



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

January 17, 2014

Mr. Zhengou Zhang
30075 State Coach Circle
Milford, DE 19963

RE: PLUS Review 2013-12-03; Zhang Oriental Medical Center

Dear Mr. Zhenguo Zhang,

Thank you for meeting with State agency planners on December 18, 2013 to discuss the proposed plans for the Zhang Oriental Medical Center. According to the information received you are seeking rezoning of 2.35 acres from AR to Commercial for a professional office space.

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. **The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

Strategies for State Policies and Spending

This project represents commercial rezoning that will result in new commercial use(s) in an Investment Level 4 area according to the *Strategies for State Policies and Spending*. This project is also located within a low density area in Sussex County's certified comprehensive plan. Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

From a fiscal responsibility perspective, development of this site is likewise inappropriate. The cost of providing services to commercial development in rural areas is an inefficient and wasteful use of the State's fiscal resources. The project as proposed in an area where the State has no plans to invest in infrastructure upgrades or additional services. To provide some examples, the State government funds 100% of road maintenance and drainage improvements for the

transportation system, 100% of paratransit services, and 100% of the cost of police protection in the unincorporated portion of Sussex County where this development is proposed.

While we understand there are no additional buildings planned at this time, a rezoning would allow future development of this land as permitted in the Sussex County zoning code for the proposed designation.

Because the development is inconsistent with the *Strategies for State Policies and Spending*, the State is opposed to this proposed rezoning.

The Office of State Planning Coordination offers the following comments from the State agencies:

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- DelDOT volume-based criteria for requiring a traffic impact study (TIS), addressed in Section 2.3.1 of the Standards and Regulations for Subdivision Streets and State Highway Access, are that a development generates more than 400 trips per day or 50 trips during a weekly peak hour. However, apart from those criteria, that section also provides that for commercial rezonings that do not include a site plan, DelDOT will recommend that the application be considered without a TIS and that the need for a TIS be evaluated when a site plan is proposed. Accordingly, they made such a recommendation to Sussex County on September 17, 2013.
- The subject property is adjacent to Delaware Route 1, and is therefore subject to the Department's Corridor Capacity Preservation Program (17 Del. C. Section 145). The main goal of the Program is to maintain the capacity of the existing highway. Delaware Route 1 is a controlled access highway. According to the Office of State Planning Coordination's *Strategies for State Policies and Spending* document, the property is located within a Level 4 Investment Area. In such areas, State policies will encourage the preservation of a rural lifestyle and discourage new developments. The property owner can develop a rights-in / rights-out access to Delaware Route 1 for a site generating an average of 40 vehicle trips per day. The Corridor Capacity Preservation Program policy can be viewed on Department's website at www.deldot.gov. The manual is located under the publication link.
- If the subject rezoning is approved, in accordance with Section 1.3.1 of the Standards and Regulations for Subdivision Streets and State Highway Access, the applicant will need to submit a Permit Application (available at http://www.deldot.gov/information/business/subdivisions/Permit_Application.docx) and an entrance plan to DelDOT's Subdivision Section for review. We anticipate that Sussex County will also require submission of a site plan and will the applicant to obtain a Letter of No Objection from DelDOT regarding it. The following comments are provided as

direction to the applicant's engineer in their preparation of these plans. As necessary, the applicant's engineer may contact the Subdivision Manager for eastern Sussex County, Mr. John Fiori at (302) 760-2260 regarding these comments.

- The site entrance must be designed in accordance with DeIDOT's Standards and Regulations for Subdivision Streets and State Highway Access, which is available at http://www.deldot.gov/information/pubs_forms/manuals/subdivisions/pdf/Subdivision_Manual_Revision_1_proposed_060110.pdf.
- Referring to Section 3.6.5 and Figure 3-3 in the Standards and Regulations for Subdivision Streets and State Highway Access, the project shall be subject to dedicate right-of-way in accordance to the minimum standards identified therein.
- In accordance with Section 3.6.5 of the Standards and Regulations for Subdivision Streets and State Highway Access, DeIDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on Delaware Route 1. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, **"A 15-foot wide permanent easement is hereby established to the State of Delaware, as per this plat."**
- As specified in Section 3.4.1.1 of the Standards and Regulations for Subdivision Streets and State Highway Access, a traffic generation diagram is required on the Record Plan.
- As specified in Section 3.4.1.2 of the Standards and Regulations for Subdivision Streets and State Highway Access, show all existing entrances (residential/commercial) within 400-feet of the proposed entrances.
- As per the Delaware State Strategies for Policy and Spending Map, this project is located within Investment Level IV. Referring to the DeIDOT's Shared-Use Path/Sidewalk Policy projects in all Level III and Level IV areas are required to install a path/sidewalk along the property frontage if the project abuts to an existing facility. If the project does not abut an existing facility, it will be at the Subdivision Engineer's discretion. No fee in lieu of constructing the sidewalk will be required.
- With the change from residential use to commercial use, the existing residential entrance shall be upgraded to a commercial entrance compliant with the Standards and Regulations for Subdivision Streets and State Highway Access. Consistent with the Corridor Capacity Preservation Program, discussed above, and Section 5.2 of the Standards and Regulations, the entrance should be located as far north

as possible, to discourage direct crossings at the existing crossover, and should be designed as a rights-in/rights-out with a channelized concrete island.

