

**PLANNING & ZONING COMMISSION**

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J. BRUCE MEARS  
HOLLY J. WINGATE



**Sussex County**

DELAWARE  
sussexcountyde.gov  
302-855-7878 T  
302-854-5079 F  
JAMIE WHITEHOUSE, AICP, MRTPI  
DIRECTOR OF PLANNING & ZONING

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date December 10<sup>th</sup>, 2020.

Application: (2020-18) The Woodlands II

Applicant: Gulf-Stream Development  
27 Atlantic Ave  
Ocean View, DE

Owner: Paul D. Jankovic  
P.O. Box 3605  
Ocean City, MD 21843

Site Location: Located on the east side of Brohawn Ave within the Carsyljan Acres subdivision

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: 33 Single Family Lots

Comprehensive Land Use Plan Reference: Coastal Area

Councilmatic District: Mr. Rieley

School District: Indian River School District

Fire District: Milville Volunteer Fire District

Sewer: Sussex County

Water: Tidewater Utilities

Site Area: 16.52 acres +/-

Tax Map ID.: 134-19.00-23.00

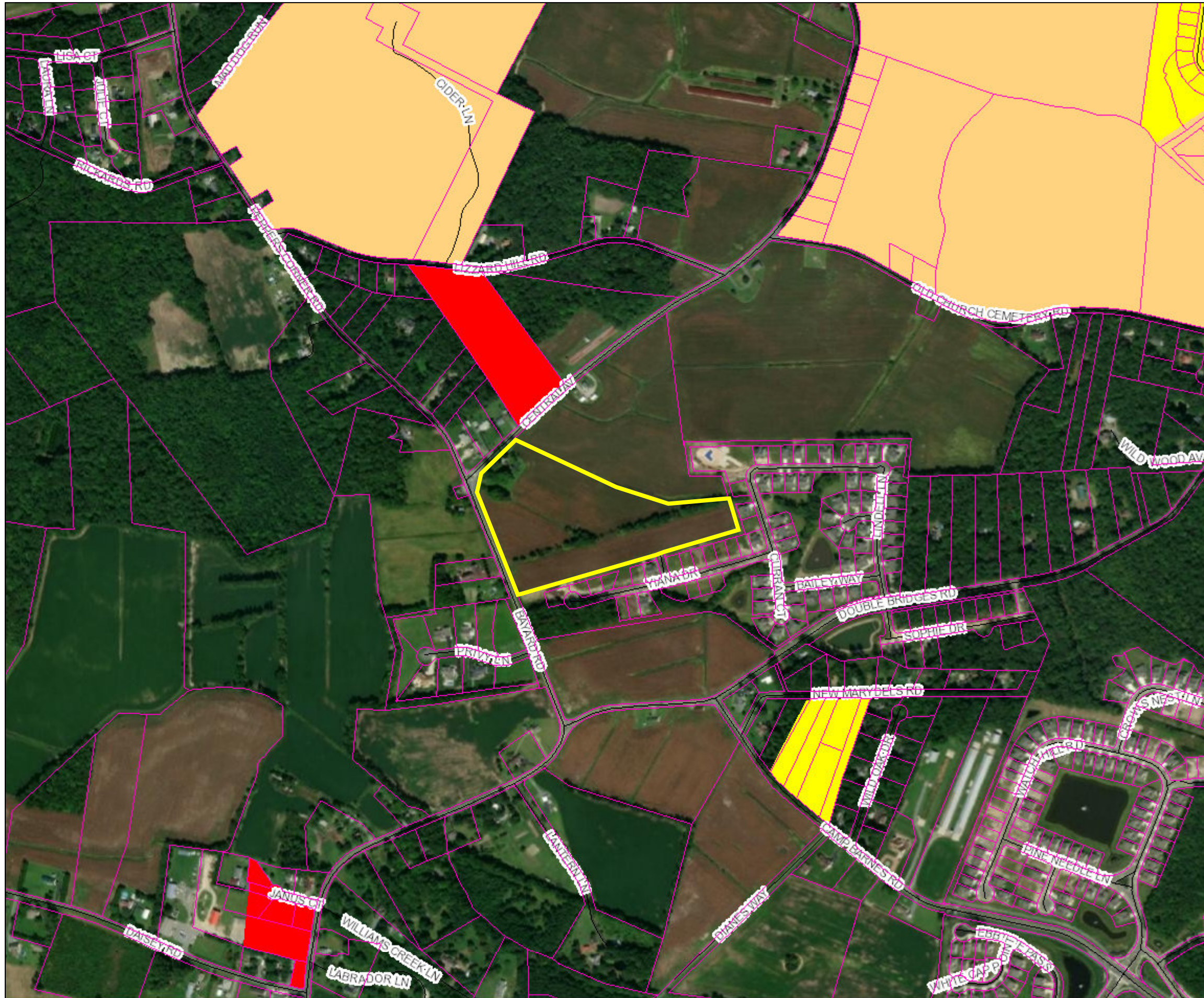








# Sussex County



<b>PIN:</b>	134-19.00-23.00
<b>Owner Name</b>	JANKOVIC PAUL D
<b>Book</b>	1831
<b>Mailing Address</b>	PO BOX 3605
<b>City</b>	OCEAN CITY
<b>State</b>	MD
<b>Description</b>	E.SIDE ROUTE 84
<b>Description 2</b>	15.69 ACRES
<b>Description 3</b>	WITH IMP.
<b>Land Code</b>	

**polygonLayer**

Override 1

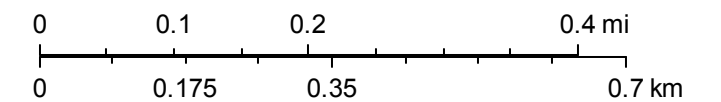
**polygonLayer**

Override 1

Tax Parcels

Streets

1:9,028





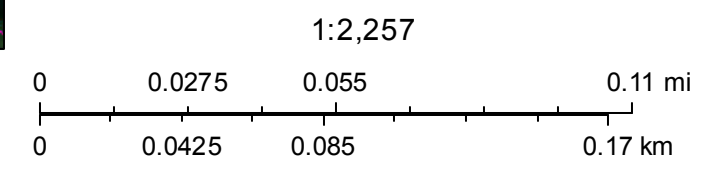


# Sussex County



<b>PIN:</b>	134-19.00-23.00
<b>Owner Name</b>	JANKOVIC PAUL D
<b>Book</b>	1831
<b>Mailing Address</b>	PO BOX 3605
<b>City</b>	OCEAN CITY
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<b>Description</b>	E.SIDE ROUTE 84
<b>Description 2</b>	15.69 ACRES
<b>Description 3</b>	WITH IMP.
<b>Land Code</b>	

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Municipal Boundaries





# Sussex County Major Subdivision Application

## Sussex County, Delaware

Sussex County Planning & Zoning Department  
2 The Circle (P.O. Box 417) Georgetown, DE 19947  
302-855-7878 ph. 302-854-5079 fax

**Type of Application: (please check applicable)**

Standard:

Cluster:

ESDDOZ:

**Location of Subdivision:**

Intersection of Bayard Ave. & Central Ave.

