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

January 22, 2025

Davis, Bowen & Friedel, Inc.
Attn: W. Zachary Crouch, P.E.
1 Park Ave
Milford, Delaware 19963

RE: PLUS review – 2024-12-03; Street Property

Dear Mr. Crouch:

Thank you for meeting with State agency planners on December 18th, 2024 to discuss Street Property. According to the information received, you are seeking review of a proposed 183 single family residential Subdivision on 94.5 acres zoned AR-1 Agricultural Residential District in Level 4 State Strategies.

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 183 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. Regarding infrastructure and services, the following concern was received by the City of Lewes Fire Department regarding public service

- The Lewes Fire Department Inc. is obligated to provide Fire and EMS service to this property, however, additional new developments in our Fire and EMS district have put a financial strain on the volunteer fire service. In order to provide quality service within our fire district the Lewes fire department has had to hire more career staff to man the EMS units and fire apparatus as needed, thus creating a combination fire department. The developer and future residents need to help financially support the Lewes Fire Department Inc. before they can support any more development in this Fire and EMS district.

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

- Hydrologic Soil Group D, poorly drained soils, have been identified in the northeastern portion 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.

- Maps from the Statewide Wetlands Mapping Project indicate the potential presence of non-tidal wetlands in the eastern and northeastern portions of the site (areas of concern contained within lots 122, 123, 38, 39, 40, 46-48), as well as a non-tidal wetland and riverine in the southeastern corner of the site (proposed to be avoided on the site plans). The application indicates that wetlands have not been delineated.

- The preliminary plan proposes the elimination of approximately 34 of 42 acres of forest on the site. An analysis of historical data indicates that the forest area located on the eastern half of the site has likely maintained some degree of forest cover since 1937 and could be considered mature forest. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat.

- Per DNREC comments below, this site may contain both federal and state rare, threatened, or endangered species.

The State objects to this subdivision of this property and the development based on its location in Level 4. Continuing to approve additional development in this area could undermine the ability of the State to provide the infrastructure needed to support the current residents.

This project is near the existing Henlopen Transportation Improvement District. With the approval of the TID in 2018, the State has planned for development within the TID area and is able to provide infrastructure to support the planned development. This development is

proposed outside of the TID. The continued approval of single-family homes in rural areas, not within the TID area, establishes a lack of predictability and makes it difficult for the State agencies to plan for infrastructure and services within this area of the county. It is strongly recommended that action on this request be denied until the County can develop a more cohesive plan for the area such as a master plan. A well-planned overall approach to the future development of this area which considers transportation infrastructure, environmental concerns, market demand for new commercial uses, and economic potential is preferable to individual, incremental subdivision approvals such as this one.

The comments in this letter are technical and are not intended to suggest that the state 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 requirements of the Development Coordination Manual this proposed project will qualify for the Area Wide Study Fee (AWSF). Please contact our office to proceed with this calculation.

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

- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby dedicated in fee simple to the State of Delaware, acting by and through the Delaware Department of Transportation."**

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

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

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

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

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

Wetlands and Waterways
Maps from the Statewide Wetlands Mapping Project indicate the potential presence of non-tidal wetlands in the eastern and northeastern portions of the site (areas of concern contained within lots 122, 123, 38, 39, 40, 46-48), as well as a non-tidal wetland and riverine in the southeastern corner of the site (proposed to be avoided on the site plans). The application indicates that wetlands have not been delineated.

State Requirements:

- Include all wetland boundaries, streams, and waterways on site plans.

- The DNREC Wetlands and Waterways Sections recommends that a wetlands delineation is completed. For a list of consultants and engineers who can conduct wetland delineations, please call the DNREC Wetlands and Waterways Section.

- 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/.

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

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 in the northeastern portion 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.

- 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/

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

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

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

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

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

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

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 property has mostly well drained soils. The nearest water source is Bundicks Branch, about a mile to the northwest. There is a small, forested spot on the southwestern portion of the property near the road. The area is elevated within a poorly drained area and has been present on historic aerials throughout the 20th century. These are all markers we use to suggest the presence of a historic cemetery. There is also a known historic structure on the property with historic maps suggesting it was once part of a larger complex. Due to this we highly recommend an archaeological survey of the property. We ask that the applicant be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch.54).

