

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 28, 2026

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, July 28, 2026, at 10:00 a.m., in Council Chambers, with the following present:

Douglas B. Hudson	President
John L. Rieley	Vice President
Jane Gruenebaum	Councilwoman
Matt Lloyd	Councilman
Steve C. McCarron	Councilman
Todd F. Lawson	County Administrator
Gina Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

Call to Order	The Invocation and Pledge of Allegiance were led by Mr. Hudson. Mr. Hudson called the meeting to order.
M 330 26 Approve Agenda	Mr. Lawson reported that Executive Session and Possible Action on Executive Session Items can be taken off the agenda. A Motion was made by Mr. Rieley, seconded by Mr. McCarron, to approve the Agenda, as amended. Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
Minutes	The minutes from July 14, 2026, were approved by consensus.
Corre-Spondence	Mr. Moore reported that correspondence was received from Bayhealth Foundation and Delaware Technical Community College thanking Council for their support.
Public Comments	Public comments were heard. Mr. Rich Borrasso spoke about the Open Space Ordinance. Mr. Kevin Goldsborough spoke about solar projects. Mr. Donald Goldsborough spoke about solar projects. Mr. Gary Vorsheim spoke about the comprehensive plan. Ms. Alison White spoke about public participation and the comprehensive

plan.

Mr. Joe Pika spoke about the comprehensive plan process.

**SB23
Discussion**

Mr. Lawson and Mr. Robertson led a discussion relating to the implementation of Senate Bill No. 23. The background and effects of the bills were discussed along with the next steps.

**Adminis-
trator's
Report**

Mr. Lawson read the following information in his Administrator's Report:

1. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Bridgewater (FKA Bent Creek/Old Mill Landing North) – Phase 2A (Construction Record) received Substantial Completion effective July 1st.

2. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for June 2026 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 194 troopers assigned to Sussex County for the month of June.

3. Government Finance Officers Association Triple Crown Award

I am pleased to announce that Sussex County has been awarded the prestigious Government Finance Officers Association (GFOA) Triple Crown Award for the third consecutive year. The GFOA's Triple Crown Award recognizes governments that have received GFOA's Certificate of Achievement for Excellence in Financial Reporting, the Popular Annual Financial Reporting Award, and the Distinguished Budget Presentation Award. This year, Sussex County is one of only 441 local governments across the United States to receive this award this year. Please join me in congratulating Finance Director Gina Jennings and her staff for another job well done.

4. Council Meeting Schedule

A reminder that Council will not meet on Tuesday, August 4th. The next regularly scheduled Council meeting will be held on Tuesday, August 11th.

[Attachments to the Administrator's Report are not attached to the minutes.]

SCRWF CO No. IB-013 & IB-004 **Mike Harmer, County Engineer, presented change order no. IB-013 and IB-004 for SCRWF treatment process upgrade no. 3 – Inland Bays Expansion for Council's consideration.**

M 331 26 **A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, that be it**
Approve CO **moved based upon the recommendation of the Sussex County Engineering**
No. IB-013/ **Department, that change order no. IB-013 for Inland Bays phase 2C**
SCRWF **expansion project, be approved, in the amount of \$1,135,600.00.**

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
 Mr. Lloyd, Yea; Mr. Rieley, Yea;
 Mr. Hudson, Yea

M 332 26 **A Motion was made by Mr. McCarron, seconded by Mr. Lloyd, that be it**
Approve CO **moved based upon the recommendation of the Sussex County Engineering**
No. IB-004/ **Department, that BW Electric, Inc. change order no. IB-004 for the Inland**
SCRWF **Bays phase 2 project, be approved in the amount of \$2,099,500.00.**

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
 Mr. Lloyd, Yea; Mr. Rieley, Yea;
 Mr. Hudson, Yea

Amend No. 8/Inflow **Mike Harmer, County Engineer, presented amendment no. 5 for Arcadis for an inflow and infiltration study for Council's consideration.**

M 333 26 **A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron, be it**
Approve **moved based upon the recommendation of the Sussex County Engineering**
Amend No. **Department, that amendment no. 5 of the base owner-engineer agreement**
8/Inflow & **for Arcadis, Inc. be approved in the amount of \$349,000.00.**
Infiltration

Study **Motion Adopted: 5 Yeas**

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
 Mr. Lloyd, Yea; Mr. Rieley, Yea;
 Mr. Hudson, Yea

Amend No. 8/WW Study **Mike Harmer, County Engineer, presented amendment no. 8 for Sussex County Wastewater long range planning study for Council's consideration.**

M 334 26 **A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, be it moved**

Approve Amend No. 8/ WW Long Range Study based upon the recommendation of the Sussex County Engineering and Finance Departments that amendment no. 8 of Johnson, Mirmiran & Thompson's base owner-engineer agreement be approved in the not-to-exceed amount of \$394,040.00.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

Paramedic Station 101 Mark Parker, Assistant County Engineer, presented a request for use of contingency items for paramedic station 101 for Council's consideration.

M 335 26 Approve Contingent Funds/ Paramedic Station 101 A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, that be it moved based upon the recommendation of the Sussex County Engineering Department that change order no. 1 for contract C21-15, Lincoln paramedic station 101, be approved in the amount of \$17,358.00 allowing the use of site contingent items at the respective unit bid prices.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

Old Business/ Forest Preservation Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 99, ARTICLE I, III AND V §99-5 "DEFINITIONS", §99-21A "PERIMETER BUFFERS" AND §99-26 "INFORMATION TO BE SHOWN" AND CHAPTER 115, ARTICLES I, XXV AND XXVIII §115-4 "DEFINITIONS AND WORD USAGE" AND §115-221 "FINAL SITE PLAN REQUIREMENTS" AND BY ADDING NEW §§115-194.8 "FOREST PRESERVATION" AND 115-194.9 "TREE PLANTING REQUIREMENTS".

Mr. Robertson and Mr. Lawson reviewed potential changes to be incorporated in the draft Ordinance based on feedback that has been received.

Grant Requests Mrs. Jennings presented grant requests for Council's consideration.

M 336 26 Developing Artist Collaboration A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd to give \$500 (\$500 from Ms. Gruenebaum's Councilmanic Grant Account) to Developing Artist Collaboration for their West side creative market infrastructure & workforce development initiative.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

M 337 26
Millsboro
Little
League

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to give \$2,500 (\$2,500 from Mr. Rieley's Councilmanic Grant Account) to Millsboro Little League for LED lighting improvements.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

M 338 26
Bridgeville
Apple
Scrapple
Festival

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to give \$3,000 (\$3,000 from Mr. McCarron's Councilmanic Grant Account) to Bridgeville Apple Scrapple Festival for their 34th annual Apple Scrapple Festival.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

Proposed
Ordinance
Introduction

Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPE AND HARDSCAPE BUSINESS TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 48.11 ACRES, MORE OR LESS" filed on behalf of Cody Collins.