**Proposed Name of Subdivision:**

The Woodlands II

**Tax Map #:** 1-34-19.00-23.00 **Total Acreage:** 16.52

**Zoning:** AR-1 **Density:** 1.997 **Minimum Lot Size:** 7500SF **Number of Lots:** 33

**Open Space Acres:** 6.23

**Water Provider:** Tidewater Utilities **Sewer Provider:** Sussex County

**Applicant Information**

Applicant Name: Gulf-stream Development

Applicant Address: 27 Atlantic Ave.

City: Ocean View State: DE Zip Code: 19970

Phone #: (302) 539-6178 E-mail: \_\_\_\_\_

**Owner Information**

Owner Name: Paul D. Jankovic

Owner Address: P.O. Box 3605

City: Ocean City State: MD Zip Code: 21843

Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: Ron Sutton

Agent/Attorney/Engineer Address: 55 West Main Street

City: Middletown State: DE Zip Code: 19709

Phone #: (302) 547-2444 E-mail: ron@cea-de.com



# Check List for Sussex County Major Subdivision Applications

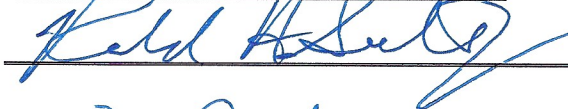
The following shall be submitted with the application

- Completed Application**
- Provide fifteen (15) copies of the Site Plan or Survey of the property and a PDF (via e-mail)**
  - Plan shall show the existing conditions, setbacks, roads, floodplain, wetlands, topography, proposed lots, landscape plan, etc. **Per Subdivision Code 99-22, 99-23 & 99-24**
  - Provide compliance with Section 99-9.
  - Deed or Legal description, copy of proposed deed restrictions, soil feasibility study
- Provide Fee \$500.00**
- Optional - Additional information for the Commission to consider** (ex. photos, exhibit books, etc.) If provided submit seven (7) copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**
- PLUS Response Letter** (if required)
- 51% of property owners consent if applicable**

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

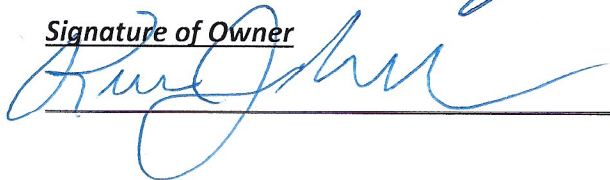
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

Signature of Applicant/Agent/Attorney



Date: 9-22-20

Signature of Owner



Date: 9/22/20

*For office use only:*

Date Submitted: \_\_\_\_\_ Fee: \$500.00 Check #: \_\_\_\_\_  
Staff accepting application: \_\_\_\_\_ Application & Case #: \_\_\_\_\_  
Location of property: \_\_\_\_\_

Date of PC Hearing: \_\_\_\_\_ Recommendation of PC Commission: \_\_\_\_\_

**SUSSEX COUNTY ENGINEERING DEPARTMENT**  
**UTILITY PLANNING DIVISION**  
**C/U & C/Z COMMENTS**

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

RECEIVED

DATE: **11/24/2020**

NOV 30 2020

APPLICATION: **2020-18 – The Woodlands II**

SUSSEX COUNTY  
PLANNING & ZONING

APPLICANT: **Gulf-Stream Development**

FILE NO: **SPS-5.04**

TAX MAP &  
PARCEL(S): **134-19.00-23.00**

LOCATION: **Located on the northeast side of Bayard Road and the southeast side of Central Avenue.**

NO. OF UNITS: **33**

GROSS  
ACREAGE: **16.52**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **2**

**SEWER:**

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?  
Yes  No
- a. If yes, see question (2).  
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 2**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **Yes** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A.** Is it likely that additional SCCs will be required? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **Noell Warren** at **302-855-7719** for additional information on charges.



- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **Yes**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **Yes**
- (8). Comments: **Click or tap here to enter text.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-1299 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**

UTILITY PLANNING APPROVAL:



---

John J. Ashman  
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.  
Lisa Walls  
Noell Warren

## ENGINEERING DEPARTMENT

ADMINISTRATION (302) 855-7718  
AIRPORT & INDUSTRIAL PARK (302) 855-7774  
ENVIRONMENTAL SERVICES (302) 855-7730  
PUBLIC WORKS (302) 855-7703  
RECORDS MANAGEMENT (302) 854-5033  
UTILITY ENGINEERING (302) 855-7717  
UTILITY PERMITS (302) 855-7719  
UTILITY PLANNING (302) 855-1299  
FAX (302) 855-7799



# Sussex County

DELAWARE

[sussexcountype.gov](http://sussexcountype.gov)

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

MICHAEL E. BRADY  
DIRECTOR OF PUBLIC WORKS

October 12, 2020

REF: **T. A. C. COMMENTS**  
**WOODLANDS II**  
**SEWER TIER 2**  
**SUSSEX COUNTY ENGINEERING DEPARTMENT**  
**SUSSEX COUNTY TAX MAP NUMBER**  
**134-19.00 PARCEL 23.00**  
**PROJECT CLASS – 1**  
**AGREEMENT NO. 1154**

The following comments are the result of the Sussex County Engineering Department's review of the preliminary site plan for the above referenced project:

### **PUBLIC WORKS DIVISION COMMENTS**

1. Proposed developments with private roads or projects required by the County to meet or exceed the County street design requirements shall be regulated by and conform to Sussex County Code and the comments here listed.
2. This project is not located within the limits of a Ground Water Management Zone (GMZ). Projects located within a GMZ must be forwarded to the County Engineer for review and comment.
3. Project Construction Drawings shall show, in detail, the proposed improvements. The work required includes preparation and delivery of an AutoCAD 2012 digitized plan showing existing and proposed lines, grades, topography and features in a given area, which was utilized in preparing plans for construction. The individual sheet types will be in a separate design to show plan views on sheets separate from profile views. In addition, each sheet of the plans shall be submitted in a PDF format.
4. All work shall be geo-referenced to the Delaware State Grid System NAD-83 (HARN) and provided in an AutoCAD 2012 format. North will always be shown in an up direction on all plans.
5. Topographic contours at one-foot intervals shall be shown and referenced to United States Geological Survey Mean Sea Level Datum NAVD 1988 Datum.
6. The plans shall be provided on 24" x 36" drawing sheets at a scale of 1" = 50'.

