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

June 21, 2024

Katja Kalinski
400 High St
Seaford, DE 19973

RE: PLUS review – 2024-05-06; Cool Springs Crossings By-Right Cluster Subdivision

Dear Ms. Kalinski:

Thank you for meeting with State agency planners on May 22nd to discuss Cool Springs Crossings By-Right Cluster Subdivision. According to the information received, you are seeking review of a proposed Cluster Subdivision consisting of 1,260 single family lots on 637 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 is the fourth time this site has been through the Preliminary Land Use Service (PLUS) for a site plan review. The three previous reviews were for more intense developments that included both commercial and residential uses. The State also reviewed a Sussex County comprehensive plan amendment on this site which we objected to through the PLUS process. This project represents a major land development that will result in over 1,260 residential units in an Investment Level 4 area according to the *2020 Strategies for State Policies and Spending*. This project is also located within a Low Density area according to the 2018 Sussex County certified comprehensive plan.

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 areas where state and local comprehensive plans have no plans for infrastructure or services to support unplanned development is an inefficient and wasteful use of the State's fiscal resources. The project as proposed will bring a new residential development to an area where the State is working to determine the investments needed to maintain the safety of the current road network based on the development that was planned in the 2018 comprehensive plan, not additional unplanned growth. In this effort, DelDOT is continuing to study the Route 9 Corridor under the Coastal Corridors study area to determine what Road improvements are needed along the Route 9 Corridor to meet the needs of the existing, approved, and planned development in the area, which does not include this project.

The intended development will need access to services and infrastructure such as police, emergency services, transportation improvements and roadway maintenance. To provide some examples, the State government funds 100% of road maintenance and drainage improvements for the transportation system, and the cost of police protection in the unincorporated portion of Sussex County where this development is proposed. Over the longer term, the unseen negative ramifications of this development will become even more evident as the cost of maintaining infrastructure and providing services increases.

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

- This project is located in Level 4 lands, therefore, 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.
- The project will pose considerable impacts to wildlife habitat and water quality. The vast expanses of impervious surface will heighten the need for a robust stormwater management plan that includes ample infiltration practices, such as bioretention. It is recommended to limit removal of the mature forest, particularly in the western portion of the property, as this forest connects to and enhances important environmental resources within the Delaware Ecological Network and the Broadkill River Natural Area, which are adjacent to the property. Mature forests provide a number of critical services, for both human and environmental benefit. Those ecological services are often difficult and very costly to replace. If well planned, environmental attributes that naturally exist on the site, such as forests, can act as community amenities within a new development.

DNREC reviewers further encourage multi-modal connectivity within the development and externally to nearby natural areas and trails, so residents may enjoy these features without the need for motorized transportation.

- There is a voluntary cleanup project associated with this contamination, called “Rails to Trails Cool Spring to Fisher Rd,” and follows the railroad up to the intersection of Cool Spring Road and Lewes-Georgetown Highway. In this same general area, Cool Spring Crossing is proposing to install a stormwater management facility. Should one dig in close vicinity of the railroad, they may find coal ash mixed in the soil. This material is not appropriate for residential use.

- The proposed project is adjacent to a property protected under the State's Agricultural Lands Preservation Program (Littlefield District S-96-03-071-3 Parcel# 235-27.00-1.01). Consequently, the activities on this preserved property are safeguarded by agricultural use protections specified in Title 3, Del. C., Chapter 9. These protections extend to adjoining developing properties, as indicated by the 300-foot notification requirement for new deeds in a subdivision within 300 feet of an Agricultural District/Easement.

- There is an archaeological site known as the Cool Spring Site on the northeastern part of parcel number 235-27.00-11.00. Multiple previously recorded archaeological and above ground sites are located within the project area.

- The current site plan proposes to eliminate 100.91 of the existing 217.79 acres (46%) of presumably forest on the site. An analysis of historical data indicates that much of the existing forest has likely maintained some degree of 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. This removal will negatively impact Key Wildlife Habitat, as identified in the Delaware Wildlife Action Plan.

  Development of this site is anticipated to displace local wildlife. Delaware is home to a rich array of wildlife species, which greatly depend on forests and other habitat types for food, water, and cover.

- The forested area on the western side of parcel 235-27.00-13.00 is contiguous to a much larger forest complex within 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.