Mr. Lloyd introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR LANDSCAPING BUSINESS WITH EQUIPMENT STORAGE AND PARKING TO BE LOCATED ON A CERTAIN PORTION OF A PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 13.18 ACRES, MORE OR LESS" filed on behalf of Zachary Puicinella.

Mr. Hudson introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ASSISTED LIVING FACILITY FOR UP TO SIXTEEN (16) RESIDENTS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 8.0 ACRES, MORE OR LESS" filed on behalf of Age Well, LLC.

CM Comments	There were no Council Member comments.
M 339 26 Recess	At 12:07 p.m., a Motion was made by Mr. McCarron, seconded by Mr. Lloyd to recess until 1:30 p.m. Public Hearings. Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
M 340 26 Reconvene	A Motion was made by Mr. Rieley, seconded by Mr. McCarron to reconvene. Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
Rules	Mr. Moore reviewed the rules for public hearings.
Public Hearing/ Lilyvale Annexation Into SCUSSD	A Public Hearing was held for the Lilyvale Annexation into the Sussex County Unified Sanitary Sewer District (Millville Area). John Ashman, Director of Utility Planning & Design Review presented the information to Council's for consideration. There were no public comments. The Public Hearing and public record were closed.
M 341 26 Adopt Resolution No. R 005 26/ Lilyvale Annexation Into SCUSSD	A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to Adopt Resolution No. R 005 26 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) MILLVILLE AREA, TO INCLUDE THE PROPOSED LILYVALE SUBDIVISION LOCATED IN THE BALITMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE". Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea

**Rules
Public
Hearing/
CU2631**

Mr. Moore read the rules of procedure for zoning hearings.

A Public Hearing was held on Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE/WAREHOUSE/OFFICE BUILDINGS AND A CAR WASH (TO AMEND CONDITION “D” AND CONDITION “N” OF THE CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2581 (ORDINANCE NO. 4009) TO ALLOW FOR OFFICE SPACES WITHIN THE WAREHOUSE UNITS AND TO REMOVE THE REQUIREMENT THAT AN ON-SITE MANAGEMENT OFFICE BE ESTABLISHED FOR THE MAINTENANCE AND OPERATION OF THE WAREHOUSE UNITS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 29.55 ACRES, MORE OR LESS” (property is lying on the southwest side of Zion Church Road [Route 20], approximately 605 feet northwest of Deer Run Road [S.C.R. 388], and the north side of Deer Run Road [S.C.R. 388], approximately 159 feet southwest of Zion Church Road [Route 20]) (911 Address: 36054 Zion Church Road, Frankford) (Tax Map Parcel: 533-11.00-23.00) filed on behalf of Zion Church Ventures, LLC.

Jamie Whitehouse, Planning & Zoning Director, presented the application.

The Planning & Zoning Commission held a Public Hearing on the application on April 15, 2026. At the conclusion of the Public Hearing, the Commission deferred action on the application for further consideration, leaving the record open until April 22nd for receipt of any additional written comments. On June 3, 2026, the Commission recommended a partial approval/partial denial of the Applicant’s request to modify conditions of approval.

The Council found that Mr. Brad Absher, Professional Surveyor with True North Land Surveying, spoke on behalf of the Applicant, Zion Church Ventures, LLC. Mr. Absher stated that the Applicant respectfully requested approval of the application, due to the request of limited and practical amendment, to an already approved use; that Sussex County approved a Conditional Use (C/U 2581) in 2025, and the proposed use remains the same in nature; that they were currently requesting to make two operation conditions work in practice; that the first request was to allow office space to be permitted within the warehouse units; that the second request was to remove the requirement for a separate on-site management office; that the amendment should be approved because this does not change the fundamental character of the project; that Condition D, as currently written, states that the unit was to be used for business, and could be used for business purposes; that that the unit may only be used for climate control storage; that the units could not be used for manufacturing or industrial purposes; that no unit can be primarily used as an office; that the property could not be used for meeting customers,

**Public
Hearing/
CU2631
(continued)**

showrooms, customer pickup, or a delivery or mail drop location; that it also stated that office space cannot be isolated or walled off from remaining units; that their request was not to remove the business use limits; that their request was to allow a practical, internal office within the unit, while preserving the core protection against retail, traffic, customer visits, etc.; that they felt the request change was reasonable as explained in the submitted application materials; that a separate office within the same unit can improve organization, productivity, and safety for the tenants who need an administrative workspace tied directly to their storage and the warehouse use; that the request was not to create standalone office units, but rather to allow office space that would be an accessory use to the warehouse and storage function; that they feel the request to change the Condition N was reasonable; that the current Condition required a separate on-site management office to be open during regular business hours; that they requested for the Condition to be removed because the management could still handle responsibility without mandating a standalone office on the property; that removing the office requirement does not create a more intense use, would not increase traffic, and would not remove any of the operational safeguards that have already been imposed on the site; that the County's own prior findings on the site, support approval of these amendments; that when the Commission recommended C/U 2581, it found that the use was compatible with the surrounding zoning; that the traffic would be minimal; that DelDOT stated the traffic impact would be minor; that the property was in the Coastal and Development Areas, which are considered Growth Areas within the County; that the use would not adversely affect neighboring and adjacent properties; that those findings still currently apply; that the property still served as a practical need for climate controlled storage and office space for the area and property owners and businesses; that existing conditions still prevent the kind of impacts Sussex County wanted to avoid, and that the request was a modest operational adjustment, not just a change in the overall use of the property; that this use is allowed here.

There were no public comments.

The Public Hearing and public record were closed.

**M 342 26
Defer
Action/
CU2631**

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE/WAREHOUSE/OFFICE BUILDINGS AND A CAR WASH (TO AMEND CONDITION "D" AND CONDITION "N" OF THE CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2581 (ORDINANCE NO. 4009) TO ALLOW FOR OFFICE SPACES WITHIN THE WAREHOUSE UNITS AND TO REMOVE THE REQUIREMENT THAT AN ON-SITE MANAGEMENT OFFICE BE ESTABLISHED FOR THE MAINTENANCE AND OPERATION OF THE WAREHOUSE UNITS TO BE LOCATED ON A

CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 29.55 ACRES, MORE OR LESS”.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Public
Hearing/
CU2576**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COIN RETAIL SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.34 ACRE, MORE OR LESS” (property is lying on the north side of Retz Lane and the west side of John J. Williams Highway [Rt. 24] within the Country Village Subdivision, approximately 437 feet south of Mulberry Knoll Road [S.C.R. 284]) (911 Address: 34429 Retz Lane, Lewes) (Tax Map Parcel: 334-12.00-35.00) filed on behalf of Patricia and Frank DiNatale.

