STATE OF DELAWARE
OFFICE OF MANAGEMENT AND BUDGET
OFFICE OF STATE PLANNING COORDINATION

April 25, 2024

Jason Palkewicz
Solutions IPEM
303 N Bedford Street
Georgetown, DE 19947

RE: PLUS review – 2024-03-05; Totem

Dear Mr. Palkewicz:

Thank you for meeting with State agency planners on March 27, 2024 to discuss the Totem Subdivision. According to the information received, you are seeking review of a proposed subdivision plan for a cluster subdivision of 187 single-family homes on 125.13 acres zoned AR-1.

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 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 a major land development that will result in 187 residential units in an Investment Level 4 area according to the *2020 Strategies for State Policies and Spending*.

Investment 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 development in rural areas is an inefficient and wasteful use of the

State's fiscal resources. Over the longer term, the unseen negative ramifications of this development will become even more evident as the community matures and the cost of maintaining infrastructure and providing services increases.

In addition, the development of this site may be environmentally inappropriate due to the following:

- Approximately 43 acres of forest habitat is proposed to be removed on the northern side of Beaver Dam Creek, likely considered to be mature forest. The removal of such contiguous forest nestled within the Broadkill River Natural Area (bordering on three of four sides) will have considerable negative impacts to wildlife, associated habitat, and water quality.

- The Eastern (both north and south) boundaries (relative) border a Special Flood Hazard Area identified as Flood Zone AE—a 1% Annual Chance Flood Hazard or 100-year Flood Plain—that follows the Beaver Dam Creek. Though no parcels appear to be directly within the flood zone, there are several that immediately border it.

- Beaver Dam Creek runs along the southern and eastern portions of the parcel. Both forested wetlands and scrub-shrub wetlands (rare within the state) exist on this site, all of which support an array of plants and animals.

Because the development is inconsistent with the Strategies for State Policies and Spending, the Department is opposed to this Subdivision.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Stephen Bayer 302-760-4834

- The site access on all State maintained roads must be designed in accordance with DelDOT's Development Coordination Manual, which is available at http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes.

- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.

- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the

record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.

- In terms of traffic analysis and based on the requirements of the Development Coordination Manual this proposed project will qualify for the Area Wide Study Fee (AWSF). Please contact our office to proceed with this calculation.

- The Developer will need to make frontage improvements along Cave Neck Road. The specifics of these improvements will need to be identified during the Scoping and Pre-Submittal process.

- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage. 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 dedicated in fee simple to the State of Delaware, acting by and through the Delaware Department of Transportation."**

- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Cave Neck Road.

- In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at http://www.deldot.gov/Business/subdivisions/index.shtml.

- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

Department of Natural Resources and Environmental Control – Contact Beth Krumrine 302-735-3480

Staff from the Delaware Department of Natural Resources and Environmental Control (DNREC) reviewed the project submitted for PLUS review. The absence of comments regarding specific resources does not indicate that there are not additional constraints or environmental issues on site, nor does it indicate DNREC support of a project.

Summary

Building is proposed directly within level 4 lands, whereby this project is inconsistent with the Delaware Strategies for State Policy and Spending. Approximately 43 acres of forest habitat is proposed to be removed on the northern side of Beaver Dam Creek, likely considered to be mature forest. The removal of such contiguous forest nestled within the Broadkill River Natural Area (bordering on three of four sides) will have considerable negative impacts to wildlife, associated habitat, and water quality. These forests also lie within the Delaware Ecological Network and are considered to be Key Wildlife Habitat within the Delaware Wildlife Action Plan. Several birds listed as State of Delaware rare, threatened, or endangered species are likely to occur onsite as they have been documented within similar habitat near the project area. Flooding and future sea level rise may impact future residents in certain areas within the proposed development.

If planned properly, environmental attributes within the development can act as a community amenity. DNREC reviewers acknowledge the proposed project designates 41 acres of forest to remain undisturbed, however, it is recommended to further limit the removal of the forested areas closest to the Broadkill River Natura Area wherever possible. To reduce environmental impacts on natural habitat, maximize contiguous blocks of forest habitat and minimize forest edge effect along habitat borders.

