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

June 21, 2024

Jason Palkewicz, PE
303 North Bedford Street
Georgetown, DE 19947

RE: PLUS review –2024-05-01; Stockley Acres

Dear Mr. Palkewicz:

Thank you for meeting with State agency planners on May 22nd to discuss Stockley Acres. According to the information received, you are seeking review of a proposed Subdivision for the creation of 73 single family residential lots on 36.6 acres zoned AR-1 (Agricultural Residential).

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 73 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:

- The proposed project is located entirely within Level 4 lands. Development in this manner is inconsistent with the Delaware Strategies for State Policy and Spending. In Level 4 areas, state policies will support agriculture, protection of natural and cultural resources, and open-space activities. Investment Level 4 areas boast undeveloped natural lands, such as forests, large public spaces for state and county parks, and fish and wildlife preserves. Level 4 areas may include natural habitats that are important for providing ecosystem services, such as improving water quality and reducing flood risk. It is the State's intent to discourage additional urban and suburban development in Investment Level 4 areas, unrelated to agriculture and to the areas' needs.

  As designed, this project is expected to negatively impact wildlife, including state endangered species. It should be noted that this area contains mature forest and a number of sensitive ecological features that are not commonly found anywhere else. The forest is an important resource within the Delaware Ecological Network and is also part of the larger Herring Creek 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. Such resources should be protected and conserved, so they may be available to serve and enhance the quality of life in Delaware for generations to come.

- The Special Flood Hazard Area identified on the site lies within zone A. Structures and features, such as Lots 27-43, 47, 48 and associated internal sidewalks and roadway, are proposed within the floodplain.

- The preliminary plan proposes to clear approximately 11.2 of the 16.7 acres (67%) of forest on the site - presumably mature forest co-located within the Delaware Ecological Network. This forest is also part of the larger Herring Creek 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. Likewise, this property has the potential for state-endangered mud salamanders to be present.

- This site lies within the Herring Creek-Rehoboth Bay Watershed. Surface water quality in this watershed does not meet Federal and/or State Water Quality Standards and a Pollution Control Strategy is in place for this watershed.

Because the development is inconsistent with the Strategies for State Policies and Spending, the State 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 Stockley 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 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

Disclaimer Clause: 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. Developers and municipal officials are encouraged to reach out to Beth Krumrine at (302) 735-3480 or Beth.Krumrine@delaware.gov if they have any specific requests for information.

Special Flood Hazard Area
According to the newest Flood Insurance Rate Maps (FIRM), about a third of this parcel, located on the southern X portion of the site 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 within zone A. Structures and features, such as Lots 27-43, 47, 48 and associated internal sidewalks and roadway, are proposed within the floodplain. In lands contained within the 100-year floodplain, the National Flood Insurance Program's floodplain management regulations must be enforced through the local floodplain ordinance, which can have higher standards. Homeowners with mortgages for homes within the floodplain may be required to purchase flood insurance. Additionally, homes located outside of the Special Flood Hazard Area (SFHA) might be required by lenders to purchase flood insurance, based on the proximity to the SFHA.

- The applicant must comply with the local floodplain ordinance and regulations applicable to development or construction within the 100-year floodplain. In determining the boundary of the floodplain, use the most recent FIRM maps available, which can be found at https://floodplanning.dnrec.delaware.gov/

- If fill is to be placed in floodplain to increase grade elevation to raise proposed development out of mapped floodplain, a Certified Letter of Map Revision – Fill (CLOMR-Fill) request should be submitted to FEMA for review followed by an application to FEMA for a Letter of Map Revision (LOMR) at completion. Please note that a property will not be officially recognized by FEMA as being located out of the mapped floodplain until a LOMR has been issued.

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

Stormwater Management
The project proposes greater than 5,000 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. For this project, 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: 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 Waterways
Maps from the Statewide Wetlands Mapping Project indicate the potential presence of non-tidal forested wetlands on the site. The application indicates that wetlands have been delineated. The application proposes to disturb approximately 0.1 acres of non-tidal wetlands.

- A Subaqueous Lands permit from the DNREC Wetlands and Waterways Section may be required. To apply for a permit online, please visit their website at https://dnrec.delaware.gov/water/wetlands-subaqueous/permits/

- Federal permits from the U.S. Army Corps of Engineers may also be necessary if dredge or fill is proposed in non-tidal wetlands or streams. A delineation of waterways and wetlands may be required, to be completed by a qualified professional hired by the landowner. 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 if federal permits are required.

