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

July 22, 2024

Eric Wahl
Pennoni Associates, Inc
18072 Davidson Dr.
Milton, DE 19968

RE: PLUS review – 2024-06-04; Prettyman Subdivision

Dear Mr. Wahl:

Thank you for meeting with State agency planners on June 26th to discuss the Prettyman Subdivision. According to the information received, you are seeking review of a proposed 210 single-family lot Subdivision on 105.5 acres zoned AR-1 (Agricultural Residential). The proposed subdivision is to be located north of Prettyman Road and west of Pettyjohn Road.

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 210 **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.

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

Code Requirements/Agency Permitting Requirements

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

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

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

- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.

- In terms of traffic analysis and based on the requirements of the Development Coordination Manual and based on the expected trip generation for this development a Traffic Impact Study (TIS) will be required.

- The Developer will need to make frontage improvements along Road 255. 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

Standard Stormwater Management Requirements
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

Two stormwater management facilities are proposed directly over an intermittent stream that flows through the property. There also appear to be two points where an internal roadway is proposed over this intermittent stream. This stream has been determined to be jurisdictional by the DNREC Wetlands and Waterways Section. Delaware regulates all tidal waters (up to the mean high water line) as well as all non-tidal rivers, streams, lakes, ponds, bays, and inlets (up to the ordinary high water line) under the Subaqueous Lands Act (7 Del. Code, Chapter 72) and the *Regulations Governing the Use of Subaqueous Lands* (7 DE Admin. Code 7504)
*7 **Del.C.** §7212.* According to 7 **Del.C.** §7212, "The extent of jurisdictional authority over public or private subaqueous lands includes any activity in a navigable stream or waterbody, which have a hydrologic connection to natural waterbodies." Wetland regulations are available online (https://regulations.delaware.gov/AdminCode/title7/7000/7500/7502.shtml). Subaqueous lands are defined in the regulations (2.2.1), as follows:

"The areas where these Regulations apply are shown on the U.S. Geological Survey 7.5 Minutes Series (Topographic) Quadrangle Charts for the various quadrangles making up the State of Delaware. Such jurisdiction shall be presumed correct, subject to written rebuttal by the public or the Department, based on a determination made in the field, using established criteria and procedures adopted by the Department in accordance with the Regulations. These criteria shall be developed using biological and physical indicators which include, but are not limited to, the presence of a defined channel, banks, aquatic fauna and flora, and other field indicators of instream habitat."

- Maps from the Statewide Wetlands Mapping Project also indicate the potential presence of forested non-tidal wetlands in the center of the property. Current plans avoid these areas. Wetland boundaries and streams must be shown on site plans.

- On site plans, label stormwater management facilities and clearly label access points for maintenance.

- When designing the two stormwater management areas, the drainage from the south will need to be accounted for and allowed to continue to be conveyed through the property as is the current case.

- If construction moves forward with the existing plan, permitting will be required for the intermittent stream (refer to information below). Another option would be to revise the engineering plan to avoid this feature entirely, while following all local buffer and setback requirements for streams.

- The Wetlands and Waterways Section will require a Subaqueous Lands Permit for the intermittent stream. A jurisdictional determination can be requested for confirmation.

Jurisdictional features proposed to be impacted will need to be applied for utilizing the basic application as well as all relevant appendices. Please visit the following link for more information: https://dnrec.delaware.gov/water/wetlands/permits/

- A Subaqueous Lands permit from the DNREC Wetlands and Waterways Section will be required for the stream crossings and disturbance to the stream at the location of both stormwater management areas. To apply for a permit online, please visit their website at https://dnrec.delaware.gov/water/wetlands-subaqueous/permits/

- It is recommended to schedule a meeting with the DNREC Joint Permit Processing (JPP) service to assist with state and federal wetland permitting procedures and requirements. To schedule a meeting with the JPP committee, please contact the DNREC Division of Water's Wetlands and Waterways Section at (302) 739-9943.

- Federal permits from the U.S. Army Corps of Engineers may also be necessary. A delineation of waterways and wetlands is 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.

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

Wastewater Disposal Systems – Large Systems

- For wastewater conveyance offsite by way of new sewer connection, flow rates exceeding 2,500 gallons of liquid waste per day will require a Wastewater Pollution Collection and Conveyance (WPCC) permit from the Commercial and Government Services section.