Jamie Whitehouse, Planning & Zoning Director, presented the application.

The Planning & Zoning Commission held a Public Hearing on the application on June 17, 2026. On July 15, 2026, the Commission recommended approval of the application for the 7 reasons of approval and subject to the 5 recommended conditions as outlined.

The Council found that Mrs. Patricia DiNatale spoke on behalf of the application; that Mr. Frank DiNatale was also present. Mrs. DiNatale stated that they are requesting a Conditional Use for the existing house located at 34429 Retz Lane, along John J. Williams Highway; that the property is currently zoned AR-1; that parking was provided in the front and along the side; that they often use the parking along the side; that the site was located right past Mulberry Knoll Road; that there were a lot of different commercial locations and activity in the surrounding area; that the biggest commercial development was the Wawa, currently being constructed across the street; that adjacent to them was the location of Olive & Jules Hair Salon & Spa; that located up the street was Waves Car Wash; that the Beebe Healthcare facility was expanding; that Copps Seafood was located around the corner from the site as well; that they have looked into options for more parking if needed; that their submitted plan showed a small gravel parking space in the back, where they often park their car; that there were two parking spaces with a carport located in the front, which they planned to remove; that they had gone through DelDOT to discuss what the appropriate parking would be; that the plan reflected that they could utilize the area in the back, where they had provided a parking lot with three parking spaces; that they would use the front driveway; they were proposing a coin shop; that they had discussed where

the coin shop would be located; that currently they had decided the coin shop would be located within the garage space; that they will do appointment only to start with; that they think this is a good location for a coin shop since they are not many in the area; that Mr. DiNatale stated that he is looking for this opportunity; that he emphasized that this not a pawn shop; that this will be a professional coin business.

There were no public comments.

The Public Hearing and public record were closed.

**M 343 26
Adopt
Ordinance
No. 4073/
CU2576**

A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to Adopt Ordinance No. 4073 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COIN RETAIL SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.34 ACRE, MORE OR LESS" for the reasons and conditions given by the Planning & Zoning Commission as follows by this Council:

1. The use is for a retail coin business located on a small property along Route 24 near a small hair salon business, two schools and a convenience store that is under construction. This is an appropriate location for this small, limited use.
2. The use will occur in the existing home on the property. Although the structure will no longer be used as a dwelling, it will generally maintain its residential appearance.
3. The use is small in nature and is similar to a home occupation that could be permitted on this property if the structure remained a residence.
4. The Applicants stated that the business is mostly conducted by appointments and not walk-in traffic.
5. The use will not adversely affect neighboring properties or roadways.
6. The Applicants stated that there are not many similar businesses in Sussex County. As a result, the use provides a needed service for residents of Sussex County, and the use has a public or semi-public character.
7. No parties appeared in opposition to the application.
8. This recommendation for approval is subject to the following conditions and stipulations:
 - a. The use shall be a retail coin shop.
 - b. The rear boundary of this property adjacent to residential uses shall be fenced with solid six-foot tall fencing. The location and type of fencing shall be shown on the Final Site Plan.
 - c. As stated by the Applicant, the use shall occur within Applicant's existing building on the site.
 - d. One unlighted sign, no larger than 4 feet by 8 feet in size, shall be

permitted.

- e. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

**Public
Hearing/
CU2598**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 67.23 ACRES, MORE OR LESS” (property is lying on the southeast side of County Seat Highway [Rt. 9], approximately 0.35 mile southwest from Little Street [S.C.R. 469]) (911 Address: 2276 E Trap Pond Road, Georgetown) (Tax Map Parcel: 135-19.00-43.00) filed on behalf of TPE DE SU245, LLC.

Jamie Whitehouse, Planning & Zoning Director, presented the application.

The Planning & Zoning Commission held a Public Hearing on the application on June 17, 2026. On July 22, 2026, the Commission recommended approval of the application for the 7 reasons of approval and subject to the 10 recommended conditions as outlined.

The Council found that that Mr. Mike Riemann, Civil Engineer with Becker Morgan Group, spoke on behalf of the Applicant, C/U 2598 TPE DE SU245, LLC; that also present were Mr. Ted Hastings with Becker Morgan Group, Mr. Jordan Belknap with Turning Point Energy and other members of the team to help answer questions.

Mr. Jordan Belknap stated that he was the Managing Director of Development for Turning Point Energy; that Turning Point Energy was a renewable energy developer, specializing in community solar projects; that they were active in several markets across the United States; that they are also active in Sussex County with previously permitted project within Sussex County; that at Turning Point Energy they believed their products should provide economic, environmental and community value; that they did so by providing economic value, by developing community solar projects, which allowed subscribers to sign up and save money on their electric bill; that these projects also represent an increase in the tax revenue to Sussex County; that they provide environmental value, because they are making electricity, with clean renewable energy; that all of their projects add pollinator plantings around the perimeter of the solar array, which provides a nice habitat for birds and small animals; that they create community value because an important thing they like to do is contribute to local charities and organizations for all their projects; that this was a rewarding part of the job, to visit people on the ground who were

**Public
Hearing/
CU2598
(continued)**

doing good work in the community, and contribute to them; that community solar is a model where they could build a larger solar farm, and spread out the cost savings; that it was more cost effective than going rooftop to rooftop to get the same amount of generation; that subscribers may sign up to receive a credit on their electric bill; that this enabled homeowners who have houses that were not well suited for solar to still participate in the clean energy economy; that it also enabled low-income households, condominiums, mobile homes, small businesses, and people who might not have a nice infrastructure to place solar panels on their roofs; that community solar provided additional benefits to communities and tax benefits; that community solar provided local jobs, engineering services, construction services, civil contractors, fencing contractors, and electricians; that it would be for distributed energy generation, which also helped with the electric grid; that it would ease the burden of the transmission system, because the energy would be produced closer to the point where it would be consumed; that the energy of the solar arrays back feed; that the electrons go into houses and businesses nearby; that the energy does not have to be transmitted over to the transmission grid; that they would have a pollinator habitat; that they worked with Becker Morgan to put in a nice seed mix to help the quality of the soils as well; that there had previously been some discussion by County Council regarding solar energy projects who had received building permits, but had not yet been constructed; that they had permitted six Conditional Use applications in 2023 within Sussex County; that five of them had gone to construction; that they had withdrawn one of the building permits due to the Interconnection Study taking longer than anticipated; that when the study came back, the actual cost to connect the facility no longer made the project feasible; that they do their best up front to analyze the grid to ensure they would be placing them in perfect spots; that however, they do not have all the information that utilities have; that they are required to submit a study, have utility study it, at which time they come back, telling them what the costs and upgrades would be necessary for the facility to connect; that five of their projects have building permits, and most of them are mechanically complete; that the one site was operational; that at times, they are required to wait on Delmarva Power; that they do not want to be too far ahead of them because they do not want to have the infrastructure in the ground before they can flip the switch, having it generate electricity.