Federal Contact: U.S. Army Corps of Engineers (Dover Office) at (267) 240-5278.
Website: https://www.nap.usace.army.mil/Missions/Regulatory/Contacts/

State Contact: DNREC Wetlands and Waterways Section at (302) 739-9943.
Website: https://dnrec.delaware.gov/water/wetlands/

Wastewater Disposal Systems – Large Systems
A Wastewater Pollution Collection and Conveyance (WPCC) permit is required from the Commercial and Government Services section for any construction and operation and the sewer connection from any single family or multi-family dwelling, office building, store or other commercial building which generates more than 2,000 gallons of liquid waste per day.

Contact: DNREC Large Systems Branch at (302) 739-9948.
Website: https://dnrec.delaware.gov/water/groundwater/

Electric Vehicle Charging

Electric vehicle charging infrastructure is now required for all residential dwellings in Delaware (see 80 Del. Laws, c. 145 § 8001- § 8006) for which:

1. A building permit is issued on or after January 1, 2024 (single family), or
2. The final site plan is approved on or after January 1, 2025 (multi-family).

- Requirements are summarized below. Consult the Delaware Code directly for further details.
    - Single-family Dwellings, effective 2024:
        - The developer of a single-family residential dwelling shall install at least one electric vehicle capable parking space at each single-family residential dwelling constructed.
        - If the single-family residential dwelling does not have an attached or detached garage, an electric vehicle capable parking space must be provided in the driveway, assigned parking space for the dwelling, or at an unassigned non-street residential parking space constructed as part of the project.

<u>Delaware Emergency Management Agency – Contact Phillip Cane 302-659-2325</u>

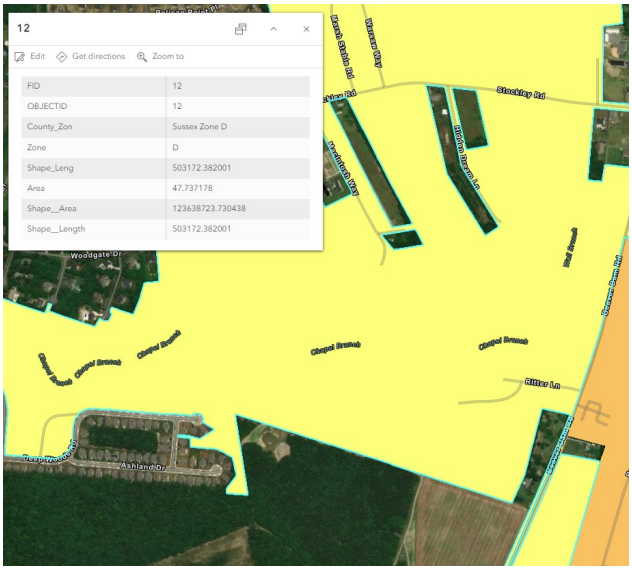
Proposed Project Parcel Flood Concern

- 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 southern portion is within a Special Flood Hazard Area identified as Flood Zone A—a 1% Annual Chance Flood Hazard or 100-year Flood Plain—that follows the Chapel Branch. It seems that approximately 19 lots will exist within the 100 year floodplain as shown on the submitted sketch. Any residential home with a mortgage requires an NFIP flood insurance policy, separate from a standard home insurance policy.



Parcel Status within County Evacuation Zone Location

- The parcel is located within Sussex County's Evacuation Zone D.



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.

<u>State Historic Preservation Office – Contact Carlton Hall 302-736-7400</u>

- The Delaware State Historic Preservation Office does recommend or support development in Level 4 areas. This parcel is bordered to the south by the Chapel Branch

and to the east by the Wall Branch. The soils on this parcel are well-drained. These are considered favorable conditions for past human occupation, and there is high potential for pre-Contact and early historic archaeological sites. Historic maps and aerials show an occupation on the parcel by 1918 that was demolished by 1992. There is high potential for historic archaeological sites relating to known historic occupation. There has also been ground disturbance between the 1992 aerial and current aerials, but there are portions of the parcel with potential for intact soils. This Office recommends an archaeological survey prior to any ground disturbance due high potential for archaeological sites.

