

**APA 2005 National Planning Conference
Session S416: Connecting State Policy and Local Decisions
March 20, from 10:30 AM to 11:45 AM**

List of Handouts

- **SB65 – Legislation creating the Preliminary Land Use Service (PLUS)**
- **PLUS Checklist**
- **Sample PLUS Review**
 - ❖ **PLUS Application**
 - ❖ **Site Plan and GIS Maps**
 - ❖ **State response to Developer**
 - ❖ **Developer response to PLUS letter**
 - ❖ **Correspondence to Local Jurisdiction**



SPONSOR: Sen. Adams & Rep. Cathcart;
Sens. Bunting, DeLuca, Henry, Sokola,
Venables, Cloutier, Copeland, Simpson,
Still & Sorenson; Reps. Carey, Lofink, Roy,
Smith, Stone, B. Ennis, Hall-Long &
Schwartzkopf

DELAWARE STATE SENATE

142nd GENERAL ASSEMBLY

SENATE BILL NO. 65
AS AMENDED BY
SENATE AMENDMENT NOS. 2 & 3,
HOUSE AMENDMENT NO. 2
AND
SENATE AMENDMENT NO. 4

AN ACT TO AMEND TITLES 9 AND 29 OF THE DELAWARE CODE RELATING TO LAND USE PLANNING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Strike Chapter 92, Title 29 in its entirety and replace it with a new Chapter 92 to read as follows:

“Subchapter I. Findings, Purpose and Definitions

§ 9201. Findings; purpose.

- a) Some land use decisions are far-reaching, complex determinations involving the commitment of finite resources by many levels of government and private investment. Such decisions must be coordinated so as to achieve efficient, effective and timely use of finite resources.
- b) The resource investment, both public and private, in land use decisions is long-term and therefore a process which provides a certain and stable climate for decision-making is necessary to foster rational investment of these resources.
- c) A method of achieving consistency and coordination between the levels of government, and between government and private enterprise, is essential to achieve these goals.

- d) Economic activity should be enhanced by coordinating and simplifying the various state regulatory and review processes required prior to development. It is declared, therefore, that a process for streamlining such processes be established.

§ 9202. Definitions.

For the purpose of this chapter:

- a) ‘Applicant’ means any person who must apply to a local jurisdiction for approval to proceed with a project which requires a local jurisdiction to take a land use planning action.
- b) ‘Comprehensive development plan’ means a municipal or county comprehensive land use plan, master plan or comprehensive plan as provided in Title 9, 22 or 29.
- c) ‘Local land use planning action’ means any action involving: (1) the adoption or amendment of a Comprehensive Development Plan; (2) the zoning or re-zoning of land; (3) the subdivision or partitioning of one parcel of land into two or more parcels of land or the combining of two or more parcels of land into one or more new parcels of land if required by local subdivision review ordinances; or (4) the review or approval of one or more parcels of land for development if required by local site plan review ordinances.
- d) ‘Local jurisdiction’ means the County of New Castle, the County of Kent, the County of Sussex, municipalities within the State or any other political subdivision of the State, or any instrumentality of any political subdivision of the State.
- e) ‘Person’ means any individual, partnership, firm, association, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, local jurisdiction, any interstate body or any other legal entity.
- f) ‘Rezoning’ means any modification of zoning classification of property based upon local zoning codes adopted as provided in Title 9 or 22.
- g) ‘Final Decision’ means any legislative, administrative, or quasi-judicial action that establishes the final determination of a local jurisdiction concerning any land use planning action
- h) ‘Site Plan’ means a plan, to scale, showing uses, structures, and any other improvements for a parcel as required by a local jurisdiction’s land use regulations.
- i) ‘Subdivision’ means the division of land into two or more lots.

Subchapter II Pre-application Reviews

§ 9203. Local land use planning actions subject to review process.

- a) All projects meeting any one of the following criteria shall undergo a pre-application meeting and review process as set forth in this Chapter:
- (1) Major residential subdivisions with internal road networks and more than 50 units, excluding previously recorded residential subdivisions of any size which have not been sunsetted.
 - (2) Any non-residential subdivision involving structures or buildings with a total floor area exceeding 50,000 square feet, excluding any previously approved and recorded non-residential subdivision regardless of floor area size, or any site plan review involving structures or buildings with a total floor area exceeding 50,000 square feet, excluding any previously approved and recorded non-residential site plan review regardless of floor area size.
 - (3) Rezoning, conditional uses, site plan reviews and/or subdivisions, within environmentally sensitive areas, as identified within any local jurisdiction's comprehensive plan as certified under Title 29, §9103.
 - (4) Annexations inconsistent with the local jurisdiction's comprehensive plan as certified under Title 29, §9103.
 - (5) Applications for rezoning if not in compliance with the local jurisdiction's comprehensive plan as certified under Title 29, §9103.
 - (6) Any other project which is required to be referred to the State for pre-application review by local jurisdiction regulations.
 - (7) Any local land use regulation, ordinance or requirement referred to the Office of State Planning Coordination by a local jurisdiction for the purpose of providing the jurisdiction with advisory comments. The land use regulations, ordinances or requirements that are to be referred to the Office of State Planning Coordination may be specified in a jurisdiction's Memorandum of Understanding.
 - (8) County and municipal comprehensive plans as required by Titles 9 and 22 of the Delaware Code.
- b) Any applicant may voluntarily request to participate in the pre-application review process and shall make such requests in writing to the Office of State Planning Coordination.

§ 9204. Pre-Application Review Process

- a) Pre-application reviews shall be conducted and concluded, unless otherwise provided for herein, prior to the formal submission of any document required by the first step under any local jurisdiction's land use review regulation, including, but not limited to, a 'preliminary' or 'sketch' subdivision or site plan, or a written request for

a re-zoning, conditional use, or annexation by an applicant to the local jurisdiction. The applicant may elect to initiate the pre-application review process simultaneously with the formal submission or application to any local jurisdiction with an approved Memorandum of Understanding as provided for in § 9205 (c) of this Act. The applicant is responsible for complying with any and all local regulations and is strongly encouraged to meet with local officials prior to initiating the pre-application review process. The applicant shall be responsible for requesting a pre-application review under this Chapter.

- b) The Office of State Planning Coordination shall develop an application and procedures for review and shall be responsible for scheduling and coordinating all pre-application review meetings. Meeting dates shall be designated for one or more days certain each month and held in accordance with procedures outlined by the Office of State Planning Coordination. Projects shall be heard at a pre-application meeting within 45 calendar days of receipt of a request by the Office of State Planning Coordination. The Office of State Planning Coordination shall give public notice of all pre-application review meetings by following the requirements of §10004(e) of this Title.
- c) Within 20 business days following the date of the pre-application meeting with the applicant, the Office of State Planning Coordination shall furnish to the applicant and the local jurisdiction a written compilation of all comments received at the meeting. Failure of Office of State Planning Coordination to meet the 20 business day requirement will result in the State forfeiting the opportunity to comment on the local land use planning action. The length of review may be extended by mutual consent of the Office of State Planning Coordination and the applicant. The local jurisdiction shall be notified immediately of any mutually acceptable delays.
- d) Following the pre-application review process 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.

§ 9205. State agency authorities, roles and responsibilities.

- a) All state agencies shall participate in the preapplication review process if requested by the Office of State Planning Coordination and shall provide such assistance and advice as requested by the Office of State Planning Coordination.

- b) In special circumstances, the Office of State Planning Coordination may waive the pre-application requirements of this Chapter. Where such waiver is granted, the Office of State Planning Coordination shall provide a written explanation of the causes for the waiver to the relevant local jurisdiction and the applicant. These circumstances may include, but are not limited to, local governments that impose a more stringent review of projects enumerated in §9203(a) than required by this Chapter, or for projects which will provide an extraordinary benefit to the State and the local jurisdiction through economic development, job creation, educational opportunities, public services or facilities, agricultural preservation, or protection and enhancement of the natural environment.
- c) In order to more effectively coordinate with the local land-use process, the Office of State Planning Coordination shall, through a Memorandum of Understanding agreed to by both parties, exempt the local jurisdiction from the provisions of this Act or modify the pre-application review process specified herein when the local jurisdiction has a Certified Comprehensive Plan and imposes a more stringent review of projects enumerated in § 9203 (a) than required by this Chapter.
- d) The Office of State Planning Coordination shall coordinate, where possible, the other state review processes including but not limited to the transportation agreements specified in Title 9, and other state land use review and permitting processes.

§ 9206. Local jurisdiction authorities, roles and responsibilities

- a) Nothing in this subchapter shall be construed to deny local jurisdictions their final decision-making authority over proposed local land use planning actions.
- b) The local jurisdiction shall, in accordance with this chapter, make its final decision and notify the Office of State Planning Coordination of such decision as soon as possible.

Section 2. Amend Title 29, Delaware Code by striking § 10307 in its entirety.

Section 3. Amend Title 9, Chapter 26, Subchapter II, of the Delaware Code by striking the phrase “Cabinet Committee on State Planning Issues” wherever it appears and substituting in lieu thereof the phrase “Governor’s Advisory Council on Planning Coordination”.

