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

April 23, 2025

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

RE: PLUS review –2025-03-04; OA Millville Independent Living

Dear Mr. Crouch:

Thank you for meeting with State agency planners on March 26th, 2025 to discuss OA Millville Independent Living. According to the information received, you are seeking review of a proposed site plan application for a 45,000 sq. ft. independent living facility on 4.86 acres zoned CR-1 (Commercial 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 is located within Investment Levels 2 and 3 according to the 2020 Strategies for State Policies and Spending. This site is also located in the Coastal area according to the 2018 Sussex County Comp Plan.

Based on its location in a Level 2 and Level 3 investment area, this project may be consistent with the 2020 Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and state plans in the near-term future. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer-term future, or areas that may have environmental or other constraints to development.

Code Requirements/Agency Permitting Requirements

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

- Any site access points onto 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 P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review.

- Section P.5 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.

- Sussex County and DelDOT are working on a Transportation Improvement District (TID) While the TID boundary has not been finalized at this time, it appears this parcel may be included in the final TID boundary which must be approved by DelDOT and Sussex County. If the Developer would like information about participating in the TID please contact Sarah Coakley at (302) 739-2251 or sarah.coakley@delaware.gov for more information.

- 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 on Roxana Road. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the outside edge of the northbound travel lanes. The following right-of-way dedication note is required, "An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."

- 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 on Roxana Road. 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 established for the State of Delaware, as per this plat."

- In accordance with Section 3.8 of the Development Coordination 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 frontage roads.

- Section 3.5.4.2 of the Development Coordination Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is required. DelDOT anticipates requiring a SUP along the site frontage with Roxana Road.

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.

Tax Ditches
Prong 4 of the St. Georges Tax Ditch lies on the western and southern property boundaries of the site. Tax ditches are man-made channels created to move normal water flow off agricultural lands. These channels have associated tax ditch Rights-of-Way (ROW) that are utilized for access as well as sediment and debris disposal during maintenance. Tax ditch ROWs vary by channel size and location. Prong 4 of the St. Georges Tax Ditch has an 80-foot to Centerline (CL) ROW extending into the project boundary.

- Clearly delineate and label existing Tax Ditch, Prongs and associated Right-of-Way (ROW) on all sheets where it appears, including on adjacent properties. The Delaware Tax Ditch FeatureServer is available on DE FirstMap and here: https://enterprise.firstmap.delaware.gov/arcgis/rest/services/Hydrology/DE_TaxDitch/FeatureServe

- Proposed structures or construction lies within the existing tax ditch ROW. To reduce or change existing tax ditch ROWs, a Court Order Change must be submitted by the DNREC Drainage Program. The associated Land Development Project Review Request form is attached, as well as the aerial drainage map.

- Contact the DNREC Drainage Program to discuss the on-site tax ditch ROWs prior to the project application meeting with the appropriate plan review agency for construction stormwater management.

- Permanent obstructions including, but not limited to, stormwater management facilities, buildings, sheds, streets, wells, and septic systems are not allowed within the tax ditch ROWs.

- Existing tax ditches on the property must be surveyed and compared to tax ditch design specifications for effective function. The channel should be cleared or excavated prior to the construction of the project if needed.

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

Contact: DNREC Drainage Program at (302) 855-1930.
Website: https://dnrec.delaware.gov/drainage-stormwater/
Tax Ditch Mapper: de.gov/taxditchmap
Tax Ditch guidelines: https://documents.dnrec.delaware.gov/swc/Drainage/Documents/Tax-Ditch-Land-Development-Guidelines.pdf

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

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

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

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

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

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

Hydrologic Soils Group
Hydrologic Soil Group D, poorly drained soils, have been identified in the western third of the site. These soil types could worsen existing drainage issues if present and are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins. These practices must meet minimum infiltration requirements.

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

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

Wetlands and Waterways
Maps from the Statewide Wetlands Mapping Project indicate the potential presence of a non-tidal riverine wetland in the along the western property boundary of the site. The application indicates that wetlands have been delineated. The application states that the project does not propose direct impacts to the wetlands.

State Requirements:

- If plans change and wetlands are disturbed, please contact the Wetlands and Waterways Section for more information on permitting requirements.

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

Current or Previous Contamination
DNREC records indicate that contamination has occurred on the northern portion of the project site. Additional information may also be found online by searching Delaware's Environmental Navigator at https://den.dnrec.delaware.gov/ and Delaware's PFAS Investigation Sites at https://dnrec.delaware.gov/waste-hazardous/remediation/pfas/investigation-sites/ (Site ID DE-1782).