- There is a rectangular patch of trees in the middle of the parcel along the western edge, between the cleared northern half and the forested southern half, that has remained consistent since the 1937 aerials. This may represent a family cemetery. Family cemeteries are common in Delaware and may be unmarked. This Office strongly recommends the developer hire an archaeologist to further investigate this area. 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). If there are any questions, inquiries, or concerns, feel free to contact the Delaware State Historic Preservation Office for assistance at 302-736-7400**.**

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

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 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Mercantile)

- 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. (Assembly and Townhouses)

- 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.

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 Stockley 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
- 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 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

- Bring the site access into alignment with Warsaw Way.
- 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

Special Flood Hazard Area

- In general, it is not recommended to build on or near Special Flood Hazard Areas. If avoidance is not possible, the developer should consider designing structures to a higher standard to avoid potential future flood damage and loss.

- Specifically, it is not recommended to place in the floodplain roadways that are essential for first responders in the event of an emergency. Roadways in the floodplain could become impassable during major flooding events and could hinder rescue and evacuation efforts. Safe access to such locations should be ensured at all times.

- For subdivision and development proposals containing at least 50 lots or at least 5 acres (whichever is the lesser) proposed in FEMA-delineated Special Flood Hazard Areas where base flood elevation data are not available, DNREC reviewers recommend that hydrologic and hydraulic engineering analyses are conducted. These studies will determine base flood elevations and floodway delineations.

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

Removal of Mature Forest in Natural Area and Delaware Ecological Network

The preliminary plan proposes to clear approximately 11.2 of the 16.7 acres (67%) of forest on the site - presumably mature forest co-located within the Delaware Ecological Network. This forest is also part of the larger Herring Creek 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. Likewise, this property has the potential for state-endangered mud salamanders to be present.

- The Herring Creek Natural Area is a network of heavily forested lands surrounding Chapel Branch. 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 forest and forested wetland on this site occur 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.

- An analysis of historical data indicates that much of the forested area proposed to be removed on the site has maintained some degree of forest cover since 1937 and could

be considered mature forest. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat. 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.

Recommendations:
Reduce environmental impacts by avoiding development in sensitive ecological areas such as mature forest. The mature forest should be conserved to the maximum extent practicable. When considering this in your design, protect larger, connected areas of natural habitat, which are more beneficial to wildlife, allowing for safer movement and migration from one area to another and reducing roadway mortality.

- **Staff from DNREC Fish and Wildlife request a site visit to confirm presence of the state-endangered mud salamander.** This forest has the potential for state-endangered mud salamanders to be present.

- Reduce environmental impacts by avoiding development or destruction of sensitive natural features such as, but not limited to: Natural Areas; wetlands; hardwood forests; mature forests; or riparian buffers. In general, larger, connected areas of natural habitat are more beneficial to wildlife, allowing for safer movement and migration from one area to another and reducing roadway mortality.

- Consider dedicating forested areas as a Nature Preserve through a conservation easement or donation of land. For more information, please contact the DNREC Planning Preservation and Development Section.

- A forest assessment should be conducted to determine if mature forest resources exist on the property and to delineate their boundaries. Additionally, a forest assessment would include the identification of specimen trees and forest-dependent wildlife. If mature forests are found, these areas should be conserved to the maximum extent practicable.

- 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.

For Natural Areas, contact: 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/

For Delaware Ecological Network and Mature Forest, contact: DNREC Wildlife Species Conservation and Research Program at (302) 735-3600. Website: https://dnrec.delaware.gov/fish-wildlife/contact-information/

Water Quality

This site lies within the Herring Creek-Rehoboth Bay Watershed. Surface water quality in this watershed does not meet Federal and/or State Water Quality Standards and a Pollution Control Strategy is in place for this watershed.

- Implement vegetated buffers with a width of at least 100 feet around all water features on or adjacent to the site, including Chapel Branch.
- Reduce impervious surfaces on the project site by eliminating areas of impervious pavement and/or using pervious pavement where practicable.
- Reduce stormwater runoff by integrating infiltration basins, bioretention (rain gardens), filter strips, and by preserving existing trees, wetlands, and passive open space.
- Reduce the necessity for nutrient application by maintaining open space as meadow or forest planted exclusively with native plants. Native plants are well-suited to our climate and require limited maintenance.

