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

August 14, 2025

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

RE: PLUS review – 2025-07-05 Yacht Basin Independent Living

Dear Mr. Crouch:

Thank you for meeting with State agency planners on July 30th, 2025 to discuss Yacht Basin Independent Living. According to the information received, you are seeking review of a proposed residential mixed use site plan consisting of 120 independent living units and 38 SF condo on 30.7 acres. The site is classified as State Strategies Levels 3 and 4.

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 in Investment Levels 3 and 4 according to the *Strategies for State Policies and Spending*. 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. State investments may support future growth in these areas, but please be advised that the State has other priorities for the near future. 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.

Because development within an Investment Level 4 is inconsistent with the 2020 Strategies for State Policies and Spending, the Office of State Planning is opposed to development in the Level 4 area. Therefore, the applicant should concentrate the development of this parcel to the Level 3 area and remove any development within the Level 4 area.

While the site plan does appear to keep buildings out of the Level 4 area, the State does ask that the county require the developer to employ sufficient buffers from the tidal wetlands to avoid future safety issues for the residents in case of flooding.

Based on comments from State agencies below, this parcel contains significant environmental concerns or other constraints to development. The state requests that the applicant and the local jurisdiction work with state agencies to design the site with respect to those environmental features which may help create a more sustainable development (see recommendations for mitigation on pages 11-14)

Potential Public Health and Safety Hazards

The proposed independent living facility is located on top of an area that was once a disposal site for dredge spoils to support dredging activities within White Creek. Aerial imagery from 2002 and 2007 confirms this use. Compounding concerns, the Limit of Moderate Wave Action lies only 60 feet from the proposed independent living facility, increasing the risk of storm surge and high velocity wave action. These areas have a 26% chance of flooding over the life of a 30-year mortgage.

The preliminary plan shows 24 lots and an independent living facility occurring directly within the 100-year floodplain, either entirely or partially, as well as internal roadways and the only entrance to the development. These same areas are also vulnerable to permanent inundation from sea level rise. Within the 30-year mortgage period, sea level rise coupled with an increased frequency of intense rainfall is expected to expand the area of the floodplain in this region and exacerbate existing flooding occurring on this site.

The site design poses great concern regarding the overall structural integrity of the underlying soils, the current risk of flooding and wave action due to coastal storms and hurricanes, as well as the increased flooding risk through time due to sea level rise. Building in this manner is considered unsafe for residents due to the future vulnerability of this particular location. Roads are essential for first responders in the event of an emergency and could become impassable during flooding events. It is noteworthy that the 100-year floodplain is currently considered to be Out of Play in New Castle County, Kent County, and several municipalities due to these types of risks.

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 Yacht Basin Road. The following right-of-way dedication note is required, "**An 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 Yacht Basin 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.

Special Flood Hazard Area Requirements
Within the proposed development, 24 lots and an independent living facility lie directly within the 100-year (1% annual chance) floodplain, designated as Special Flood Hazard Area zone AE. Building in this manner is considered unsafe for residents due to the future vulnerability of this particular location. Roads are essential for first responders in the event of an emergency and could become impassable during flooding events. The following requirements apply:

- 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/

Wetlands and Waterways
Maps from the Statewide Wetlands Mapping Project indicate the potential presence of tidal wetlands in the western portion of the site, as well as non-tidal wetlands in the eastern portion 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:

- Some wetlands and waterways are not mapped on the site plan. Include all wetland boundaries and adjacent waterways on site plans.

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 may 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/

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

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

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

Wastewater Disposal Systems – Large Systems
For wastewater conveyance offsite by way of a new sewer connection, flow rates exceeding 2,500 gallons of liquid waste per day will require a Wastewater Pollution Collection and Conveyance (WPCC) permit from the Commercial and Government Services section.

Contact: DNREC Commercial and Government Services Section at (302) 739-9948.
Website: https://dnrec.delaware.gov/water/commercial-government/

Electric Vehicle Charging 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.

Multi-family Dwellings, effective 2025:

- The developer of a multi-family residential dwelling shall install electric vehicle parking spaces, where at least 5% of the total parking spaces for the multi-family residential dwelling must be electric vehicle capable parking spaces.

