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

September 23, 2024

John Mascari
Atwell LLC
17 Polly Drummond
Center Suite 201
Newark, DE 19711

RE: PLUS review –Greens Landing; 2024-08-04

Dear Mr. Mascari:

Thank you for meeting with State agency planners on August 28th to discuss Greens Landing. According to the information received, you are seeking review of a proposed Site Plan with a 104 Single Family Second Homes project on 61.67 acres zoned AR-1 (Agricultural Residential) district with coastal overlay zoning.

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 is located with the Level 4 and Out of Play areas according to the 2020 Strategies for State Policies and Spending. These parcels are within a Level 4 area mainly because of the environmentally sensitive nature of these parcels. This project represents a major land development that will result in **104 residential units** in an Investment Level 4 area.

Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

From a fiscal responsibility perspective, development of this site is likewise inappropriate. The cost of providing services to development in rural areas is an inefficient and wasteful use of the State's fiscal resources. Over the longer term, the unseen negative ramifications of this development will become even more evident as the community matures and the cost of maintaining infrastructure and providing services increases. In addition, the owners of these homes will inevitably seek help from the State when these parcels flood in the future.

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

- Maps from the Statewide Wetlands Mapping Project indicate the potential presence of both non-tidal and tidal wetlands in the northern half of the site, as well as a potential blue line stream located in the northwestern half of the site.

- The entire project lies within the Special Flood Hazard Area, having a 1% chance of flooding annually. Properties and houses are proposed within the floodplain. The entire site also lies seaward of the Limit of Moderate Wave Action line, subject to enhanced coastal hazards from storm waves. Lots and houses will be subject permanent water inundation due to sea level rise at the 3-4 foot levels. This project poses high safety and property damage risk to residents, due to both the existing and increasing future vulnerability of this location.

- Hydrologic Soil Group D, poorly drained soils, have been identified on about 90% of the site. These soil types could worsen existing drainage issues if present and are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins. These practices must meet minimum infiltration requirements. Removing trees on hydrologic soils may further impair drainage.

- Two Wellhead Protection Areas are located on the center of the site. Wellhead Protection Areas are the surface and subsurface areas surrounding a water well, or a public water supply wellfield. Contaminants leaching into the soil have the potential to reach the water supplies in these areas.

- An Excellent Groundwater Recharge Area is located on approximately 90% of the site. These areas have soils that are conducive to water infiltrating downward from surface water into groundwater. Preservation of these areas is important for replenishing groundwater supplies and ensuring drinking water for future generations.

- This project is also within the Indian River Tax Lagoon where lots are taxed for the maintenance of the lagoons. This site is low, and there is potential for floodwater to surge into the lots from the lagoons and streams.

- Building homes in this area also creates liabilities for state and local governments for future flood abatement measures and projects.

- The following plants or animals are listed as State of Delaware rare, threatened, or endangered species and may occur within the project area, as they frequently nest in high marsh habitat.
    - The American Oystercatcher (*Haematopus palliates*) is a bird that is listed as endangered in the State of Delaware.
    - The Saltmarsh Sparrow (*Ammospiza caudacutus*) is a bird listed as rare in the State of Delaware.
    - The Coastal Plain swamp sparrow (*Melospiza georgiana nigrescens*) is a bird listed as rare in the State of Delaware.

- It is recommended to avoid constructing permanent buildings, roadways, and other infrastructure in the floodplain and areas subject to future sea level rise. Roads are essential for first responders in the event of an emergency and could become impassable during flood events. DNREC reviewers would also like to point out that the 100-year floodplain is currently considered to be Out of Play in New Castle County, Kent County, and several municipalities due to these types of risks.

Because the development is inconsistent with the Strategies for State Policies and Spending, and is environmentally inappropriate, and because locating primary access routes and permanent structures in this area may place property, infrastructure, and lives at risk, the State is opposed to the subdivision and respectfully requests the County deny this project.

The county and the parcel owners/developers should understand that if this development is approved, there is no guarantee of public funding for future repairs or drainage projects.