Contact: DNREC Commercial and Government Services section at (302) 739-9948.
Website: https://dnrec.delaware.gov/water/commercial-government/

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.

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

Proposed Project Parcel Flood Concern

- This parcel is located within an area of **Minimal Flood Concern of 1000 years or greater.**

Parcel Status within County Evacuation Zone Location

- The parcel is not yet located within a Sussex County Evacuation Zone.

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

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

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

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

- There is a moderate potential for precontact archaeological sites, and moderate to high potential for historic period sites on this parcel. Part of the property is mapped as having well drained soils, adjacent to a tributary of Round Pole Branch. Historic maps and aerials indicate buildings once stood on the eastern side of the parcel. There may be site(s) associated with this prior development, and/or with 19th c. properties shown on historic maps on or adjacent to the subject parcel. This is an area of the state for which there is a lack of intensive archaeological survey, raising the importance of survey on this parcel.

  DESHPO recommends an archaeological survey be conducted by a qualified archaeological consultant, and avoidance or further investigation of any sites identified.

- 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). Please provide our office with a copy of the archaeological survey reports for our records. If there are any questions, inquiries, or concerns, feel free to contact the Delaware State Historic Preservation Office for assistance at 302-736-7400.

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

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

Fire Protection Water Requirements:

- 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 Pettyjohn Rd 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 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

- Consider the feasibility of connecting to the planned subdivision to the north.

- 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

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. Be aware that any stormwater management areas utilizing infiltration is required to obtain a soils investigation and must meet minimum infiltration requirements.

- 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 and Poorly Drained Soils

Hydrologic Soil Group D (somewhat poorly drained soils) have been identified in the southwestern portion of the site. These soil types are not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins.

- 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.

- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream or create any off-site drainage problems downstream due to increases in stormwater.

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

Wetlands, Waterways and Vegetated Buffer Zones
In addition to the intermittent stream, maps from the Statewide Wetlands Mapping Project indicate the potential presence of a freshwater forested wetland in the center of the site. This habitat type is known to support an array of plants and animals, most notably wetland dependent species such as amphibians.

- Do not disturb the intermittent stream or the wetland areas. Establish a wetland buffer of at least 100 feet along the stream. If wetlands are confirmed within the forested area by a wetland delineation, establish upland buffer of at least 100 feet along the forested wetland.

- Vegetated buffer zones placed adjacent to the wetland help improve water quality by reducing sediment and pollutants loads. Vegetated buffers are not equivalent to setbacks, as residential lots, walkways, and stormwater management facilities should not be contained within the vegetated buffer zone.

- 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 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.

- 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/

Water Quality
This site lies within the Broadkill River 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 the stream located on the site.

- 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/

Sustainable Practices

- 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.

- 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/).

- 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 72, though, with development, this will undoubtedly change. The 13 adjacent blocks aggregated bring the area to a total population of 478.

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 low** for overall natural hazards risks.

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

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

Renewable Energy Commitment

- Regarding energy use and consumption, the census tract utilizes **utility/natural gas** 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.

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
(302) 855-7878 T
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Sussex County
DELAWARE
sussexcountyde.gov

Preliminary Land Use Service (PLUS) Meeting
June 26th, 2024
June PLUS Comments
Sussex County Department of Planning & Zoning

I. Review and Discussion: Prettyman Subdivision (2024-06-04)

Location: North of Prettyman Road and West of Pettyjohn Road.

Project: Review of a proposed Major Subdivision utilizing the Cluster option to accommodate a single-family residential development to include 210 lots for single-family detached residential dwelling units on a parcel comprised of 105.5 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: 235-25.00-44.00

Proposed: The project proposes Major Subdivision utilizing the Cluster option to accommodate a single family residential development to include 210 lots for single-family detached residential dwelling units on a parcel comprised of 105.5 acres +/-.

Zoning: The parcels is 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 ≈ 1.99 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 51 acres +/- (out of a total of 105.5 acres) of open space which equates to approximately 48% 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.

