

ORDINANCE NO. 2788

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 9.1 ACRES, MORE OR LESS

WHEREAS, on the 8th day of December 2020, a conditional use application, denominated Conditional Use No. 2252 was filed on behalf of Delaware Electric Co-Op; and

WHEREAS, on the 27th day of May 2021, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2252 be approved with conditions; and

WHEREAS, on the 13th day of July 2021, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsections 115-31, of the Code of Sussex County, be amended by adding the designation of Conditional Use No. 2252 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southwest corner of Plantations Road and Cedar Grove Road (S.C.R. 283) and being more particularly described in the attached legal description prepared by Century Engineering, Inc., said parcel containing 9.1 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

This Ordinance was adopted subject to the following conditions:

- a. The perimeter of the substation shall be fenced.**
- b. Two signs shall be permitted on the fencing around the property to identify the site and emergency contact information.**
- c. Any security lighting shall be shielded and downward-screened so that it does not shine on neighboring properties and County roads.**
- d. Landscaping shall be provided to screen the facility from adjacent properties and roadways.**
- e. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2788 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 13TH DAY OF JULY 2021.



**ROBIN A. GRIFFITH
CLERK OF THE COUNCIL**

The Council found that the Conditional Use was appropriate legislative action based on the following Findings of Fact:

- A. This is the application of Delaware Electric Co-Op for a Conditional Use in a MR Medium Density Residential District for a substation to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 9.1 acres, more or less (property lying on the southwest corner of Plantations Road and Cedar Grove Road [S.C.R. 283]) (Tax I.D. No. 334-12.00-2.00) (911 Address: 34139 Cedar Grove Road, Lewes).**
- B. Based on testimony before the Sussex County Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that Mr. Mark Nielson, Senior Vice-President with Delaware Electric Co-Op and Mr. Alex Schmidt, Project Manager with Century Engineering, were present on behalf of the application; that the subject property was chosen for a proposed substation because of its proximity to transmission lines and also proximity to the load that it will serve; that the load growth has increased in eastern Sussex County but particularly in the area of Lewes and Rehoboth Beach; that this substation would serve all of the area along Gill's Neck Road, east of Route 1, and also Plantations Road and west of Plantations Road; and that Bay Health Hospital will also be served by this substation.**
- C. Council also found that this project will have no impact on traffic; that during construction there will be approximately 20 vehicles traveling to the site and following construction there will be one vehicle per month for maintenance of the site; that stormwater management will be an infiltration system at the rear of the site; that the soil testing has been completed for the infiltration system; that sewer, water or gas will not be needed for this project; that the site will be screened by Arborvitae trees; and that there will not be any clearing of trees on the site.**
- D. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 4) and Conditions (5a. – e.), Council found that:**

- 1. The Conditional Use for an electrical substation is of a public nature, and it will promote the health, safety and welfare of the residents of Sussex County.**
- 2. The Co-Op has stated that the substation is necessary to maintain and improve its electrical service to current and future residents of Sussex County.**
- 3. The construction and use of an electrical substation on this site will not adversely affect neighboring properties or roadways.**
- 4. No parties appeared in opposition to this application.**
- 5. Based on the record and recommendation of the Planning and Zoning Commission and the record created before the Sussex County Council, the Conditional Use was approved subject to five (5) conditions (a. – e.), which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**