The plans shall show and address the following items at minimum:



7. The project requires professional land surveying services to accurately delineate, and show the following items but is not limited to the following: all property and right-of-way lines, established at a minimum, two (2) horizontal and vertical control concrete project benchmarks, survey monuments, easements, existing and proposed topographic contours at 1-foot vertical intervals and spot elevations as necessary to establish grades, the locations of all existing structures, highway and roadway pavements, shoulders, curbs, driveways, sidewalks, lighting structures, traffic control signs, and all public and private utilities, including, but not limited to, electric power and telephone lines, poles and boxes, underground electric, telephone, and communication lines, potable water lines, fire hydrants and valve boxes, gas lines, wells, sanitary sewers including septic systems, rim and invert elevations of manholes and cleanouts, and the rims and invert elevations and type of storm water structures, drainage ditches, ponds, streams and waterways, flood zones and flood zone boundaries and elevations, and State and Federal wetlands, trees, cemeteries and historic features, and the finished floor elevations of buildings.
8. Plans shall show the seal and signature of a registered Delaware land surveyor or registered Delaware professional engineer.
9. The plan requires a Certification Signature and/or a Certification Block for the Delaware Professional Engineer or Delaware Land Surveyor.
10. The plan requires a Certification Signature and/or a Certification Block for the Owner or Representative of the Owner.
11. The plan requires a Certification Signature and/or a Certification Block for the Professional Wetlands Delineator.
12. The name, address, phone number and contact person's name of the Owner of Record, the Developer and the Engineer or Surveyor preparing the plan.
13. Indicate the location of all wetlands (both state and federal), in order to facilitate compliance with County, State and Federal requirements.
14. Define the courses and distances of the property perimeter and the approximate acreage contained therein. Establish and set in the field two (2) CONCRETE MONUMENT project benchmarks, preferably at property perimeter corners, geo-referenced to the Delaware State Plane Coordinate system NAD 83 and show the location including the North and East coordinates of the marks on the plans.
15. Indicate the development construction phases proposed showing the boundaries of each phase. Phasing boundaries shall include buildings, residential units, amenities, roads, storm water management facilities, wastewater systems and all other improvements and utilities required to service each phase.
16. Show the layout, width and names of all streets, alleys, crosswalks and easements proposed to be dedicated for private or public use. Street names shall not duplicate nor closely resemble existing street names in the same hundred or postal district, except for extensions of existing streets.
17. Provide the limits and elevations of the one hundred (100) year flood. This may require the design engineer to complete an analysis and provide a report including the depiction of the subject watershed(s), calculations and other technical data necessary

to determine the limits and elevations base flood. The design engineer must resolve discrepancies, if any, between surveyed topography and the FEMA Flood Insurance Rate Maps.

18. The pavement radius for all cul-de-sacs shall be no less than 38 feet in diameter or as otherwise required by the State Fire Marshall's office or the County Engineering Department.
19. The right-of-way of all cul-de-sacs shall be no less than 106 feet in diameter.
20. False berms shall not be utilized to create roadside drainage swale back slopes.
21. For parking lots and drives, provide spot elevations at the edge of pavement, right-of-way or travel way centerline, at changes in grade, and high points and low points, to the nearest drainage facilities. Show the limits of the various surface materials and provide construction sections.
22. Provide and show the locations and details of all ADA compliant accessible walks and ramp features.
23. If the site has a cemetery located on it the Developer shall contact the Delaware State Historic Preservation Office and satisfy the requirements of that Office prior to beginning any construction activity. This area shall not be disturbed by this project. Adequate access to the site and buffers to protect the site, shall be provided.
24. Private rights-of-way adjacent to and abutting parcels not part of the project shall be located and designed to provide adequate buffer so that construction activities do not encroach onto adjacent properties.
25. Provide statements explaining how and when the developer proposes to provide and install the required water supply, sewers or other means of sewage disposal, street pavement, drainage structures and any other required improvements.
26. Provide statements concerning any proposed deed restrictions to be imposed by the owner.
27. Where special physical conditions exist, which may act as constraints on normal development or may preclude development, the developer may be required to submit special technical data, studies or investigations. This information must be prepared by individuals technically qualified to perform such work. Additional information may include but is not limited to the following: on-site sanitary sewage disposal feasibility, water supply surveys, such as test well drilling, storm water runoff computations and identification of areas subject to periodic flooding.
28. If special conditions are found to exist, the Engineering Department may elect to withhold approval of a construction plan until it is determined that it is technically feasible to overcome such conditions. The Engineering Department may then require the developer to incorporate specific improvement design criteria into the plat as a condition to its approval.
29. When special studies or investigations pertain to a regulatory program of another public agency, the developer shall submit the results of these studies or investigations to said public agencies for technical review and approval. Approvals and/or written comments

from these agencies shall be supplied to Sussex County by the developer.

**UTILITY PLANNING DIVISION COMMENTS**

REVIEWER: **Chris Calio**

APPLICATION: **2020-18 – Woodlands II**

APPLICANT: **Paul D. Jankovic**

FILE NO: MC-1.02

TAX MAP &  
PARCEL(S): **134-19.00-23.00**

LOCATION: **Southeast corner of Bayard Road (SCR 384) and Central Avenue (Rt. 84).**

NO. OF UNITS: 33

GROSS  
ACREAGE: 15.69

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: 4

**SEWER:**

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?  
Yes  No 
  - a. If yes, see question (2).
  - b. If no, see question (7).
- (2). Which County Tier Area is project in? Tier 2
- (3). Is wastewater capacity available for the project? Yes If not, what capacity is available? N/A.
- (4). Is a Construction Agreement required? Yes If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? No If yes, how many? N/A. Is it likely that additional SCCs will be required? **Yes**



If yes, the current System Connection Charge Rate is \$6,360.00 per EDU. Please contact **Choose an item.** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **Yes**

Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.

- (7). Is project adjacent to the Unified Sewer District? **Yes**

- (8). Comments: **The proposed Subdivision is in a Tier 2 area for sewer service. It is contiguous to the existing Sussex County Unified Sanitary Sewer District (Miller Creek Area) and must annex into the district.**

- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-1299 to apply**

- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**

If the above items, as applicable, are incorporated into the development plans, then preliminary approval is recommended. However, final plan approval should be withheld pending the approval of the construction plans by the Sussex County Engineering Department.

**ENVIRONMENTAL ASSESSMENT  
&  
PUBLIC FACILITY EVALUATION  
REPORT**

FOR

**JANKOVIC PROPERTY  
(WOODLANDS II)**

BALTIMORE HUNDRED  
SUSSEX COUNTY  
DELAWARE

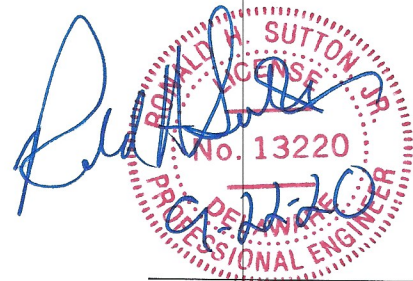
PREPARED BY:



**CIVIL ENGINEERING ASSOCIATES, LLC**

55 West Main Street  
Middletown, DE 19709  
(302) 376-8833

DATE:  
September 2020



Seal

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## **A. EXECUTIVE SUMMARY**

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### **Introduction**

This Report has been prepared in accordance with Chapter 115 – Zoning: Article XXV Supplementary Regulations, 194.3 Coastal Area of the Sussex County Code. This Report provides a summary of site specific information and accompanies the Preliminary Plans submittal, dated September 18, 2020.

### **Scope of Project:**

The proposed project will include thirty-three (33) single family lots on the property known as the Jankovic Property located on Central Avenue in Frankford, Delaware. The existing zoning designation is AR-1. We are proposing to utilize the Cluster Development Option of the AR-1 Zoning District.

The project will involve typical construction activities associated with new roads, stormwater management facilities, home construction, and utility installation. The utilities for the site will consist of electric, telecommunications, sewer, and water services to each home. Stormwater management for the site will be provided by one (1) stormwater management area (Wet detention pond).