Section 4. Amend Title 9, §2657 (b), of the Delaware Code by deleting said subsection in its entirety and substituting a new § 2657 (b) to read as follows:

“(b) The State, through the Office of State Planning Coordination, shall provide to the County, for use in the comprehensive planning process, State land use and development goals and policies, state regulatory

requirements, estimates of future state financial capabilities, the State Capital Improvements Budget and Plan, State facility location plans, estimates of existing quantity of natural resources, economic development strategies and any other information which might reasonably influence the county's future land use decisions. The State shall provide the County with long-range plans, performance standards, land development polices, facility siting criteria and infrastructure impact assessment standards (necessary to ensure the availability of public facilities and the adequacy of those facilities), so as to enable the county to prepare the plan elements required by §2656 of this title and to clearly set forth the criteria the State will use to review such elements. The Governor's Advisory Council on Planning Coordination's review shall be pursuant to §9103 of Title 29. During preparation of the county comprehensive plan, the county and the State shall jointly establish guidelines for the location and arrangement of public facilities, such as public schools, health care facilities, public safety and correctional institutions, libraries and other public buildings. Such guidelines shall be used to coordinate between the various levels of government so as to ensure that public buildings and facilities are located in a manner which are consistent with State and county development goals. ”

Section 5. Amend Title 9, § 2658 (c) by deleting the phrase “Cabinet Committee and its Advisory Panel” and substituting therefore the phrase “Governor's Advisory Council on Planning Coordination”.

Section 6. Amend Title 9, § 2658 (f) of the Delaware Code by deleting it in its entirety.

Section 7. Amend Title 9, § 2660 (d), of the Delaware Code by striking the phrase “Cabinet Committee on State Planning Issues for review pursuant to § 9211 of Title 29.” substituting in lieu of the following: “Governor's Advisory Council on Planning Coordination for review and certification pursuant to § 9103 of Title 29.”

Section 8. Amend Title 9, Chapter 49, Subchapter II of the Delaware code by striking the phrase “Cabinet Committee on State Planning Issues” wherever it appears and substituting in lieu thereof the phrase “Governor's Advisory Council on Planning Coordination”.

Section 9. Amend Title 9, §4957 (b), of the Delaware Code by deleting said subsection in its entirety and substituting a new § 4957 (b) to read as follows:

“(b) The State, through the Office of State Planning Coordination, shall provide to the County, for use in the comprehensive planning process, State land use and development goals and policies, state regulatory requirements, estimates of future state financial capabilities, the State Capital Improvements Budget and Plan, State facility location plans, estimates of existing quantity of natural resources, economic development strategies

and any other information which might reasonably influence the county's future land use decisions. The State shall provide the County with long-range plans, performance standards, land development polices, facility siting criteria and infrastructure impact assessment standards (necessary to ensure the availability of public facilities and the adequacy of those facilities), so as to enable the county to prepare the plan elements required by §4956 of this title and to clearly set forth the criteria the State will use to review such elements. The Governor's Advisory Council on Planning Coordination's review shall be pursuant to §9103 of Title 29. During preparation of the county comprehensive plan, the county and the State shall jointly establish guidelines for the location and arrangement of public facilities, such as public schools, health care facilities, public safety and correctional institutions, libraries and other public buildings. Such guidelines shall be used to coordinate between the various levels of government so as to ensure that public buildings and facilities are located in a manner which are consistent with State and county development goals."

Section 10. Amend Title 9, § 4958 (c) by deleting the phrase "Cabinet Committee and its Advisory Panel" and substituting therefore the phrase "Governor's Advisory Council on Planning Coordination".

Section 11. Amend Title 9, § 4958(f), of the Delaware Code by deleting it in its entirety.

Section 12. Amend Title 9, § 4960 (d), of the Delaware Code by striking the phrase "Cabinet Committee on State Planning Issues for review pursuant to § 9211 of Title 29." substituting in lieu of the following: "Governor's Advisory Council on Planning Coordination for review and certification pursuant to § 9103 of Title 29."

Section 13. Amend Title 9, Chapter 69, Subchapter II, of the Delaware Code by striking the phrase "Cabinet Committee on State Planning Issues" wherever it appears and substituting in lieu thereof the phrase "Governor's Advisory Council on Planning Coordination".

Section 14. Amend Title 9, §6957 (b), of the Delaware Code by deleting said subsection in its entirety and substituting a new § 6957 (b) to read as follows:

"(b) The State, through the Office of State Planning Coordination, shall provide to the County, for use in the comprehensive planning process, State land use and development goals and policies, state regulatory requirements, estimates of future state financial capabilities, the State Capital Improvements Budget and Plan, State facility location plans, estimates of existing quantity of natural resources, economic development strategies and any other information which might reasonably influence the county's future land use decisions. The State shall provide the County with long-range plans, performance standards, land development polices, facility siting

criteria and infrastructure impact assessment standards (necessary to ensure the availability of public facilities and the adequacy of those facilities), so as to enable the county to prepare the plan elements required by §6956 of this title and to clearly set forth the criteria the State will use to review such elements. The Governor's Advisory Council on Planning Coordination's review shall be pursuant to §9103 of Title 29. During preparation of the county comprehensive plan, the county and the State shall jointly establish guidelines for the location and arrangement of public facilities, such as public schools, health care facilities, public safety and correctional institutions, libraries and other public buildings. Such guidelines shall be used to coordinate between the various levels of government so as to ensure that public buildings and facilities are located in a manner which are consistent with State and county development goals. ”

Section 15. Amend Title 9, § 6958 (c) by deleting the phrase “Cabinet Committee and its Advisory Panel” and substituting therefore the phrase “Governor's Advisory Council on Planning Coordination”.

Section 16. Amend Title 9, § 6958(f), of the Delaware Code by deleting it in its entirety.

Section 17. Amend Title 9, § 6960 (d), of the Delaware Code by striking the phrase “Cabinet Committee on State Planning Issues for review pursuant to § 9211 of Title 29.”, and substituting in lieu of the following: “Governor's Advisory Council on Planning Coordination for review and certification pursuant to § 9103 of Title 29.”

Section 18. Amend Title 29, § 9103 (b) by striking the phrase “9211” and substituting in lieu thereof the phrase “9203” and by striking the phrase “9218” and substituting in lieu thereof the phrase “9204 (d)”.

Section 19. Amend Title 29 § 9103 (c) by striking the phrase “9218” and substituting in lieu thereof the phrase “9204”.

Section 20. Amend Title 9 §6803 (a) by striking it in its entirety and substituting in lieu thereof a new §6803 (a) to read as follows:

“(a) The Commission shall consist of 7 members as follows:

- (1) Two nonvoting, ex officio members, the County Engineer and a member of the county government, and
- (2) Five voting members all of whom shall be appointed by the county government.”

Section 21. This act shall take effect six (6) months from the date of enactment.

Office of State Planning Coordination Preliminary Land Use Services (PLUS) Checklist

Step 1: Property Owner/Developer contacts local jurisdiction regarding development

Step 2: Local jurisdiction reviews Certified Comprehensive Plan for consistency

- *If the development request is inconsistent with the Certified Plan then the development cannot proceed.*

Step 3: Local jurisdiction reviews Memorandum of Understanding (if applicable) and/or checklist to determine if development is required to be reviewed through PLUS process.

- The following actions are subject to the review process unless otherwise specified in the MOU:
 - (9) Major residential subdivisions with internal road networks and more than 50 units, excluding previously recorded residential subdivisions of any size which have not been sunsetted.
 - (10) Any non-residential subdivision involving structures or buildings with a total floor area exceeding 50,000 square feet, excluding any previously approved and recorded non-residential subdivision regardless of floor area size, or any site plan review involving structures or buildings with a total floor area exceeding 50,000 square feet, excluding any previously approved and recorded non-residential site plan review regardless of floor area size.
 - (11) Rezoning, conditional uses, site plan reviews and/or subdivisions, within environmentally sensitive areas, as identified within any local jurisdiction's comprehensive plan as certified under Title 29, §9103.
 - (12) Annexations inconsistent with the local jurisdiction's comprehensive plan as certified under Title 29, §9103.
 - (13) Applications for rezoning if not in compliance with the local jurisdiction's comprehensive plan as certified under Title 29, §9103.
 - (14) Any other project which is required to be referred to the State for pre-application review by local jurisdiction regulations.
 - (15) Any local land use regulation, ordinance or requirement referred to the Office of State Planning Coordination by a local jurisdiction for the purpose of providing the jurisdiction with advisory comments. The land use regulations, ordinances or requirements that are to be referred to the

Office of State Planning Coordination may be specified in a jurisdiction's Memorandum of Understanding.

(16) County and municipal comprehensive plans as required by Titles 9 and 22 of the Delaware Code.

(17) Any applicant which volunteers to participate in the pre-application review process and shall make such requests in writing to the Office of State Planning Coordination

Step 3: Applicant applies to The Office of State Planning for a PLUS meeting

- Information received by the first of each month will be placed on that month's agenda. The PLUS meetings are scheduled for the fourth Wednesday of each month.
- Comments are sent to the developer with a copy to the local government within 20 days of the date of the PLUS meeting. This letter will include any comments received from State Agencies.

Step 4: Applicant applies to Local jurisdiction for approval.

- The application should include a letter from the owner/developer stating how they address any State concerns.
- Town should send the Office of State Planning a copy of the application, including the letter regarding any issues. The Town will be notified if the applicant has had any further discussions to resolve issues related to the original PLUS response letter.

Step 5: Local Action on the Development

Step 6: Notification of the State

- Once the application is approved or denied, the Town should notify the Office of State Planning so that our records may be updated.

PLUS Tips and Guidelines:

- 1) The developer should begin the process early enough to meet with State agencies, receive comments and resolve issues relating to the comments.
- 2) Local government staff should attend the PLUS meeting to be part of the discussion regarding the project.