- Contact the DNREC Remediation Section to determine the current status of the site and any requirements associated with the site.

Contact: Division of Waste and Hazardous Substances Remediation Section at (302) 395-2600. Website: https://dnrec.delaware.gov/waste-hazardous/remediation/

Wastewater Disposal Systems – Small Systems
An expired permit (permit # 269-87S) 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

- 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 residential dwellings in Delaware (see 80 Del. Laws, c. 145 § 8001- § 8006). Requirements may apply to this project. Please refer Title 16 Chapter 80 of the Delaware Code for more information.

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

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

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

Parcel Status within the 10-mile Emergency Planning Zone (EPZ) for the Salem Nuclear Power Plant
- The parcel **is not** located within the 10-mile EPZ for the Salem Nuclear Power Plant.

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

- Most of the project area is disturbed. There is a portion to the south that is less disturbed and has a couple of structures that we have architectural forms for. One might be demolished. Neither have dates suggested on the forms. The previous applications had different footprints and did not seem to use the southern parcels.

- For the less disturbed portion: Soils are moderately well drained and poorly drained, with the poorly drained on the western side. The parcels are not close to any natural water source and the area has not been heavily surveyed. The area of higher potential is also the area closest to the road and has the highest disturbance. There appears to have at one point been a small poultry house or similarly shaped structure on one of the parcels and there are extant structures on the other parcel. Based on the proximity to water and potential for disturbance, the parcels have a low potential for precontact archaeological resources. The age of the structures is unknown, but were not present on 1937 aerials and do not appear until 1954 aerials and Topos. The potential for historic archaeology is low to moderate. No archaeological survey is needed.

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. (Residential Board and Care)

- 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 Roxana Rd must be constructed so fire department apparatus may negotiate it.

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

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

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

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

Gas Piping and System Information:

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

Required Notes:

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

- Proposed Use

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

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

- National Fire Protection Association (NFPA) Construction Type

- Maximum Height of Buildings (including number of stories)

- 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

Local Fire Department Comments:

- The Millville Volunteer Fire Company Inc. is obligated to provide Fire and EMS services to this property. However, additional new developments in our Fire and EMS district have put a financial and operational strain on our resources. To provide the expected quality of service within the MVFC Fire and EMS district, the MVFC has hired career personnel to staff our Fire and EMS units, thus creating a combination fire department. Our payroll cost in 2024 exceeded 1.3 million dollars.

- In 2024, the MVFC responded to 609 fire calls and 2724 EMS calls, which totaled 3333 calls for service. Our call volume increases yearly due to the unprecedented growth within our service area. Current State, County, and Local government funding will not keep up with the development within the MVFC Fire and EMS district. The state, county, local governments, developers, and current/future residents must financially support the MVFC. We must develop an additional mechanism to provide sustained funding for Fire and EMS services within the Millville Fire and EMS district

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

Drainage

- 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/

Tax Ditches

- All existing 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.

Contact: DNREC Drainage Program at (302) 855-1930.
Website: https://dnrec.delaware.gov/drainage-stormwater/
Tax Ditch Mapper: de.gov/taxditchmap
Tax Ditch guidelines:
https://documents.dnrec.delaware.gov/swc/Drainage/Documents/Tax-Ditch-Land-Development-Guidelines.pdf

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/

Water Quality

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

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

- Reduce stormwater runoff by integrating infiltration basins, bioretention (rain gardens), filter strips, and by preserving existing trees, wetlands, and passive open space.

- Reduce the necessity for nutrient application by maintaining open space as meadow or forest planted exclusively with native plants. Native plants are well-suited to our climate and require limited maintenance.

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

Sustainable Practices

- 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.

- Consider maximizing natural light by locating windows and doors with views to outdoor green spaces.

- Consider creating safe access to planted outdoor spaces for both residents and employees, including safe garden paths, garden seating, biophilic living walls, and outdoor shelter.

- Consider installing electric vehicle charging stations for employees and visitors. Installation costs can vary significantly depending on the parking and electricity distribution at a given location, so it is often easier and cheaper to plan for the installation at construction, rather than doing costly retrofits later. The DNREC Division of Climate, Coastal and Energy offers rebates of up to 80% of the cost of the charging station for commercial, multi-unit dwelling and other public properties. These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality (https://dnrec.delaware.gov/climate-coastal-energy/clean-transportation/).

- Use renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities (https://dnrec.delaware.gov/climate-coastal-energy/renewable/assistance/).

- Use efficient Energy Star rated products and materials in construction and redevelopment. Energy efficient appliances use less energy over time. This saves consumers and businesses money, while also helping to reduce pollution from power generation.