## **B. ENGINEER'S REPORT**

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### **Drainage and Stormwater Runoff**

Stormwater quality will be met by managing the Resource Protection Event (RPv) and quantity management will be met by managing the Conveyance Event and the Flooding Event (Cv and Fv) this will be achieved through the proposed stormwater management area and will be denoted on the plans as Stormwater Management Area. The proposed Stormwater Management Area will be a wet detention pond that will collect all of the runoff from the site. It will discharge into an existing ditch that is in good working condition.

The runoff from the areas that are being developed will be collected by several methods. Road runoff will be collected by the proposed storm drain system which outlets into the proposed stormwater management area. The runoff from the proposed lots will also be collected and directed to the proposed stormwater management areas by downspouts or by grass lined swales.

### **Potable Water**

A connection to the adjacent subdivision's (Woodlands I) Tidewater Utilities facilities is expected. During the Sussex County approval process Water Plans will be submitted to Tidewater Utilities for approval as well. Once the Tidewater Utilities approves the connection, both domestic and fire flows will be provided.

Since 33 single family lots are being proposed an estimated consumption of 8,250 GPD is anticipated. (33 lots \* 250 GPD = 8,250 GPD)

As it is expected to be served by the extension of the existing Tidewater Utilities facilities, no private wells are expected to be impacted.

### **Wastewater Treatment and Disposal**

The proposed site lies within an existing Sussex County Sanitary Sewer District, it is anticipated to connect and be served by an existing gravity sewer line situated at the adjacent subdivision (Woodlands I). Ordinance No. 38 Plans will be submitted to the County for approval.

As it is anticipated to be served by the extension of the existing gravity sewer line situated at the adjacent subdivision, no impacts to the surrounding surface or ground waters are expected.

### **Impacts to Surrounding Roadways**

The Woodlands II development is proposed to contain 33 single family detached homes. Based upon the latest Institute of Transportation Engineers Traffic Generation Manual, a single family home is anticipated to generate approximately 9.44 vehicle trips per day (1/2 entering the site, 1/2 leaving the site), and the site is anticipated to generate approximately 375 vehicle trips per day (187 entering, 188 leaving).

Based upon the 2018 DeIDOT Traffic Counts, Central Avenue currently carries 2,484 average annual daily vehicles. Therefore, it is anticipated that the Woodlands II development will not cause any adverse impacts to the surrounding road network.



### **Endangered or Threatened Species**

Based upon a field investigation performed by consultant, Environmental Resources, Inc., the existence of any endangered or threatened species is not expected.

### **Preservation and Protection of Tidal and Non-Tidal Wetlands**

A wetland delineation was performed by Edward M. Launay, Environmental Resources, Inc. in September 2018. Based on the delineation it was determined that no wetland exists on the site.

### **Open Space and Buffers**

Under the designed layout of the proposed Woodlands II development approximately 6.23 acres are provided as open space. The total area of the site is 16.52 acres, which produces 37.7% of provided open space. This fulfills the required minimum open space of 30%.

In addition, forested buffer strips are being proposed north, south and east of the project site. These forested buffers strips will be composed of a mix of 70% deciduous shade trees and 30% evergreen trees. They will also follow the Sussex County code requirement of having a minimum total of 15 trees for every one-hundred foot length of buffer.

### **Proposed Public and Private Infrastructure**

The proposed development will extend public water facilities to the site. Similarly, sewer facilities will also be extended to the site.

### **Economic & Recreational Benefits**

The proposed development is anticipated to provide several economic benefits including:

- By extending the public water and sewer to the site will result in a possible expansion into adjacent properties and therefore possibly more developments.
- The proposed development is also anticipated to increase the tax base of Sussex County.

The proposed development is anticipated to provide several recreational benefits including:

- Large areas for recreational uses.
- An aesthetic wet pond with vast area around to sit.

### **Historic and Cultural Resources**

There is no presence of any historic or cultural resources listed on the National register of Historic Places at the site.

**Affirmation of Conformance with Sussex County Comprehensive Plan**

The proposed development has been designed in accordance to the current Sussex County Comprehensive Plan.

**Actions Taken to Mitigate Proposed Impacts of the Development**

No negative impact to the environment and its surrounding community is projected to originate from the proposed development.

September 19, 2018

ERI Project No. 806#0753

Mr. Jamie Whitehouse, Manager  
Department of Planning and Zoning, Sussex County  
2 The Circle, P.O. Box 417  
Georgetown, DE 19947

RE: Woodlands II, Jankovic Property  
Conceptual Site Plan

Dear Mr. Whitehouse,

I am writing you as the environmental consultant and professional wetland scientist working on the Woodlands II project for which a Conceptual Site Plan has been filed with your office. In your September 13 email to Mr. Jack Haese you requested some clarification in regard to a Jurisdictional Determination (No. JD – 066/18) letter dated June 21, 2018 from DNREC's Wetlands & Subaqueous Lands Section (WSLS). I wanted to respond to your request by providing this report about the WSLS letter as I worked with WSLS to obtain the letter and was present during their May 7, 2018 site visit. In addition, I have been working with DNREC's Drainage Sections to abandon the tax ditch right of way on the property, as well as prepare a report and plan to obtain a Jurisdictional Determination Letter from the Corps of Engineers as to the extent of federally regulated waters or wetlands on the site, if any.

To aid in my discussion of the site, I have enclosed the figure prepared by the WSLS illustrating their determination as to the extent of state regulated subaqueous lands (waters) provided as part of their June 21<sup>st</sup> letter (enclosed) upon which I have provided some additional labeling discussed herein. I have highlighted sections of the WSLS letter as they apply to particular ditches on the site as well. I have also provided a copy of the DNREC's Drainage Section Tax Ditch Map. As shown on that map the drainage ditch along the northeast Woodlands II property line is designated as Sub Prong 1 of the Beaver Dam Tax Ditch. As an aside I would let you know that ERI has filed a request with the Drainage Section to abandon the portion of this tax ditch within the Woodlands II site. The physical ditch does not extend to Central Ave (see WSLS Map) and provides little drainage benefit as it's function will be replaced by the future stormwater management plan within the Woodlands II project.



ERI agrees with the conclusions and observations of the WSLs Jurisdictional Determination Letter. On their plan the ditches designated in red which include two small ditches connecting into Sub Prong 1 were determined to be ephemeral features, which only exhibit flow during precipitation events (see yellow highlighting in letter). ERI notes that based upon study of historic aerial photography these ditches are man made channels excavated in uplands for agricultural purposes, draining only upland. DNREC determined these areas were not regulated subaqueous land. As such, these are not streams. For similar reasons, these features are not "Waters of the U.S." subject to regulation under the Corps of Engineers Regulatory Program. I would let you know that ERI is currently preparing and submitting a Jurisdictional Determination Request to the Corps of Engineers for this property which will provide confirmation of that fact.

In the WSLs Jurisdictional Determination, the easterly portion of the Sub Prong 1 Tax Ditch was designated in green. As stated in the WSLs letter (see green highlighting) this part of Sub Prong 1 was determined to be a state regulated subaqueous land, However, it was determined to have only intermittent flow.