- In addition, a developer of a multi-family residential dwelling shall provide at least one electric vehicle charging infrastructure parking space in an area available for use by all residents of the multi-family residential dwelling (example: community centers).
- Construction documents must indicate the location of proposed electric vehicle charging infrastructure parking spaces and electric vehicle capable parking spaces.

- Parking space dimensions must comply with the county or municipal building code applicable to the multi-family residential dwelling.

Air Quality – Particulate Emissions
Particulate emissions are regulated by DNREC's Division of Air Quality. To control particulate emissions from construction and materials handling operations, the following is required:

- The applicant must use dust suppressants and other measures during demolition activities, grading, land clearing, excavation of non-paved roads, material movement or storage, and sandblasting activities.

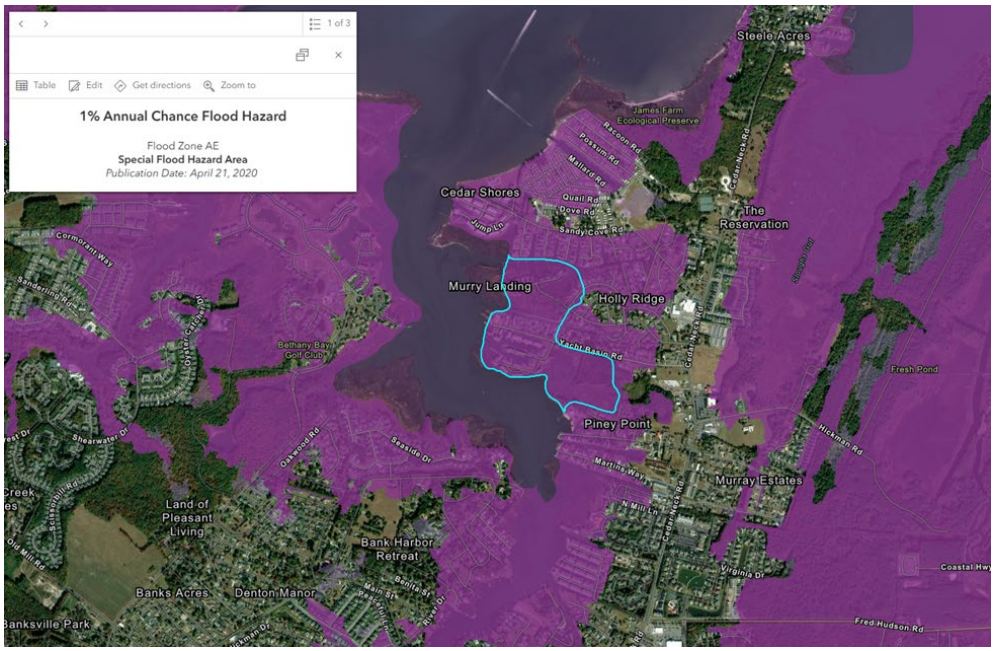
Contact: DNREC Division of Air Quality at (302) 739-9402.

Website: https://dnrec.delaware.gov/air/permitting/

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

Proposed Project Parcel Flood Concern

- This parcel is located within an **1% Annual Chance Flood Hazard or 100-year flood plain known as a Special Flood Hazard Area Flood Zone AE**. DEMA strongly discourages construction within a 100-year floodplain.



Parcel Status within County Evacuation Zone Location

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

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

- There are no known archaeological sites or known National Register-listed or eligible properties within the project area. The project area borders White Creek to the west. There are multiple precontact archaeological sites within a mile of the project area. Soils range from excessively drained to somewhat poorly drained. The project area has a moderate to high potential for precontact archaeological resources. There is one portion that appears to have at one point been a pond of some sort to the north that has since been drained.

- That area probably has a high amount of disturbance. However, our office recommends an archaeological survey for the rest of the project area prior to any ground disturbing activities. If there are any questions, inquiries, or concerns, feel free to contact the Delaware State Historic Preservation Office for assistance at 302-736-7400.

