



Department of Planning Services Division of Planning

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May 29, 2018

Ms. Constance C. Holland, AICP
Director
Delaware Office of State Planning Coordination
122 William Penn Street
Dover, DE 19901

RE: PLUS review – 2018-03-02; Kent County Comprehensive Plan

Dear Ms. Holland:

Thank you very much for providing the State agency comments via the PLUS review letter dated April 20, 2018. I appreciate the effort that went into organizing all of the comments. Below, please find Kent County's response to each of the State's review comments:

General Comments:

- We have included information regarding Delaware Byways in the Transportation Chapter.
- We understand SHPO's concern regarding having a preservation planner on staff. While that is not currently a financial possibility, the County is committed to preserving historic resources to the greatest extent practicable. At this point the Plan recommends at least requiring documentation prior to demolition.
- We appreciate DSHA's support of the Plan and their assistance in developing the Housing Chapter.
- We understand DNREC's concerns regarding source water protections and have added language regarding possible steps to further protect the resource. Specifically we have included language that we will include DNREC in the plan review process and will specifically ask for advice and comment for projects located in excellent recharge areas and wellhead protection areas.

Certification Comments:

- Economic Development
 - We have added text clarifying that Downtown Development Districts are a State program.
 - We have revised the map to match the designation requested by the Town of Clayton.
 - We have revised the map to match the designation requested by the City of Harrington.

- Chapter 2 discussed support for Downtown Development Districts, industrial areas available for redevelopment, and creation of a digital tool highlighting available industrial and commercial areas; the Housing chapter addresses housing rehabilitation and coordination with neighborhoods.
- Community Facilities
 - The Capital Improvement Plan (included potential funding sources) adopted as part of the FY 19 budget has been included as an appendix.
 - A discussion of growth projections and sewer capacity was included. In short, there appears to be available capacity but plant improvements in particular are likely to be driven by environmental regulations. With the exception of septic remediation projects, planned projects are related to replacing and/or improving both the conveyance system and treatment plant.
 - The CIP shows projects that are funded. The nature of planned projects is discussed above and within the chapter.
 - There is no existing wastewater treatment plan. Development of such a plan is anticipated following adoption of the Comprehensive Plan.
- Historic Preservation
 - A Policy Emphasis section has been added.
 - The most notable plans for structures having historical significance are continued rehabilitation of the Hunn and Goggin Manor Houses and the creation of an ordinance requiring formal documentation of historic structures prior to demolition. Our current project review process also account for historic structures and archaeological resources and we work with SHPO to ensure they are preserved and/or documented.
- Land Use
 - Future public facilities are discussed in the Community Facilities Chapter. In addition, the Comprehensive Plan will be followed by updated strategic plans for Public Safety and Community Services which will include more specific recommendations. Development of a strategic plan for waste water is also recommended by this Plan.
 - The specific recommendations should be considered “measurable objectives”. Adoption of the ordinances described will enable the policies and goals of the Plan to be implemented. Reviewing development patterns over time will also reveal if the land use strategy is successful just as development trends currently reveal that the Growth Zone has been successful over time.
 - Language regarding available land within the Growth Zone as well as permit trends has been added. Because Census and Population Consortium data include incorporated areas, it is more reliable to examine new household creation. Given the roughly 30,000 acres available for development within the Growth Zone and the 8,800 vacant lots, there is more than adequate capacity for future development. The County continues to incentivize development within the Growth Zone where there is better access to public services and the proposed Town and Village Areas in the Land Use Strategy with take that effort a step farther.
 - Language has been added and there is additional discussion in the Housing Chapter. Overall, an analysis of the vacant lands in the Growth Zone indicates ample supply. In addition a discussion of expanding the Growth Zone to the west in the northern part of the County to accommodate demand in the area has been added.
 - As mentioned above, the bulk of this discussion is in Community Facilities and specific

plans will follow completion of the Comprehensive Plan. With respect to public sewer specifically, the County allows for expansion of the sewer system within the Growth Zone as development demands and capacity of the treatment plan can accommodate expected future development. A wastewater strategic plan will delve more deeply into the matter.