- DNREC Division of Fish and Wildlife scientists have not surveyed this project area. Therefore, information pertaining to rare habitats and rare or endangered species cannot be provided at this time. To provide informed comments, scientists from the Species Conservation and Research Program request the opportunity to conduct a survey of the property at no expense to the landowner.

However, there is potentially an uncommon habitat referred to as sand ridge forest type on this parcel. These ridges are often home to several state-rare plant species and one species in particular, wild lupine (*Lupinus perennis*), is the host plant for a state-listed endangered and globally rare butterfly, the frosted elfin (*Callophrys irus*). To confirm the presence of a sand ridge forest, a site visit is requested.

Code Requirements/Agency Permitting Requirements

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

- Because the site fronts on US Route 9, which is part of the Delaware Bayshore Byway, it is subject to outdoor advertising regulations found in 17 Del. C. §1101-1120. Accordingly, the applicant should expect the following requirements:
    - No new billboards, variable message boards, or electronic changing message sign(s) anywhere on or off US Route 9 within 660 feet of the closest right-of-way edge.
    - No off-premises advertising on the property for others within 660 feet of the closest right-of-way edge of US Route 9, e.g., displaying on-site the bank/financial institution funding the project or the contractor building the project.
- The site accesses on Lewes Georgetown Highway (US Route 9), Cool Spring Road (SCR 290), Log Cabin Hill Road (SCR 247), and Hudson Road (SCR 258) 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.
- This proposed project and its developer have previously met with the department regarding a Traffic Impact Study. Please continue to correspond with DelDOT to finalize any adjustments necessary in order to secure any and all required approvals and permits and determine any intersection or off-site improvements necessary.

- 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.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontages with State maintained roads. Please consult this section of the Manual as width of right-of-way dedications vary based on functional classification. The following right-of-way dedication note is required, "**An X-foot wide strip of right-of-way from the centerline is hereby dedicated in fee simple to the State of Delaware, acting by and through the Delaware Department of Transportation."**

- In accordance with Section 3.2.5.1.2 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."**

- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:

    - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.

    - Depiction of all existing entrances within 600 feet of the proposed entrances on US Route 9.

    - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.

- Section 3.5 of the Manual provides DelDOT's requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT maintained public streets for subdivisions.

- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 3 and 4 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is required where there is an

existing path with which to connect. Installation of paths or sidewalks along the frontage on State-maintained roads is required for all projects that generate a total of 2,000 average daily trips or more.

- Section 3.5.4.3 of the Manual addresses walkways, non-residential developments shall provide a system of internal pedestrian connections to encourage safe and convenient pedestrian movement within the site. These pedestrian connections, known as walkways, shall also link the site with the public street sidewalk, transit facilities and shared-use trail system, where they exist.

- Section 3.5.4.4 of the Manual addresses accessways, paved pathways connecting a sidewalk or path along a road frontage to an internal sidewalk or path.

- Referring to Section 3.5.5 of the Manual, existing and proposed transit stops and associated facilities as required by the Delaware Transit Corporation (DTC) or DelDOT shall be shown on the Record Plan.

- Because the proposed development is to be constructed in proximity to a road with a functional classification of principal arterial, specifically US Route 9, the developer will be required to perform a noise analysis in accordance with DelDOT's Noise Policy, found in Section 3.6 of the Manual and may be required to provide noise abatement for residents based on that analysis.

- 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 US Route 9, Cool Spring Road, Log Cabin Hill Road, and Hudson 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.

- Questions regarding the requirement abandonment/vacation and or closure of an existing road, as referred to in Section 8.10 of the Manual, should be directed to Mr. Robby Brown in DOTS Right of Way. Mr. Brown may be reached at Robby.Brown@delaware.gov or (302) 760-2240.

DART First State – Contact Jared Kauffman 302-576-6062

- A pair of companion stops are needed on US 9 at Cool Spring Rd.
    - Westbound, a Type 2 (17x8) shelter pad placed far-side of Cool Spring Road
    - Eastbound, a Type 2 (17x8) shelter pad is preferable, but if Right-of-Way constraints deem it necessary, then a Type 2 5'x8' is adequate. Whether this stop is placed far-side or near-side of Cool Spring Road depends upon a pedestrian crossing of Cool Spring Road

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

DNREC notes that, In its current form, the project avoids the Special Flood Hazard Area (100-year floodplain), incorporates vegetated buffers exceeding 100 feet in width, avoids the wellhead protection area on the site, and avoids areas that will be impacted by future sea level rise.

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*.

- 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.
- 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.