- Use structural paint coatings that are low in Volatile Organic Compounds to help protect air quality. Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers.

- Use recycled materials, such as reclaimed asphalt pavement, to reduce heat island effects on paved surfaces, prevent landfill waste, and lower material costs.

- Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.

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 45, though, with development, this will undoubtedly change. The 9 adjacent blocks aggregated bring the area to a total population of 598.

FEMA National Risk Index

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



  Winter Weather. The FEMA National Risk Index is calculated by multiplying the Expected Annual Loss times the Social Vulnerability and dividing that by the Community Resilience.

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

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

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

Renewable Energy Commitment

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

<u>Delaware State Housing Authority - Contact Rachel Alfano (302) 739-4263</u>

- DSHA reviewed the proposal to construct a 98-unit age-restricted development on 4.86 acres on the West side of Roxana Road in Sussex County.

- According to DSHA's Housing Reform Map, this project is in an Area of Opportunity. This map shows the distribution of affordable housing throughout the state. We encourage the creation of affordable housing in Areas of Opportunity which contain little to none. These areas have high-quality schools, supportive infrastructure, which leads to the capacity to support diverse and affordable housing types.

- OA Millville Independent Living is proposed to be age-restricted. Unfortunately, this restriction makes much-needed housing units unavailable to County residents who otherwise would be able to afford one of the units. Like most of the nation, Delaware's housing population will continue to age. However, the need to assist the elderly in aging in place is far greater than the need for new units

- In addition, seniors are still able to live in the proposed development without the age restriction. DSHA recommends removing the age restriction so more families can benefit from the addition of affordable housing developed due to this process.

If you have questions or would like more information on the above recommendations, please feel free to e-mail at Rachel.Alfano@Delaware.gov.

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 Engineering Department Comments
- DNREC Aerial Drainage Map
- DNREC Tax Ditch Land Development Project Review Request Form

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
March 26, 2025
March PLUS Comments
Sussex County Department of Planning & Zoning

Review and Discussion: OA Millville Independent Living (2025-03-04)
County: Sussex County
Municipality: Unincorporated
Location: West side of Roxana Road (Rt. 17) approximately (550) feet south of Atlantic Avenue (Route 26)
Project: Review of a proposed Independent Living Facility on three parcels comprised of approximately (4.86) +/- 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.

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 or County Council may wish to make as part of any application submitted to the Department.

Tax Parcel ID(s): 134-11.00-199.00, 200.00 & 200.01

Proposed: The Plan proposes an Independent Living Facility within a (≈135,000) square foot structure, parking, sidewalks, internal roads, and stormwater management on three (3) parcels comprised of a total of (≈4.86) acres.

Zoning: The Parcel is currently zoned Commercial Residential (CR-1) District. The Proposed independent living facility is a permitted use in the (CR-1) District. Staff note that the proposed (≈135,000) of improvements do not meet the Large-Scale Use requirements relating to *major arterial roadway* as defined in Chapter 99 (§115-83.3(A)). Cross access easements and interconnections to adjoining sites for vehicular and pedestrian traffic are required for Large-Scale Use in the (CR-1) District. Additionally, transit accommodations are required to be provided at the discretion of the Planning and Zoning Commission and DelDOT per (CR-1) Code. Staff note the stormwater management design does not meet the (CR-1) District Code

in terms of the required buffer along the frontage on Roxana Road (§115-83.8(B)), (§115-194.1(E)). If an application were to be submitted, Staff will additionally request clarification and dimensioning for any commercial elements which may be proposed as part of the improvements. Staff note the proposed structure is within the existing (80) foot tax ditch ROW.

Density: N/A

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

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

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

Please note, as the Parcels are in the Coastal Area designation, an Environmental Assessment & Public Facility Evaluation Report (EAPFR) is required with the submission of any application of this type (§115-194.3(B)(2)).

Open Space Provisions: (CR-1) District Zoning does not include a requirement to provide open space apart from setback and buffer requirements.

Interconnectivity: The Plan does not include connectivity with adjacent parcels as required under (§115-83.3(D)(1)(c))

Transportation Improvement District (TID): N/A

Agricultural Areas: Staff note that the proposal is within the proximity of areas which appear to be actively farmed. In consideration of this, staff request that the Plans and copies of any subsequent Deeds or recordation for the property include the Agricultural Use Protection Notice found in (§99-6(G)(1)) of the Sussex County Code.

Forested Areas: The Application indicates no forest on the site. Staff note the existing trees across the site and encourage the Applicant to conserve as many mature tress as possible.

Wetlands/Waterways: The Application indicates that no regulatory wetlands exist on the Parcels.