Stormwater Management

The project proposes greater than 5000 square feet of land disturbing activities and will be subject to Delaware's *Sediment and Stormwater Regulations*.

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. The plan review agency is the Sussex Conservation District.

- Additionally, to address federal requirements, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically https://enoi.dnrec.delaware.gov/, select Construction Stormwater General Permit) to the DNREC Division of Watershed Stewardship, along with the $195 fee.

- Schedule a project application meeting with the appropriate plan review agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.

Plan review agency contact: Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219. Website: https://www.sussexconservation.org/

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: DNREC.Stormwater@delaware.gov.
Website: https://dnrec.delaware.gov/watershed-stewardship/sediment-stormwater/

Wetlands and Subaqueous Lands
Maps from the Statewide Wetlands Mapping Project indicate the presence of both tidal and non-tidal wetlands on the site, with Beaver Dam Creek running along the southern and eastern portions of the parcel. According to the project applicant, wetlands have been delineated. The project expects to disturb 0.012 acres of wetlands, which likely includes work toward the community pier and proposed stormwater outfall.

- Consult with the DNREC Wetlands and Waterways Section regarding permitting requirements for the community pier and proposed stormwater outfall. State permits from the DNREC Wetlands and Waterways Section are required for dredge, fill, or structures are proposed in tidal wetlands, streams, or State Subaqueous Lands.

- Federal permits from the U.S. Army Corps of Engineers is necessary for dredge or fill in non-tidal wetlands or streams. In certain cases, permits from the US Army Corps of Engineers may trigger additional certifications from DNREC (Coastal Zone Federal Consistency Certification and 401 Water Quality Certification). Work with the U.S. Army Corps of Engineers to determine the appropriate permitting requirements.

- A wetland Jurisdictional Determination (JD) must be conducted for this site. A consultant or a representative of the DNREC Wetlands and Waterways Section will conduct a JD to flag the wetland boundary and determine impacts to wetlands. Please contact the DNREC Wetlands and Waterways Section for more information.

- Schedule a meeting with the DNREC Joint Permit Processing (JPP) service. JPP assists wetland permit applicants with the necessary state and federal permitting procedures and requirements. To schedule a meeting with the JPP committee, please contact the DNREC Division of Water's Wetlands and Subaqueous Lands Section at (302) 739-9943.

State Contact: DNREC Wetlands and Waterways Section at (302) 739-9943.
Website: https://dnrec.delaware.gov/water/wetlands-subaqueous/
Federal Contact: U.S. Army Corps of Engineers (Dover Office) at (267) 240-5278.
Website: https://www.nap.usace.army.mil/Missions/Regulatory/Contacts/

Delaware Department of Agriculture – Contact Milton Melendez 302-698-4500

The proposed development is located in an area classified as Level 4 per the Strategies for State Policies and Spending. Both the Strategies and the Sussex County Comprehensive Plan explicitly disapprove of the proposed isolated development in this region. The main objective of these plans is to protect agricultural lands, forestlands, recreational uses, and open spaces, all of which are considered preferred uses in Level 4 areas.

The Delaware Department of Agriculture categorically opposes the proposed development, citing its inconsistency with the preferred land uses. This misalignment is seen as detrimental to the success of agriculture and forestry, leading to increased public costs for services and facilities. Moreover, the Department firmly opposes the project due to its adverse impact on the fundamental land uses crucial to Delaware's resource industries, including agriculture, forestry, and horticulture, along with their associated sectors.

Newcomers to such developments often lack an understanding of and appreciation for modern agriculture and forestry, resulting in conflicts that compromise health and safety, such as reduced highway safety with farm equipment and cars sharing rural roads. The Department emphasizes that these conflicts jeopardize the essential economic, environmental, and open space benefits of agriculture and forestry. As such, the Department is steadfast in its opposition to the establishment of isolated development areas that it deems inefficient in terms of the full spectrum of public facilities and services funded with public resources. It asserts that public investments should prioritize agricultural and forestry preservation.

The Delaware Department of Agriculture advocates for growth that expands existing urban areas and growth zones outlined in approved State, county, and local plans. It expresses support for additional land preservation through measures like transfer of development rights, committing to work with developers to implement these strategies if the project is approved.