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/

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/

Wastewater Disposal Systems – Small Systems
There are three septic systems within the project boundaries. DNREC records show these systems have not yet been abandoned through the Groundwater Discharges Section. The following permits exist for this site in the Small System Branch database:

- Active capping filled gravity system (permit #: 232270) under the tax parcel 235-27.00-13.00
- Active full depth gravity system (permit #: 239834) under the tax parcel 235-27.00-14.00
- Active full depth gravity system (permit #: 233513) under the tax parcel 334-4.00-34.00

The On Site Regulations are listed within Section 5 (Small Systems) or Section 6 (Large Systems) of the Regulations Governing the Design, Installation and Operation of the On-site Wastewater Treatment and Disposal Systems at:
https://documents.dnrec.delaware.gov/Water/Septics/delaware-on-site-regulations-with-exhibits.pdf.

A list of licensed Class D soil scientists can be found at the following website:
https://data.delaware.gov/Energy-and-Environment/Class-D-Site-Evaluator-Licensees-Based-on-Licensed/6vjq-34rp.

- The applicant must follow current regulations to properly abandon these systems.

Contact the DNREC Groundwater Discharges Section to discuss requirements for properly abandoning these systems.
Contact: DNREC Groundwater Discharges Section at (302) 739-9947
Website: https://dnrec.delaware.gov/water/residential/septic-systems/

Wetlands and Waterways
Maps from the Statewide Wetlands Mapping Project indicate the presence of freshwater forested wetlands on the site. The application indicates that wetlands have been delineated,

with 29.6 acres of wetlands present on the site according to the project application. The application shows that the project will avoid development in these areas.

- As proposed, do not disturb wetlands. State permits from the DNREC Wetlands and Subaqueous Lands Section may be necessary if plans change and dredge or fill is proposed in tidal wetlands, streams, or State Subaqueous Lands.
- 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.

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/

Special Flood Hazard Area
The southeastern portion of this site lies within a Special Flood Hazard Area. 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. The application shows that the project will avoid development in these areas.

- As proposed, do not build lots or structures in the floodplain. 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/

- 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.

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

Previous Contamination
DNREC records indicate that contamination has occurred directly across from the Cool Spring Crossing project site. Additional information may also be found online by searching Delaware's Environmental Navigator at https://den.dnrec.delaware.gov/. There is a voluntary cleanup project associated with this contamination, called "Rails to Trails Cool Spring to Fisher Rd," and follows the railroad up to the intersection of Cool Spring Road and Lewes-Georgetown Highway.

In this same general area, Cool Spring Crossing is proposing to install a stormwater management facility. Should one dig in close vicinity of the railroad, they may find coal ash mixed in the soil. This material is not appropriate for residential use.

- Contact the DNREC Remediation Section to determine the current status of the site and any requirements associated with the site.

Contact: Division of Waste and Hazardous Substances Remediation Section at (302) 395-2600.
Website: https://dnrec.delaware.gov/waste-hazardous/remediation/

Outdoor Recreation, Parks, and Trails (ORPT)
There are two ORPT grant funded projects directly across the street from this project, on Lewes-Georgetown Highway (Rt. 9): Hudson Park and Rt. 9 Trailhead/Recreational Area.

Hudson Park also includes within its footprint a conservation easement. This easement was granted by Sussex County Land Trust. See notes on Vegetated Buffers for further recommendations related to the easement.

- Show all ORPT projects on the site plan. The Lewes-Georgetown Trail and the Rt. 9 Trailhead are to be clearly marked outside the project boundary on the site plan.

Contact: DNREC Division of Parks and Recreation, Parks Resource Office at (302) 739-9215.
Website: https://dnrec.delaware.gov/parks/planning/recreation-parks-trails/

Electric Vehicle Charging Requirements
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 Department of Agriculture – Contact Milton Melendez 302-698-4500</u>

- 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.

- The proposed project is adjacent to a property protected under the State's Agricultural Lands Preservation Program (Littlefield District S-96-03-071-3 Parcel# 235-27.00-1.01). Consequently, the activities on this preserved property are safeguarded by agricultural use protections specified in Title 3, Del. C., Chapter 9. These protections extend to adjoining developing properties, as indicated by the 300-foot notification requirement for new deeds in a subdivision within 300 feet of an Agricultural District/Easement.