Contact: DNREC Division of Watershed Stewardship's Watershed Assessment Section at (302) 739-9939. https://dnrec.alpha.delaware.gov/watershed-stewardship/

Forested Wetlands

- 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/

Vegetated Buffer Zones

- It is recommended to increase the vegetated buffer zone to 100 feet from the edge of wetlands, sensitive habitats, and waterways across the site. Stormwater management areas should not be considered part of vegetated buffer zones.
- Vegetated buffer zones should be left undisturbed during construction and should be identified outside of the Limit of Disturbance on the engineering plans. In some instances, stormwater outfalls, conveyances, and emergency spillways may cross through these zones, and will require temporary disturbance during construction.

- Maintain vegetated buffer zones as either grasslands/meadows or forest. Buffer zones should be planted exclusively with native trees and plants. Native plants are well-suited to our climate and require limited maintenance. They also provide an increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change.

- Vegetated buffer zones should be deeded as community open space and not contained within any lot lines. Signage should be installed at the edge and within the buffer zones to deter residents from encroaching into these common areas.

- Grass cutting for vegetated buffer zones if maintained as meadow should not occur between April 1st to July 31st to reduce impacts to nesting birds and other wildlife species that utilize meadows and grasslands for breeding habitat.

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

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.

- For improved stormwater management, preserve existing trees, wetlands, and passive open space.

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 drainage 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 Waterways Section prior to clearing and/or excavating ditch channels.

- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site storm water.

- Any area designated as a drainage/utility easement should be open space and not owned by the individual landowners.

- Any drainage/utility easement should not possess structures such as decks, buildings, sheds, kennels, or fences within the drainage easement to allow for future drainage maintenance. Trees and shrubs planted within a drainage/utility easement should be spaced to allow for drainage maintenance at maturity.

Contact: DNREC Drainage Program at (302) 855-1930.
Website: https://dnrec.delaware.gov/drainage-stormwater/

Sustainable Practices

- Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes.

- 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. For community facilities, consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. 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/).

- Consider planting stands of native trees. Native trees improve air, water, and soil quality. Planting and nurturing trees is also a nature-based solution to reducing the greenhouse gases that drive climate change. In addition, native trees have an increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change.

- 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 124, though, with development, this will undoubtedly change. The 9 adjacent blocks aggregated bring the area to a total population of 474.

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.



- According to FEMA's National Risk Index, the parcel **is** considered **relatively moderate** 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, approximately 19 lots are being built directly within it a 100-year flood plain. DEMA strongly discourages construction of any type directly within a 100-year floodplain. If the homes are being constructed at flood level or below and a mortgage is obtained, an NFIP insurance policy is also required. Aside from the 19 lots, additional lots are in close proximity to the floodzone. In reference to those lots, DEMA does not recommend construction within close proximity to a floodplain as water knows no bounds. However, should construction continue, we recommend utilizing additional mitigation strategies to reduce the risk. This could include, but isn't limited to, wet/dry floodproofing, elevating the home out of the flood plain, 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.

Delaware State Fire Marshall's Office – Contact Duane Fox 302-739-4394
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 Engineering Comments

JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
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Sussex County
DELAWARE
sussexcountyde.gov

Preliminary Land Use Service (PLUS) Meeting
May 22nd, 2024
May PLUS Comments
Sussex County Department of Planning & Zoning

I. Review and Discussion: Stockley Acres (2023-05-01)

Location: South side of Stockley Road (S.C.R. 280) approximately (0.37) miles west of Beaver Dam Road (Route 23).

Project: Review of a proposed Major Subdivision utilizing the Cluster option to accommodate a single family residential development to include 73 lots for single-family detached residential dwelling units on a parcel comprised of a total of 36.36 acres +/-.

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 or you may reach out to the Planning & Zoning Office at p&z@sussexcountyde.gov.

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: 234-5.00-54.00

Proposed: The project proposes Major Subdivision utilizing the Cluster option to accommodate a single family residential development to include 73 lots for single-family detached residential dwelling units on a Percel comprised of a total of 36.36 acres +/-.

Zoning: The parcels are currently zoned Agricultural Residential (AR-1). The proposed single family cluster lots are permitted by-right in the AR-1 Zoning District. Staff note that a pedestrian trail system must be provided under the cluster option standards (§115-25(F)(3)((a)(3)((c)(vi)).

