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

March 26, 2025

Mr. Jason Palkewicz
Solutions IPEM
303 N. Bedford St.
Georgetown, DE 19947

RE: PLUS review – 2025-02-05; Stockley Acres

Dear Mr. Palkewicz:

Thank you for meeting with State agency planners on February 26, 2025, to discuss Stockley Acres. According to the information received, you are seeking review of a proposed cluster subdivision consisting of 83 single-family units on 41.7 acres, zoned AR-1 (Agricultural Residential).

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. **The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

Strategies for State Policies and Spending

This project represents a major land development that will result in 83 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.

- This project is adjacent 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

- This project is within the City of Lewes Fire District. Regarding infrastructure and services, the following concern was received by the State Fire Marshal's office on behalf of the 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. In 2017 the Lewes fire department responded to approximately 500 fire calls and 3000 EMS calls. This year (2025) 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.

In addition, the development of this site may be environmentally inappropriate. The proposed project is located entirely within Level 4 lands of the Delaware Strategies for State Policies and Spending. According to State agencies:

- Maps from the Statewide Wetlands Mapping Project indicate the potential presence of non-tidal wetlands in the southern portion of the site, as well as a potential blue line stream (Chapel Branch) also located in the southern portion of the site. The application indicates that wetlands have been delineated. The application proposes to disturb approximately 0.1 acres of tidal/non-tidal wetlands/waterways.

- According to Flood Insurance Rate Maps, the southern third of this parcel is located within a Special Flood Hazard Area, specifically within the 100-year floodplain where there is a 1% annual chance of flooding. A total of 23 lots and homes (plus internal roadways) are proposed within the floodplain. It is not recommended to build on or near Special Flood Hazard Areas. DNREC reviewers highly discourage building housing units and roadways in the floodplain, which are essential for first responders. Roads built in this manner could become impassable during major flooding events and could hinder rescue and evacuation efforts.

- As designed, this project is expected to negatively impact wildlife, including state endangered species. It should be noted that this area contains mature forest and a number of sensitive ecological features that are not commonly found anywhere else. The forest is an important resource within the Delaware Ecological Network and is also part of the larger Herring Creek Natural Area. Natural Areas contain lands of statewide significance identified by the Governor's Natural Areas Advisory Council, as containing a high quality of natural features unique to Delaware. Such resources should be protected and conserved, so they may be available to serve and enhance the quality of life in Delaware for generations to come.

- The preliminary plan proposes to clear approximately 13 of the 20 acres (65%) of forest on the site, presumably mature forest, co-located within the Delaware Ecological Network. This forest is also part of the larger Herring Creek Natural Area. Natural Areas contain lands of statewide significance identified by the Governor's Natural Areas Advisory Council, as containing a high quality of natural features unique to Delaware. Likewise, this property has the potential for state-endangered mud salamanders (*Pseudotriton montanus*) to be present.

It is highly discouraged to build in this manner on Level 4 lands. These areas contain undeveloped natural lands, such as forests, and may include natural habitats that are important for providing ecosystem services, such as improving water quality and reducing flood risk.

The Preliminary Land Use Service reviewed a subdivision with 73 homes in May 2024. At the at time, the State opposed to this development based on its location in level 4. The state continues to oppose this subdivision, and the development based on its location in Level 4 and the state agency comments noted in this letter. 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.

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.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Development Coordination Manual, DelDOT will require dedication of right-of-way along the site's frontage. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the physical centerline of Stockley Road. The following right-of-way dedication note is required, "**A 30-foot-wide strip of right-of-way from the centerline is hereby dedicated in fee simple to the State of Delaware, acting by and through the Delaware Department of Transportation."**

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

- 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 Stockley 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 southern portion of the site, as well as a potential blue line stream (Chapel Branch) also located in the southern portion of the site. The application indicates that wetlands have been delineated. The application proposes to disturb approximately 0.1 acres of tidal/non-tidal wetlands/waterways.

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 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/

Coastal Zone Federal Consistency Certification (state contact): DNREC Coastal Management Program at (302) 739-9283.
Website: https://dnrec.delaware.gov/coastal-programs/coastal-management/

Special Flood Hazard Area
According to the newest Flood Insurance Rate Maps (FIRM), the southern third of this parcel is situated within a Special Flood Hazard Area, specifically within the mapped 100-year floodplain (1% annual chance of flooding). The Special Flood Hazard Area identified on the site lies within zone A. In lands contained within the 100-year floodplain, the National Flood Insurance Program's floodplain management regulations must be enforced through the local floodplain ordinance, which can have higher standards. Structures and features such as 23 lots with homes and internal roadways are proposed within the floodplain. Homeowners with mortgages for homes within the floodplain may be required to purchase flood insurance. Although some houses are proposed outside of the Special Flood Hazard Area (SFHA), homeowners may still be required by lenders to purchase flood insurance, based on the proximity to the SFHA.