Preliminary land Use Service (PLUS)

Delaware State Planning Coordination

540 S. DuPont Highway • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-6958

Please complete this "PLUS application in its entirety. **All questions must be answered. If a question is unknown at this time or not applicable, please explain.** Unanswered questions on this form could lead to delays in scheduling your review. This form will enable the state staff to review the project before the scheduled meeting and to have beneficial information available for the applicant and/or developer at the time of review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090. Possible resources for completing the required information are as follows:

www.state.de.us/planning
www.dnrec.state.de.us/dnrec2000/
www.dnrec.state.de.us/DNRECeis/
datamil.udel.edu/
www.state.de.us/deptagri/

1. Project Title/Name:

2. Location:

3. Parcel Identification #:

4. County or Local Jurisdiction Name:

5. Owner's Name:

Address:

City:

State:

Zip:

Phone:

Fax:

Email:

6. Applicant's Name:

Address:

City:

State:

Zip:

Phone:

Fax:

Email:

7. Engineer/Surveyor Name:

Address:

City:

State:

Zip:

Phone:

Fax:

Email:

8. **Please Designate a Contact Person, including phone number, for this Project:**

Information Regarding Site:	
9. Area of Project(Acres +/-):	
10. According to the State Strategies Map, in what Investment Strategy Level is the project located? <input type="checkbox"/> Community <input type="checkbox"/> Developing <input type="checkbox"/> Environmentally Sensitive <input type="checkbox"/> Secondary Developing <input type="checkbox"/> Rural	
11. If this property has been the subject of a previous LUPA or PLUS review, please provide the name(s) and date(s) of those applications."	
12. Present Zoning:	13. Proposed Zoning:
14. Present Use:	15. Proposed Use:
16. If known, please list the historical and former uses of the property , and any known use of chemicals or hazardous substances:	
17. Comprehensive Plan recommendation: If in the County, which area, according to their comprehensive plan, is the project located in: New Castle <input type="checkbox"/> Kent <input type="checkbox"/> Sussex <input type="checkbox"/> Suburban <input type="checkbox"/> Inside growth zone <input type="checkbox"/> Town Center <input type="checkbox"/> Suburban reserve <input type="checkbox"/> Outside growth zone <input type="checkbox"/> Developing <input type="checkbox"/> Other <input type="checkbox"/> Environ. Sensitive Dev. District <input type="checkbox"/> Low Density <input type="checkbox"/>	
18. Water: <input type="checkbox"/> Central (Community system) <input type="checkbox"/> Individual On-Site <input type="checkbox"/> Public (Utility) Service Provider Name: What is the estimated water demand for this project? How will this demand be met?	
19. Wastewater: <input type="checkbox"/> Central (Community system) <input type="checkbox"/> Individual On-Site <input type="checkbox"/> Public (Utility) Service Provider Name:	
20. If a site plan please indicate gross floor area:	
21. If a subdivision: <input type="checkbox"/> Commercial <input type="checkbox"/> Residential <input type="checkbox"/> Mixed Use	
22. If residential, indicated the number of number of Lots/units: Gross Density of Project: Net Density	
Gross density should include wetlands and net density should exclude wetlands, roads, easements, etc..	

23. If residential, please indicate the following:
 Number of renter-occupied units:
 Number of owner-occupied units:

Target Population (check all that apply):
 Renter-occupied units
 Family
 Active Adult (check only if entire project is restricted to persons over 55)
 Owner-occupied units
 First-time homebuyer – if checked, how many units
 Move-up buyer – if checked, how many units
 Second home buyer – if checked, how many units
 Active Adult (Check only if entire project is restricted to persons over 55)

24. Present Use: % of Impervious Surfaces: _____ Proposed Use: % of Impervious Surfaces: _____
 Square Feet: _____ Square Feet: _____

25. What are the environmental impacts this project will have?

How much forest land is presently on-site? _____ How much forest land will be removed? _____

Are there known rare, threatened, or endangered species on-site? Yes No

Is the site in a sourcewater (for example, an excellent groundwater recharge) protection area? Yes No

Does it have the potential to impact a sourcewater protection area? Yes No

26. Is any portion of construction located in a Special Flood Hazard Area as defined by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM)? Yes No

Will this project contribute more rainwater runoff to flood hazard areas than prior to development? Yes No If "Yes," please include this information on the site map.

27. Are there any wetlands, as defined by the U.S. Army Corps of Engineers or the Department of Natural Resources and Environmental Control, on the site? Yes No

Are the wetlands: Tidal Acres
 Non-tidal Acres

If "Yes", have the wetlands been delineated? Yes No

Has the Army Corp of Engineers signed off on the delineation? Yes No

Will the wetlands be directly impacted and/or do you anticipate the need for wetland permits? Yes No If "Yes", describe the impacts:

Will there be ground disturbance within 100 feet of wetlands Yes No

28. Are there streams, lakes, or other natural water bodies on the site? Yes No

If the water body is a stream, is it: Perennial (permanent) Intermittent Ephemeral (Seasonal)

If "Yes", have the water bodies been identified? Yes No

Will there be ground disturbance within 100 feet of the water bodies Yes No If "Yes", please describe :

<p>29. Does this activity encroach on or impact any tax ditch, public ditch, or private ditch (ditch that directs water off-site)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, please list name:</p>
<p>30. List the proposed method(s) of stormwater management for the site:</p> <p>Define the anticipated outlet location(s) for stormwater generated by the site (for example, perennial stream, tax ditch, roadside swale, storm drain system, infiltration, etc.):</p> <p>Will development of the proposed site create or worsen flooding upstream or downstream of the site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>31. Is open space proposed? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes," how much? Acres Square Feet</p> <p>What is the intended use of the open space (for example, active recreation, passive recreation, stormwater management, wildlife habitat, historical or archeological protection)?</p> <p>Where is the open space located?</p> <p>Are you considering dedicating any land for community use (e.g., police, fire, school)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>32. Does it border existing natural habitat or preserved (for example, an agricultural preservation district or protected State Resource Area) land? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes," what are they?</p>
<p>33. Is any developer funding for infrastructure improvement anticipated? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes," what are they?</p>
<p>34. Are any environmental mitigation measures included or anticipated with this project? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 40px;">Acres on-site that will be permanently protected</p> <p style="margin-left: 40px;">Acres on-site that will be restored</p> <p style="margin-left: 40px;">Acres of required wetland mitigation</p> <p style="margin-left: 40px;">Stormwater, erosion and sediment control, and construction best management practices (BMPs) that will be employed</p> <p style="margin-left: 40px;">Buffers from wetlands, streams, lakes, and other natural water bodies</p>
<p>35. Has any consideration been given to nuisance species (for example, mosquitoes or Canada geese)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>36. Will this project generate additional traffic? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>How many vehicle trips will this project generate on an average weekday? A trip is a vehicle entering or exiting. If traffic is seasonal, assume the peak season</p> <p>What percentage of those trips will be trucks, excluding vans and pick-up trucks?</p>
<p>37. If the project will connect to public roads, please specify the number and location of those connections. Please describe those roads in terms of number of lanes, width (in feet) of the lanes and any shoulders.</p>

38. Is any of the project's road frontage subject to the Corridor Capacity Preservation Program? Yes No

39. Please list any locations where this project physically could be connected to existing or future development on adjacent lands and indicate your willingness to discuss making these connections.

40. Are there existing or proposed sidewalks? Yes No; bike paths Yes No

Is there an opportunity to connect to a larger bike/pedestrian network? Yes No

41. Is this site in the vicinity of any known historic/cultural resources or sites Yes No

Has this site been evaluated for historic and/or cultural resources? Yes No

Will this project affect, physically or visually, any historic or cultural resources? Yes No

If "Yes," please indicate what will be affected (Check all that apply)

- Buildings/Structures (house, barn, bridge, etc.)
- Sites (archaeological)
- Cemetery

Would you be open to a site evaluation by the State Historic Preservation Office? Yes No

42. Are any federal permits, licensing, or funding anticipated? Yes No

43. Will this project generate any solid waste or require any special permits within State agencies to the best of your knowledge?
 Yes No
 If yes, please List them:

44. Please make note of the time-line for this project:

I hereby certify that the information on this application is complete, true and correct, to the best of my knowledge.

 Signature of property owner or contract buyer

 Date

 Signature of Person completing form
 (If different than property owner)

