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

July 24, 2025

Soltage DE DevCo, LLC
Zac Meyer
333 Washington Street, Suite 401
Jersey City, NJ 07302

RE: PLUS review – 2025-06-06; Kent Walnut Shade

Dear Mr. Meyer:

Thank you for meeting with State agency planners on June 25, 2025, to discuss Kent Walnut Shade. According to the information received, you are seeking review of a proposed amendment to the Kent County Comprehensive Plan to change the future land-use designation on the property from Medium-Density Residential to Low-Density Residential, to enable the review of a proposed rezoning from RMH (Residential Manufactured Home) to AC (Agricultural Conservation) for the development of a community energy facility.

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 Kent 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

The proposed amendment is located in Investment Level 2 according to the 2020 Strategies for State Policies and Spending and is inside the Growth Overlay Zone for Kent County.

Based on its location in a Level 2 investment area, this project is 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. Therefore, the Office of State Planning Coordination (OSPC) has no objections to the proposed comprehensive plan amendment.

Code Requirements/Agency Permitting Requirements

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

- DelDOT has no comments on the proposed rezoning. DelDOT notes that if the property is developed in the future all applicable reviews and permits will still be required.

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.

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 Kent 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: Kent Conservation District at (302) 608-5370.
  Website: http://kentcd.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/

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

- DEMA has no objections or concerns with the rezoning and supports work on resiliency.

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

- Soils are well drained. Cypress Branch is the to the southeast. There are 3 archaeological sites within a mile of the project area. The land appears to have been agricultural for the majority of the 20th century. Precontact potential is moderate.

- The Delaware SHPO is recommending an archaeological survey for this parcel prior to any ground disturbance activities. If there are any questions, inquiries, or concerns, feel free to contact the Delaware State Historic Preservation Office for assistance at 302-736-7400.

Delaware State Fire Marshall's Office – Contact Duane Fox 302-739-4394
This document is for information purposes only and does not constitute any type of approval from the Delaware State Fire Marshal's Office.

- This Agency has no objection to the re-zoning request. The information provided below shall be considered when plans are being designed.

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

Fire Protection Water Requirements:

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

- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

Accessibility

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Walnut

Shade Road and South State Street 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)

- Name of Water Provider

- Letter from Water Provider approving the system layout

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

Sustainability Recommendations for Community Solar Energy

The application proposes a community solar energy generation facility on 24 of 40 acres in unincorporated lands within Kent County. Minimizing greenhouse gas emissions is one of the key components of Delaware's Climate Action Plan. The Delaware Climate Solutions Act of 2023 sets a statewide greenhouse gas emissions reduction target of 50% by 2030 and net zero emissions by 2050. Switching to solar energy has the potential to reduce air pollutants and improve overall environmental conditions, while also helping residents, businesses and communities across the state have access to local renewable energy. Community solar, in particular, has the potential to reduce barriers that low- and moderate-income residents face when trying to access clean, renewable energy.

The following recommendations can enhance the environmental outcomes of the proposed community solar project.

- Plant native pollinator species. Such plants not only create early successional habitat for pollinators and a variety of wildlife, but also aid in reducing soil erosion, protect water quality, and enhance the aesthetic value of the site. Grass cutting 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 a secondary compatible use for the land, such as farming or small livestock grazing.

- If overhead transmission lines will be installed, consider minimizing potential impacts to birds. Some risk reduction examples include increasing line visibility and insulating wires to cover exposed connections. Burying transmission lines between facilities and substations can further reduce risks.

- Any lights installed should have cut-off shields and use down-lighting, to limit light trespass and light pollution of nighttime skies.

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

  Renewable Energy Contact: DNREC Division of Climate, Coastal & Energy at (302) 735-3480. Website: https://dnrec.delaware.gov/climate-coastal-energy/

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 passive open space.

  Plan review agency contact: Kent Conservation District at (302) 608-5370.
  Website: http://kentcd.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/

Delaware State Housing Authority - Contact Rachel Alfano (302) 739-4263

- This proposal is to rezone 24 acres from RMH to AG for a community energy facility. While the current use is agricultural, RMH zoning allows manufactured housing as a permitted use. Manufactured housing is an affordable housing option and is needed to meet the needs of low- and moderate-income families. Also, there are few parcels designated for this use and it is extremely difficult to rezone land to RMH.

- DSHA discourages re-zonings that result in the loss of land that could otherwise be used for manufactured homes. If this development proceeds, we encourage the County to identify other areas that could be rezoned to RMH.

  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