Site Considerations (Flood Zones, Tax Ditches, Groundwater Recharge Potential etc.): Staff note the proposed structure is within the existing (80) foot Tax Ditch ROW on the eastern boundary of Prong 4 of the St. George's Tax Ditch. The Plan proposes revision of the ROW from (8) feet to (25) feet. Staff note that the subject Parcels are located within an area of "Poor" groundwater recharge and in Flood Zone "X" – Areas determined to be outside the 1% annual chance flood and outside the 500-year floodplain. Staff note that there are no Wellhead Protection Areas present on the site.

PLUS

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Preliminary Land Use Service (PLUS) Meeting
Meeting will be conducted on-line and in person
Room 133, Haslet Armory
122 Martin Luther King Jr. Blvd., South
Please see https://publicmeetings.delaware.gov/ for link to on-line access
Date

Applicants should arrive at least 15 minutes before their appointed time. Times are approximate and are subject to change.

Public comment will be heard at the end of each PLUS application after the State Agencies have shared their comments with the applicants. Each person wishing to comment on the application under review will have up to 3 minutes.

I. 8:30 AM **Pre-Meeting Discussion – PLUS Reviewers**

II. 9:00 AM **Review and Discussion: Springhouse Preserve (2025-03-01)**
County: New Castle **Municipality:** Unincorporated
Location: Harbeson Road Between Rust Road and Forest Road.
Project: Review of a proposed Rezoning and site plan for a major residential development on 19.84 acres, transitioning from S (Suburban) to ST (Suburban Transition). The project includes 120 multifamily units, with 87 designated as affordable rentals and 33 as entry-level homeownership units. The site is classified as State Strategies Level 1 and 2.

III. 9:30 AM **Review and Discussion: Dexter Corner Parcels (2025-03-06)**
County: New Castle **Municipality:** Annexation to Townsend
Location: West side of Beaver Dam Road, approximately 450 feet south of the intersection of Hollymount Road.
Project: Review only of proposed annexation of 116.26 acres into the Town of Townsend. The site is classified as State Strategies Level 4.

IV. 9:45 AM **Review and Discussion: Milford FLU Amendment (2025-03-03)**
County: Sussex **Municipality:** Milford
Location:
Project: Review of a proposed comprehensive plan amendment. The City has received a request from the owner of Sussex County Tax Parcel 130-3.08-64.01 to change its future land use from H-1 (Institutional Development) to OB-1 (Office Building) to permit a low-profile, low-traffic general office use. The site is classified as State Strategies Level 1.

The proposed project is a Comprehensive Land Use Plan/Update/Amendment for the City/Town/Growth and Annexation Area of the City of Milford. The Sussex County Engineering Department does not have comments for this project.

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

V. 10:00 AM **Review and Discussion: OA Millville Independent Living (2023-03-04)**
County: Sussex **Municipality:** Unincorporated
Location: West side of Roxana Road (Rt. 17), approximately 550' south of Route 26.
Project: Review of a site plan application for a 4,500 sq. ft. independent living facility of 4.86 acres zoned CR-1 (Commercial Residential). The site is classified as State Strategies Levels 2 and 3.

The proposed project is located within a Tier 2 area and is contiguous to the Sussex County Unified Sanitary Sewer District. Annexation and connection to the sewer system is required.

A "Use of Existing Infrastructure Agreement" is required for new projects. Sussex County Code, Chapter 110, requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning & Design Review Department for the project by providing the parcel(s) estimated equivalent dwelling units (EDU) for the project, along with payment of a $1,000.00 fee for the evaluation and must be approved prior to approval of construction plans. The fee is to be payable to Sussex County Council. The Department will review the parcel(s) and EDU, confirm capacity, provide the connection point and define any additional parcels that must be served as part of the project. Should it be determined that a pump station is required for the project, additional information may be requested. This information will be conveyed to the engineer and/or developer. The Department will use this information when reviewing construction drawings to verify that the correct connection point is used, and all required parcels are served.

The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures.

One-time system connection charges will apply. Please contact the Utility Permits Division at 302 855-7719 for additional information on charges.

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

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

VI. 10:30 AM **Review and Discussion: Roxana Villas (2025-03-05)**
County: Sussex **Municipality:** Unincorporated
Location: East side of Roxana Road (Rt. 17), 580' south of Route 26.
Project: Review of a site plan application for a 124- unit condominium homeownership development on 10.46 acres zoned C-1 (General Commercial). The site is currently used for agricultural purposes and is classified as State Strategies Level 2.