Mr. Riemann stated that the application for SU245 is located in Georgetown, being between Rt. 9 and East Trap Pond Road; that the parcel was zoned AR-1 (Agricultural Residential); that the parcel was currently utilized for agricultural use; that the Conditional Use area consists of 25.96 acres; that the fenced area within the Conditional Use area consists of 19.48 acres; that the total area of the parcel contains 67.23 acres, which included a wooded area in the back, and farming activities that were proposed to remain; that the plan showed the area proposed for the solar arrays; that it reflects access from Rt. 9 through a parcel that was controlled by the same

**Public
Hearing/
CU2598
(continued)**

property owner; that the gravel access road would come straight down, through the middle of the site, extending the road to the inverters that were centrally located in the solar array field; that the plan reflected a 30 foot landscape buffer; that the buffer would consist of a 70-30 mix, with 70% being deciduous trees, and 30% being evergreen trees was previously discussed during the Commission meeting; that they recommended is to make 70% evergreen and 30% deciduous trees which they support; that on previous applications, a fixed knot wire fence was proposed; that they had developed a detail which would be presented on the Final Site Plans; that fixed knot wire fencing was a 12 gauge mesh wires that would be fully taut with tension wires and wooden posts that get driven into the ground; that they have a fabric that they had been working on throughout the years; that it was a mesh fabric that allowed some wind to pass through; that they had found a product that was not solid like one would see at a tennis court, or a baseball outfield; that their fabric was a mix of nylon, providing 70% opacity, but still allowed more wind to pass through the mesh; that previous mesh fencing were being installed by plastic zip ties; that they will be beefing up the straps to a stainless strap, and adding tension wire to the top and bottom; that there would be little oval wind cutouts every 100 feet; that they believe that this would help with high wind events in the farm fields; that he presented to the Council a rendering of the fencing along with canopy trees; that they would appreciate consideration to be given to evergreen screening, as they felt it to be a better visual screening in the winter months when the canopy trees would lose their leaves; that they also proposed to have the mesh fence; that at the point when the vegetation was established or when the bond was released, they could remove the mesh; that the idea is that if they have a thicker evergreen buffer of 10 trees, once the landscape buffer is established in five years, they could remove the mesh; that this would avoid any long-term maintenance issues; that within the five years, the operator of the facility would make periodic visits to ensure the mesh was not coming down, and repair when necessary; that they had provided a graphic regarding noise for each application; that they had a tool that could evaluate the decibel level at the property line or at the houses; that they did meet all applicable buffers with the project and all other applications; that they were well in excess of the 200 foot distance requirement on every application; that the closest dwelling for the current application was 275 feet; that they provided a specification sheet on the low noise that the inverters produce; that at the property line the inverters would be at a noise level of 44 decibels, which was as quiet as a library; that they are quieter during the night; that the project would benefit the local residential business and municipality subscribers; that they must be Delmarva Power subscribers; that the solar project would not increase traffic; that there would be a site visit one to two times per month; that a sign would be located at the front of each project that would provide the developer's name and direct contact number; that they were proposing a renewable energy source, which produces no odor, dust, gas, smoke or fumes; that the project would produce little to no noise from the inverters, which was tested at the property line; that the pollinator friendly ground

**Public
Hearing/
CU2598
(continued)**

cover plantings would reduce runoff; that there would be a 30 foot landscape buffer; that the fencing would have a knox box located at the gate providing emergency access for personnel; that the gravel road access would run the center of the site; that the State Fire Marshal required the road to be a minimum of 14 feet in width, with a turnaround at the end; that the projects would be decommissioned at the end of their life; that a security bond would be placed as part of the Conditions; that all five applications had held a community hearing; that the current application's community hearing was held on May 19, 2026, at the Georgetown Library; that plan changes had been made from the input made at those hearings; that the community hearings were advertised by mail using the same mailing list as Sussex County; that the Commission had a hearing for the application; that they recommended approval with the conditions as previously discussed.

Public comments were heard.

Mr. Judson Malone spoke in favor of the application.

The Public Hearing and public record were closed.

**M 344 26
Amend
Condition
8C/CU2598**

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to amend Condition 8C to now read "The entire area of the solar array shall be surrounded by a 7-foot-tall fence to comply with the height requirement of the National Electric Code. The fencing shall be a knot-wire agricultural style fencing including an interwoven privacy screening. The privacy screening shall be attached to the fencing with metal fasteners and a tension wire to reduce maintenance. The fence location and type of screening shall be shown on the Final Site Plan. The privacy screening may be removed after five years from the installation of the solar array. The fencing shall remain".

Motion Adopted: 4 Yeas, 1 Nay

Vote by Roll Call: Ms. Gruenebaum, Nay; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

**M 345 26
Amend
Condition
8J/CU2598**

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to amend Condition 8J to now read "The Final Site Plan to include maintenance plan including identification and eradication of noxious weeds and grasses as set forth by the Delaware Department of Agriculture shall be subject to the review and approval of the Sussex County Planning & Zoning Commission".