In accordance with current Sussex County Code, a 50' buffer is required for streams with perennial (year-round) flow. Review of the current Woodlands II Conceptual Plan by Civil Engineering Associates, LLC. (CEA) shows that while not required, a 50-foot buffer to this designated subaqueous land has been provided exceeding code requirements.

In so far as possible federal regulation of the portion of Sub Prong 1 determined to be subaqueous land, since the WSLs has determined it to be state regulated subaqueous land with intermittent (seasonal) flow, the jurisdictional determination request ERI is submitting to the Corps will identify this portion of Sub Prong 1 as "Water of the U.S." However, it is possible that since Sub Prong 1 is a man-made feature excavated in upland, draining only uplands, the Corps may defer taking jurisdiction under current policies of that program.

In conclusion, the USGS Topographic Survey of the Woodlands II site shows three blue line features all of which are man made agriculture ditches based upon review of historic maps and photographs. Agricultural ditches in Sussex County are routinely illustrated as blue line features. Careful on-site evaluation is needed to determine if such features are streams.

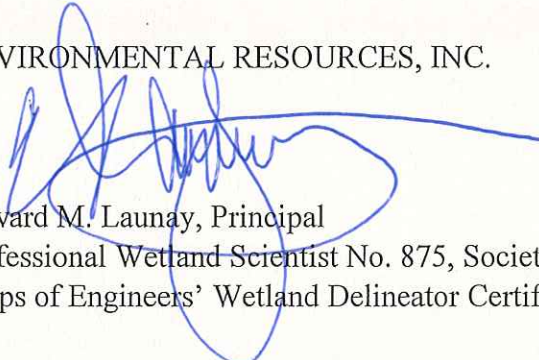
ERI and DNREC's WSLs have carefully evaluated these features. It has been determined that only the easterly portion of the Sub Prong 1 tax ditch is a state regulated subaqueous land (stream) exhibiting only intermittent flow. Potential regulation of "Waters of the U.S." by the Corps of Engineers may be similar or less than that of the WSLs determination.

Under current Sussex County Code, only streams with perennial flow require a 50-foot buffer. The current Woodlands II Conceptual Plan proposes a buffer from the WSLs designated intermittent stream which exceeds Code requirements.

I trust this discussion has clarified the circumstance of existing conditions on this site and the findings of the WSLs. Upon your review, if you have any additional questions, I am available at your convenience.

Sincerely,

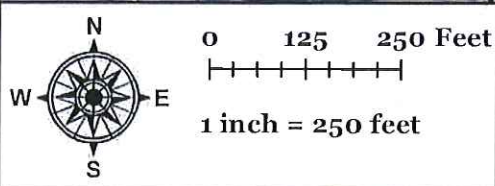
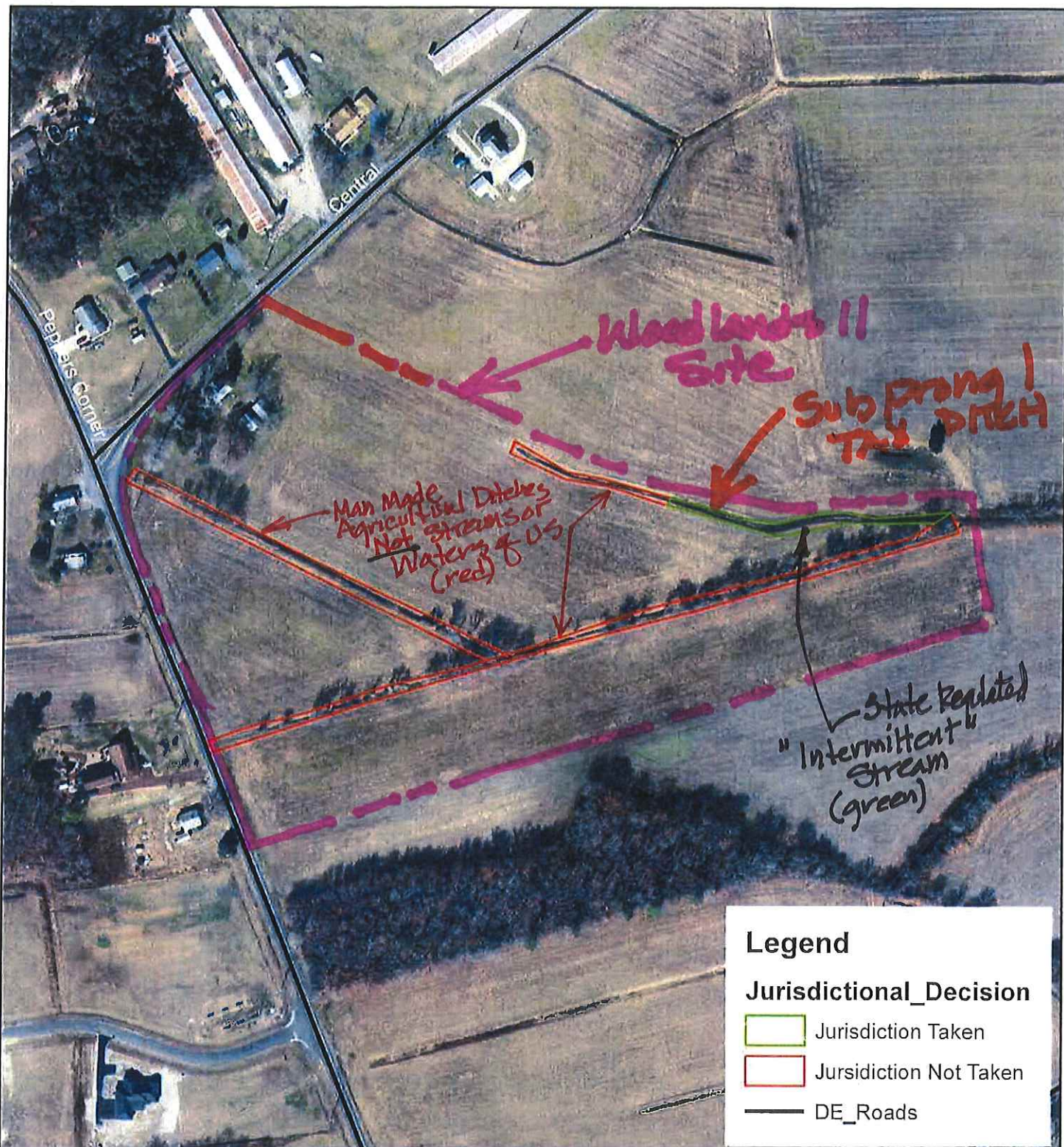
ENVIRONMENTAL RESOURCES, INC.



Edward M. Launay, Principal  
Professional Wetland Scientist No. 875, Society of Wetland Scientists  
Corps of Engineers' Wetland Delineator Certification No. WDCP93MD0510036B

Cc: Mr. Jack Haese, Insight Homes  
Mr. Ron Sutton, CEA, LLC.





