



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

May 22, 2018

Jeff Clark
Land Tech Land Planning, LLC
118 Atlantic Ave., Suite 202
Ocean View, DE 19970

RE: PLUS review 2018-04-10; Canal Ridge

Dear Mr. Clark:

Thank you for meeting with State agency planners on April 25, 2018 to discuss the Canal Ridge project. According to the information received, you are seeking review of a 38 unit subdivision on 14.07 acres along West Ave. in Ocean View.

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 the Town of Ocean View has governing authority over this land the developers will need to comply with any and all regulations/restrictions set forth by the Town.**

Strategies for State Policies and Spending

This project is located in Investment Levels 1, 2, and 3 according to the *Strategies for State Policies and Spending*. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer term future, or areas that may have environmental or other constraints to development. State investments may support future growth in these areas, but please be advised that the State has other priorities for the near future. We encourage you to design the site with respect for the environmental features which are present.

The Delaware Department of Natural Resources and Environmental Control, Coastal Management Program has created a mapping tool to show possible impacts of various sea level

rise scenarios for Delaware's waterways and the land that surrounds them. This easy to use site is available online here: <http://firstmap.gis.delaware.gov/inundation/>. The applicant is encouraged to access this site, search for the project location and be aware of the potential inundation that may occur over a significant portion of the parcel on the eastern side adjacent to the Assawoman Canal. Given the likelihood of flooding near the Canal, the applicant should consider reconfiguring the site design to focus passive recreational uses and open space in that area. A screen shot of the map tool depicting potential impacts the parcel is provided below for your reference.



Source: <http://firstmap.gis.delaware.gov/inundation/>

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- West Avenue is a Town-maintained street, so the proposed development is outside DelDOT's jurisdiction.
- Section P.5 of the DelDOT Development Coordination Manual, available at <https://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>, addresses fees that are assessed for the review of development proposals. If the Town of Ocean View requires a Letter of No Objection to Recordation (LONOR) DelDOT will require payment of the Initial Stage Fee when the record plan is submitted for review.

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

- The Department of Natural Resources and Environmental Control did not submit comments regarding this application. If the development of this property requires permits from a DNREC section, please contact the DNREC regulatory agency directly.

State Historic Preservation Office – Contact Carlton Hall 736-7404

- There are no known archaeological sites, or known National-Register listed or eligible properties on the parcel. However there are three houses located, south (S11572) and west (S11571) & (S11567) on neighboring parcels.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law. Prior to any demolition or ground-disturbing activities, the developer should hire an archaeological consultant, to examine the parcel for archaeological resources, including unmarked human burials or human skeletal remains, to avoid those sites or areas.

Abandoned or unmarked family cemeteries are very common in the State of Delaware. They are usually in rural or open space areas, within or near the boundary, of a historic farm site. Even a marked cemetery can frequently have unmarked graves or burials outside of the known boundary line or limit. Disturbing unmarked graves or burials triggers the Delaware's Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54), and such remains or discoveries can result in substantial delays while the procedures required under this law are carried out. If there is a discovery of any unmarked graves, burials or a cemetery, it is very costly to have them archaeologically excavated and the burials moved. The Division of Historical & Cultural Affairs recommends that owners and/or developers have a qualified archaeological consultant investigate their project area, to the full extent, to see if there is any unmarked cemetery, graves, or burial sites. In the event of such a discovery, the Division of Historical & Cultural Affairs also recommends that the plans be re-drawn to leave the full extent of the cemeteries or any burials on its own parcel or in the open space area of the development, with the responsibility for its maintenance lying with the landowner association or development. If you would like to see more information, please review the following websites: www.history.delaware.gov/preservation/umhr.shtml and www.history.delaware.gov/preservation/cemeteries.shtml.

- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. Owners and developers who may plan to apply for an Army Corps of Engineers permit or for federal funding, such as HUD or USDA grants, should be aware of the National Historic Preservation Act of 1966 (as amended). Regulations promulgated for Section 106 of this Act stipulate that no ground-disturbing or demolition activities should take place before the Corps or other involved federal agency determines the area of potential effect of the project undertaking. These stipulations are in place to allow for comment from the public, the Delaware State Historic Preservation Office, and the Advisory Council for Historic Preservation about the project's effects on historic properties.

Recommendations/Additional Information

This section includes a list of site specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the project.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- Proposed Lots 18 through 23 back up to a bicycle and pedestrian trail that runs along the Assawoman Canal. DelDOT recommends that the developer provide a connecting trail from the proposed T-turnaround to either the trail along the canal or the trailhead area on the Department of Natural Resources land south of the project.
- Please be advised that as of August 1, 2015, all new plan submittals and re-submittals, including major, minor and commercial plans, shall now be uploaded via the PDCA (Planning Development Coordination Application) with any review fee paid online via credit card or electronic check. Guidance on how to do this is available on our website at <http://www.deldot.gov/Business/subdivisions/index.shtml>.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision date of October 11, 2017. The notes can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.

Sussex County – Contact Rob Davis 855-1299

- The parcel proposed for development is within the Sussex County Unified Sanitary Sewer District, Ocean View area and connection to the sewer system is mandatory. The parcel has been provided with an 8-inch sewer service connection point located on the parcel's frontage on West Avenue.
- The development is proposed at a density of approximately 2.7 units per acre which is within sewer system design assumptions and sewer capacity can be assumed.
- Sussex County requires design and construction of the collection and transmission system to meet Sussex County sewer standards and specifications. A sewer concept plan must be submitted to the Sussex County Engineering Department for review and approval. Attached is a checklist for preparing sewer concept plans. Conformity to the 2005 South Coastal Area Planning Study and the approved concept plan will be required. A "Use of Existing Infrastructure Agreement" may be required.
- Onetime System Connection Charges will apply. Please contact Mrs. Noell Warren at 855-7817 for additional information on charges.

In addition to the comments above our office has received a letter from Brandy Nauman, Sussex County Housing Coordinator & Fair Housing Compliance Officer. A copy of that letter is enclosed with this letter.

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,



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

CC: Sussex County
Town of Ocean View
Enclosure

BRANDY BENNETT NAUMAN
HOUSING COORDINATOR &
FAIR HOUSING COMPLIANCE OFFICER
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Sussex County
DELAWARE
sussexcountyde.gov

April 24, 2018

Mr. Jeff Clark
Land Tech Land Planning, LLC
118 Atlantic Avenue, Suite 202
Ocean View, DE 19970

RE: PLUS Review (PLUS 2018-04-10)

Dear Mr. Clark,

Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. In this regard, the developer and associated financial institutions are encouraged to provide and finance affordable housing opportunities to Sussex County residents in all new developments, and affirmatively market those affordable housing units to diverse populations.

For questions about opportunities available for affordable housing projects within Sussex County, please consult Sussex County's "Affordable Housing Support Policy". The policy along with other resources are available on the County's Affordable & Fair Housing Resource Center website: www.sussexcountyde.gov/affordable-and-fair-housing-resource-center. The County's Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.

The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and county sources, as well as private funding sources that also promote affordable housing in Sussex County.

Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.

On behalf of Sussex County, we look forward to cooperating with you and your project as it moves forward.

Thank you,

Brandy B. Nauman
*Housing Coordinator &
Fair Housing Compliance Officer*

