

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

This paperless packet is published on the County's website for convenience purposes, and only includes information received up to the close of business on the day before a public hearing. Documents received after this, or documents submitted during the public hearing are not uploaded to the Paperless Packet. The legal record is the paper record maintained in the Offices of the Planning & Zoning Department.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: February 10th, 2022

Application: CU 2284 Eastern Shore Natural Gas

Applicant: Eastern Shore Natural Gas (Attn: Mark Parker)
500 Energy Lane Suite 200
Dover, DE 19901

Owner: Eastern Shore Natural Gas (Attn: Mark Parker)
500 Energy Lane Suite 200
Dover, DE 19901

Site Location: 17035 Black Cherry Drive, Bridgeville. The property being a landlocked parcel accessed off Emma Jane Lane, approximately 0.33 mile south of E. Newton Road (S.C.R. 584).

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Use: Expansion of C/U 889 (Ordinance No. 536) for Public Utilities or Public Services Uses

Comprehensive Land Use Plan Reference: Industrial

Councilmanic District: Mr. Vincent

School District: Woodbridge School District

Fire District: Bridgeville Fire Department

Sewer: N/A

Water: N/A

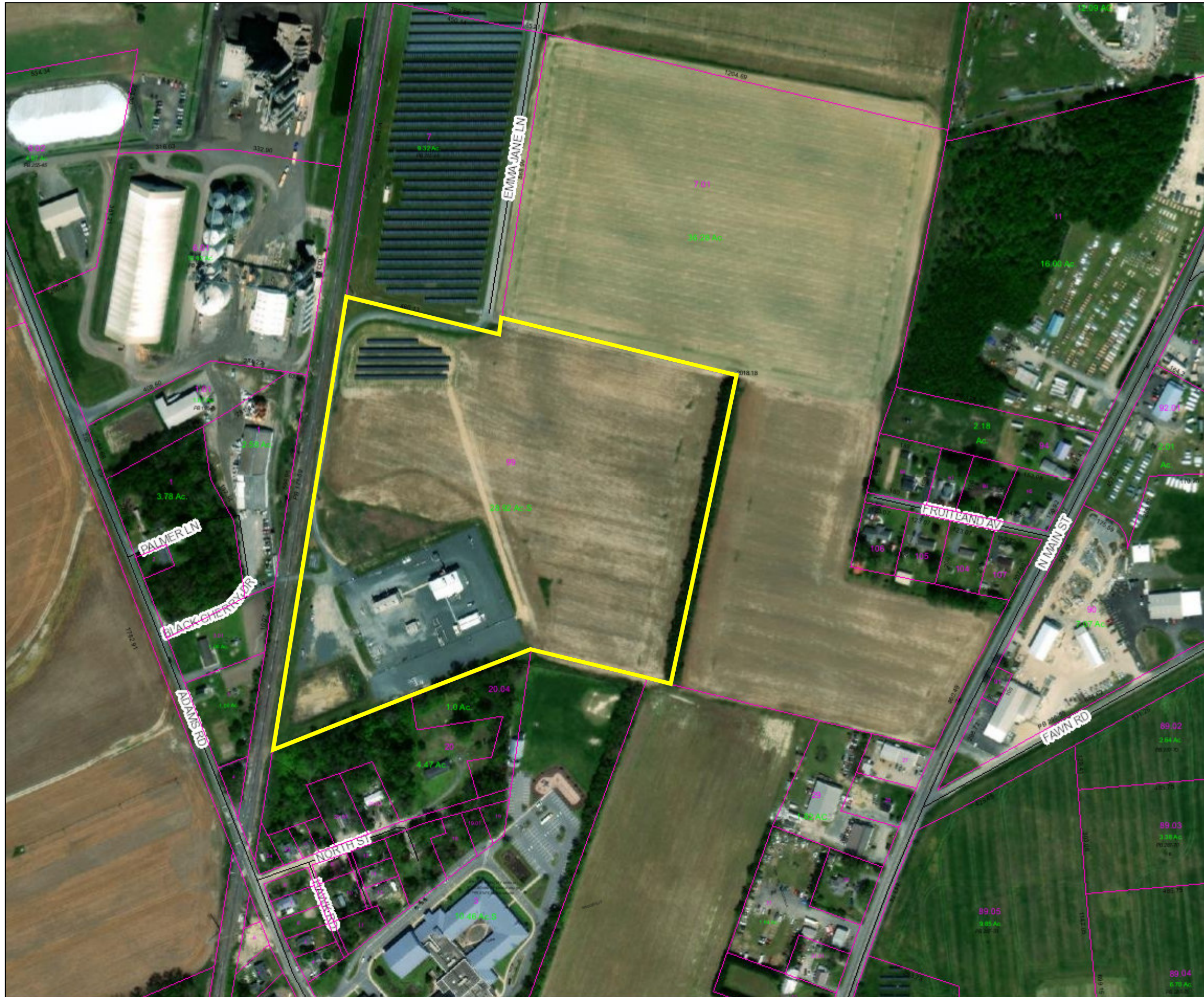
Site Area: 27.98 acres +/-

Tax Map ID.: 131-10.00-99.00





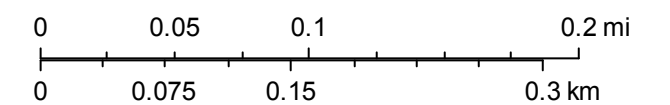
Sussex County



| | |
|------------------------|---------------------------------|
| PIN: | 131-10.00-99.00 |
| Owner Name | EASTERN SHORE NATURAL GAS CO |
| Book | 1798 |
| Mailing Address | PO BOX 1769 |
| City | DOVER |
| State | DE |
| Description | E/PENN CENTRAL |
| Description 2 | 250'N/RT 583 |
| Description 3 | N/A |
| Land Code | |

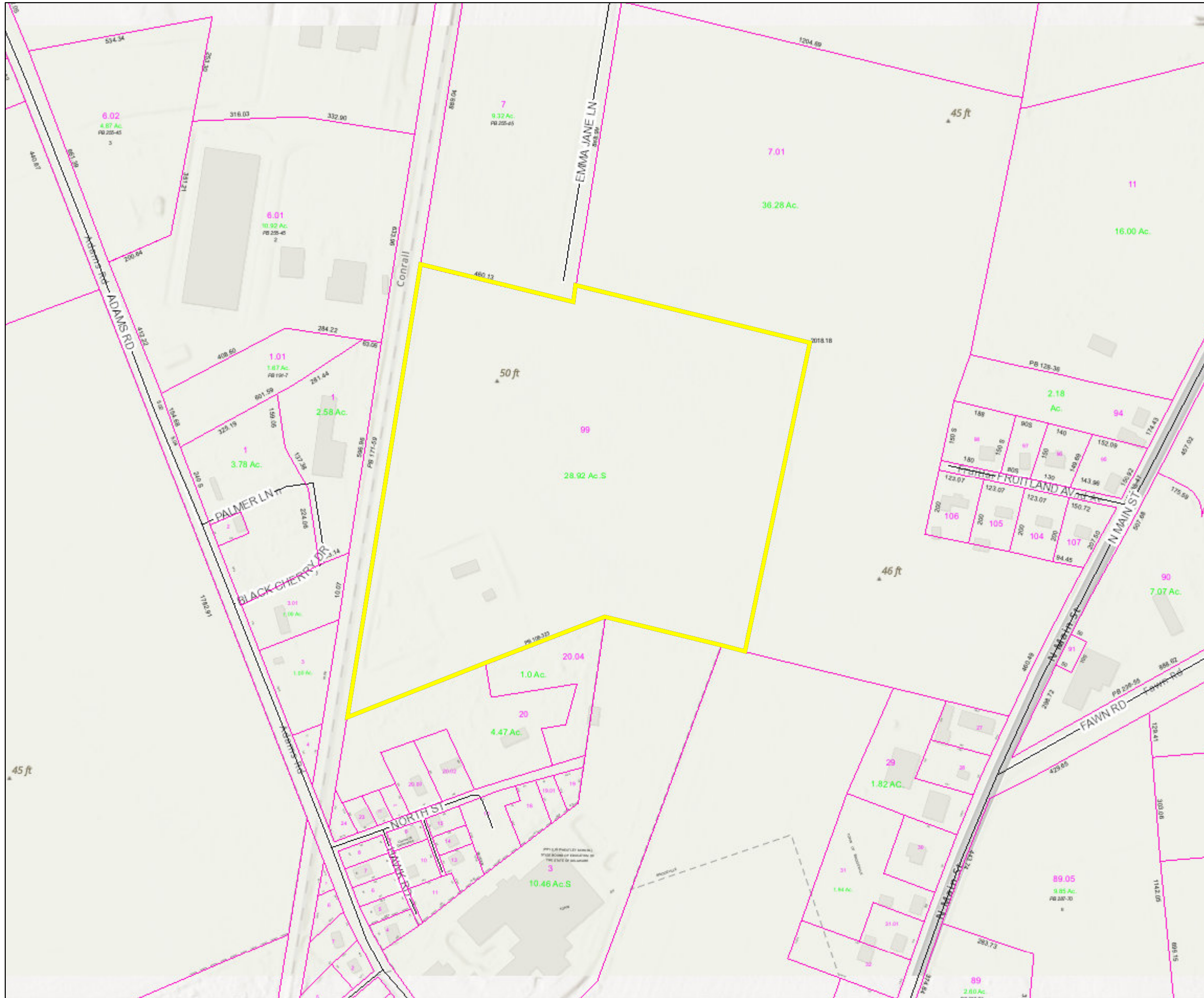
- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- Streets
- County Boundaries
- DOE School Districts

1:4,514





Sussex County



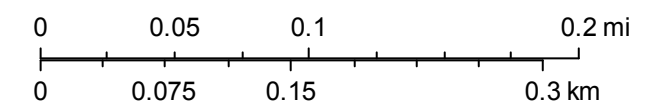
| | | |
|------------------------|-----------------|-------|
| PIN: | 131-10.00-99.00 | |
| Owner Name | EASTERN | SHORE |
| | NATURAL GAS CO | |
| Book | 1798 | |
| Mailing Address | PO BOX 1769 | |
| City | DOVER | |
| State | DE | |
| Description | E/PENN CENTRAL | |
| Description 2 | 250'N/RT 583 | |
| Description 3 | N/A | |
| Land Code | | |

- polygonLayer**

 - Override 1
- polygonLayer**

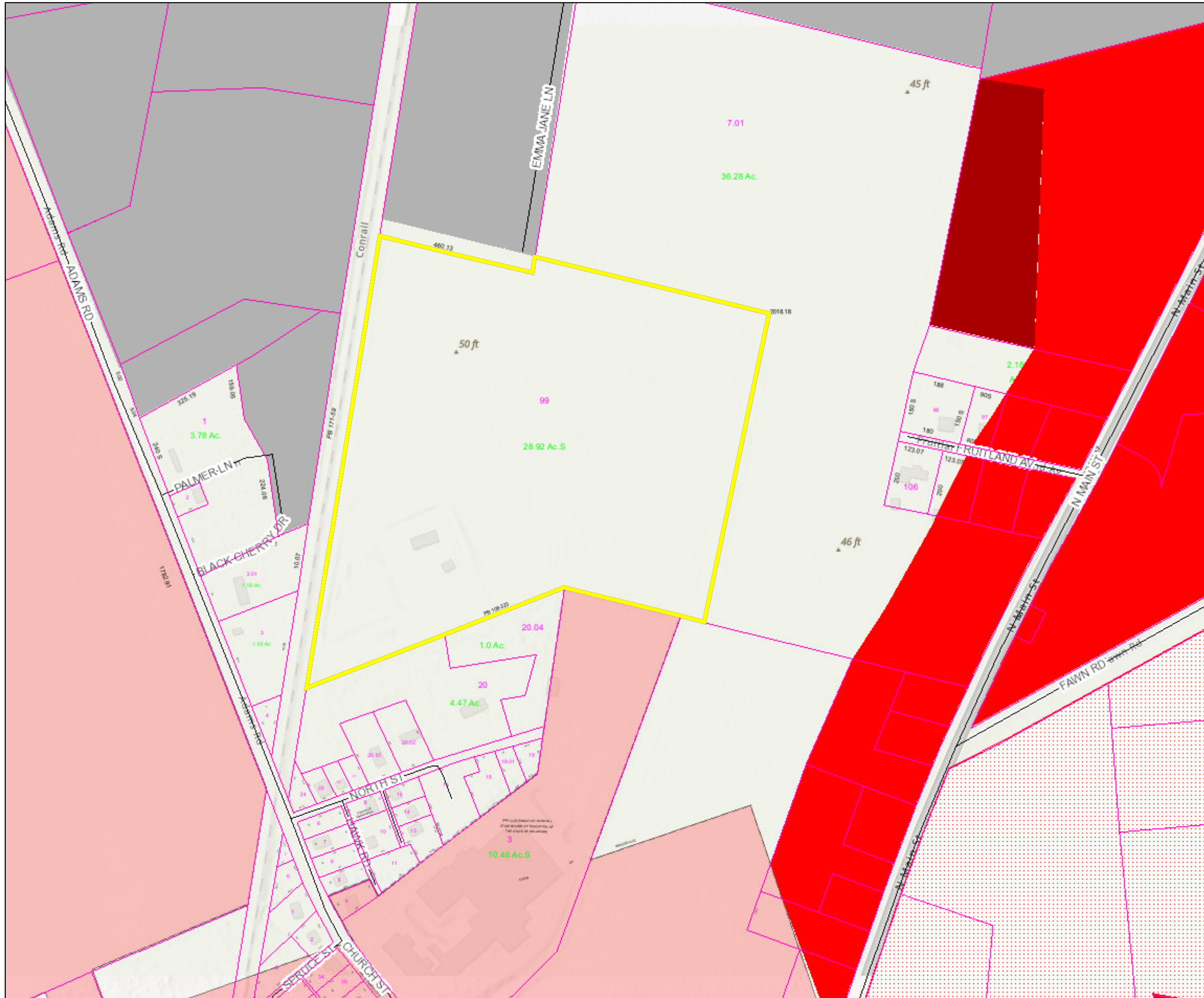
 - Override 1
 - Tax Parcels
 - Streets
 - County Boundaries
 - DOE School Districts

1:4,514





Sussex County



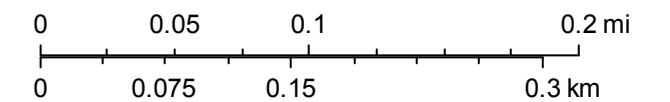
| | |
|------------------------|---------------------------------|
| PIN: | 131-10.00-99.00 |
| Owner Name | EASTERN SHORE NATURAL GAS CO |
| Book | 1798 |
| Mailing Address | PO BOX 1769 |
| City | DOVER |
| State | DE |
| Description | E/PENN CENTRAL |
| Description 2 | 250'N/RT 583 |
| Description 3 | N/A |
| Land Code | |

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- Tax Parcels
- Streets

1:4,514



| FULLNAME | Second_Owner_Name | MAILINGADD | CITY | STATE | ZIPCODE |
|------------------------------------|----------------------|---------------------------|--------------|-------|---------|
| ALCANTARA - HERNADEZ LAURENTINO | | PO BOX 143 | BRIDGEVILLE | DE | 19933 |
| ANDERSON AMELIA C | | 8595 NORTH ST | BRIDGEVILLE | DE | 19933 |
| EASTERN SHORE NATURAL GAS CO | | PO BOX 1769 | DOVER | DE | 19903 |
| GARCIA ANTONIO E GOMEZ | | 20070 DONOVANS RD | GEORGETOWN | DE | 19947 |
| HELENA CHEMICAL CO | | 225 SHILLING BLVD STE 300 | COLLIERVILLE | TN | 38017 |
| JOHNSON GLADYS | | 8491 PALMER LN | BRIDGEVILLE | DE | 19933 |
| MURRAY BETTY L | | 8509 PALMER LN | BRIDGEVILLE | DE | 19933 |
| NEAL HOWARD THURMAN & CORETTA | D NEAL | 16599 ADAMS RD | BRIDGEVILLE | DE | 19933 |
| NEAL TERRY | | 16611 ADAMS RD | BRIDGEVILLE | DE | 19933 |
| PENNSYLVANIA LINES LLC | | PO BOX 5651 | BISMARCK | ND | 58506 |
| PERDUE AGRIBUSINESS LLC | PROPERTY DEPARTMENT | PO BOX 1537 | SALISBURY | MD | 21804 |
| PERDUE FOODS LLC | PROPERTY DEPARTMENT | PO BOX 4837 | SALISBURY | MD | 21804 |
| POLLY'S FARM LLC BRIDGE BRANCH INC | | PO BOX 367 | BRIDGEVILLE | DE | 19933 |
| SMACK MICHAEL E | | 8603 NORTH ST | BRIDGEVILLE | DE | 19933 |
| STATE BOARD OF EDUCATION | OF STATE OF DELAWARE | 16359 SUSSEX HWY | BRIDGEVILLE | DE | 19933 |
| TREW R2 LLC | | PO BOX 397 | BRIDGEVILLE | DE | 19933 |



Sussex County

Mailing List Exhibit Map
CU 2284 Eastern Shore Natural Gas
131-10.00-99.00



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Ms. Lauren DeVore, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: February 3, 2022
RE: Staff Analysis for CU 2284 Eastern Shore Natural Gas Company

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2284 Eastern Shore Natural Gas Company to be reviewed during the February 10, 2022, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel: 131-10.00-99.00 for an expansion of Conditional Use No. 889 (Ordinance No. 536) for public utilities or public services uses to be located at 17019, 17025, 17035 and 17041 Black Cherry Drive in Bridgeville, Delaware. The property is a landlocked parcel accessed off Emma Jane Lane, approximately 0.33 mile south of E. Newton Road (S.C.R. 584). The parcel consists of 29.98 acres +/-.

It should be noted that the previous Conditional Use (Conditional Use No. 889) was filed on behalf of the Chesapeake Utilities Corporation for a public utility pumping (compressor) and regulator station to be located on a 7.99 acre +/- parcel of land. The Conditional Use was approved by the Sussex County Council on Tuesday, September 27, 1988, and the change was adopted through Ordinance No. 536.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a designation of "Industrial Area." The parcels to the north, east and west also have a Future Land Use Map designation of "Industrial Area." The parcels to the south contain the Future Land Use Map designation of "Developing Area" and "Municipalities." The parcels shown within the "Municipalities" designation are located within the incorporated town limits of the Town of Bridgeville.

As outlined within the 2018 Sussex County Comprehensive Plan, Industrial Areas are lands devoted to concentrations of larger industrial uses including heavier industry, light industry, warehousing, and flex space. Appropriate development in these areas could take the form of conventional industrial parks or planned business parks with a unified design that incorporate a combination of light industry and other business uses. Large, more intensive stand-alone industrial uses should also be directed to these areas (Sussex County Comprehensive Plan, 4-17).

The subject property is zoned Agricultural Residential (AR-1). All surrounding properties to the north, south, west and a portion of the properties eastern of the subject site are also zoned



Agricultural Residential (AR-1). Several parcels adjacent to and located on the eastern side of the subject site as zoned General Commercial (C-1), along N. Main Street, which serves as a major thoroughfare from Route 13 (Sussex Highway) into the Town of Bridgeville.

There are approximately five (5) parcels on the eastern side of the property on the opposite side of N. Main Street which are zoned Business Research (B-3).

Since 1970, there have been three (3) Conditional Use applications within less than a 0.25-mile radius of the application site. The first application was Conditional Use No. 1955 for the State of Delaware (DelDOT) to allow for a DelDOT Maintenance Yard to be permitted within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, February 19, 2013, and this change was adopted through Ordinance No. 2294. The second application was Conditional Use No. 1762 T.S. Smith & Sons Farm, Inc. to allow for a retail farmers market and petting zoo in the Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, January 27, 2009, and this change was adopted through Ordinance No. 2027. The third application was Conditional Use No. 889 Chesapeake Utilities Corporation for purposes of allowing a public utility pumping (compressor) and regulator station consisting of 7.99 acres in an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, September 27, 1988, and adopted through Ordinance No. 536.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use to allow for the expansion of Conditional Use No. 889 (Ordinance No. 536) for public utilities or public services uses in this location, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

Planning & Zoning Commission Application Sussex County, Delaware

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

Type of Application: (please check applicable)

Conditional Use

Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

17035 Black Cherry Drive, Bridgeville, DE 19933

Type of Conditional Use Requested:

This parcel is currently zoned AR-1; the Applicant requests an expansion of the Conditional Use approved on Sept. 8, 1988 (CU 889) for use of the entire parcel for "Public utilities or public services uses."

Tax Map #: 131-10.00-99.00 **Size of Parcel(s):** 27.98 acres

Current Zoning: AR-1 **Proposed Zoning:** AR-1 **Size of Building:** N/A

Land Use Classification: Agricultural will become Commercial/Industrial

Water Provider: Not Applicable **Sewer Provider:** Not Applicable

Applicant Information

Applicant Name: Eastern Shore Natural Gas, Attention Mark C. Parker, P.E

Applicant Address: 500 Energy Lane, Suite 200

City: Dover State: DE Zip Code: 19901

Phone #: (302) 213-7270 E-mail: mcparker@esng.com

Owner Information

Owner Name: Same as Applicant Information

Owner Address: _____

City: _____ State: _____ Zip Code: _____

Phone #: _____ E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: AECOM, Gregory Hufnagel (Agent)

Agent/Attorney/Engineer Address: 625 West Ridge Pike

City: Conshohocken State: PA Zip Code: 19428

Phone #: (610) 234-0449 E-mail: Gregory.Hufnagel@aecom.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

Completed Application

Provide eight (8) copies of the Site Plan or Survey of the property

- Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
- Provide a PDF of Plans (may be e-mailed to a staff member)
- Deed or Legal description

Provide Fee \$500.00 *Will be paid via credit card*

Optional - Additional information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.

DelDOT Service Level Evaluation Request Response

PLUS Response Letter (if required) *Not Applicable*

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

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

Signature of Applicant/Agent/Attorney

Hufnagel, Gregory

Digitally signed by Hufnagel, Gregory
DN: cn=Hufnagel, Gregory, ou=USCSK1,
email=Gregory.Hufnagel@suscom.com
Date: 2021.05.12 14:48:26 -04'00'

Date: 5/12/21

Signature of Owner

Mark C. Parker

Digitally signed by Mark C. Parker
Date: 2021.04.19 11:56:04 -04'00'

Date: 4/19/21

For office use only:

Date Submitted: 5/18/21

Staff accepting application: NT

Location of property: _____

Fee: \$500.00 Check #: card
Application & Case #: CJ2234 / 202107632

Subdivision: _____

Date of PC Hearing: _____

Date of CC Hearing: _____

Recommendation of PC Commission: _____

Decision of CC: _____



May 13, 2021

Jamie Whitehouse, Director
Sussex County Planning & Zoning Office
2 The Circle
Georgetown, DE 19947

Subject: Eastern Shore Natural Gas Company
Bridgeville Interconnect Project
Conditional Use Application
Tax Parcel: 131-10.00-99.00

Dear Mr. Whitehouse:

Eastern Shore Natural Gas Company (Eastern Shore), which has safely and reliably served the natural gas transportation needs of the region since 1959, is submitting the enclosed Conditional Use Application, including supporting documentation, to the Sussex County Planning and Zoning Office. Eastern Shore is proposing to construct, install, own, operate, and maintain the Bridgeville Interconnect Project (Project) in Sussex County, Delaware.

The Project will be constructed on land with existing natural gas infrastructure owned by Eastern Shore and will consist of new aboveground facilities, interconnecting pipeline supply laterals, and a tie-in delivery tap to connect to Eastern Shore's existing pipeline facilities. The proposed Project will serve as a receipt point where non-traditional gas supply, such as renewable natural gas, compressed natural gas, or liquefied natural gas will be metered, regulated, and heated before entering the existing Eastern Shore natural gas pipeline system. A small pre-fabricated building will be established to house a remote terminal unit. Equipment foundations, supports or spread footings will be constructed of poured reinforced concrete.

The Project, including temporary workspace, will be located within an approximately 28-acre parcel (Tax Parcel Number 131-10.00-99.00) that is zoned Agricultural/Residential 1 (AR-1). Approximately eight (8) acres of this parcel is currently developed and contains the Bridgeville Compressor Station (BRCS), above-ground piping facilities, a solar panel field, access driveways and a stormwater management facility. On August 13, 2015, the Sussex County Planning Commission approved the ability to expand Conditional Use (CU 889) which was originally approved on September 8, 1988 to allow for development of the BRCS. Final Site Plan approval for that Project occurred on August 27, 2015 for that expansion. **The enclosed Application is for the remainder of the parcel to be covered by a Conditional Use to allow for "public utilities or public service uses."** As identified on the attached Site Plan, the Conditional use covers two

areas. Area No. 2 is on the northwestern side of the parcel, totals 8.48 acres, and contains an existing solar field and a portion of the fencing for the proposed Project. Conditional Use Area No. 3 is on the eastern side of the parcel, totals 11.51 acres, and contains the majority of the proposed Project components. Area No. 1 contains the existing BRCS. The proposed Bridgeville Interconnect Project extends in each of the three Conditional Use areas.

As summarized herein and as shown on the attached Site Plan, approval of the Conditional Use request for the proposed development will not have a substantial impact on the physical, economic, or social environment of the area. Eastern Shore has selected this location to develop the Project as it minimizes the potential for negative environmental or community impacts. Minimal aboveground facilities are proposed, and these will be smaller scale compared to the BRCS that is already part of the landscape.

The proposed Project will conform to the AR-1 Lot and Building standards. No wetlands, waterbodies, or other sensitive resources are located on this Parcel. The Parcel is not located within a floodplain. No forest areas or trees will be removed for the proposed Project. No water or sewer connections are existing or proposed.

No residences or occupied buildings are located within 50 feet of the parcel boundary. The nearest occupied building is approximately 150 feet from the parcel boundary along Emma Jane Lane, 330 feet from the proposed pig Receiver Facility, and 500 feet from the proposed Facility. Short-term increases of dust, noise, and the presence of construction equipment may cause indirect impacts to nearby residents and commercial occupied buildings during construction. Mitigation measures will be implemented to minimize impacts.

During operation, the primary impact to residences and occupied buildings will be increased traffic from the delivery trucks. Increased truck traffic to residences and occupied buildings is anticipated to be minimal as the proposed truck routes will avoid residential occupied roadways and route the trucks along roadways primarily used by commercial enterprises (Emma Jane Lane) as well as major state routes (SR-404) used by similar sized trucks.. Traffic assessments have occurred and did not result in the need for public roadway improvements. Traffic assessment information has been provided to the Delaware Department of Transportation (DelDOT).

Eastern Shore evaluated the potential contribution the facility will have to background noise. The results of the acoustical assessment indicate that the combined noise level attributable to operation of the Facility and the existing BRCS is expected to be lower than a day-night average sound level of 55 dBA at the nearby noise sensitive areas without the installation of noise mitigation measures.

Therefore, the character of the parcel and its surroundings will not significantly change if the Conditional Use is granted. Eastern Shore appreciates the zoning board's consideration in this matter.

Eastern Shore understands that the fee of \$500 for the Conditional Use application may be paid via credit card. Please contact Valerie Double at 412-808-1810 (or Valerie.Double@acom.com) for payment of this fee.

If you have any questions, please do not hesitate to contact me at 302-213-7270 (or mcparker@esng.com) or my Agent, Gregory Hufnagel at 610-234-0449 (or Gregory.Hufnagel@acom.com)

Sincerely,



Mark C. Parker, P.E.
Engineering Manager

Attachments:

- 1) Planning and Zoning Commission Application Form, including attachments
 - a. Mailing List Application Form
 - b. Project Contact List
- 2) Deeds
- 3) Eight (8) Copies of Site Plan

ORDINANCE NO. 536

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PUBLIC UTILITY PUMPING (COMPRESSOR) AND REGULATOR STATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 7.99 ACRES, MORE OR LESS

WHEREAS, on the 7th day of July, 1988 a conditional use application, denominated C/U #889, was filed on behalf of Chesapeake Utilities Corp.; and

WHEREAS, on the 8th day of September, 1988 a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that C/U #889 be approved ; and

WHEREAS, on the 27th day of September, 1988 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 Ordinance No. 97, Article 3, Section 3, be amended by adding the designation of C/U #889 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

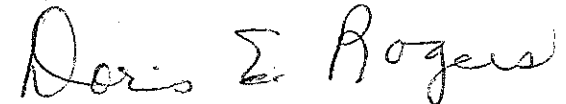
ALL that certain tract, piece or parcel of land, lying and being situate in Northwest Fork Hundred, Sussex County, Delaware and lying east of railroad right of way, ½ mile south of Route 584 and 300 feet north of Route 583 and being more particularly described as follows:

BEGINNING at an iron pipe on the easterly right of way of railroad, ½ mile south of Route 584; thence north 75° 17' 45"

east 726.00 feet along an old 12' right of way road to a concrete monument, a corner for these subject lands and lands now or formerly of George W. Willin; thence south 12° 17' 45" west 531.00 feet along said Willin lands to a concrete marker; thence south 77° 18' 13" west 774.50 feet continuing along said Willin lands and along an old fence line to a large cedar post on the easterly right of way of railroad; thence north 18° 15' 00" east 531.45 feet along the easterly right of way of railroad to the point and place of beginning and containing 7.99 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.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 536 PASSED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE 27TH DAY OF SEPTEMBER, 1988.



Doris E. Rogers
CLERK OF THE COUNTY COUNCIL

The findings of facts and the recommendations of the Planning and Zoning Commission are hereby incorporated into the record and the findings of facts of the Council. By adopting this Ordinance, it has been found that the change of zone is appropriate legislative action based upon the following findings of facts:

1. The proposed land use promotes health, safety, and morale of the present and future inhabitants of Sussex County in that a public utility pumping and regulator station is needed to boost pressure of a natural gas line. The station shall be placed a safe distance away from all other improvements, although no hazard is expected to the community.
2. The proposed land use promotes the convenience, order, prosperity, and welfare of the present and future inhabitants of Sussex County in that no adverse impact is anticipated on neighboring property values.
3. Congestion of roads or streets shall not be affected by the change of zone.
4. Protection and security from fire is provided by the Bridgeville Volunteer Fire Department, approximately one half mile.

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

TO: **Jamie Whitehouse**
REVIEWER: **Chris Calio**
DATE: **1/13/2022**
APPLICATION: **CU 2284 Eastern Shore Natural Gas**
APPLICANT: **Eastern Shore Natural Gas**
FILE NO: **WSP: 4.06**

RECEIVED
JAN 19 2022
SUSSEX COUNTY
PLANNING & ZONING

TAX MAP &
PARCEL(S): **131-10.00-99.00**

LOCATION: **17035 Black Cherry Drive, Bridgeville. The property being a landlocked parcel has access from Emma Jane Lane, approximately 0.33 mile south of E. Newton Road (SCR 584).**

NO. OF UNITS: **Expansion of CU 889 for Public Utilities or Public Services Uses.**

GROSS
ACREAGE: **27.98**

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

SEWER:

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

If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Nicole Messeck** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **Yes**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **Yes**
- (8). Comments: **The proposed Conditional Use is in a Tier 2 Area for sanitary sewer service.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-7370 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



John J. Ashman
Sr. Manager of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.
Lisa Walls
Nicole Messeck

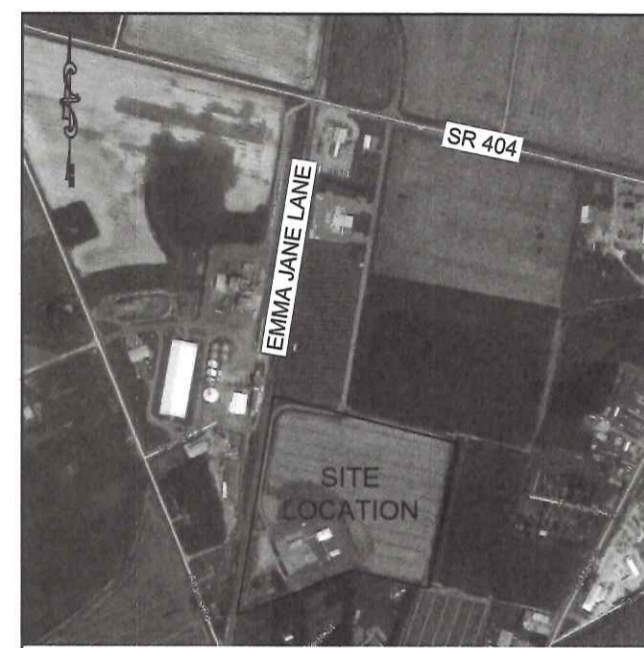
Policy for Extending District Boundaries

1. Property owner (developer) and/or his representative shall make a request to the Utility Planning Division for a Sewer System Concept Evaluation.
2. Property owner (developer) and/or his representative shall meet with the applicable planning and zoning agency to determine if zoning is appropriate for the development being planned.
3. With appropriate zoning, property owner (developer) and/or his representative shall send a letter (with appropriate application fee as listed below) requesting the Sussex County Council to consider extending the water and/or sanitary sewer district boundaries. (Sussex County Code)

| Application Fees | |
|----------------------------------|-------------------|
| Less than 2 acres | \$500.00 |
| 2.1 -9.99 acres | \$750.00 |
| 10 - 150.00 acres | \$1,500.00 |
| Greater than 150.00 acres | \$2,500.00 |

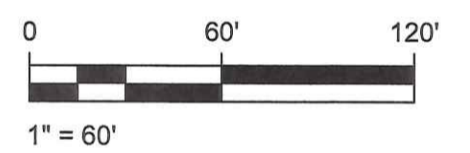
4. The Sussex County Engineering Department shall present, for Sussex County Council's consideration, posting of notices for the proposed extension of the district boundaries.
5. The Sussex County Council approves posting notices for the proposed extension of the boundaries. (If approval to post the notices is not given, the appropriate fee is refunded.)
6. Within ninety days of the posting of the notices, the Sussex County Council approves/disapproves extending the boundaries.
7. The Sussex County Council approves/disapproves of the extension of the water and/or sanitary sewer pipelines under the appropriate Sussex County Ordinance.