Paul Jankovic  
 PO Box 3605  
 Ocean City, MD 21843  
 Tax Parcel #: 1-34-19.00-23.00

2017 Aerial Photography



Division of Water:  
 Wetlands &  
 Subaqueous  
 Lands Section

Date: 5/7/2018

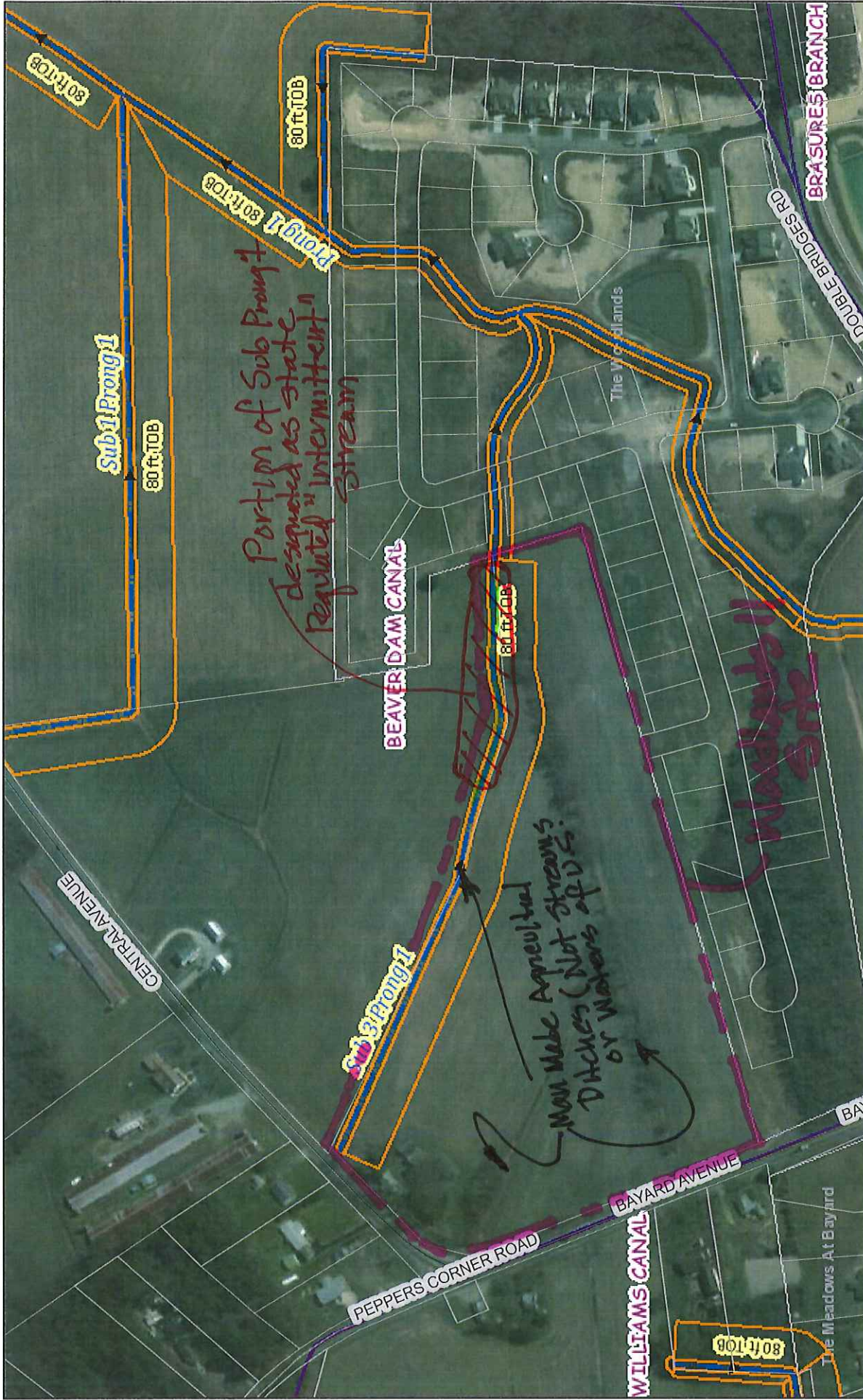
Scientist: Matthew Jones

Project No.: JD-066/18

Map: 1

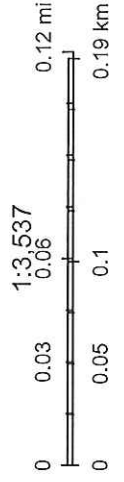
ERI FIGURE 1





April 25, 2018

1:3,537



- Tax Ditch Segments
- DE\_State\_Parcels - Sussex Parcels
- Approx. Watershed Boundary
- Extent of Right-of-Way
- Tax Ditch Channel
- Special Access ROW
- Municipalities
- Communities
- Pond Feature

Delaware Office of State Planning Coordination, Counties, DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, DNREC, Division of Watershed Stewardship, Drainage Program

These maps do not replace the official documents on file in the Prothonotary's Office, and are not to be used for engineering purposes.





STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES &  
ENVIRONMENTAL CONTROL  
**DIVISION OF WATER**  
89 KINGS HIGHWAY  
DOVER, DELAWARE 19901

WETLANDS & SUBAQUEOUS  
LANDS SECTION

TELEPHONE (302) 739-9943  
FACSIMILE (302) 739-6304

June 21, 2018

Paul Jankovic  
PO Box 3605  
Ocean City, MD 21843

Jurisdictional Determination No.: JD-066/18  
RE: Subaqueous Lands Jurisdictional Determination  
At the northeast corner of Central Avenue & Bayard Road  
Tax Parcel #: 1-34-19.00-23.00

Dear Mr. Jankovic:

At your request, an evaluation has been conducted regarding the above-referenced property to determine if features are subject to State jurisdiction pursuant to 7 Del. C., Chapter 72, The Subaqueous Lands Act and the "Regulations Governing the Use of Subaqueous Lands".

The jurisdictional determination included a review of 1937, 1954, 1961, 1968, 1992, 2007, 2012 and 2017 aerial photography and 1992 and 2014 USGS topographic quadrangle maps and the 1931 War Department Topographic Map. In addition to the desktop review, a site visit was performed on May 7, 2018.

The property is drained by a southeast flowing channel which is part of the Beaver Dam Canal Tax ditch complex that connects downstream to Prong 1 of the Beaver Dam Canal complex. Additionally, there are two lateral ditches connected to this drainage feature as depicted on the plan. Soils on the site are predominantly comprised of the very poorly drained Mullica-Berryland soil complex. There is also a small inclusion of the poorly drained Hammonton soil series. Very poorly drained soils such as the Mullica-Berryland complex exhibit a water table at or near the soil surface during most of the growing season. Moderately well drained soils such as the Hammonton series exhibit a shallow water table periodically during the growing season. The Delaware Environmental Observing System recorded rainfall totaling .02 inches at the Bethany Beach-DE-NGTS monitoring station for the month of May 2018 and the site received 0.02 inches of rain 2 days prior to the site visit.

Drainage features are evident on this site on the earliest available aerial photography (produced in 1926), although most are not in the same configuration as currently exists. The drainage features on this site appear to have been altered by agricultural practices over the years resulting in the current configuration.

