

COUNTY COUNCIL

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Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

AGENDA

December 12, 2023

10:00 AM

Call to Order

Approval of Agenda

Approval of Minutes - December 5, 2023

Reading of Correspondence

Public Comments

Consent Agenda

1. **Use of Existing Wastewater Infrastructure Use Agreement IUA-1189 (Phase 1)
Villas at Bridgeville (Western Sussex Area)**
2. **Use of Existing Wastewater Infrastructure Use Agreement IUA-1189 (Phase 2)
Villas at Bridgeville (Western Sussex Area)**
3. **Use of Existing Wastewater Infrastructure Use Agreement IUA-1242
Silver Woods Villa District (Miller Creek Area)**



Todd Lawson, County Administrator

1. Recognition of Cape Henlopen High School Field Hockey Division I State Champions
2. Recognition of Delmar High School Field Hockey Division II State Champions
3. Recognition of Sussex Academy High School Boys' Soccer Division II State Champions
4. Recognition of Retiree - Jacqueline D. Clark
5. Recognition of Retiree - Richard A. King
6. Discussion Related to Perimeter Buffer Update
7. Administrator's Report

Hans Medlarz, County Engineer & John Ashman, Director of Utility Planning & Design Review

1. Interim Sewer Operations & Transition Agreement
2. Blackwater Village – Tentative SRF Funding Offer

John Ashman, Director of Utility Planning & Design Review

1. 2023 Mass Annexation

Old Business

1. [Conditional Use No. 2285 filed on behalf of Ashley DiMichele](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TOURIST HOME TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.831 ACRES, MORE OR LESS” (property lying on the south side of Cave Neck Road [S.C.R. 88] approximately 0.43 mile west of Diamond Farm Road [S.C.R. 257]) (911 Address: 26182 Cave Neck Road, Milton) (Tax Parcel: 235-21.00-48.00)

2. [Ordinance No. 23-11](#)

“AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 234-6.00-6.02” (property lying on the west side of Beaver Dam Road [Rt. 23], approximately 0.50 mile north of Hopkins Road [S.C.R. 286]) (911 Address: 30857 Saddle Ridge Way, Lewes) (Tax Map Parcel: 234-6.00-6.02)

3. [Conditional Use No. 2350 filed on behalf of Beaver Dam Enterprises, LLC](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.144 ACRES, MORE OR LESS” (property lying on the west side of Beaver Dam Road [Rt. 23], approximately 0.50 mile north of Hopkins Road [S.C.R. 286]) (911 Address: 30857 Saddle Ridge Way, Lewes) (Tax Map Parcel: 234-6.00-6.02)

4. [Conditional Use No. 2379 filed on behalf of Lewes Solar Ridge Solar 1, LLC](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 15.97 ACRES, MORE OR LESS” (properties lying on the north and south side of Saddle Ridge Way and the west side of Beaver Dam Road [S.C.R. 23], approximately 0.57-mile northeast of Hopkins Road [S.C.R. 286]) (911 Address: 30857 & 30862 Saddle Ridge Way) (Tax Map Parcels: 234-6.00-6.02, 6.03 & 6.04)

5. [Conditional Use No. 2380 filed on behalf of Dagsboro Thorogoods Solar 1, LLC](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 28.81 ACRES, MORE OR LESS” (property lying on the east side of Thorogoods Road [S.C.R. 333], approximately 0.41-mile northeast of Dagsboro Road [Rt. 20]) (911 Address: 30561 Thorogoods Road, Dagsboro) (Tax Map Parcel: 233-5.00-187.00)

Grant Requests

1. Greater Lewes Foundation for their 3rd Annual Rally for First Responders
2. Southern Delaware Alliance for Racial Justice for their Black Voices magazine program
3. New Coverdale Outreach Mission for Clothing for kids for Christmas
4. Historical Georgetown Association for Education and Disability purposes
5. Clothing our Kids for their Clothe A Kid program

Introduction of Proposed Zoning Ordinances

Council Members' Comments

Executive Session - Pending & Potential Litigation, Collective Bargaining, Personnel, & Job Applicants' Qualifications pursuant to 29 Del.C.§10004(b)