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

A "Use of Existing Infrastructure Agreement" is required for new projects. Sussex County Code, Chapter 110, requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning & Design Review Department for the project by providing the parcel(s) estimated equivalent dwelling units (EDU) for the project, along with payment of a $1,000.00 fee for the evaluation and must be approved prior to approval of construction plans. The fee is to be payable to Sussex County Council. The Department will review the parcel(s) and EDU, confirm capacity, provide the connection point and define any additional parcels that must be served as part of the project. Should it be determined that a pump station is required for the project, additional information may be requested. This information will be conveyed to the engineer and/or developer. The Department will use this information when reviewing construction drawings to verify that the correct connection point is used, and all required parcels are served.

The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures.

One-time system connection charges will apply. Please contact the Utility Permits Division at 302 855-7719 for additional information on charges.

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

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

VII. 11:00 AM **Review and Discussion: Generals Run (2025-03-02)**
County: Sussex **Municipality:** Unincorporated
Location: John J. Williams Highway (Rt. 24), Millsboro, DE
Project: Review of a cluster subdivision application for a 99 single-family home development on 49.84 acres zoned AR-1 (Agricultural Residential). The lands is classified as State Strategies Levels 3 and 4.

The proposed project is located within a Tier 1 & 2 area and is contiguous to the Sussex County Unified Sanitary Sewer District. Annexation and connection to the sewer system is required.

A "Use of Existing Infrastructure Agreement" is required for new projects. Sussex County Code, Chapter 110, requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning & Design Review Department for the project by providing the parcel(s) estimated equivalent dwelling units (EDU) for the project, along with payment of a $1,000.00 fee for the evaluation and must be approved prior to approval of construction plans. The fee is to be payable to Sussex County Council. The Department will review the parcel(s) and EDU, confirm capacity, provide the connection point and define any additional parcels that must be served as part of the project. Should it be determined that a pump station is required for the project, additional information may be requested. This information will be conveyed to the engineer and/or developer. The Department will use this information when reviewing construction drawings to verify that the correct connection point is used, and all required parcels are served.

The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures.

One-time system connection charges will apply. Please contact the Utility Permits Division at 302 855-7719 for additional information on charges.

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

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

The agenda items times are approximate and subject to change. This agenda is subject to change to include additional items or the deletion of items, which arise at the time of the meeting.

PLUS – OA Millville Independent Living Aerial Map



Division of Watershed Stewardship
Drainage Program
21309 Berlin Rd., Unit 6
Georgetown, DE 19947

Tax Ditch Land Development Project Review Request Form

Project Name: _____

Attach Site Plan of proposed request(s) and include all structures, easements, setbacks, etc. that make your proposal as requested necessary. Include and label existing tax ditch channel and rights-of-way for comparison.

Check out de.gov/taxditchmap to view tax ditch channels and rights-of-way from any web browser. To download the tax ditch GIS Feature Service layer to your own application, visit Delaware FirstMap. Don't forget to label all tax ditch features in all your plans!

Project Representative/Consultant Information:

Name(s): _____
Company: _____
Title(s): _____
Phone Number(s): _____
Email(s): _____

Owner(s) Contact Information:

Name: _____
Phone Number: _____
Email: _____

Authorized Signer(s) Contact Information (when applicable):

Name: _____
Title: _____
Phone Number: _____
Email: _____

For Internal Use Only
Date Received: _____
Tracking #: _____

Division of Watershed Stewardship
Drainage Program
21309 Berlin Rd., Unit 6
Georgetown, DE 19947

Property Information:

Tax Parcel(s) Affected: _____

Tax Ditch Organization(s) Affected: _____

Request(s) of / Proposed Impact(s) to Tax Ditch System (Check all that apply):

☐	Outfall/Discharge into Tax Ditch Channel(s)
☐	Pipe Crossing/Entrances in Tax Ditch Channel(s)
☐	Relocate/Eliminate Tax Ditch Channel(s)
☐	Reduce/Increase Tax Ditch Rights-of-Way
☐	Change Tax Ditch Watershed Boundary
☐	Alteration of Existing Tax Ditch Channel(s)
☐	Utility Crossing in Tax Ditch Channel
☐	Other Explain:

Based on the options selected above, additional information may be requested.

Please specify Tax Ditch Channel(s) affected, existing and requested tax ditch rights-of-way extents whenever applicable, using the space below. (REQUIRED)

Submit all forms to the DNREC Drainage Program
Via email: DNREC_drainage@delaware.gov
Subject Line: Tax Ditch- Land Development Request

For questions about this form please call the Tax Ditch Program at 302-855-1930.

For Internal Use Only
Date Received: _____
Tracking #: _____