- As specified in Section 5.4 of the Standards and Regulations for Subdivision Streets and State Highway Access, a sight distance triangle is required and shall be established in accordance with the AASHTO standards. A spreadsheet has been developed to assist with this task and can be found on the following website:

<http://www.deldot.gov/information/business>

- As specified in Section 1.4 of the Standards and Regulations for Subdivision Streets and State Highway Access the Initial Stage and Construction Stage review fees shall be assessed to this project.

Department of Natural Resources and Environmental Control – Contact Bahareh Van Boekhold
735-3495

TMDLs

- The project is located in the greater Delaware River and Bay drainage area, specifically within the Broadkill River watershed. In this watershed, the State of Delaware has developed specific Total Maximum Daily Load (TMDL) pollutant reduction targets for nitrogen, phosphorus, and bacteria (under the auspices of Section 303(d) of the Clean Water Act). A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited water body” can assimilate and still meet State water quality standards (e.g., dissolved oxygen, nutrients, and bacteria; State of Delaware Surface Water Quality Standards, as amended July 11, 2004) to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. The TMDL for the Broadkill River watershed calls for a 40 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 75 percent reduction in bacteria from baseline conditions.

Water Supply

- The project information sheets state that individual on-site well water will be used to provide water for the proposed project. Our records indicate that the project is located within the public water service area granted to Tidewater Utilities under Certificate of Public Convenience and Necessity 06-CPCN-34. I recommend that the developer contact Tidewater Utilities to determine the availability of public water. Any public water utility providing water to the site must obtain a certificate of public convenience and necessity (CPCN) from the Public Service Commission. Information on CPCN's and the application process can be obtained by contacting the Public Service Commission at 302-739-4247. Should an on-site Public/Miscellaneous Public well be needed, a minimum isolation distance of 150 feet is required between the well and any potential source of

contamination, such as a septic tank and sewage disposal area, and it must also be located at least 150 feet from the outermost boundaries of the project. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be constructed and located in compliance with all requirements of the Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any wells.

- Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.
- All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Hazardous Waste Sites

- If it is determined by the Department that there was a release of a hazardous substance on the property in question and the Department requires remediation pursuant to the Hazardous Substance Cleanup Act, the provisions of 7 Del.C., Chapter 91, Delaware Hazardous Substance Cleanup Act and the Delaware Regulations Governing Hazardous Substance Cleanup shall be followed.
- There are no SIRS sites or salvage yards found within a ½-mile radius of the proposed project.

Tank Management. Please be aware:

- If a release of a Regulated Substance occurs at the proposed project site, compliance of 7 Del.C., Chapter 60, 7 Del.C., Chapter 74 and DE Admin. Code 1351, State of Delaware *Regulations Governing Underground Storage Tank Systems* (the UST Regulations) is required.
- No environmental impacts are anticipated; however, per the **UST Regulations: Part E, § 1. Reporting Requirements:**
 - Any indication of a Release of a Regulated Substance that is discovered by any Person, including but not limited to environmental consultants, contractors, utility companies, financial institutions, real estate transfer companies, UST Owners or Operators, or Responsible Parties shall be reported within 24 hours to:
 - The Department's 24-hour Release Hot Line by calling 800-662-8802; and
 - The DNREC Tank Management Branch by calling 302-395-2500

Air Quality

- The applicant shall comply with all applicable Delaware air quality regulations. Please note that the following regulations in Table 1 – Potential Regulatory Requirements may apply to your project:


Table 1: Potential Regulatory Requirements	
Regulation	Requirements
7 DE Admin. Code 1106 - Particulate Emissions from Construction and Materials Handling	<ul style="list-style-type: none"> Use dust suppressants and measures to prevent transport of dust off-site from material stockpile, material movement and use of unpaved roads. Use covers on trucks that transport material to and from site to prevent visible emissions.
7 DE Admin. Code 1113 – Open Burning	<ul style="list-style-type: none"> Prohibit open burns statewide during the Ozone Season from May 1-Sept. 30 each year. Prohibit the burning of land clearing debris. Prohibit the burning of trash or building materials/debris.
7 DE Admin. Code 1135 – Conformity of General Federal Actions to the State Implementation Plan	<ul style="list-style-type: none"> Require, for any “federal action,” a conformity determination for each pollutant where the total of direct and indirect emissions would equal or exceed any of the de minimus levels (See Section 3.2.1)
7 DE Admin. Code 1141 – Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products	<ul style="list-style-type: none"> Use structural/ paint coatings that are low in Volatile Organic Compounds. Use covers on paint containers when paint containers are not in use.
7 DE Admin. Code 1144 – Control of Stationary Generator Emissions	<ul style="list-style-type: none"> Ensure that emissions of nitrogen oxides (NO_x), non-methane hydrocarbons (NMHC), particulate matter (PM), sulfur dioxide (SO₂), carbon monoxide (CO), and carbon dioxide (CO₂) from emergency generators meet the emissions limits established. (See section 3.2). Maintain recordkeeping and reporting requirements.
7 DE Admin. Code 1145 – Excessive Idling of Heavy Duty Vehicles	<ul style="list-style-type: none"> Restrict idling time for trucks and buses having a gross vehicle weight of over 8,500 pounds to no more than three minutes.

For a complete listing of all Delaware applicable regulations, please look at our website: <http://www.awm.delaware.gov/AQM/Pages/AirRegulations.aspx>.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

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". The signature is written in black ink and is positioned above the typed name and title.

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