The comments in this letter are technical and are not intended to suggest that DNREC supports this development proposal. This letter does not in any way suggest or imply that you may receive or may be entitled to permits or other approvals necessary to construct the development you indicate or any subdivision thereof on these lands.

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 expected trip generation this project will qualify for the Area Wide Study Fee (AWSF). This project is located in an area anticipated to be in the future Roxana Transportation Improvement District (TID). This TID will not be operational for at least a year. If your development timeline allows participation in the TID may be an option in place of the AWSF.

- 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 any 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

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

Special Flood Hazard Area
The entire development, including all 104 lots, amenities, and roadways, are proposed within the 100-year floodplain (designated as zone AE), having a 1% chance of flooding annually, according to the newest Flood Insurance Rate Maps (FIRM). By 2050, mean sea levels are projected to rise by 0.7 – 1.9 feet; by end of century sea levels are projected to increase by 1.7 – 5.0 feet. As mean sea levels rise, the frequency and severity of tidal flooding events is also expected to increase. Building in this manner is considered unsafe for residents due to the future vulnerability of this particular location. Generally, it is recommended to avoid constructing permanent buildings, roadways, and other infrastructure in the floodplain and areas subject to future sea level rise. Roads are essential for first responders in the event of an emergency and could become impassable during flood events. The following requirements apply:

- 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/

- Structures and features such as homes, internal roadways, a community center, and pool are proposed within the floodplain. Homeowners with mortgages for homes within the floodplain may be required to purchase flood insurance.

- If fill is to be placed in floodplain to increase grade elevation to raise proposed development out of the mapped floodplain, the applicant must work with the local community floodplain authority to initiate a Certified Letter of Map Revision – Fill (CLOMR-Fill) request. A CLOMR-Fill request should be submitted to FEMA for review followed by an application to FEMA for a Letter of Map Revision (LOMR) at completion. Please note that a property will not be officially recognized by FEMA as being located out of the mapped floodplain until a LOMR has been issued. To determine the community floodplain authority for this proposal, please contact DNREC's Shoreline and Waterway Management Section.

Contact: DNREC Shoreline and Waterway Management Section at (302) 608-5500.
Website: https://dnrec.delaware.gov/watershed-stewardship/waterways/floodplains/

Limit of Moderate Wave Action
More than 95% of the entire site lies seaward of the Limit of Moderate Wave Action line. Houses, lots, and permanent infrastructure will be subject to enhanced coastal hazards, due to high velocity wave action from storms. Areas seaward of the Limit of Moderate Wave Action line are considered to be coastal high-hazard areas and are designated on FIRM maps as flood insurance risk Zone VE. Development proposed in coastal high-hazard areas may be subject to local ordinances and regulations.

- The applicant must comply with local code requirements applicable to development or construction within coastal high-hazard areas.

Contact: DNREC Shoreline and Waterway Management Section at (302) 608-5500.
Website: Website: https://dnrec.delaware.gov/watershed-stewardship/waterways/

Wetlands and Waterways
Maps from the Statewide Wetlands Mapping Project indicate the potential presence of both non-tidal and tidal wetlands in the northern half of the site, as well as a potential blue line stream located in the northwestern half of the site. The application indicates that wetlands have been delineated. According to the application, the U.S. Army Corps of Engineers sign-off is not completed. The application proposes to disturb approximately 0.05 acres of non-tidal wetlands.

- State Requirements:
  - State permits from the DNREC Wetlands and Waterways Section may be required for disturbance proposed in state jurisdictional wetlands and waterways. 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 for assistance with the necessary state and federal permitting procedures and requirements. Please contact the DNREC Division of Water's Wetlands and Waterways Section to schedule.

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

- Federal Requirements:
  - Federal permits from the U.S. Army Corps of Engineers may be necessary if dredge or fill is proposed in certain non-tidal wetlands. A delineation of waterways and wetlands may also be required. 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 US Army Corps of Engineers to determine the appropriate federal permitting requirements.

  - Federal permits from the U.S. Army Corps of Engineers will be necessary if dredge or fill is proposed in tidal wetlands, streams, and certain non-tidal wetlands. A delineation of waterways and wetlands may also be required. 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 US Army Corps of Engineers to determine the appropriate federal permitting requirements.