Density: The proposed density of ≈ 1.99 dwelling units per acre complies with the County Code requirements for residential improvement in an (AR-1) District which allows up to (2)

single-family detached dwelling units per acre when serviced by a central sewer system (§115-25(B)(3)).

Applicability to Comprehensive Plan: The project lies within the Rural Area classifications of "Low Density Area" (per the 2018 Comprehensive Plan). Low Density Areas are lands currently zoned AR-1 that the County "hopes to retain the rural environment" and "set aside significant open space" (2018 Sussex County Comprehensive Plan, 4-18). The Plan additionally notes, "AR-1 zoning regulations also permit an average of two homes per acre where a cluster-style site plan is used, and a portion of the tract is preserved in permanent open space" and "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 proposed plan includes 18.4 acres +/- (out of a total of (36.6) acres) of open space which equates to approximately 51% of the project site. This meets the Cluster Option standards which require a minimum of 30% Open Space.

Interconnectivity: Staff encourage interconnectivity between proposed developments in order to prevent only one-way-in, one-way-out access in the event that an emergency should occur on the property in the future. Staff recommend any future Plan include stubs or easements for connection to parcels adjacent to the site. While connection to Beaver Dam Road is likely not possible due to natural features, Staff recommend stubs or easements for connection to possible future improvements to the east and west of the Parcel be incorporated into the design.

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 (19.7) acres of existing forest on the site and that (12.7) acres will be removed. Therefore, the site is retaining (7.0) acres of forested area (roughly 19% of the site.). Staff appreciate efforts to conserve as many mature trees as possible on the project site. Staff note that any buffers which may be required as part of this plan are required to be exclusive of "stormwater management areas or facilities, wastewater treatment and/or disposal facilities" (§99-5 FORESTED AND/OR LANDSCAPED BUFFER) & (§115-193(C)(18)). Staff note that any Plan submitted will require a design ensuring the location of stormwater management basins are exclusive of the required wetland resource buffers that are required adjacent to the Chapel Branch and Wall Branch water resources at the south end of the Parcel.

Wetlands/Waterways: The Application notes that there are (4.3) acres of non-tidal wetlands present on the site. Please note, the wetland buffer requirements under Sussex County Code were recently updated and code requires that "established natural forests and nonforest meadows predominated by noninvasive species shall be retained" (§115-193(D)(2)(a)). Any proposed plan for the site will be required to meet all the wetland buffer standards included in (§115-193). Additionally, Staff note that a Drainage Assessment Report is required to be submitted and approved by Sussex County Engineering Department prior to the submission of an application as the site contains or abuts wetland resources.

Site Considerations (Flood Zones, Tax Ditches, Groundwater Recharge Potential etc.): The property is located within Flood Zone A, and Flood Zone "X" (Areas determined to be outside of the 100 year floodplain) as indicated in the applicant's Conceptual Land Use Plan. This is accurate according to current data available to Sussex County Planning & Zoning. The site is located within areas of "poor" Groundwater Recharge according to Sussex County GIS data. Please note this on the plans in order to comply with the provisions of Chapter 89 "Source Water Protection" of the Sussex County Code (§89-7). Staff note that there are no Wellhead Protection Areas on the site.

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Sussex County
DELAWARE
sussexcountyde.gov

May 15, 2024

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

RE: PLUS Review (PLUS 2024-05-01) – Stockley Acres

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
May 22, 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: Pizzadilli Partners, LLC Rezoning (2024-05-05)**
County: Kent **Municipality:** Unincorporated
Location: 1683 Peach Basket Road, Felton, DE
Project: Review of a proposed Rezoning of approximately 17.9 acres of a larger 35 acre parcel from AR (Agricultural Residential) to BG (General Business).

III. 9:15 AM **Review and Discussion: 5563 Dupont Parkway (2024-05-10)**
County: Kent **Municipality:** Smyrna
Location: 5563 Dupont Parkway, Smyrna, DE.
Project: Review of a proposed Site Plan for the construction of a mixed-use development containing 136 apartment units, 11,340 SF of commercial and a 2,400 SF drive-thru restaurant on 9 acres zoned HC (Highway Commercial).