- 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/

- 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/

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/

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.

<u>Delaware Department of Agriculture – Contact Milton Melendez 302-698-4500</u>

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

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

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

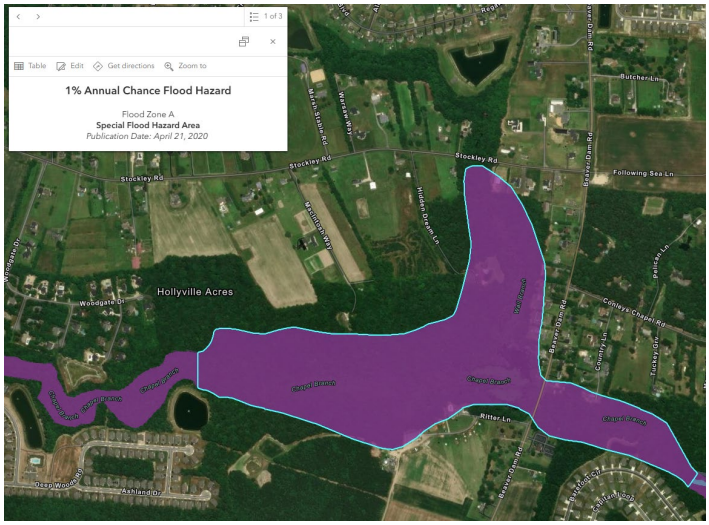
facilities and services funded with public resources. It asserts that public investments should prioritize agricultural and forestry preservation.

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

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

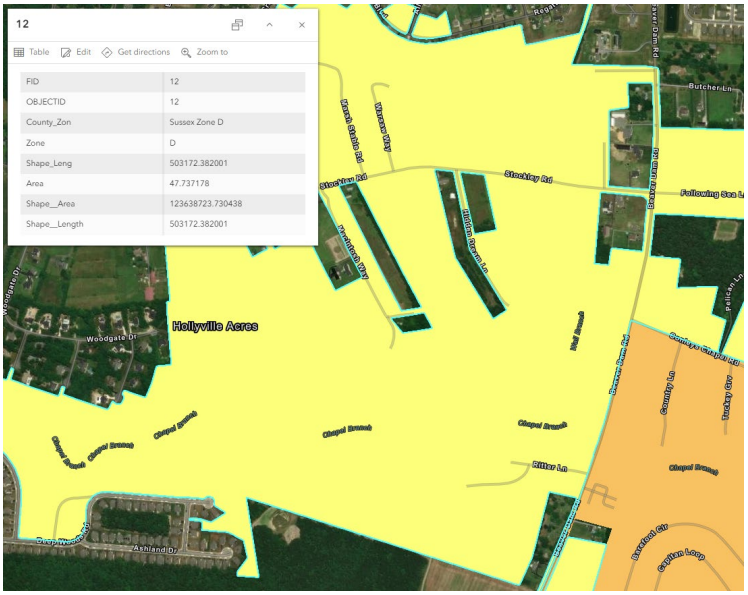
Proposed Project Parcel Flood Concern

- Roughly 66% of this parcel is located within an area of **Minimal Flood Concern of 1000 years or greater**. However, there is a portion along the central and southern borders of the parcel that falls within a 100-year flood plain or 1% Annual Chance Flood Hazard known as a Special Flood Hazard Area Flood Zone A. These flood zones are indicated in the submitted drawings/plans for PLUS Review.



Parcel Status within County Evacuation Zone Location

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



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

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

<u>State Historic Preservation Office – Contact Carlton Hall 302-736-7400</u>

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

- The site is bordered to the south by Chapel Branch and Wall Branch. Soils are well drained. There is a portion of forest in the middle of the parcel on the western edge that has remained unchanged over the course of the 20th century based on aerial photography. This is one of the markers we use to suggest a historic cemetery. The bottom half of the parcel is forested, and the top half is agricultural with a modern structure built sometime after 2002. There is an archaeological site directly to the south of the parcel as well as a historic family cemetery. This site has a high potential for precontact archaeology, especially in the bottom half, and a moderate to high potential for historic archaeology.

- The Delaware SHPO strongly recommends an archaeological survey prior to any ground disturbance. If any project or development proceeds, the developer should be aware of the Unmarked 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.

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 Stockley 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 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

Special Flood Hazard Area

- In general, it is not recommended to build on or near Special Flood Hazard Areas. If avoidance is not possible, the developer should consider designing structures to a higher standard to avoid potential future flood damage and loss.