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

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 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 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 Yacht Basin Road must be constructed so fire department apparatus may negotiate it.

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

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

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

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

Gas Piping and System Information:

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

Required Notes:

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

- Proposed Use

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

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

- National Fire Protection Association (NFPA) Construction Type

- Maximum Height of Buildings (including number of stories)

- Note indicating if building is to be sprinklered

- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

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

Potential Public Health and Safety Hazards Related to Sea Level Rise and Floodplains
Twenty-four lots, an independent living facility, and internal roadways are proposed within the 100-year (1% annual chance) floodplain, designated as Special Flood Hazard Area zone AE, and the only entrance to the development also lies within this floodplain. These lots already have a history of flooding, as confirmed by 2002 aerial imagery. Additionally, lots near the current floodplain are vulnerable to intermittent or routine flooding episodes due to the combined effects of climate driven sea level rise and heavy precipitation events.

These same 24 lots and structures are also vulnerable to permanent inundation from sea level rise. By 2050, mean sea levels are projected to rise by 0.7 – 1.9 feet; by end of century sea levels are projected to increase by 1.7 – 5.0 feet. As mean sea levels rise, the frequency and

severity of tidal flooding events is expected to increase, and permanent inundation is projected to occur.

Locating primary access routes and permanent structures in this vulnerable area may put property, infrastructure, and lives at risk. Likewise, there is no guarantee of public funding for future repairs or drainage projects.

DNREC reviewers encourage consideration of the following to mitigate the flood concerns:

- Locate the independent living facility, all houses, lots, and roadways outside of the floodplain and eliminate lots 7-19, 22-27, and 34-38.

- Relocate the entrance to the development to the eastern side of the site, potentially with access along Cedar Neck Road. DNREC reviewers discourage placement of roadways within floodplain areas, as roadways are essential for first responders in the event of an emergency and could become impassable during flood events. These events are anticipated to intensify over time due to impacts from climate change.

- Ensure unimpeded access to and from the independent living facility, especially in the event of an evacuation.

- DNREC reviewers recommend that hydrologic and hydraulic engineering analyses are conducted for this site. These studies will determine base flood elevations and floodway delineations.

Sea Level Rise Contact: DNREC Climate and Sustainability Section at (302) 735-3480. Website: https://dnrec.delaware.gov/coastal-programs/planning-training/adapting-to-sea-level-rise/

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

Limit of Moderate Wave Action
The proposed independent living facility lies approximately 60 feet landward of the Limit of Moderate Wave Action line. This facility and associated permanent infrastructure may be subject to enhanced coastal hazards, due to high velocity wave action from storms.

Sixty feet west of the proposed independent living facility, the property is seaward of the Limit of Moderate Wave Action line and is considered to be a coastal high-hazard area and is designated on FIRM maps as flood insurance risk Zone VE.

- Consider relocating the independent living facility further away from areas vulnerable to high velocity wave action and storm surges. If this is not possible, build to Zone VE construction standards within this area.

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

Dredge Spoils Area On-Site
The proposed independent living facility is located on top of a dredge spoils disposal area that was used to support dredging activities within White Creek. The dredge spoils were deposited just east of the tidal wetlands on this property. Aerial imagery from 2002 and 2007 confirms this use. White Creek supports local recreational boating and may need future dredging.

- It is recommended to investigate the physical and engineering properties of the dredge material on-site. As mentioned above, locate the independent living facility, all houses, lots, and roadways outside of the floodplain and away from areas vulnerable to high velocity wave action.

- If this property becomes developed, there may be a need to identify an alternative site for dredge deposits.

Tidal Wetlands within Delaware Ecological Network and Key Wildlife Habitat
The wetland on the western portion of this site occurs 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. The wetlands on this property are also mapped as a Key Wildlife Habitat in the Delaware Wildlife Action Plan because they are part of a large wetland complex that can support an array of plant and animal species across the landscape.

There is potential for low marsh habitat to exist in the wetland area of this parcel. Several state-rare species, particularly birds, nest in low marsh habitats.

- As proposed, avoid disturbance within these habitats to maintain the naturally occurring landscape and connectivity of priority wildlife habitats.