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

Stormwater Management
The project proposes greater than 5,000 square feet of land disturbing activities and will be subject to Delaware's *Sediment and Stormwater Regulations*.

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

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

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

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

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

Hydrologic Soils Group
Hydrologic Soil Group D, poorly drained soils, have been identified on about 90% of the site. These soil types could worsen existing drainage issues if present and are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins. These practices must meet minimum infiltration requirements. Removing trees on hydrologic soils may further impair drainage.

- Any stormwater Best Management Practices that propose the use of infiltration or natural recharge shall include a soils investigation.

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/

Wellhead Protection Area
Two Wellhead Protection Areas are located on the center of the site. Wellhead Protection Areas are the surface and subsurface areas surrounding a water well, or a public water supply wellfield. Contaminants leaching into the soil have the potential to reach the water supplies in these areas.

- The applicant must comply with all county and municipal codes that affect public drinking water supply Wellhead Protection Areas.

Contact: DNREC Public Water Supply Protection Program at (302) 739-9948.
Website: https://dnrec.delaware.gov/water/commercial-government/public-water/

Excellent Groundwater Recharge Area
An Excellent Groundwater Recharge Area is located on approximately 90% of the site. These areas have soils that are conducive to water infiltrating downward from surface water into groundwater. Preservation of these areas is important for replenishing groundwater supplies and ensuring drinking water for future generations.

- The applicant must comply with all county and municipal requirements for construction and uses in Excellent Groundwater Recharge Areas.

Contact: DNREC Source Water Assessment and Protection Program at (302) 739-9945. Website: https://dnrec.delaware.gov/water/commercial-government/public-water/

Wastewater Disposal Systems – Large Systems
For wastewater conveyance offsite by way of a 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.

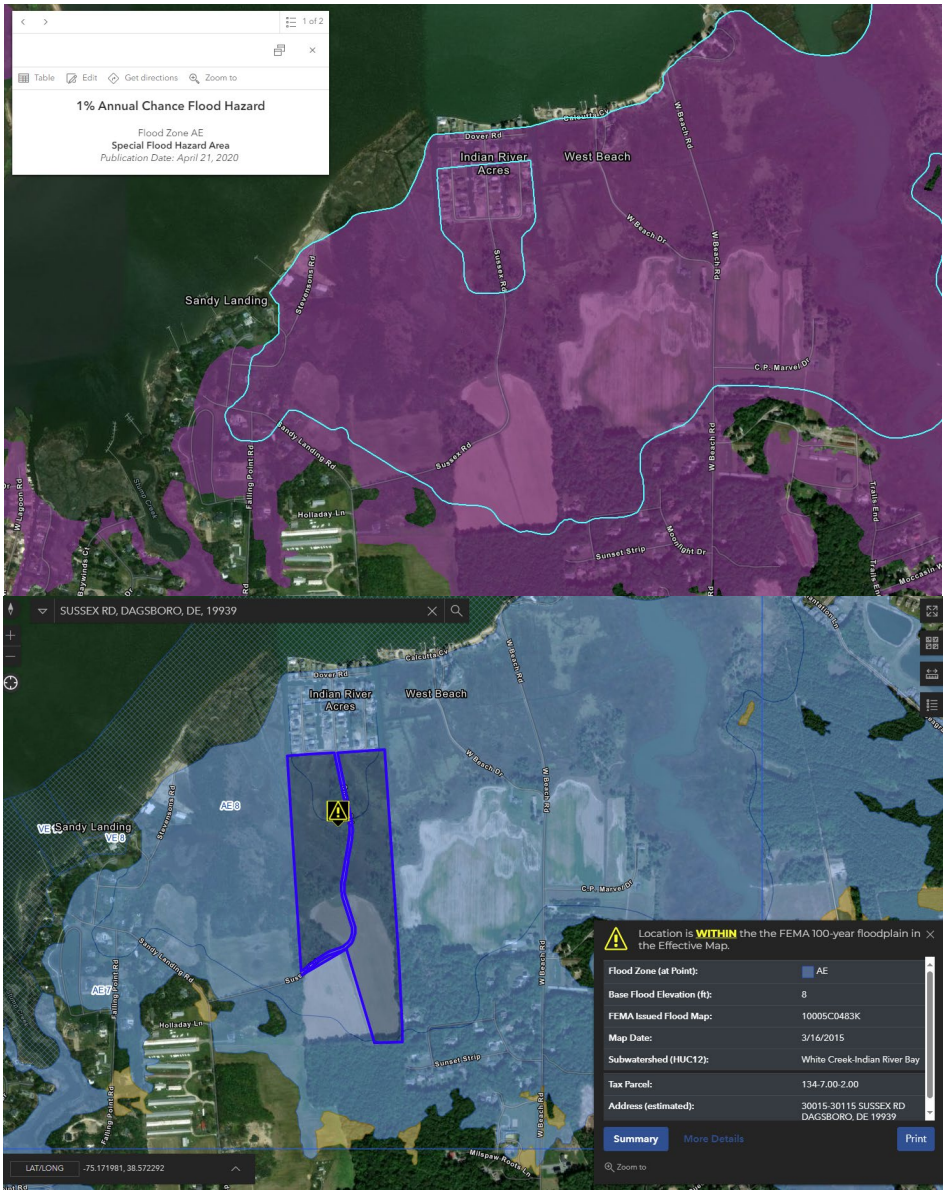
Single-family Dwellings, effective 2024:

