



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

February 20, 2025

Jim Eriksen  
Solutions IPEM  
303 N. Bedford St.  
Georgetown, DE 19947

RE: PLUS review – 2025-01-02; Soens Property

Dear Mr. Eriksen:

Thank you for meeting with State agency planners on January 22<sup>nd</sup>, 2025, to discuss Soens Property. According to the information received, you are seeking review of a proposed 70-unit single-family residential subdivision on 35 acres classified as State Strategies Level 4 and zoned as AR-1 (Agricultural Residential District).

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 70 residential units in an Investment Level 4 area according to the *2020 Strategies for State Policies and Spending*.

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

From a fiscal responsibility perspective, development of this site is likewise inappropriate. The cost of providing services to development in rural areas is an inefficient and wasteful use of the State's fiscal resources. Over the longer term, the unseen negative ramifications of this

development will become even more evident as the community matures and the cost of maintaining infrastructure and providing services increases.

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

- The proposed project is located entirely within Level 4 lands. Development in this manner is inconsistent with the Delaware Strategies for State Policy and Spending. In Level 4 areas, state policies will support agriculture, protection of natural and cultural resources, and open-space activities. Investment Level 4 areas boast undeveloped natural lands, such as forests, large public spaces for state and county parks, and fish and wildlife preserves. Level 4 areas may include natural habitats that are important for providing ecosystem services, such as improving water quality and reducing flood risk.
- The concept plan indicates disturbance of approximately 4 acres of non-tidal wetlands over lots, an internal road, and the walking trail. The project has the potential to impact a federally protected endangered bat documented on or near the site. Additionally, the proposed project lies adjacent to and shares property boundaries with three Agland Preservation Districts. On these adjacent properties, normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations.
- The proposed project is adjacent to a property protected under the State's Agricultural Lands Preservation Program (DSWA District Parcel# 234-16.12.00). Consequently, the activities on this preserved property are safeguarded by agricultural use protections specified in Title 3, Del. C., Chapter 9. These protections extend to adjoining developing properties, as indicated by the 300-foot notification requirement for new deeds in a subdivision within 300 feet of an Agricultural District/Easement.

The State objects to this subdivision of this property and the development based on its location in Level 4 and the environmental implications of this development.

**The comments in this letter are technical and are not intended to suggest that the State agencies support 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](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 analysis.
- The Developer will need to make frontage improvements along Beaver Dam Road. The specifics of these improvements will need to be identified during the AWSF 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 all roadways.
- 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 northwestern portion of the site. The concept plan indicates that wetlands have not been delineated, also confirmed by the project applicant in the public PLUS meeting.

#### State Requirements:

- 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.
- Include all wetland boundaries on site plans.

State Contact: DNREC Wetlands and Waterways Section at (302) 739-9943.

Website: <https://dnrec.delaware.gov/water/wetlands/>

### **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 is protected under the Federal Endangered Species Act.

- Consult with the U.S. Fish and Wildlife Service to determine what permits or surveys may be required.
- To determine the potential effect your project may have on the tricolored bat, 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/>

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>

### **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](mailto:DNREC.Stormwater@delaware.gov). Website: <https://dnrec.delaware.gov/watershed-stewardship/sediment-stormwater/>

### **Wastewater Disposal Systems – Small Systems (Septic)**

An expired permit (permit # 190981) exists for this site in the Small System Branch database. The On Site Regulations are listed within Section 5 (Small Systems) or Section 6 (Large Systems) of the Regulations Governing the Design, Installation and Operation of the On-site Wastewater Treatment and Disposal Systems at:

<https://documents.dnrec.delaware.gov/Water/Septics/delaware-on-site-regulations-with-exhibits.pdf>. A list of licensed Class D soil scientists can be found at the following website:

[https://data.delaware.gov/Energy-and-Environment/Class-D-Site-Evaluator-Licensees-Based-on-Licensed/s3gu-gt88/data\\_preview](https://data.delaware.gov/Energy-and-Environment/Class-D-Site-Evaluator-Licensees-Based-on-Licensed/s3gu-gt88/data_preview)

- The applicant must follow current regulations to properly abandon these systems.
- Contact the DNREC Commercial and Government Services Section to discuss requirements for properly abandoning these systems.