Possible action on Executive Session Items

1:30 p.m. Public Hearings

1. **[Conditional Use No. 2471 filed on behalf of Epworth UMC](#)**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR AN ON-PREMISES ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 8.19 ACRES, MORE OR LESS” (property lying on the southeast side of Holland Glade Road [S.C.R. 271], approximately 950 ft. northeast of Coastal Highway [Rt. 1]) (911 Address: 19285 Holland Glade Road, Rehoboth Beach) (Tax Map Parcel: 334-13.00-325.47)

2. **[Change of Zone No. 1996 filed on behalf of McKee Builders, LLC](#)**

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 51.23 ACRES, MORE OR LESS” (properties on the west side of Central Avenue [Rt. 84] approximately 0.25 mile east of Peppers Corner Road [S.C.R. 365]) (911 Address: 34428 & 34434 Central Avenue, Frankford) (Tax Map Parcels: 134-19.00-13.00 & 13.04)

3. **[Conditional Use No. 2402 filed on behalf of McKee Builders, LLC](#)**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (174 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 51.23 ACRES, MORE OR LESS” (properties lie on the west side of Central Avenue [Rt. 84] approximately 0.25 mile east of Peppers Corner Road [S.C.R. 365]) (911 Address: 34428 & 34434 Central Avenue, Frankford) (Tax Map Parcels: 134-19.00-13.00 & 13.04)

4. **[Conditional Use No. 2388 filed on behalf of Rifle Range Road Solar, LLC](#)**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 93.66 ACRES, MORE OR LESS” (property lying on the south side of Rifle Range Road [S.C.R. 545], approximately 1.14 mile east of Sussex Highway [Rt. 13]) (911 Address: N/A) (Tax Map Parcel: 131-15.00-51.00 [p/o])

5. **[Conditional Use No. 2390 filed on behalf of Taylor Mill Road Solar 1, LLC](#)**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 79.59 ACRES, MORE OR LESS” (property lying on the south side of Taylor Mill Road [S.C.R. 467B], the west side of Fire Tower Road [S.C.R. 479], and the east side of County Seat Highway [Rt. 9], at the intersection of County Seat Highway [Rt. 9] and Fire Tower Road [S.C.R. 467]) (911 Address: N/A) (Tax Map Parcel: 232-7.00-3.00 [p/o])

6. [Conditional Use No. 2393 filed on behalf of Sunrise Solar, Inc.](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A SOLAR ARRAY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 134.61 ACRES, MORE OR LESS” (property lying on the north and south sides of R & R Lane, approximately 0.38 mile west of BiState Boulevard [Rt. 13A]) (911 Address: 10198 R & R Lane, Delmar) (Tax Map Parcel: 532-6.00-8.00 [p/o])

7. [Conditional Use No. 2397 filed on behalf of Mispillion Solar Farm, LLC](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR ARRAY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 121.33 ACRES, MORE OR LESS” (property lying on the northwest side of Shawnee Road [Rt. 36] approximately 0.20 mile southwest of Old Shawnee Road [S.C.R. 42]) (911 Address: 7152 Shawnee Rd. Milford) (Tax Map Parcel: 130-3.00-63.00 [p/o])

8. [Conditional Use No. 2398 filed on behalf of Chaberton Energy \(Blue Hen Solar\)](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 61.15 ACRES, MORE OR LESS” (property lying on the southeast side of Hudson Road [S.C.R. 387], approximately 0.61 mile south of the intersection of Lighthouse Road [Route 54] and Hudson Road [S.C.R. 387]) (911 Address: N/A) (Tax Map Parcels: 533-17.00-187.00 [p/o])

9. [Conditional Use No. 2433 filed on behalf of Chaberton Solar](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR ARRAY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 50.50 ACRES, MORE OR LESS” (property lying on Marlyn Lane, on the south side of Lighthouse Road [Rt. 54], approximately 1.05 miles east of Hudson Road [S.C.R. 387]) (911 Address: 38510 Marlyn Lane, Selbyville) (Tax Map Parcel: 533-18.00-39.00)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on December 5, 2023 at 4:45p.m. and at least seven (7) days in advance of the meeting.

This Agenda was prepared by the County Administrator and is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the meeting.

Agenda items may be considered out of sequence.

The meeting will be streamed live at <https://sussexcountyde.gov/council-chamber-broadcast>.

The County provides a dial-in number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.**

Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

Members of the public joining the meeting on the telephone will be provided an opportunity to make comments under the Public Comment section of the meeting and during the respective Public Hearing.

The Council meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountyde.gov/agendas-minutes/county-council>.