LOCATION MAP



Google Earth Not To Scale

SCALE



Mark C. Parker
 MARK C. PARKER, P.E.
 ENGINEERING MANAGER
 EASTERN SHORE NATURAL GAS/OWNER

Andrew C. Putnam
 ANDREW C. PUTNAM P.L.S.
 DELAWARE LIC. NO. 696

ISSUE/REVISION

| IR | DATE | DESCRIPTION |
|----|------|-------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

KEY PLAN

| PROJECT NUMBER |
|--------------------|
| 60645227 |
| SHEET TITLE |
| PROPERTY SITE PLAN |
| SHEET NUMBER |
| VO-1 |

SURVEY NOTES

- THIS PLAN IS A SITE PLAN SHOWING EXISTING AND PROPOSED FEATURES TO PROVIDE INFORMATION FOR CONDITIONAL USE APPROVAL.
- THIS PLAN HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE REPORT AND THERE MAY BE EASEMENTS OR CONDITIONS AFFECTING TITLE THAT ARE NOT SHOWN ON THIS PLAN BUT WOULD BE SHOWN WITH INFORMATION FROM A VALID TITLE REPORT.
- EXISTING CONDITIONS SHOWN ON THIS ARE FROM FIELD SURVEY IN MARCH 2021. THE UTILITIES SHOWN ON THIS PLAN ARE TAKEN FROM A FIELD SURVEY BY AECOM IN JUNE OF 2020 AND THE UTILITY FEATURES SHOWN ARE ON THE SURFACE AND WHAT WAS VISIBLE FROM THE SURFACE ONLY. AS SUCH AECOM CANNOT GUARANTEE THE LOCATION AND DEPTH OF UNDERGROUND UTILITIES OR STRUCTURES. A DELAWARE ONE CALL MUST BE DONE PRIOR TO ANY EXCAVATION OR SITE WORK.
- DUE TO THE SITE CONDITIONS AND USE OF THE SUBJECT PREMISES SOME FEATURES MAY NOT BE LOCATED OR SHOWN HEREON.
- THE FIELD SURVEY IS BASED ON THE DELAWARE STATE PLANE COORDINATE SYSTEM, NAD83, ELEVATIONS SHOWN ON THIS PLAN ARE BASED ON NAVD88.
- THE ORIGINAL OF THIS DRAWING IS THE PROPERTY OF AECOM. UNAUTHORIZED ALTERATIONS, OR ADDITIONS, TO THIS PLAN BEARING THE LICENSED PROFESSIONAL'S SEAL IS ILLEGAL.
- NO WETLANDS WERE DELINEATED ON THIS PROPERTY.
- THIS PLAN IS ONLY VALID WHEN THE PROFESSIONAL'S SIGNATURE AND SEAL IS SHOWN.

GENERAL NOTES

- THE PURPOSE OF THIS PLAN IS TO PRESENT EXISTING CONDITIONS AND PROPOSED IMPROVEMENT TO TAX PARCEL NUMBER 131-10.00-99.00 IN CONFORMANCE WITH THE SUSSEX COUNTY CONDITIONAL USE REQUEST FOR ZONE AGRICULTURAL/RESIDENTIAL 1 (AR-1) TO ALLOW FOR PUBLIC UTILITIES OR PUBLIC SERVICES USE. THIS PROPERTY WILL BE USED FOR UTILITIES WITH ONLY OCCASIONAL EMPLOYEE VISITATION.
- THIS PROJECT IS NOT LOCATED WITHIN THE 100 YEAR FEMA FLOOD PLAIN, AS SHOWN ON FEMA FIRM MAP PANEL #100050015K REVISED MARCH 16, 2015. A FLOOD STUDY AND/OR FLOODPLAIN DELINEATION IS NOT REQUIRED.
- NO DEBRIS SHALL BE BURIED ONSITE.
- STORMWATER MANAGEMENT, DRAINAGE AND SEDIMENT AND EROSION CONTROL SHALL BE IN COMPLIANCE WITH THE DELAWARE SEDIMENT & STORMWATER REGULATIONS, THE SUSSEX COUNTY CODE AND POND CODE 378.
- THIS PLAN DOES NOT INTEND TO CREATE ANY PUBLIC RIGHTS-OF-WAY.
- THIS PLAN DOES NOT INTEND TO MODIFY THE EXISTING WATER SUPPLY.
- THIS PLAN DOES NOT INTEND TO MODIFY THE EXISTING SEWER.
- THIS PROJECT DOES NOT PROPOSE ANY DISTURBANCE WITHIN JURISDICTIONAL WETLANDS OR WATERWAYS. ON NOVEMBER 18, 2020, AECOM CONDUCTED A WETLAND AND WATERCOURSE DELINEATION OF THE SITE, NO WETLANDS OR WATERBODIES WERE IDENTIFIED DURING THE SURVEY.
- ON AUGUST 13, 2015 SUSSEX COUNTY PLANNING COMMISSION APPROVED THE ABILITY TO EXPAND CONDITIONAL USE (CU, 889) FROM THE AREA ORIGINALLY APPROVED ON SEPTEMBER 8, 1988.
- ALL FIRE LANES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.

ZONING

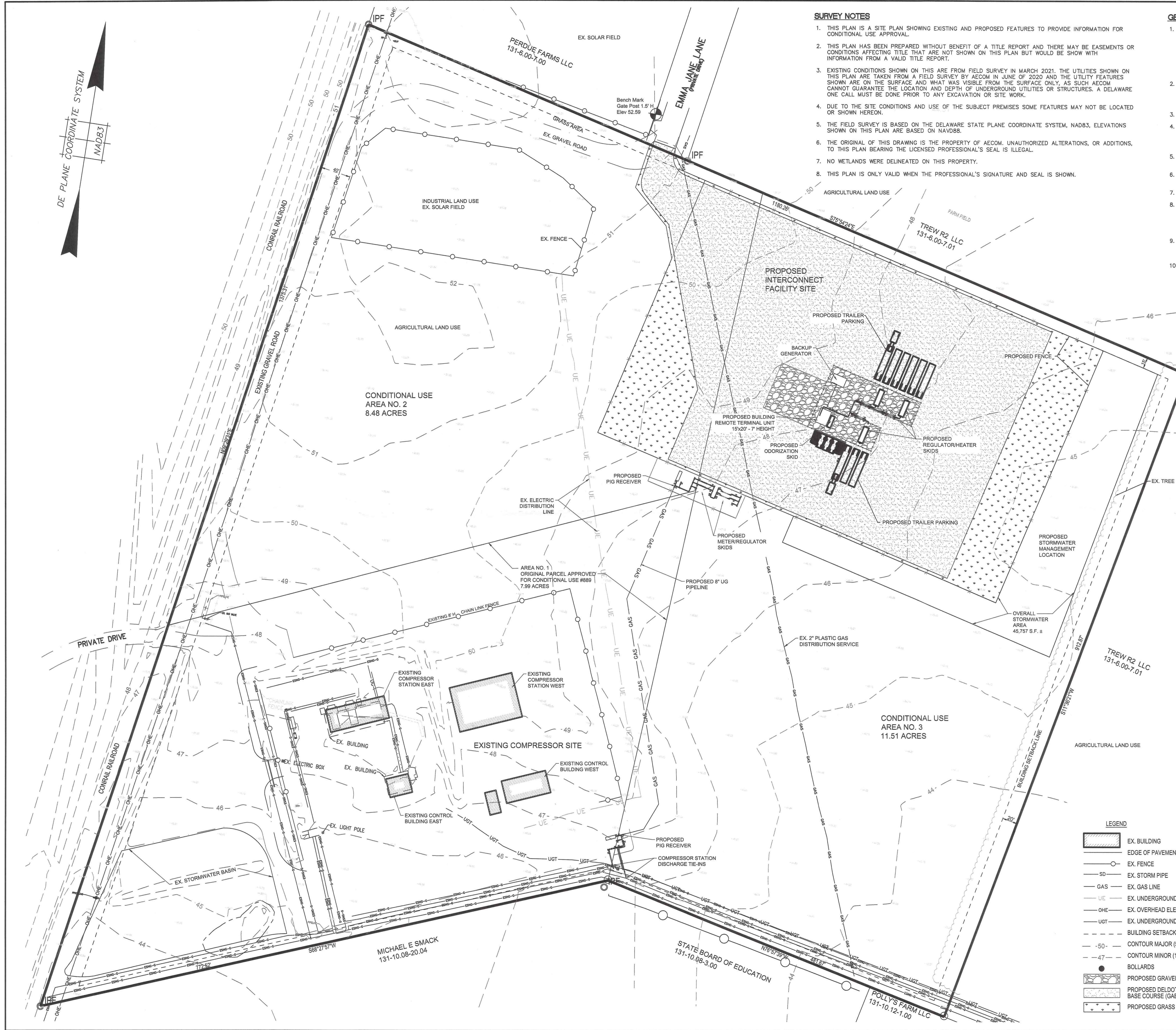
- PROPERTY ZONED AR-1 (AGRICULTURAL/RESIDENTIAL)
 BULK REQUIREMENTS
 1. MIN. LOT AREA = 20,000 S.F.
 2. MAX. BLDG HT. = 42'
 3. MIN. LOT WIDTH = 100'
 4. MIN. LOT DEPTH = 100'
 5. MIN. FRONT YARD = 40'
 6. MIN. SIDE YARD = 15'
 7. MIN. REAR YARD = 20'

SITE DATA

- SITE ADDRESS: 17035 BLACK CHERRY DRIVE BRIDGEVILLE DE 19933
- OWNER: EASTERN SHORE NATURAL GAS 500 ENERGY LANE, SUITE 200 DOVER DE 19901 P: (302) 213-7270 F: (302) 450-1616
- TAX PARCEL: 131-10.00-99.00
- PARCEL AREA: 27,983 ACRES
 EXISTING NO. 1: 7.99 ACRES
 PROPOSED NO. 2: 8.48 ACRES
 PROPOSED NO. 3: 11.51 ACRES
- DATE OF SURVEY: MARCH 2021
- NO WETLANDS ON SITE
- SITE NOT WITHIN 100 YEAR FLOODPLAIN
- WATER: NONE PROPOSED
- SEWER: NONE PROPOSED
- PROJECT BENCHMARK: GATE POST 1.5' H
 BM: N:275437.27 E:603403.51 ELEV:52.59
- TOTAL AREA TO BE DISTURBED: 11.11 ACRES
- CONDITIONAL USE AREA REQUESTED: 19.99 ACRES
- EXISTING BUILDING AREA: 9,784 S.F.
- EXISTING LOADING SPACES: 1
- PROPOSED LOADING SPACES: 9
- EXISTING PARKING SPACES: 0
- PROPOSED PARKING SPACES: 36 S.F.
- PROPOSED BUILDING AREA: 36 S.F.
- PROPOSED BUILDING HEIGHT: 7'

LEGEND

| | | | |
|--|---|--|-------------------------|
| | EX. BUILDING | | PROPERTY LINE |
| | EDGE OF PAVEMENT | | SITE BENCHMARK |
| | EX. FENCE | | CATCH BASIN (RECTANGLE) |
| | EX. STORM PIPE | | SANITARY MANHOLE |
| | EX. GAS LINE | | ELECTRIC BOX |
| | EX. UNDERGROUND ELECTRIC | | SIGN (SINGLE POST) |
| | EX. OVERHEAD ELECTRIC | | LIGHT POLE |
| | EX. UNDERGROUND TELECOMMUNICATION | | SPOT ELEVATION |
| | BUILDING SETBACK LINE | | PROPOSED FENCE |
| | CONTOUR MAJOR (5' INTERVAL) | | EX. TREELINE |
| | CONTOUR MINOR (1' INTERVAL) | | |
| | BOLLARDS | | |
| | PROPOSED GRAVEL AREA | | |
| | PROPOSED DELDOT GRADED AGGREGATE BASE COURSE (GABC) | | |
| | PROPOSED GRASS AREA | | |



JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

This paperless packet is published on the County's website for convenience purposes, and only includes information received up to the close of business on the day before a public hearing. Documents received after this, or documents submitted during the public hearing are not uploaded to the Paperless Packet. The legal record is the paper record maintained in the Offices of the Planning & Zoning Department.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

Jamie Whitehouse

From: Charito Calvachi-Mateyko <charitocw@aol.com>
Sent: Wednesday, February 9, 2022 4:46 PM
To: Planning and Zoning
Subject: Opposition to Eastern Shore Natural Gas - Conditional Use (C/U 2284) Delaware

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

FILE COPY
Opposition
Exhibit

To:

Chair
Sussex County Planning and Zoning Comm
Georgetown, DE

RE: Eastern Shore Natural Gas - Conditional Use (C/U 2284) Delaware

Dear Chair and Members of the Sussex County Planning & Zoning Com.,

I write to **OPPOSE approval of Eastern Shore Natural Gas - Conditional Use (C/U 2284) Delaware for the following reasons:**

1) **I oppose on the grounds of Environmental Racism.** This application is a concern statewide on the grounds of its environmental racism, and it must be rejected on those grounds, as well as other grounds.

The proximity of homes and a school renders this site not suitable for the several environmental impacts of thousands of trucks delivering waste, litter including some dead animals each day.

The logic of zoning is to prevent such incompatible use.

Because the community is largely a community of color (Hispanic and AfricanAmerican) and no adequate environmental impact statement has been presented in the record, this application carry the added burden of environmental racism for which it must be rejected.

A rezoning to permit 180,000 annually new truckload of waste products in a residential area with a school is not compatible zoning.

It is an outrage that it was even presented to you for consideration.

Sincerely,

Rosario Calvachi Mateyko
55 Sunset Road
Newark, DE 19711

Jamie Whitehouse

From: Sherri.evans-stanton=sierraclub.org@mg.gospringboard.io on behalf of Sherri Evans-Stanton <Sherri.evans-stanton@sierraclub.org>
Sent: Wednesday, February 9, 2022 4:02 PM
To: Planning and Zoning
Subject: Stop the Eastern Shore Natural Gas pipeline expansion!

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

To the Planning and Zoning Board,

The Sierra Club strongly opposes new gas pipelines in Delaware. Please vote NO to the expansion of the Eastern Shore Natural Gas pipeline facility near Bridgeville.

The proposal you will consider on Thursday evening is cloaked in secrecy in terms of both the source and route. In addition, the potentially explosive gas would travel into a residential area, close to an elementary school and people's homes. If this gas must be processed before it is injected into the pipeline, which is also unclear from the application, the process would also pollute our air.

Because the proposal would truck gas from a "non-traditional" source to the Bridgeville facility, we believe the source would likely be the controversial Bioenergy DevCo plant proposed for south of Seaford.

Over 90% of Sussex County's drinking water is contaminated with nitrates. The county has a duty to protect the air we breath and water we drink.

Please do not approve this project.

Sherri Evans-Stanton
Director, Sierra Club Delaware Chapter

For these reasons, I urge you the council to vote against the expansion of Eastern Shore Natural Gas's Bridgeville pipeline facility. You have the power and the responsibility to stop it.

Sincerely,

Sherri Evans-Stanton
PO Box 2005
Wilmington DE, 19899-2005

FILE COPY
Opposition
Exhibit

Jamie Whitehouse

From: Maria Payan <mariap@sraproject.org>
Sent: Wednesday, February 9, 2022 3:54 PM
To: Planning and Zoning; Michael Payan; Joseph Meyer
Subject: written comments submittal for Expansion CU 2284 Eastern Shore Natural Gas
Attachments: Written Public Comments submitted to Sussex County Planning Commission.pdf

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Good Afternoon,

Sussex Health & Environmental Network , a citizen coalition of stakeholders in Sussex County works to ensure a clean, healthy environment for future generations. SHEN is submitting the attached comments to Planning and Zoning regarding the expansion of CU 2284 Eastern Shore Natural Gas which is scheduled for a hearing on Thurs Feb 10th. We are requesting denial of this expansion of CU 2284. This application is lacking information to ensure the project will not negatively impact the health and safety of the residents.

Thank you,

Jay Meyer
Sussex Health & Environmental Network

Maria Payan
Co-founder

FILE COPY
Opposition
Exhibit

RECEIVED

FEB 09 2022

FILE COPY
Opposition
Exhibit

SUSSEX COUNTY
PLANNING & ZONING

Written Public Comments submitted to Sussex County Planning Commission

11 PAGES
TOTAL

Regarding: Eastern Shore Natural Gas CU 2284

17035 Black Cherry Drive, Bridgeville, DE

Agricultural Residential (AR-1) Zoning District

Expansion of C/U 889 (Ordinance No. 536) for Public Utilities or Public Services Uses

Comprehensive Land Use Plan Reference: Industrial

Tax Map ID.: 131-10.00-99.00

1. Proximity to Phillis Wheatley Elementary School.

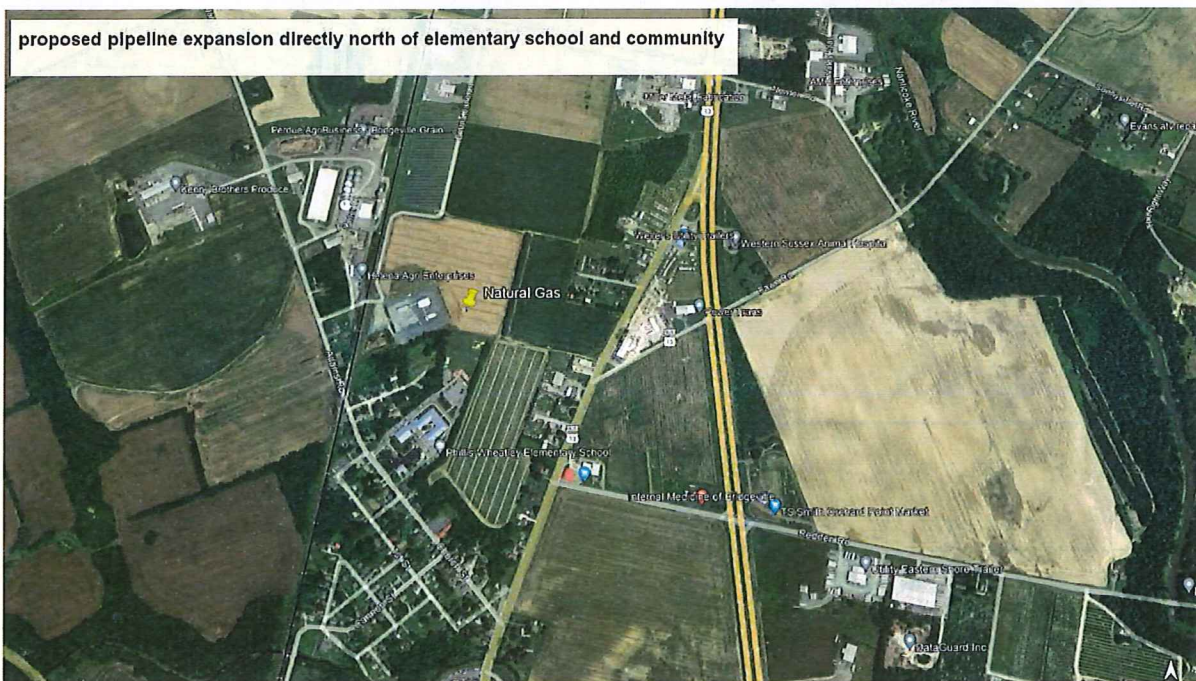


Figure 1 – Google Earth Image of surrounding community of proposed expansion.

Concern: One of the most compelling concerns about the county's determination to increase the industrial zoning on lands that abut the property where the Phillis Wheatley Elementary School is located is that the children's playground is located so close.

According to the materials submitted to the Zoning Commission for their consideration by both the applicant and the Zoning Administrator are silent with respect to the school.

Does the Zoning Commission care about the welfare of the children that attend this school and play in the school playground?

Did the Zoning Administrator discuss in detail the proposal and potential adverse impacts with the School Board and the parent/teacher associations?

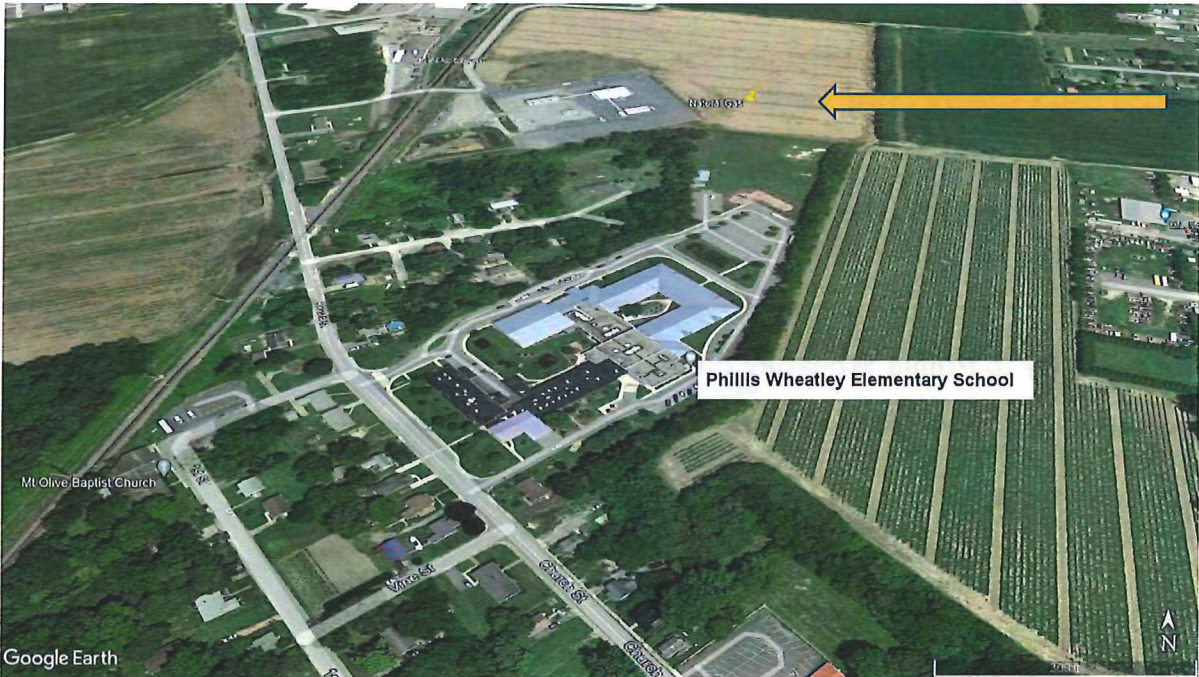


Figure 2 – Google Earth image showing location of Phillis Wheatley Elementary School (arrow points to approximate location of proposed Non-Traditional Natural Gas facility).



Figure 3 – Google Earth image close-up view of children’s playground at school.

2. Additional noise generated by natural gas tanker truck traffic.

According to Delaware State Law on Noise:¹

- 5.0 Classification of Land According to Use 5.0.1 Class A noise zone
- 5.1 Lands designated Class A shall generally be residential areas where human beings sleep or areas where serenity and tranquility are essential to the intended use of the land.
- 5.1.1 The land uses in this category shall include, but not be limited to, single and multiple family homes, hotels, prisons, hospitals, religious facilities, cultural activities, forest preserves, and land intended for residential or special uses requiring such protection.

The applicant claims this information regarding noise:

“Eastern Shore evaluated the potential contribution the facility will have to background noise. The results of the acoustical assessment indicate that the combined noise level attributable to operation of the Facility and the existing BRCS is expected to be lower than a day-night average sound level of 55 dBA at the nearby noise sensitive areas without the installation of noise mitigation measures.”

Concern: The applicant did not mention the nearby elementary school nor where the nearby ‘noise sensitive areas’ are located with respect to the natural gas truck receiving area. The applicant did not provide the ‘acoustical assessment’ as a professional report in the application supporting documents.

Why is the Zoning Commission and the public being put in the position to just trust that acoustic tests have been performed without the courtesy of the applicant providing the professional reports? We have no idea what was considered -- number of trucks, types of trucks, time the trucks sit in the truck bays idling, whether the truck engines are diesel or other, gear downshifting, any beeping noises associated with backing up to the truck bays, noises associated with off-loading the various types of non-traditional natural gas (e.g., compressed natural gas versus liquified natural gas), PA systems, and the like. The applicant does not mention that they intend to add a \$14 million compressor to the existing Bridgeville Compressor station, and we do not know if the noise assessment included the noises associated with the additional compressor.

The idea that a neighbor could hear this facility’s noise level at their home equivalent to someone standing in the room talking loudly sounds to me like a very annoying noise

¹ See: <https://regulations.delaware.gov/AdminCode/title7/1000/1100/1149.shtml>

level and not conducive to “serenity and tranquility” especially if you were talking in my ear all day and all night day after day year after year. That is what 55 dBA means – not loud enough to cause permanent ear damage but certainly loud enough to be a nuisance if you are sitting in your home or at a school desk trying to concentrate.

Here is a technical explanation of the term dBA:²

“First of all, a dB (decibel) is a ratio between two quantities that has been reported on a logarithmic scale. Moreover, dB allows a realistic modelling of human auditory perception since the ear reacts to relative changes in noise level. In many cases, dBs are followed by a suffix to define a reference variable. For example, dBm means that the reference variable is the milliwatt; dBV, the volt.

In acoustics, sound is a change in pressure relative to atmospheric pressure. Thus, the reference quantity is the smallest pressure change detectable by the ear (hearing threshold), 20 μ Pa in air, which corresponds to 0 dB SPL. However, the human ear does not perceive all frequencies in the same way. Indeed, the ear of a healthy person is more sensitive to frequencies between 2 and 5 kHz.

This is why dB(A) is used. The reference quantity remains the same; 20 μ Pa and the units are still dB SPL, but each value has a different gain depending on the frequency in order to better represent human auditory perception. The blue curve shows the gain for a type A weighting. There are also B, C, D and Z weightings. However, the B and C weightings are only valid for pure signals (signals with a single frequency).

A dBA is a weighted scale for judging loudness that corresponds to the hearing threshold of the human ear. Although dB is commonly used when referring to measuring sound, humans do not hear all frequencies equally. For this reason, sound levels in the low frequency end of the spectrum are reduced as the human ear is less sensitive at low audio frequencies than at high audio frequencies.

You will often see noise levels given in dBA (A-weighted sound levels) instead of dB. Measurements in dBA, or dB(A) as it is sometimes written, are decibel scale readings that have been adjusted in an attempt to take into account the varying sensitivity of the human ear to different frequencies of sound. The main effect of this adjustment is that low and very high frequencies are given less weight than on the standard decibel scale.

Compared with dB, A-weighted measurements underestimate the perceived loudness, annoyance factor, and stress-inducing capability of noises with low frequency components, especially at moderate and high volumes of noise.”

² See: <https://www.softdb.com/difference-between-db-dba/>

| Sound Source | Sound Level (dBA)* | Response |
|---|--------------------|-------------------------------|
| Carrier deck jet operation | 140 | |
| Civil defense siren (at 100 feet) | 130 | Painfully loud |
| Jet takeoff (at 200 feet) | 120 | Threshold of feeling and pain |
| Riveting machine (at 1 foot) Rock music concert | 110 | |
| Pile driver (at 50 feet) Ambulance siren (at 100 feet) | 100 | Very loud |
| Heavy truck (at 50 feet) | 90 | |
| Pneumatic drill (at 50 feet) Freight train cars (at 50 feet) | 80 | |
| Garbage disposal in home Freight train cars (at 100 feet) Freeway traffic (at 50 feet) Vacuum cleaner (at 10 feet) | 70 | Moderately loud |
| Air conditioning unit (at 20 feet) | 60 | |
| Speech in normal voice (at 15 feet) | 50 | |
| Residence-typical movement of people, no TV or radio Soft whisper (at 5 feet) | 40 | Quiet |
| Recording studio | 30 | |
| | 20 | |
| | 10 | |
| | 0 | Threshold of hearing |

* Typical A-weighted sound levels in decibels. "A" weighting approximates the frequency response of the human ear.

Figure 4 – Decibel Scale showing trucks 50 feet away register 90 dBA and normal voice talking 15 feet away registers at 50 dBA.³

The Sussex County Zoning Commission must request a thorough Noise Impact Assessment from Eastern Shore Natural Gas before consideration of the requested conditional use.

³ See: http://www.storeycountywindfarms.org/Sound_Handout.htm

3. No Truck Traffic Impact Assessment

Information supplied by the applicant:

“During operation, the primary impact to residences and occupied buildings will be increased traffic from the delivery trucks. Increased truck traffic to residences and occupied buildings is anticipated to be minimal as the proposed truck routes will avoid residential occupied roadways and route the trucks along roadways primarily used by commercial enterprises (Emma Jane Lane) as well as major state routes (SR-404) used by similar sized trucks. Traffic assessments have occurred and did not result in the need for public roadway improvements. Traffic assessment information has been provided to the Delaware Department of Transportation (DeIDOT).”

The 20 page agenda packet provided to the Zoning Commission did not seem to contain the two-page letter from DeIDOT, but we did obtain a copy of the letter from the county via open record request. The letter implies that Eastern Shore Natural Gas told DeIDOT that there will be “less than 50 trucks per day,” so DeIDOT said that is under their trigger to require a Traffic Impact Assessment.

Concerns: Neither the Zoning Administrator, the Zoning Commission, nor the public has access to the information Eastern Shore provided to DeIDOT so we can evaluate the data (number of trucks per day) and determine whether the numbers are valid.

The facility has 9 truck bays, which means they could have up to 9 trucks actively off-loading natural gas at one time. If the facility only expects 50 trucks per day on-site - does that mean those bays would only be fully used 5 times in a 24 hour period? How long does it take to off-load a tanker truck of natural gas? Will there be trucks off-loading at night or only during work hours? Will there be trucks waiting in line for an off-loading bay to become available? Wouldn't those trucks be idling during that wait time?

We do not have answers to any of those questions and that is unacceptable when the public is relying upon government officials to consider these important public health and property concerns.

The applicant is extremely vague when discussing the truck routes to and from the facility. No truck traffic map was provided. The applicant mentions State Highway 404 (east-west corridor) but does not mention I-13 (north-south corridor).

The Sussex County Zoning Commission must request a thorough Traffic Impact Assessment from Eastern Shore Natural Gas before consideration of the requested conditional use.

4. No details on the operation of the Non-Traditional Natural Gas facility.

From the applicant [emphasis added]:

The proposed Project will serve as a receipt point where **non-traditional gas supply, such as renewable natural gas, compressed natural gas, or liquefied natural gas** will be metered, regulated, and heated before entering the existing Eastern Shore natural gas pipeline system.

Apparently, that paragraph is all the information that was provided by the applicant in their request to the county. No description of the sources of any or all of these non-traditional natural gas sources. No narrative discussion of how the trucks will enter the property, park in the truck bays, off-load the natural gas, or how the facility will be used to “meter, regulate and heat” the natural gas. No discussion about whether these sources of natural gas will be directed to the nearby Bridgeville Compressor station (which is in the process of obtaining permits for a \$14 million compressor) so the gas can be compressed prior to entering the ‘gas pipeline system’.

Concerns: Why would the Zoning Commission allow such a vague and uninformative request proceed to the commission agenda? Why didn't the Zoning Administrator request more detailed information not only for the commission's benefit but also for the public's benefit during evaluation of the proposal and comparison to the requirements of the county zoning regulations and the Sussex County Comprehensive Plan?

Where is the analysis of the increased hazard of hundreds of trucks carrying natural gas traveling the roads into this property with respect to the entire community and especially nearby Phillis Wheatley Elementary School?

The Sussex County Zoning Commission must request a thorough Explosive/Flammable Hazard Assessment and a more detailed description of the sources of non-traditional natural gas (company names and locations) as well as the day-to-day behavior of those trucks at the facility from Eastern Shore Natural Gas before consideration of the requested conditional use.

5. No mention of proposed expansion of existing Bridgeville Compressor station.

Concerns: The conditional use application materials provided to Sussex County zoning do not acknowledge that there are **two** projects concurrently being considered by Eastern Shore Natural Gas for Tax Map ID.: 131-10.00-99.00 as follows:

- (a) the request to the Federal Energy Regulatory Commission (FERC) for the addition of a \$14 million dollar natural gas compressor at the existing Bridgeville Compressor station and
- (b) the proposal to Sussex County Zoning for the zoning change from AR-1 to Industrial in order to site a Non-Traditional Natural Gas facility directly east of the existing Bridgeville Compressor station.



Figure 5 – Zoning map showing location of Bridgeville Compressor station parcel.

From page 4 of 339 of the January 18, 2022, FERC application materials:⁴

“Eastern Shore Natural Gas Company ("Eastern Shore") hereby submits this prior notice filing, pursuant to Section 7 of the Natural Gas Act ("NGA") and the prior notice procedures prescribed by Sections 157.203(c), 157.205(b), 157.208(c), and 157.210 of the Commission's Regulations, regarding its proposal to install an additional compressor unit and appurtenant facilities at Eastern Shore's existing compressor station in Bridgeville, Sussex County, DE ("Project"). The Project will enable Eastern Shore to provide additional firm natural gas transportation service to an existing shipper on Eastern Shore's pipeline system, as more fully described below.”

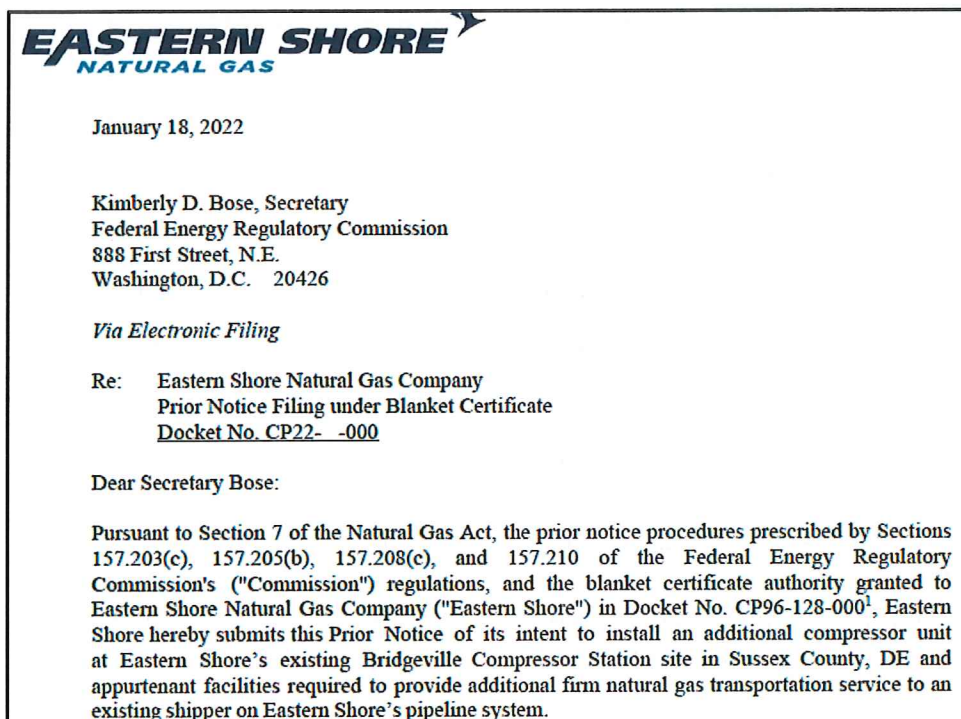


Figure 6 – Snapshot of cover letter to January 2022 FERC application.

The Sussex County Zoning Commission must request a complete application from Eastern Shore Natural Gas that includes ALL changes to the Bridgeville Compressor station before consideration of the requested conditional use.

6. Proposed Ordinance does not contain Conditions. Proposed Sussex County Zoning Ordinance language dated June 15, 2021, does not include Conditions to the language that would allow Industrial use in an AR-1 zone to facilitate the siting of a new Non-Traditional Natural Gas facility.