Contact: DNREC Commercial and Government Services Section at (302) 739-9947.

Website: <https://dnrec.delaware.gov/water/residential/septic-systems/>

### **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 Requirements**

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

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

Requirements are summarized below. Consult the Delaware Code directly for further details.

Single-family Dwellings, effective 2024:

- The developer of a single-family residential dwelling shall install at least one electric vehicle capable parking space at each single-family residential dwelling constructed.
- If the single-family residential dwelling does not have an attached or detached garage, an electric vehicle capable parking space must be provided in the driveway, assigned parking space for the dwelling, or at an unassigned non-street residential parking space constructed as part of the project.

### **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.
- The proposed project is adjacent to a property protected under the State's Agricultural Lands Preservation Program (DSWA District Parcel# 234-16.12.00). Consequently, the activities on this preserved property are safeguarded by agricultural use protections specified in Title 3, Del. C., Chapter 9. These protections extend to adjoining developing properties, as indicated by the 300-foot notification requirement for new deeds in a subdivision within 300 feet of an Agricultural District/Easement.
- The agricultural use protections in § 910 of Title 3, Del. C., Chapter 9, emphasize the preference and priority given to normal agricultural uses and activities in Agricultural Preservation Districts. Restrictions are imposed on land use adjacent to these districts, especially for new subdivision developments within 300 feet of the boundary. The deed restrictions must include a notice informing residents of potential inconveniences

resulting from normal agricultural uses and activities. Similar restrictions apply to developments within 50 feet of the boundary.

- Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts are considered protected actions and are not subject to nuisance claims. In case of a complaint, the prevailing landowner is entitled to recover costs and expenses related to the defense, including attorney's fees.
- Additionally, if wells are to be installed, Section 4.01(A)(2) of the Delaware Regulations Governing the Construction and Use of Wells stipulates a minimum distance requirement for wells constructed within 50 feet of an Agricultural Lands Preservation District.
- The Department of Agriculture emphatically urges the developer to collaborate with the Department's Forestry Section in designing and implementing the project. Specifically, they strongly recommend planting an effective forested buffer between the proposed residential development and existing preserved properties. The selection of suitable tree species is crucial to create a mitigation barrier that addresses the potential dust, noise, and odors generated by the existing agricultural operation enrolled in the Agricultural Lands Preservation Program.

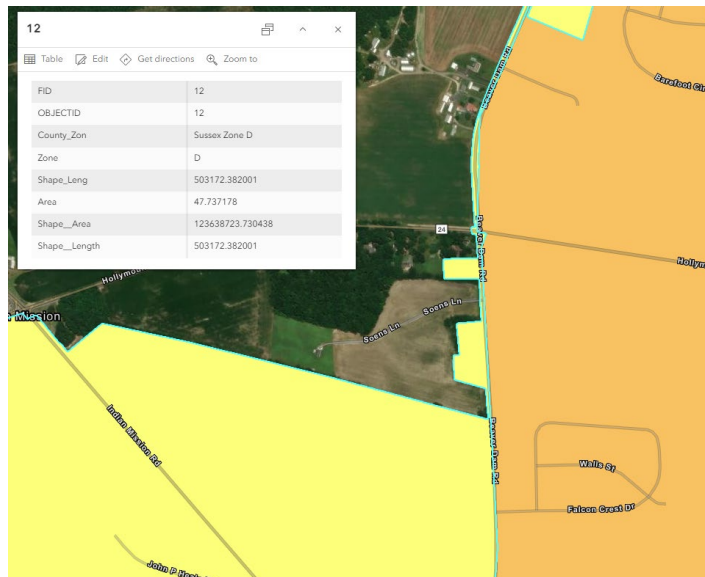
Delaware Emergency Management Agency – Contact Phillip Cane 302-659-2325

#### **Proposed Project Parcel Flood Concern**

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

#### **Parcel Status within County Evacuation Zone Location**

- This parcel is not yet located within a Sussex County Evacuation Zone; however, Evacuation Zone D does appear adjacent to this parcel.