Delaware Emergency Management Agency – Contact Phillip Cane 302-659-2325

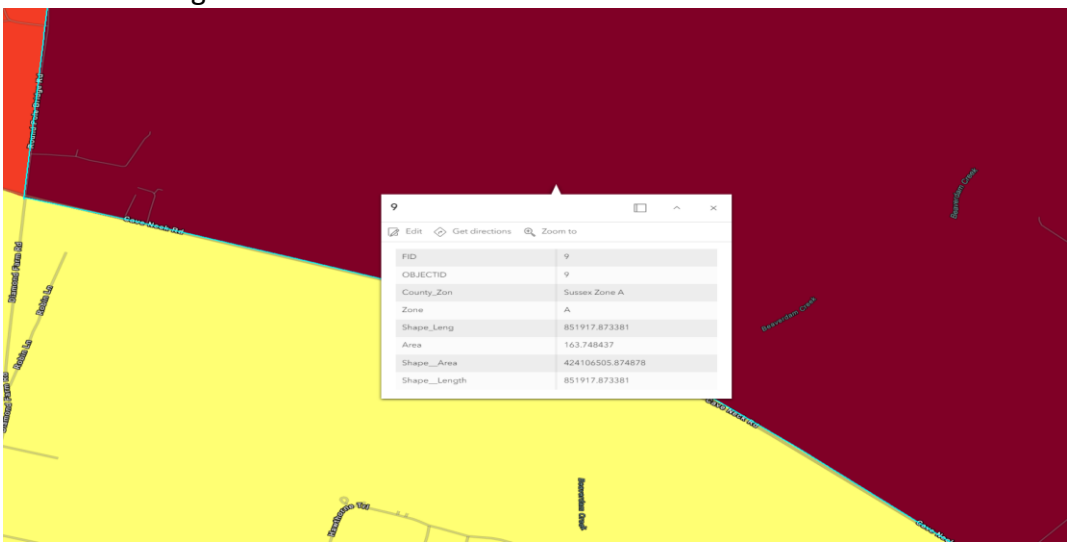
Proposed Project Parcel Flood Concern

- The majority of this parcel primarily is located within an area of **Minimal Flood Concern of 1000 years or greater** and therefore no direct concern; however, the Eastern (both north and south) boundaries (relative) border a Special Flood Hazard Area identified as Flood Zone AE—a 1% Annual Chance Flood Hazard or 100-year Flood Plain—that follows the Beaver Dam Creek. Though no parcels appear to be directly within the flood zone, there are several that immediately border it.



Parcel Status within County Evacuation Zone Location

- The parcel is located within Sussex County's Evacuation Zone A, primarily because of the flooding.



Parcel Status within the 10-mile Emergency Planning Zone (EPZ) for the Salem Nuclear Power Plant

- The parcel **is not** located within the 10-mile EPZ for the Salem Nuclear Power Plant.

State Historic Preservation Office – Contact Carlton Hall 302-736-7400

- The Delaware SHPO does not recommend or support development in Level 4 areas.

- There are no known archaeological sites or known National Register-listed, or eligible properties on the parcel. There is high potential for pre-Contact archaeological sites. The parcel is composed of primarily well-drained soils. Beaverdam Creek runs through the eastern portion of the parcel. These are considered favorable environmental conditions for pre-Contact archaeological sites.

- There is moderate potential for historic archaeological sites on the parcel. Historic maps and aerials show an occupation along Cave Neck Road present by 1918. Although not within the proposed development, there is potential historic sites within the proposed development relating to this known occupation.

- Our Office recommends archaeological survey prior to any ground disturbance.

- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch.54).

Delaware State Fire Marshall's Office – Contact Duane Fox 302-739-4394
This document is for information purposes only and does not constitute any type of approval from the Delaware State Fire Marshal's Office.

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

Fire Protection Water Requirements

- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Clubhouse)

- Where a water distribution system is proposed for single-family dwellings, it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 800 feet spacing on centers are required. (One & Two- Family Dwelling)
    - One- and Two-Family dwellings are required by law to offer the homeowner an automatic sprinkler system, therefore infrastructure should accommodate water needs.

- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

Fire Protection Features

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.

- Buildings greater than 10,000 sq. ft, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.

- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.