⁴ See: https://drive.google.com/file/d/1NGI-w8heGweSfAxeoXI9_YTqFqk2oiBB/view?usp=drive_web

Introduced 06/15/21

Council District 1 - Vincent
Tax I.D. No. 131-10.00-99.00
911 Address: 17019, 17025, 17035 & 17041 Black Cherry Drive, Bridgeville

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE EXPANSION OF CU 889 (ORDINANCE NO. 536) FOR PUBLIC UTILITIES OR PUBLIC SERVICES USES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 29.98 ACRES, MORE OR LESS

WHEREAS, on the 18th day of May 2021, a conditional use application, denominated Conditional Use No. 2284 was filed on behalf of Eastern Shore Natural Gas Company; and

WHEREAS, on the ____ day of _____ 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. 2284 be _____; and

Figure 7 – Snapshot of the June 15, 2021, Ordinance.

Concerns: It appears that as of June 2021, the Zoning Administrator was not going to suggest any conditions to the consideration of changing the remainder of the 28.99 acre parcel from AR-1 to Industrial that would ensure that this proposed natural gas facility would not harm the community and would abide by the Comprehensive Plan.

From page 248 of 285 of the 2018 Comprehensive Plan [**emphasis added**]:⁵

“13.2.4 Safety and Resiliency

The **safety of travelers should always be a primary goal** when planning transportation improvements in Sussex County. Safety depends on many interrelated factors, such as road design, traffic volumes, speed limits, and infrastructure age. The Delaware Department of Transportation and Sussex County regularly work together to identify safety hazards and find appropriate solutions.”

⁵ See: <https://sussexcountyde.gov/2018-comp-plan-documents>

Concern: The public is not convinced that this proposal is good for the neighborhood or the health and welfare of the children that attend Phillis Wheatley Elementary School, especially considering that the Zoning Administrator did not insist on the applicant submitting the Noise Assessment, a Traffic Impact Assessment, nor require adequate details of the project so that parents and residents can know what is at stake.

From page 251 of 285 of the 2018 Comprehensive Plan [emphasis added]:⁶

“Lack of public support for improvement projects – While public involvement is an integral element of transportation planning and project delivery, securing public buy-in is a challenging task. Many times, there are conflicting interests and opinions about the objectives of specific improvement projects that result in lack of public support for them. **Public involvement processes should be improved to prevent problems with future projects. Building an early consensus on improvement concepts through public participatory decision-making has been found to be very effective.** This approach not only generates better buy-in but also helps creating relationships and building a long-term trust among all partners. While it is unlikely to be able to meet every stakeholder expectation with planning and project delivery, the projects that serve greater good must move forward in the face of opposition to improve mobility in Sussex County.”

Concern: Why didn't the Zoning Administrator and the Zoning Commission hold public listening sessions with neighbors and parents of the school children to discuss the positive and negative impacts of this significant expansion to the Bridgeville natural gas compressor station and the proposal to truck in unknown number of tanker trucks filled with compressed and/or liquified natural gas?

From page 253 of 285 of the 2018 Comprehensive Plan [emphasis added]:

“Seasonal Traffic - The presence of the County's beach and resort communities attract significant visitor traffic during the summer months and the “shoulder-season” in the spring and fall. In addition, a significant portion of through or pass-by traffic (with neither origin nor destination in the County) is also experienced on key transportation corridors such as SR 1. This seasonal visitor traffic as well as increased regional through traffic puts stress on arterial roadways and makes local travel difficult. These additional travelers on County's roadways must be incorporated in future planning while addressing congestion issues.”

Concern: The Zoning Administrator's memo to the Commission does not address the potential negative impacts to seasonal traffic from the trucks (again the number of which per day we do not know) that would be ensnarled in the seasonal traffic.

⁶ See: <https://sussexcountyde.gov/2018-comp-plan-documents>

Jamie Whitehouse

From: John Mateyko <johnmateyko@verizon.net>
Sent: Wednesday, February 9, 2022 3:42 PM
To: Planning and Zoning
Subject: Opposition to Eastern Shore Natural Gas - Conditional Use (C/U 2284) Delaware

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Chair
Sussex County Planning and Zoning Comm
Georgetown, DE

RE: Eastern Shore Natural Gas - Conditional Use (C/U 2284) Delaware

Dear Chair and Members of the Sussex County Planning & Zoning Com.,

I write to **OPPOSE approval of Eastern Shore Natural Gas - Conditional Use (C/U 2284) Delaware for the following reasons:**

1) **I oppose on the grounds of Environmental Racism.** This application is a concern statewide on the grounds of its environmental racism, and it must be rejected on those grounds, as well as other grounds.

The proximity of homes and a school renders this site not suitable for the several environmental impacts of thousands of trucks delivering waste, litter including some dead animals each day.

The logic of zoning is to prevent such incompatible use.

Because the community is largely a community of color (Hispanic and AfricanAmerican) and no adequate environmental impact statement has been presented in the record, this application carry the added burden of environmental racism for which it must be rejected.

A rezoning to permit 180,000 new truckload of waste products in a residential area with a school is not compatible zoning.

It is an outrage that it was even presented to you for consideration.

Sincerely,

Rosario Calvachi Mateyko
55 Sunset Road
Newark, DE 19711

FILE COPY

**Opposition
Exhibit**

Jamie Whitehouse

From: John Mateyko <johnmateyko@verizon.net>
Sent: Wednesday, February 9, 2022 3:29 PM
To: Planning and Zoning
Subject: Sussex Co P&Z: RE: Eastern Shore Natural Gas - Conditional Use (C/U 2284) Delaware

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Chair
Sussex County Planning and Zoning Comm
Georgetown, DE

FILE COPY
Opposition
Exhibit

RE: Eastern Shore Natural Gas - Conditional Use (C/U 2284) Delaware

Dear Chair and Members of the Sussex County Planning & Zoning Com.,

I write to **OPPOSE approval of Eastern Shore Natural Gas - Conditional Use (C/U 2284) Delaware for the following reasons:**

1) **Environmental Racism** is a prime issue in this application and why it must be rejected. The proximity of residences and a school renders this site not suitable for the several environmental impacts of thousands of trucks delivering waste, litter including some dead animals each day. The very core principle and logic of zoning is to prevent such inappropriate, inconsistent, incompatible uses. Because the community is largely a community of color (Hispanic and African American) and no adequate environmental impact statement has been presented in the record, this application carries the added burden of environmental racism for which it must be rejected. A rezoning to permit 180,000 new trucks in a residential area with a school is not compatible zoning.

2) **A huge three-state added nitrogen waste is acceptable under law.** Because Sussex County water ways, farmland and larger hydrology is already over-burdened by excess nitrogen, in significant measure, from the poultry industry, further new investment in a major source of nitrogen pollution in our hydrology is not compliant with regulations to protect public health, food and clean drinking water. This is a statewide public health risk.

3) **Why this CONCENTRATION of the waste problem without an adequate environmental impact statement? Why make Sussex the 'dump' of three entire states?**
This three-state concentration, without environmental impact analysis (EIS) of the impact of nitrogen and heavy metal and other pollution, is not compliant with law and regulations. The fact that this facility, in a residential area, will draw waste from a three-state--or more--radius to this single site and concentrate its impact in one location in Sussex County, a county already burdened by excess nitrogen, heavy metals and other pollutants in its hydrology. Why would you concentrate the dirty waste of three states in a single county already unable to comply with established pollution guidelines, and without an EIS?

4) **The residue from the plant operation will be disposed of by increased local use/overuse of fertilizer with greater contamination from nitrogen and phosphorus, heavy metals etc. entering the local environment. An EIS is not submitted.**

5) **180,000 heavy truck loads of waste each year is grounds for denial of the application.**
The 180,000 trucks in a residential/school area is a traffic hazard and such a large number of trucks from three states themselves pollute the air statewide, and there will be direct air pollution from the plant itself.

6) **This application has a negative state-wide impact on other economic growth along the entire truck routes, and should be denied for that reason.** The odor and direct emissions of gases from the 180,000 truck loads of waste while coming in and from the digestate while going out is unacceptable.

Waste flying off the 180,000 truck will render the truck routes economically undesirable along their entire length. This is rezoning is contrary to orderly and compatible growth and zoning.

Thank you for your consideration.

Sincerely

John Mateyko
55 Sunset Road
Newark, DE 19711

Jamie Whitehouse

From: D B <nextlevel.db@gmail.com>
Sent: Wednesday, February 9, 2022 3:13 PM
To: Planning and Zoning
Subject: Pipeline Facility Expansion

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

According to documents Eastern Shore submitted to the commission, this expansion would bring an undisclosed number of trucks laden with gas from **an undisclosed source**, along an **undisclosed route**, into a residential area(s), close to an elementary school and people's homes. If this gas must be processed before it is injected into the pipeline, which is also unclear from the application, the process would also pollute our air.

If approved, this proposal would help entrench factory farm gas as an "untraditional source" in Sussex County, propping up the unsustainable agriculture model that has already wrecked the county's rivers and streams and left more than half of the county's drinking water contaminated with nitrates.

This is not a 'NIMBY' situation. This is a highly volatile situation which that sets precedent for routing these "explosive" trucks to trespass all throughout Essex County and from outside of it.

I encourage the P&Z and the County Council to appreciate the long term consequences involved with this decision and to NOT SUPPORT Eastern Shore's submission.

David Breen, PPM

B.S., Environmental Science & Engineering

31224 Ringtail Drive, Lewes, DE 19958

FILE COPY
Opposition
Exhibit

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Wednesday, February 9, 2022 3:04 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, February 9, 2022 - 3:04pm

Name: Sheryl Winsby, Ph.D.

Email address: sjwinsby@verizon.net

Phone number: 3022702926

Subject: Concerns about proposed Bridgeville expanded gas facility

Message: I have concerns about further investment in fossil fuel energy resources and about the safety of having trucks filled with explosive materials driving in local roads. Thanks for considering my point of view!

FILE COPY
Opposition
Exhibit

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Wednesday, February 9, 2022 12:50 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, February 9, 2022 - 12:49pm

Name: Nancy Feicht

Email address: feichtnancy@gmail.com

Phone number: 3022458979

Subject: Please don't allow a gas pipeline to come into our county!

Message: We are headed to disaster with our over development coupled with our continued reliance on fossil fuel. As a lifelong Sussex Countian, I am so discouraged at the lack of preparation we are providing for our future. It is your mission to care about our future

FILE COPY
Opposition
Exhibit

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Wednesday, February 9, 2022 12:49 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, February 9, 2022 - 12:49pm

Name: Bev Morgan
Email address: bevgmorgan@gmail.com
Phone number: 6103909339
Subject: Gas pipeline
Message: Vote no today on gas pipeline near Bridgeville

FILE COPY
Opposition
Exhibit

Jamie Whitehouse

From: reneeedge=kw.com@mg.gospringboard.io on behalf of Renee Edge
<reneeedge@kw.com>
Sent: Wednesday, February 9, 2022 12:15 PM
To: Planning and Zoning
Subject: No Eastern Shore Natural Gas pipeline expansion!

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

To the Planning and Zoning Board,

I urge you to say NO to the expansion of the Eastern Shore Natural Gas pipeline facility near Bridgeville.

The proposal you will consider on Thursday evening would bring an undisclosed number of potentially explosive “bomb trucks” laden with gas from an undisclosed source, along an undisclosed route, into a residential area, close to an elementary school and people’s homes. If this gas must be processed before it is injected into the pipeline, which is also unclear from the application, the process would also pollute our air.

Because the proposal would truck gas from a “non-traditional” source to the Bridgeville facility, we believe the source would likely be the controversial Bioenergy DevCo plant proposed for south of Seaford. If so, approving this proposal would help entrench factory farm gas in Sussex County, propping up the unsustainable agriculture model that has already wrecked the county’s rivers and streams and left more than half of the county’s drinking water contaminated with nitrates.

For these reasons, I urge you the council to vote against the expansion of Eastern Shore Natural Gas’s Bridgeville pipeline facility. You have the power and the responsibility to stop it.

Sincerely,

Renee Edge
8044 Slaughter Beach Rd
Milford DE, 19963-4703

FILE COPY
Opposition
Exhibit

Jamie Whitehouse

From: mbaney12@gmail.com@mg.gospringboard.io on behalf of Michael Baney <mbaney12@gmail.com>
Sent: Wednesday, February 9, 2022 12:11 PM
To: Planning and Zoning
Subject: No Eastern Shore Natural Gas pipeline expansion!

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

To the Planning and Zoning Board,

I urge you to say NO to the expansion of the Eastern Shore Natural Gas pipeline facility near Bridgeville.

The proposal you will consider on Thursday evening would bring an undisclosed number of potentially explosive “bomb trucks” laden with gas from an undisclosed source, along an undisclosed route, into a residential area, close to an elementary school and people’s homes. If this gas must be processed before it is injected into the pipeline, which is also unclear from the application, the process would also pollute our air.

Because the proposal would truck gas from a “non-traditional” source to the Bridgeville facility, we believe the source would likely be the controversial Bioenergy DevCo plant proposed for south of Seaford. If so, approving this proposal would help entrench factory farm gas in Sussex County, propping up the unsustainable agriculture model that has already wrecked the county’s rivers and streams and left more than half of the county’s drinking water contaminated with nitrates.

For these reasons, I urge you the council to vote against the expansion of Eastern Shore Natural Gas’s Bridgeville pipeline facility. You have the power and the responsibility to stop it.

Sincerely,

Michael Baney
1301 n Harrison st
Wilmington DE, 19806-3128

FILE COPY
Opposition
Exhibit

Jamie Whitehouse

From: brenkriegel@gmail.com@mg.gospringboard.io on behalf of Bren Kriegel
<brenkriegel@gmail.com>
Sent: Wednesday, February 9, 2022 12:09 PM
To: Planning and Zoning
Subject: No Eastern Shore Natural Gas pipeline expansion!

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

To the Planning and Zoning Board,

I urge you to say NO to the expansion of the Eastern Shore Natural Gas pipeline facility near Bridgeville. Why not Wilmington?

The proposal you will consider on Thursday evening would bring an undisclosed number of potentially explosive “bomb trucks” laden with gas from an undisclosed source, along an undisclosed route, into a residential area, close to an elementary school and people’s homes. If this gas must be processed before it is injected into the pipeline, which is also unclear from the application, the process would also pollute our air.

Because the proposal would truck gas from a “non-traditional” source to the Bridgeville facility, we believe the source would likely be the controversial Bioenergy DevCo plant proposed for south of Seaford. If so, approving this proposal would help entrench factory farm gas in Sussex County, propping up the unsustainable agriculture model that has already wrecked the county’s rivers and streams and left more than half of the county’s drinking water contaminated with nitrates.

For these reasons, I urge you the council to vote against the expansion of Eastern Shore Natural Gas’s Bridgeville pipeline facility. You have the power and the responsibility to stop it.

Sincerely,

Bren Kriegel
120 Cornwall Rd
Rehoboth Beach DE, 19971-1424

FILE COPY
Opposition
Exhibit

Jamie Whitehouse

From: rshuffman=verizon.net@mg.gospringboard.io on behalf of Richard HUFFMAN
<rshuffman@verizon.net>
Sent: Wednesday, February 9, 2022 12:00 PM
To: Planning and Zoning
Subject: No Eastern Shore Natural Gas pipeline expansion!

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

To the Planning and Zoning Board,

I urge you to say NO to the expansion of the Eastern Shore Natural Gas pipeline facility near Bridgeville.

The proposal you will consider on Thursday evening would bring an undisclosed number of potentially explosive “bomb trucks” laden with gas from an undisclosed source, along an undisclosed route, into a residential area, close to an elementary school and people’s homes. If this gas must be processed before it is injected into the pipeline, which is also unclear from the application, the process would also pollute our air.

Because the proposal would truck gas from a “non-traditional” source to the Bridgeville facility, we believe the source would likely be the controversial Bioenergy DevCo plant proposed for south of Seaford. If so, approving this proposal would help entrench factory farm gas in Sussex County, propping up the unsustainable agriculture model that has already wrecked the county’s rivers and streams and left more than half of the county’s drinking water contaminated with nitrates.

For these reasons, I urge you the council to vote against the expansion of Eastern Shore Natural Gas’s Bridgeville pipeline facility. You have the power and the responsibility to stop it.

Sincerely,

Richard HUFFMAN
8999 Shore Drive
Milford DE, 19963-4612

FILE COPY
Opposition
Exhibit

Jamie Whitehouse

From: gail.hecky@gmail.com@mg.gospringboard.io on behalf of Gail Hecky <gail.hecky@gmail.com>
Sent: Wednesday, February 9, 2022 11:58 AM
To: Planning and Zoning
Subject: No Eastern Shore Natural Gas pipeline expansion!

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

To the Planning and Zoning Board,

I urge you to say NO to the expansion of the Eastern Shore Natural Gas pipeline facility near Bridgeville.

The proposal you will consider on Thursday evening would bring an undisclosed number of potentially explosive “bomb trucks” laden with gas from an undisclosed source, along an undisclosed route, into a residential area, close to an elementary school and people’s homes. If this gas must be processed before it is injected into the pipeline, which is also unclear from the application, the process would also pollute our air.

Because the proposal would truck gas from a “non-traditional” source to the Bridgeville facility, we believe the source would likely be the controversial Bioenergy DevCo plant proposed for south of Seaford. If so, approving this proposal would help entrench factory farm gas in Sussex County, propping up the unsustainable agriculture model that has already wrecked the county’s rivers and streams and left more than half of the county’s drinking water contaminated with nitrates.

For these reasons, I urge you the council to vote against the expansion of Eastern Shore Natural Gas’s Bridgeville pipeline facility. You have the power and the responsibility to stop it.

Sincerely,

Gail Hecky
76 Gainsborough dr
Lewes DE, 19958-9429

FILE COPY
Opposition
Exhibit

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Wednesday, February 9, 2022 11:55 AM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, February 9, 2022 - 11:54am

Name: Gail Hecky
Email address: gail.hecky@gmail.com
Phone number: 7402158083
Subject: gas pipeline

Message: Please do not allow the proposed gas pipeline near Bridgeville. Fossil fuels need to be in the past as we are losing the Earth through climate change. This proposal will increase trucks with fossil fuels in our communities, increasing the chance of spills and increasing pollution of our land and air. As a taxpayer and full-time resident of Sussex County, I am registering my opposition to this proposal.

FILE COPY

**Opposition
Exhibit**

Jamie Whitehouse

From: deerrun357@gmail.com@mg.gospringboard.io on behalf of Robin Ballo <deerrun357@gmail.com>
Sent: Wednesday, February 9, 2022 11:54 AM
To: Planning and Zoning
Subject: No Eastern Shore Natural Gas pipeline expansion!

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

To the Planning and Zoning Board,

I urge you to say NO to the expansion of the Eastern Shore Natural Gas pipeline facility near Bridgeville.

The proposal you will consider on Thursday evening would bring an undisclosed number of potentially explosive “bomb trucks” laden with gas from an undisclosed source, along an undisclosed route, into a residential area, close to an elementary school and people’s homes. If this gas must be processed before it is injected into the pipeline, which is also unclear from the application, the process would also pollute our air.

Because the proposal would truck gas from a “non-traditional” source to the Bridgeville facility, we believe the source would likely be the controversial Bioenergy DevCo plant proposed for south of Seaford. If so, approving this proposal would help entrench factory farm gas in Sussex County, propping up the unsustainable agriculture model that has already wrecked the county’s rivers and streams and left more than half of the county’s drinking water contaminated with nitrates.

For these reasons, I urge you the council to vote against the expansion of Eastern Shore Natural Gas’s Bridgeville pipeline facility. You have the power and the responsibility to stop it.

Sincerely,

Robin Ballo
16913 1st
Lewes DE, 19958-3035

FILE COPY
Opposition
Exhibit

Jamie Whitehouse

From: Joseph Jankowski <josephajankowski@yahoo.com>
Sent: Wednesday, February 9, 2022 9:06 AM
To: Planning and Zoning
Subject: Eastern Shore Natural Gas - Conditional Use (C/U 2284) Delaware

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Having Agricultural and Residential zoning near an elementary school seems appropriate for this area. Granting an exception for industrial use of the property does not seem to be appropriate, creating offensive toxic odors and increasing the danger to many young lives. It also has the potential to degrade the value of the expensive investment made in school. I am therefore opposed.

Thank you,
Joseph Jankowski

FILE COPY
Opposition
Exhibit

Amy Hollis C/U 2284

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Thursday, March 10, 2022 2:25 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Thursday, March 10, 2022 - 2:24pm

Name: Aliceanne G Zaras
Email address: alicezaras@yahoo.com
Phone number: 13029560495
Subject: Expansion of Eastern Shore Natural Gas facility in Bridgeville, DE.

Message:

I am opposed to the conditional use permit for the Eastern Shore Natural Gas facility in Bridgeville. The expansion would allow trucks carrying the gas to unload within 800 feet of homes and should not be allowed. Although the gas is not treated or processed at the facility, there may be a situation where it is evacuated into the atmosphere when an overpressure situation occurs. This addition to the facility only serves to increase this possibility. The argument that the facility has operated at the current location for more than 30 years without incident does not assuage the increased risk when the envelope of safety is pushed. And, pushing that envelope so close to an elementary school and a residential area increases the magnitude of what a possible disaster could be.

It is my understanding that a conditional use zoning exception allows one to use property in non-conforming ways. The property was zoned to conform to local zoning regulations. In my opinion, allowing an expansion of a potentially disastrous situation is not a prudent step by the zoning board.

While I am certain Eastern Shore Natural Gas takes every precaution to ensure the safety of its operations, the news is full of reports of accidents. Let's make sure we are focusing on a resolution that will be the optimum for the majority of citizens involved.

Jesse Lindenberg

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Wednesday, March 9, 2022 12:24 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, March 9, 2022 - 12:23pm



Name: Nancy Feichtl
Email address: feichtlnancy@gmail.com
Phone number: 302 245 8979
Subject: Do much more to preserve our communities!

Opposition
Exhibit

Message: First of all, do not allow the gas pipeline and the trucking thereof to be allowed. Also, do WAY more to slow the development across our country. We all know we will not survive your decisions in the long run if you allow the overdevelopment you have endorsed over the last few years . This is on you!

Jesse Lindenberg

From: mbreech2@hotmail.com@mg.gospringboard.io on behalf of Melanie Breech <mbreech2@hotmail.com>
Sent: Monday, February 21, 2022 4:06 PM
To: Planning and Zoning
Subject: No Eastern Shore Natural Gas pipeline expansion!

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

To the Planning and Zoning Board,

I urge you to say NO to the expansion of the Eastern Shore Natural Gas pipeline facility near Bridgeville.

The proposal you will consider on Thursday evening would bring an undisclosed number of potentially explosive “bomb trucks” laden with gas from an undisclosed source, along an undisclosed route, into a residential area, close to an elementary school and people’s homes. If this gas must be processed before it is injected into the pipeline, which is also unclear from the application, the process would also pollute our air.

Because the proposal would truck gas from a “non-traditional” source to the Bridgeville facility, we believe the source would likely be the controversial Bioenergy DevCo plant proposed for south of Seaford. If so, approving this proposal would help entrench factory farm gas in Sussex County, propping up the unsustainable agriculture model that has already wrecked the county’s rivers and streams and left more than half of the county’s drinking water contaminated with nitrates.

For these reasons, I urge you the council to vote against the expansion of Eastern Shore Natural Gas’s Bridgeville pipeline facility. You have the power and the responsibility to stop it.

Sincerely,

Melanie Breech
27804 possum point road
Millsboro DE, 19966-4231

Opposition
Exhibit

Jesse Lindenberg

From: axw555=yahoo.com@mg.gospringboard.io on behalf of Annemarie Wilson <axw555@yahoo.com>
Sent: Thursday, February 10, 2022 6:34 AM
To: Planning and Zoning
Subject: No Eastern Shore Natural Gas pipeline expansion!

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

To the Planning and Zoning Board,

I urge you to say NO to the expansion of the Eastern Shore Natural Gas pipeline facility near Bridgeville.

The proposal you will consider on Thursday evening would bring an undisclosed number of potentially explosive “bomb trucks” laden with gas from an undisclosed source, along an undisclosed route, into a residential area, close to an elementary school and people’s homes. If this gas must be processed before it is injected into the pipeline, which is also unclear from the application, the process would also pollute our air.

Because the proposal would truck gas from a “non-traditional” source to the Bridgeville facility, we believe the source would likely be the controversial Bioenergy DevCo plant proposed for south of Seaford. If so, approving this proposal would help entrench factory farm gas in Sussex County, propping up the unsustainable agriculture model that has already wrecked the county’s rivers and streams and left more than half of the county’s drinking water contaminated with nitrates.

For these reasons, I urge you the council to vote against the expansion of Eastern Shore Natural Gas’s Bridgeville pipeline facility. You have the power and the responsibility to stop it.

Sincerely,

Annemarie Wilson
16828 melbourne drive
Laurel MD, 20707-2792

Opposition
Exhibit

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

This paperless packet is published on the County's website for convenience purposes, and only includes information received up to the close of business on the day before a public hearing. Documents received after this, or documents submitted during the public hearing are not uploaded to the Paperless Packet. The legal record is the paper record maintained in the Offices of the Planning & Zoning Department.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: February 10th, 2022

Application: CU 2288 Broom Solar Partners, LLC

Applicant: EDF Renewables Distributed Solution, Inc.
251 Little Falls Drive
Wilmington, DE 19808

Owner: Wilgus Family Revocable Trust
34108 Wilgus Cemetery Road
Frankford, DE 19945

Site Location: Lying on the north side of Frankford School Road (S.C.R. 92)
approximately 0.55 miles west of Pyle Center Road (S.C.R. 382)

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Zoning: Agricultural Residential (AR-1) Zoning District

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: Mr. Rieley

School District: Indian River School District

Fire District: Roxanna Fire Department

Sewer: N/A

Water: N/A

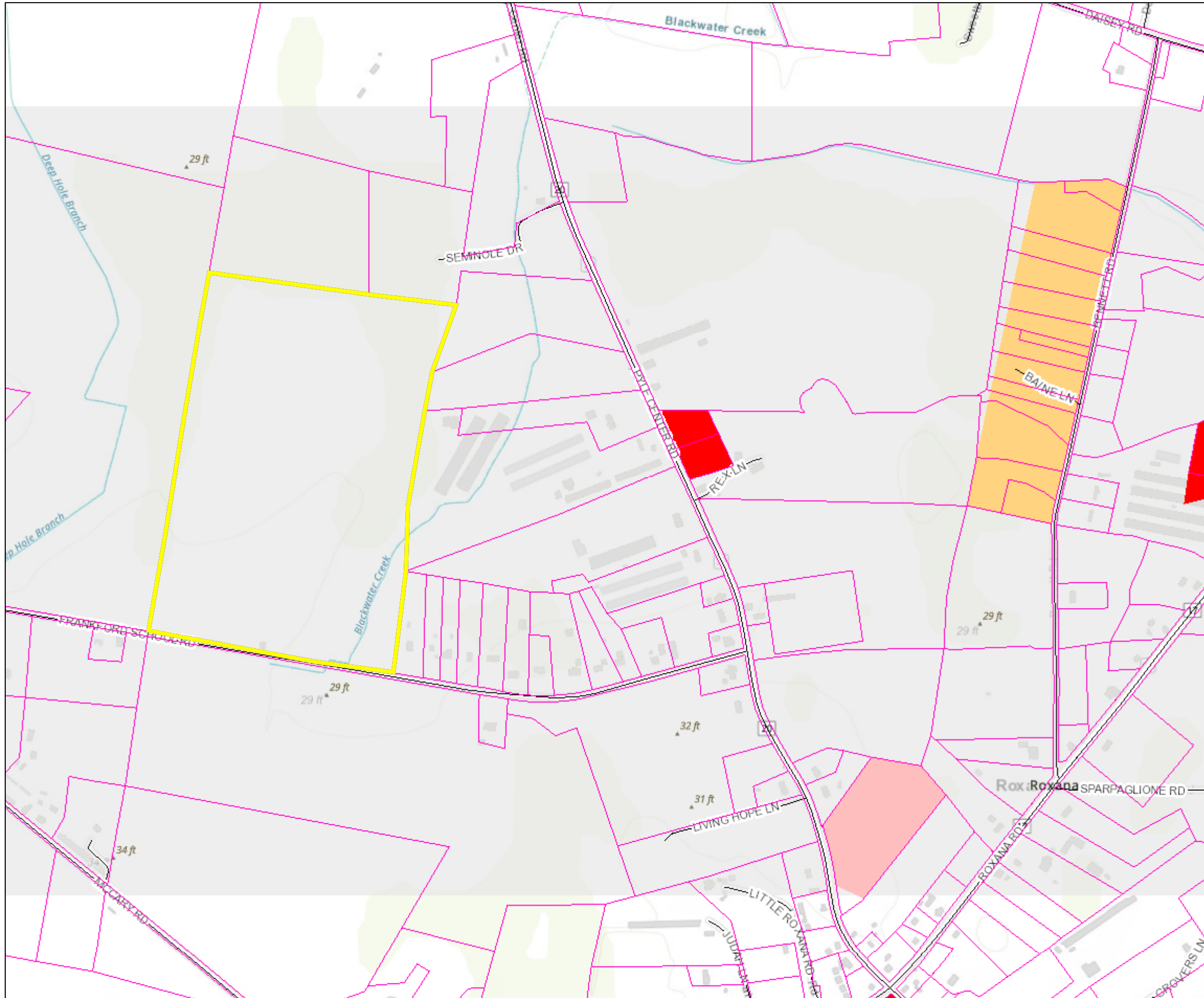
Site Area: 72.00 acres +/-

Tax Map ID.: 533-5.00-47.00





Sussex County



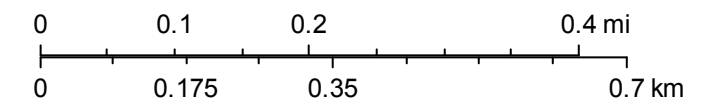
| | |
|------------------------|----------------------------|
| PIN: | 533-5.00-47.00 |
| Owner Name | WILGUS ROBERT E JR TTEE |
| Book | 4459 |
| Mailing Address | 34108 WILGUS CEMETERY |
| City | FRANKFORD |
| State | DE |
| Description | N SIDE RD ROXANA TO |
| Description 2 | FRANKFORD 72 ACRES |
| Description 3 | FX |
| Land Code | |

- polygonLayer**

 - Override 1
- polygonLayer**

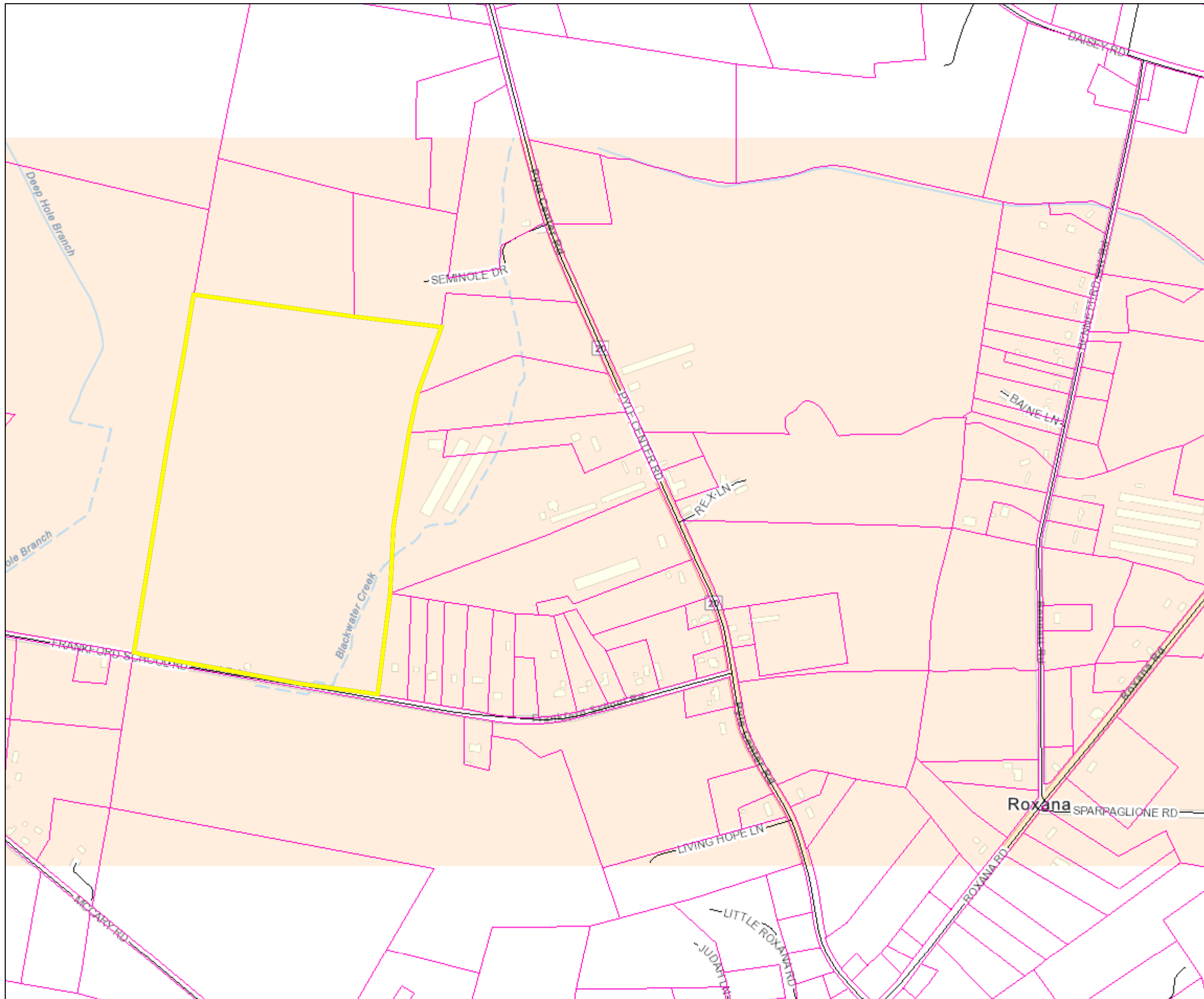
 - Override 1
- Tax Parcels
- Streets

1:9,028





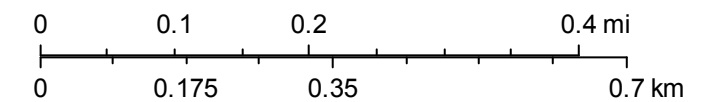
Sussex County



| | |
|------------------------|----------------------------|
| PIN: | 533-5.00-47.00 |
| Owner Name | WILGUS ROBERT E JR TTEE |
| Book | 4459 |
| Mailing Address | 34108 WILGUS CEMETERY |
| City | FRANKFORD |
| State | DE |
| Description | N SIDE RD ROXANA TO |
| Description 2 | FRANKFORD 72 ACRES |
| Description 3 | FX |
| Land Code | |

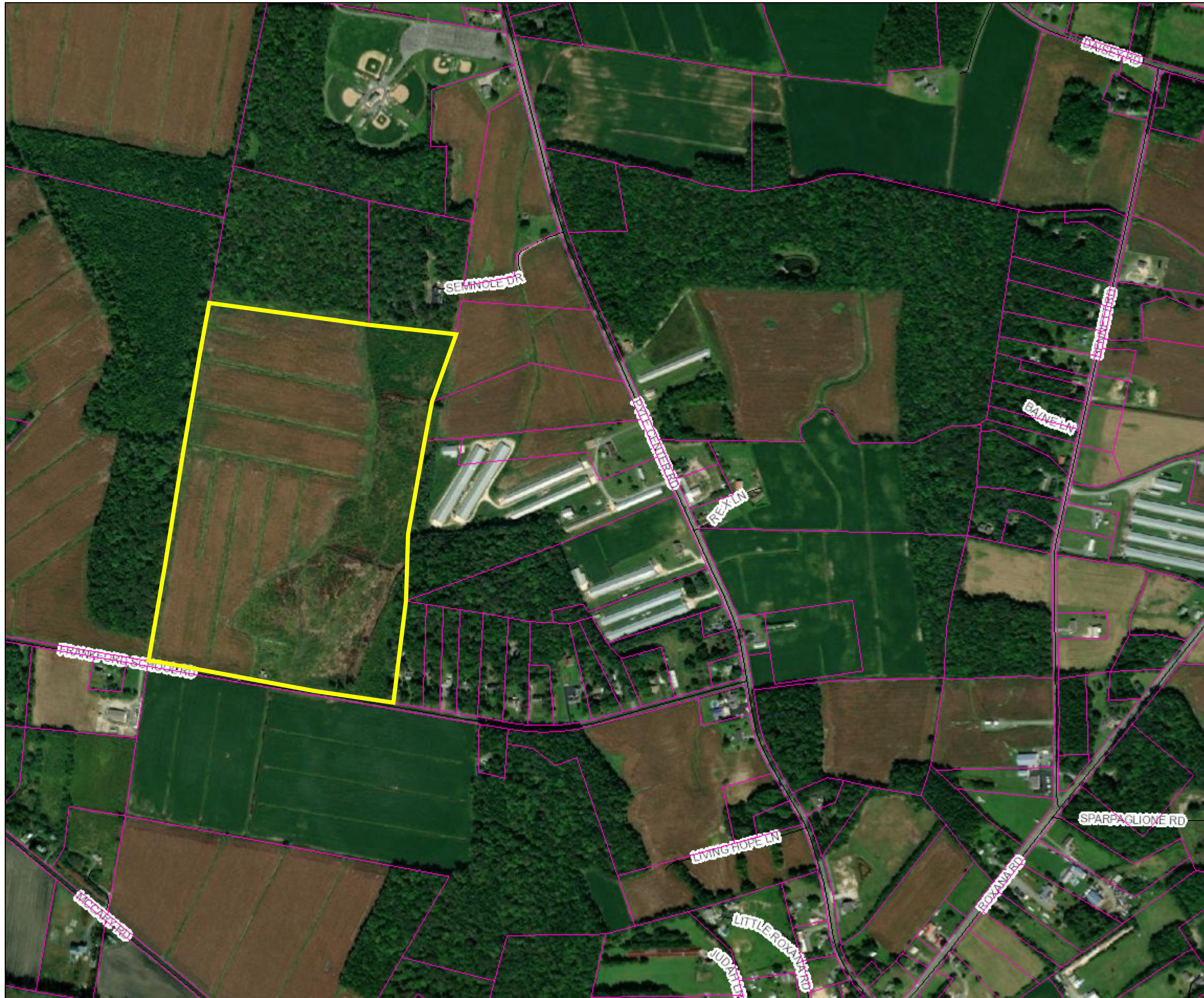
- Override 1
- Override 1
- Tax Parcels
- Streets
- County Boundaries
- Flood Zones 2018**
 - 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
 - A
 - AE
 - AO
 - OPEN WATER
 - VE

1:9,028





Sussex County



| | |
|------------------------|----------------------------|
| PIN: | 533-5.00-47.00 |
| Owner Name | WILGUS ROBERT E JR TTEE |
| Book | 4459 |
| Mailing Address | 34108 WILGUS CEMETERY |
| City | FRANKFORD |
| State | DE |
| Description | N SIDE RD ROXANA TO |
| Description 2 | FRANKFORD 72 ACRES |
| Description 3 | FX |
| Land Code | |

polygonLayer

Override 1

polygonLayer

Override 1

⋯ Tax Parcels

— Streets

⋯ County Boundaries

Flood Zones 2018

0.2 PCT ANNUAL CHANCE FLOOD HAZARD

A

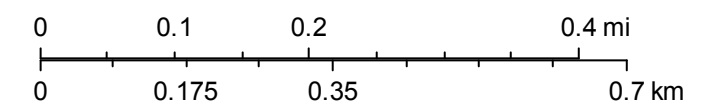
AE

AO

OPEN WATER

VE

1:9,028



JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Elliott Young, Planner I
CC: Vince Robertson, Assistant County Attorney, and applicant
Date: February 3rd, 2021
RE: Staff Analysis for CU 2288 Broom Solar Partners

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2288 Broom Solar Partners to be reviewed during the February 10th, 2022, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel 533-5.00-47.00 to allow for a Conditional Use of land in an Agricultural Residential (AR-1) Zoning District for a solar farm. The parcel is located on the north side of Frankford School Road. (S.C.R. 92) in Roxana, Delaware. The size of the property is approximately 72.00 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework for how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the property has the land use designation of Coastal Area.