  The agricultural use protections in § 910 of Title 3, Del. C., Chapter 9, emphasize the preference and priority given to normal agricultural uses and activities in Agricultural Preservation Districts. Restrictions are imposed on land use adjacent to these districts, especially for new subdivision developments within 300 feet of the boundary. The deed restrictions must include a notice informing residents of potential inconveniences resulting from normal agricultural uses and activities. Similar restrictions apply to developments within 50 feet of the boundary.

Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts are considered protected actions and are not subject to nuisance claims. In case of a complaint, the prevailing landowner is entitled to recover costs and expenses related to the defense, including attorney's fees.

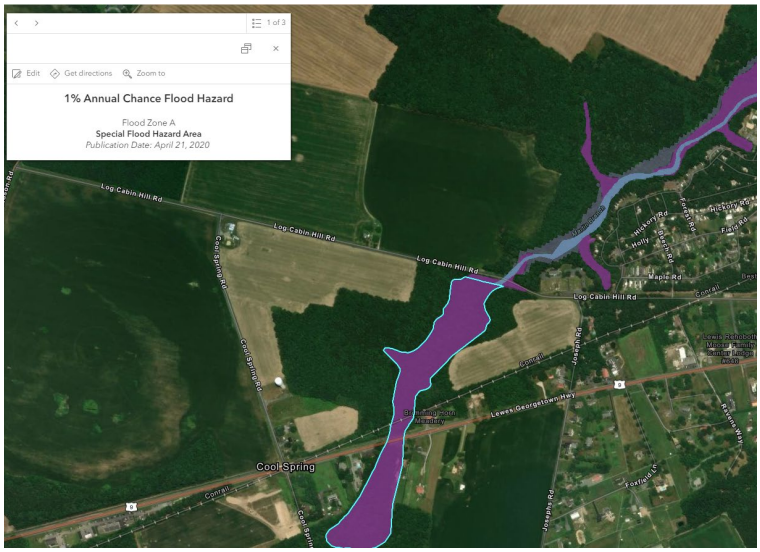
- Additionally, if wells are to be installed, Section 4.01(A)(2) of the Delaware Regulations Governing the Construction and Use of Wells stipulates a minimum distance requirement for wells constructed within 50 feet of an Agricultural Lands Preservation District.

- The Department of Agriculture emphatically urges the developer to collaborate with the Department's Forestry Section in designing and implementing the project. Specifically, they strongly recommend planting an effective forested buffer between the proposed residential development and existing preserved properties. The selection of suitable tree species is crucial to create a mitigation barrier that addresses the potential dust, noise, and odors generated by the existing agricultural operation enrolled in the Agricultural Lands Preservation Program.

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

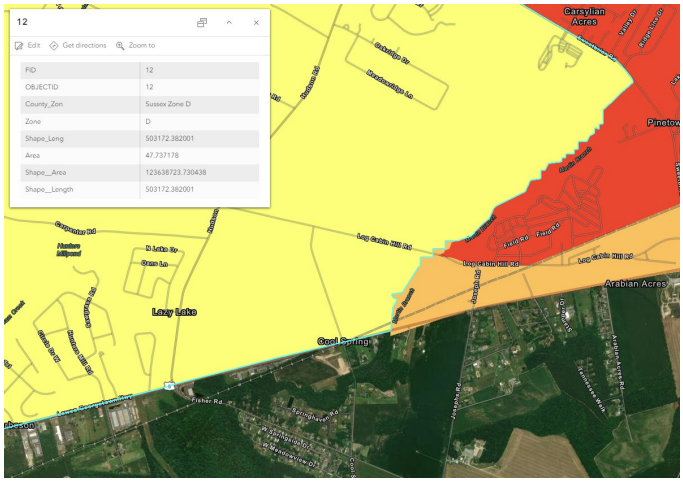
Proposed Project Parcel Flood Concern

- The majority of these parcels are primarily located within an area of **Minimal Flood Concern of 1000 years or greater** and therefore no direct concern; however, the southeastern portion is intersected between Log Cabin Hill Road and Lewes Georgetown Highway by a Special Flood Hazard Area identified as Flood Zone A—a 1% Annual Chance Flood Hazard or 100-year Flood Plain—that follows the Martin Branch. Though no construction appear to be directly within the flood zone as the submitted sketches show trees and natural environment.



Parcel Status within County Evacuation Zone Location

- The majority of the parcels are located within Sussex County's Evacuation Zone D, with a part of the southeastern section (the darker orange in the image below) within Sussex County Evacuation Zone C.