- Show Fire Lanes and Sign Detail as shown in DSFPR.

- Fire protection may be required on the pier. Please call to have a discussion with our office prior to submitting.

Accessibility

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Cave Neck Road must be constructed so fire department apparatus may negotiate it.

- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.

- Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.

- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

Gas Piping and System Information

- Provide type of fuel proposed and show locations of bulk containers on plan.

Required Notes

- Provide a note on the final plans submitted for review to read "All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations"
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

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 Stephen Bayer 302-760-4834

- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.

- 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 dates of March 21, 2019 and March 16, 2021. The notes can be found at https://www.deldot.gov/Business/subdivisions/

Department of Natural Resources and Environmental Control – Contact Beth Krumrine 302-735-3480

Removal of Forest Habitat
Approximately 43 acres of forest habitat is proposed to be removed on the northern side of Beaver Dam Creek, likely considered to be mature forest. Forest removal is proposed immediately adjacent to the Broadkill River Natural Area on three of four sides. The high-value habitat is considered to be lands within the Delaware Ecological Network as well as Key Wildlife Habitat within the Delaware Wildlife Action Plan. Forests filter water for improved water quality, provide habitat for wildlife, absorb nutrients, infiltrate stormwater, moderate temperatures, and store atmospheric carbon which would otherwise contribute to climate change. Removing forested areas for development should be avoided to the greatest extent possible.

- Maximize contiguous blocks of forest habitat and minimize forest edge effect to reduce undesirable outcomes including nuisance wildlife in the housing areas (deer) and invasive species infiltration into the forest.

- The forested area proposed to be developed is likely mature forest, surrounded on three of four sides by the Broadkill River Natural Area. Natural Areas contain lands of statewide significance identified by the Governor's Natural Areas Advisory Council as containing a high quality of natural features unique to Delaware.

- The forested area proposed to be developed lies within the Delaware Ecological Network, a statewide network of interconnected lands having significant ecological value. This GIS data layer helps to identify and prioritize areas for natural resource protection, including forests, wetlands, streams, and high-quality habitat for rare plants and animals.

- The forested area proposed to be developed is part of a larger forest block and is mapped as a Key Wildlife Habitat in the Delaware Wildlife Action Plan. Key Wildlife Habitat supports an array of plant and animal species across the landscape. In general, contiguous forest and connected areas of natural habitat are more beneficial to wildlife, allowing for safer movement from one area to another while reducing roadway mortality.

Contact for Key Wildlife Habitat and Delaware Ecological Network: DNREC Division of Fish and Wildlife, Species Conservation and Research Program at (302) 735-3600. Website: https://dnrec.delaware.gov/fish-wildlife/contact-information/
Contact for Natural Areas and Nature Preserves: DNREC Division of Parks and Recreation, Office of Nature Preserves at (302) 739-9039. Website: https://dnrec.delaware.gov/parks/natural-

areas/ or https://dnrec.delaware.gov/parks/open-space/conservation-easements/

State of Delaware Rare, Threatened, or Endangered Species
Several birds listed as State of Delaware rare, threatened, or endangered species are likely to occur onsite as they have been documented within similar habitat near the project area. They include the: Coastal Plain swamp sparrow (*Melospiza georgiana nigrescens*), a bird listed as rare in the State of Delaware; the king rail (*Rallus elegans*), a bird listed as rare in the State of Delaware; and the least bittern (*Lxobrychus exilis*), a bird listed as rare in the State of Delaware.

- Do not disturb forested areas and increase the vegetated buffer zone to 100 feet from all wetlands and waterways across the entire site. Refer to the section, Vegetated Buffer Zones, below for more information on specific recommendations for buffers.

- To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, it is recommended that tree clearing not occur from April 1st to July 31st. Likewise, avoid mowing open space areas and grass filter strips during the same timeframe, as various species of birds utilize these areas for nesting sites.

- Stage project equipment away from the freshwater tidal forested and scrub-shrub wetlands to avoid disturbance of these sensitive species.

Contact: DNREC Division of Fish and Wildlife, Species Conservation and Research Program at (302) 735-3600. Website: https://dnrec.delaware.gov/fish-wildlife/contact-information/

Vegetated Buffer Zones
Beaver Dam Creek runs along the southern and eastern portions of the parcel. Both forested wetlands and scrub-shrub wetlands (rare within the state) exist on this site, all of which support an array of plants and animals.