The surrounding parcels to the north, east, and west are all designated on the Future Land Use Map as "Coastal Area". The Coastal Area land use designation recognizes that a range of housing types should be permitted in Coastal Area, including single-family homes, townhouses, and multifamily units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed. It also recognizes a careful mixture of homes with light commercial, office and institutional uses can be appropriate to provide convenient services and to allow people to work close to home.

The property is zoned AR-1 (Agricultural Residential Zoning District). The adjoining and surrounding properties located to the north, east, and west are all zoned AR-1 (Agricultural Residential Zoning District).

Since 2000, there have been two (2) Conditional Use approvals within a .25-mile radius of the application site. The Conditional Use applications were CU 1468 approved by County Council on 12/10/2002 and CU 2256 approved by County Council on 8/31/2021.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for a solar farm, could be considered as being consistent with the land use, area zoning and surrounding uses.



34548

BK: 4459 PG: 108

34459

BK: 4459 PG: 12

Tax Map and Parcel #: 5-33-5.00-47.00

PREPARED BY:
Tomasetti Law, LLC
1100 Coastal Highway, Unit 3
Fenwick Island, DE 19944
File No. 515-265/KR

Consideration: .00

| | |
|--------|--------------|
| County | 83.25 |
| State | 83.25 |
| Town | Total 166.50 |

Received: Teresa C Oct 19, 2015

RETURN TO:
ROBERT E. WILGUS, JR., TRUSTEE
ELAINE S. WILGUS, TRUSTEE
34108 Wilgus Cemetery Road
Frankford, DE 19945

RECEIVED
Oct 19, 2015
ASSESSMENT DIVISION
OF SUSSEX COUNTY

NO TITLE SEARCH OR SURVEY REQUESTED OR PERFORMED

THIS DEED, made this 9th day of October, 2015,

- BETWEEN -

ROBERT E. WILGUS, JR., AN UNDIVIDED ONE-HALF INTEREST, of 34108 Wilgus Cemetery Road, Frankford, DE 19945, and **HARRY F. WILGUS, II, TRUSTEE UNDER REVOCABLE TRUST AGREEMENT OF HARRY F. WILGUS, II DATED 8/9/94** and **CONNIE L. WILGUS, TRUSTEE UNDER REVOCABLE TRUST AGREEMENT OF CONNIE L. WILGUS DATED 8/9/94, AS TO AN UNDIVIDED ONE-HALF INTEREST**, of 35866 Wild Gander Lane, parties of the first part,

- AND -

ROBERT E. WILGUS, JR., TRUSTEE UNDER REVOCABLE TRUST AGREEMENT OF ROBERT E. WILGUS, JR. DATED 7/15/94, AS TO AN UNDIVIDED ONE-HALF INTEREST and **ELAINE S. WILGUS, TRUSTEE UNDER REVOCABLE TRUST AGREEMENT OF ELAINE S. WILGUS DATED 7/15/94, AS TO AN UNDIVIDED ONE-HALF INTEREST**, of 34108 Wilgus Cemetery Road, Frankford, DE 19945, parties of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the parties of the second part,

MS
KS

FD W PF

BK: 4459 PG: 109

BK: 4459 PG: 15

and their heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware, as **TENANTS IN COMMON**:

ALL that certain piece and parcel of land lying and being situated in Baltimore Hundred, Sussex County and State of Delaware being bounded and described as follows, to wit: Lying on the North side of the county road leading from Roxana to Frankford, and being more fully described by two deeds previously given, the first deed being deed given by William T. Brasure and Sophia, his wife, to Ezekiel W. Derrickson on January 7, 1885, which reads:

BEGINNING at a corner of lands of Elijah Lynch; thence running with said line to a corner of lands of Mrs. McCabe; thence with said line to a corner of lands of Elijah Lynch near the winding blades, adjoining lands of Elijah Lynch, Stephen Lynch, and the lands of John L. Bennett, said to contain sixty-two (62) acres of land, be the same more or less;

This deed also covering another piece of land being described by a deed given by N.S. Lynch and wife to E.W. Derrickson on January 1, 1887, which reads as follows: Lying on the North side of the new County Road leading from Roxana to Frankford, and being a piece of the same land which Clement Evans in his life laid off from the tract of land now occupied and owned by Elizabeth W. Derrickson, and the West corner of this land beginning at the place called Winding Blades, and said to contain ten (10) Acres when laid off or surveyed, be the same more or less, both pieces taken together and conveyed by this deed said to contain **Seventy-two (72) acres**, be the same more or less.

BEING the same lands conveyed unto Robert E. Wilgus, Jr. and Harry F. Wilgus, brothers, by Deed of Evelyn E. Turner Coffin dated the 24th day of May 1965, and of record in the office of the Recorder of Deeds, in and for Sussex County, at Georgetown, in **Deed Book 588, Page 613**. Harry F. Wilgus subsequently conveyed his one half interest in said property to Harry F. Wilgus, II, Trustee under Revocable Trust Agreement of Harry F. Wilgus dated 8/9/1994 as to an undivided one-half interest, and Connie L. Wilgus, Trustee under revocable Trust Agreement of Connie L. Wilgus dated 8-9-94 as to an undivided one-half interest by Deed dated August 9, 1994 and of record in the office of the Recorder of Deeds in and for Sussex County, at Georgetown in **Deed Book 1999 Page 7**.

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware.

RECEIVED
Oct 19, 2015
ASSESSMENT DIVISION
OF SUSSEX COUNTY

| | | |
|--------------------|-------|--------------|
| Consideration: | | 5,550.00 |
| ----- | | |
| County | | 27.25 |
| State | | 23.25 |
| Tax | Total | 50.50 |
| Received: Teresa C | | Oct 19, 2015 |

BK: 4459 PG: 110

BK: 4459 PG: 110

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the presence of:

Recorder of Deeds
Scott Dailey
Oct 19, 2015 03:22P
Sussex County
Doc. Surcharge Paid

[Handwritten signature]

Robert E. Wilgus Jr. (SEAL)
ROBERT E. WILGUS, JR.

HARRY F. WILGUS, II, REVOCABLE TRUST AGREEMENT DATED 8/9/94

AS TO ALL
[Handwritten mark]

Harry F. Wilgus, II (SEAL)
Harry F. Wilgus, II, Trustee

CONNIE L. WILGUS, REVOCABLE TRUST AGREEMENT DATED 8/9/94

Connie L. Wilgus (SEAL)
CONNIE L. WILGUS, TRUSTEE

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on October 9, 2015, personally came before me, the subscriber, ROBERT E. WILGUS, JR., HARRY F. WILGUS, II, TRUSTEE UNDER REVOCABLE TRUST AGREEMENT OF HARRY F. WILGUS, II DATED 8/9/94 and CONNIE L. WILGUS, TRUSTEE UNDER REVOCABLE TRUST AGREEMENT OF CONNIE L. WILGUS DATED 8/9/94, parties of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

GIVEN under my Hand and Seal of Office the day and year aforesaid.

Raymond E. Tomasetti
Notary Public



My Commission Expires: none-life time

Recorder of Deeds
Scott Dailey
Oct 19, 2015 11:43A
Sussex County
Doc. Surcharge Paid

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

RECEIVED

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **1/14/2022**

APPLICATION: **CU 2288 Broom Solar Partners, LLC**

APPLICANT: **EDF Renewables Distributed Solution, Inc**

FILE NO: **ROX-1.01**

TAX MAP &
PARCEL(S): **533-5.00-47.00**

LOCATION: **Lying on the north side of Frankford School Road (SCR 92),
approximately 0.55 miles west of Pyle Center Road (SCR 382)**

NO. OF UNITS: **Solar Farm**

GROSS
ACREAGE: **72.00**

JAN 19 2022

SUSSEX COUNTY
PLANNING & ZONING

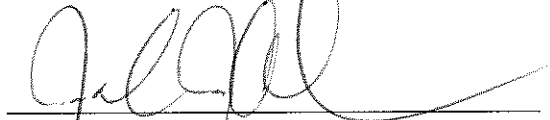
SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: 2

SEWER:

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes No
 - a. If yes, see question (2).
 - b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 4**
- (3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.
- (4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **N/A** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **N/A** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **The proposed Conditional Use is not in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service.**
- (9). Is a Sewer System Concept Evaluation required? **Not at this time**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



John J. Ashman
Sr. Manager of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.
Lisa Walls
No Permit Tech Assigned



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

JENNIFER COHAN
SECRETARY

September 9, 2020

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Broom Solar Partners, LLC** conditional use application, which we received on August 11, 2020. This application is for a 72.00-acre parcel (Tax Parcel: 533-5.00-47.00). The subject land is located on the north side of Frankford School Road (Sussex Road 92), approximately 2,150 feet west of the intersection of Pyle Center Road (Sussex Road 382) and Frankford School Road. The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking a conditional use approval to develop a 3MW AC solar photovoltaic project.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Frankford School Road where the subject land is located, which is from Shockley Town Road (Sussex Road 375) to Pyle Center Road, is 414 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DeIDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development's traffic impact to be negligible in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DeIDOT's description of this application as negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

If the County approves this application, the applicant should be reminded that DeIDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Mr. Jamie Whitehouse
Page 2 of 2
September 9, 2020

If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,

Troy Brestel for

T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Broom Solar Partners, LLC, Applicant
Todd Sammons, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination



1099 Wall St. West
Suite 250B
Lyndhurst, NJ 07071

T 201.933.5541
TRCcompanies.com

May 28, 2021

Nick Torrance, Planner
Sussex County Planning & Zoning Department
2 The Circle
PO Box 417
Georgetown, DE 19947

Dear Mr. Torrance,

On behalf of Broom Solar Partners, LLC (Broom), TRC Environmental Corp. (TRC) is pleased to present the enclosed application for a Conditional Use Permit for the installation of a solar generating facility. Broom proposes to construct and operate a 3.0 MWac photovoltaic generating facility on an approximately 72-acre property on Frankford School Road in Frankford, Sussex County, DE.

The application package includes the following materials:

- Signed Application form
- Site plans
- Mailing List Application
- DelDOT Level
- Project Narrative providing supplemental information
- Deed (included as Appendix B to Project Narrative)
- \$500 application fee (To be sent under separate cover)

If you have any questions regarding the application, please feel free to contact me at ckayser@trccompanies.com or (610) 952-2828.

Sincerely,

A handwritten signature in blue ink that reads "Chad Kayser".

Chad Kayser, Senior Project Manager
TRC

Enc. CUP Application Package

File #: U2286
202108325

Planning & Zoning Commission Application Sussex County, Delaware

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

Type of Application: (please check applicable)

Conditional Use
Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

adjacent to 32419 Frankford School Road, Delaware 19945

Type of Conditional Use Requested:

Installation of approximately ~~3.9~~ ^{3.0} MW AC solar photovoltaic electric generation facility

Tax Map #: 533-5.00-47.00 **Size of Parcel(s):** 72.00ac

Current Zoning: AR-1 **Proposed Zoning:** AR-1 **Size of Building:** _____

Land Use Classification: Agricultural Residential

Water Provider: None **Sewer Provider:** None

Applicant Information

Applicant Name: Broom Solar Partners, LLC (EDF Renewables Distributed Solutions, Inc.)

Applicant Address: c/o Jeff Machiran 251 Little Falls Drive

City: Wilmington State: DE Zip Code: 19808

Phone #: (443) 220-5001 E-mail: jeff.machiran@edf-re.com

Owner Information

Owner Name: Wilgus Family Revocable Trust, Robert E. Wilgus, Jr., and Elaine S. Wilgus,

Owner Address: 34108 Wilgus Cemetery Road

City: Frankford State: DE Zip Code: 19945

Phone #: (302) 436-5937 E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Chad Kayser, Senior Project Manager, TRC Companies

Agent/Attorney/Engineer Address: 1615 S. Coventry Lane

City: West Chester State: PA Zip Code: 19382

Phone #: (610) 952-2828 E-mail: ckayser@trccompanies.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

Completed Application

Provide eight (8) copies of the Site Plan or Survey of the property

- o Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
- o Provide a PDF of Plans (may be e-mailed to a staff member)
- o Deed or Legal description

Provide Fee \$500.00

Optional - Additional information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.

DelDOT Service Level Evaluation Request Response

PLUS Response Letter (if required)

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

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

Signature of Applicant/Agent/Attorney

Date: 05-27-2021

Signature of Owner

Robert E. Wilgus Jr Trustee
Elaine S. Wilgus, Trustee

Date: 05-26-2021

For office use only:

Date Submitted: NT

Fee: \$500.00 Check #: 1217459

Staff accepting application: _____

Application & Case #: CU 2286 202108325

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____ Recommendation of PC Commission: _____

Date of CC Hearing: _____ Decision of CC: _____

Mailing List Application Form

For Applications Requiring a Public Hearing in Sussex County

Please fill out this form and return it with your application. As a part of your application, a Public Hearing is required. The property owners within 200' of the site of the application will be notified. Staff will notify the property owners.

Application Information:

Site Address: adjacent to 32419 Frankford School Road, Delaware 19945

Parcel #: 533-5.00-47.00

Site Address: _____

Parcel #: _____

Applicant Name: Broom Solar Partners, LLC

Owner Name: Wilgus Family Revocable Trust, Robert E. Wilgus

Type of Application:

- Conditional Use:
- Change of Zone:
- Subdivision:
- Board of Adjustment:

Date Submitted: 5/28/21

For office use only:

Date of Public Hearing: _____

File #: _____

Date list created: _____ List created by: _____

Date letters mailed: _____ Letters sent by: _____

Sussex County

DELAWARE
PLANNING & ZONING DEPARTMENT

sussexcountypde.gov

302-855-7878 T

302-854-5079 F

JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR



SETBACK INFORMATION REQUEST

Date of Request 5/25/2021 Zoning District AR-1

Customer Name Chad Kayser

Customer Contact CKayser@trccompanies.com

Tax Parcel ID 533-5.00-47.00 Lot/Unit Number _____

Parcel Address Franford School Road

Front Yard Setback 40'

Side Yard Setback 15'

Rear Yard Setback 20'

Corner Front Yard Setback N/A

Maximum Height 42'

The Customer was provided general zoning setbacks, as a specific parcel was not identified. Therefore, the setbacks provided may not be for a specific parcel. The setbacks could be different based on the specific nature of the property.

Additional Notes:

Tax Ditch on Property

Name of Staff Member Nick Torrance

Checked By _____

PLANNING & ZONING
Jamie Whitehouse, AICP, MRTPI
Director

(302) 855-7878 T
(302) 854-5079 F



Sussex County
DELAWARE
sussexcountyde.gov

Sussex County Zoning Verification

This form is to provide the current zoning for the following parcel of land located within Sussex County. This form does not grant approval for any current or future use of the property.

Tax Parcel Number: 533-5.00-47.00

Location: adjacent to 32419 Frankford School Road, Delaware 19945

Current Zoning: AR-1

Owner: (from assessment records):

Wilgus Family Revocable Trust, Robert E. Wilgus, Jr., and

Owner Mailing Address (from assessment records):

34108 Wilgus Cemetery Road

Frankford DE 19945

The zoning for this property has been confirmed from the Official Sussex County Zoning Map by:


Nick Torrance

Sussex County Planning & Zoning Staff Member

5/25/2021

Date



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

Last Updated 3-12-20



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. Box 778
DOVER, DELAWARE 19903

JENNIFER COHAN
SECRETARY

September 9, 2020

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Broom Solar Partners, LLC** conditional use application, which we received on August 11, 2020. This application is for a 72.00-acre parcel (Tax Parcel: 533-5.00-47.00). The subject land is located on the north side of Frankford School Road (Sussex Road 92), approximately 2,150 feet west of the intersection of Pyle Center Road (Sussex Road 382) and Frankford School Road. The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking a conditional use approval to develop a 3MW AC solar photovoltaic project.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Frankford School Road where the subject land is located, which is from Shockley Town Road (Sussex Road 375) to Pyle Center Road, is 414 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development's traffic impact to be negligible in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT's description of this application as negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Mr. Jamie Whitehouse
Page 2 of 2
September 9, 2020

If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,

Troy Brestel for

T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Broom Solar Partners, LLC, Applicant
Todd Sammons, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination



Conditional Use Plan Supplemental Information

May 2021

Broom Solar Partners

Adjacent 32419 Frankford School Road
Frankford, DE 19945

Prepared For:

Broom Solar Partners, LLC
EDF Renewables Distributed Solutions
6940 Columbia Gateway Drive, Suite
400 Columbia, MD 21046

Prepared By:

TRC Environmental Corp.
1615 S. Coventry Lane
West Chester, PA 19382



TABLE OF CONTENTS

1.0 INTRODUCTION..... 1

1.1 About the Applicant 1

1.2 Benefits of Solar Power Generation..... 1

2.0 PROJECT DESCRIPTION 2

2.1 Solar Array 2

2.2 Access Road 2

2.3 Equipment Skids and Interconnection line..... 2

2.4 Fence Line 2

2.5 Wetland Impacts 2

2.6 Tree Clearing 3

2.7 Traffic 3

2.8 Zoning 3

2.9 Decommissioning 3

3.0 SITE DESCRIPTION 3

3.1 General Description 3

3.2 Aquatic Resources 4

3.2.1 Hydrology 4

3.2.2 Mapped Wetlands 4

3.2.3 Delineated Wetlands and Watercourses 4

3.3 Hydric Soils 8

3.3.1 Floodplains..... 8

3.4 Endangered Resources 8

3.4.1 Federally Listed Threatened and Endangered Species..... 8

3.4.2 State-Listed Threatened and Endangered Species..... 8

3.4.3 Migratory Birds and Eagles..... 9

3.5 Sensitive Habitat Assessment 10

3.6 Airports..... 10

3.7 Farmland Classification..... 10

3.8 Cultural Resources..... 11

3.8.1 Archeological, Historical, and Cultural 11

TABLES

Table 1: Delineated Waterbodies 7
Table 2: Hydric Soils 8
Table 3: Potential Bird Species within the Study Area 9
Table 4: Farmland Classification within the Study Area 10

APPENDICES

Appendix A Figures

- Figure 1 – Site Location Map - USGS
- Figure 2 – Site Location Map – Aerial Imagery
- Figure 3 – Mapped Wetlands and Flood Plains
- Figure 4 – Delineated Wetlands and Watercourses
- Figure 5 – Soils Map

Appendix B Property Deed

Appendix C Environmental Review Documents

- USFWS IPaC Resource List
- DE Division of Fish and Wildlife Environmental Review Response Letter
- DE SHPO CHRIS Mapping



1.0 Introduction

Broom Solar Partners, LLC (Broom), a subsidiary of EDF Renewables Distributed Solutions, Inc., propose to construct and operate an approximately 3.0 Megawatt alternating current (MWac) solar generating facility (the Project) on a property adjacent to 32419 Frankford School Road (Tax/Parcel ID: 533-5.00-47.00) in Frankford, Sussex County, Delaware (Project site).

This document presents additional information for the Sussex County Planning & Zoning Commission to consider as it deliberates issuing a Conditional Use Permit for the Project under Section 115-22 of Zoning Ordinance for Sussex County (zoning ordinance).

Section 2.0 describes the proposed solar generating facility and Section 3.0 describes the existing site conditions.

1.1 About the Applicant

EDF Renewables is a leading developer and constructor of solar, battery energy storage, and electric vehicle charging solutions in North America. Our company has over 30 years of experience in the development of distributed solar projects for utility companies, electric cooperatives, and large energy users throughout the US. EDF Renewables has developed or constructed over 950 MW of distributed generation projects ranging in size from a 0.6 MW rooftop project constructed at ESPN's headquarters in Connecticut to a 29 MW Delta Solar Project developed and constructed for the Lansing Board of Water & Light in Michigan.

Broom Solar is being developed in partnership with Delaware Electric Cooperative (DEC) and Old Dominion Electric Cooperative (ODEC). It is one of a dozen distributed solar energy projects under development across ODEC's service territory in Delaware, Maryland, and Virginia designed to provide clean, renewable energy utilized locally by member-owned electric cooperatives. The Broom Solar facility has been specifically sized to supplement the energy consumption of homes and businesses in Sussex County that are serviced by the DEC distribution network. Siting power generation in communities where electricity is consumed, reduces the need for costly transmission system upgrades throughout the region.

1.2 Benefits of Solar Power Generation

Solar generating facilities such as the Project provide the following benefits to the community:

- Generates clean, renewable electricity without using water, creating emissions or producing waste products;
- Places little to no demand on County infrastructure and services including roads, water, sewer, fire, emergency medical services or schools;
- Diversifies the region's electricity generation mix, which reduces the reliance on natural gas and other fuels that are subject to high price volatility;
- Reduces the need for long-term transmission system upgrades by siting power generation in communities where electricity is consumed;
- Creates jobs during construction of the project with indirect economic benefits in the form of local contracting opportunities, equipment sales and rentals, material purchases, and spending on hotels, restaurants and other local goods and services;

- Low visual profile and quiet operations preserve the rural, open-space character of the area; and
- Land may be returned to previous agricultural use at end of the project's life.

2.0 Project Description

Broom proposes to construct an approximately 3.0 MWac solar generating facility at the Project site as described in Section 3.0. The following sections provide a brief overview of the major components and potential impacts of the Project.

2.1 Solar Array

The primary component of the solar generating facility is the array of solar panels. Approximately 9,324 photovoltaic panels attached to tracking mounts will be arranged in lines as shown in the site plans accompanying the CUP application.

To the extent practicable, electrical connections within the array will be underground.

2.2 Access Road

A gravel access road, approximately 1,907 feet in length will allow access to the site. The access road connects to Frankford School Road as shown in the site plans. It should be noted that DeIDot completed a Service Level Evaluation and issued a response stating that a Traffic Impact Study (TIS) would not be required.

2.3 Equipment Skids and Interconnection line

The electrical equipment necessary to transform the DC produced by the solar panels into AC and to step up the voltage for interconnection to the local grid will be installed on skids at the end of the access drive.

The interconnection line from the electrical equipment to the interconnection point runs roughly parallel underground along the access road. Once the medium voltage line reaches the access road entrance it will then be connected via over-head electric to the approximate point of interconnection on the north side of Frankford School Road depicted on the site plans.

2.4 Fence Line

A perimeter fence line, approximately 4,136 feet long will surround the Project site to limit unauthorized access. The Project will use fixed knot agricultural fencing. A single gate will allow access to the Project site. The gate will be locked by a KnoxBox, or similar system, so that emergency responders will have access to the Project site. Approximately 24.7 acres will be enclosed by the perimeter fence.

2.5 Wetland Impacts

The Project has been designed so that no project components will be installed within a wetland.

2.6 Tree Clearing

The project scope calls for no tree clearing to occur onsite. This will help support visual buffering outside of the fence line.

2.7 Traffic

During operations, the Project will be monitored remotely so there will be no daily vehicle trips to the Project site by staff. The operator anticipates no more than 1-2 vehicle trips monthly for regular maintenance activities.

2.8 Zoning

The Project has been designed to comply with all zoning setbacks for the AR-1 zoning district.

2.9 Decommissioning

The expected life of the Project is approximately 25 to 35 years. In general, within 12 months of the end of the Project's operational life, the applicant will remove all solar panels, cabling, electrical equipment, fencing, and any other associated equipment, facilities and structures to a depth of at least 36 inches. The majority of the equipment will be composed of recyclable materials including steel, aluminum, copper, and glass. These materials will be recycled to the extent possible to minimize waste streams. Select roads, driveways, fences and other property improvements including landscaping may remain for future use by the landowner. The lease agreement with the landowner ensures the removal of the power generating equipment at the end of the Project life. If an entity purchases the Project or the parcel, an agreement will be signed with county officials that ensures proper decommissioning and removal of the equipment.

3.0 Site Description

3.1 General Description

The Project site comprises a single, 72.0-acre parcel adjacent to Frankford School Road (Tax/Parcel ID 533-5.00-47.00) in Frankford, Sussex County, Delaware (**see Appendix A, Figure 1**). The parcel is currently owned by Wilgus Family Revocable Trust, Robert E. Wilgus, Jr. Trustee (**see Appendix B**) and consists primarily of open land in active agricultural use and forested land.

The Project site is in the Agricultural Residential (AR-1) zoning district. Surrounding land uses include agricultural and low-density residential areas.



Photo 1: Central Portion of Project Site Facing NE



Photo 2: Southern Portion of Project site Facing SW

3.2 Aquatic Resources

3.2.1 Hydrology

The Project is located within Delaware's defined Mid Atlantic Coastal watershed (DNR 8-digit scale watershed 02040303), the Indian River Bay Watershed (DNR 10-digit scale watershed 0204030302), and the Whites Creek sub-watershed (DNR 12-digit watershed 020403030206) and Vines-Pepper Creek sub-watershed (DNR 12-digit watershed 020403030203).

The Project Site is located within the USGS-defined Chincoteague sub-basin (Hydrologic Unit Code [HUC] 02040303). More specifically, the Project Site is located in the White Creek-Indian River Bay sub-watershed (HUC 020403030205) and the Vines Creek-Indian River sub-watershed (HUC: 020403030204) of the Indian River Bay watershed (HUC 0204030302).

3.2.2 Mapped Wetlands

USFWS NWI maps illustrate wetland habitats and vegetation communities using interpretation of aerial photography. The data on these maps provide general boundaries of potential wetlands and require ground surveys to accurately define the boundaries of wetlands present, if any, and determine their proper classification.

Review of the NWI mapping during the preliminary desktop analysis indicated four (4) NWI wetlands and two (2) riverine habitats located within the Project Site. Both riverine habitats are identified as Riverine, Lower Perennial, Unconsolidated Bottom, Permanently Flooded, Excavated (R2UBHx). These riverine habitats coincide with the NHD canals/ditches. Two (2) wetlands are located along the eastern boundary of the Project Site, one (1) is located in the southern portion of the Project Site, and one (1) very small portion of the fourth wetland identified is located in the northwestern corner of the Project Site. All of these wetlands are classified as Palustrine Forested Broad-leaved Deciduous Wetlands (PFO1) with various water regimes and specific modifiers (see Appendix A, Figure 3).

3.2.3 Delineated Wetlands and Watercourses

Wetland scientists from TRC completed a wetland and watercourse delineation of the Project site on April 28, 2021. Zero (0) wetlands, one (1) perennial stream, and fourteen (14) agricultural

ditches were delineated during the field survey. The locations of the delineated wetlands and watercourses are depicted on **Figure 4 in Appendix A**.

These site features are further described below.

Watercourse S-WH-1

Watercourse S-WH-1 is a perennial stream with low flow that is approximately 9 feet wide with bank heights approximately 5-feet high. Top of bank width is approximately 11 feet wide. S-WH-1 water flow ranges from 6 inches to 12 inches deep and flows north. The substrate is sand, silt/clay, and organic with wetland vegetation such as reed canary grass (*Phalaris arundinacea*), pokeweed (*Phytolacca americana*), and barnyard grass (*Echinochloa crus-galli*). Watercourse S-WH-1 has very steep (>20°) bank slopes with high bank erosion potential. S-WH-1 is most likely USACE and DNREC jurisdictional. Water quality for S-WH-1 is slightly turbid. The adjacent community type is disturbed agriculture. Watercourse S-WH-1 corresponds to NWI-mapped riverine habitat, R2UBHx. S-WH-1 (Blackwater Creek) originates south of the Study Area (SA) from a culvert under Frankford School Road. Blackwater creek flows north through the eastern region of the SA, where it continues off-site and eventually flows into the Indian River Bay.

Agricultural Ditches #1-14

Agricultural ditches #1 through #14 are all manmade ditches designed to drain water into and away from the surrounding agricultural farming plots. Agricultural ditch #1 surrounds the boundary of the majority of the SA to the north, south, west and half of the eastern boundary, where it connects to S-WH-1, at the southern region of the Project Site adjacent to Frankford School Road. Agricultural ditch #1 is approximately 4,080-feet in length. Agricultural ditch #1 has standing water and is approximately 8 to 10-feet wide and is approximately 4-feet deep. Vegetation includes reed canary grass, *Phragmites australis*, and cattails. An agricultural ditch off-site flows into ag ditch #1. Agricultural ditch #2 is located in the center of the SA and runs west to east bisecting agricultural ditches #3-6. Agricultural ditch #2 is approximately 1,392-feet in length. Agricultural ditch #2 is approximately 6-feet wide and 5-feet deep, with same vegetation as agricultural ditch #1. Agricultural ditch #3 is located in the southwestern portion of the SA and runs south to north where it bisects agricultural ditch #2. Agricultural ditch #3 is approximately 701-feet in length, is approximately 8-feet wide and 3-feet deep with stumps and debris. Agricultural ditch #4 is located adjacent to agricultural ditch #3 and agricultural ditch #5 in the south-central area of the SA, where it bisects Agricultural ditch #2 to the north. Agricultural ditch #4 is approximately 1,218-feet in length. Agricultural ditch #5 is located adjacent to agricultural ditch #4 and #6 and bisects Agricultural ditch #2. Agricultural ditch #5 is approximately 1,203-feet in length and is approximately 20-feet wide at its southern end. Agricultural ditch #5 bisects agricultural ditch #2, to the north. Agricultural ditch #6 is located adjacent to agricultural ditch #5 and bisects Agricultural ditch #2. Agricultural ditch #6 is approximately 1,192-feet in length and approximately 7-feet wide and 3-feet deep. Vegetation includes reed canary grass. Agricultural ditch #7 is located in the far eastern region of the SA and is a newly excavated ditch. Agricultural ditch #7 is approximately 325-feet in length, 3-feet wide and 3-feet deep and currently does not connect to agricultural ditch #8 at the time of the delineation. Agricultural ditch #8 is located in the north central region of the SA, running east to west where it connects to Agricultural ditch #1 on the western SA boundary. Agricultural ditch #8 is approximately 1,024-feet in length, 6-feet wide and 4-feet deep. Agricultural ditch #8 lies to the north of and parallels agricultural ditch #2. Agricultural ditch #9 is located in the northern region of the SA, where it connects to agricultural ditch #1 on the western boundary and runs in a west to east direction. Agricultural ditch #9 is approximately 965-feet in length and is approximately 6-feet wide and 4-feet deep. Agricultural ditch #10 is

located on the far eastern region of the SA, adjacent to agricultural ditch #9. Agricultural ditch #10 is approximately 397-feet in length and has standing water with frogs observed. Agricultural ditch #11 is located in the far eastern region of the SA, adjacent to Agricultural ditch #10 and runs north to south. It is a newly excavated agricultural ditch that was observed being excavated, during the delineation. Agricultural ditch #11 is approximately 256-feet in length. Agricultural ditch #12 is located in the northern region of the SA and runs east to west through active soybean crops. Agricultural ditch #12 is approximately 405-feet in length and is approximately 3-feet wide and 1.5-feet deep. It connects to agricultural ditch #1 on the western boundary of the SA. Agricultural ditch #13 is located in the central region of the SA, along the eastern most boundary and runs east to west where it connects with Blackwater Creek (S-WH-1). Agricultural ditch #13 is approximately 436-feet in length. Agricultural ditch #14 is located in the southeast region of the SA, where it connects to both agricultural ditch #13 to the north, ending north of Frankford School Road. Agricultural ditch #14 is approximately 494-feet in length, flows north to south and was actively being excavated during the delineation.