- 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.

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

Removal of Forest
The preliminary plan proposes the elimination of approximately 9 of 14 acres of forest on the site. Forests filter water for improved water quality, provide habitat for wildlife, absorb nutrients, infiltrate stormwater, moderate temperatures, and store atmospheric carbon which would otherwise contribute to climate change.

- Removing forested areas for development should be avoided to the greatest extent possible.
- In general, contiguous forest and connected areas of natural habitat are more beneficial to wildlife, allowing for safer movement from one area to another while reducing roadway mortality.
- To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, it is recommended that tree clearing not occur from April 1st to July 31st.

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

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

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

- Do not disturb forested wetlands. Increase the upland buffers to 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.

- Any drainage/utility easement should not possess structures such as decks, buildings, sheds, kennels, or fences within the drainage easement to allow for future drainage maintenance. Trees and shrubs planted within a drainage/utility easement should be spaced to allow for drainage maintenance at maturity.

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

- 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. 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/

Air Quality – Design to Minimize Mobile Source Emissions
Mobile sources include a variety of motor vehicles and mobile equipment that generate air emissions, such as ozone, particle pollution, and air toxics. The DNREC Mobile Sources Control Program reduces motor vehicle-related pollution from both on-road vehicles and non-road vehicles.

- This site lies within Sussex County. Ambient air quality in this area may not meet Federal Air Quality Standards.
- Consider designing the project for low maintenance green spaces. Designing green spaces to be less dependent on gas-powered lawn and garden equipment has the potential to minimize emissions associated with the on-going maintenance of this site.

Contact: DNREC Division of Air Quality's Mobile Sources Program at (302) 739-9402.
Website: https://dnrec.delaware.gov/air/mobile-sources/

Sustainable Practices

- To improve public safety and the wellbeing of future residents, follow all recommendations above regarding flooding, sea level rise, and high velocity waves.
- Offer the option to install solar or geothermal systems for each home. This allows a purchaser to incorporate the cost into their mortgage, making it more affordable. For community facilities, consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities (https://dnrec.delaware.gov/climate-coastal-energy/renewable/assistance/).

- Consider installing electric vehicle charging stations for employees at the independent living facility. 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/).

- Consider planting select areas with native trees. Native trees improve air, water, and soil quality. Planting and nurturing trees is also a nature-based solution to reducing the greenhouse gases that drive climate change. In addition, native trees have an increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change.

- Consider planting select areas with meadow comprised of native species. Native plants are well-suited to our climate and require limited maintenance. Mowing in these areas should not occur between April 1st to July 31st to reduce impacts to nesting birds and other wildlife species that utilize meadows and grasslands for breeding habitat.

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

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

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

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

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

Population

- The county has a population density of 265.60 per square mile based on the US 2020 Census report; an increase from 2010 at 208.90 persons per square mile. The specific census block(s) the project is located on has a total population of 105 though, with

development, this will undoubtedly change. The 8 adjacent blocks aggregated bring the area to a total population of 539.

FEMA National Risk Index

- The FEMA National Risk Index is an online mapping application that identifies communities most at risk to 18 natural hazards: Avalanche, Coastal Flooding, Cold Wave, Drought, Earthquake, Hal, Heat Wave, Hurricane, Ice Storm, Landslide, Lightning, Riverine Flooding, Strong Wind, Tornado, Tsunami, Volcanic Activity, Wildfire, and Winter Weather. The FEMA National Risk Index is calculated by multiplying the Expected Annual Loss times the Social Vulnerability and dividing that by the Community Resilience.



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

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

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

Renewable Energy Commitment

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

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

vehicles in garages/parking lots, green roofs or solar panels where applicable and allowable, and the like.

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

- DSHA reviewed the proposal to construct 120 independent living buildings and 28 single family condo homes on 30.701 acres on the south side of Yacht Basin Road and West of Cedar Neck Road. This is a residential project with ownership at the market rate.

- 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, and supportive infrastructure, which leads to the capacity to support diverse and affordable housing types. Link to Interactive Map.