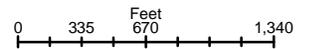
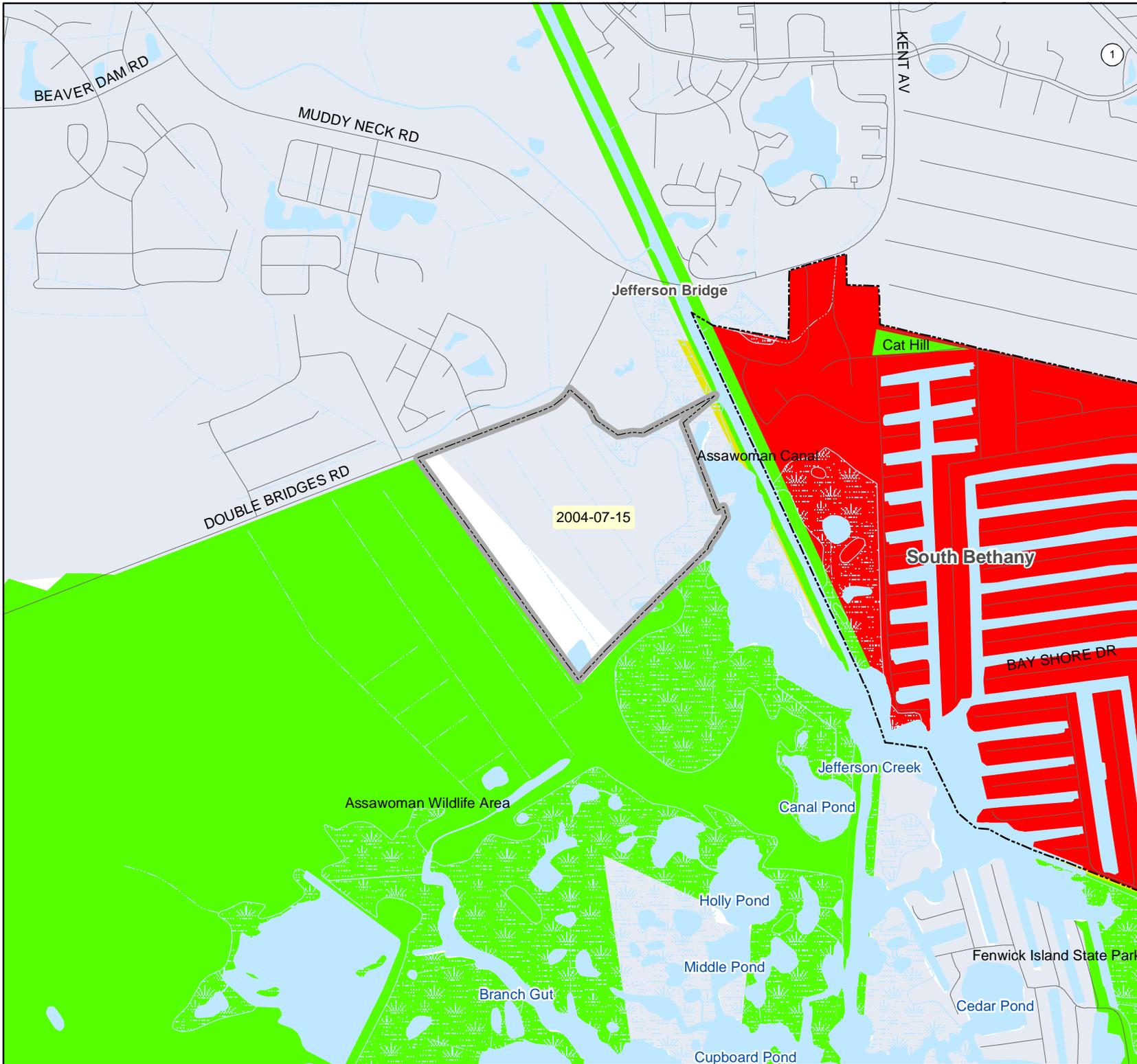
 Date

This form should be returned to the Office of State Planning electronically at Dorothy.morris@state.de.us along with an electronic copy of any site plans and development plans for this site. Site Plans, drawings, and location maps should be submitted as image files (JPEG, GIF, TIF, etc.) or as PDF files. GIS data sets and CAD drawings may also be submitted. A signed copy should be forwarded to the Office of State Planning, 540 S. DuPont Highway, Ste. 7, Dover, DE 19901. Thank you for this input. Your request will be researched thoroughly. **Please be sure to note the contact person** so we may schedule your request in a timely manner.

Preliminary Land Use Service (PLUS)

Muddy Neck
2004-06-15

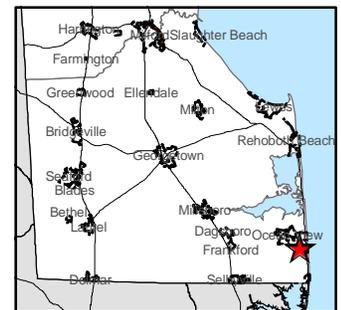
-  Project Area
-  Municipalities
-  Public-Owned
-  Ag District
-  Purchased Dev. Rights
- State Strategy Level**
-  Community
-  Developing Area
-  Secondary
-  Sensitive Rural



1:12,000



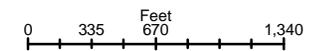
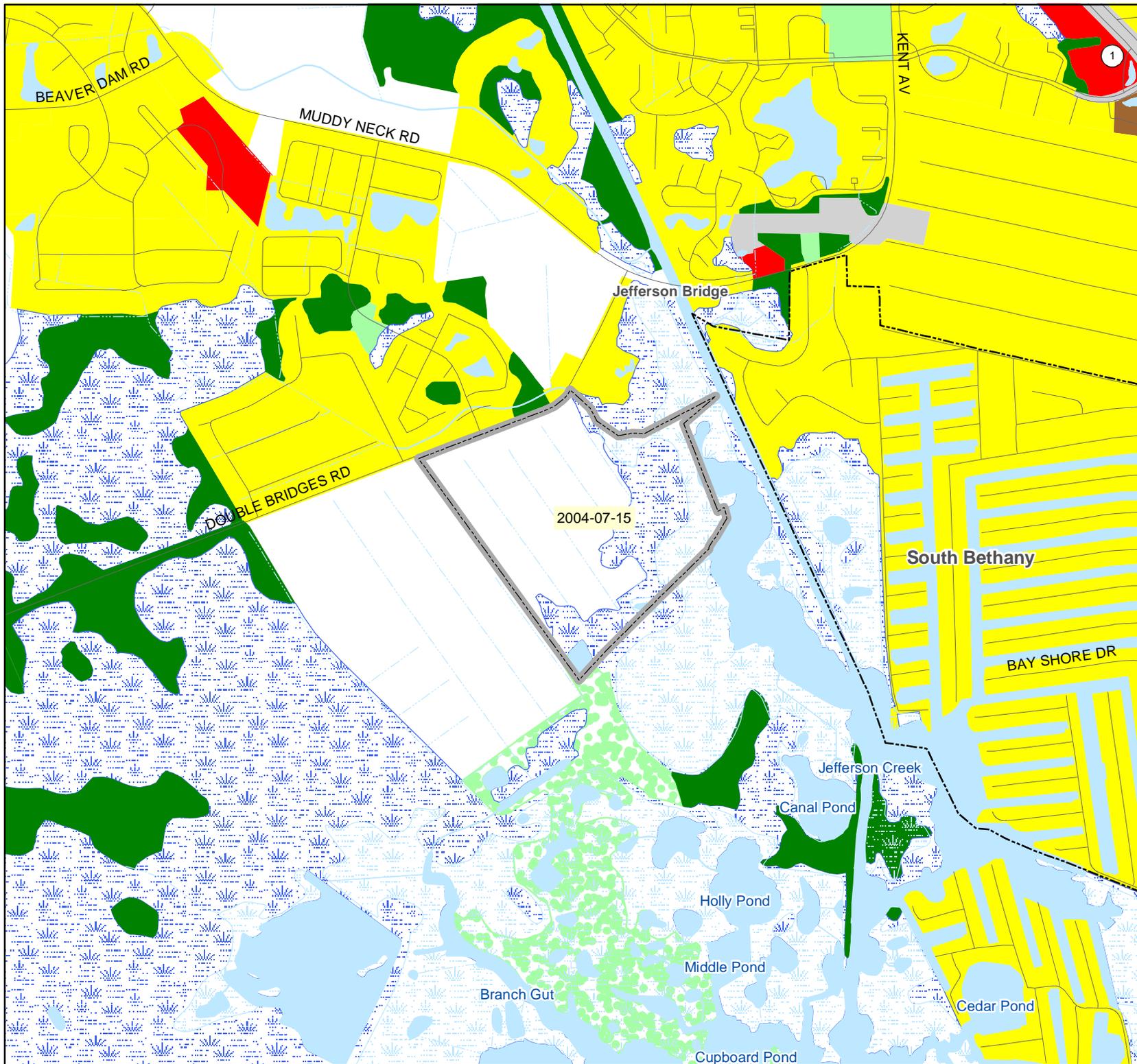
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Preliminary Land Use Service (PLUS)

Muddy Neck
2004-06-15

-  Project Area
-  Municipalities
- 2002 Land Use/Land Cover**
-  Residential
-  Commercial/Urban
-  Industrial
-  Trans./Comm./Utilities
-  Institutional/Governmental
-  Recreational
-  Agriculture
-  Scrub/Clear Cut
-  Forest
-  Water
-  Wetlands/Wet Woods
-  Beach/Sandy Area
-  Extraction/Transition



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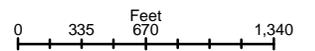


Preliminary Land Use Service (PLUS)

**Muddy Neck
2004-06-15**

2002 False-Color
InfraRed Orthophotography

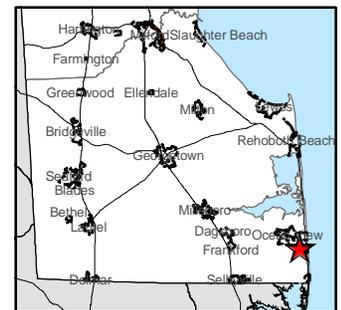
-  Project Area
-  Municipalities



1:12,000



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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

August 19, 2004

Mr. Zachary Crouch
Davis, Bowen & Friedel
23 North Walnut Street
Milford, DE 19963

RE: PLUS review – PLUS 2004-07-15; Muddy Neck

Dear Mr. Crouch:

Thank you for meeting with State agency planners on August 4, 2004 to discuss the proposed plans for the Muddy Neck project to be located on the southeast side of Double Bridges Road near Muddy Neck Road in Sussex County.

According to the information provided on the PLUS application, you are seeking a rezoning from MR to MR/RPC for the purpose of developing a 138 unit residential subdivision on 64.23 acres. However, we note that at the meeting you shared that there had been an error in the zoning and that the site is currently zoned AR-1.

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 as 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.

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact: Ann Marie Townshend 739-3090

As noted on the PLUS application form, this proposal is located within the Environmentally Sensitive Developing Area according to the 1999 Strategies for State Policies and Spending and the Sussex County Comprehensive Plan. Under the 1999

State Strategies, the State envisioned a balance between sustainable development and environmental protection. Inherent in this vision is the notion that some parcels of land are more suitable for development than others. The 2004 update of the 2004 Strategies for State Policies and Spending, which is presently awaiting final approval by Governor Minner, included a more detailed geographic analysis based on the best available geospatial data.