DE SHPO is available to answer any questions, especially pertaining to the Unmarked Human Burials and Human Skeletal Remains Law. 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.

Fire Protection Water Requirements:

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

- 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 Cool Spring Road must be constructed so fire department apparatus may negotiate it.

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

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

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

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

Gas Piping and System Information:

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

Required Notes:

- Provide a note on the final plans submitted for review to read “All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”

- Proposed Use

- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units

- Square footage of each structure (Total of all Floors)

- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Lewes Fire Department Comments:

- The Lewes Fire Department Inc. is obligated to provide Fire and EMS service to this property, however, additional new developments in our Fire and EMS district have put a financial strain on the volunteer fire service. In order to provide quality service within our fire district the Lewes fire department has had to hire more career staff to man the EMS units and fire apparatus as needed, thus creating a combination fire department. In 2017 the Lewes fire department responded to approximately 500 fire calls and 3000 EMS calls. This year (2024) the Lewes fire department will respond to an estimated 1200 fire calls and 7000 EMS calls. State and County funding does not keep up with the growth of the Lewes fire district, so the developer and future residents need to help financially support the Lewes Fire Department Inc. before we can support any more development in our Fire and EMS district. Future residents need to consider joining the fire department to serve their new community.

  Contact Wally Evans with any questions at 302-236-5000

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

Stormwater Management

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

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

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

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

Drainage

Drainage issues have been documented in the area of this project.

- 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.

- Be advised there is not a good outlet for stormwater offsite under Cool Spring Road.

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

Water Quality

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

- Reduce impervious surfaces on the project site by eliminating areas of impervious pavement and/or using pervious pavement where practicable. Break up large parking lots with planted islands.

- 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/

Removal of Mature Forest within Delaware Ecological Network

The preliminary plan proposes the elimination of approximately 34 of 42 acres of forest on the site. An analysis of historical data indicates that the forest area located on the eastern half of the site has likely maintained some degree of forest cover since 1937 and could be considered mature forest. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat. Forests filter water for improved water quality, provide habitat for wildlife, absorb nutrients, infiltrate stormwater, moderate temperatures, and store atmospheric carbon which would otherwise contribute to climate change.

- Removing forested areas for development, especially mature forests, should be avoided to the greatest extent possible.

- The forested area on this site occurs within the Delaware Ecological Network, a statewide network of interconnected lands having significant ecological value. Avoid disturbance within these habitats.

- In general, contiguous forest and connected areas of natural habitat are more beneficial to wildlife, allowing for safer movement from one area to another while reducing roadway mortality.

- To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, it is recommended that tree clearing not occur from April 1st to July 31st.

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

Forested Wetlands and Vegetated Buffer Zones
Maps from the Statewide Wetlands Mapping Project indicate the potential presence of forested wetlands on the eastern, northeastern, and southeastern portions of the site. This habitat type is known to support an array of plants and animals, most notably wetland dependent species such as amphibians.

There is potential for a unique and uncommon wetland feature, referred to as a coastal plain seasonal pond, to exist in the forested area in the western portion of this parcel along Cool Spring Road. Some rare amphibian species breed exclusively in these types of wetlands due to the absence of fish to prey upon their eggs and larvae.

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

- Do not disturb forested wetlands or the coastal plain seasonal pond located on the site. Increase an upland buffer of at least 100 feet along all wetlands, waterways, and sensitive habitats, including those containing existing forest or natural vegetative cover. Stormwater management areas should not be considered part of vegetated buffer zones.

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

- Vegetated buffer zones should be identified outside of the Limit of Disturbance on the engineering plans.

- Maintain vegetated buffer zones as native species meadows or forest.

- 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.

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

Federally listed Threatened and Endangered Species
A review of our database indicates that the tricolored bat (*Perimyotis subflavus*) occurs on or adjacent to the project site. This bat has been proposed to be protected under the Federal Endangered Species Act.