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 SHPO does not recommend development in Level 4 areas. The application states a Phase I archaeological survey and cemetery delineation have been completed. Our Office asks the developer to share a copy of the report, so we are better able to

advise regarding avoidance of cemeteries and proposed protection of archaeological sites. Without reviewing the survey report, our previous comments still stand.

- There is an archaeological site known as the Cool Spring Site on the northeastern part of parcel number 235-27.00-11.00. Multiple previously recorded archaeological and above ground sites are located within the project area. In addition, historic maps indicate structures associated with the parcels in question. Historic roads adjacent to the project area also carry an increased potential for historic archaeological resources remaining within the parcels. There is also high potential for precontact resources based on the presence of well drained soils, stable landforms, and close proximity to fresh water. These are all environmental factors that would have been attractive to precontact peoples.

- Finally, multiple cemeteries have been reported in the project area, and are potentially not fully delineated. Due to the increased potential for human remains, a high potential for historic and precontact archaeological resources, and the seemingly minimal disturbance evident across the majority of the project area, the DE SHPO would recommend archaeological survey prior to any ground disturbing activity.

- 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 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Clubhouses and Pool houses)

- 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

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 Log Cabin Hill Road and Cool Spring 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 DelDOT Coastal Corridors Study is evaluating "East-West" movements primarily across the northern portion of Sussex County along Delaware Routes 16 and 404 and US Route 9. Impacts to the local road system are also being examined. The study is

collecting and evaluating data on how traffic enters and exits Delaware from Route 404 in Maryland and other points west of the state line and travels to and from the eastern portion of Sussex County. The study is evaluating the amount, time of day, and time of year for various components of "through traffic" (with an origin or destination on either side of the Bay Bridge) and "local traffic" (with an origin or destination primarily within the northern Sussex County study area). When completed, the study will present recommendations for a range of improvements including:

- short term projects able to be completed within DelDOT's existing programs within 3-4 years,
- medium term projects able to be designed and constructed within 5-8 years, and
- longer term projects likely to take 10 years or more to study, design, and initiate.
- Any entrances along the identified corridors (Delaware Routes 16 and 404 and US Route 9) may be addressed in the study from this point forward to the final recommendations as they are developed, and may include consolidated entrances, alternative entrances on other roads, or in a service road access model arrangement. DelDOT's initial findings in conducting the study include a future need to widen US Route 9.

- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to US Route 9, Cool Spring Road, Log Cabin Hill Road, and Hudson Road.

- 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, 2022. The notes can be found at https://www.deldot.gov/Business/subdivisions/

<u>Department of Natural Resources and Environmental Control – Contact Beth Krumrine 302-735-3480</u>

Removal of Mature Forest
The current site plan proposes to eliminate 100.91 of the existing 217.79 acres (46%) of presumably forest on the site. An analysis of historical data indicates that much of the existing

forest has likely maintained some degree of 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. This removal will negatively impact Key Wildlife Habitat, as identified in the Delaware Wildlife Action Plan.

Development of this site is anticipated to displace local wildlife. Delaware is home to a rich array of wildlife species, which greatly depend on forests and other habitat types for food, water, and cover. Key Wildlife Habitat should be conserved to the maximum extent practicable and negative impacts should be minimized. Given the mature forest on-site and large tracts of

Natural Area adjacent to the site, it is likely that wildlife are moving back and forth among these parcels.

Notably, the forested area on the western side of parcel 235-27.00-13.00 is contiguous to a much larger forest complex within 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 Broadkill Natural Area also contains lands within the Delaware Ecological Network (DEN).

- It is recommended to avoid removal of the mature forest, particularly in the western portion of the property, as this forest connects to and enhances important environmental resources within the Delaware Ecological Network and the Broadkill River Natural Area, which are adjacent to the property. 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 Delaware Ecological Network is a statewide network of interconnected lands having significant ecological value.

- Removing forested areas for development, especially mature forests, should be avoided to the greatest extent possible. These areas provide habitat for wildlife, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling, which reduces carbon that contributes to climate change.

- 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.

- 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.

Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600. Website: https://dnrec.delaware.gov/fish-wildlife/conservation/
Contact for natural areas: DNREC Division of Parks and Recreation, Office of Nature Preserves at (302) 739-9039. Website: https://dnrec.delaware.gov/parks/natural-areas/

Site Visit Requested
DNREC Division of Fish and Wildlife scientists have not surveyed this project area. Therefore, information pertaining to rare habitats and rare or endangered species cannot be provided at this time. To provide informed comments, scientists from the Species Conservation and Research Program request the opportunity to conduct a survey of the property at no expense to the landowner.