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;

**Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 346 26
Adopt
Ordinance
No. 4074/
CU2598**

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to Adopt Ordinance No. 4074 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 67.23 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows and as amended by this Council:

- 1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purpose of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.**
- 2. The solar array will be located within approximately 19.39 fenced-in acres of a larger 67.23- acre tract. The array area complies with all of the Code requirements for separation distances and setbacks from property lines and dwellings.**
- 3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar arrays. There was testimony that this solar array will benefit residential, business, and municipal subscribers with lower power costs.**
- 4. The proposed solar array is located on a parcel of land that is surrounded on three sides by land used for agricultural purposes, including poultry houses. The boundaries adjacent to residential uses will include a 30-foot-wide landscape buffer to screen the use.**
- 5. This Application generally complies with Section 115-172.I of the Sussex County Zoning Code regarding solar arrays.**
- 6. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways, and DelDOT has stated that the traffic impact will be “Diminutive”. There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.**
- 7. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.**
- 8. This recommendation is subject to the conditions set forth in Section 115-172.I of the Zoning Code and the following additional conditions:**
 - a. The use shall be for a ground-mounted solar array. No other types of electric generation shall be permitted at the site.**
 - b. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar array as well as the remaining acreage that is not part of this Conditional Use.**
 - c. The entire area of the solar array shall be surrounded by a 7-foot-tall fence to comply with the height requirement of the**

**M 346 26
Adopt
Ordinance
No. 4074/
CU2598
(continued)**

National Electric Code. The fencing shall be a knot-wire agricultural style fencing including an interwoven privacy screening. The privacy screening shall be attached to the fencing with metal fasteners and a tension wire to reduce maintenance. The fence location and type of screening shall be shown on the Final Site Plan. The privacy screening may be removed after five years from the installation of the solar array. The fencing shall remain.

- d. The entire area of the solar array shall be surrounded by a buffer strip of open space, a minimum of 100 feet from any street lines and a minimum distance of 50 feet from all property lines. It shall also be no closer than 200 feet from a dwelling on adjacent property. The landscaped buffer shall be at least 30 feet wide along the perimeter of the Property adjacent to lands of other ownership. This landscaped buffer shall use existing vegetation or shall be planted with 70% evergreen vegetation and 30% deciduous vegetation that serves as a screen while not impeding the use as a solar array facility. The location and types of vegetation used within this buffer area shall be included in a landscape plan provided with the Final Site Plan.**
- e. Transformers and similar equipment shall be centrally located on the site.**
- f. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. Any lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- g. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.**
- h. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated using Best Management Practices.**
- i. The Final Site Plan shall include a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.**
- j. The Final Site Plan to include maintenance plan including identification and eradication of noxious weeds and grasses as set forth by the Delaware Department of Agriculture shall be subject to the review and approval of the Sussex County Planning & Zoning Commission”.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Public
Hearing/
CU2623**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 498.53 ACRES, MORE OR LESS” (properties are lying on the southwest corner of Zoar Road [S.C.R. 48] and Lawson Road [S.C.R. 296]) (911 Address: N/A) (Tax Map Parcels: 234-21.00-75.00 & 138.00) filed on behalf of TPE DE SU300A, LLC, TPE DE SU300B, LLC, TPE DE SU300C, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on June 17, 2026. On July 22, 2026, the Commission recommended approval of the application for the 7 reasons of approval and subject to the 10 recommended conditions as outlined.

Jamie Whitehouse, Planning & Zoning Director, presented the application.

Mr. Riemann requested that the previous testimony from Mr. Jordan Belknap be incorporated in the record for this application.

The Council found that Mr. Riemann stated that the property was located within Georgetown; that the site was four co-located projects, as a result of a recent change with the Public Service Commission, which allowed co-located community solar projects; that the project would be for four megawatt, ground tracking systems, equaling a total of 16 megawatts; that all the Conditional Use areas total up to 213 acres; that Site A consists of 24.57 acres; that Site B consists of 28.04 acres; that Site C consists of 27.98 acres; that Site D consists of 21.99 acres; that the fenced area would consist of 102.58 acres; that the total parcel contained 498.53 acres; that aerial photos reflected trees in rows; that previously the site was a timber field; that a little time later the site was harvested again, and currently being harvested once more by the property owner; that the site was planned to be harvested regardless whether solar was proposed or not; that the property was purchased for timber harvest, and currently being used for such; that the site will have similar fencing; that whatever was decided for the landscape composition and the fence buffer, the timeline would carry forth for all the applications; that adjacent properties dwellings were located 300 feet and 500 feet away; that this provided very low decibels from the inverters; that the provided decibel ratings did not take into account the proposed fencing, landscaping and arrays that would further block out noise, and that the community hearing was held at the Georgetown Public Library.

Public comments were heard.

Mr. Mark Baker spoke in favor of the application.

It was requested that the previous application’s testimony from Mr. Judson

Malone be incorporated into the record for this application.

The Public Hearing and public record were closed.

**M 347 26
Amend
Condition
8C & 8J
/CU2623**

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to amend Condition 8C to read “The entire area of the solar array shall be surrounded by a 7-foot-tall fence to comply with the height requirement of the National Electric Code. The fencing shall be a knot-wire agricultural style fencing including an interwoven privacy screening. The privacy screening shall be attached to the fencing with metal fasteners and a tension wire to reduce maintenance. The fence location and type of screening shall be shown on the Final Site Plan. The privacy screening may be removed after five years from the installation of the solar array. The fencing shall remain” and Condition 8J to now read “The Final Site Plan to include maintenance plan including identification and eradication of noxious weeds and grasses as set forth by the Delaware Department of Agriculture shall be subject to the review and approval of the Sussex County Planning & Zoning Commission”.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 348 26
Adopt
Ordinance
No. 4075/
CU2623**

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to Adopt Ordinance No. 4075 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 498.53 ACRES, MORE OR LESS” (properties are lying on the southwest corner of Zoar Road [S.C.R. 48] and Lawson Road [S.C.R. 296]) (911 Address: N/A) (Tax Map Parcels: 234-21.00-75.00 & 138.00) for the reasons and conditions given by the Planning & Zoning Commission as follows and as amended by this Council:

- 1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.**
- 2. The solar array will be located within approximately 102.58 fenced-in acres of a larger 498.53- acre tract. The array area complies with all of the Code requirements for separation distances and setbacks from property lines and dwellings.**
- 3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar arrays. There was testimony that this solar array will benefit residential, business, and municipal subscribers with lower power costs.**