- Do not disturb wetlands. Consistently implement a 100-foot vegetated buffer zone from all wetlands and Beaver Dam Creek. Vegetated buffer zones placed adjacent to wetlands and waterways help to provide habitat for these species and improve water quality by reducing sediment and pollutants loads.

- Vegetated buffers are not equivalent to setbacks, as residential lots, walkways, and stormwater management facilities should not be contained within the vegetated buffer zone.

- Design the development to exclude curbs. If road curbing is part of the design, select curbing that allows small animals, such as turtles and salamanders, to climb out of the roadbed (Type 2 or Cape Cod curbing).

- Use wide, open bottom box culverts to allow for passage of amphibians.

- Maintain habitat connections to undeveloped open space, which are especially important for species movement across the landscape.

Contact: DNREC Division of Fish and Wildlife, Species Conservation and Research Program at (302) 735-3600. Website: https://dnrec.delaware.gov/fish-wildlife/conservation/

Flood Hazard Areas and Sea Level Rise
According to the newest Flood Insurance Rate Maps (FIRM), a portion of this parcel is situated within a Special Flood Hazard Area, specifically within the mapped 100-year floodplain (1% annual chance of flooding). The Special Flood Hazard Area identified on the site lies adjacent to Beaver Dam Creek and is designated as zone AE. While no structures are proposed within the floodplain, residential lots are located near the floodplain at the most southerly portion of the site and may be prone to flooding during extreme weather events, and likely will see impacts from future sea level rise.

- Locate all structures and lots far from areas expected to see impacts from future sea level rise. By 2050, mean sea levels are projected to rise by 0.7 – 1.9 feet; by end of century sea levels are projected to increase by 1.7 – 5.0 feet. Flooding is expected to also become exacerbated through time as a result.

Contact: DNREC Shoreline and Waterway Management Section at (302) 739-9921.
Website: https://dnrec.delaware.gov/watershed-stewardship/waterways/floodplains/

Stormwater Management
- Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.

- As prescribed above, preserve existing trees, wetlands, and passive open space in a manner consistent with the recommendations above.

Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.
Website: https://www.sussexconservation.org/

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: DNREC.Stormwater@delaware.gov.
Website: https://dnrec.delaware.gov/watershed-stewardship/sediment-stormwater/

Drainage

- All existing ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.

- Environmental permits or exemptions may be required by the County Conservation District (Standard Plan), the DNREC Sediment and Stormwater Program (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.

Contact: DNREC Drainage Program at (302) 855-1930.
Website: https://dnrec.delaware.gov/drainage-stormwater/
Tax Ditch Mapper: de.gov/taxditchmap
Tax Ditch guidelines: https://documents.dnrec.delaware.gov/swc/Drainage/Documents/Tax-Ditch-Land-Development-Guidelines.pdf

Other Sustainable Practices

- As described above, implement 100 foot buffers from wetlands and waterways and conserve forested habitat to the maximum extent practicable.

- Build garages and parking spaces to be "electric vehicle (EV)-ready." Many manufacturers have pledged to sell only electric vehicles in the next 10-15 years. Installing a 240-volt outlet in one or two locations in a garage will enable a resident to easily (and cheaply) install a level 2 EV charger. This will increasingly be a selling point for homes.

- Offer the option to install solar or geothermal systems for each home. This allows a purchaser to incorporate the cost into their mortgage, making it more affordable. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities (https://dnrec.delaware.gov/climate-coastal-energy/renewable/assistance/).

- Incorporate nonmotorized connectivity such as a pedestrian pathway.

- Install bicycle racks where feasible to help facilitate non-vehicular travel modes.

- Use efficient Energy Star rated products and materials in construction and redevelopment. Energy efficient appliances use less energy over time. This saves consumers and businesses money, while also helping to reduce pollution from power generation.

- Use structural paint coatings that are low in Volatile Organic Compounds to help protect air quality. Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers.

- Use recycled materials, such as reclaimed asphalt pavement, to reduce heat island effects on paved surfaces, prevent landfill waste, and lower material costs.