However, there is potentially an uncommon habitat referred to as sand ridge forest type on this parcel. These ridges are often home to several state-rare plant species and one species in particular, wild lupine (*Lupinus perennis*), is the host plant for a state-listed endangered and globally rare butterfly, the frosted elfin (*Callophrys irus*). To confirm the presence of a sand ridge forest, a site visit is requested.

- Recommendations resulting from the survey would allow the applicant the opportunity to reduce potential impacts to rare species and unique habitats. This would help inform the project design to be sensitive to those elements, should their presence be confirmed.
-
- Please contact the Species Conservation and Research Program if the landowner will grant a site visit.
-

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

Forested Wetlands
Maps from the Statewide Wetlands Mapping Project indicate the presence of freshwater forested wetlands on the site. This habitat type is known to support an array of plants and animals, most notably wetland dependent species, such as amphibians. The application indicates that wetlands have been delineated, with 29.6 acres of wetlands present on the site according to the project application. The application shows that the project will avoid development in these areas.

To reduce impacts to these species, the following is recommended:

- Avoid diverting surface water from roadways and stormwater facilities into the wetlands on site. Water quality could be detrimentally affected by run-off, which can contain oil and other pollutants.
- Avoid installing sewers with grates, which can create a hazard for amphibians and reptiles.
- Design the development to exclude curbs. If road curbing is part of the design, curbing that allows small animals, such as turtles and salamanders, to climb out of the roadbed (such as Type 2 or Cape Cod curbing) is preferred over steep, vertical curbing.
- Use open bottom box culverts to allow for natural substrate to remain and in-water passage of aquatic life. Additionally, culverts should be left as wide as possible to ensure that salamanders can travel through them.

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
DNREC reviewers have provided the following guidance on 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.
- 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.
- 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.
- 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.

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

Contact for wetlands: DNREC Wetlands and Waterways Section at (302) 739-9943.
Website: https://dnrec.delaware.gov/water/wetlands/
Contact for natural areas: DNREC Division of Parks and Recreation, Office of Nature Preserves at (302) 739-9039. Website: https://dnrec.delaware.gov/parks/natural-areas/
Contact for Hudson Park: DNREC Division of Parks and Recreation, Parks Resource Office at (302) 739-9215. Website: https://dnrec.delaware.gov/parks/planning/recreation-parks-trails/

Outdoor Recreation, Parks, and Trails (ORPT)
There are two ORPT funded projects directly across the street from this project, on Lewes-Georgetown Highway (Rt. 9): Hudson Park and Rt. 9 Trailhead/Recreational Area.
Hudson Park also includes within its footprint a conservation easement. This easement was granted by Sussex County Land Trust. See notes on Vegetated Buffers for further recommendations related to the easement.

- Add a connection to the existing multi-use path on the north side of Rt. 9, near the out parcel, which is located on the southwest portion of the project.

- Consider bike/ped improvements and connections along the entire Hudson Rd. frontage.

Contact: DNREC Division of Parks and Recreation, Parks Resource Office at (302) 739-9215.
Website: https://dnrec.delaware.gov/parks/planning/recreation-parks-trails/

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 Subaqueous Lands 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.

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

Additional Sustainable Practices
The following information provides general recommendations for energy efficiency and other sustainable practices. Implementing these options alone will not provide adequate environmental protection. In summary, changes that incorporate greater forest protection should be key in moving forward with the planning phase of this project.

- Near community facilities, educational facilities, and rental units, install electric vehicle (EV) charging stations in parking areas. The DNREC Division of Climate, Coastal and Energy offers rebates of up to 90% of the cost of the charging station for commercial, multi-unit dwelling and other public properties. These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality (https://dnrec.delaware.gov/climate-coastal-energy/clean-transportation/).

- Use renewable energy infrastructure such as solar or geothermal on community buildings to reduce energy costs and further reduce pollution created from offsite generation. Additionally, 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 and install bicycle racks where feasible to help facilitate non-vehicular travel modes.

- 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.

- Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.

- 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 15, though, with development, this will undoubtedly change. The 9 adjacent blocks aggregated bring the area to a total population of 253.

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 parcels are 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.