- 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 entire parcel is located within a Special Flood Hazard Area, identified as a 1% Annual Chance Flood Hazard or a 100-year flood plain, and identified as Flood Zone AE**.** DEMA does not support development of homes within a 100-year flood plain. Base flood elevation sits at 8 feet (plus freeboard may be required by local ordinance or county code). Any residential home in a Special Flood Hazard Area that requires a mortgage must also obtain a separate, standalone flood insurance policy as part of the NFIP.



Parcel Status within County Evacuation Zone Location

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

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 or out of play areas.

- There are no known archaeological sites or known National Register-listed or eligible properties on the parcel. The soil composition of the parcel spans from very poorly drained to somewhat well drained and is in close proximity to the Indian River Bay. There is one known archaeological site within half a mile of the parcel, but the area has not been heavily surveyed and that does not remove the possibility of further site being discovered. The Delaware SHPO recommends an archaeological survey of the site prior to any ground disturbance.

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

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Mercantile)

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

- 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 No Name Private must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

Gas Piping and System Information:

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

Required Notes:

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

Recommendations/Additional Information

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

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

- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 16, 2021. The notes can be found at https://www.deldot.gov/Business/subdivisions/

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

Flooding, Sea Level Rise, Limit of Moderate Wave Action, and Tax Lagoon
The entire development, including all 104 lots, amenities, and roadways, are proposed within the 100-year floodplain (designated as zone AE). By 2050, mean sea levels are projected to rise by 0.7 – 1.9 feet; by end of century sea levels are projected to increase by 1.7 – 5.0 feet. As mean sea levels rise, the frequency and severity of tidal flooding events is also expected to increase.

The entire development is also vulnerable to permanent inundation from sea level rise. Additionally, lots within the current floodplain are vulnerable to intermittent or routine flooding episodes due to the combined effects of climate driven sea level rise and heavy precipitation events. Lots and houses may be to subject permanent water inundation due to sea level rise at the 3-4 foot levels.

Approximately 95% of the development is seaward of the Limit of Moderate Wave Action line. This area is subject to enhanced coastal hazards due to storm waves.
This project is also within the Indian River Tax Lagoon where lots are taxed for the maintenance of the lagoons. This site is low, and there is potential for floodwater to surge into the lots from the lagoons and streams.

Locating primary access routes and permanent structures in this vulnerable area may place property, infrastructure, and lives at risk. Likewise, there is no guarantee of public funding for future repairs or drainage projects.

DNREC reviewers encourage consideration of the following to mitigate the flood concerns:

- Avoid construction of permanent structures and infrastructure in areas that are vulnerable to annual flooding, coastal hazards due to storm waves, and permanent inundation from sea level rise.