- Specifically, it is not recommended to place roadways in the floodplain, which are essential for first responders in the event of an emergency. Roadways in the floodplain could become impassable during major flooding events and could hinder rescue and evacuation efforts. Safe access to such locations should be ensured at all times.

- For subdivision and development proposals containing at least 50 lots or at least 5 acres (whichever is the lesser) proposed in FEMA-delineated Special Flood Hazard Areas where base flood elevation data are not available, DNREC reviewers recommend that hydrologic and hydraulic engineering analyses are conducted. These studies will determine base flood elevations and floodway delineations.

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

Removal of Mature Forest in Natural Area and Delaware Ecological Network
The preliminary plan proposes to clear approximately 13 of the 20 acres (65%) of forest on the site, presumably mature forest, co-located within the Delaware Ecological Network. This forest is also part of the larger Herring Creek Natural Area. Natural Areas contain lands of statewide significance identified by the Governor's Natural Areas Advisory Council, as containing a high quality of natural features unique to Delaware. Likewise, this property has the potential for state-endangered mud salamanders (*Pseudotriton montanus*) to be present.

- The Herring Creek Natural Area is a network of heavily forested lands surrounding Chapel Branch. Natural Areas contain lands of statewide significance identified by the Governor's Natural Areas Advisory Council as containing a high quality of natural features unique to Delaware.

- The forest and forested wetland on this site occur within the Delaware Ecological Network, a statewide network of interconnected lands having significant ecological value. This GIS data layer helps to identify and prioritize areas for natural resource protection, including forests, wetlands, streams, and high-quality habitat for rare plants and animals.

- An analysis of historical data indicates that much of the forested area proposed to be removed on the site has 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.

Recommendations:

- Reduce environmental impacts by avoiding development in sensitive ecological areas such as mature forest. The mature forest should be conserved to the maximum extent practicable. When considering this in your design, protect larger, connected areas of natural habitat, which are more beneficial to wildlife, allowing for safer movement and migration from one area to another and reducing roadway mortality.

- Reduce environmental impacts by avoiding development or destruction of sensitive natural features such as, but not limited to: Natural Areas; wetlands; hardwood forests; mature forests; or riparian buffers. In general, larger, connected areas of natural habitat are more beneficial to wildlife, allowing for safer movement and migration from one area to another and reducing roadway mortality.

- Consider dedicating forested areas as a Nature Preserve through a conservation easement or donation of land. For more information, please contact the DNREC Planning Preservation and Development Section.

- A forest assessment should be conducted to determine if mature forest resources exist on the property and to delineate their boundaries. Additionally, a forest assessment would include the identification of specimen trees and forest-dependent wildlife. If mature forests are found, these areas should be conserved to the maximum extent practicable.

- To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, it is recommended that tree clearing not occur from April 1st to July 31st. Likewise, avoid mowing open space areas and grass filter strips during the same timeframe, as various species of birds utilize these areas for nesting sites.

- Staff from DNREC Fish and Wildlife request a site visit to confirm presence of the state-endangered mud salamander. This forest has the potential for state-endangered mud salamanders to be present.

For Natural Areas, contact: DNREC Division of Parks and Recreation, Office of Nature Preserves at (302) 739-9039. Website: https://dnrec.delaware.gov/parks/natural-areas/ or https://dnrec.delaware.gov/parks/open-space/conservation-easements/

For Delaware Ecological Network and Mature Forest, contact: DNREC 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 southern 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.

There is potential for a unique and uncommon wetland feature, referred to as a coastal plain seasonal pond, to exist in the southeast portion of the site near Chapel Branch. 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. 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.

- 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/

Stormwater Management

- Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.
- For improved stormwater management, preserve existing trees, wetlands, and passive open space.

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

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

Drainage

- All existing drainage ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.
- Environmental permits or exemptions may be required by the County Conservation District (Standard Plan), the DNREC Sediment and Stormwater Program (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and 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 such as the proposed pool and bath 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

- Sussex County: 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 124, though, with development, this will undoubtedly change. The 9 adjacent blocks aggregated bring the area to a total population of 474.

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
= 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.

- In reference to the flood zone, DEMA strongly discourages construction of any type directly within, adjacent to or within proximity to a 100-year floodplain as water knows no bounds. According to the submitted design plans, there are multiple parcels being selected within a flood plain. If the homes are being constructed at flood level or below and a mortgage is obtained, an NFIP insurance policy is also required. Regardless of whether within or adjacent to a floodplain, should construction continue, we recommend utilizing additional mitigation strategies to reduce the risk from flooding. This could include, but isn't limited to, wet/dry floodproofing, elevating the home out of the flood plain, elevating mechanicals/HVAC/Electricity out of the flood waters, mass notification systems, large drainage systems (increased diameter pipes, ditches, basins, etc.) and other similar methods.