In this update, areas within the State are reflected as Investment Levels 1 through 4, with Level 4 being the least suitable for development and most suitable for preservation activities. According to that analysis, this parcel of land was shown as Investment Level 4, reflecting the significant environmental issues in and around the site. As noted in the comments below, among other things, these issues include the presence of tidal and non-tidal wetlands, ditches, and forested areas.

Based on the results of the analysis undertaken for the Strategies update, the Office of State Planning Coordination believes that the increase in density allowed by rezoning this land from AR-1 to MR/RPC is not appropriate, given the site characteristics, significant environmental issues, and potential conflicts between the intense residential use proposed and the active hunting and agricultural uses on the adjacent properties.

As this project moves forward we ask that you work closely with DNREC to address the environmental concerns raised.

State Historic Preservation Office (SHPO) – Contact: Anne McCleave 739-5685

There is a high probability for historic and prehistoric sites within the project area. It is encouraged that the developers to keep the development out of the wooded areas to help preserve any sites. There is an old structure on the property, which will be demolished. The SHPO requests permission to access the property in order to obtain final documentation of the structure before it is demolished. You can contact Anne McCleave at 302-739-5685 to schedule a time. If there are any federal permits or licenses involved with the project, the federal agency must comply with Section 106 of the National Historic Preservation Act and consider the affects on historic resources.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

On October 29, 2002, DelDOT commented to Sussex County on a traffic impact study done for a somewhat different development proposal (150 single-family detached houses) for this property. That study found relatively good levels of service in the immediate vicinity. DelDOT's comments in that letter are applicable to this project as well.

DelDOT's Route 54 Corridor Study, identified a need for an Alternate Route 54, which would be created through improvements to a series of local roads connecting the Williamsville area to Bethany Beach. While the specific roads have yet to be determined, it is almost certain that Double Bridges Road would be part of that route. Depending on

the relative schedules of this development and DelDOTs road improvements, they may ask the developer to reserve or dedicate right-of-way or build improvements along their road frontage. More information is available on this project from Mr. Donald Plows, the Regional Group Engineer who is managing it. Mr. Plows may be reached at (302) 760-2524. Close coordination may be necessary to assure that the design for the development will be consistent with our planned improvements.

The applicant's engineer should contact the DelDOT Subdivision Manager for Sussex County, Mr. John Fiori, regarding their requirements with regard to the design of the site entrances and, if the streets are to be built for State acceptance, the design of the streets as well. Mr. Fiori may be reached at (302) 760-2260.

**The Department of Natural Resources and Environmental Control – Contact:
Kevin Coyle 739-3091**

General: This development is within a State Resource Area, adjacent to State owned conservation lands, adjacent to the Assawoman Canal and has extensive areas of wetlands and forested lands. DNREC strongly discourages this plan in its current form and would ask that the developer design a plan which is much less intrusive into the natural landscape and that does not conflict with State conservation goals.

Design Recommendation: Many of the comments below can be addressed by eliminating or relocating units C-81 through C-105 and all associated roads, including portions of the main loop around the development. This will reduce infringement into the sensitive marshes and forests. Further, it will reduce the infrastructure needs associated with these units, including roadways and stormwater management.

Soils

According to the recent soil survey update, the soils in the vicinity of the proposed construction are mapped as Klej, Hammonton, Mullica-Berryland complex, and Mispillion - Transquaking Mucky Peats.

The following is a summary of mapped soils found within the proposed construction; they are grouped on the basis of drainage class:

Moderately well drained – Klej and Hammonton
Very Poorly drained (**Hydric**) – Mullica-Berryland complex, and Mispillion -
Transquaking Mucky Peats.

Wetlands

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of extensive areas of estuarine, forested and farmed wetlands, as well as a series of drainage ditches.

Because there is strong evidence that federally regulated wetlands exist on site, **a wetland delineation, in accordance with the methodology established by the Corps of Engineers Wetlands Delineation Manual, (Technical Report Y-87-1) should be conducted. Once complete, this delineation should be verified by the Corps of Engineers through the Jurisdictional Determination process.**

Impacts to wetlands are regulated by the DNREC Wetlands and Subaqueous Lands Section and by the Army Corps of Engineers through Section 404 of the Clean Water Act. In addition, individual 404 permits and certain Nationwide Permits from the Army Corps of Engineers also require 401 Water Quality Certification from the DNREC Wetland and Subaqueous Land Section and Coastal Zone Federal Consistency Certification from the DNREC Division of Soil and Water Conservation, Delaware Coastal Programs Section. Each of these certifications represents a separate permitting process.

To find out more about permitting requirements, the applicant is encouraged to attend a Joint Permit Process Meeting. These meetings are held monthly and are attended by federal and state resource agencies responsible for wetland permitting. Contact Denise Rawding at (302) 739-4691 to schedule a meeting.

Impacts to wetlands should be avoided, particularly because this development is within the Environmentally Sensitive Developing Area and within a State Resource Area. Further, because of this parcels location in sensitive resource areas, every effort should be made to provide appropriate buffers from forests, wetlands and ditches.

Vegetated buffers of no less than 100 feet should be employed from the edge of the wetland complex. These buffers should be comprised of either forested areas or no-mow grasses. Turf grass does not constitute an adequate buffer, particularly for this area. The developer should note that both DNREC and Army Corps of Engineers discourage allowing lot lines to contain wetlands to minimize potential cumulative impacts resulting from unauthorized and/or illegal activities and disturbances that can be caused by homeowners.

ERES Waters

This project is located adjacent to receiving waters of Inland Bays designated as waters having Exceptional Recreational or Ecological Significance (ERES). ERES waters are recognized as special assets of the State, and shall be protected and/ or restored, to the maximum extent practicable, to their natural condition. Provisions in Section 11.5 of Delaware's "Surface Water Quality Standards" (as amended August 11, 1999), specify that all designated ERES waters and receiving tributaries develop a "pollution control strategy" to reduce non-point sources of nutrient runoff through implementation of Best Management Practices (BMPs). Best Management Practices as defined in subsection 11.5(e) of this section, expressly authorizes the Department to provide

standards for controlling the addition of pollutants and reducing them to the greatest degree practicable, or where attainable, a standard requiring no discharge of pollutants.

TMDLs

With the adoption of Total Maximum Daily Loads (TMDLs) as a “nutrient-runoff-mitigation strategy” for reducing nutrients in the Inland Bays Watershed, reduction of nitrogen and phosphorus loading will be mandatory. A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited water body” can assimilate and still meet water quality standards to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. Although TMDLs are authorized under federal code, states are charged with developing and implementing standards to support those desired use goals. The Jurisdictional authority for attaining these use goals will fall under the auspices of Section 11.5 of the State of Delaware’s Surface Water Quality Standards (as amended August 11, 1999), and will be achieved via nutrient reductions referred to as “pollution control strategies.”

Nutrient reductions prescribed under TMDLs are assigned on basis of water quality concerns – that is, the those regions deemed to be of greatest environmental concern will require correspondingly higher levels of nutrient reduction than those regions deemed less environmentally sensitive. In this watershed, these regions are demarcated as high and low reduction zones. The high reduction zone corresponds to the western portion of the watershed, and requires a reduction of nitrogen and phosphorus by 85 and 65 percent, respectively. The low reduction zone corresponds to the eastern portion of the watershed, and requires a reduction of nitrogen and phosphorus by 40 percent. **This project is proposed within the low nutrient reduction zone.**

In order for the applicant to verify compliance with the TMDL mandate, a full nutrient accounting process known as nutrient budget should be prepared. The developer/consultant should contact Lyle Jones in the Department’s Watershed Assessment Section for further information regarding the acceptable protocol for calculating a nutrient budget. He can be reached as 739-4590.

Water Supply

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-3665.

Stormwater Management

A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. The plan review and approval as well as construction inspection will be coordinated through Sussex Conservation District. Contact Jessica Watson, Program Manager, at (302) 856-7219 for details regarding submittal requirements and fees.

It is strongly recommended that you contact Sussex Conservation District to schedule a preapplication meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre and post development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion.

A Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity must be submitted to DNREC Division of Soil and Water Conservation along with the \$195 NOI fee prior to plan approval.

Applying practices to mimic the pre development hydrology on the site, promote recharge, maximize the use of existing natural features on the site, and limit the reliance on structural stormwater components, such as maintaining open spaces, should be considered in the overall design of the project as a stormwater management technique.

Each stormwater management facility should have an adequate outlet for release of stormwater. Any drainage conveyed onto this site from neighboring properties must be adequately conveyed through the site to the discharge point without interruption.

A Certified Construction Reviewer (CCR) will be required for the site during construction. You should contact Sussex Conservation District for details regarding the CCR requirement.

Little Bay Ditch on the north boundary of the site is a tax ditch (Little Bay Tax Ditch); however, the right-of-way is on the opposite side of the ditch. The ditches on site are not part of the tax ditch system so they may be modified. Also, there are no maintenance rights-of-way dedicated. However, they are functioning to lower the groundwater elevation and we would not recommend that they be filled in.

While the site's ditches may be able to convey runoff generated during a rain event, field ditches are generally designed for very low frequency storms and for an agricultural condition where it is acceptable for the ditches to flow out of bank for a short period of

time. If these existing ditches are proposed as part of the conveyance system for the project, the capacity of the ditches needs to be evaluated.

Runoff entering the ditches will need to be treated for water quality management prior to discharge to the ditch. Consider providing a buffer of native vegetation along the ditches as a filter strip BMP for water quality management.