Photo 3: Example of Ag Ditch. Ag Ditch #5 Facing North

Table 1: Delineated Waterbodies

| Watercourse ID | Watercourse Classification | Linear feet within Project Site | Watershed (8-HUC) | Top of Bank Width (ft.) | Potential Jurisdictional Statutes | Latitude | Longitude | Sussex County Buffer |
|---------------------------------------|----------------------------|---------------------------------|-------------------|-------------------------|-----------------------------------|------------|-------------|----------------------|
| S-WH-1 (Blackwater Creek) | Perennial | 983 | 02040303 | 11 | USACE/DNREC | 38.50389 | -75.180583 | 50-ft. |
| Ag Ditch #1 | - | 3,996 | 02040303 | - | USACE/DNREC | 38.506429 | -75.184999 | 0-ft. |
| Ag Ditch #2 | - | 1,392 | 02040303 | - | USACE/DNREC | 38.505374 | -75.182807 | 0-ft. |
| Ag Ditch #3 | - | 701 | 02040303 | - | USACE/DNREC | 38.504706 | -75.184709 | 0-ft. |
| Ag Ditch #4 | - | 1,218 | 02040303 | - | USACE/DNREC | 38.503915 | -75.18434 | 0-ft. |
| Ag Ditch #5 | - | 1,203 | 02040303 | - | USACE/DNREC | 38.503842 | -75.183702 | 0-ft. |
| Ag Ditch #6 | - | 1,192 | 02040303 | - | USACE/DNREC | 38.503742 | -75.183063 | 0-ft. |
| Ag Ditch #7 | - | 325 | 02040303 | - | USACE/DNREC | 38.505736 | -75.180795 | 0-ft. |
| Ag Ditch #8 | - | 1,024 | 02040303 | - | USACE/DNREC | 38.506144 | -75.183245 | 0-ft. |
| Ag Ditch #9 | - | 965 | 02040303 | - | USACE/DNREC | 38.506871 | -75.183204 | 0-ft. |
| Ag Ditch #10 | - | 391 | 02040303 | - | USACE/DNREC | 38.506519 | -75.180671 | 0-ft. |
| Ag Ditch #11 | - | 629 | 02040303 | - | USACE/DNREC | 38.506164 | -75.180013 | 0-ft. |
| Ag Ditch #12 | - | 405 | 02040303 | - | USACE/DNREC | 38.507568 | -75.18406 | 0-ft. |
| Ag Ditch #13 | - | 436 | 02040303 | - | USACE/DNREC | 38.503943 | -75.181638 | 0-ft. |
| Ag Ditch #14 | - | 498 | 02040303 | - | USACE/DNREC | 38.503347 | -75.182078 | 0-ft. |
| Ag Ditch #3 | - | 2,733 | 02080109 | 10 | USACE/DNREC | 38.793932° | -75.602641° | 0-ft. |
| Total Linear Feet within Project Site | | 15,358 | | | | | | |

3.3 Hydric Soils

Based on a review of the USDA NRCS Web Soil Survey, 100 percent of the soils have at least one hydric soil component (**Appendix A, Figure 5**).

Table 2: Hydric Soils

| Map Symbol | Map Unit Name | Percent in Project Area |
|------------|--|-------------------------|
| HmA | Hammonton loam sand, 0 to 2 percent slopes | 6.0 |
| HuA | Hurlock loamy sand, 0 to 2 percent slopes | 50.6 |
| MuA | Mullica-Berryland complex, 0 to 2 percent slopes | 43.4 |

3.3.1 Floodplains

Based on a review of FEMA's National Flood Hazard Layer (NFHL) the entirety of the Study Area is located in Flood Insurance Rate Map (FIRM) Community Panel 10005C0495K (effective 03/16/2015) and is outside of the 100/500-year floodplain. The Project Site is located within an Area of Minimal Flood Hazard, Zone X (**Appendix A, Figure 3**).

3.4 Endangered Resources

3.4.1 Federally Listed Threatened and Endangered Species

The USFWS did not list any threatened and endangered species within the Study Area.

3.4.2 State-Listed Threatened and Endangered Species

TRC sent a request for consultation with regard to threatened and endangered species within the Study Area on March 25, 2020 via email to the DE Division of Fish and Wildlife and received a response to the request on April 20, 2020 (**Appendix C**). The DE Division of Fish and Wildlife indicated that there are currently no records of state-rare or federally listed plants, animals or natural communities within the Study Area. Therefore, the Study Area does not lie within a State Natural Heritage Site or a Delaware National Estuarine Research Reserve. Additionally, the DE Division of Fish and Wildlife has indicated that there are presently no concerns regarding fisheries within the Study Area. It should be noted that the DE Division of Fish and Wildlife is assuming no waterways will be impacted based on the limited description of the Project undertaken provided during consultation. Therefore, additional consultation may be required should impacts to waterways be deemed necessary for Project construction or operation. If the proposed Project is delayed for more than one year past the date of the review response letter, the DE Division of Fish and Wildlife should be contacted again to receive current and updated information for the Study Area.

3.4.3 Migratory Birds and Eagles

According to the USFWS IPaC website, the bald eagle (*Haliaeetus leucocephalus*) was identified to potentially occur in the Study Area, as well as seven (7) bird species of conservation concern (Appendix C).

Potential habitat for eagles was examined during field investigations as well as agency consultation in order to maintain compliance with the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act. The Study Area contains primarily herbaceous and agricultural habitat and is therefore not likely to support the species. Additionally, bald eagles typically breed and winter in forested areas adjacent to large bodies of open water (Cornell University, 2020). While the Study Area is located adjacent to deciduous forest, it is not located in the vicinity of a large body of open water, with Indian River Bay located over 4-miles north of the Study Area. The USFWS identified breeding time frame for bald eagles is October 15 to August 31.

Based on the review of aerial imagery of the Study Area as well as field reconnaissance, the Study Area contains primarily herbaceous and agricultural habitat. Suitable habitat for the black-billed cuckoo, clapper rail, Kentucky warbler, prairie warbler, red-headed woodpecker, and wood thrush are not abundant within the Study Area but are prevalent in the habitats surrounding the Study Area.

Table 2 provide further detail regarding each species identified by the USFWS IPaC website, including the USFWS identified breeding time frame, preferred habitat, and the bird's potential range within the Study Area as identified by The Cornell Lab of Ornithology All About Birds Bird Guide.

Table 3: Potential Bird Species within the Study Area

| Bird Species | Breeding Time Frame | Preferred Habitat | Potential Range within Study Area |
|--|-------------------------------|---|-----------------------------------|
| Bald Eagle (<i>Haliaeetus leucocephalus</i>) | Breed October 15 to August 31 | Forested areas adjacent to large bodies of water | Nonbreeding; Year-round |
| Black-billed Cuckoo (<i>Coccyzus erythrophthalmus</i>) | Breeds May 15 to October 10 | Forested areas with primarily deciduous trees and shrubs. | Migration |
| Clapper Rail (<i>Rallus crepitans</i>) | Breeds April 10 to October 31 | Salt marshes with extensive vegetation. | Year-round |
| Kentucky Warbler (<i>Oporornis formosus</i>) | Breeds April 20 to August 20 | Forested areas with primarily deciduous trees. | Breeding |
| Prairie Warbler (<i>Dendroica discolor</i>) | Breeds May 1 to July 31 | Scrub shrub fields and forests. | Breeding |
| Prothonotary Warbler (<i>Protonotaria citrea</i>) | Breeds April 1 to July 31 | Swampy woodlands. | Breeding |
| Red-headed Woodpecker (<i>Melanerpes erythrocephalus</i>) | Breeds May 10 to September 10 | Open woodlands with deciduous trees. | Breeding and wintering |
| Wood Thrush (<i>Hylocichla mustelina</i>) | Breeds May 10 to August 31 | Forested areas with primarily deciduous trees. | Breeding |

Based on the review of aerial imagery of the Study Area as well as field reconnaissance, the Study Area contains primarily herbaceous and agricultural habitat. Shrubby habitat appears to abut the western boundary of the Study Area and the Indian River Bay is approximately 4-miles north of the Study Area. Therefore, suitable habitat for the bald eagle, black-billed cuckoo, Kentucky warbler, prairie warbler, red-headed woodpecker, and wood thrush occurs within the Study Areas.

3.5 Sensitive Habitat Assessment

No sensitive habitat was identified within the designated Study Area based on the desktop analysis. The USFWS IPaC has not identified any wildlife refuge land or fish hatcheries within the Study Area and there are no natural lands within the Study Area based on the Delaware Environmental Navigator. Additionally, there were no local ordinances identified with regards to tree clearing in Sussex County, DE.

3.6 Airports

A review of online resources shows no airports within the immediate vicinity of the Study Area. Two small privately owned airports, including the West Private Airport located approximately one-mile to the northeast and the Warrington Field Airport located 2.6-miles to the southeast of the Study Area boundary. This small airport was identified on Google Earth Transportation Layers and publicly available data on AirNav.com. A review on online aerial imagery does not show any hard-paved surfaces, large buildings or other structures normally associated with a developed airfield. The airfield in question is in an open agricultural field and due to size and location will not require a glint/glare analysis.

3.7 Farmland Classification

Areas of prime farmland, farmland of statewide importance, and not prime farmland were also identified based on the USDA NCRS web soil survey. Within the Study Area, approximately 43.4 percent of soils are classified as prime farmland if drained, 6.0 percent of soils are classified as prime farmland, and 50.6 percent of soils are classified as farmland of statewide importance (**Appendix A, Figure 3**). Based on the Delaware Department of Agriculture interactive mapper, there are not Agricultural Preservation Districts or Agricultural Conservations Easements identified within the Study Area.

Table 4: Farmland Classification within the Study Area

| Map Symbol | Map Unit Name | Farmland Classification | Percent in Study Area |
|------------|--|----------------------------------|-----------------------|
| HmA | Hammonton loam sand, 0 to 2 percent slopes | All areas are prime farmland | 6.0 |
| HuA | Hurlock loamy sand, 0 to 2 percent slopes | Farmland of statewide importance | 50.6 |
| MuA | Mullica-Berryland complex, 0 to 2 percent slopes | Prime farmland if drained | 43.4 |

3.8 Cultural Resources

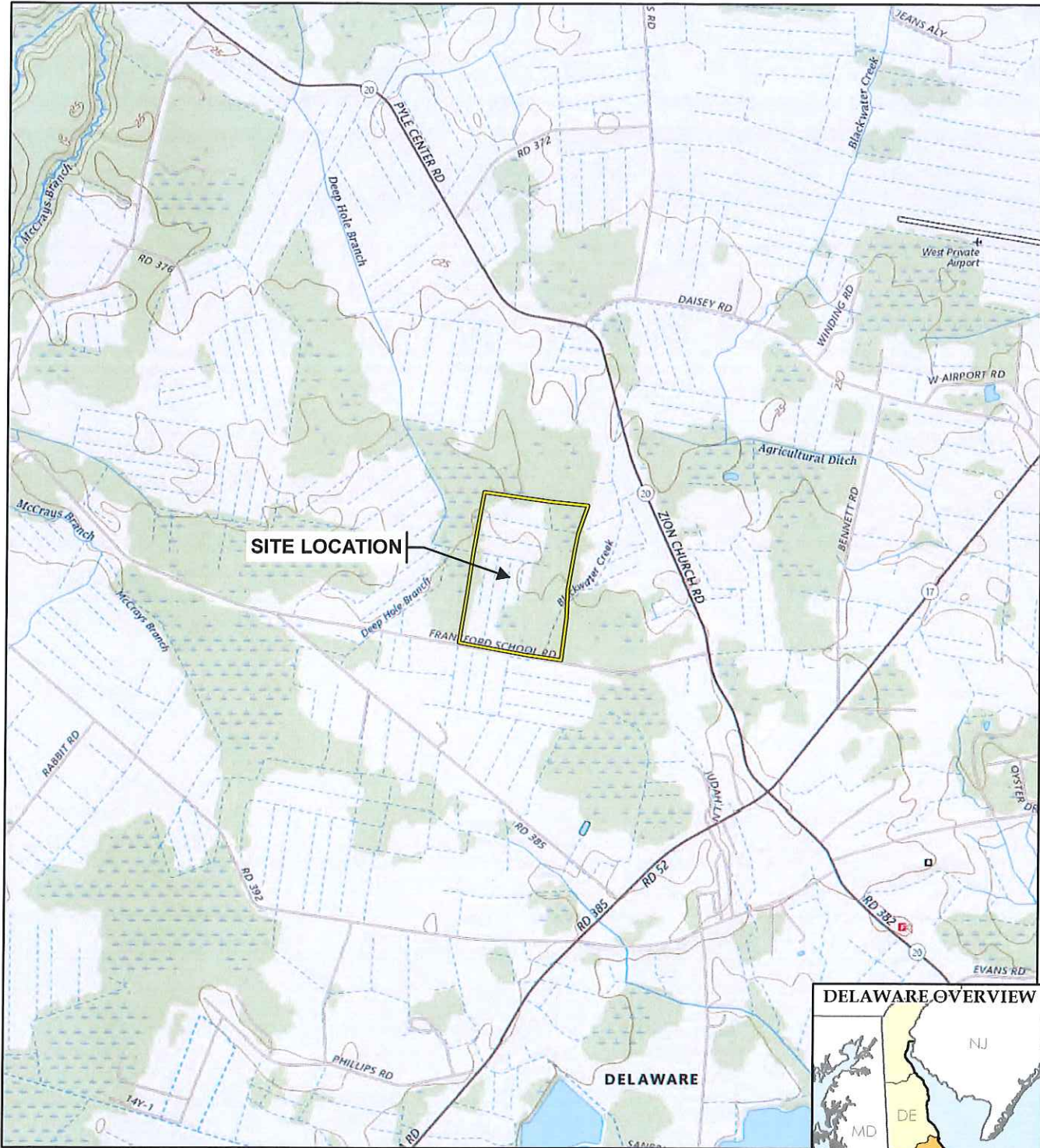
3.8.1 Archeological, Historical, and Cultural

Research utilizing the DE SHPO web-based CHRIS helped identify cultural resources within a one-mile radius of the Study Area. No archaeological sites have been previously recorded within the Study Area or within a one-mile radius of the Study Area. No archaeological surveys have been conducted within a one-mile radius of the Study Area (**Appendix C**).

One previously identified architectural resource is located within the Study Area. The resource is located along Frankford School Road at the southern border of the Study Area and is depicted on historic maps dating to at least 1918 (**Appendix C**). According to a field visit that structure is no longer onsite. At least 30 architectural resources are located within a one-mile radius of the Study Area, primarily clustered around the Town of Roxana (**Appendix C**).

Appendix A: Figures

- Figure 1 – Site Location Map - USGS
- Figure 2 – Site Location Map – Aerial Imagery
- Figure 3 – Mapped Wetlands and Flood Plains
- Figure 4 – Delineated Wetlands and Watercourses
- Figure 5 – Soils Map



BASE MAP FROM USGS 7.5 MINUTE TOPOGRAPHIC QUADRANGLE SERIES.



610 Willowbrook Ln
Suite 618
West Chester, PA 19382
Phone: 610.834.0490

TRC - GIS

PROJECT:
**EDF RENEWABLES DISTRIBUTED SOLUTIONS
BROOM SOLAR PARTNERS, LLC
32455 FRANKFORD SCHOOL ROAD, FRANKFORD, DE 19945**

TITLE:
SITE LOCATION MAP

| | |
|--------------|---------------------------|
| DRAWN BY: | D. SWEENEY |
| CHECKED BY: | A. HESSLER |
| APPROVED BY: | C. KAYSER |
| DATE: | MARCH 2020 |
| PROJ. NO.: | 376627.1000 |
| FILE: | Broom_Fig_1_Loc_8x11P.mxd |

FIGURE 1

Plot Date: 3/24/2020, 13:43:06 PM by DSWEENEY - LAYOUT: ANSIB(11"x17")
 Path: S:\1-PROJECTS\EDF_Renewables\Broom\Broom_Fig_2_Site_Plan_8x11P.mxd
 Coordinate System: NAD 1983 2011 StatePlane Delaware FIPS 0700 FT US (Foot US)
 Map Rotation: 0

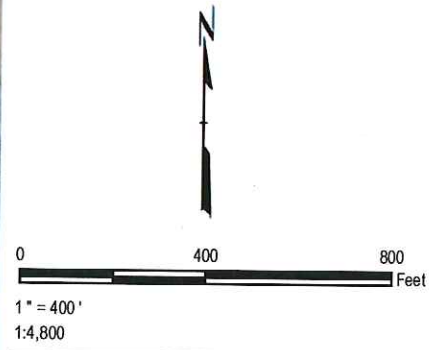


LEGEND

 STUDY AREA

NOTES

1. BASE MAP IMAGERY FROM ESRI WORLD IMAGERY SERVICE MARCH 2017



PROJECT: EDF RENEWABLES DISTRIBUTED SOLUTIONS
 BROOM SOLAR PARTNERS, LLC
 32455 FRANKFORD SCHOOL ROAD, FRANKFORD, DE 19945

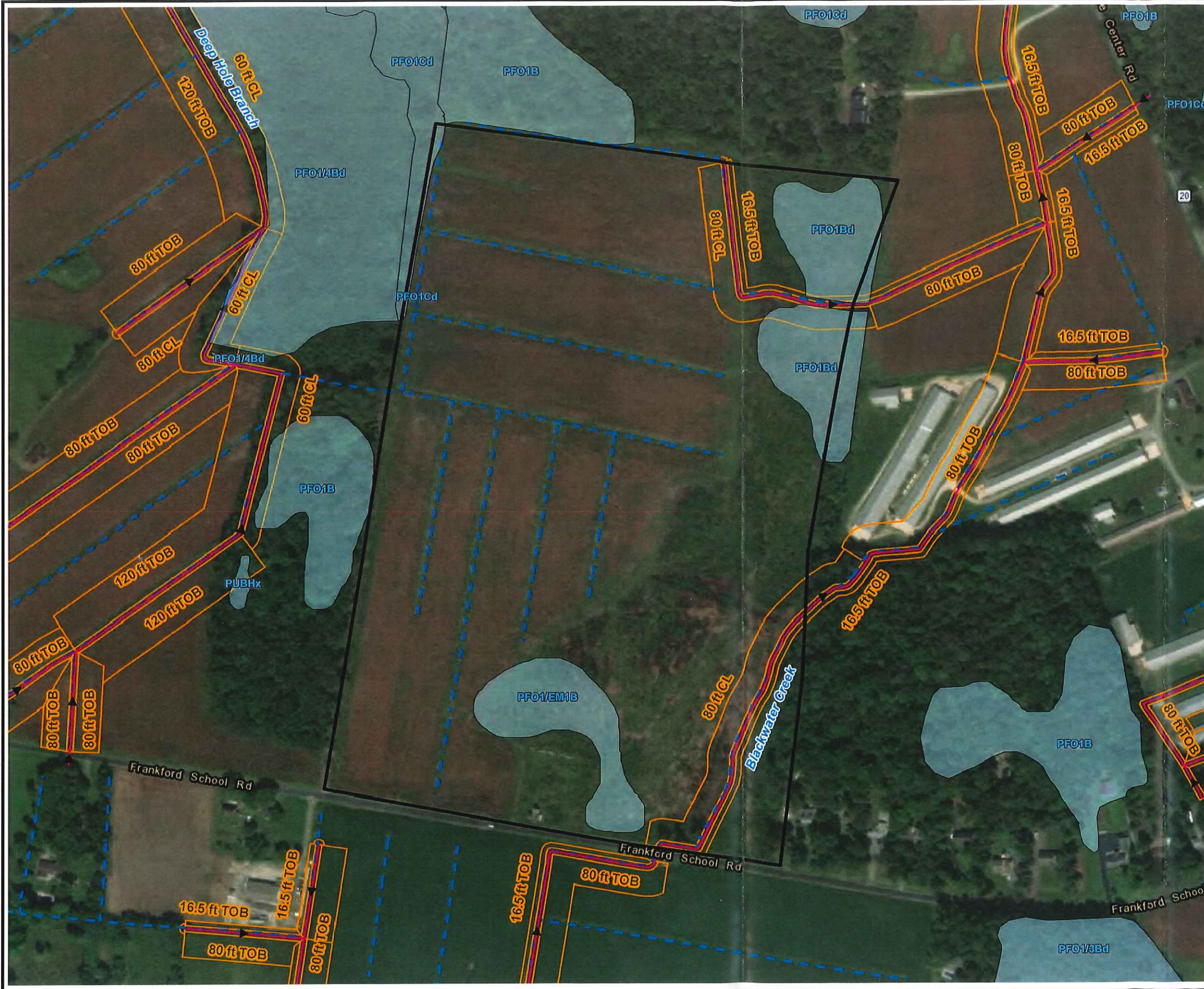
TITLE:
AERIAL SITE LOCATION MAP

| | | | |
|--------------|------------|-----------------|-------------|
| DRAWN BY: | D.SWEENEY | PROJ. NO.: | 376627.1000 |
| CHECKED BY: | K. TREINEN | FIGURE 2 | |
| APPROVED BY: | C. KAYSER | | |
| DATE: | MARCH 2020 | | |

 610 Willowbrook Ln
 Suite 618
 West Chester, PA 19382
 Phone: 610.834.0490

FILE NO: Broom_Fig_2_Site_Plan_8x11P.mxd

TRC - GIS
 Coordinate System: NAD 1983 2011 StatePlane Delaware FIPS 0700 F1 US (Foot US)
 Map Rotation: 0
 Plot Date: 5/5/2021, 10:38:38 PM by DSWEENEY - LAYOUT: ANSI B(11"x17")
 Path: S:\PROJECTS\EDF_Renewables\Broom\Broom_Fig_3_Mapped_H2O_8x11P.mxd



LEGEND

- STUDY AREA
- NHD STREAM/RIVERS
- NHD CANAL/DITCH
- NWI WETLANDS
- 100-YEAR FLOOD ZONE
- DELAWARE TAX DITCH SEGMENTS
- DELAWARE TAX DITCH MAXIMUM ROW

- NOTES**
1. BASE MAP IMAGERY FROM ESRI WORLD IMAGERY SERVICE SEPTEMBER 2019
 2. NATIONAL WETLANDS INVENTORY (NWI) FROM USFWS
 3. NATIONAL HYDROGRAPHY DATASET (NHD) FROM USDA. GOV.

| | | | |
|--------------|----------------------------------|--|-------------|
| PROJECT: | | EDF RENEWABLES DISTRIBUTED SOLUTIONS BROOM (OMAR) SOLAR PROJECT 32455 FRANKFORD SCHOOL ROAD, FRANKFORD, DE 19945 | |
| TITLE: | | WETLANDS, WATERWAYS, & FLOODPLAINS MAP | |
| DRAWN BY: | D.SWEENEY | PROJ. NO.: | 376627.1000 |
| CHECKED BY: | S. GREENBERG | FIGURE 3 | |
| APPROVED BY: | C. KAYSER | | |
| DATE: | MAY 2021 | | |
| | | 610 Willowbrook Ln Suite 618 West Chester, PA 19382 Phone: 610.834.0490 | |
| FILE NO.: | Broom_Fig_3_Mapped_H2O_8x11P.mxd | | |

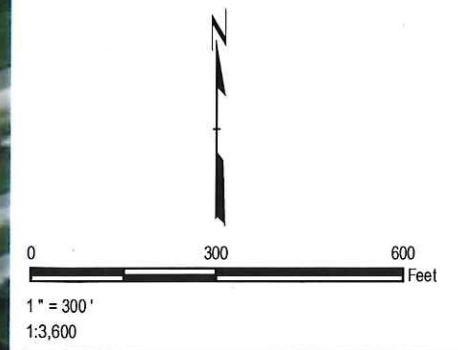


LEGEND

- STUDY AREA
- CULVERT
- ~ PERENNIAL STREAM
- ~ AGRICULTURAL DITCH
- 50FT STREAM BUFFER

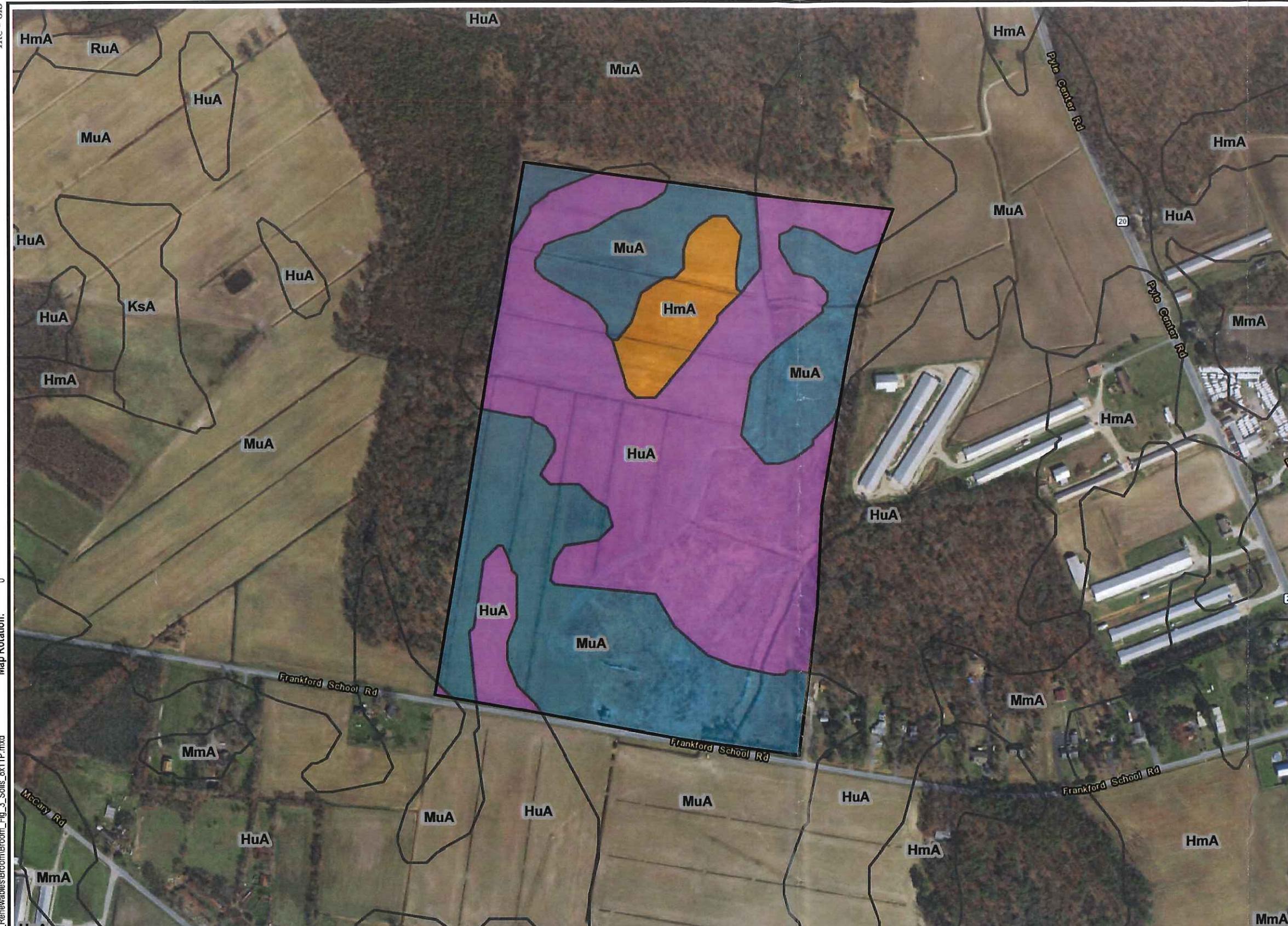
NOTES

1. BASE MAP IMAGERY FROM ESRI WORLD IMAGERY SERVICE SEPTEMBER 2019
2. RESOURCE DELINEATIONS CONDUCTED APRIL 2021



| | |
|--|------------------------|
| PROJECT | |
| EDF RENEWABLES DISTRIBUTED SOLUTIONS BROOM (OMAR) SOLAR PROJECT 32455 FRANKFORD SCHOOL ROAD, FRANKFORD, DE 19945 | |
| TITLE | |
| DELINEATED WETLANDS AND STREAMS | |
| DRAWN BY: D.SWEENEY | PROJ. NO.: 376627.1000 |
| CHECKED BY: W. HILLEGAS | FIGURE 4 |
| APPROVED BY: C. KAYSER | |
| DATE: MAY 2021 | |
| | |
| 610 Willowbrook Ln Suite 618 West Chester, PA 19382 Phone: 610.834.0490 | |
| FILE NO.: Broom_Fig_4 Delineation_8x11P.mxd | |

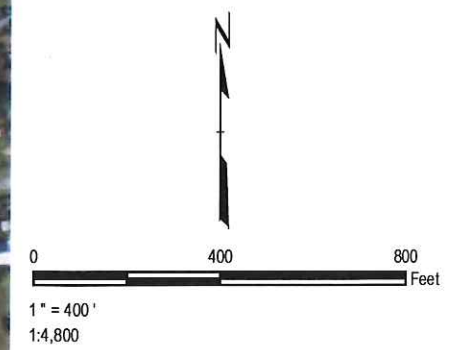
TRC - GIS
 Coordinate System: NAD 1983 2011 StatePlane Delaware FIPS 0700 FT US (Foot US)
 Map Rotation: 0
 Plot Date: 3/24/2020, 13:44:26 PM by DSWEENEY - LAYOUT: ANSIB(11'X17')
 Path: S:\1-PROJECTS\EDF_Renewables\Broom\Broom_Fig_3_Soils_8x11P.mxd



LEGEND

- STUDY
- HMA - HAMMONTON LOAMY SAND, 0 TO 2 PERCENT SLOPES
- HUA - HURLOCK LOAMY SAND, 0 TO 2 PERCENT SLOPES
- MUA - MULLICA-BERRYLAND COMPLEX, 0 TO 2 PERCENT SLOPES

- NOTES**
1. BASE MAP IMAGERY FROM ESRI WORLD IMAGERY SERVICE MARCH 2017
 2. SOILS DATA ACQUIRED FROM USDA/NRCS SSURGO SOILS DATABASE.



| Map Unit Symbol | Map Unit Name | Drainage Class | Hydric Rating % | % Of Study Area | Farmland Classification |
|-----------------|--|-------------------------|-----------------|-----------------|----------------------------------|
| HmA | Hammonton loamy sand, 0 to 2 percent slopes | Moderately well drained | 5 | 6.03 | All areas are prime farmland |
| HuA | Hurlock loamy sand, 0 to 2 percent slopes | Poorly drained | 80 | 50.44 | Farmland of statewide importance |
| MuA | Mullica-Berryland complex, 0 to 2 percent slopes | Very poorly drained | 85 | 43.29 | Prime farmland if drained |

PROJECT: EDF RENEWABLES DISTRIBUTED SOLUTIONS
 BROOM SOLAR PARTNERS, LLC
 32455 FRANKFORD SCHOOL ROAD, FRANKFORD, DE 19945

TITLE: NRCS SOILS MAP

DRAWN BY: D.SWEENEY PROJ. NO.: 376627.1000
 CHECKED BY: A. HESSLER
 APPROVED BY: C. KAYSER
 DATE: MARCH 2020

FIGURE 5

TRC

610 Willowbrook Ln
 Suite 618
 West Chester, PA 19382
 Phone: 610.834.0490

FILE NO.: Broom_Fig_3_Soils_8x11P.mxd

Appendix B: Property Deed

34548

BK: 4459 PG: 108

34459

BK: ~~4459~~ PG: ~~12~~

Tax Map and Parcel #: 5-33-5.00-47.00

PREPARED BY:
Tomasetti Law, LLC
1100 Coastal Highway, Unit 3
Fenwick Island, DE 19944
File No. 515-265/KR

Consideration: .00

| | |
|---------------------------------|--------------|
| County | 83.25 |
| State | 83.25 |
| Town | Total 166.50 |
| Received: Teresa C Oct 19, 2015 | |

RETURN TO:
ROBERT E. WILGUS, JR., TRUSTEE
ELAINE S. WILGUS, TRUSTEE
34108 Wilgus Cemetery Road
Frankford, DE 19945

RECEIVED
Oct 19, 2015
ASSESSMENT DIVISION
OF SUSSEX COUNTY

NO TITLE SEARCH OR SURVEY REQUESTED OR PERFORMED

THIS DEED, made this 9th day of October, 2015,

- BETWEEN -

ROBERT E. WILGUS, JR., AN UNDIVIDED ONE-HALF INTEREST, of 34108 Wilgus Cemetery Road, Frankford, DE 19945, and **HARRY F. WILGUS, II, TRUSTEE UNDER REVOCABLE TRUST AGREEMENT OF HARRY F. WILGUS, II DATED 8/9/94** and **CONNIE L. WILGUS, TRUSTEE UNDER REVOCABLE TRUST AGREEMENT OF CONNIE L. WILGUS DATED 8/9/94, AS TO AN UNDIVIDED ONE-HALF INTEREST**, of 35866 Wild Gander Lane, parties of the first part,

- AND -

ROBERT E. WILGUS, JR., TRUSTEE UNDER REVOCABLE TRUST AGREEMENT OF ROBERT E. WILGUS, JR. DATED 7/15/94, AS TO AN UNDIVIDED ONE-HALF INTEREST and **ELAINE S. WILGUS, TRUSTEE UNDER REVOCABLE TRUST AGREEMENT OF ELAINE S. WILGUS DATED 7/15/94, AS TO AN UNDIVIDED ONE-HALF INTEREST**, of 34108 Wilgus Cemetery Road, Frankford, DE 19945, parties of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of **Ten and 00/100 Dollars (\$10.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the parties of the second part,

MS
KR

FD
w PF

BK: 4459 PG: 109

BK: ~~4459~~ PG: ~~13~~

and their heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware, as **TENANTS IN COMMON**:

ALL that certain piece and parcel of land lying and being situated in Baltimore Hundred, Sussex County and State of Delaware being bounded and described as follows, to wit: Lying on the North side of the county road leading from Roxana to Frankford, and being more fully described by two deeds previously given, the first deed being deed given by William T. Brasure and Sophia, his wife, to Ezekiel W. Derrickson on January 7, 1885, which reads:

BEGINNING at a corner of lands of Elijah Lynch; thence running with said line to a corner of lands of Mrs. McCabe; thence with said line to a corner of lands of Elijah Lynch near the winding blades, adjoining lands of Elijah Lynch, Stephen Lynch, and the lands of John L. Bennett, said to contain sixty-two (62) acres of land, be the same more or less;

This deed also covering another piece of land being described by a deed given by N.S. Lynch and wife to E.W. Derrickson on January 1, 1887, which reads as follows: **Lying** on the North side of the new County Road leading from Roxana to Frankford, and being a piece of the same land which Clement Evans in his life laid off from the tract of land now occupied and owned by Elizabeth W. Derrickson, and the West corner of this land beginning at the place called Winding Blades, and said to contain ten (10) Acres when laid off or surveyed, be the same more or less, both pieces taken together and conveyed by this deed said to contain **Seventy-two (72) acres**, be the same more or less.

