.f
- On pages 51 and 52, several bullets reference action items in the Kent Hazard Mitigation Plan. These should be specifically named, to avoid the reader having to download and search another document to understand the action being proposed.
- On page 53, the statement that USACE projects rarely being built to the 1% chance storm standard is misleading. There is a Federal flood risk management standard that requires federal projects to be designed to high levels of protection . What types of projects? Using "cash, loans, complementary grants" to increase the protection level seems vague, and may belong in the Flooding section.

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. For more information on the Delaware Wildlife Action Plan, see:
<http://www.dnrec.delaware.gov/fw/dwap/Pages/default.aspx>.

Air Quality.

- Up to 90 percent of air emissions can be attributed to the transportation sector with some trucks emitting as much pollution into the air as up to 150 cars. According to 2010 U.S. Census numbers, 27.6 percent of Little Creek's population is comprised of senior citizens above the age of 55 and approximately 16.6 percent aged 0-14 (page 24). Both of these demographics (the elderly and the young,) as well as those with pre-existing respiratory or cardiac conditions, such as emphysema or asthma, fall under the "high-risk" or "sensitive" category in terms of negative health effects of air pollution. Therefore, the problem of truck traffic through Little Creek is not only a matter of traffic flow and structural damage but also one with a detriment to human health. This information could be included in the discussion of traffic impacts to the town.
- DNREC supports efforts to beautify the Town of Little Creek through the planting of urban trees, landscaping and shrubbery that would aid in both cleaning the air of pollutants and replenishing oxygen into the air. Also, urban trees provide shade for parking areas, help to reduce heat island impacts, and, by extension, help to minimize the potential for localized ground-level ozone formation. Such measures can also have the additional benefit of channeling or infiltrating storm water.
- There are additional measures that can be implemented to reduce the impact of growth and development on air quality in Little Creek. The Division of Air Quality point of contact is Lauren DeVore, and she can be reached at lauren.devore@state.de.us or at (302) 739-9437.

Recommendations for Ordinances and Plan Implementation

The following are offered for future consideration by the Town in implementing the goals and vision presented in the Comprehensive Plan.

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.

Impervious Surface Mitigation Plan:

- *Recommendation:* Require the calculation for surface imperviousness (for both commercial and residential development) take into 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 percent 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 percent 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 are none.

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

- We appreciate the Town's recognition of community interest in preserving its town character and design, and hope they continue these efforts in the future. The Town of Little Creek has four historic properties that are listed on the National Register of Historic Places. All of them are a part of the Leipsic and Little Creek Multiple Resource Area (K-3057) such as the Old Stone Tavern (K-130), Little Creek United Methodist Church (K-1454), the Jonathan Woodley House (K-1460), and the Elizabeth Stubbs House (K1510). We defined the boundaries for an eligible historic district in Little Creek some years ago. We recommend the Town conduct an architectural survey to update the information on

properties that are 50 years or older and to determine if any changes need to be made to the district boundaries, and then pursue the listing of the district in the National Register of Historic Places. Once listed in the National Register of Historic Places, owners of contributing properties can qualify for federal or state tax credit programs to assist in maintaining and rehabilitating their properties. This office can assist the Town by providing technical assistance on these topics.

State Housing Authority – Contact: Karen Horton 739-4263

- DSHA supports the Town of Little Creek’s Comprehensive Plan and its position and planning goals related to housing. They were thoughtful, based on an analysis of demographic and housing data, and appropriate for the Town. In particular, DSHA supports the Town’s efforts to encourage residential maintenance. As requested, DSHA is pulling together a summary of several resources that property owners can access to help with preservation and rehabilitation of their homes. This summary will be sent under separate cover.
- In addition, 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 Other Programs.

Department of Agriculture – Contact: Scott Blaier 698-4532

- The Department of Agriculture congratulates the town on a well-written comprehensive plan update.
- The Department is pleased to see farmland preservation discussed on pages 16, 35, 39 and other pages of the plan. We encourage the town to consider the large area of preserved farmland in any future annexation plans to expand the town’s incorporated area.
- We encourage you to periodically download the latest GIS layer showing current Farmland Preservation Districts and Easements as they change frequently. You can contact Jimmy Kroon at the Department of Agriculture 698-4530 for the latest layers.

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.
- 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,



Constance C. Holland, AICP

Director, Office of State Planning Coordination

CC: Ryan Mawhinney, AECOM