Experience has shown that residents in subdivisions do not appreciate open ditches with the look of tax ditches along their property. It is important to keep these ditches within open space and provide adequate maintenance access along both sides of the ditch. The minimum maintenance right-of-way along a tax ditch is 16 ½ feet from top of bank of the ditch. We recommend that not less than this width be provided from the top of bank of the ditch to the property line or lot line.

Given the soils mapped for this site, there will be an extremely high water table that could pose difficulty in construction of the stormwater management facilities. Basements would not be recommended for the structures on this site.

State Wildlife Area

The proposed project is adjacent to the Assawoman Wildlife Area, a public State Wildlife Area managed by the Division of Fish and Wildlife, DNREC. The State is concerned that the quantity and quality of wildlife habitat in the State Wildlife Area, particularly near the border, might be negatively affected by development activities, or by permanent land use changes, on the property in question. The developer should consult with the Regional Wildlife Biologist (currently Rob Gano, 302-539-3160) to minimize potential negative impacts of the proposed project on State Wildlife Area lands.

The following items are issues that should be discussed with the Regional Wildlife Biologist prior to initiation of construction activities:

1) The developer should be aware that the property in question will be subject to the effects of legal hunting activities in the Wildlife Area, such as firearm noise or dogs barking when pursuing game. There is an existing dove hunting field within 200 ft of the property boundary. Legal hunting for dove, waterfowl, quail, rabbit, and deer take place within the Wildlife Area and the developer should consider placing dwellings at least 100 ft. from the property boundary for safety reasons,

2) Land that is on the western border of the proposed project area is either enrolled in CRP or CREP, or leased for farming. These areas must be left intact, disturbance of which is regulated by the FSA/USDA. According to county code requirements, the developer should fully disclose information regarding on-going farming operations, including the use of fertilizers, herbicides and the potential for noise and dust from those activities. In addition, prospective property owners need to be aware that some areas

planted with grasses are part of an on-going prescribed burning program that takes place once every 2-4 years,

3) As requested for the Kensington Park development adjacent to the McCabe Tract, a physical barrier should be erected between the project property and the Wildlife Area, preferably a fence approximately 8 ft. high. It is also requested that a minimum of a 100 ft. undisturbed buffer be maintained between State land and the proposed development.

4) The access road that occurs between the two properties should be closed for safety purposes,

5) The use of ATV's on Wildlife Areas is illegal. This has been a problem on other Wildlife Areas that are in close proximity to housing developments, and could become an issue.

6) During construction, measures should be taken so that on-site construction trash does not blow onto the Wildlife Area.

Rare/Threatened/Endangered Species

In addition, the proposed project lies within five miles of a known Delmarva fox squirrel (*Sciurus niger cinereus*) population at the Assawoman Wildlife Area. Delmarva fox squirrels were listed as federally endangered in 1967 and are protected by the Endangered Species Act. They generally inhabit mature forests with open understories and wet woodlands, but can be opportunistic in their habitat choice. The proposed project area contains potential habitat for Delmarva fox squirrels and the following is required:

- Contact Trevor Clark (410-573-4527) of the US Fish and Wildlife Service for proper procedures prior to beginning work. A conference with the Service is required for any projects that will directly or indirectly impact habitat within 5 miles of the Assawoman Wildlife Area fox squirrel locations;

AND/OR

- Contact Trevor Clark (410-573-4527) of the US Fish and Wildlife Service for proper procedures prior to beginning work. Have surveys conducted to determine if Delmarva fox squirrels are present. In accordance with Delaware's fox squirrel site survey procedures, surveys must be conducted by a State approved fox squirrel surveyor two times between September and May: once in the fall, and again between March 15 and May 30. A list of qualified surveyors is available upon request. Please note that surveys may confirm the presence of fox squirrels but cannot confirm absence.

Forests

This parcel is within a State Resource Area; an area of particular conservation concern to the State. Large forest blocks such as those on-site provide habitat for other wildlife and provide important water quality benefits. Site plans show that structures are proposed within the forested area. Development activities within the forested area will “fragment” this habitat, severely reducing its value for as habitat for wildlife. The developer is strongly encouraged to preserve, and where possible, enhance forested resources on site and remove all structures from the forested areas. Further, a transition zone from turf grass to forest should be established; this zone could consist of shrubs or meadow grasses such as coastal panic grass.

Any lands set aside for conservation purposes should be placed into a permanent conservation easement or other binding protection mechanism. These areas should be clearly marked and delineated so that residents understand their importance and so that homeowner activities do not infringe upon these areas.

Open Space

To maximize the existing buffering capacity and wildlife habitat on site, it is recommended that lot lines and other infrastructure (such as stormwater management ponds) be pulled out of the forest and that areas of community open space be designated along the forest and wetland edge. Doing so will accomplish two things: it will preserve the existing riparian buffers on site and its value for birds and wildlife and it will create recreational opportunities for residents by allowing them access to and views of the forest and stream.

In areas set aside for passive open space, the developer is encouraged to consider establishment of additional forested areas or meadow-type grasses. Once established, these ecosystems provide increased water infiltration into groundwater, decreased run-off into surface water, air quality improvements, and require much less maintenance than traditional turf grass, an important consideration if a homeowners association will take over responsibility for maintenance of community open spaces.

Open space containing forest and/or wetlands should be placed into a permanent conservation easement or other permanent protection mechanism. Conservation areas should also be demarked to avoid infringement by homeowners.

Revegetation

For this project, DNREC requests that no invasive species be used in the revegetation of disturbed areas. A list of species considered invasive in Delaware can be found on the DNHP web site, <www.dnrec.state.de.us/fw/invasive.htm>. DNREC further recommends

the use of native plants and the DNREC Botanist, Bill McAvoy can be contacted at (302) 653-2880 to assist you in developing a plant list.

Air Quality

Air pollution threatens the health of human beings and other living things on our planet. While often invisible, pollutants in the air create smog and acid rain, cause cancer or other serious health effects, diminish the protective ozone layer in the upper atmosphere, and contribute to the potential for world climate change. Breathing polluted air can have numerous effects on human health, including respiratory problems, hospitalization for heart or lung disease, and even premature death. Some can also have effects on aquatic life, vegetation, and animals.

Once complete, vehicle emissions associated with this project are estimated to be 10.9 tons (21,795.5 pounds) per year of VOC (volatile organic compounds), 9 tons (18,045.2 pounds) per year of NO_x (nitrogen oxides), 6.7 tons (13,314.1 pounds) per year of SO₂ (sulfur dioxide), 0.6 ton (1,185.2 pounds) per year of fine particulates and 911.6 tons (1,823,167.3 pounds) per year of CO₂ (carbon dioxide)

Emissions from electrical power generation associated with this project are estimated to be 1.7 tons (3,484.2 pounds) per year of NO_x (nitrogen oxides), 6.1 tons (12,118.8 pounds) per year of SO₂ (sulfur dioxide) and 893.8 tons (1,787,530.1 pounds) per year of CO₂ (carbon dioxide).

Emissions from area sources associated with this project are estimated to be 4.4 tons (8,791.1 pounds) per year of VOC (volatile organic compounds), 0.5 tons (967.3 pounds) per year of NO_x (nitrogen oxides), 0.4 ton (802.7 pounds) per year of SO₂ (sulfur dioxide), 0.5 ton (1,035.9 pounds) per year of fine particulates and 17.8 tons (35,637.2 pounds) per year of CO₂ (carbon dioxide)

	VOC	NO _x	SO ₂	PM _{2.5}	CO ₂
Mobile	10.9	9.0	6.7	0.6	911.6
Residential	4.4	0.5	0.4	0.5	17.8
Electrical Power		1.7	6.1		893.8
TOTAL	15.3	11.2	13.2	1.1	1823.2

The Department of Natural Resources and Environmental Control is asking that local jurisdictions consider mitigation to help resolve this issue. Mitigation might involve limiting large new developments to growth zones, focusing development to urban areas capable of providing mass transit services, requiring more energy efficient homes which would lessen air quality impacts, and promoting walkability and bikability within and between developments and town centers.

The State notes that this proposed development is within the Environmentally Sensitive Developing Area according to the current Strategies for State Policies. In these areas, the State seeks a balance between resource protection and sustainable growth. Development in this location would increase dependence on the automobile to reach needed services. Because of the rural location of this project, the close proximity to the Assawomen Wildlife area, and because of the numerous environmental issues noted by reviewers, including the air quality issues, DNREC does not feel that rezoning this parcel is appropriate.

Underground Storage Tanks

There are no LUST sites located near the proposed project. However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would be need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel in the contaminated areas.

State Fire Marshal's Office – Contact: Duane Fox 856-5298

These comments are intended for informational use only and do 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):

a. **Fire Protection Water Requirements:**

- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Assembly, Apartment and Townhouses)
- 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 1000 feet spacing on centers are required. (One & Two- Family Dwelling)
- 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.

b. **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 of more or 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
- For townhouse buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan.

c. **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 Two Bridges 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.
- If the use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

d. **Gas Piping and System Information:**

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

e. **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

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.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Mark Davis 739-4811

Per relevant County codes, a forested buffer is required between the proposed subdivision and all adjacent properties in active agricultural use. In addition, a forest buffer should be maintained for those pre-existing residential properties and along all streams, wetlands, and river that border the proposed subdivision.

The developer should consider a diverse landscape plan that uses Delaware native tree and shrub species and encourages the “Right Tree for the Right Place” concept.

Public Service Commission - Contact: Andrea Maucher 739-4247

The information provided indicates that Tidewater Utilities will provide water to the proposed projects through a central public water system. PSC files reflect that Tidewater Utilities does not currently hold a certificate of public convenience and necessity (CPCN) to provide public water in these areas. They will need to file an application for a CPCN with the Public Service Commission, if they have not done so already. Information on CPCN requirements and applications can be obtained by contacting the Public Service Commission at 302-739-4247.