**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 support development in Level 4 areas.
- The closest current water source is a small tributary of Chapel Branch and is over 2000 feet away. According to historic topographic maps a tributary of Unity Branch used to run through the project area. The project area has mostly well drained soils. There are multiple known historic structures noted nearby, but none in the project area. There are two archaeological sites within a mile of the project area. The structure in the project area appears to be from the 21<sup>st</sup> century. The majority of the project area has been either agricultural field or forested for the majority of the 20<sup>th</sup> century. This site has a moderate potential for precontact archaeology and a low to moderate potential for historic archaeology.
- Our office recommends an archaeological survey prior to any ground disturbing activities.

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:**

- Where a water distribution system is proposed for single-family dwellings, it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 800 feet spacing on centers are required. (One & Two- Family Dwelling)
- One- and Two-Family dwellings are required by law to offer the homeowner an automatic sprinkler system, therefore infrastructure should accommodate water needs.
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

**Accessibility**

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Beaver Dam 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)
- Townhouse 2-hr separation wall details shall be shown on site plans
- 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 DeIDOT 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

### **Forested Wetlands and Vegetated Buffer Zones**

Maps from the Statewide Wetlands Mapping Project indicate the potential presence of forested wetlands on the northwestern 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.

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

- Do not disturb forested wetlands. Maintain an upland buffer of at least 100 feet along all wetlands, and sensitive habitats, including those containing existing forest or natural vegetative cover.
- 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.
- 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/>

### **Removal of Mature Forest**

The preliminary plan proposes the elimination of approximately 3 of 9 acres of forest on the site. An analysis of historical data indicates that the forest area located on the northwestern portion 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.

- 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 1<sup>st</sup> to July 31<sup>st</sup>.

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/>

### **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](mailto:DNREC.Stormwater@delaware.gov).

Website: <https://dnrec.delaware.gov/watershed-stewardship/sediment-stormwater/>

### **Drainage**

- All existing drainage ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.
- Environmental permits or exemptions may be required by the County Conservation District (Standard Plan), the DNREC Sediment and Stormwater Program (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Waterways Section prior to clearing and/or excavating ditch channels.
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site storm water.

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.

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

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

### **Sustainable Practices**

- Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes.
- Offer the option to install solar or geothermal systems for each home. This allows a purchaser to incorporate the cost into their mortgage, making it more affordable. For community facilities, consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities (<https://dnrec.delaware.gov/climate-coastal-energy/renewable/assistance/>).
- Consider planting 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 1<sup>st</sup> to July 31<sup>st</sup> 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 39, though, with development, this will undoubtedly change. The 6 adjacent blocks aggregated bring the area to a total population of 462.

### **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.

Expected Annual Loss

× Social Vulnerability

÷ Community Resilience

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= Risk Index

- 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.

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](http://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,

A handwritten signature in black ink, appearing to read "D. Edgell", written in a cursive style.

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

Attachments:

- Sussex County Community Development & Housing Comments

BRANDY BENNETT NAUMAN  
DIRECTOR OF COMMUNITY  
DEVELOPMENT & HOUSING  
(302) 855-7777 T  
(302) 854-5397 F  
bnauman@sussexcountyde.gov



**Sussex County**  
DELAWARE  
sussexcountyde.gov

January 30, 2025

Mr. Jim Eriksen  
Solutions IPEM  
303 N. Bedford St.  
Georgetown, DE 19947

RE: PLUS Review (PLUS 2025-01-02) – Soens Property

Dear Mr. Eriksen,

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](http://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](http://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](http://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](https://sussexcountyde.gov/sites/default/files/forms/SussexCountyRentalProgramApplication.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,

A handwritten signature in black ink, consisting of the letters 'B', 'B', and 'N' in a stylized, cursive font.

Brandy B. Nauman  
*Director*