**M 348 26
Adopt
Ordinance
No. 4075/
CU2623
(continued)**

4. The proposed solar array is located on a large parcel of land that is mostly surrounded by forested areas that naturally screen it from neighboring properties. It is also located adjacent to an existing electrical substation and transmission line. The boundaries adjacent to residential uses will include a 30-foot-wide landscape buffer to screen the use.
5. This Application generally complies with Section 115-172.I of the Sussex County Zoning Code regarding solar arrays.
6. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways, and DelDOT has stated that the traffic impact will be “Diminutive”. There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.
7. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.
8. This recommendation is subject to the conditions set forth in Section 115-172.I of the Zoning Code and the following additional conditions:
 - a. The use shall be for a ground-mounted solar array. No other types of electric generation shall be permitted at the site.
 - b. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar array as well as the remaining acreage that is not part of this Conditional Use.
 - c. The entire area of the solar array shall be surrounded by a 7-foot-tall fence to comply with the height requirement of the National Electric Code. The fencing shall be a knot-wire agricultural style fencing including an interwoven privacy screening. The privacy screening shall be attached to the fencing with metal fasteners and a tension wire to reduce maintenance. The fence location and type of screening shall be shown on the Final Site Plan. The privacy screening may be removed after five years from the installation of the solar array. The fencing shall remain.
 - d. The entire area of the solar array shall be surrounded by a buffer strip of open space, a minimum of 100 feet from any street lines and a minimum distance of 50 feet from all property lines. It shall also be no closer than 200 feet from a dwelling on adjacent property. The landscaped buffer shall be at least 30 feet wide along the perimeter of the Property adjacent to lands of other ownership. This landscaped buffer shall use existing vegetation or shall be planted with 70% evergreen vegetation and 30% deciduous vegetation that serves as a screen while not impeding the use as a solar array facility. The location and types of vegetation used within this buffer area shall be included in a landscape plan provided with the Final Site Plan.
 - e. Transformers and similar equipment shall be centrally located on the site.
 - f. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. Any lighting shall be downward screened so that it does not shine on neighboring properties or

**M 348 26
Adopt
Ordinance
No. 4075/
CU2623
(continued)**

- roadways.
- g. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.**
 - h. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated using Best Management Practices.**
 - i. The Final Site Plan shall include a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.**
 - j. The Final Site Plan to include maintenance plan including identification and eradication of noxious weeds and grasses as set forth by the Delaware Department of Agriculture shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.**

Motion Adopted: 5 Years

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Public
Hearing/
CU2633**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 185.96 ACRES, MORE OR LESS” (property is lying on the west side of North Old State Road [S.C.R. 38A], the east side of DuPont Boulevard [Rt. 113], and the north side of Haflinger Road [S.C.R. 625]) (911 Address: 8850 North Old State Road, Lincoln) (Tax Map Parcel: 230-12.00-19.00 [P/O])

Jamie Whitehouse, Planning & Zoning Director, presented the application.

The Planning & Zoning Commission held a Public Hearing on the application on June 17, 2026. On July 22, 2026, the Commission recommended approval of the application for the 7 reasons of approval and subject to the 10 recommended conditions as outlined.

Mr. Riemann requested that the previous testimony from Mr. Jordan Belknap be incorporated in the record for this application.

The Council found that Mr. Riemann stated that the site was zoned AR-1(Agricultural Residential)and was currently agricultural land; that the total acreage for the project is about 81.99 acres; that 55.7 acres is the total array area; that Array A was located off North Old State Road; that Array

**Public
Hearing/
CU2633**

B was located off Haflinger Road; that the old Site Plan had each taking access off each respective road; that the arrays would be completely surrounded with the same proposed landscape and fencing, with access by a gravel road leading to the center of the facilities, where the inverters would be located; that as a result of the community meetings, both arrays were shifted significantly further away from the road and the residents across the street; that Array B provided 700 feet, being roughly two football fields; that the project originally met the minimum setbacks, but had now been pushed back even further from the roadway; that as a result, the two separate arrays were located closer together, being more within the interior of the farmland rather than its extremities; that any noise during construction would be mitigated; that as shown on the Site Plan, there was a small family cemetery located on the site; that they did not plan to develop that area, and would not be located within the Conditional Use area; that they would leave the area undisturbed, and provide access for the neighbors or family who may want to visit the grave site, which currently did not exist; that the shift in the arrays allowed for some agricultural operations to continue; that there would be no mitigation or impacts to the neighbors; that the project proposed the same fencing and fabric previously presented, along with the same landscape buffer; that the noise decibel level for both Array A and Array B were 36 and 38 decibels.

Public comments were heard.

Senator Dave Wilson spoke regarding the application.

Mr. Mark Whitehead spoke in favor of the application.

It was requested that the previous application's testimony from Mr. Judson Malone be incorporated into the record for this application.

The Public Hearing and public record were closed.

**M 349 26
Amend
Conditions
8C & 8J/
CU2633**

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to amend Condition 8C to now read "The entire area of the solar array shall be surrounded by a 7-foot-tall fence to comply with the height requirement of the National Electric Code. The fencing shall be a knot-wire agricultural style fencing including an interwoven privacy screening. The privacy screening shall be attached to the fencing with metal fasteners and a tension wire to reduce maintenance. The fence location and type of screening shall be shown on the Final Site Plan. The privacy screening may be removed after five years from the installation of the solar array. The fencing shall remain" and for Condition 8J to now read "The Final Site Plan to include maintenance plan including identification and eradication of noxious weeds and grasses as set forth by the Delaware Department of Agriculture shall be subject to the review and approval of the Sussex County Planning & Zoning Commission".

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 350 26
Adopt
Ordinance
No. 4076/
CU2633**

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to Adopt Ordinance No. 4076 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 185.96 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows and as amended by this Council:

- 1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.**
- 2. The solar array will be located within approximately 59.61 fenced-in acres of a larger 185.96- acre tract. The array area complies with all of the Code requirements for separation distances and setbacks from property lines and dwellings.**
- 3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar arrays. There was testimony that this solar array will benefit residential, business, and municipal subscribers with lower power costs.**
- 4. The proposed solar array is located on a parcel of land that is mainly surrounded by forest or land used for agricultural purposes. The boundaries adjacent to residential uses will include a 30-foot-wide landscape buffer to screen the use.**
- 5. This Application generally complies with Section 115-172.I of the Sussex County Zoning Code regarding solar arrays.**
- 6. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways, and DelDOT has stated that the traffic impact will be “Diminutive”. There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.**
- 7. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.**
- 8. This recommendation is subject to the conditions set forth in Section 115-172.I of the Zoning Code and the following additional conditions:**
 - a. The use shall be for a ground-mounted solar array. No other types of electric generation shall be permitted at the site.**
 - b. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar array as well as the remaining**