BEING the same lands conveyed unto Robert E. Wilgus, Jr. and Harry F. Wilgus, brothers, by Deed of Evelyn E. Tuner Coffin dated the 24th day of May 1965, and of record in the office of the Recorder of Deeds, in and for Sussex County, at Georgetown, in **Deed Book 588, Page 613**. Harry F. Wilgus subsequently conveyed his one half interest in said property to Harry F. Wilgus, II, Trustee under Revocable Trust Agreement of Harry F. Wilgus dated 8/9/1994 as to an undivided one-half interest, and Connie L. Wilgus, Trustee under revocable Trust Agreement of Connie L. Wilgus dated 8-9-94 as to an undivided one-half interest by Deed dated August 9, 1994 and of record in the office of the Recorder of Deeds in and for Sussex County, at Georgetown in **Deed Book 1999 Page 7**.

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware.

RECEIVED
Oct 19, 2015
ASSESSMENT DIVISION
OF SUSSEX COUNTY

| | |
|--------------------|--------------|
| Consideration: | 5,550.00 |
| ----- | |
| County | 22.25 |
| State | 23.25 |
| Town | 104.50 |
| Received: Teresa C | Oct 19, 2015 |

BK: 4459 PG: 110

BK: ~~4459~~ PG: ~~110~~

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the presence of:

Recorder of Deeds
Scott Dailey
Oct 19, 2015 03:22P
Sussex County
Doc. Surcharge Paid

[Handwritten signature]

Robert E. Wilgus Jr (SEAL)
ROBERT E. WILGUS, JR.

HARRY F. WILGUS, II, REVOCABLE TRUST AGREEMENT DATED 8/9/94

AS TO ALL
[Handwritten signature]

Harry F. Wilgus, II Trustee (SEAL)
Harry F. Wilgus, II, Trustee

CONNIE L. WILGUS, REVOCABLE TRUST AGREEMENT DATED 8/9/94

Connie L. Wilgus (SEAL)
CONNIE L. WILGUS, TRUSTEE *Trustee*

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on October 9, 2015, personally came before me, the subscriber, ROBERT E. WILGUS, JR., HARRY F. WILGUS, II, TRUSTEE UNDER REVOCABLE TRUST AGREEMENT OF HARRY F. WILGUS, II DATED 8/9/94 and CONNIE L. WILGUS, TRUSTEE UNDER REVOCABLE TRUST AGREEMENT OF CONNIE L. WILGUS DATED 8/9/94, parties of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

GIVEN under my Hand and Seal of Office the day and year aforesaid.

Raymond E. Tomasetti, Jr
Notary Public



My Commission Expires: none-life time

Recorder of Deeds
Scott Dailey
Oct 19, 2015 11:43A
Sussex County
Doc. Surcharge Paid

[Handwritten initials]

Appendix C: Environmental Review Documents

USFWS IPaC Resource List

DE Division of Fish and Wildlife Environmental Review Response Letter

DE SHPO CHRIS Mapping

IPaC Information for Planning and Consultation U.S. Fish & Wildlife Service

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Sussex County, Delaware



Local office

Chesapeake Bay Ecological Services Field Office

☎ (410) 573-4599

📅 (410) 266-9127

177 Admiral Cochrane Drive
Annapolis, MD 21401-7307

<http://www.fws.gov/chesapeakebay/>

<http://www.fws.gov/chesapeakebay/endsppweb/ProjectReview/Index.html>

NOT FOR CONSULTATION

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species

¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information.
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

THERE ARE NO ENDANGERED SPECIES EXPECTED TO OCCUR AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act

¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE")

INDICATES THAT THE BIRD DOES
NOT LIKELY BREED IN YOUR
PROJECT AREA.)

| | |
|--|-------------------------|
| <p>Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626</p> | Breeds Oct 15 to Aug 31 |
| <p>Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399</p> | Breeds May 15 to Oct 10 |
| <p>Clapper Rail <i>Rallus crepitans</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA</p> | Breeds Apr 10 to Oct 31 |
| <p>Kentucky Warbler <i>Oporornis formosus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> | Breeds Apr 20 to Aug 20 |
| <p>Prairie Warbler <i>Dendroica discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> | Breeds May 1 to Jul 31 |
| <p>Prothonotary Warbler <i>Protonotaria citrea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> | Breeds Apr 1 to Jul 31 |
| <p>Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> | Breeds May 10 to Sep 10 |
| <p>Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> | Breeds May 10 to Aug 31 |

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

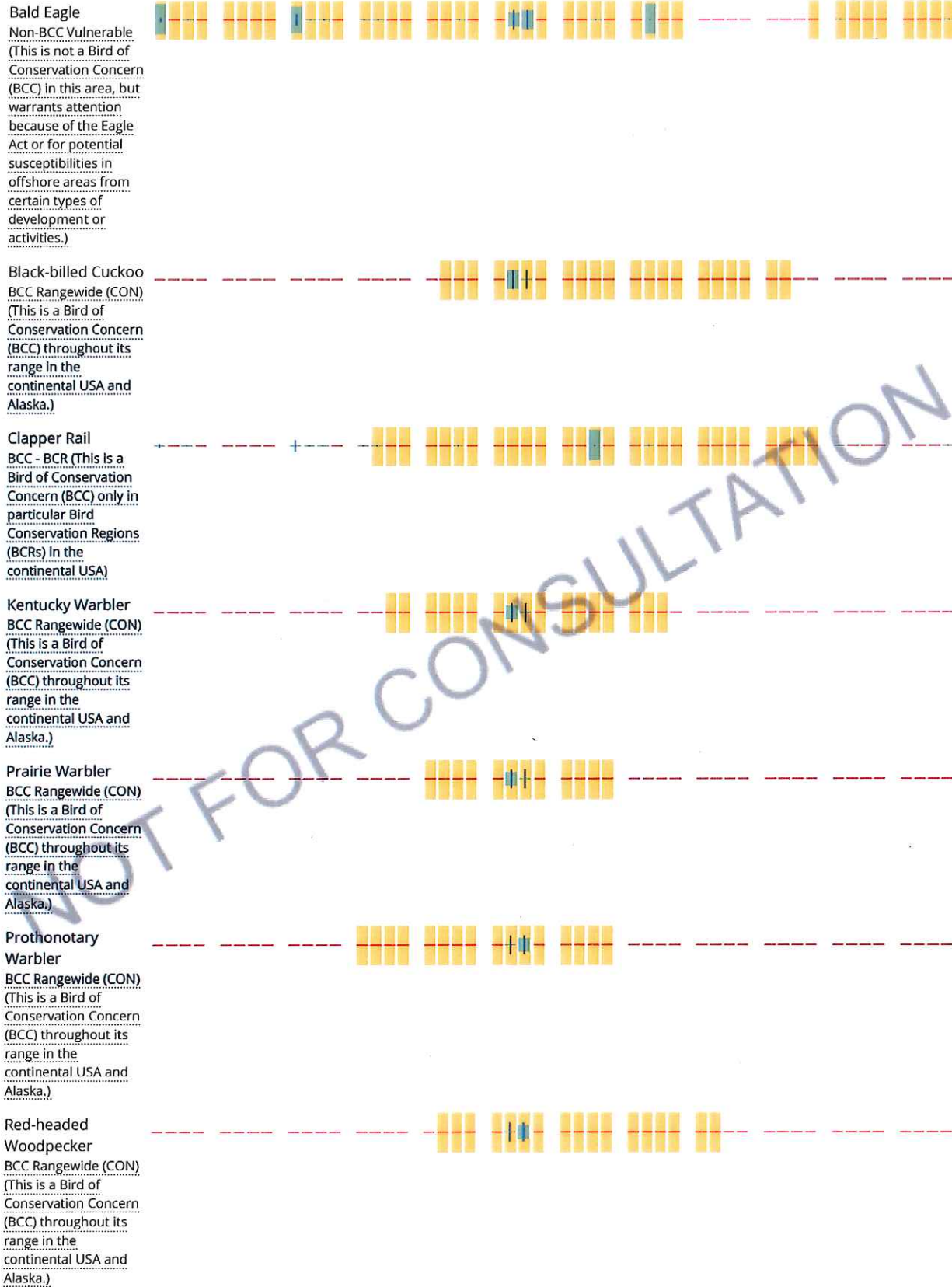
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

■ probability of presence ■ breeding season | survey effort — no data

SPECIES JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC



Wood Thrush
 BCC Rangewide (CON)
 (This is a Bird of
 Conservation Concern
 (BCC) throughout its
 range in the
 continental USA and
 Alaska.)



Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) and/or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review.

Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

FRESHWATER FORESTED/SHRUB WETLAND

[Palustrine](#)

RIVERINE

[Riverine](#)

A full description for each wetland code can be found at the [National Wetlands Inventory website](#)

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.



STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL**

RICHARDSON & ROBBINS BUILDING
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

OFFICE OF THE
SECRETARY

PHONE
(302) 739-9000

20 April 2020

Alyssa Hessler
TRC Companies, Inc.
1090 Union Road, Suite 280
West Seneca, NY 14224

Re: TRC 2020 Broom Solar Project; Tax Parcel # 533-5.00-47.00

Dear Ms. Hessler,

Thank you for contacting the Species Conservation and Research Program (SCRCP) about information on rare, threatened and endangered species, unique natural communities, and other significant natural resources as they relate to the above referenced project.

State Natural Heritage Site

A review of our database indicates that there are currently no records of state-rare or federally listed plants, animals or natural communities at this project site. As a result, at present, this project does not lie within a State Natural Heritage Site, nor does it lie within a Delaware National Estuarine Research Reserve which are two criteria used to identify "Designated Critical Resource Waters" in the Army Corps of Engineers (ACOE) Nationwide Permit General Condition No. 22. A copy of this letter shall be included in any permit application or pre-construction notification submitted to the Army Corps of Engineers for activities on this property.

We are continually updating our records on Delaware's rare, threatened and endangered species, unique natural communities and other significant natural resources. If the start of the project is delayed more than a year past the date of this letter, please contact us again for the latest information.

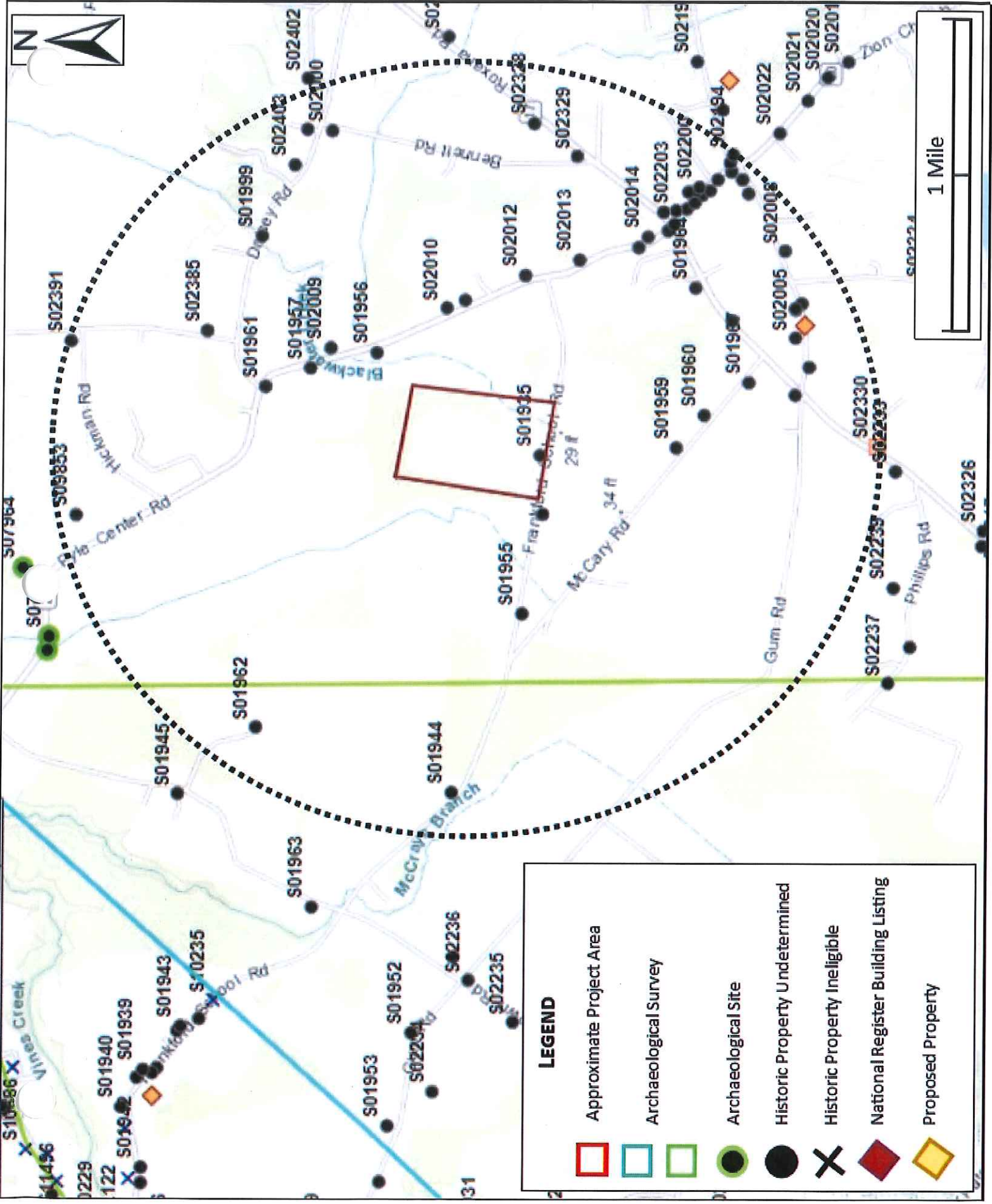
Please feel free to contact me with any questions or if you require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Galvez". The signature is fluid and cursive, with a large, sweeping underline that loops back under the name.

Brian Galvez
Environmental Review Coordinator
Phone: (302) 735-8665
6180 Hay Point Landing Road
Smyrna, DE 19977

(See invoice on next page)

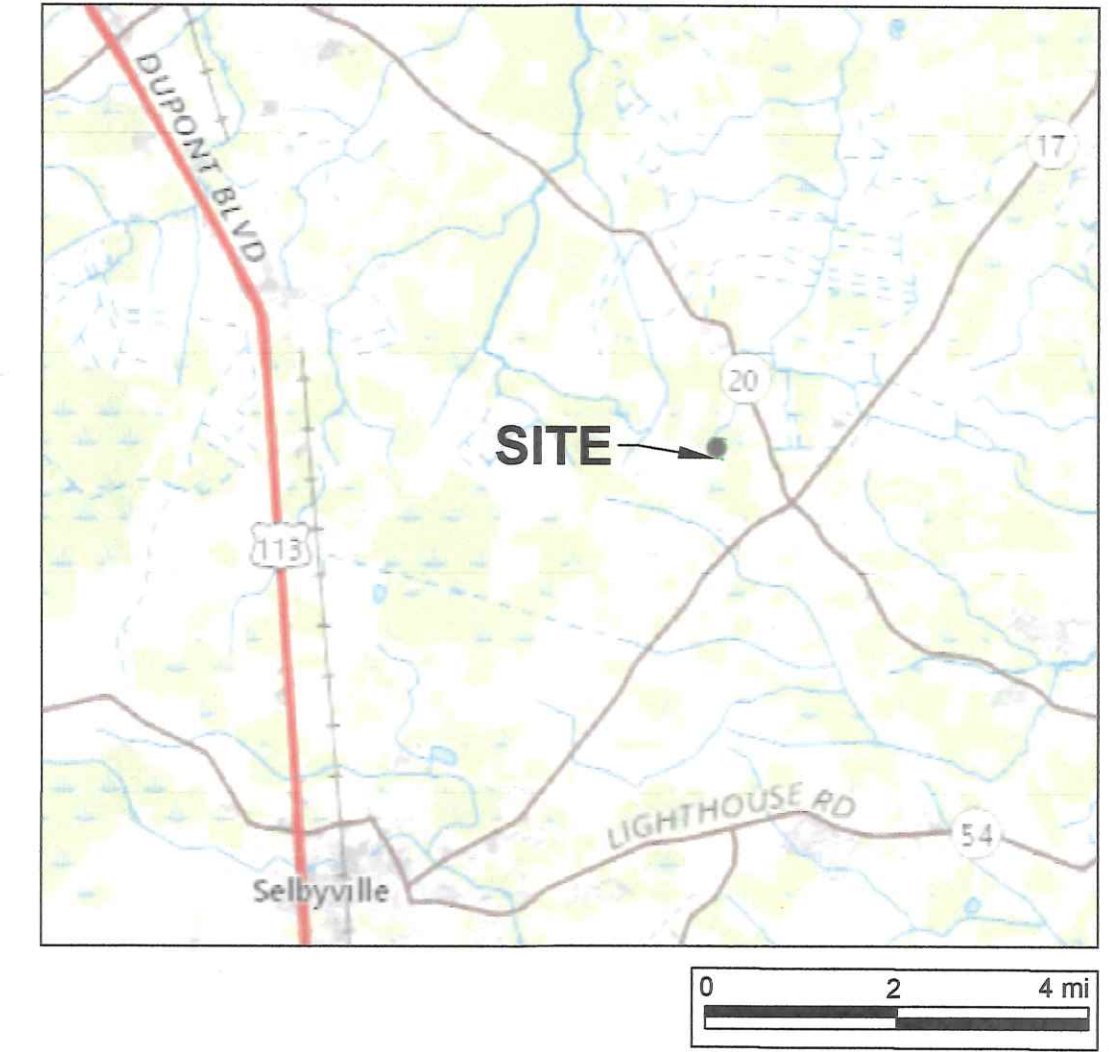


LEGEND

- Approximate Project Area
- Archaeological Survey
- Archaeological Site
- Historic Property Undetermined
- Historic Property Ineligible
- National Register Building Listing
- Proposed Property



SITE LOCATION



LEGEND

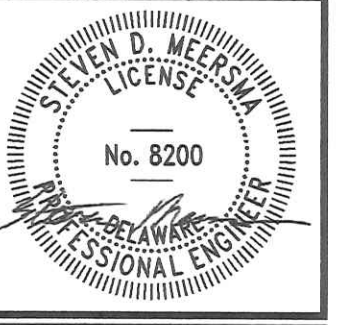
| SYMBOL | DESCRIPTION |
|--------|--|
| | EXISTING PROPERTY LINE |
| | APPROXIMATE EXISTING ABUTTER PROPERTY LINE |
| | TAX DITCH RIGHT-OF-WAY LIMIT |
| | YARD SETBACK LINE |
| | EXISTING MAJOR CONTOUR (FEET) |
| | EXISTING MINOR CONTOUR (FEET) |

NOTES

1. THE PROJECT HORIZONTAL COORDINATES SYSTEM IS BASED ON NAD83 DELAWARE STATE PLANE (US SURVEY FEET). ELEVATIONS ARE BASED ON NAVD83 (US SURVEY FEET).
2. ADJOINING PROPERTY OWNER INFORMATION SHOWN ARE FROM SUSSEX COUNTY GIS PORTAL ([HTTPS://MAPS.SUSSEXCOUNTYDE.GOV/?APPLICATIONS=MAP.HTML](https://maps.sussexcountydela.gov/?APPLICATIONS=MAP.HTML))
3. SITE IS NOT LOCATED IN A 100-YEAR OR 500-YEAR FLOOD PLAIN (REFERENCE FLOOD INSURANCE RATE MAP).
4. EXISTING UTILITIES ARE APPROXIMATE AND SHOULD BE VERIFIED BY CONTRACTOR. DIG SAFELY DELAWARE (811) SHALL BE NOTIFIED A MINIMUM OF 72-HOURS PRIOR TO COMMENCING ANY EXCAVATION.
5. THIS IS A PRELIMINARY DESIGN PLAN PROVIDED FOR PERMITTING ONLY. FINAL DESIGN SHALL BE MODIFIED TO SUPPORT CONSTRUCTION, MATCH FINAL ELECTRICAL INTERCONNECTION STUDIES, EQUIPMENT PURCHASED, AND POSSIBLE PERMIT CONSTRAINTS REVEALED DURING PROJECTS REVIEW.
6. THE VICINITY MAP IMAGE IS FROM THE UNITED STATES GEOLOGICAL SURVEY 7.5 MINUTE FRANKFORD AND SELBYVILLE TOPOGRAPHIC QUADRANGLES
7. THE 1-FOOT TOPOGRAPHY AND PROPERTY BOUNDARY SHOWN ON THESE DRAWINGS WERE PROVIDED TO TRC BY GREENMAN-PEDERSEN, INC. ON JANUARY 19, 2022.

| ADJOINING PROPERTY OWNER INFORMATION TABLE | | |
|--|-----------------------------------|----------------|
| NUMBER | PROPERTY OWNER | TAX ID # |
| 1 | DAVIDSON GORDON C TTEE | 533-5.00-46.00 |
| 2 | PYLE EDWARD W CENTER | 533-5.00-58.00 |
| 3 | LYNCH ADAM | 533-5.00-57.00 |
| 4 | LYNCH MARY GRACE | 533-5.00-56.02 |
| 5 | LYNCH MICHAEL W | 533-5.00-56.01 |
| 6 | OWENS FRANCES | 533-5.00-55.01 |
| 7 | ENNIS N MICHAEL LISA E EVANS | 533-5.00-55.00 |
| 8 | ESHAM MICHAEL | 533-5.00-48.00 |
| 9 | KEISER CARVEL | 533-5.00-49.03 |
| 10 | PARKER FAMILY LIMITED PARTNERSHIP | 533-5.00-85.00 |
| 11 | MEIKLEJOHN JERRY TTEE REV TR | 533-5.00-86.00 |
| 12 | BUNDICK SIDNEY R | 533-5.00-86.02 |

1430 Broadway
 10th Floor
 New York, NY 10018
 Phone: 212.221.7822



| Revisions: | |
|------------|------------|
| No. | Date: |
| 1 | 01/27/2022 |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

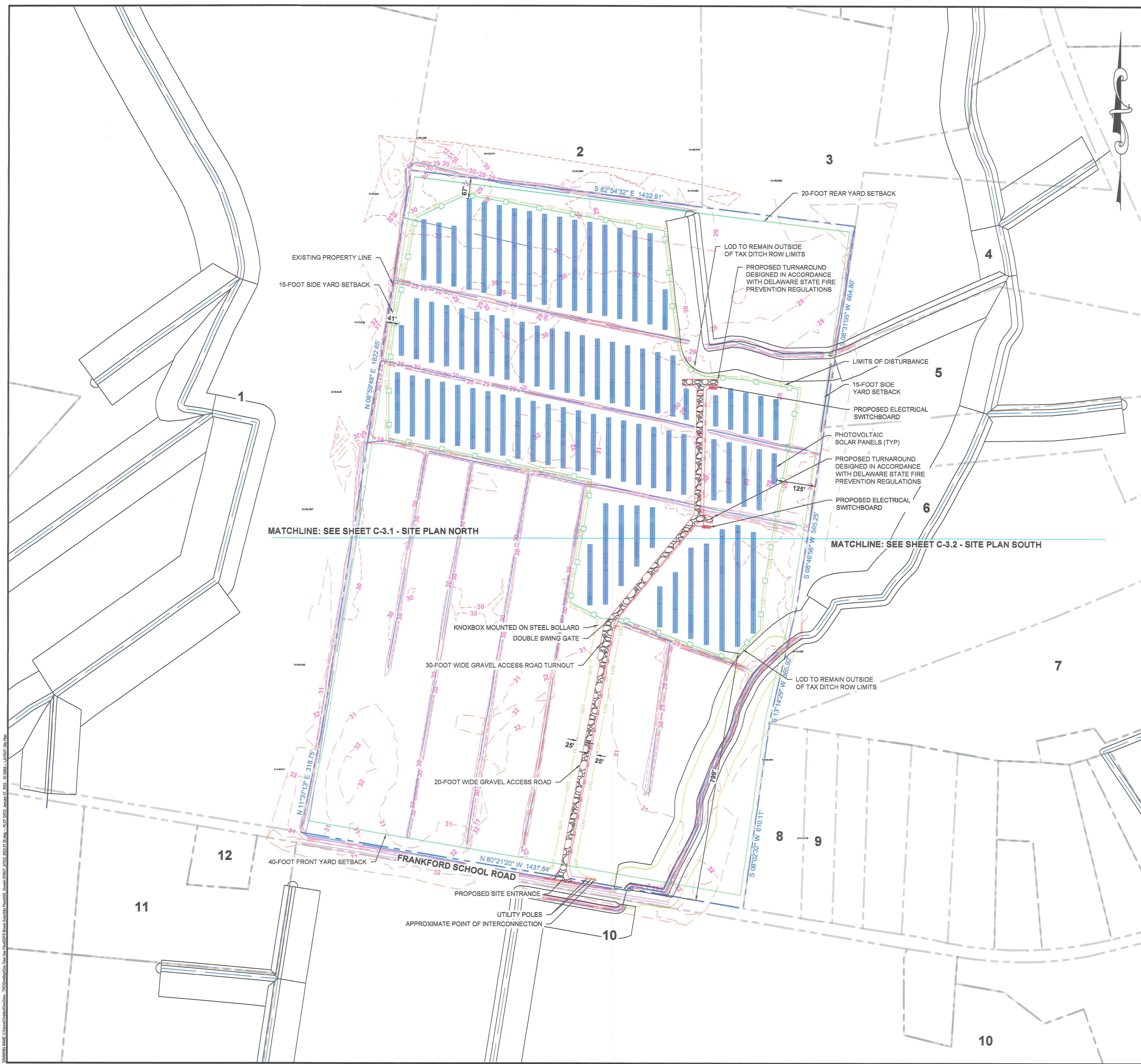
Drawn by:
 EK, CV
 Design by:
 CG
 Checked by:
 SM

**EDF RENEWABLES DISTRIBUTED SOLUTIONS
 BROOM SOLAR PROJECT
 ADJACENT TO 32419 FRANKFORD SCHOOL ROAD
 FRANKFORD, DELAWARE 19945**

Contract No:
 376627
 Scale:
 AS NOTED
 Date:
 MAY 2021
 Sheet:
 EXISTING CONDITIONS
 Drawing No:
 C-2.0

ISSUED FOR CONDITIONAL USE
 PERMIT REVIEW 01/27/2022
 NOT FOR CONSTRUCTION

SCALE: 1" = 150'
 SHEET SIZE: 24" BY 36"
 (DRAWING MAY BE PRINTED AT REDUCED SIZE)



| PROJECT SUMMARY | | |
|--|---------------------|----------------|
| ARRAY TYPE | SAT | |
| ARRAY ORIENTATION (°) | 180 | |
| | PV MODULE 1 | PV MODULE 2 |
| PV MODULE MANUFACTURER | CANADIAN SOLAR | |
| PV MODULE MODEL | CS3W-445-MB-AG | CS3W-400-PB-AG |
| PV MODULE WATTAGE (W) | 445 | 400 |
| PV MODULE QUANTITY | 6966 | 2322 |
| PV MODULES PER STRING | 27 | |
| PV MODULES PER TRACKER / TABLE | 54 / 72 | |
| TRACKER / TABLE QUANTITY | 168 / 12 | |
| TRACKER PITCH / TABLE ROW SPACING (FT) | 48.27 | |
| | INVERTER 1 | INVERTER 2 |
| INVERTER MANUFACTURER | CHINT POWER SYSTEMS | |
| INVERTER MODEL | SCH125KTL-DOJUS-600 | |
| INVERTER RATING (kWAC) | 125 | |
| INVERTER QUANTITY | 24 | |
| TOTAL PV MODULE CAPACITY (kWDC) | 4028.67 | |
| TOTAL INVERTER CAPACITY (kWAC) | 3,000 | |
| AREA WITHIN FENCE (ACRES) | 25.97 | |
| LENGTH OF FENCE (FT) | 4,866.7 | |
| LENGTH OF ACCESS DRIVE (FT) | 1,714 | |

| LEGEND | |
|--------|---|
| SYMBOL | DESCRIPTION |
| | EXISTING PROPERTY LINE |
| | APPROXIMATE EXISTING SUBTERRANEAN PROPERTY LINE |
| | PROPOSED PROJECT FENCE |
| | PROPOSED GRAVEL ACCESS DRIVEWAY |
| | PROPOSED MEDIUM VOLTAGE CIRCUIT |
| | PROPOSED OVERHEAD LINE |
| | PROPOSED OVERHEAD POLES |
| | EXISTING MAJOR CONTOUR (FEET) |
| | EXISTING MINOR CONTOUR (FEET) |
| | TAX DITCH RIGHT-OF-WAY LIMIT |
| | LIMITS OF DISTURBANCE |

- NOTES**
- AREAS OUTSIDE PROPOSED FENCE TO REMAIN AS OPEN SPACE
 - ADJOINING PROPERTY OWNER INFORMATION SHOWN ARE FROM SUSSEX COUNTY GIS PORTAL ([HTTPS://MAPS.SUSSEXCOUNTYNODE.GOV/PZAPPLICATIONSMAP.HTML](https://maps.sussexcountynode.gov/PZAPPLICATIONSMAP.HTML))
 - SITE IS NOT LOCATED IN A 100-YEAR OR 500-YEAR FLOOD PLAIN
 - EXISTING UTILITIES ARE APPROXIMATE AND SHOULD BE VERIFIED BY CONTRACTOR. DIG SAFELY DELAWARE (811) SHALL BE NOTIFIED A MINIMUM OF 72-HOURS PRIOR TO COMMENCING ANY EXCAVATION.
 - THIS IS A PRELIMINARY DESIGN PLAN PROVIDED FOR PERMITTING ONLY. FINAL DESIGN SHALL BE MODIFIED TO SUPPORT CONSTRUCTION. MATCH FINAL ELECTRICAL INTERCONNECTION STUDIES, EQUIPMENT PURCHASED, AND POSSIBLE PERMIT CONSTRAINTS REVEALED DURING PROJECT'S REVIEW.
 - NO SOURCE OF WATER IS AVAILABLE AT THE SITE OR IMMEDIATE AREA TO SUPPORT FIRE FIGHTING.
 - NO BUILDINGS ARE EXISTING OR PROPOSED.
 - THE 1-FOOT TOPOGRAPHY AND PROPERTY BOUNDARY SHOWN ON THESE DRAWINGS WERE PROVIDED TO TRC BY GREENMAN-PEDERSEN, INC. ON JANUARY 19, 2022.

| ZONING CONFORMANCE TABLE | | |
|--------------------------|-----------------------------|---|
| Zoning Code Description | Zoning Code Requirement | Proposed Project |
| Zoning Designation | Agricultural Residential -1 | Agricultural Residential - 1 |
| Minimum Lot Area | 10,000 square feet | 3,043.621 square feet |
| Minimum Lot Width | 150 feet | 1,353 feet |
| Minimum Lot Depth | 100 feet | 2127 feet |
| Maximum Building Height | 42 feet | Not Applicable (Equipment height not more than 12 feet) |
| Front Yard Depth | 40 feet | 799 feet |
| Side Yard Depth | 10 feet | 41 feet |
| Rear Yard Depth | 10 feet | 67 feet |

ISSUED FOR CONDITIONAL USE
 PERMIT REVIEW 01/27/2022
 NOT FOR CONSTRUCTION

SCALE: 1" = 150'
 SHEET SIZE: 24" BY 36"
 (DRAWING MAY BE PRINTED AT REDUCED SIZE)

1430 Broadway
 10th Floor
 New York, NY 10018
 Phone: 212.251.7822

TRC

edf renewables

SEVEN DAY WEEKLY LICENSE
 No. 8200
 PROFESSIONAL ENGINEER

Revisions:
 No. Date
 1 01/27/2022

Drawn by:
 EK, CV

Design by:
 CG

Checked by:
 SM

**EDF RENEWABLES DISTRIBUTED SOLUTIONS
 BROOM SOLAR PROJECT
 ADJACENT TO 32419 FRANKFORD SCHOOL ROAD
 FRANKFORD, DELAWARE 19945**

Contract No:
 376627

Scale:
 AS NOTED

Date:
 MAY 2021

Sheet:
 SITE PLAN

Drawing No:
 C-3.0

TRC Project No: 376627.0000.0000



| PROJECT SUMMARY | | |
|--|---------------------|----------------|
| ARRAY TYPE | SAT | |
| ARRAY ORIENTATION (°) | 180 | |
| | PV MODULE 1 | PV MODULE 2 |
| PV MODULE MANUFACTURER | CANADIAN SOLAR | |
| PV MODULE MODEL | CS3W-445-MB-AG | CS3W-400-PB-AG |
| PV MODULE WATTAGE (W) | 445 | 400 |
| PV MODULE QUANTITY | 6966 | 2322 |
| PV MODULES PER STRING | 27 | |
| PV MODULES PER TRACKER / TABLE | 54 / 72 | |
| TRACKER / TABLE QUANTITY | 168 / 12 | |
| TRACKER PITCH / TABLE ROW SPACING (FT) | 48.27 | |
| | INVERTER 1 | INVERTER 2 |
| INVERTER MANUFACTURER | CHINT POWER SYSTEMS | |
| INVERTER MODEL | SCH125KTL-DOUS-600 | |
| INVERTER RATING (KWAC) | 125 | |
| INVERTER QUANTITY | 24 | |
| TOTAL PV MODULE CAPACITY (KWDC) | 4028.67 | |
| TOTAL INVERTER CAPACITY (KWAC) | 3,000 | |
| AREA WITHIN FENCE (ACRES) | 25.97 | |
| LENGTH OF FENCE (FT) | 4,866.7 | |
| LENGTH OF ACCESS DRIVE (FT) | 1,714 | |

| LEGEND | |
|------------|--|
| SYMBOL | DESCRIPTION |
| --- | EXISTING PROPERTY LINE |
| - - - - | APPROXIMATE EXISTING ABUTTER PROPERTY LINE |
| --- | PROPOSED PROJECT FENCE |
| --- | PROPOSED GRAVEL ACCESS DRIVEWAY |
| MV | PROPOSED MEDIUM VOLTAGE CIRCUIT |
| OE | PROPOSED OVERHEAD LINE |
| ○ | PROPOSED OVERHEAD POLES |
| - - - - 65 | EXISTING MAJOR CONTOUR (FEET) |
| - - - - 54 | EXISTING MINOR CONTOUR (FEET) |
| --- | TAX DITCH RIGHT-OF-WAY LIMIT |
| --- | LIMITS OF DISTURBANCE |

| ZONING CONFORMANCE TABLE | | |
|--------------------------|-----------------------------|---|
| Zoning Code Description | Zoning Code Requirement | Proposed Project |
| Zoning Designation | Agricultural Residential -1 | Agricultural Residential -1 |
| Minimum Lot Area | 10,000 square feet | 3,043,621 square feet |
| Minimum Lot Width | 150 feet | 1,383 feet |
| Minimum Lot Depth | 100 feet | 2127 feet |
| Maximum Building Height | 42 feet | Not Applicable (Equipment height not more than 12 feet) |
| Front Yard Depth | 40 feet | 799 feet |
| Side Yard Depth | 10 feet | 41 feet |
| Rear Yard Depth | 10 feet | 67 feet |

- NOTES**
- AREAS OUTSIDE PROPOSED FENCE TO REMAIN AS OPEN SPACE.
 - ADJOINING PROPERTY OWNER INFORMATION SHOWN ARE FROM SUSSEX COUNTY GIS PORTAL. (<https://maps.sussexcountycolorado.gov/applications/map.html>)
 - SITE IS NOT LOCATED IN A 100-YEAR OR 500-YEAR FLOOD PLAIN
 - EXISTING UTILITIES ARE APPROXIMATE AND SHOULD BE VERIFIED BY CONTRACTOR. DIG SAFELY DELAWARE (811) SHALL BE NOTIFIED A MINIMUM OF 72-HOURS PRIOR TO COMMENCING ANY EXCAVATION.
 - THIS IS A PRELIMINARY DESIGN PLAN PROVIDED FOR PERMITTING ONLY. FINAL DESIGN SHALL BE MODIFIED TO SUPPORT CONSTRUCTION, MATCH FINAL ELECTRICAL INTERCONNECTION STUDIES, EQUIPMENT PURCHASED, AND POSSIBLE PERMIT CONSTRAINTS REVEALED DURING PROJECTS REVIEW.
 - NO SOURCE OF WATER IS AVAILABLE AT THE SITE OR IMMEDIATE AREA TO SUPPORT FIRE FIGHTING.
 - NO BUILDINGS ARE EXISTING OR PROPOSED.
 - THE 1-FOOT TOPOGRAPHY AND PROPERTY BOUNDARY SHOWN ON THESE DRAWINGS WERE PROVIDED TO TRC BY GREENMAN-PEDERSEN, INC. ON JANUARY 19, 2022.