- Intergovernmental Coordination
 - The land use maps have been revised in accordance with Town comments.
 - A discussion of State Strategies and the map have been added
 - A discussion of the other county plans has been included. In general the land use strategies of the three counties are complementary.
 - A discussion of how municipalities are included in the planning process as well as the development review process has been included.

Recommendations:

- Economic Development
 - Language regarding KEP and GKC has been added.
 - They have been added to the tables
 - We have added the requested disclaimer
- Housing
 - We have clarified the language to indicate we will work with established neighborhood groups who request property maintenance assistance; both enforcement and community clean-up funds.
- Community Facilities
 - The County believes existing impervious cover limits are reasonable.
 - We have included recommendations from the SCORP survey.
- Conservation
 - We have added information regarding acreages preserved and the funding provided by the Levy Court.
 - We have added the requested reference regarding regulation of wetlands
 - The County's wetland regulations do not specify categories of wetlands protected, the regulations may be waived based on a state or federal permit.
 - The Chapter includes a recommendation to increase the width of non-disturbance areas surrounding wetlands, waterbodies and conveyance systems, including tax ditches, to an average of 100 feet for 80% of the area, to be buffered with a minimum width buffer of 50 feet and, if previously cleared of vegetation, require such riparian buffer be replanted with native species prevalent in riparian areas. Where the slope along a waterbody exceeds 15%, the buffer measurement should commence from the top of bank. Required buffers should be designated as un-subdivided open space.
 - The existing Code prohibits the subdivision of wetlands and floodplains.
 - We have added language note referencing the Coastal Zone Conversion Permit Act.
 - We have revised the introductory Climate Change language.
 - We have incorporates the new inundation maps.
 - We have clarified that Pollution Control Strategies are voluntary.

- We have included a discussion of the Chesapeake Bay WIP.
- We believe existing regulations and recommended actions in the Plan work together to better protect isolated freshwater wetlands.
- There is not minimum passive opens pace requirement; such structures are routinely and reasonably identified as open space because they are in common ownership.
- We are happy to work with the towns in implementing MS4 programs
- We have added a statement regarding the air quality benefits of the various land use and transportation recommendations in the Plan.
- We have added language regarding location of an EVSE.
- We have added a recommendation that upland forests be counted toward an increased density bonus as part of the TDR program.
- The existing Code discourages fragmentation of existing forest.
- The Plan includes recommendations to consider vulnerability when planning and designing infrastructure projects.
- The regulation of wetlands is addressed above.
- The County will consider requiring Natural Resource Surveys; however, DNREC does have the opportunity to recommend such surveys as part of the ordinary plan review process.
- The reference to State Resource Areas has been removed.

- Land Use
 - The summary of land use categories and illustrative uses has been included.
 - Additional explanation of Map 7C and the Land Use Strategies has been included and the criteria for rezoning section has been relocated.
 - Master Plans are discussed throughout the Plan especially in relation to TIDs and an coordination with towns interested in annexation.
 - The TDR easements have been added to Map 5H.

- Transportation
 - The construction standards for road classifications has been updated.
 - The Plan has been revised to include specific road segments within the Growth Zone that the County considers a priority for improvement.
 - The Functional Classification Map has been revised.
 - Additional explanation regarding Level of Service has been included.

- Community Design
 - Text specifying that this Chapter should be a guide in all site development has been added.
 - A Policy Emphasis section has been added.
 - The origin of the Felton East concept drawing has been added.

- Implementation Strategy
 - The County will consider a revised structure for the implementation actions while keeping in mind that local priorities regularly shift.

Thank you again for providing State agency comments regarding the Kent County Comprehensive Plan. Please do not hesitate to contact me if you would like to discuss the final draft or the County's PLUS response.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sarah E. Keifer', written in a cursive style.

Sarah E. Keifer, AICP
Director