- Avoid placing structures within the Limit of Moderate Wave Action area or build to Zone VE construction standards within this area.

- DNREC reviewers discourage placement of roadways within floodplain areas, as they are essential for first responders in the event of an emergency and could become impassable during flood events. These events are likely anticipated to intensify through time due to impacts from climate change.

- All infrastructure and structures on the site should incorporate the effects of sea level rise through the expected lifespan of the structures. This may include increasing freeboard of structures, ensuring that critical infrastructure is elevated to withstand

future sea level rise, construction of flood control measures, and incorporating green infrastructure for flood control.

- Avoid increasing the grade elevation and bulk grading on the site. Such practices have the potential to worsen flooding on adjacent properties, which have already been documented to have drainage issues.

- DNREC reviewers recommend that hydrologic and hydraulic engineering analyses are conducted for this site. These studies will determine base flood elevations and floodway delineations.

Limit of Moderate Wave Action Contact: DNREC Shoreline and Waterway Management Section at (302) 608-5500. Website: Website: https://dnrec.delaware.gov/watershed-stewardship/waterways/

Contact: DNREC Climate and Sustainability Section at (302) 735-3480.
Website: https://dnrec.delaware.gov/coastal-programs/planning-training/adapting-to-sea-level-rise/

Drainage

- 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 the tax lagoon.

- 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/

Forested Wetlands, Vegetated Buffer Zones, and Key Wildlife Habitat

Maps from the Statewide Wetlands Mapping Project indicate the potential presence of forested wetlands on the northern portion of the site. This habitat type is known to support an array of plants and animals, most notably wetland dependent species such as amphibians. The wetland on this property is also mapped as a Key Wildlife Habitat in the Delaware Wildlife Action Plan, where negative impacts should be minimized to the greatest extent practicable.

- Increase the wetland buffer to at least 100 feet along all wetlands, sensitive habitats, and waterways across the site, including those containing existing forest or natural vegetative cover.

- Vegetated buffer zones placed adjacent to waterways and wetlands 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/

State-listed Threatened and Endangered Species
The following plants or animals are listed as State of Delaware rare, threatened, or endangered species and may occur within the project area, as they frequently nest in high marsh habitat.

- The American Oystercatcher (*Haematopus palliates*) is a bird that is listed as endangered in the State of Delaware.

- The Saltmarsh Sparrow (*Ammospiza caudacutus*) is a bird listed as rare in the State of Delaware.
- The Coastal Plain swamp sparrow (*Melospiza georgiana nigrescens*) is a bird listed as rare in the State of Delaware.

Recommendations:

- Prohibit construction on this site entirely from April 1st through July 31st to avoid impacts to marsh nesting birds.
- Stage project equipment away from forested wetlands marsh habitat.

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

Sustainable Practices

- To improve public safety and the wellbeing of future residents, follow all recommendations above, regarding flooding and sea level rise.
- Avoid clearing of trees and 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.

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 180, though, with development, this will undoubtedly change. The 13 adjacent blocks aggregated bring the area to a total population of 541.

FEMA National Risk Index

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

Annual Loss times the Social Vulnerability and dividing that by the Community Resilience.



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

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

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

Renewable Energy Commitment

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

- In reference to the floodplain, all of the lots are being built directly within a 100-year flood plain. DEMA strongly discourages construction of any type directly within a 100-year floodplain. If the homes are being constructed at flood level or below and a mortgage is obtained, an NFIP insurance policy is also required. Furthermore, there are additional lots in close proximity to the floodzone. In reference to those lots, DEMA does not recommend construction within close proximity to a floodplain as water knows no bounds. Regardless of whether within or adjacent to a floodplain, 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.