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

Recent legislation (Senate Bill 99) placed non-governmental companies providing wastewater services to 50 or more customers (in the aggregate) under the regulatory control of the PSC. While rules are not yet in place, governmental agencies offering wastewater services must file data with the Commission regarding its service areas. Contact: Kevin Neilson at (302) 739-4247.

Delaware State Housing Authority – Contact Karen Horton 739-4263

This proposal is to rezone 64 acres in order to develop a residential planned community consisting of 108 condominium units and 34 single-family units just west of South Bethany. The applicant noted that some of the homeownership units would be targeted for first-time homebuyers. DSHA supports this proposal because the 2003 Statewide Housing Needs Assessment indicates that much of the housing in the coastal resort area is outside the affordability level of low- and moderate-income households. This proposal

would provide much needed housing opportunities for those that work in nearby service and retail establishments.

Delaware Emergency Management Agency – Contact: Don Knox 659-3362

A significant impact to public safety is foreseen by implementation of this project. Developer should notify the police, fire service, and emergency medical response organization serving South Bethany and Sussex County, to keep them apprised of all development activities.

This planned community is located in the Special Flood Hazard Area, portions in the 100-year flood zone and portions in the 500-year flood zone. It is also located in an area expected to be inundated by a category-1 hurricane.

It should also be noted that routes 1, 20, and 26 are coastal storm evacuation routes and this development will add to the traffic volume on these routes during a coastal storm event.

Department of Education – Contact: Nick Vacirca 739-4658

142 units could generate and estimated 71 additional students to the Indian River School District.

Sussex County does not have school concurrence legislation at this time. It is recommended that the developer submit a package to the school district for informational purposes.

If the development is approved and build, please use the following information for school transportation planning. If there are homes more than 1/2 mile from the nearest public road (outside the development), developers should plan wide enough streets so that large school buses can access and turn around (without backing) from the furthest areas within the development while picking up and dropping off students. Should there not be any sites more than 1/2 mile from the nearest public road, provisions for appropriate pick-up and drop-off at the development entrance should be included. The developer should work closely with the school district transportation supervisor.

Sussex County – Contact: Richard Kautz 855-7878

Although the application predates the requirements of the ESDA Ordinance, the applicant should address the advice of the various PLUS review agencies.

The Sussex County Engineering Department stated that the project gross density is 2.21 EDU's per acre. The application states there are 25.63Ac. of wetlands on the parcel, but there is not any indication as to how many acres are state wetlands. Capacity is based on 4 EDU's per acre minus any state wetlands in the proposed project area. The Sussex

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August 19, 2004

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County Engineering Department has determined there is capacity for the project as proposed. There has been no concept plan approved by the Sussex County Engineering Department. For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 855-7839.

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

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

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland". The signature is written in dark ink and is positioned above the typed name and title.

Constance C. Holland, AICP
Director

CC: Sussex County

FUQUA AND YORI, P.A.
ATTORNEYS AT LAW
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JAMES A. FUQUA, JR.
JAMES A. YORI
TIMOTHY G. WILLARD
TASHA MARIE STEVENS
MARGARET R. COOPER

October 21, 2004

Constance Holland-AICP
Director, Office of State Planning Coordination
540 South DuPont Highway
Thomas Collins Building, Third Floor
Dover, DE 19901

**RE: MUDDY NECK
PLUS - 2004-07-15
CZ# 1557 (SUSSEX)**



Dear Ms. Holland:

In response to comments and recommendations received as a result of the PLUS process and in particular comments from DNREC the following modifications have been made to the Muddy Neck Site Plan.

1. Town home units 94 through 104 and associated storm water management facilities have been removed from the forested uplands area of the site.
2. All Federal and State wetland areas (as shown on the attached plot) shall be made subject to a conservation easement to ensure their perpetual protection and non-disturbance.
3. The conservation area includes several non-wetland areas of wooded upland which shall be subject to the conservation easement.
4. The plan has replaced single family lots with single family condominium units allowing a significant open space/buffer area to be located between building and the western boundary line of the property which borders lands of the State of Delaware. In addition a fence will be erected along the western boundary from Double Bridges road to the Federal Wetland line.
5. The development will be served by central water, county sewer and will utilize

best management practices in its design and operation of its storm water facilities.

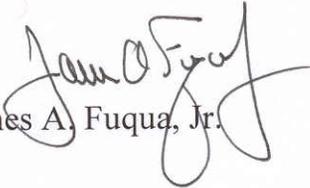
6. I enclose a copy of a letter from Davis, Bowen & Friedel to Sussex County addressing the environmental impact of the development.

We have attempted to address DNREC's concerns while maintaining the goal of the community's design.

The application will be presented to the Sussex County Council on November 10, 2004 and we would request your further consent.

Please contact me if you have any questions.

Very truly yours,


James A. Fuqua, Jr.

JAF/csw

cc: Kevin Coyle (DNREC)

Richard Kautz (Sussex County)

Zack Crouch (Davis, Bowen & Friedel)

October 18, 2004

Gerald G. Friedel, P.E.
Michael R. Wigley, AIA
Randy B. Duplechain, P.E.
Charles R. Woodward, Jr., LS
Jo Anne Williams, P.E.
Charles A. Hauser, P.E.

Mr. Lawrence B. Lank, Director
Sussex County Planning & Zoning
P. O. Box 417
Georgetown, Delaware 19947

Re: Muddy Neck Property Rezoning Application
Sussex County Tax Parcel 1-34-17-39.00
Application C/Z #1557

Dear Mr. Lank:

Davis, Bowen & Friedel, Inc., is pleased to submit the following information on behalf of Muddy Neck, LLC, in support of a re-zoning request for the above-referenced property.

As requested by DNREC through the PLUS review process, the original design has been revised to relocate units C-81 through C-105, effectively reducing the amount of clearing necessary to implement the project. Also in response to PLUS comments a broad conservation easement has been incorporated into the design which provides additional forest and wetlands protections and an effective buffer between the community and adjacent wildlife habitat to the east and south.

These efforts to address the environmental issues associated with the County's Environmentally Sensitive Developing Area while offering an attractive housing option are discussed in more detail below. Please consider this letter, the enclosed brochure and plans as an "Environmental Assessment and Public Facility Evaluation Report." Land utilization summaries and vicinity maps are included on the Preliminary Plan. A copy of the PLUS application as submitted to State Planning is also provided.

Background/Project Description:

The property is located on the south side of Double Bridges Road, approximately 1,100 feet southwest of Muddy Neck Road intersection. The property consists of +/- 64.23 acres and is currently zoned AR-1. Current land use is agricultural or fallow fields, wooded uplands and wooded wetlands. The site is within the Environmentally Sensitive Developing Area of Sussex County, as well as within the Muddy Neck Sewer District of the South Coastal Regional Wastewater Facility.

The developer is applying for a MR/RPC overlay zoning designation. The project as proposed will contain 138 condominium units.

Items of environmental concern are addressed below, as suggested by Sussex County through the PLUS review process. Although the submission predates the requirements of the ESDA Ordinance, the items are listed with specific criteria and numbering scheme as outlined in the code.

1. Stormwater

After approval of the re-zoning request, the final design for the proposed residential project will be completed, including comprehensive sediment and erosion control plans for the construction phase and long-term stormwater management plans for the finished project. The stormwater management design will meet all State and County requirements through a combination of best management practices (BMPs). BMPs will be selected for specific site conditions. The plan will achieve the necessary water quality and flow rate controls to protect the quality of life in the new community as well as assure protection of the surrounding water and wetlands systems. If suited to the site conditions, bioretention and other green technologies may be utilized. Among other BMPs, proposed extended detention stormwater management facilities are proposed with vegetated safety benches. Vegetated benches can be effective in reducing of nitrogen and phosphorus in stormwater runoff.

Existing drainage includes agricultural ditches which transmit runoff to the south and east. The proposed stormwater management and grading design will detain runoff to reduce sediment and nutrients in the stormwater and to maintain flow rates. If possible, bioretention may be used prior to the extended detention stormwater management ponds. Beyond the regulatory requirements for the design of the stormwater management system, the system will be constructed to contribute to the landscaping and aesthetic appearance of the project.

It is estimated that a 15 percent reduction of nitrogen and phosphorus may be achieved through redevelopment of the property from agricultural to residential use. More specific evaluation of the water quality improvements will be conducted under the final design process. A nutrient budget will be prepared and submitted to DNREC for review. The combination of stormwater BMPs and public wastewater facilities (see Item 3, below) assists in mitigating water quality impacts to the Inland Bays Drainage Basin, as required under the TMDL regulations.

2. Water Supply:

If the property is re-zoned, public water service can be provided to the community by Delaware regulated public utilities. Both Tidewater Utilities and Artesian Water Company have water supplies and water distribution networks in the vicinity.

Tidewater Utilities, Inc. (TUI), has been contacted and has indicated an ability to serve the project. Once a water service agreement is finalized between Muddy Neck, LLC, and TUI, the utility will apply for a Certificate of Public Necessity and Public Convenience through the Delaware Public Service Commission.

As provided in the PLUS review letter, the water service provider will be required to meet all the regulations of the Office of Drinking Water, DNREC Water Supply Branch and the State Fire Marshals Office. The water system will be included in the final design process to assure adequate and sustainable water supplies, water that is safe to drink based on the latest Drinking Water Standards and water flows, pressures and access points to provide fire protection to the community.