- DSHA encourages the addition of bike paths to ensure the residents have easy access to its surrounding amenities.

- Yacht Basin 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. DSHA recommends removing the age restriction so more families can benefit from the addition of housing.

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

- The Delaware Forest Service supports the conservation of forested lands and the integration of sustainable building designs that help conserve forested acres on-site. These conserved acres act as natural filters, wildlife corridors, and provide a range of ecological benefits. Forests, regardless of their size or shape, offer invaluable contributions to the environment. It's essential to prioritize the conservation of these areas to maintain their critical role in protecting our ecosystems.

  DDA recommends not removing and taking steps to ensure forest loss does not occur. If any additional information or support is needed the Delaware Forest Service and it's five core programs are available.

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.

Fire Department Comments:

- The volunteer fire department is obligated to provide Fire and EMS service to this property. In addition**,** new developments in their Fire and EMS district have put a financial strain on their volunteer fire service. As their call volume increases yearly due to the unprecedented growth within the service area, current funding does not keep up with development within the district. State, County, and Local funding does not keep up with the growth of the fire district, so the developer and future residents need to help financially support the Volunteer Fire Department. Future residents need to consider joining the fire department to serve their new community.

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

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

Sussex County
DELAWARE
sussexcountyde.gov

Preliminary Land Use Service (PLUS) Meeting
July 30, 2025
July PLUS Comments
Sussex County Department of Planning & Zoning

Review and Discussion: Yacht Basin Independent Living (2025-07-05)
County: Sussex County
Municipality: Unincorporated
Location: South side of Yacht Basin Road approximately (500) feet west of Cedar Neck Road (S.C.R. 357)
Project: Review of a proposed Independent Living Facility on eight parcels comprised of a total of approximately (30.7) +/- 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): 134-9.00-59.00, 59.11, 71.00, 1105.00, 1108.00, 1109.00, 1110.00, 1111.00

Proposed: The Plan proposes an Independent Living Facility comprised of a (50,000) square foot structure containing (120) units and (38) single family detached condominium units for a total of (158) independent living units, parking, sidewalks, internal roads, and stormwater management on eight (8) parcels comprised of a total of (≈30.7) acres.

Zoning: The Parcels are currently zoned General Residential (GR) District. The Proposed independent living facility is a not a by-right use in the (GR) District and Code requires Conditional Use approval for *Nursing And Similar Care Facilities* and/or *Multifamily* (condominium) uses. Staff note that the submitted PLUS application response is in error regarding the Conditional Use approval which would be required to permit this type of use on the Parcels.

Staff note that the (38) proposed multifamily condominium units do not meet the required (40) foot separation distance required between units required by Code (§115-188(E)(2)).

Density: The proposed (≈1.2) DU/AC for the multifamily portion of the Plan is a permitted density in the (GR) Zoning District which permits up to (12) DU/AC for multifamily uses when permitted via Conditional Use approval and adopted via an Ordinance approved by Sussex County Council.

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: The PLUS Application indicates that the Plan proposes (≈23.39) acres of open space.

Interconnectivity: The Plan does not include connectivity with adjacent parcels but appears to include stubs for potential future interconnection to adjacent parcels at two points in the southeast corner of the site adjacent to proposed multifamily Units #s 15, 16, and 21.

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 (14.138) acres of existing forest on the Parcels with an estimated (8.856) acres proposed to be removed. Therefore, the site is retaining (5.28) acres of forested area, representing ≈17% of the overall site. Staff appreciate efforts to conserve as many mature trees as possible on project sites. Staff note the Plan proposes a (30) foot forested/landscaped buffer adjacent to the portion of the site where multifamily improvements (single-family detached condominiums) are proposed. The Plan also proposes an additional (20) foot buffer for this multifamily portion with exception to the area south of proposed multifamily condominium units #16 through #21. This area represents the portion of the Plan where condominiums are proposed in the closest proximity to existing residential lots (TM#s 134-9.00-59.06 through 59.10). Staff note that a portion of proposed buffers are labeled as "Subdivision Buffer" (adjacent to the stub north of proposed Unit #21) but the Application nor the Plan appear to propose any subdivision of existing lots. Please ensure any all Plans submitted with any application clearly distinguish areas of existing forest retention versus areas to be planted.