- To determine how to minimize negative impacts to this species, it is recommended to visit the USFWS Information for Planning and Consultation (iPaC) tool to obtain an

official species list and to use the final Range-wide Northern Long-eared Bat and Tricolored Bat Determination Key (Dkey): https://ipac.ecosphere.fws.gov/

- Consult with the U.S. Fish and Wildlife Service to determine what permits or surveys may be required.

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

U.S. Fish and Wildlife Service Contact: Chesapeake Bay Ecological Services Field Office at (410) 573-4599.
Website: https://www.fws.gov/office/chesapeake-bay-ecological-services

State-listed Threatened and Endangered Species – Site Visit Requested
The following animal is listed as State of Delaware rare, threatened, or endangered species, and may occur within the non-tidal wetlands located within the project area.

- The tiger salamander (*Ambystoma tigrinum*) is an amphibian listed as endangered in the State of Delaware.

- To minimize negative impacts to this species, maintain availability of fishless breeding wetlands and adequate upland forested buffers (several hundred meters) around those pools.
- Scientists from the DNREC Division of Fish and Wildlife request a site visit to survey the project area and ensure wildlife and critical resources will not be impacted. Contact the Species Conservation and Research Program if the landowner will grant a site visit.

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

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

- Offer the option to install solar or geothermal systems for each home. This allows a purchaser to incorporate the cost into their mortgage, making it more affordable. For community facilities such as the proposed pool house, consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund, which includes

several funding types through the state's major electric utilities (https://dnrec.delaware.gov/climate-coastal-energy/renewable/assistance/). Consider planting select areas with 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.

- Consider planting select areas with meadow comprised of native species. Native plants are well-suited to our climate and require limited maintenance. Mowing in these areas 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.

- 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 111, though, with development, this will undoubtedly change. The 7 adjacent blocks aggregated bring the area to a total population of 586.

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 is rated as **relatively low.**

Renewable Energy Commitment

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

- DEMA strongly encourages the use of renewable energies and high-efficiency appliances and utilities. Regarding utilities, DEMA suggests incorporating 90% series furnaces/HVAC systems; the closer to 99%, the better, as well as A/C units of 20 Seer or greater. DEMA recommends using tankless water heaters, and battery backup systems for sump pumps to reduce potential water damage from power failure. Lastly, DEMA encourages the integration of modern and emerging technologies, such as the potential for electric vehicles in garages/parking lots, green roofs or solar panels where applicable and allowable, and the like.

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

- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded

from our website: www.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason, therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

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

Attachments:

- Sussex County Planning and Zoning (P&Z) Comments
- Sussex County Engineering (SCED) Comments
- Sussex County Community Development & Housing (CD&H) Comments

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

Sussex County
DELAWARE
sussexcountyde.gov

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

I. Review and Discussion: Street Property (2024-12-03)

Location: East side of Cool Spring Road (S.C.R. 290) approximately (0.28) miles north of intersection with Stockley Road (S.C.R. 280)

Project: Review of a proposed Major Subdivision utilizing the Cluster option to accommodate a single-family residential development to include 183 lots on a parcel comprised of a total of 94.94 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 pandz@sussexcountyde.gov.

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

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

Tax Parcel ID: 234-5.00-34.00

Proposed: The project proposes Major Subdivision utilizing the Cluster option to accommodate a single-family residential development to include 183 lots for single-family detached residential dwelling units on a Parcel comprised of a total of 94.94 acres +/-.

Chapter 99 – Subdivision of Land: Staff note that several proposed lots may need to be revised in order for the proposed setbacks/BRLs meet the (50) foot setback requirements for major subdivisions adjacent to land used primarily for agricultural purposes (§99-6(G)(2)).

Zoning: The parcels are currently zoned Agricultural Residential (AR-1). The proposed single family cluster lots are permitted by-right in the AR-1 Zoning District. Staff note the open space design given the existing conditions and wooded areas at the site and recommend the Applicant review (§115-25(F)(3)) in terms of the Plan's design. Staff note that cluster

subdivisions are required to demonstrate the superior design criteria in (§115-25F) & that a pedestrian trail system must be provided under the cluster option standards.