- Lastly, in reference to the county evacuation zones, DEMA encourages this information be made readily available to any and all persons residing there. This can be done simply through pamphlets or a neighborhood sign.

Delaware State Fire Marshall's Office – Contact Duane Fox 302-739-4394
Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.

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

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

Sincerely,



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

Attachments:

- Sussex County Planning & Zoning Comments
- Sussex County Community Development & Housing Comments

BRANDY BENNETT NAUMAN
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Sussex County
DELAWARE
sussexcountyde.gov

February 26, 2025

Mr. Jason Palkewicz
Solutions IPEM
303 N. Bedford St.
Georgetown, DE 19947

RE: PLUS Review (PLUS 2025-02-05) – Stockley Acres

Dear Mr. Palkewicz,

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

JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
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Sussex County
DELAWARE
sussexcountyde.gov

Preliminary Land Use Service (PLUS) Meeting
February 26th, 2025
February 2025 PLUS Comments
Sussex County Department of Planning & Zoning

I. Review and Discussion: Stockley Acres (2025-02-05)
Location: Forest Road, approximately 0.5-miles west of Cool Spring Road, Milton, DE
Project: Review of a proposed Major Subdivision to accommodate a single-family residential development to include 83 lots on Parcels comprised of a total of 41.67 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 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(s): 234-5.00-54.00 & 234-5.00-54.01

Proposed: The project proposes Major Subdivision utilizing the Cluster option to accommodate a single-family residential development to include (83) lots for single-family detached residential dwelling units on two (2) Parcels comprised of a total of 41.67 acres +/-

Chapter 99 – Subdivision of Land: Staff note that several proposed lots are adjacent to agricultural use lands and 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 (AR-1) Zoning Districts. 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) & Staff

recommend all cluster applications ensure the open space design meets all the cluster requirements under (§115-25(E)).

Staff note, given the conveyance and resources (Bracey's Branch) spanning the site and St Georges Chapel Pond at the rear, any Application will be required to include a Drainage Assessment Report and a Forest Assessment Report (Ord. takes effect 2/27/2025) at the time of submission for review by P&Z and SCED. Additionally, applications received after 2/27/2025 will be required to provide a *PERIMETER BUFFER PROTECTION AREA* per the recently updated Ordinance relating to perimeter buffers. Ordinance Regarding Perimeter Buffers Around Residential Developments | Sussex County)

Staff additionally note that recent Code updates to Chapter 99 include requirements for connection to adjacent developed properties and recommend the Applicant consider a design with interconnectivity to adjacent Parcels with frontages on Stockley Road..

Density: The proposed density of (≈1.99) dwelling units per acre complies with the County Code requirements for residential improvement in (AR-1) Districts which allow 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 (20.89) acres +/- (out of a total of (41.67) acres) of open space which equates to approximately 50% 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 specific design standards for the Open Space. Additionally, please note that County Council updated Codes related to Open Space on 12/10/2024. The new Ordinances (Ord. No 3061 & Ord. No. 3062) include updated standards including but not limited to: what can be classified as Open Space, the new requirement threshold for providing a Forest Assessment Report (FAR), as well as maintenance of DelDOT Level of Service. **Ord. No. 3062 (Link)** **Ord. No. 3061 (Link)**

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 recommend the Plan includes the provision connectivity, a stub, or easement to the parcels adjacent along Forest Road as described in the Zoning Comments above.

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 any proposed setbacks/BRLs will be required to meet the (50) foot setback requirements for major subdivisions adjacent to land used primarily for agricultural purposes (§99-6(G)(2)).

Forested Areas: The Applicant notes that there are presently (≈17.5) acres of existing forest on the site and that (≈12.1) acres will be removed. Therefore, the site is retaining (5.4) acres of forested area. This represents roughly (31%) of existing forest to remain on the site which represents (≈13%) 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)). Please note, if any existing woodlands are proposed as part of any required Perimeter Buffer, a Perimeter Buffer Protection Area may be required per (§99-5) & (§99-6). Ordinance Regarding Perimeter Buffers Around Residential Developments | Sussex County)

Wetlands/Waterways: The Application notes that there are (4.3) acres 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)). 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, County Code requires 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. Additionally, as noted above, a Forest Assessment Report is required at the time of Application for any Applications received on or after 2/27/205. Ordinance Regarding Perimeter Buffers Around Residential Developments | Sussex County

Site Considerations (Flood Zones, Tax Ditches, Groundwater Recharge Potential etc.): The property is located within Flood Zone "A" (Areas with a 1% annual chance of flooding)) as indicated on the Plan and in the current data available to Sussex County Planning & Zoning. The site is located within areas of "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.