**M 350 26
Adopt
Ordinance
No. 4076/
CU2633
(continued)**

- acreage that is not part of this Conditional Use.
- c. The entire area of the solar array shall be surrounded by a 7-foot-tall fence to comply with the height requirement of the National Electric Code. The fencing shall be a knot-wire agricultural style fencing including an interwoven privacy screening. The privacy screening shall be attached to the fencing with metal fasteners and a tension wire to reduce maintenance. The fence location and type of screening shall be shown on the Final Site Plan. The privacy screening may be removed after five years from the installation of the solar array. The fencing shall remain.
 - d. The entire area of the solar array shall be surrounded by a buffer strip of open space, a minimum of 100 feet from any street lines and a minimum distance of 50 feet from all property lines. It shall also be no closer than 200 feet from a dwelling on adjacent property. The landscaped buffer shall be at least 30 feet wide along the perimeter of the Property adjacent to lands of other ownership. This landscaped buffer shall use existing vegetation or shall be planted with 70% evergreen vegetation and 30% deciduous vegetation that serves as a screen while not impeding the use as a solar array facility. The location and types of vegetation used within this buffer area shall be included in a landscape plan provided with the Final Site Plan.
 - e. Transformers and similar equipment shall be centrally located on the site. The invertors shown within "Site A" on the Preliminary Site Plan shall be more centrally located than what was shown on that plan.
 - f. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. Any lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - g. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.
 - h. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated using Best Management Practices.
 - i. The Final Site Plan shall include a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.
 - j. The Final Site Plan to include maintenance plan including identification and eradication of noxious weeds and grasses as set forth by the Delaware Department of Agriculture shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Public
Hearing/
CU2640**

A Public Hearing was held for a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND C-1 GENERAL COMMERCIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 19.74 ACRES, MORE OR LESS” (property is lying on the west side of the intersection of Sussex Highway [Rt. 13] and Camp Road [S.C.R. 532]) (911 Address: N/A) (Tax Map Parcel: 131-19.00-3.00) filed on behalf of TPE DE SU646, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on June 17, 2026. On July 22, 2026, the Commission recommended approval of the application for the 7 reasons of approval and subject to the 10 recommended conditions as outlined.

Jamie Whitehouse, Planning & Zoning Director, presented the application.

Mr. Riemann requested that the previous testimony from Mr. Jordan Belknap be incorporated in the record for this application.

The Council found that Mr. Riemann stated that the property was located in Bridgeville along Sussex Highway; that the site was split zoned between AR-1 (Agricultural Residential) and C-1 (General Commercial); that for the current project the Conditional Use was proposed for the entire parcel, consisting of 19.74 acres; that the fenced area consisted of 13.15 acres; that the project would take access from the highway; that access would be centrally located between the two residential uses to the north and south; that they proposed it to be centrally located in an effort to mitigate noise; that the project would have a 30 foot landscape buffer, which would fully surround the perimeter fencing; that the landscape would consist of that previously mentioned; that the community outreach meeting was held on May 19, 2026, at the Georgetown Public Library; that the project proposed a four megawatt AC tracker single system, and the decibel reading at the property line, being 229 feet away, was roughly 46 decibels or as quiet as an office.

Public comments were heard.

Mr. Jed Patel spoke in favor of the application.

It was requested that the previous testimony from Mr. Judson Malone be incorporated into the record for this application.

The Public Hearing and public record were closed.

**M 351 26
Amend
Condition
8C & 8J/
CU2640**

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to amend Condition 8C to now read “The entire area of the solar array shall be surrounded by a 7-foot-tall fence to comply with the height requirement of the National Electric Code. The fencing shall be a knot-wire agricultural style fencing including an interwoven privacy screening. The privacy screening shall be attached to the fencing with metal fasteners and a tension wire to reduce maintenance. The fence location and type of screening shall be shown on the Final Site Plan. The privacy screening may be removed after five years from the installation of the solar array. The fencing shall remain” and for Condition 8J to now read “The Final Site Plan to include maintenance plan including identification and eradication of noxious weeds and grasses as set forth by the Delaware Department of Agriculture shall be subject to the review and approval of the Sussex County Planning & Zoning Commission”.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 352 26
Adopt
Ordinance
No. 4077/
CU2640**

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to Adopt Ordinance No. 4077 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND C-1 GENERAL COMMERCIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 19.74 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission and as amended by this Council as follows:

- 1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.**
- 2. The solar array will be located within approximately 13.15 fenced-in acres of a larger 19.74- acre tract. The array area complies with all of the Code requirements for separation distances and setbacks from property lines and dwellings.**
- 3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar arrays. There was testimony that this solar array will benefit residential, business, and municipal subscribers with lower power costs.**
- 4. The proposed solar array is located on a parcel of land that is mainly**

M 352 26
Adopt
Ordinance
No. 4077/
CU2640
(continued)

surrounded by land that is wooded or farmed. The boundaries adjacent to residential uses will include a 30-foot-wide landscape buffer to screen the use.

5. This Application generally complies with Section 115-172.I of the Sussex County Zoning Code regarding solar arrays.
6. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways, and DelDOT has stated that the traffic impact will be “Diminutive”. There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.
7. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.
8. This recommendation is subject to the conditions set forth in Section 115-172.I of the Zoning Code and the following additional conditions:
 - a. The use shall be for a ground-mounted solar array. No other types of electric generation shall be permitted at the site.
 - b. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar array as well as the remaining acreage that is not part of this Conditional Use.
 - c. The entire area of the solar array shall be surrounded by a 7-foot-tall fence to comply with the height requirement of the National Electric Code. The fencing shall be a knot-wire agricultural style fencing including an interwoven privacy screening. The privacy screening shall be attached to the fencing with metal fasteners and a tension wire to reduce maintenance. The fence location and type of screening shall be shown on the Final Site Plan. The privacy screening may be removed after five years from the installation of the solar array. The fencing shall remain.
 - d. The entire area of the solar array shall be surrounded by a buffer strip of open space, a minimum of 100 feet from any street lines and a minimum distance of 50 feet from all property lines. It shall also be no closer than 200 feet from a dwelling on adjacent property. The landscaped buffer shall be at least 30 feet wide along the perimeter of the Property adjacent to lands of other ownership. This landscaped buffer shall use existing vegetation or shall be planted with 70% evergreen vegetation and 30% deciduous vegetation that serves as a screen while not impeding the use as a solar array facility. The location and types of vegetation used within this buffer area shall be included in a landscape plan provided with the Final Site Plan.
 - e. Transformers and similar equipment shall be centrally located on the site.
 - f. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. Any lighting shall be downward screened so that it does not shine on neighboring properties or roadways.

**M 352 26
Adopt
Ordinance
No. 4077/
CU2640
(continued)**

- g. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.**
- h. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated using Best Management Practices.**
- i. The Final Site Plan shall include a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.**
- j. The Final Site Plan to include maintenance plan including identification and eradication of noxious weeds and grasses as set forth by the Delaware Department of Agriculture shall be subject to the review and approval of the Sussex County Planning & Zoning Commission”.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Public
Hearing/
CU2642**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 39.76 ACRES, MORE OR LESS” (property is lying on the east side of North Old State Road [S.C.R. 213], approximately 600 feet north of Haflinger Road [S.C.R. 625]) (911 Address: 9052 Loffland Drive, Lincoln) (Tax Map Parcel: 230-12.00-39.00) filed on behalf of TPE DE SU94B, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on June 17, 2026. On July 22, 2026, the Commission recommended approval of the application for the 7 reasons of approval and subject to the 10 recommended conditions as outlined.