Density: The proposed density of ≈ 1.93 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 classification 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 30.66 acres +/- (out of a total of (94.94) acres) of open space which equates to approximately 32% of the project site. This meets the Cluster Option standards which require a minimum of 30% Open Space. Staff note that the requirements for AR-1 Cluster Subdivisions includes design standards for Open Space.

Interconnectivity: Staff encourage interconnectivity between proposed developments in order to prevent only one-way-in, one-way-out access in the event that an emergency should occur on the property in the future. Staff note the Plan includes the provision of a future connector road to Parcel (TM# 234-5.00-47.00) which is immediately adjacent to the east with frontage on Hopkins Road (S.C.R. 286).

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. Staff note that several proposed lots may need to be revised in order for the proposed setbacks/BRLs to meet the (50) foot setback requirements for major subdivisions adjacent to land used primarily for agricultural purposes (§99-6G(2)).

Forested Areas: The Applicant notes that there are presently (41.75) acres of existing forest on the site and that (34.03) acres will be removed. Therefore, the site is retaining (7.72) acres of forested area (This represents roughly 18% of existing forest to remain on the site which represents 8% of the overall 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)).

Wetlands/Waterways: The Application notes that there are (0.46) 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)). The plan does not include any buffers associated with the wetland resource on the proposed plan for the site. Please note, all wetland resource types on the site, as listed in (§115-193(A)(4)) will be required to meet all the standards for the provision of buffers included in (§115-193). Additionally, Staff note that a Drainage Assessment Report is required to be submitted for approval by Sussex County Engineering Department at the time of 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" (Areas determined to be outside of the 100-year floodplain) as indicated in the applicant's Conceptual Land Use Plan. This is accurate according to current data available to Sussex County Planning & Zoning. The site is located within areas of "fair" and "poor" Groundwater Recharge. Please note this on any plans in order to comply with the provisions of Chapter 89 "Source Water Protection" of the Sussex County Code (§89-7). Staff note that there are no Wellhead Protection Areas on the site.

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Preliminary Land Use Service (PLUS) Meeting
Meeting will be conducted on-line and in person
Room 133, Haslet Armory
122 Martin Luther King Jr. Blvd., South
Please see https://publicmeetings.delaware.gov/ for link to on-line access
December 18, 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: Street Property (2024-12-03)**
County: Sussex **Municipality:** Unincorporated
Location: Lying on the east side of Cool Spring Road, 1,700' north of Stockley Road
Project: Review of a proposed 183 single family residential Subdivision on 94.5 acres zoned AR-1 (Agricultural Residential District) in Level 4 State Strategies.

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.

The Sussex County Engineering Department recommends that all subdivision streets meet or exceed Sussex County Standards.

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 855-7370.

III. 9:30 AM **Review and Discussion: Ellery Farm (2024-12-01)**
County: Kent **Municipality:** Unincorporated
Location: 3431 S. DuPont Blvd., Smyrna, DE 19977
Project: Review of a proposed 332 townhouse subdivision on 82 acres zoned RM (Multi Family Residential.

IV. 10:00 AM **Review and Discussion: 1023 Bunker Hill Rd. (2024-12-02)**
County: New Castle **Municipality:** Middletown
Location: 1023 Bunker Hill Road, Middletown, DE 19709

Project: Review of the proposed amendment of Map 5 of the Town of Middletown's Comprehensive Plan regarding future land use of parcel 2302400287 that is currently classified as MI (Manufacturing Industrial), to a Mixed-Use designation with a combination of R3 (Multi-Family Residential) and C3 (Employment/Regional Retail).

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.

BRANDY BENNETT NAUMAN
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Sussex County
DELAWARE
sussexcountyde.gov

December 18, 2024

Mr. W. Zachary Crouch
Davis, Bowen & Friedel, Inc.
1 Park Avenue
Milford, DE 19963

RE: PLUS Review (PLUS 2024-12-03) – Street Property

Dear Mr. Crouch,

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