Wetlands/Waterways: The Application indicates the presence of (7.9) acres of tidal wetlands and (3.7) acres of non-tidal wetlands on the site. Staff note that the Plan proposes a (100) foot Tidal Wetland buffer and a (30) foot non-tidal wetland buffer for the wetland resources on the site.

Site Considerations (Flood Zones, Tax Ditches, Groundwater Recharge Potential etc.): Staff note that the subject Parcels are located within an area of "Fair" groundwater recharge and in Flood Zone "AE" – Areas determined to be within the 1% annual chance flood and considered to be a high-risk area for potential flooding. Staff note that there are no Wellhead Protection Areas or Tax Ditches present on the site. Staff have safety concerns regarding the proposed residential and Independent Living uses at this site only a single manner of ingress/egress as the Plan is within the AE Flood zone and in relative close proximity to Tidal Wetlands as well as the large inlet on the southern side of Indian River Bay.

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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
July 30, 2025

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: Rezoning Webb/Thangavelu Parcel (2025-07-06)**
County: Kent **Municipality:** Unincorporated
Location: S. DuPont Hwy, Harrington, DE
Project: Review of a proposed rezoning 15.5 acres classified as State Strategies Level 4, currently zoned AR (Agricultural Residential) to BG (General Business) for a future self-storage facility and further development.

III. 9:15 AM **Review and Discussion: Baratt's Landing Subdivision (2025-07-04)**
County: Kent **Municipality:** Unincorporated
Location: Barratt's Chapel Road, Frederica, DE
Project: Review of a proposed 245 single-family residential subdivision on 88 acres currently used for farm fields and classified as State Strategies Level 3, 4 and Out of Play.

IV. 9:45 AM **Review and Discussion: Whitewood Village II (2025-07-02)**
County: New Castle **Municipality:** Unincorporated
Location: 199 Reybold Road, Newark, DE 19702
Project: Review of a proposed residential subdivision for the purpose of developing 16 additional entry level attached single-family units in Whitewood Village. The 4.5 acres site is classified as State Strategies Levels 1 and 2.

V. 10:15 AM **Review and Discussion: Project Diamond-Middletown (2025-07-03)**
County: New Castle **Municipality:** Middletown
Location: Located within the Middletown Auto Park, 345 Auto Park Drive
Project: Review of a proposed site plan for 113,400 sq.ft. warehouse and distribution center and is classified as State Strategies Level 1.

VI. 10:45 AM **Review and Discussion: Yacht Basin Independent Living (2025-07-05)**
County: Sussex **Municipality:** Unincorporated
Location: South side of Yacht Basin Road, west of Cedar Neck Road.
Project: Review of a proposed residential mixed use site plan consisting of 120 independent living units and 38 single-family condos on 30.7 acres. The site is classified as State Strategies Levels 3 and 4.

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. 11:15 AM **Review and Discussion: Charles D. Pollard Rezoning (2025-06-04)**
County: Sussex **Municipality:** Unincorporated
Location: South side of Plantation Road (SR 275), 50 feet west of Cedar Grove Road and Postal Lane.
Project: Review of a proposed rezoning for a 4.9 acre parcel currently zoned MR, with a request to rezone to B-2. The concept plan includes 28,000 square feet of office space and 20,000 square feet of retail space. The site is located in a State Strategies Level 2 area.

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.

VIII. 11:30 AM **Review and Discussion: Cart Branch Hollow (2025-07-01)**
County: Sussex **Municipality:** Greenwood
Location: East of Addix Ave. and south of Maryland Ave.
Project: Review of a proposed rezoning and site plan for a 52-unit multifamily neighborhood featuring garden style apartment dwellings. The 7.9-acre site, currently vacant, is zoned R-1 (Single-Family Residential District) with a proposed rezoning to R-3 (Garden Apartment and Townhouse District) and is classified as State Strategies Level 2. (Previous PLUS ID 2025-01-04).

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.

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.