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 (6.58) acres of existing forest on the site and that (0) acres of forest will be removed. Therefore, the site is retaining (6.58) acres of forested area (roughly 6% 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 (§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 (1.86) 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 "X" (Unshaded). 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

June 26, 2024

Mr. Eric Wahl
Pennoni Associates
18072 Davidson Dr.
Milton, DE 19968

RE: PLUS Review (PLUS 2024-06-04) – Prettyman Subdivision

Dear Mr. Wahl,

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 Housing Trust Fund.**

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

PLUS

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Preliminary Land Use Service (PLUS) Meeting
Meeting will be conducted on-line and in person
Room 219, Haslet Armory
122 Martin Luther King Jr. Blvd., South
Please see https://publicmeetings.delaware.gov/ for link to on-line access
June 26, 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: New Castle County Firearm Retail Businesses Ordinance (2024-06-09)**
County: New Castle **Municipality:** Unincorporated
Location: All unincorporated parts of New Castle County.
Project: Review of a proposed Ordinance establishes use standards for firearm retail businesses.

III. 9:15 AM **Review and Discussion: Caesar Rodney School District (2024-06-01)**
County: Kent **Municipality:** Unincorporated
Location: Southeast corner of S. State Street and Sorghum Road.
Project: Review of a proposed School Site Feasibility to accommodate growth within the Caesar Rodney School District totaling 207.87 acres zoned AC (Agricultural Conservation)

IV. 9:45 AM **Review and Discussion: Villages at Westowne (2024-06-07)**
County: Kent **Municipality:** Frederica
Location: Johnycake Landing Road, Frederica.
Project: Review of a proposed Site Plan for the construction of a Mixed-Use development on 333 acres zoned R-5 TND (Traditional Neighborhood Development). Total residential units of 1,575, a mix of single family, multifamily and duplex/townhouses as well as 100,000 sq ft of mixed commercial space.

V. 10:15 AM **Review and Discussion: Warrington Property (2024-06-08)**
County: Sussex **Municipality:** Proposed Annexation to Lewes.
Location: East side of Savannah Road, 400’ +/ north of Donovans Road, near the City of Lewes

Project: Review of a proposed Subdivision community consisting of 90 duplex/townhouse units on 12.68 acres zoned R-5 (Mixed Residential).

The proposed project is located within the City/Town/Growth and Annexation Area of the City of Lewes. The Sussex County Engineering Department does not have comments for this project.

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

VI. 10:45 AM **Review and Discussion: Hickman (2024-06-02)**
County: Sussex **Municipality:** Unincorporated
Location: South of Hickman Road, east of Cedar Neck Road.
Project: Review of a proposed Site Plan with a conditional use for the construction of single-family detached condominiums on 12.8 acres zoned MR (Medium Density Residential).

The proposed project is located within a Tier 1 area within the Sussex County Unified Sanitary Sewer District and connection to the sewer system is mandatory.

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.

VII. 11:15 AM **Review and Discussion: Ocean Sand Holdings (2024-06-03)**
County: Sussex **Municipality:** Unincorporated
Location: 34802 Atlantic Ave., Ocean View is the entrance location on parcel 180.00
Project: Review of a proposed Multi-family Subdivision with a 19,200 sq ft commercial section on 22.2 acres zoned AR-1 (Agricultural Residential) with proposed zoning of MR (Medium Density Residential).

The proposed project is located within a Tier 1 area within the Sussex County Unified Sanitary Sewer District and connection to the sewer system is mandatory.

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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.

VIII. 11:45 AM **Review and Discussion: The Wren (2024-06-05)**
County: Sussex **Municipality:** Unincorporated
Location: Godwin School Road, Millsboro, DE 19966.
Project: Review of proposed Residential Subdivision with approximately 64 single family homes on 64.11 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.

IX. 12:15 PM **Review and Discussion: Prettyman Subdivision (2024-06-04)**
County: Sussex **Municipality:** Unincorporated
Location: North of Prettyman Road and west of Pettyjohn Road.
Project: Review of a proposed 210 single-family lot Subdivision in a cluster design on 105.5 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.

X. 12:45 PM **Review and Discussion: Bayshore Plaza, Parcel A (2024-06-06)**
County: Sussex **Municipality:** Unincorporated
Location: East of John J. Williams Highway and south of Long Neck Road.
Project: Review of a proposed Site Plan for the construction of a storage facility and future retail pad site on 3.21 acres zoned C-1 (General Commercial).

The proposed project is located within a Tier 1 area within the Sussex County Unified Sanitary Sewer District and connection to the sewer system is mandatory.

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.

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.