- 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 Engineering Comments

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

Preliminary Land Use Service (PLUS) Meeting
August 28th, 2024
June PLUS Comments
Sussex County Department of Planning & Zoning

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I. Review and Discussion: Greens Landing (2024-08-04)

Location: Both sides of Sussex Road (S.C.R. 342A) approximately (1,000) feet east of the intersection of Sussex Road and Sandy Landing Road (S.C.R. 342)

Project: Review of a Plan for proposed multifamily improvements comprised of (104) single family detached condominiums on three (3) parcels comprised of a total of (61.67) 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 IDs: 134-7.00-1.00, 134-7.00-1.01, 134-7.00-2.00

Proposed: The Applicant proposes multifamily improvements comprised of single-family detached condominiums (104 units), amenities including a pool and poolhouse, internal roads, forested buffers, and ancillary improvements on a total of (3) parcels comprised of a total of (61.67) acres +/-.

Zoning:
The parcels are zoned Agricultural Residential (AR-1) District with the surrounding parcels in the (AR-1) Zoning District as well. Multifamily use at the site would require Conditional Use approval. Staff note that the site is within the required FLUM categories for multifamily improvements in the AR-1 District (Coastal Area) and that the (AR-1) standards for multifamily improvements include a (75) foot perimeter buffer requirement which is reflected on the Applicant's concept plan.

Density: If a Conditional Use were to be approved, the proposed density of ≈ (2.2) dwelling units per acre (DU/AC) complies with the County Code requirements for multifamily improvement in an (AR-1) District which allows up to (4) multifamily dwelling units per acre when serviced by a central sewer system (§115-22).

Applicability to Comprehensive Plan: The project lies within the Growth Area and is categorized as "Coastal Area" (per the 2018 Comprehensive Plan). Coastal Areas are growth areas that the County encourages only the appropriate forms of concentrated new development, especially when environmental features are in play. The Coastal Area designation is intended to recognize the characteristics of both anticipated growth and ecologically important and sensitive characteristics. The Plan notes, "A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units" (2018 Sussex County Comprehensive Plan, 4-15). In terms of density the Plan notes:
Medium and higher density could be supported in areas:

- *Where there is central water and sewer*
- *Near sufficient commercial uses and employment centers*
- *Where it is in keeping with the character of the area*
- *Where it is along a main road or at/or near a major intersection*
- *Where there is adequate Level of Service*
- *Or where other considerations exist that are relevant to the requested project and density*

(2018 Sussex County Comprehensive Plan, 4-16).

Open Space Provisions: The proposed plan includes (35.12) acres +/- (out of a total of (61.67 acres) of open space which equates to approximately (57%) of the project site.

Interconnectivity: While it is understood that there are existing site constraints which may inhibit the ability for proposals to connect to adjacent lands, please note that Staff desire to see interconnectivity between proposed developments. Staff note the plan includes the existing Sussex Road traversing the site and provides multiple stubs for future connection to adjacent parcels.

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 (14.06) acres of existing forest on the site and that (0.35) acres will be removed. Therefore, the site is retaining (13.71) acres of forested area (roughly 97% of the site.). Staff appreciate efforts to conserve as many mature

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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)).

Wetlands: The Application notes that there are (14.32) acres of tidal wetlands present and (22.12) acres of non-tidal wetlands on the site. Please note that Sussex County Code requires that Preliminary and Final Site Plans include the location and regulatory delineation of all state and federal wetlands (§115-220(B)(13)) & (§115-221(B)(14)). Please note, under (§115-193) Resource Protection in County Code, non-tidal wetlands and streams are required to provide prescriptive resource buffering. Additionally, as wetland resources are on the site, a Drainage Assessment Report (DAR) per (§115-193(F)(2)) and a Resource & Resource Buffer Management Plan (RRBMP) are required to be submitted at the time of Application submission for applications with wetland resources on site. Staff note that non-tidal wetlands appear to be present at the same location on the site as the proposed Lots #101-104.

Site Considerations (Flood Zones, Tax Ditches, Groundwater Recharge Potential etc.): The property is located within Flood Zone "AE" (Special Flood Hazard Areas) as indicated in the applicant's Conceptual Land Use Plan. This is accurate according to current data available to Sussex County Planning & Zoning. The site is located entirely within an areas of "excellent" or "water area" in terms of Groundwater Recharge Potential according to State and County GIS data. Please note this on any plan in order to comply with the provisions of Chapter 89 "Source Water Protection" of the Sussex County Code (§89-7). Staff note that the two (2) Wellhead Protection Areas and existing Tidewater infrastructure are present on Parcel #134-7.00-2.00.