3. Wastewater Treatment:

If re-zoning is approved, no on-site wastewater disposal will be required for residential development of the property. Sanitary sewer service is expected to be provided by the Sussex County through the South Coastal Regional Wastewater Facility. A letter from Sussex County Engineering (July 11, 2003 to Mr. Stephen Soule, P.E.) and the PLUS review letter indicate the County Engineering Department has available capacity in the Clearwater sewer main for the project as proposed. The conceptual layout for the sanitary sewer system has been approved by Sussex County Engineering Department for annexation into the South Bethany Sanitary Sewer District.

The wastewater collection system within the community will be designed and constructed in accordance with Ordinance 38. It will be consistent with the planning for the South Coastal Regional Wastewater Facility. The final design process will determine whether other appurtenances will be required to transmit the wastewater to the County treatment facility.

Utilization of the public wastewater treatment capacity eliminates on-site wastewater disposal within an area identified by DNREC as an area of Exceptional Recreational or

Ecological Significance (ERES) Waters. The system will also assist the area in meeting nutrient reduction goals of the Inland Bays TMDL program.

4. Traffic:

A traffic study was completed for a somewhat larger conceptual plan with 150-single family homes on the same parcel, and submitted to DelDOT in July 2002. The Department concluded that the residential development would have minimal impact on the near-by intersections. Based on that original study, DelDOT also recommended improvements for the project entrance on Double Bridges Road and suggested sidewalks within the development. The PLUS review letter indicates that the Departments original comments are applicable to the currently proposed project, as well.

Before the final design of the project entrance, the developer will coordinate with DelDOT regarding the status of the Alternate Route 54 study, easement and right-of-ways needs and to discuss specific elements of the highway entrance to be included in the design. The applicant agrees to work with DelDOT and Sussex County to implement the intent of DelDOT's recommendations.

5. Species and Habitats:

As noted in the comments from the Office of State Planning Coordination, the property is located within the Environmentally Sensitive Developing Area of Sussex County, and therefore deserves additional consideration for minimizing the impact of development on natural resources. In response to the collected comments in the PLUS review letter dated August 19, 2004, the project has been modified to cluster the residential units in areas that are currently farmed in order to preserve wooded uplands that otherwise would be available for clearing and development.

Long-term preservation of the set-aside uplands will be accomplished through the establishment of a conservation easement as shown on the Preliminary Plan. The easement provides additional protections to woodlands, above and beyond the regulations regarding identified wetlands on the site. Minimal clearing of the existing woods will assist the State in various conservation efforts for plants, wildlife and game, as well as serve as an effective buffer between the proposed community and adjacent wildlife habitat to the east and south.

As part of the final design process, the developer will present the project to the Joint Permit Process group, which includes the US Fish and Wildlife Service for the review of impacts to various species of interest. At that time, the Wildlife Service representative will also be contacted directly regarding the Delmarva Fox Squirrel, as required.

6. Wetlands:

A careful inventory of wetlands has been completed for the site. The USDA Natural Resources Conservation Service has commented on non-regulatory "prior-converted" wetlands, as well as regulatory "farmed wetlands" on the site. The DNREC tidal wetlands have been identified and location of the DNREC jurisdictional boundary has been finalized. A 50-foot building setback buffer has been shown on the Preliminary Plan.

Non-tidal wetlands that are anticipated to be under the jurisdiction of the Federal 404 program have been delineated, surveyed and submitted to the Army Corps of Engineers for a jurisdictional determination. These activities have been completed in conformance with the comments from DNREC regarding wetlands in the PLUS review letter.

Under the current Preliminary Plan, wetlands located with the agricultural ditches will be disturbed. The total lost acreage will be calculated under the final design process. After the USACOE Jurisdictional Determination is finalized, a wetlands permit will be applied for and all applicable regulations associated with the issued permit will be followed. Prior to completion of the final design, the project will be presented to the Joint Permit Process group to assure coordination in meeting all state and federal regulations regarding the wetlands on site. Mitigation of the disturbed area is proposed, in part, through the establishment of a permanent conservation easement in the form of a single +/- 28.18 acre woodlot.

7. Agriculture and Forest:

The project is bound on the west by property owned by the State of Delaware. These lands are leased for farming in some areas or currently removed from active farming under Conservation Reserve and Conservation Reserve Enhancement Programs (CRP and CREP, respectively.) We note that these federal programs are not permanent land use designations, but are contractual in nature, with terms of 10 to 15 years.

After final approvals are obtained, the development will provide prospective buyers with the required information regarding adjacent activities related to farming. Because the adjoining lands are not in permanent agricultural preservation, no setbacks due to agriculture are required. However, the State has, in other parts of Sussex County, transferred ownership of its farmland to private individuals for development; therefore, the Preliminary Plan includes a 50-foot buffer to provide a suitable transition from the proposed community to the agricultural lands, and to assure a satisfactory screen between the community and unforeseen changes in land use.

Based on the recommendations in the PLUS review letter, a +/- 28.18 acre permanent conservation easement is proposed to include the State tidal wetlands, the majority of the non-tidal wetlands and over 3 acres of wooded uplands. Exclusion of this area from development will provide a wide, natural buffer between the proposed community and public lands that allow legal hunting activities. The combination of buffer on the west side of the property and extensive conservation easement to the east and south place the residential units from 100 to over 800 feet from the property line, as suggested by DNREC through the PLUS review.

The provision of a permanent conservation easement assists the State in its efforts to preserve its Green Infrastructure and promotes the public-private partnership that is essential to preservation of large forest blocks that extend over multiple properties. The revisions to the Preliminary Plan effectively reduced forest fragmentation as requested by DNREC through the PLUS review.

8. Infrastructure:

As discussed throughout this report water and sewer for this project will be provided by public/community facility as provided by the South Coastal Regional Wastewater Facility and Tidewater Utilities, Inc. Muddy Neck, LLC is in the process of developing an agreement with Tidewater Utilities, Inc., for long-term water supply and fire protection. All on-site sewer components will be designed, constructed, and maintained in accordance with Ordinance 38 and with requirements DNREC. Water supply designs will be in accordance with Tidewater Utilities Standards and the applicable regulations of the Division of Public Health. Other utilities will be extended to the property including cable TV, telephone, and electric. Drainage and stormwater management systems will be developed pursuant to County requirements as herein before described and operated in accordance with agreements with Sussex County.

9. Historic and Cultural Resources:

The State Office of Historic Preservation noted, through the PLUS review that there is a high probability for historic and prehistoric sites within the project area. In particular, the wooded areas may contain sites of value. After consideration of the various comments regarding the wooded areas on the project site, the Preliminary Plan has been revised to limit the amount of disturbance within the southern wooded area. A +/- 28.18 acre permanent conservation easement is proposed to include both wooded wetlands, but also wooded uplands that may preserve historic and/or prehistoric elements.

10. Other Related Topics:

As the final project design is completed, landscape architectural elements will be incorporated that utilize suggestions from the various PLUS reviewers regarding the avoidance of invasive species, the use of transition vegetation between turf and the conservation easement areas, incorporation of walking paths as part of the residential/conservation transition.

Recreational amenities such as sidewalks, aquascapes and a community pool will be incorporated within the proposed project reducing the need for off-site trips for such uses, mitigating in part some of the air quality issues raised by DNREC.

The site does not lie within an area of Excellent Groundwater Recharge, nor to our knowledge within any proposed wellhead protection area.

Mr. Lawrence B. Lank, Director
October 18, 2004
Page 8

Muddy Neck, LLC, and its team of engineers and environmental scientists look forward to working with Sussex County, after approval of the re-zoning application. Through the use of BMPs for stormwater management, utilization of existing public wastewater treatment capacity and establishment of permanent conservation easements, the proposed residential land use can be constructed with the proper balance between sustainable development and environmental protection that is desired within the County's Environmentally Sensitive Development Area.

Respectfully submitted,
DAVIS, BOWEN & FRIEDEL, INC.



K. Elizabeth Brown, P.G.
Geologist

KEB/eb
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Enclosures

copy with enclosures: Muddy Neck, LLC
Mr. James A. Fuqua, Fuqua & Yori



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

November 15, 2004

Mr. James A. Fuqua, Jr.
Fuqua & Yori, P.A.
P.O. Box 250
Georgetown, DE 19947

RE: PLUS 2004-17-15; Muddy Neck

Dear Mr. Fuqua:

Thank you for your letter dated October 21, 2004 outlining your response to the State agency comments that resulted from the August 4, 2004 PLUS meeting regarding the Muddy Neck to be located on 64.16 acres located south of Doubles Bridge Road, approximately 1,100 feet southwest of Muddy Neck Road.

The State is very pleased that you considered our comments and chose to remove town home units 94 – 104 and associated storm water management facilities from the forested uplands area.

We would also thank you for:

1. Making the wetland areas subject to a conservation easement to ensure their protection;
2. Including wooded upland and non-wetland areas in these conservation easements; and
3. Replacing the single family lots with single family condominiums units to allow an open space buffer area to be located between the buildings and the western boundary which borders lands of the State of Delaware.

As stated in our original letter, this project is located in the Environmentally Sensitive Development Area according to the Sussex County Comprehensive Plan and an Investment Level 4 area of the Strategies for State Policies and Spending. The Level 4 designation reflects the significant environmental issues on and around the site. The Department of Natural Resources and Environmental Control expressed serious concerns

Muddy Neck Follow-up

November 15, 2004

Page 2 of 2

regarding the development of this property. While we still have concerns regarding the development of this site, we appreciate the developer's efforts to address these concerns, and we encourage you to continue working with DNREC as the proposal moves forward.

With regard to the balance of the August 19, 2004 PLUS response letter, we urge the developer to continue to work with State agencies to address issues related to the development of this site.

If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland, AICP
Director

CC: Mr. Zachary Crouch
Sussex County
Town of Ocean View
Town of South Bethany