- Their community resilience is rated at **relatively moderate** whereas their 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 flood plain, though no homes appear to be within a floodplain, 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 Housing Authority - Contact Alex Modeas 952-255-9579 ext. 251

- DSHA opposes the construction of 1,260 Single-family units on 637 acres on 36.6 acres on the south side of Stockley Road and west of Beaver Dam Road. The parcels are in a Level 4 investment zone, which means that the land should only be used for agricultural preservation and natural resource protection.
- According to DSHA's Housing Reform Map, these parcels are located in an Area of Opportunity. This means that this area has high-quality schools, supportive infrastructure, and the capacity to support diverse and affordable housing types. This area has the potential to support low-to-moderate income residents, but this proposal has no current intention of doing so.
- In the 2023-12-05 Cool Springs Crossing proposal, there were 175 affordable units to be developed according to the Sussex County Rental Program (SCRP). These units were designed to attract workers in the resort economy who struggle to find affordable housing options in Sussex County. In this updated proposal, there are no affordable units through a program such as SCRP, as all 1,260 units proposed are Single-Family units.

If you have questions or would like more information on the above recommendations, please feel free to call me at 302-574-3656 or via e-mail at Alexander.Modeas@delaware.gov

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
- Department of Transportation Comments

JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
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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: Cool Spring (2023-05-06)

Location: North side of Lewes Georgetown Highway (Route 9) on the east side of Hudson Road (S.C.R. 258) and the west side of Josephs Road.

Project: Review of a proposed Major Subdivision utilizing the Cluster option to accommodate a single family residential development to include 1260 lots for single-family detached residential dwelling units on five parcels comprised of a total of 637 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.

Staff note that related applications for a FLUM Amendment, Change of Zone, and Conditional Uses were submitted to the County in 2023 for the purposes rezoning of the same five parcels from (AR-1) to (MR-RPC) to accommodate ≈ 1900 residential housing units and 125,125 square feet of commercial improvements on the same Parcels. These aforementioned Applications have not yet been scheduled for public hearing at Planning & Zoning or County Council, and Staff request that the Applicant detail whether these prior Applications are to be replaced by the proposal shown in this PLUS Application (2023-05-06).

Tax Parcel ID(s): 235-27.00-11.00, 235-27.00-12.00, 235-27.00-13.00, 235-27.00-14.00, & 334-4.00-34.00

Proposed: The project proposes Major Subdivision utilizing the Cluster option to accommodate a single family residential development to include 1260 lots for single-family detached residential dwelling units on five parcels comprised of a total of 637 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.

Density: The proposed density of ≈ 1.98 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 295 acres +/- (out of a total of 637 acres) of open space which equates to approximately 46% 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 note the increase in daily trips that will be associated with the proposal and encourage the Applicant to work closely with DelDOT regarding the design, configuration, and capacity of the primary entrance on Route 9 as well as the intersection of Log Cabin Hill Road and Cool Spring Road. Additionally, staff recommend the Applicant consider providing interconnection with the Medical Facility at the southwest corner of the site as well as additional overall access points on Hudson Road both north and south of it's intersection with Log Cabin Hill Road.

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 (217.79) acres of existing forest on the site and that (100) acres will be removed. Therefore, the site is retaining (116.88) acres of forested area (roughly 18% 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 Martin Branch (§99-6(G)(1)).

Please note, an Ordinance to Amend Chapter 99 of the County Code relating to perimeter buffers around residential development (Ord. No. 24-03) is currently under consideration by the Sussex County Planning & Zoning Commission and will subsequently be reviewed at a Public Hearing at Sussex County Council for final disposition. Adoption of this Ordinance has the potential to impact the proposed by-right cluster design at the site.

Wetlands/Waterways: The Application notes that there are (29.6) 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). Staff have concerns about flooding and emergency access given the design and configuration of the isolated clusters of units almost entirely surrounded by wetlands on the far eastern portion of Parcel 13.00. Staff recommend the Applicant consider provision of access, a stub, or an easement for connection to the north or south on Log Cabin Hill Road at these locations. 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 (0.2 Pct Annual Chance Flood Hazard), Flood Zone A, and Flood Zone AE. This is accurate according to current data available to Sussex County Planning & Zoning. The site is located within areas of "fair" and "good" 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.

BRANDY BENNETT NAUMAN
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Sussex County
DELAWARE
sussexcountyde.gov

May 15, 2024

Ms. Katja Kalinski
George, Miles & Buhr, LLC
206 West Main Street
Salisbury, MD 21801

RE: PLUS Review (PLUS 2024-05-06) – Cool Spring Crossing Cluster

Dear Ms. Kalinski,

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.

STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

NICOLE MAJESKI
SECRETARY

May 28, 2024

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **CMF Cool Spring LLC, (Log Cabin Hill Road, Hudson Road, Josephs Road, Lewes-Georgetown Highway and Cool Spring Road, Lewes, DE 19958)** proposed land use application, which we received on April 26, 2024. This application is for an approximate 637-acre assemblage of parcels (Tax Parcels: 235-27.00-11.00, 12.00, 13.00, 14.00 and 334-4.00-34.00). Parcel 235-27.00-11.00 is located at the southeast corner of the interstation of Log Cabin Hill Road (Sussex County Road 247) and Hudson Road (Sussex County Road 258). Simultaneously, Parcel 235-27.00-11.00 is located at the northwest intersection of Lewes-Georgetown Highway (US Route 9) and Cool Spring Road (Sussex County Road 290). Parcels 235-27.00-12.00 and 334-4.00-34.00 are located at the southwest corner of the intersection of Log Cabin Hill Road and Josephs Road (Sussex County Road 281). Parcels 235-27.00-13.00 and 235-27.00-14.00 are located at the northeast corner of the intersection of Log Cabin Hill Road and Hudson Road. The parcels are currently zoned AR-1 (Agricultural Residential District), and the applicant seeks a zoning of Subdivision to place 1,260 Single family Detached homes, on the parcels.

Per the 2022 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Log Cabin Hill Road where the subject land is located, which is from Sweetbriar Road (Sussex County Road 261) to Hudson Road is 1,052 of vehicles per day. The annual average daily traffic volume along Hudson Road where the subject land is located, which is from Eagles Crest Road (Sussex County Road 264) to Lewes-Georgetown Highway is 2,916 of vehicles per day. The annual average daily traffic volume along Josephs Road where the subject land is located, which is from Log Cabin Hill Road to Fisher Road (Sussex County Road 262) is 523 of vehicles per day. The annual average daily traffic volume along Cool Spring Road where the subject land is located, which is from Log Cabin Hill Road to Lewes-Georgetown Highway is 316 of vehicles per day. The annual average and summer average daily traffic volumes along the segment of Lewes-Georgetown Highway where the subject land is located, which is from Harberson Road (Sussex

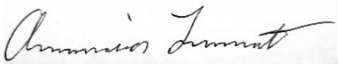
County Road (Delaware Route 5) to Dairy Farm Road (Sussex County Road 319), are 15,696 and 20,020 vehicles per day, respectively.

Based on our review (ITE Trip Generation Manual 11th edition, LUC 210 / Units 1,260), we estimate that the proposed land use would generate more than 50 vehicle trips in any hour or 500 vehicle trips per day and would be considered to have a **Major** impact to the local area roadways. In this instance, the Department considers a Major impact to be when a proposed land use would generate more than 200 vehicle trips in any hour of the week and / or 2,000 vehicle trips per day. According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, (trip generation). These numbers of trips meet DelDOT's warrants for requiring a Traffic Impact Study (TIS).

If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.

Please contact Mr. Philip Lindsey, at philip.lindsey@delaware.gov, if you have questions concerning this correspondence.

Sincerely,

 for

Sireen Muhtaseb, PE
TIS Group Manager
Development Coordination

SAM:plm
cc: CMF Cool Spring LLC, Applicant
Amy Hollis, Sussex County Planning & Zoning
Sussex County Planning & Zoning
David Edgell, State Planning Director, Office of State Planning Coordination
Matt Schlitter, South District Public Works Engineer, Maintenance & Operations
James Argo, South District Project Reviewer, Maintenance & Operations
Tara Summers-Strong, South District Public Works Admin., Maintenance & Operations
Todd Sammons, Assistant Director, Development Coordination, Planning
John Pietrobono, Acting Sussex County Review Coordinator, Development Coordination
Kevin Hickman, Sussex County Subdivision Reviewer, Development Coordination
Derek Sapp, Sussex County Subdivision Reviewer, Development Coordination
Thomas Gagnon, Sussex County Subdivision Reviewer, Development Coordination
José Quixtan, Sussex County Subdivision Reviewer, Development Coordination
Annamaria Furmato, TIS Group Engineer, Development Coordination
Philip Lindsey, TIS Group Engineer, Development Coordination