1430 Broadway
10th Floor
New York, NY 10018
Phone: 212.221.7822

TRC

edf renewables

STEVEN D. WEEB
LICENSE
No. 8200
PROFESSIONAL ENGINEER

Revisions:
No. Date:
1 01/27/2022

Drawn by:
EK, CV

Design by:
CG

Checked by:
SM

**EDF RENEWABLES DISTRIBUTED SOLUTIONS
BROOM SOLAR PROJECT
ADJACENT TO 32419 FRANKFORD SCHOOL ROAD
FRANKFORD, DELAWARE 19945**

Contract No:
376627

Scale:
AS NOTED

Date:
MAY 2021

Sheet:
SITE PLAN NORTH

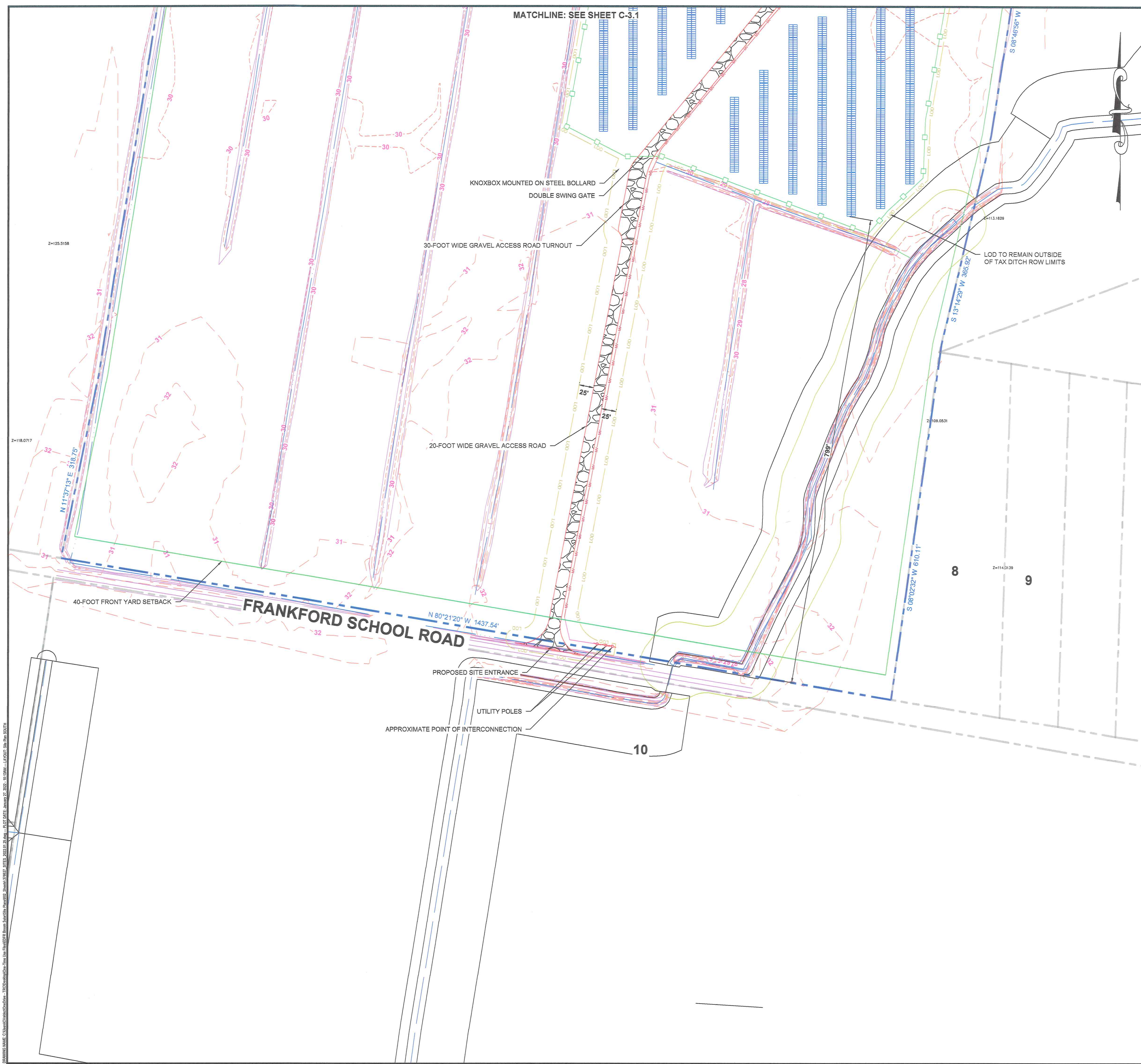
Drawing No:
C-3.1

ISSUED FOR CONDITIONAL USE
PERMIT REVIEW 01/27/2022
NOT FOR CONSTRUCTION

SCALE: 1" = 80'
SHEET SIZE: 24" BY 36"
(DRAWING MAY BE PRINTED AT REDUCED SIZE)

DRAWING NAME: C:\Users\jchambers\OneDrive\Documents\Broom Solar\Broom Solar.dwg; PLOT DATE: January 27, 2022; 10:44AM; LAYOUT: 08a; THE NORTH

MATCHLINE: SEE SHEET C-3.2



MATCHLINE: SEE SHEET C-3.1

| PROJECT SUMMARY | | |
|--|---------------------|----------------|
| ARRAY TYPE | SAT | |
| ARRAY ORIENTATION (°) | 180 | |
| | PV MODULE 1 | PV MODULE 2 |
| PV MODULE MANUFACTURER | CANADIAN SOLAR | |
| PV MODULE MODEL | CS3W-445-MB-AG | CS3W-400-PB-AG |
| PV MODULE WATTAGE (W) | 445 | 400 |
| PV MODULE QUANTITY | 6966 | 2322 |
| PV MODULES PER STRING | 27 | |
| PV MODULES PER TRACKER / TABLE | 54 / 72 | |
| TRACKER / TABLE QUANTITY | 168 / 12 | |
| TRACKER PITCH / TABLE ROW SPACING (FT) | 48.27 | |
| | INVERTER 1 | INVERTER 2 |
| INVERTER MANUFACTURER | CHINT POWER SYSTEMS | |
| INVERTER MODEL | SCH125KTL-DOJUS-600 | |
| INVERTER RATING (KWAC) | 125 | |
| INVERTER QUANTITY | 24 | |
| TOTAL PV MODULE CAPACITY (KWDC) | 4028.67 | |
| TOTAL INVERTER CAPACITY (KWAC) | 3,000 | |
| AREA WITHIN FENCE (ACRES) | 25.97 | |
| LENGTH OF FENCE (FT) | 4,866.7 | |
| LENGTH OF ACCESS DRIVE (FT) | 1,714 | |

LEGEND

| SYMBOL | DESCRIPTION |
|---------------------------------|--|
| — (dashed blue) | EXISTING PROPERTY LINE |
| — (dashed grey) | APPROXIMATE EXISTING ADJUTER PROPERTY LINE |
| — (dashed green) | PROPOSED PROJECT FENCE |
| — (dashed red with cross-hatch) | PROPOSED GRAVEL ACCESS DRIVEWAY |
| — (dashed red with 'MV') | PROPOSED MEDIUM VOLTAGE CIRCUIT |
| — (dashed red with 'OE') | PROPOSED OVERHEAD LINE |
| — (dashed red with circle) | PROPOSED OVERHEAD POLES |
| — (dashed pink with '55') | EXISTING MAJOR CONTOUR (FEET) |
| — (dashed pink with '54') | EXISTING MINOR CONTOUR (FEET) |
| — (dashed black) | TAX DITCH RIGHT-OF-WAY LIMIT |
| — (dashed yellow) | LIMITS OF DISTURBANCE |

| ZONING CONFORMANCE TABLE | | |
|--------------------------|-----------------------------|---|
| Zoning Code Description | Zoning Code Requirement | Proposed Project |
| Zoning Designation | Agricultural Residential -1 | Agricultural Residential -1 |
| Minimum Lot Area | 10,000 square feet | 3,043,621 square feet |
| Minimum Lot Width | 150 feet | 1,353 feet |
| Minimum Lot Depth | 100 feet | 2127 feet |
| Maximum Building Height | 42 feet | Not Applicable (Equipment height not more than 12 feet) |
| Front Yard Depth | 40 feet | 799 feet |
| Side Yard Depth | 10 feet | 41 feet |
| Rear Yard Depth | 10 feet | 67 feet |

NOTES

- AREAS OUTSIDE PROPOSED FENCE TO REMAIN AS OPEN SPACE
- ADJOINING PROPERTY OWNER INFORMATION SHOWN ARE FROM SUSSEX COUNTY GIS PORTAL (HTTPS://MAPS.SUSSEXCOUNTYDE.GOV/PZAPPLICATIONS/MAP.HTML)
- SITE IS NOT LOCATED IN A 100-YEAR OR 500-YEAR FLOOD PLAIN
- EXISTING UTILITIES ARE APPROXIMATE AND SHOULD BE VERIFIED BY CONTRACTOR. DIG SAFELY DELAWARE (811) SHALL BE NOTIFIED A MINIMUM OF 72-HOURS PRIOR TO COMMENCING ANY EXCAVATION.
- THIS IS A PRELIMINARY DESIGN PLAN PROVIDED FOR PERMITTING ONLY. FINAL DESIGN SHALL BE MODIFIED TO SUPPORT CONSTRUCTION. MATCH FINAL ELECTRICAL INTERCONNECTION STUDIES, EQUIPMENT PURCHASED, AND POSSIBLE PERMIT CONSTRAINTS REVEALED DURING PROJECT'S REVIEW.
- NO SOURCE OF WATER IS AVAILABLE AT THE SITE OR IMMEDIATE AREA TO SUPPORT FIRE FIGHTING.
- NO BUILDINGS ARE EXISTING OR PROPOSED.
- THE 1-FOOT TOPOGRAPHY AND PROPERTY BOUNDARY SHOWN ON THESE DRAWINGS WERE PROVIDED TO TRC BY GREENMAN-PEDERSEN, INC. ON JANUARY 19, 2022.

1430 Broadway
10th Floor
New York, NY 10018
Phone: 212.251.7822



| Revisions: | |
|------------|------------|
| No. | Date: |
| 1 | 01/27/2022 |

Drawn by:
EK, CV

Design by:
CG

Checked by:
SM

EDF RENEWABLES DISTRIBUTED SOLUTIONS
BROOM SOLAR PROJECT
ADJACENT TO 32419 FRANKFORD SCHOOL ROAD
FRANKFORD, DELAWARE 19945

Contract No:
376627

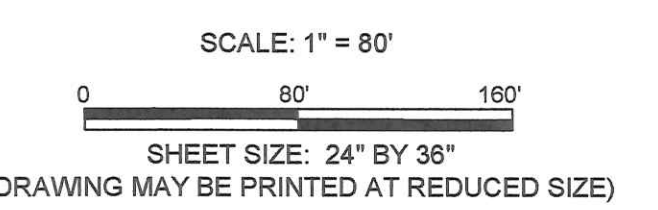
Scale:
AS NOTED

Date:
MAY 2021

Sheet:
SITE PLAN SOUTH

Drawing No:
C-3.2

ISSUED FOR CONDITIONAL USE
PERMIT REVIEW 01/27/2022
NOT FOR CONSTRUCTION



C:\Users\jmc\OneDrive\Documents\12022\Broom Solar\Broom Solar.dwg - 1/27/2022 10:52:30 AM - 1/27/2022 10:52:30 AM - 1/27/2022 10:52:30 AM

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

This paperless packet is published on the County's website for convenience purposes, and only includes information received up to the close of business on the day before a public hearing. Documents received after this, or documents submitted during the public hearing are not uploaded to the Paperless Packet. The legal record is the paper record maintained in the Offices of the Planning & Zoning Department.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: February 10th, 2022

Application: CU 2305 Barnhill Preserve of Delaware, LLC

Applicant: Barnhill Preserve of Delaware, LLC
34215 Peppers Corner Road
Frankford, DE 19945

Owner: Joshua E. Mueller
34215 Peppers Corner Road
Frankford, DE 19945

Site Location: Lying on the north east side of Peppers Corner Road (S.C.R.365)
approximately 350-feet southeast of Beaver Dam Road (S.C.R. 368)

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Zoning: Agricultural Residential (AR-1) Zoning District

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Rieley

School District: Indian River School District

Fire District: Millville Fire Department

Sewer: On-site septic

Water: On-site well

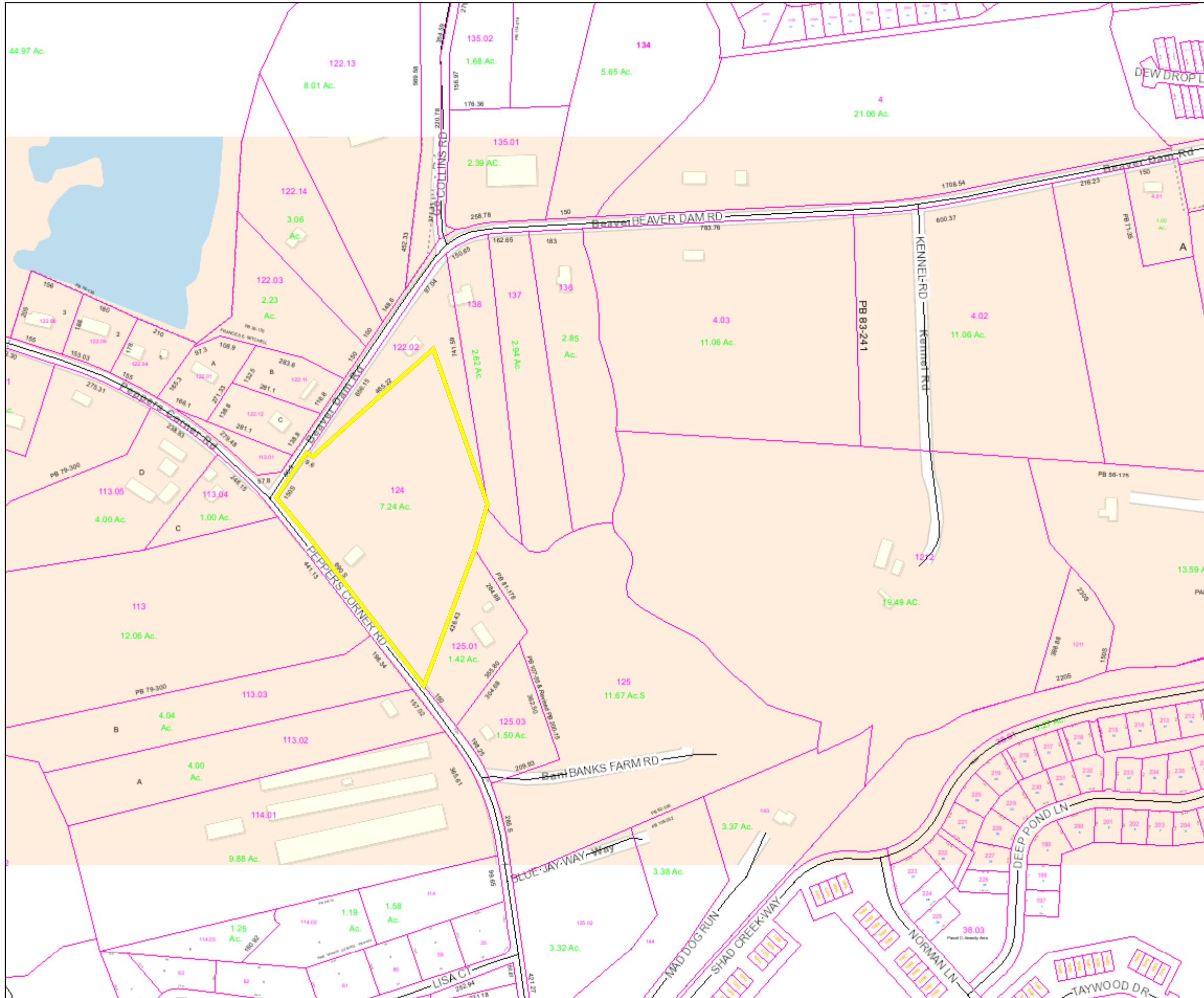
Site Area: 7.24 acres +/-

Tax Map ID.: 134-15.00-124.00





Sussex County



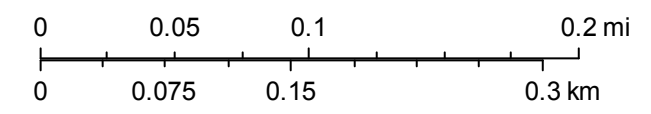
| | |
|------------------------|----------------------|
| PIN: | 134-15.00-124.00 |
| Owner Name | MUELLER JOSHUA E |
| Book | 5051 |
| Mailing Address | 32415 PEPPERS CORNER |
| City | FRANKFORD |
| State | DE |
| Description | N/CO RD BAYARD |
| Description 2 | TO ABIES |
| Description 3 | N/A |
| Land Code | |

- polygonLayer**

 - Override 1
- polygonLayer**

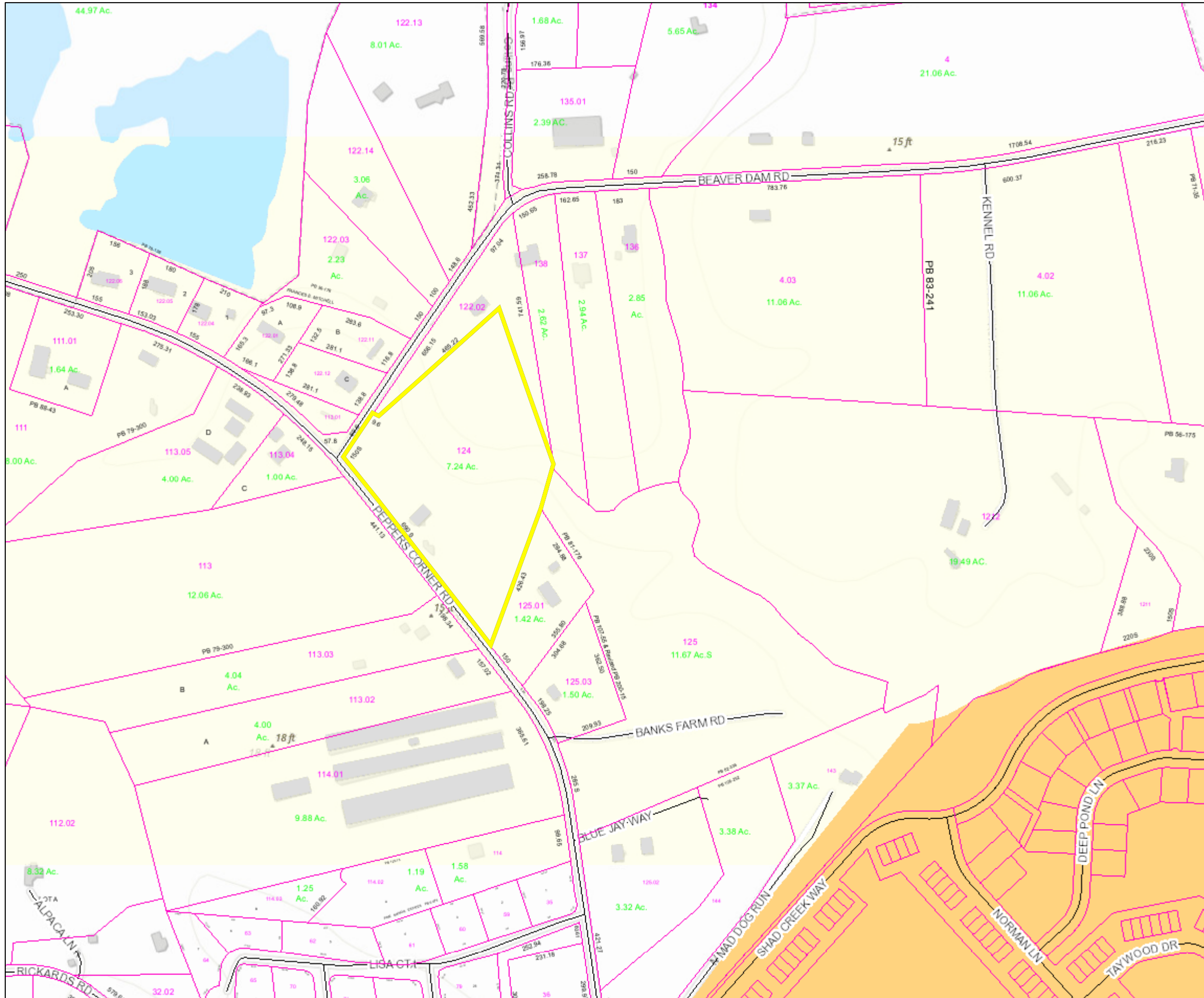
 - Override 1
 - Tax Parcels
 - Streets
 - County Boundaries

1:4,514





Sussex County



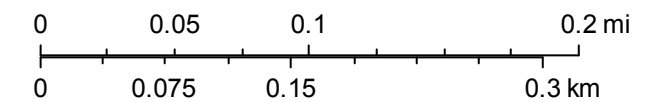
| | |
|------------------------|----------------------|
| PIN: | 134-15.00-124.00 |
| Owner Name | MUELLER JOSHUA E |
| Book | 5051 |
| Mailing Address | 32415 PEPPERS CORNER |
| City | FRANKFORD |
| State | DE |
| Description | N/CO RD BAYARD |
| Description 2 | TO ABIES |
| Description 3 | N/A |
| Land Code | |

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
 - Tax Parcels
 - Streets

1:4,514



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Ms. Lauren DeVore, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: February 3, 2022
RE: Staff Analysis for CU 2305 Barnhill Preserve of Delaware, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2305 Barnhill Preserve of Delaware, LLC to be reviewed during the February 10, 2022 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel: 134-15.00-124.00 to allow for a zoological park to be located at 34215 Peppers Corner Road in Frankford, Delaware. The property is lying on the south side of Beaver Dam Road (S.C.R. 368) and on the northeast side of Peppers Corner Road (S.C.R. 365), approximately 0.61 mile southeast of Roxana Road (Route 71). The parcel consists of 7.24 acres +/-.

It should be noted that there is a tax ditch (the Beaver Dam Canal Tax Ditch) which runs through the center of the abovementioned property, of which the related tax ditch ROW is measured 50-ft from the top of bank (TOB) of the tax ditch. The tax ditch ROW was reduced to 50-ft through Court Order Change #39. It should be noted that all existing and proposed structures in relation to this proposal shall be relocated out of any tax ditch ROW.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the parcel has a designation of "Coastal Area." The parcels to the north, south, west (on the opposite side of Peppers Corner Road), and east of the subject property also have the Future Land Use designation of "Coastal Area." The property to the north of the parcels on the opposite side of Beaver Dam Road (S.C.R. 367) has a Future Land Use designation of "Municipalities" as these properties are located within the incorporated town limits of the Town of Millville.

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and



to allow people to work close to home. Major new industrial uses are not proposed in these areas (Sussex County Comprehensive Plan, 4-15).

The subject property is zoned Agricultural Residential (AR-1). All surrounding properties to the north, south, east, and west of the subject site are also zoned Agricultural Residential (AR-1).

There is a single parcel to the south which encompasses the Milo's Haven (F.K.A. Lakelynn's) Residential Planned Community which is zoned General Residential – Residential Planned Community (GR-RPC).

Since 1970, there have been several Conditional Uses within the vicinity of the project site. There have been four (4) Conditional Use applications within less than a 0.25-mile radius of the application site. The first application was Conditional Use No. 1254 for Bethany Beach Kennels to allow for a pet crematory in the Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, December 8, 1998, and this change was adopted through Ordinance No. 1275. The second application was Conditional Use No. 825 Morris E. Justice to allow for operation of a borrow pit in the Agricultural Residential (AR-1) Zoning District. This application was denied by the Sussex County Council on Tuesday, July 23, 1985. The third application was Conditional Use No. 1896 Timothy S. Miller for purposes of allowing mulch, boat and RV storage in an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, August 2, 2011, and adopted through Ordinance No. 2206. The fourth application is for Conditional Use No. 2338 Lora Collins for purposes of an after-school program in an Agricultural Residential (AR-1) Zoning District. This application is currently pending scheduling for a public hearing before the Planning and Zoning Commission.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use to allow for a zoological park, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

| Owner Name | Second Owner Name | Mailing Address | City | State | Zipcode | PIN |
|--|--|-------------------------|---------------|-------|---------|------------------|
| GREENE RALPH W & SANDRA M | <Null> | 35316 BEAVER DAM RD | FRANKFORD | DE | 19945 | 134-15.00-122.02 |
| ZUKAS MICHAEL S | <Null> | PO BOX 880 | BETHANY BEACH | DE | 19930 | 134-15.00-122.03 |
| HERDA PAMELA S | <Null> | 28099 ADKINS RD | SALISBURY | MD | 21801 | 134-15.00-113.03 |
| MUSTIN WILLIAM L III | MUSTIN MELISSA C | 216 ROLING KNOLL ROAD | BEL AIR | MD | 21014 | 134-15.00-125.03 |
| ZUKAS MICHAEL | <Null> | PO BOX 880 | BETHANY BEACH | DE | 19930 | 134-15.00-122.11 |
| PICKHOLTZ ERIC M & ALAN I PICKHOLTZ | <Null> | 6850 ANTINORI LN | BOYNTON BEACH | FL | 33437 | 134-15.00-122.12 |
| WARNER BRIAN J LINDA | <Null> | 35347 BEAVER DAM RD | FRANKFORD | DE | 19945 | 134-15.00-122.13 |
| RUHL WILLIAM A & MICHELE S | <Null> | 35323 BEAVER DAM RD | FRANKFORD | DE | 19945 | 134-15.00-122.14 |
| MUELLER JOSHUA E | <Null> | 32415 PEPPERS CORNER RD | FRANKFORD | DE | 19945 | 134-15.00-124.00 |
| MUSTIN WILLIAM L III | MUSTIN MELISSA C | 216 ROLING KNOLL ROAD | BEL AIR | MD | 21014 | 134-15.00-125.00 |
| ZIFF ALYSSA TTEE OF ALYSSA ZIFF REV TR | <Null> | 36144 BAYARD RD | FRANKFORD | DE | 19945 | 134-15.00-114.01 |
| JONES BRYAN T | COLLEEN S JONES | 34214 PEPPERS CORNER RD | FRANKFORD | DE | 19945 | 134-15.00-113.00 |
| MORGAN KATHLEEN MARIE | JEANNETTE SUE CHURCHILL | 36672 BREAKWATER RUN | SELBYVILLE | DE | 19975 | 134-15.00-113.01 |
| ZIFF ALYSSA TTEE OF ALYSSA ZIFF REV TR | <Null> | 36144 BAYARD RD | FRANKFORD | DE | 19945 | 134-15.00-113.02 |
| TANNER GARY M | <Null> | 10509 DEAKINS HALL DR | ADELPHI | MD | 20783 | 134-15.00-125.01 |
| GACK ARTHUR H | JAANA E GACK | 35378 BEAVER DAM RD | FRANKFORD | DE | 19945 | 134-15.00-137.00 |
| GAINES ROBERT N SR & BARBARA E | HOVINGTON | 35358 BEAVER DAM RD | FRANKFORD | DE | 19945 | 134-15.00-138.00 |
| LEWIS MARGARET ANN *FOR LIFE* THEN TO | WILLIAM A LEWIS & TERESA L LEWIS TRUSTEE | 34154 PEPPERS CORNER RD | FRANKFORD | DE | 19945 | 134-15.00-113.04 |

Planning & Zoning Commission Application Sussex County, Delaware

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

Type of Application: (please check applicable)

Conditional Use
Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

34215 Peppers Corner Road, Frankford, DE 19945

Type of Conditional Use Requested:

Zoological Park

Tax Map #: 134-15.00-124.00 **Size of Parcel(s):** +/- 7.24 Acres

Current Zoning: AR-1 **Proposed Zoning:** AR-1 **Size of Building:** Varies - see plan

Land Use Classification: Zoological Park

Water Provider: On-site well **Sewer Provider:** On-site septic

Applicant Information

Applicant Name: Barnhill Preserve of Delaware, LLC (contact: Joshua Mueller)

Applicant Address: 34215 Peppers Corner Road

City: Frankford **State:** DE **Zip Code:** 19945

Phone #: _____ **E-mail:** j.mueller@barnhillpreserve.com

Owner Information

Owner Name: Joshua E. Mueller

Owner Address: 34215 Peppers Corner Road

City: Frankford **State:** DE **Zip Code:** 19945

Phone #: _____ **E-mail:** j.mueller@barnhillpreserve.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: LandDesign/ Plitko LLC (contact: Tom Ford)

Agent/Attorney/Engineer Address: Oak Square, Suite 3, 53 Atlantic Avenue

City: Ocean View **State:** DE **Zip Code:** 19970

Phone #: (302) 537-1919 **E-mail:** tjford51@aol.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- ✓ **Completed Application**
- ✓ **Provide eight (8) copies of the Site Plan or Survey of the property**
 - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
 - Provide a PDF of Plans (may be e-mailed to a staff member)
 - Deed or Legal description
- ✓ **Provide Fee \$500.00**
- ✓ **Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- ✓ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**
- ✓ **DeIDOT Service Level Evaluation Request Response**
- ✓ **PLUS Response Letter** (if required)

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

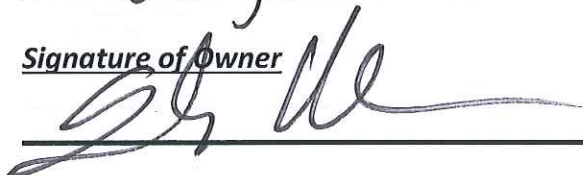
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



Date: 9/1/21

Signature of Owner



Date: 9/1/21

For office use only:

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

Subdivision: _____
Date of PC Hearing: _____ Recommendation of PC Commission: _____
Date of CC Hearing: _____ Decision of CC: _____



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

NICOLE MAJESKI
SECRETARY

April 12, 2021

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Mr. Whitehouse:

This letter is to replace our letter dated April 9, 2021, regarding the **Joshua Mueller** proposed land use application. We are revising it to reflect a more specific land use.

The Department has completed its review of a Service Level Evaluation Request for the **Joshua Mueller** proposed land use application, which we received on March 30, 2021. This application is for an approximately 7.24- acre parcel (Tax Parcel: 134-15.00-124.00). The subject land is located on the southeast corner of Beaver Dam Road (Sussex Road 18) and Peppers Corner Road (Sussex Road 365). The subject land is currently zoned AR- 1 (Agricultural Residential) and the applicant seeks a conditional use approval for a Zoological Park.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Peppers Corner Road (Sussex Road 365), from Beaver Dam Road to Central Avenue is 1,864 vehicles per day. The annual average daily traffic volume along Beaver Dam Road (Sussex Road 368), from Peppers Corner Road to Central Avenue (Sussex Road 84), is 1,999 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips per day. This number of trips is below DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DelDOT's regulations specify the minimum TIS warrants as 50 vehicle trips in any hour and/or 500 vehicle trips per day. Because the proposed land use would generate fewer than 50 vehicle trips per day, we consider the development's traffic impact to be **diminutive** in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT's description of this application as diminutive with regard to warranting a TIS does not mean that it is diminutive in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.



Mr. Jamie Whitehouse
Page 2 of 2
April 12, 2021

If the County approves this application, the applicant should be reminded that DeIDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.

Please contact Ms. Annamaria Furmato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:aff

Enclosure

cc: Joshua Mueller, a Delaware LLC, Applicant
Russell Warrington, Sussex County Planning & Zoning
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Scott Rust, South District Public Works Manager, Maintenance & Operations
Steve McCabe, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination
Annamaria Furmato, Project Engineer, Development Coordination



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

NICOLE MAJESKI
SECRETARY

April 9, 2021

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Joshua Mueller** proposed land use application, which we received on March 30, 2021. This application is for an approximately 7.24- acre parcel (Tax Parcel: 134-15.00-124.00). The subject land is located on the southeast corner of Beaver Dam Road (Sussex Road 18) and Peppers Corner Road (Sussex Road 365). The subject land is currently zoned AR- 1 (Agricultural Residential) and the applicant seeks a conditional use approval for Agrotourism.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Peppers Corner Road (Sussex Road 365), from Beaver Dam Road to Central Avenue is 1,864 vehicles per day. The annual average daily traffic volume along Beaver Dam Road (Sussex Road 368), from Peppers Corner Road to Central Avenue (Sussex Road 84), is 1,999 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips per day. This number of trips is below DeIDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DeIDOT's regulations specify the minimum TIS warrants as 50 vehicle trips in any hour and/or 500 vehicle trips per day. Because the proposed land use would generate fewer than 50 vehicle trips per day, we consider the development's traffic impact to be **diminutive** in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DeIDOT's description of this application as diminutive with regard to warranting a TIS does not mean that it is diminutive in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.