Jamie Whitehouse, Planning & Zoning Director, presented the application.

Mr. Riemann requested that the previous testimony from Mr. Jordan Belknap be incorporated in the record for this application.

The Council found that Mr. Riemann stated that the project was located within Lincoln; that the project that was presented earlier for SU94A and SU94B was located southwest of the current application site; that the current site, was also the site for C/U 2347 TPE DE SU94, LLC, which had already been constructed and online; that the current arrays were proposed

**Public
Hearing/
CU2642
(continued)**

as Array B; that the arrays for C/U 2347 were a lease area by itself, and would operate independently of the current Conditional Use No. 2642; that the northern half of the parcel was developed into solar arrays as part of C/U 2347; that the current application would be an infill of the rest of the parcel, consisting of 39.33 acres; that the original Conditional Use No. 2347 was granted for the entire property; that the new Conditional Use relates only the additional development, which would be operated by a different operator; that they should be treated as two separate entities; that the current Conditional Use would be subject to some conditions that the project would intend to fully comply with any imposed conditions; that the project would have a landscape buffer; that the previous conditional use did not require a landscape buffer as it was fully surrounded by additional farmland; that they intend to install the landscape buffer around three sides; that the top would lead into the lease area and fully encompass the three sides, being the north, west and south sides; that there was an existing hedgerow style buffer along the property to the east; that the site had one property owner, however the lease areas were two different entities being TPE DE SU94, LLC and TPE DE SU94B, LLC; that they had considered landscaping being proposed for all four sides; that they felt with the adjacent use and there being another fence line there; that a buffer within two fence lines did not provide great access for maintenance and things of that nature; that they therefore omitted the buffer between the two uses, both being solar; that the project did provide a separate access to the site; that the original project's access was located 150 foot north of the proposed access; that the proposed access would meet DelDOT's entrance spacing guidelines, and access would run to the inverters with turnaround areas provided.

Public comments were heard.

Mr. Randy Ennis spoke in favor of the application.

It was requested that the previous testimony from Mr. Judson Malone be incorporated into the record for this application.

The Public Hearing and public record were closed.

**M 353 26
Amend
Conditions
8C & 8J/
CU2642**

A Motion was made by Mr. McCarron, seconded by Mr. Rieley to amend Condition 8C to now read "The entire area of the solar array shall be surrounded by a 7-foot-tall fence to comply with the height requirement of the National Electric Code. The fencing shall be a knot-wire agricultural style fencing including an interwoven privacy screening. The privacy screening shall be attached to the fencing with metal fasteners and a tension wire to reduce maintenance. The fence location and type of screening shall be shown on the Final Site Plan. The privacy screening may be removed after five years from the installation of the solar array. The fencing shall remain" and for Condition 8J to now read "The Final Site Plan to include maintenance plan including identification and ratification of

noxious weeds and grasses as set forth by the Delaware Department of Agriculture shall be subject to the review and approval of the Sussex County Planning & Zoning Commission”.

Motion Adopted: 5 Years

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 354 26
Adopt
Ordinance
No. 4078/
CU2642**

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to Adopt Ordinance No. 4078 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 39.76 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission and as amended by this Council as follows:

- 1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.**
- 2. The solar array will be located on approximately 18.02 acres of a larger 39.32-acre tract. It is adjacent to an existing solar array approved as Conditional Use No. 2347. The array area complies with all of the Code requirements for separation distances and setbacks from property lines and dwellings.**
- 3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar arrays. There was testimony that this solar array will benefit residential, business, and municipal subscribers with lower power costs.**
- 4. The proposed solar array is located on a parcel of land that is surrounded on three sides by land used for agricultural purposes. All sides will be buffered with the exception of the common boundary with the solar array approved as Conditional Use No. 2347.**
- 5. This Application generally complies with Section 115-172.I of the Sussex County Zoning Code regarding solar arrays.**
- 6. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways, and DelDOT has stated that the traffic impact will be “Diminutive”. There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.**
- 7. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.**
- 8. This recommendation is subject to the conditions set forth in Section**

**M 354 26
Adopt
Ordinance
No. 4078/
CU2642
(continued)**

115-172.I of the Zoning Code and the following additional conditions:

- a. The use shall be for a ground-mounted solar array. No other types of electric generation shall be permitted at the site.**
- b. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar array as well as the remaining acreage that is not part of this Conditional Use.**
- c. The entire area of the solar array shall be surrounded by a 7-foot-tall fence to comply with the height requirement of the National Electric Code. The fencing shall be a knot-wire agricultural style fencing including an interwoven privacy screening. The privacy screening shall be attached to the fencing with metal fasteners and a tension wire to reduce maintenance. The fence location and type of screening shall be shown on the Final Site Plan. The privacy screening may be removed after five years from the installation of the solar array. The fencing shall remain.**
- d. The entire area of the solar array shall be surrounded by a buffer strip of open space, a minimum of 100 feet from any street lines and a minimum distance of 50 feet from all property lines. It shall also be no closer than 200 feet from a dwelling on adjacent property. The landscaped buffer shall be at least 30 feet wide along the perimeter of the Property adjacent to lands of other ownership. This landscaped buffer shall use existing vegetation or shall be planted with 70% evergreen vegetation and 30% deciduous vegetation that serves as a screen while not impeding the use as a solar array facility. The location and types of vegetation used within this buffer area shall be included in a landscape plan provided with the Final Site Plan.**
- e. Transformers and similar equipment shall be centrally located on the site further away from North Old State Road than what was shown on the Preliminary Site Plan.**
- f. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. Any lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- g. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.**
- h. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated using Best Management Practices.**
- i. The Final Site Plan shall include a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.**
- j. The Final Site Plan to include maintenance plan including**

**M 354 26
Adopt
Ordinance
No. 4078/
CU2642**

identification and eradication of noxious weeds and grasses as set forth by the Delaware Department of Agriculture shall be subject to the review and approval of the Sussex County Planning & Zoning Commission”.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 355 26
Adjourn**

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to adjourn at 3:34 p.m.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

Respectfully submitted,

**Tracy N. Torbert
Clerk of the Council**

{An audio recording of this meeting is available on the County’s website.}