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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
August 28, 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: The Commons at Odessa (2024-08-01)**
County: New Castle **Municipality:** Odessa
Location: 631 Main Street, Odessa, DE 19730
Project: Review of this proposed Mixed Use Residential Subdivision with 238 total residential units of Single Family, Multi-Family@ 5 units per building, Duplex or Townhouse with a 188,300 sq ft of commercial section on 45.12 acres zoned PND (Planned Neighborhood Development).

III. 9:30 AM **Review and Discussion: Poole East (2024-08-03)**
County: New Castle **Municipality:** Middletown
Location: 827 Middletown Warwick Road, Middletown, DE 19709.
Project: Review of a proposed Site Plan with commercial uses, restaurants, retail, and self-storage facility on 32.6 acres zoned C-3 (Employment/Regional Retail).

IV. 10:00 AM **Review and Discussion: NCC Creation of Zoning District for Publicly Owned Conserved Land & Public Parks (2024-08-05)**
County: New Castle **Municipality:** Unincorporated
Location: All Unincorporated parts of New Castle County.
Project: Review of this proposed Ordinance to amend County Code Chapter 40 to establish a zoning district for publicly owned conserved land and public parks.

V. 10:15 AM **Review and Discussion: NCC Rezoning – Individual Parcels (2024-08-06)**
County: New Castle **Municipality:** Unincorporated.
Location: All unincorporated parts of New Castle County.
Project: Review of this proposed Ordinance to amend County Code Chapter 40, Article 31 and Article 33 to change zoning procedures.

VI. 10:30 AM **Review and Discussion: NCC Community Development Plans and Guidelines/ DRAC (2024-08-07)**
County: New Castle **Municipality:** Unincorporated
Location: All unincorporated parts of New Castle County.
Project: Review of this proposed Ordinance to amend County Code Chapter 40, section 40.26.430 relating to Community Development Plans and Design Guidelines.

VII. 10:45 AM **Review and Discussion: Glen Cove 2 (2024-08-02)**
County: Sussex **Municipality:** Unincorporated
Location: Burbage Road – Ocean View, DE.
Project: Review of a proposed Rezoning of 12.32 acres consisting of 19 parcels from AR-1 (Agricultural Residential) to MR (Medium Density Residential) to build 50 single-family Condo units.

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) 855-7370.

VIII. 11:00 AM **Review and Discussion: Greens Landing (2024-08-04)**
County: Sussex **Municipality:** Unincorporated
Location: Sussex Road – Dagsboro, DE
Project: Review of proposed Site Plan with a 104 single-family second homes project on 61.67 acres zoned AR-1 (Agricultural Residential) district with coastal overlay zoning.

The proposed project is located in a Tier 2 area and is contiguous to the Sussex County Unified Sanitary Sewer District. The Sussex County Engineering Department would support the Greens Landing project connecting to the County sewer district, as the project would enhance the economic feasibility of an existing adjacent community project's ability to proceed with a septic elimination project. The existing modest sized canal front community has requested central sewer

service that would benefit the inland bays area. Combining the two projects would eliminate the existing on-site septic systems for the existing community.

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) 855-7370.

IX. 11:30 PM **Review and Discussion: 350 Lafferty Lane Flex and Warehousing (2024-08-08)**
County: Kent **Municipality:** Dover
Location: 350 Lafferty Lane, Dover, Delaware
Project: Review of a proposed Site Plan with the construction of two flex space buildings and one warehouse building with all parking, drive aisles, and loading space required for each building on 19.74 acres zoned M (Manufacturing).

X. 12:00 PM **Review and Discussion: Sunshine Estates (2024-08-09)**
County: Kent **Municipality:** Harrington
Location: Approx. 412 Jackson Ditch Road, Harrington, DE
Project: Review of a proposed Subdivision of 277 entry level residential lots, 172 being single-family and 105 Townhouse lots on 55 acres of Traditional Neighborhood Development.

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.