Contact: DNREC Division of Climate, Coastal & Energy at (302) 735-3480.
Website: https://dnrec.delaware.gov/climate-coastal-energy/

Delaware Emergency Management Agency – Contact Phillip Cane 302-659-2325

Population

- The county has a population density of 265.60 per square mile based on the US 2020 Census report; an increase from 2010 at 208.90 persons per square mile. The specific census block(s) the project is located on has a total population of 43, though, with development, this will undoubtedly change. The 10 adjacent blocks aggregated bring the area to a total population of 806.

FEMA National Risk Index

- The FEMA National Risk Index is an online mapping application that identifies communities most at risk to 18 natural hazards: Avalanche, Coastal Flooding, Cold Wave, Drought, Earthquake, Hal, Heat Wave, Hurricane, Ice Storm, Landslide, Lightning, Riverine Flooding, Strong Wind, Tornado, Tsunami, Volcanic Activity, Wildfire, and Winter Weather. The FEMA National Risk Index is calculated by multiplying the Expected Annual Loss times the Social Vulnerability and dividing that by the Community Resilience.

Expected Annual Loss
× Social Vulnerability
÷ Community Resilience
= Risk Index

- According to FEMA's National Risk Index, the parcel **is** considered **relatively low** for overall natural hazards risks.

- Community Resilience is a consequence reduction risk component and a community risk factor that represents the ability of a community to prepare for anticipated natural hazards, adapt to changing conditions and withstand/recover rapidly from disruptions. Social Vulnerability is a consequence-enhancing risk factor that represents the

susceptibility of social groups to the adverse impacts of natural hazards.

- Its community resilience is rated at **relatively moderate** whereas its social vulnerability is rated as **relatively low.**

Renewable Energy Commitment

- Regarding energy use and consumption, the census tract utilizes **electricity** as the predominant fuel type for heating purposes.

- DEMA strongly encourages the use of renewable energies and high-efficiency appliances and utilities.

- Regarding utilities, DEMA suggests incorporating 90% series furnaces/HVAC systems; the closer to 99%, the better, as well as A/C units of 20 Seer or greater. DEMA recommends using tankless water heaters, and battery backup systems for sump pumps to reduce potential water damage from power failure.

- Lastly, DEMA encourages the integration of modern and emerging technologies, such as the potential for electric vehicles in garages/parking lots, green roofs or solar panels where applicable and allowable, and the like.

DEMA Notes:

- In reference to the floodplain, it doesn't appear that any facilities are being built directly within it. However, DEMA does not recommend construction within close proximity to a floodplain as water knows no bounds; however, should construction continue, we recommend utilizing mitigation strategies to reduce the risk. This could include, but isn't limited to, wet/dry floodproofing, elevating mechanicals/HVAC/Electricity out of the flood waters, mass notification systems, large drainage systems (increased diameter pipes, ditches, basins, etc.) and other similar methods.

- Lastly, in reference to the evacuation zone, DEMA recommends the zone's designation and the information behind it be made readily available to all persons on the parcel, which can be done by simply placing a sign or having pamphlets readily accessible.

<u>Delaware State Fire Marshall's Office – Contact Duane Fox 302-739-4394</u>

- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.

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,



David L. Edgell, AICP
Director, Office of State Planning Coordination

Attachments:

- Sussex County Planning & Zoning Comments
- Sussex County Housing & Community Development Comments
- Sussex County Engineering Comments

JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov

Sussex County
DELAWARE
sussexcountyde.gov

Preliminary Land Use Service (PLUS) Meeting
March 27, 2024
March PLUS Comments
Sussex County Department of Planning & Zoning

Review and Discussion: Totem (2024-03-05)
County: Sussex County
Municipality: Unincorporated
Location: North side of Cave Neck Road (S.C.R. 88)
Project: Review of a proposed Cluster Subdivision of approximately 125.13 acres into 187 single-family residential lots, internal roads, and amenities.

Sussex County Department of Planning & Zoning Comments

The applicant is required to participate in a pre-application meeting with the County. Please contact the Planning and Zoning Department to schedule a pre-application meeting with staff to discuss the proposed project by calling (302)855-7878.