IV. 9:45 AM **Review and Discussion: New Castle County Redevelopment Ordinance (2024-05-03)**
County: New Castle **Municipality:** Unincorporated
Location: All unincorporated parts of New Castle County.
Project: Review of a proposed ordinance to amend the Unified Development Code regarding the redevelopment process and redevelopment provisions in defined communities and corridors to incentivize sensitively designed plans that align with the UDC's Guiding Principles for development.

V. 10:15 AM **Review and Discussion: New Castle County Fence Standards Ordinance (2024-05-04)**
County: New Castle **Municipality:** Unincorporated
Location: All unincorporated parts of New Castle County.

Project: Review of a proposed ordinance to amend New Castle County Code, Section 40.03.410 ("Accessory Uses, Residential") to provide clarity regarding standards applicable to fences in residential areas, including permitted and prohibited fence materials and maintenance.

VI. 10:30 AM **Review and Discussion: New Castle County Council Referral Ordinance (2024-05-11)**
County: New Castle **Municipality:** Unincorporated
Location: All unincorporated parts of New Castle County.
Project: Review of a proposed ordinance to amend language regarding the timelines and procedures regarding the referral of applications from the Department of Land Use to County Council.

VII. 10:45 AM **Review and Discussion: Red Lion Business Park (2024-05-09)**
County: New Castle **Municipality:** Unincorporated
Location: 1704 Red Lion Road, Bear, DE
Project: Review of a proposed Site Plan for the construction of three proposed warehouse buildings totaling 57,740 SF on 5.74 acres zoned I (Industrial).

VIII. 11:15 AM **Review and Discussion: Town of Newport Zoning Ordinance (2024-05-07)**
County: New Castle **Municipality:** Newport
Location: The Town of Newport
Project: Review of proposed revisions to the Newport Zoning Code for four Zoning Districts: GB (General Business), GB Overlay (General Business Overlay), GI (General Industry), and PO (Professional Office).

IX. 11:30 AM **LUNCH**

X. 12:30 PM **Review and Discussion: Stockley Acres (2024-05-01)**
County: Sussex **Municipality:** Unincorporated
Location: South side of Stockley Road, west of Beaver Dam Road
Project: review of a proposed Subdivision for the creation of 73 single-family residential lots of 36.6 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) 854-8384

XI. 1:00 PM **Review and Discussion: Atlantic Fields (2024-05-02)**
County: Sussex **Municipality:** Unincorporated
Location: Rt. 24 & Mulberry Road
Project: review of a proposed rezoning and Site Plan for a 695,000 SF retail shopping center on 73.5 acres zoned AR-1 (Agricultural Residential) with proposed zoning of C-4 (Planned Commercial District).

The proposed project is located within a Tier 2 area and is contiguous to the Sussex County Unified Sanitary Sewer District. Annexation and connection to the sewer system is required.

A "Use of Existing Infrastructure Agreement" is required for new projects. Sussex County Code, Chapter 110, requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning & Design Review Department for the project by providing the parcel(s) estimated equivalent dwelling units (EDU) for the project, along with payment of a $1,000.00 fee for the evaluation and must be approved prior to approval of construction plans. The fee is to be payable to Sussex County Council. The Department will review the parcel(s) and EDU, confirm capacity, provide the connection point and define any additional parcels that must be served as part of the project. Should it be determined that a pump station is required for the project, additional information may be requested. This information will be conveyed to the engineer and/or developer. The Department will use this information when reviewing construction drawings to verify that the correct connection point is used, and all required parcels are served.

The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures.

One-time system connection charges will apply. Please contact the Utility Permits Division at 302 855-7719 for additional information on charges.

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 854-8384.

XII. 1:30 PM **Review and Discussion: Cool Spring Cluster Subdivision (2024-05-06)**
County: Sussex **Municipality:** Unincorporated
Location: Log Cabin Hill road, Hudson Road, Route 9 and Cool Spring Road.
Project: Review of a proposed Cluster Subdivision consisting of 1,260 single-family lots on 637 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) 854-8384.

XIII. 2:00 PM **Review and Discussion: Self-Storage (2024-05-08)**
County: Sussex **Municipality:** Unincorporated
Location: South of Georgetown, west of Route 113 and north of Piney Grove Road.
Project: Review of a proposed Site Plan for the construction of a 133,425 SF commercial self-storage facility on 7 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) 854-8384.

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.