Jurisdiction was evaluated in the field by Matthew Jones of the WSLs. The methodology used was from the Delaware Stream Jurisdictional Determination Field Form Version 1.0, an adopted version of the North Carolina Division of Water Quality "Methodology for Identification of Intermittent and Perennial Streams and Their Origins, Version 4.11". The accompanying field form uses a scoring system

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to award points based upon the observation of geomorphic, hydrologic and biological stream features. Utilizing this form, the drainage feature scored a 23.00, which indicates an intermittent feature. A score of 19 or higher would be needed to provide evidence of a jurisdictional feature. During the site visit WSLs representatives noticed that a portion of the southeast flowing channel on the above referenced parcel depicted in green was holding water. WSLs inspected the feature at several locations in close proximity of the above parcel and determined there was observable flow, presence of a continuous channel and bank, a thalweg indicative of sustained water flow, and wetland vegetation indicative of a low gradient, low velocity intermittent or perennial stream. The channel also flows through very poorly drained soils providing evidence that the channel receives groundwater discharge that sustains an annual extended period of baseflow.

Additionally, jurisdiction of the two (2) lateral channels was also evaluated in the field by Matthew Jones of the WSLs. The methodology used was from the Delaware Stream Jurisdictional Determination Field Form Version 1.0, an adopted version of the North Carolina Division of Water Quality "Methodology for Identification of Intermittent and Perennial Streams and Their Origins, Version 4.11". The accompanying field form uses a scoring system to award points based upon the observation of geomorphic, hydrologic and biological stream features. Utilizing this form, the drainage feature scored a 16.00, which indicates an ephemeral feature. A score of 19 or higher would be needed to provide evidence of a jurisdictional feature. During the site visit WSLs representatives noticed that the laterals channels on the above referenced parcel depicted in red were holding water. There was a substantial amount of litter and brush within the ditch of the above referenced property; therefore, the WSLs inspected the feature at several locations in close proximity of the above parcel and determined there was little to no water movement, lacking a definable thalweg, substantial leaf litter in the bed of the ditch, recent rain fall, the observation of woody shrubs within the feature, the presence of algae along the entire feature and the review of soil survey maps help designate the feature as a non-jurisdictional ditch.

Based on this review, the WSLs determined that a portion of the southeast flowing channel along the eastern boundary depicted in green to be jurisdictional and, consequently, subject to the Subaqueous Lands Act, 7 Del.C. Chapter 72 or the "Regulations Governing the Use of Subaqueous Lands" and jurisdiction over the above referenced feature will be taken by the Wetlands and Subaqueous Lands Section. This decision was based, in-part, on the presence of a continuous channel and bank, observable flow, a thalweg indicative of sustained water flow, and wetland vegetation indicative of a low gradient, low velocity intermittent or perennial stream. The channel also flows through very poorly drained soils providing evidence that the channel receives groundwater discharge that sustains an annual extended period of baseflow.

Consequently, the lateral channels depicted in red on the subject property are not subject to the Subaqueous Lands Act, 7 Del.C. Chapter 72 or the "Regulations Governing the Use of Subaqueous Lands". This decision was base, in-part, on the lack of a definable thalweg, substantial leaf litter in the bed of the ditch, recent rain fall, the observation of woody shrubs within the feature and the presence of algae.

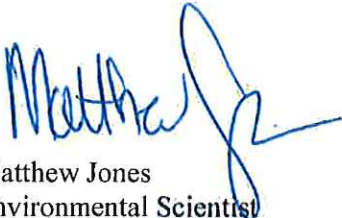
This determination applies only to the feature (s) described above and as highlighted on the attached map and should not be construed as applying to any other water or wetland feature on or adjacent to the subject property. The jurisdictional feature is highlighted in red and the non-jurisdictional feature is highlighted in green on the attached map. This jurisdictional determination is valid and can be relied upon for a period of three (3) years from the date of this letter.

*Delaware's good nature depends on you!*

This letter does not exempt you from obtaining proper permits through the U.S. Army Corps of Engineers and other State or Government Agencies, if/as appropriate.

If you have any questions or need more information please feel free to call me at (302) 739-9943.

Sincerely,



Matthew Jones  
Environmental Scientist  
Wetlands and Subaqueous Lands Section

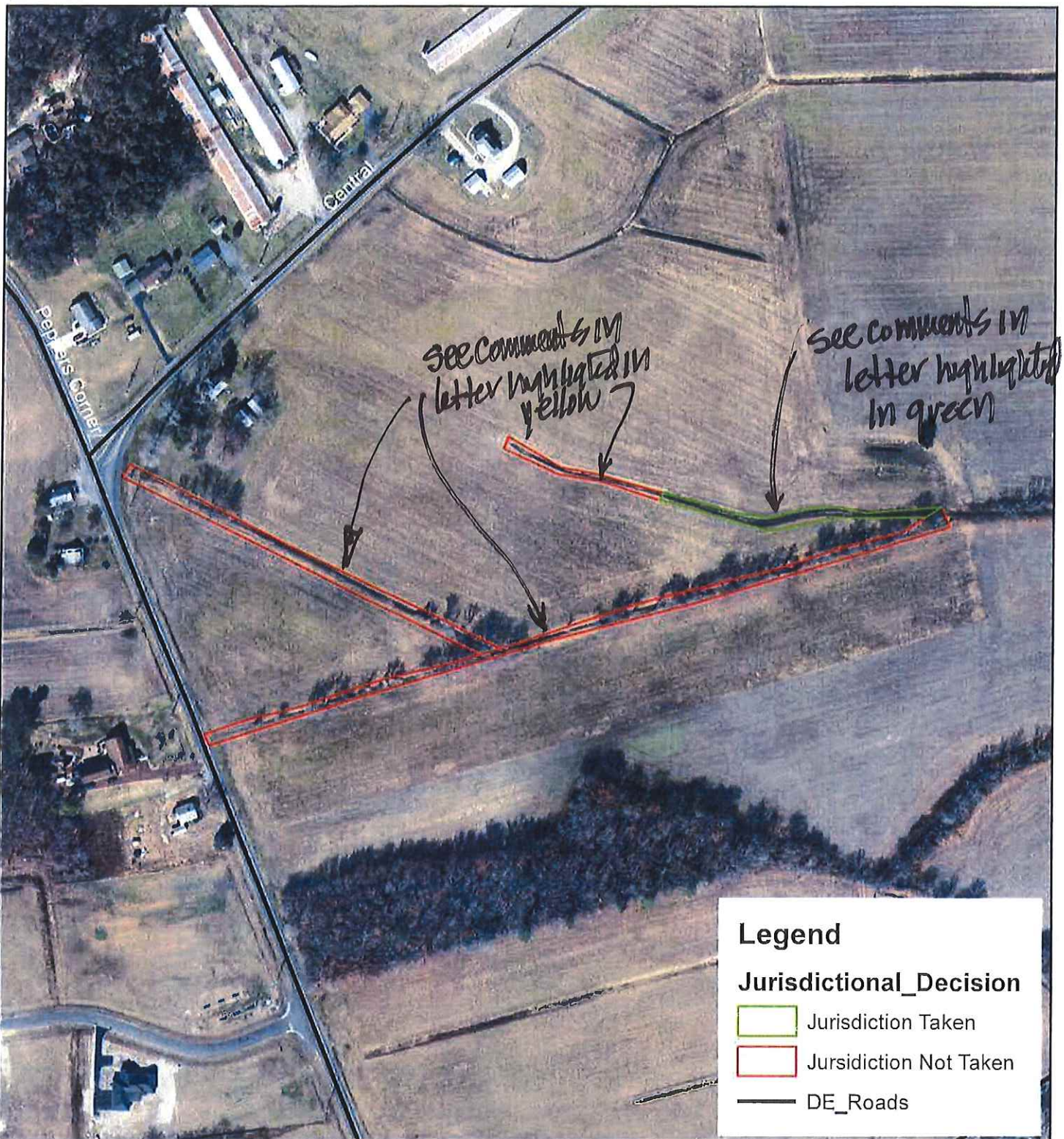
CC: Tyler Brown, Section Manager, WSLS

Enclosures: Map 1

Literature Cited: NC Division of Water Quality. 2010. *Methodology for Identification of Intermittent and Perennial Streams and their Origins, Version 4.11*. North Carolina Department of Environment and Natural Resources, Division of Water Quality. Raleigh, NC.