Following submission to the County, staff will review the Preliminary Site Plan, where more detailed comments will be provided to the Applicant. At the PLUS stage of review, staff wish to limit comments to high-level comments only.

Please note that the following are informal staff comments, and do not prejudice any decision that the Sussex County Planning & Zoning Commission may wish to make as part of any application submitted to the Department.

Tax Parcel ID(s): 235-21.00-171.00

Proposed: A Cluster Subdivision of approximately 125.13 acres into 187 single-family residential lots to include internal roads, natural resource buffers, stormwater management, and amenities.

Zoning: The Parcel is currently zoned Agricultural Residential (AR-1) District. Staff note proposed lots encroaching on proposed wetland buffers. Staff recommend the Applicant revise the Plan to ensure all lots are outside of wetland buffers. Staff have concerns about the "superior" design criteria in the Cluster requirements in terms of, "Required open space must be designed to be beneficial to the residents or users of the open space. It shall not be constituted of fragmented lands with little open space value" noted within Code. Staff encourage that any design revisions allow more access for all resident to the natural features associated with the western boundary of Beaver Dam Creek on the site. Additionally, Staff note a pedestrian trail system, as required by Code, is not provided on the concept plan. Design

revisions might incorporate Pedestrian trails which are permitted in wetland buffers as well as a greenway to accommodate more open space for all residents on the western boundary of Beaver Dam Creek. Staff note that a drainage assessment report (DAR) will be required to accompany any application. This DAR also requires approval by SCED as included in (§115-193). The contents of the DAR shall be determined by Sussex County/SCED as part of the preapplication process and any prescribed remedies shall be shown on the final site plan.

Density: The Plan would result in a density of 1.65 dwelling units per acre which is within the requirement in County Code. Subdivisions in the AR-1 Zoning District when within a Low Density Area on the FLUM are required to have a density of less than 2 dwelling units per acre.

Applicability to Comprehensive Plan: The project lies within the Rural Area designation of Low-Density Area (per the 2018 Sussex County Comprehensive Plan). Low Density areas permit two (2) homes per acre as the permitted density (2018 Sussex County Comprehensive Plan, 4-18). The Plan notes that, "the primary uses envisioned in Low Density Areas are agricultural activities and homes" and that "the cluster option permitted in Low Density Areas should continue to permit overall site densities of up to two units per acre, provided significant open space is set aside and the tract connects to public sewers" (2018 Sussex County Comprehensive Plan, 4-19).

Open Space Provisions: The Major Subdivision Plan proposes (76.4) acres of open space including grass areas, wetlands, resource buffers, and forested permitter buffers which represents ≈ 61% of the site.

Interconnectivity: The Plan proposes interconnectivity with the parcel to west if future improvements were to occur.

Transportation Improvement District (TID): The proposed project is **not** located within the Henlopen TID.

Agricultural Areas: The site is located within the vicinity of parcels which appear to be actively farmed. Please include on any Plans submitted the Agricultural Use Protection notice located in (§99-6(G)(1)) of the County Code. This language shall also be included within any subsequent deed restrictions, leases, or agreements of sale for the property.

Forested Areas: The Applicant notes that there are presently (94.6) acres of existing forest on the site and that (43) acres will be removed. Therefore, the site is retaining (23) acres of forested area. Staff appreciate the effort to preserve as many mature trees as possible.

Wetlands/Waterways: The Application notes that there are (11.62) acres of tidal wetlands present and (4.49) acres of non-tidal wetlands on the site. Please note that Sussex County Code requires that Preliminary and Final Site Plans include the location and regulatory delineation of all state and federal wetlands (§115-220(B)(13)) & (§115-221(B)(14)). Additionally, the requirements including the provision of drainage assessment report, resource buffers, and

access easements will be required to be provided under County Codes for resource protection in (§115-193).

Site Considerations (Flood Zones, Tax Ditches, Groundwater Recharge Potential etc.): The portion of the property flanking Beaver Dam Creek is located within Flood Zone "AE" (Areas within the SFHL - 1% chance of flooding in any given year). This is accurate according to current data available to Sussex County Planning & Zoning. The site is located within an area of "good" & "fair" Groundwater Recharge areas according to State and County GIS data. Staff note that the proposal is not within a wellhead protection area (§89-6).

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Sussex County
DELAWARE
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March 27, 2024

Mr. Jason Palkewicz
Solution IPEM
303 N. Bedford St.
Georgetown, DE 19947

RE: PLUS Review (PLUS 2024-03-05) – Totem Subdivision

Dear Mr. Palkewicz,

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 visit www.sussexcountyde.gov/housing-trust-fund for information on the County's new Housing Trust Fund, which offers gap funding for developers of affordable housing.**

Further, the County's newly approved Work Force Housing Zoning Ordinance permits up to 12 units per acre, by right, in eligible areas for projects that set-aside 25% of the total units for affordable rentals. For more information on eligibility and design criteria, please review the Ordinance at www.sussexcountyde.gov/affordably-priced-rental-units . The application can be found on the Planning & Zoning website at https://sussexcountyde.gov/sites/default/files/forms/SussexCountyRentalProgram_Application.pdf .

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
Director

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Preliminary Land Use Service (PLUS) Meeting
Meeting will be conducted on-line and in person
Room 133, Haslet Armory
122 Martin Luther King Jr. Blvd., South
Please see https://publicmeetings.delaware.gov/ for link to on-line access
March 27, 2024

Applicants should arrive at least 15 minutes before their appointed time. Times are approximate and are subject to change.

Public comment will be heard at the end of each PLUS application after the State Agencies have shared their comments with the applicants. Each person wishing to comment on the application under review will have up to 3 minutes.

I. 8:30 AM **Pre-Meeting Discussion – PLUS Reviewers**

II. 9:00 AM **Review and Discussion: Totem Subdivision (2024-03-05**
County: Sussex **Municipality:** Unincorporated
Location: North side of Cave Neck Road at Beaverdam Creek.
Project: Review of a proposed proposed Subdivision Plan for a cluster subdivision of 187 single-family homes on 125.13 acres zoned AR-1 (Agricultural Residential).

The project is within a Tier 3 area for wastewater planning. Sussex County does not currently have a schedule to provide sanitary sewer to these parcels. The Sussex County Engineering Department recommends the project receive wastewater service from a public utility or municipality.

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 854-7370

III. 9:30 AM **Review and Discussion: Delmarva Christian High School (2024-03-02)**
County: Sussex **Municipality:** Georgetown
Location: Northeast corner of Zoar Road and Sussex Pines Road.
Project: Review of a proposed Rezoning and Site Plan for the future growth and Expansion of the Delmarva Christian High School Campus on 60.41 acres zoned ED (Education) and UR3 (Neighborhood Residential) with proposed Rezoning to all ED.

The proposed project is a Comprehensive Land Use Plan/Update/Amendment for the City/Town/Growth and Annexation Area of the Town of Georgetown. The Sussex County Engineering Department does not have comments for this project.

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 854-7370

IV. 10:00 AM **Review and Discussion: 975 E. Masten Circle (2024-03-01)**

County: Kent **Municipality:** Milford
Location: 975 E. Masten Circle, Milford, DE
Project: Review of a proposed Site Plan for the construction of four flex space office/warehouse buildings on 9.66 acres zoned I-1 (Limited Industrial District).

V. 10:30 AM **Review and Discussion: Harrington Comprehensive Plan Amendment – Ryan Farm 11 parcels (2024-03-04)**
County: Kent **Municipality:** Harrington
Location: South side of Jackson Ditch Road and north side of Milford-Harrington Hwy.
Project: Review of a proposed Comprehensive Plan Amendment to amend the Annexation Future Land Use Map to include a total of 11 parcels with the Future Land Use designation of Residential).

VI. 10:45 AM **Review and Discussion: Townsend Comprehensive Plan Amendment (2024-03-03)**
County: New Castle **Municipality:** Townsend
Location: All of Townsend.
Project: Review of a proposed Comprehensive Plan Amendment to add 106 parcels which border the Town's boundaries to the Future Land Use and Growth & Annexation Areas Map to afford these property owners to annex into the town in the future. Included in this proposal are the Future Land Use Categories for all added parcels.

The agenda items times are approximate and subject to change. This agenda is subject to change to include additional items or the deletion of items, which arise at the time of the meeting.