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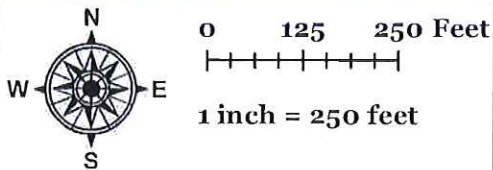




**Legend**

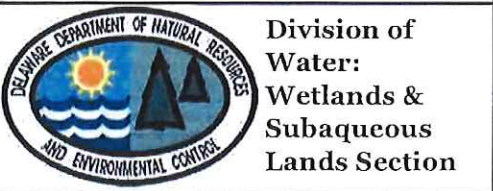
**Jurisdiction\_Decision**

- Jurisdiction Taken
- Jurisdiction Not Taken
- DE\_Roads



Paul Jankovic  
 PO Box 3605  
 Ocean City, MD 21843  
 Tax Parcel #: 1-34-19.00-23.00

**2017 Aerial Photography**



**Date: 5/7/2018**

**Scientist: Matthew Jones**

**Project No.: JD-066/18**

**Map: 1**





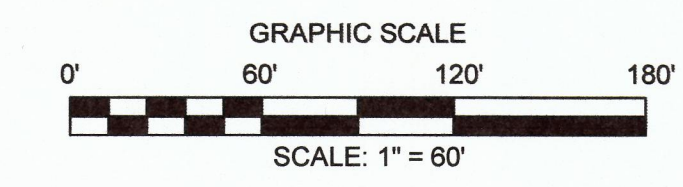
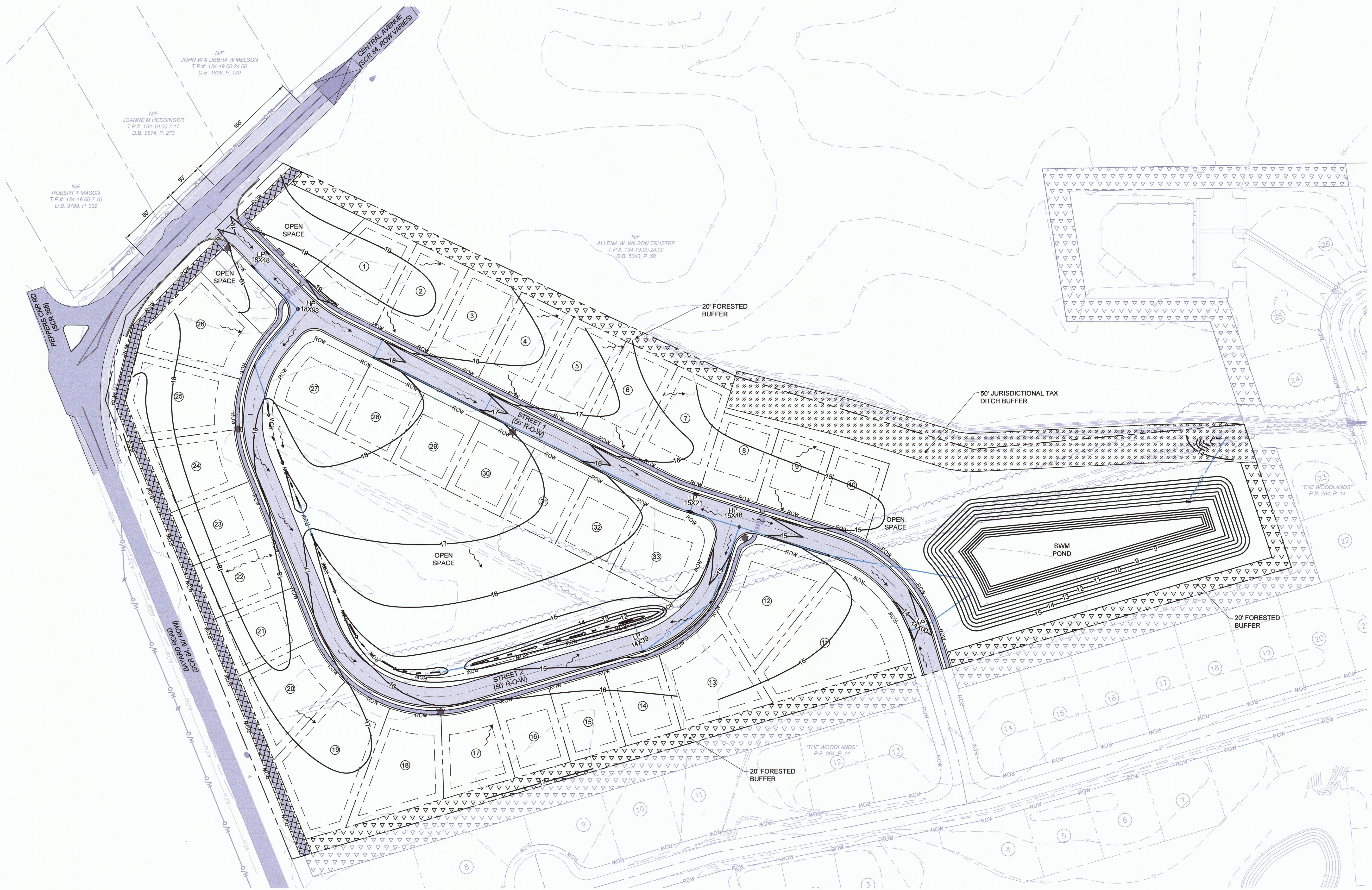












DATE \_\_\_\_\_

REVISION	DATE	DESCRIPTION

**CEA CIVIL ENGINEERING ASSOCIATES, LLC**

• ENGINEERING • SURVEYING • CONSTRUCTION SERVICES

55 W. MAIN STREET  
MIDDLETOWN, DE 19709

PHONE (302) 376-8833  
FAX (302) 376-8834

WWW.CEA-DE.COM

**GRADING PLAN**  
FOR  
**WOODLANDS II**  
**JANKOVIC PROPERTY**  
BALTIMORE HUNDRED  
SUSSEX COUNTY, DELAWARE

DATE:	SEPTEMBER 18, 2020
DESIGNED BY:	YMR
APPROVED BY:	RHS
FILE:	GRADING PLAN.DWG
SHEET NO.:	<b>G-1</b>