Mr. Jamie Whitehouse
Page 2 of 2
April 9, 2021

If the County approves this application, the applicant should be reminded that DeIDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.

Please contact Ms. Annamaria Furmato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:aff

Enclosure

cc: Joshua Mueller, a Delaware LLC, Applicant
Russell Warrington, Sussex County Planning & Zoning
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Scott Rust, South District Public Works Manager, Maintenance & Operations
Steve McCabe, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination
Annamaria Furmato, Project Engineer, Development Coordination

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

RECEIVED

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **1/14/2022**

APPLICATION: **CU 2305 Barnhill Preserve of Delaware, LLC**

APPLICANT: **Barnhill Preserve of Delaware, LLC**

FILE NO: **SPS-5.04**

TAX MAP &
PARCEL(S): **134-15.00-124.00**

LOCATION: **Lying on the east side of Peppers Corner Road (SCR 365),
approximately 350 feet southeast of Beaver Dam Road (SCR
368)**

NO. OF UNITS: **Zoological Park**

GROSS
ACREAGE: **7.24**

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

JAN 19 2022

SUSSEX COUNTY
PLANNING & ZONING

SEWER:

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes No
 - a. If yes, see question (2).
 - b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 2**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **Yes** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A.** Is it likely that additional SCCs will be required? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Noell Warren** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **Yes**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **Yes**
- (8). Comments: **Click or tap here to enter text.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-7370 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



John J. Ashman
Sr. Manager of Utility Planning & Design Review

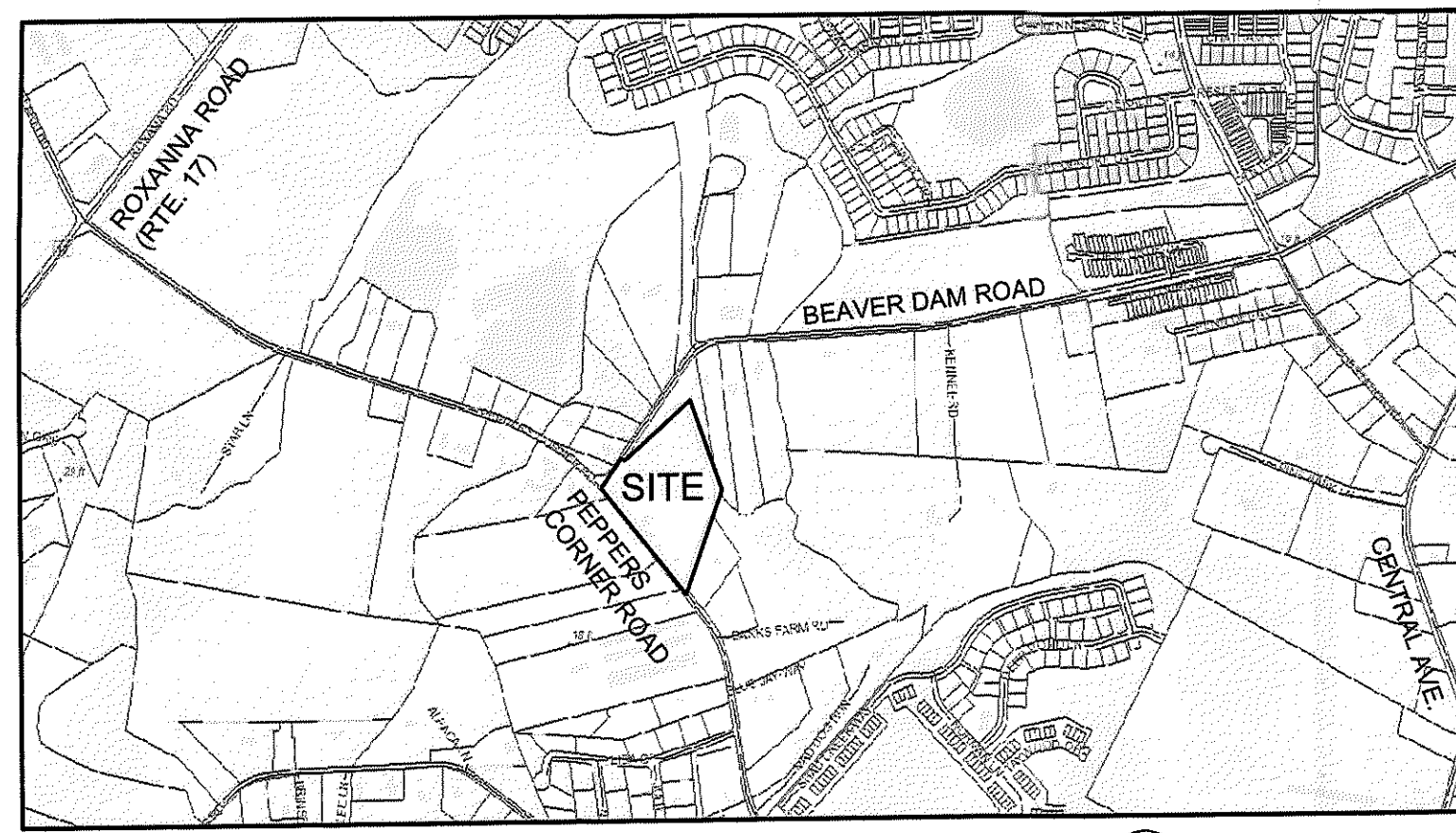
Xc: Hans M. Medlarz, P.E.
Lisa Walls
Noell Warren

Policy for Extending District Boundaries

1. Property owner (developer) and/or his representative shall make a request to the Utility Planning Division for a Sewer System Concept Evaluation.
2. Property owner (developer) and/or his representative shall meet with the applicable planning and zoning agency to determine if zoning is appropriate for the development being planned.
3. With appropriate zoning, property owner (developer) and/or his representative shall send a letter (with appropriate application fee as listed below) requesting the Sussex County Council to consider extending the water and/or sanitary sewer district boundaries. (Sussex County Code)

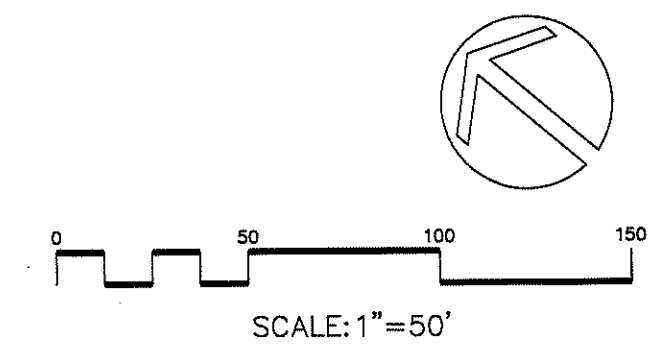
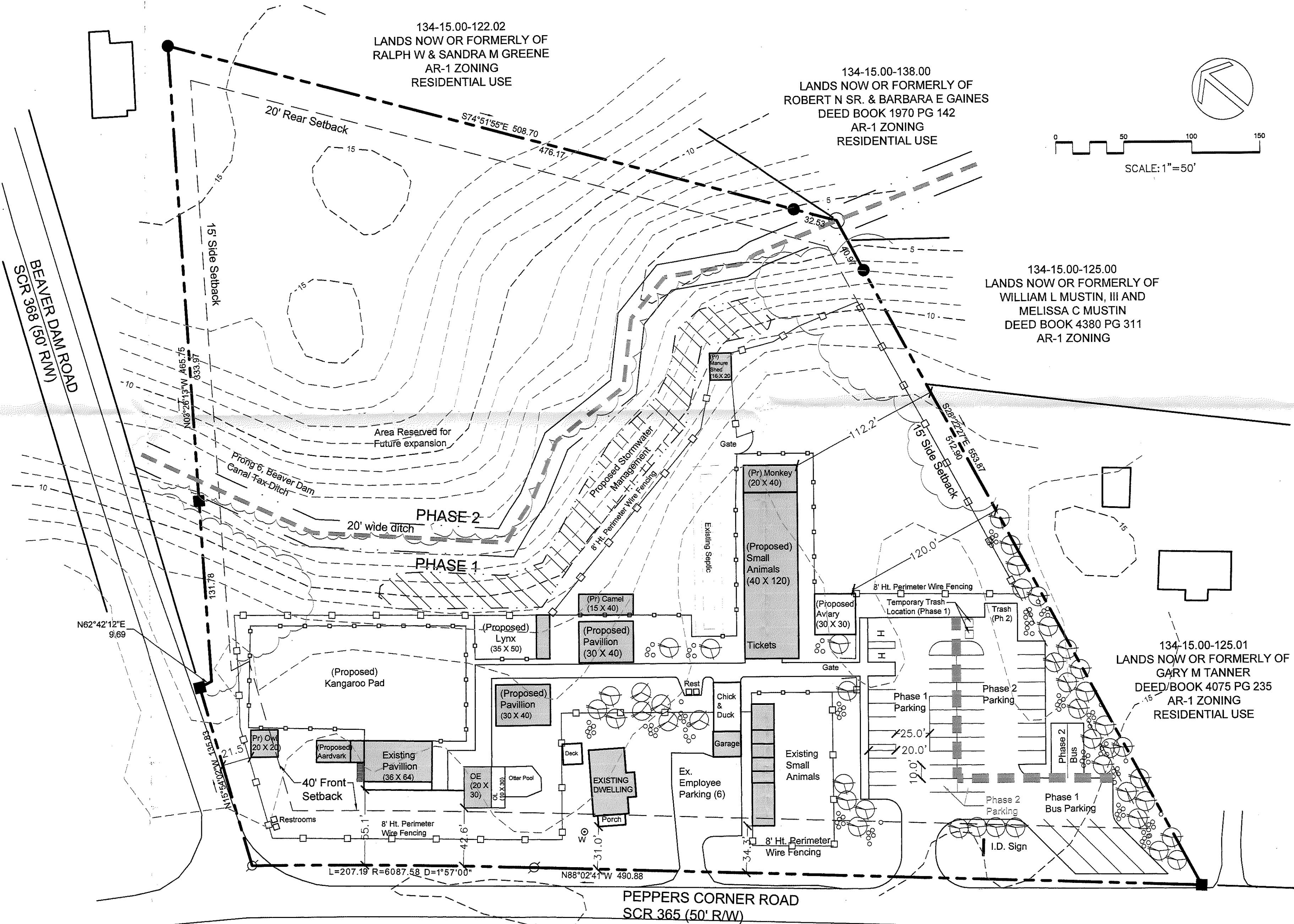
| Application Fees | |
|----------------------------------|-------------------|
| Less than 2 acres | \$500.00 |
| 2.1 -9.99 acres | \$750.00 |
| 10 - 150.00 acres | \$1,500.00 |
| Greater than 150.00 acres | \$2,500.00 |

4. The Sussex County Engineering Department shall present, for Sussex County Council's consideration, posting of notices for the proposed extension of the district boundaries.
5. The Sussex County Council approves posting notices for the proposed extension of the boundaries. (If approval to post the notices is not given, the appropriate fee is refunded.)
6. Within ninety days of the posting of the notices, the Sussex County Council approves/disapproves extending the boundaries.
7. The Sussex County Council approves/disapproves of the extension of the water and/or sanitary sewer pipelines under the appropriate Sussex County Ordinance.



VICINITY MAP
SCALE: 1"=1000'

- LEGEND:**
- PARCEL BOUNDARY
 - BUILDING SETBACK LINE
 - - - EXISTING TOPOGRAPHY
 - - - EXISTING TREELINE
 - ⊙ EXISTING WELL LOCATION
 - PROPOSED 8' PERIMETER FENCE LINE
 - PROPOSED ANIMAL ENCLOSURE FENCE LINE
 - PROPOSED PHASE LINE
 - PROPOSED LANDSCAPE PLANTINGS
 - ▨ PROPOSED STORMWATER MANAGEMENT (TO BE ENGINEERED)



SITE DATA:

1. TAX PARCEL: 134-15.00-124.00
PARCEL AREA: ±7.24 AC.
- LOCATION: 34215 PEPPERS CORNER ROAD
FRANKFORD, DE 19945
2. OWNER: JOSHUA E. MUELLER
34215 PEPPERS CORNER ROAD
FRANKFORD, DE 19945
- DEVELOPER: BARNHILL PRESERVE OF
DELAWARE, LLC
34215 PEPPERS CORNER ROAD
FRANKFORD, DE 19945
3. PRESENT ZONING: AR-1
PRESENT LAND USE: RESIDENTIAL/ WILDLIFE
EDUCATION CENTER
4. SEWER PROVIDER: ON-SITE SEPTIC
WATER PROVIDER: ON-SITE WELL
5. STATE INVESTMENT LEVEL: LEVEL 3

PROPOSED:

1. PROPOSED ZONING: AR-1 CONDITIONAL USE
PROPOSED LAND USE: ZOOLOGICAL PARK
PROPOSED BUILDINGS: AS SHOWN
2. BUILDING SETBACKS:
FRONT YARD: 40'
SIDE YARD: 15'
REAR YARD: 20'
MAX. BUILDING HEIGHT: 42'
3. PARKING: AS SHOWN
EXISTING: 6 EMPLOYEE SPACES
PHASE 1: 20 SPACES, 4 BUS SPACES
PHASE 2: 20 SPACES, 2 BUS SPACES

NOTES:

1. BOUNDARY SURVEY SOURCE: SIMPLER SURVEYING & ASSOCIATE FROM A DRAWING TITLED "LANDS OF GERALD K MUELLER & RUIHUA MUELLER", DATED AUGUST 4, 2005.
2. PRELIMINARY TOPOGRAPHY FROM SUSSEX COUNTY MAPPING WEBSITE. A TOPOGRAPHIC SURVEY WILL BE PERFORMED ON THE SITE AS THE PROJECT PROGRESSES.
3. THERE ARE NO FEDERAL 404 LANDS ON PHASE 1. THERE ARE NO STATE TIDAL WETLANDS ON PHASE 1. PHASE 2 TO BE EVALUATED FOR WETLANDS AT LATER DATE.
4. SITE IS IN FLOOD ZONE X (UNSHADED) AS SHOWN PER FEMA FLOOD MAP 10005C0495K DATED MARCH 16, 2015.

OWNER'S PLAN DEVELOPMENT APPROVAL:
I, as owner of the project shown, hereby approve these plans for development as shown or otherwise noted.

Joshua Mueller 9/1/21 Date
Joshua Mueller
Barnhill Preserve of Delaware, LLC

PREPARED BY

P PLITKO, L.L.C.
53 ATLANTIC AVE., STE 3
OCEAN VIEW, DE 19970
PH: 302-537-1919

Robert Plitko, Jr. 9-7-2021 Date
Robert Plitko, Jr., PE DE#14093

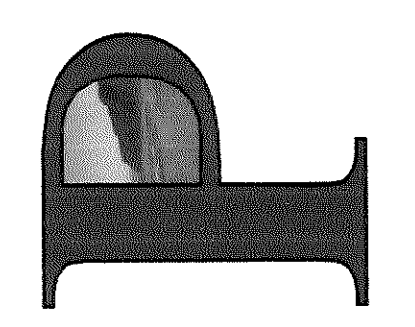
PRELIMINARY PLAN

REVISIONS

| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

LAND DESIGN
Surveying / Landscape Architecture
1001 S. DuPont Highway, Suite 403, Ocean View, DE 19970
Phone: 302-537-1919 / landdesign@landdesign.com

PLITKO, LLC
53 ATLANTIC AVE., STE 3
OCEAN VIEW, DE 19970
Phone: (302)-222-2075



PRELIMINARY PLAN
BARNHILL PRESERVE
34215 PEPPERS CORNER ROAD
BALTIMORE HUNDRED SUSSEX COUNTY DELAWARE

| | |
|----------------|-------------|
| SITE PLAN: TJF | DATE |
| DRAWING: RWB | 8/4/21 |
| REVIEW: SLF | |
| SHEET | 1 |
| | OF 1 SHEETS |

C:\Users\jag2017\Dropbox\Family Room\PLITKO.LLC_Plot\Barnhill_Bayard\Current\2021\0713-AR1.dwg, 9/1/2021 11:21:53 AM, HP Designfile 800 42 by HP, 1:1, LANDDESIGN, INC.

COVER LETTER

Enclosed you will find a letter from the Pickholtz Family requesting denial of the Application from Barnhill Preserve case no.# C/U 2305 to conduct a a large commercial enterprise in a Residential area.

In preparing this document we were surprised to learn that this Commercial Enterprise has been running for close to 2 years already without approval from any Sussex County licensing board. We have included some photos from their website.

We hope you will share this letter with the zoning board members and at the zoning meetings scheduled for Feb. 10th and March 22nd. We hope to attend both meetings either virtually and/or in person.

You can contact us in these ways at present:

email: barbarapickholtz@comcast.net

fax: 561 734-9008

mail: Barbara Pickholtz, 6850 Antinori Lane, Boynton Beach , FL 33437

RECEIVED

JAN 27 2022

SUSSEX COUNTY
PLANNING & ZONING

January 24, 2022

TO: Mr. Jamie Whitehouse, Director Sussex County Planning and Zoning Commission

FROM: The Pickholtz Family, 35271 Beaver Dam Road, Frankford , DE 19945

RE: Case # C/U 2305 - Barnhill Preserve of DE, LLC - Use of Land in an AR-1 for a Zoological Park in Frankford , DE

The Pickholtz Family members have been owners of residential properties in Sussex County since 1989. This letter is in reference to a currently owned property at 35271 Beaver Dam Road in Frankford and the zoning issue case listed above.

We believe that approval of this variance will impact in a negative way on the environment of this area, it's quiet beauty, and its residential nature. People who bought homes and live in this area did so to relax and enjoy this beautiful area of Sussex County knowing that no large commercial enterprise would be built in their backyards.

Furthermore, we do not understand how the owner of this property has already been allowed to actually conduct this business without county approval. The website for this commercial business indicates many activities already taking place, including the serving of liquor. Has the business been granted a liquor license ?

In researching the term "zoological park", we have found that most often these are large commercial enterprises. We feel this particular type of commercial enterprise has many downsides including safety issues, noise issues, traffic issues, waste management and rubble issues. It could also have a potential negative impact on the property values of the surrounding residents. This cannot compare to a small farm market or other small commercial endeavor by a landowner.

In addition, the zoo animals already living on the property, not domestic or farm animals, can sometimes be heard crying at night. Maybe the Humane Society or ASPCA should have input as to whether this is an appropriate use of residential/agricultural land?

We therefore urge you to deny this zoning request and to instruct the owner of the property to find a safe zoo for these animals. These animals belong in an appropriate environment? They are being kept here for the sole purpose of human amusement and large profits!

How VERY SAD !!



Book LA!

Barn Hill Louisiana

Book DE!

225-286-3003

Barn Hill Delaware

Sippin' With Sloths

Become fast friends with the slowest creature on earth while enjoying a glass of vino.



Sloths are the world's slowest creatures and are beloved by countless people. Barn Hill preserve is home to several two-toed sloths, and is now offering tickets for monthly Sippin with Sloths events!

During your time with us, you will learn all about sloth behavior and ecology, pose for so many selfies, and top it all off by hand-feeding one of our special slow-moving guests of honor! Oh and did we mention you get to drink wine while doing it?

Tickets are sold by table size and include a beverage for each seat, a private sloth encounter for your group, and a 4x6 glossy print of your encounter.

Slow Down

A sloth's top speed, when threatened is .17 MPH.

Animal Safety

A top priority is to ensure our animal ambassadors are safe and secure at all times.

Don't Touch!

A sloth's skin is extremely sensitive, and the oils from human hands can cause significant harm to them

Support Conservati

A portion of every ticket goes toward supporting conservation across the



Book LA!

Book DE!

225-286-3003

Barn Hill Louisiana

Barn Hill Delaware



The World of Animals is Waiting for You

Barn Hill is home to over 25 species of exotic animals including
two-toed sloths, red kangaroos, an armadillo and more!



City Visits

[Learn More](#)



Sippin With Sloths

[Learn More](#)



Kangaroo Yoga

[Learn More](#)



Paint N Sip

[Learn More](#)

Hear From Satisfied Park Guests

We use cookies on our website to see how you interact with it. By accepting, you agree to our use of such cookies. [Privacy Policy](#)

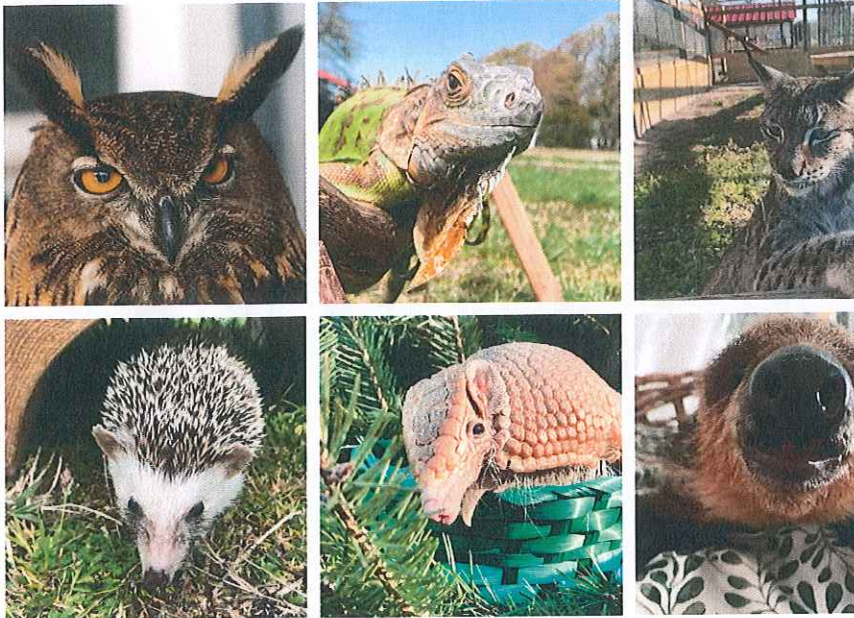
Settings

Accept



enthusiastic. They were protective of my children and gentle with the creatures. It was 2 hours of close animal encounters. Most but not all of the animals we got to pet and hold. There was not one boring moment. We were completely entertained. We were captive to the beautiful animals of Barn Hill Preserve. It was only 12 miles from Ocean City. Do not miss this awesome experience! It doesn't look like anything on the outside but the facility is new and the experience was worth every penny.

Ivyhorse I. via Google



Meet Our Animal Ambassadors

[View Gallery](#)

Need to Know Info

A well-informed guest is a happy guest

The majority of our facility and encounter tours are under covered shelter, meaning rain will not be a factor for planning your visit to us.

Outside animals, including dogs, are not allowed to attend due to the fact that we have live animals, and cannot predict how they and your pet will interact. This is for everyone's safety.

Please plan to arrive 10-15 minutes prior to your scheduled visit so we can have you checked in and begin the presentation on time. If you arrive late, there is no guarantee you will get the full presentation experience.

We ask that you purchase your tickets prior to your visit. We only have select dates and times that we are open and each time slot has a max amount of participants to ensure everyone has a memorable experience.

Each encounter is specific to the animal being encountered. Some animals are dangerous to pet or are solitary so our encounter will allow you to get up-close without endangering you or our animals. Most of the time if an animal can't be touched, we offer hand feeding opportunities to still get that bonding moment with our animals!

We do not allow smoking or vaping at our facility and ask that you step outside of our perimeter fence to do so.

Check Out Our Upcoming Events

We use cookies on our website to see how you interact with it. By accepting, you agree to our use of such cookies. [Privacy Policy](#)



Book LA!

Barn Hill Louisiana

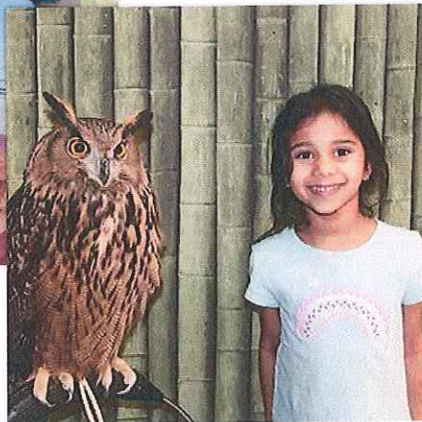
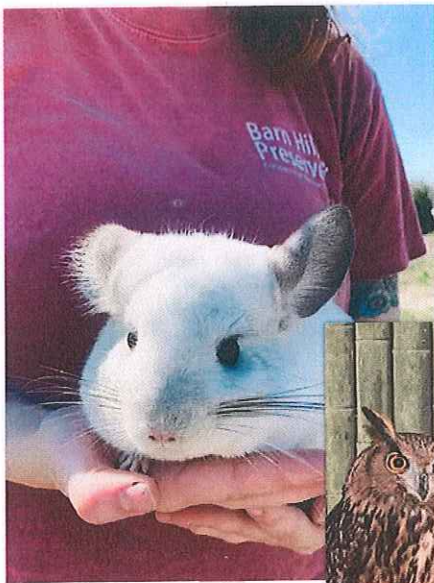
Book DE!

225-286-3003

Barn Hill Delaware

Encounter Tours

Get wild at Barn Hill Preserve with our animal shows and encounter tours!



A Barn Hill Preserve Animal Show is a 30 minute educational presentation featuring five of our awesome animal ambassadors!

During the show, you and your group will learn about each animal's behaviors and other fun facts about them, even get to touch and feel some of those animals as well! If you are interested in a more interactive experience, the Encounter Tour is for you!

An encounter tour includes the animal show PLUS our kangaroo walkabout and encounters with our birds, a small mammal, and three reptiles! Sloth encounters are also available as an additional add-on to both types of experiences.

Animal Abundance

Barn Hill is home to over 25 different varieties of animal species, so you are sure to find some creatures you may have never heard of.

Knowledge is Power

Our caretakers have expert level knowledge, and have built close bonds with the animals. Combined, those two things make for an unforgettable visit at our facility.

Constant Expansion

Barn Hill Preserve of Delaware began as a fully mobile unit, and began welcoming visitors to our property in 2020. We strive to continually improve the facility for our animals and our guests!

Family Fun

Since we place such an emphasis on education through hands on experience, encounter tours are perfect for kids & a great family bonding activity.

Pricing & Info

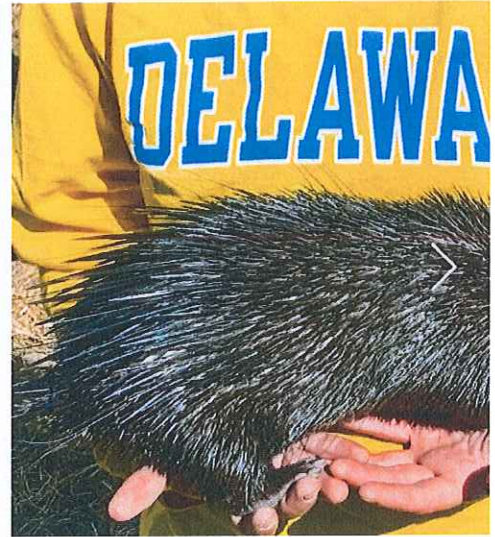
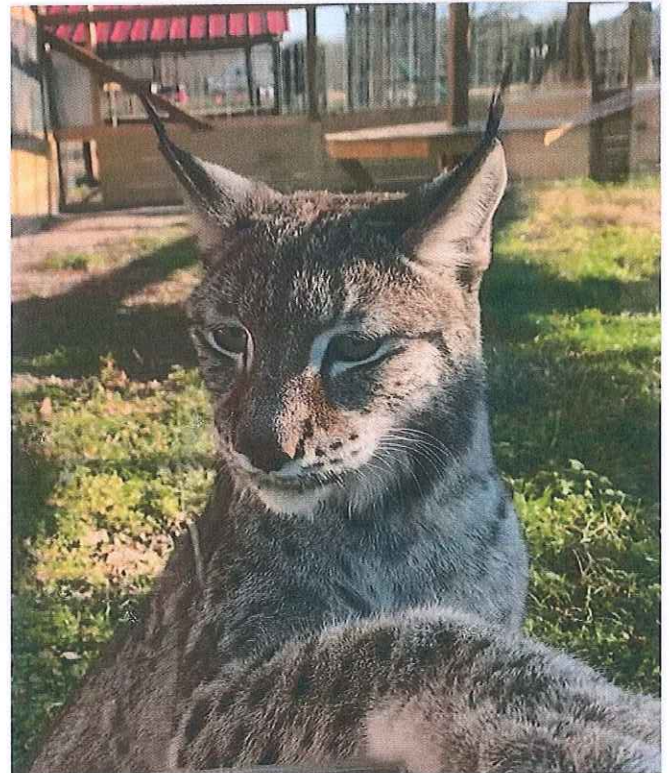
We take the safety of our animal ambassadors very seriously, so some animals may not be available to see the public due to medical treatment, behavior, etc.

Animal Show Tickets are our base level ticket and lasts 30 minutes. Encounter Tour Tickets include an animal show plus about an hour more full of up-close and personal encounters with our animal ambassadors.

Animal Show Ticket
 Adults (12+ years old): \$30
 Child (3-11 years old): \$20
 Children 2 & Under: FREE
 Senior/Sussex County Local: \$25

Encounter Tour Only Tickets: \$60

Book Now!



Hear From Satisfied Guests

Guess what part of our BEACH vacation our family loved the most??
Nope, not the beach - Barn Hill Preserve!! The animal encounters were

NOTICE PUBLIC HEARING

Before the Sussex County Planning and Zoning Commission and Sussex County Council. To be held concerning this property in the county. Administrative Office Building, Georgetown, Sussex County, Delaware
Application Of: WALTON HESSNEY, DAVID Case No. CU 2305
Who Is Seeking a Conditional Use of Land in: AGRICULTURAL
RESIDENTIAL Zoning District for: _____

Sussex County Planning and Zoning Commission Hearing
to be held: Date: FEBRUARY 9, 2022 Time: 5:00 PM

Sussex County Council Hearing To be held
Date: MARCH 22, 2022 Time: 1:30 PM

Text and maps of this application may be examined
at the planning and zoning office in the county administrative
office building or additional information may be obtained by
calling (302) 855-7878

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

This paperless packet is published on the County's website for convenience purposes, and only includes information received up to the close of business on the day before a public hearing. Documents received after this, or documents submitted during the public hearing are not uploaded to the Paperless Packet. The legal record is the paper record maintained in the Offices of the Planning & Zoning Department.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

Jamie Whitehouse

From: Sandy Greene <sandygreene@mchsi.com>
Sent: Wednesday, February 9, 2022 2:08 PM
To: Jamie Whitehouse
Cc: Planning and Zoning
Subject: Application CU2305 Barn Hill Preserve
Attachments: 20190706_174457.jpg; 20190706_174631.jpg

FILE COPY

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Mr. Jamie Whitehouse, Director
Planning and Zoning Commissioners
Sussex County Planning & Zoning
PO Box 417
Georgetown, DE 19947

RECEIVED

FEB 09 2022

SUSSEX COUNTY
PLANNING & ZONING

To Whom it may concern:

We are writing to you regarding the application by Barnhill Preserve LLC and Joshua Mueller to operate a zoological park on 7.24 acres on the corner of Peppers Corner Road and Beaver Dam Road. There are several items of concern we feel the Planning and Zoning commission should take into consideration and deny this application. This first being that proper approvals were never sought before construction.

When housing animals in numbers above "household pets" level, DNREC requires a state registered and approved nutrient management plan to address manure to prevent seepage into groundwater and natural waterways. With this application there is no indication that this requirement has been met, instead it appears that their plan is to pile up manure in a shed along the edge of Beaver Dam Canal. Beaver Dam Canal is a viable waterway with several fish, turtle and crayfish species living in the water adjacent to this property. Additionally, Beaver Dam Canal is part of the headwaters for Miller's Creek and Little Assawoman Bay. In addition to the manure shed, the proposed plat indicates storm water management is to be located within the easement required by Sussex County Conservation District to maintain this waterway.

This noncompliant facility already has track record of escaped animals. Attached are photos of a South American rodent species known a Red Rumped Agouti. This picture was taken in my back yard in July 6, 2019. When contacted, Mr. Mueller denied ownership of this exotic rodent. Finally, after several days, Mr. Mueller admitted it was from his facility but made no attempt to retrieve the animal. It subsequently spent several weeks feeding from the kitchen scrap compost pile I maintain on my property and was living in the green briar brush in back of our property.

Mr. Mueller with his noncompliant facility has not been a good neighbor to the people and domestic animals that live around this property. Multiple large fireworks events have been held as well as loud and raucous bonfire events late into the night have disrupted this peaceful neighborhood and traumatized many pets and livestock. At one point we were concerned that Our woods would catch on fire.

This application also doesn't indicate that the exotic animals have even been registered with the State of Delaware as required by Title 3 Agriculture Delaware Administrative Code or if the facility has been Accredited as required by section 7.2 of this code.

We sincerely believe this is not a good use for the property and the application should be denied.

RECEIVED

FEB 09 2022

SUSSEX COUNTY
PLANNING & ZONING



RECEIVED

FEB 09 2022

SUSSEX COUNTY
PLANNING & ZONING



Jamie Whitehouse

From: Micki Ruhl <m.ruhl@mchsi.com>
Sent: Wednesday, February 9, 2022 9:25 AM
To: Jamie Whitehouse
Subject: Another comment on Barn Hill Preserve planning and Zoning hearing

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Planning and Zoning Commision:

After further reviewing the site plan of the proposed expansion of Barn Hill Preserve, another question has arisen. What are the specific plans for the Phase 2 section? As that section also touches existing residential property, it seems fair for those property owners and others nearby that the plans should be made public before the zoning changes are approved.

Thank you,

Michele and Wm. Allen Ruhl

35323 Beaver Dam Rd

Frankford DE 19945

302-745-8174

Sent from my iPhone

Jamie Whitehouse

From: Micki Ruhl <m.ruhl@mchsi.com>
Sent: Tuesday, February 8, 2022 10:28 PM
To: Jamie Whitehouse
Subject: Comments on proposed Barn Hill Preserve conditional use hearing

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Sussex County Planning and Zoning:

We are property owners down the street from Barn Hill Preserve. We feel that there are many questions which are not yet clarified when it comes to establishing a zoological park in our neighborhood. For example, we would like to see Barn Hill's plan on if/how they intend to gain AZA accreditation and what is the timeline would be. This AZA accreditation is important for the health and welfare of the animals within the zoo and for the safety and peace of mind of the surrounding neighborhood. Barn Hill Preserve has rapidly evolved over a period of years and it is not a traditionally familiar business in our area, therefore we want to make sure that this is done in the safest way possible with the most up to date oversight as needed.

Other things that are of concern are the manure shed's proximity to Beaver Dam Tax Ditch. We wonder also if there is a nutrient management plan in place for the animal waste. Properties in this neighborhood are served by private septic systems and a concern would be whether such a system could handle the capacity of a higher volume of visitors. We also would like to know how the safety and care of the animals is officially reviewed. For example, what organization would do such a review, how often would this review occur, and would the public be able to access these review reports.

We would appreciate if the Planning and Zoning Commission would address these concerns before making a decision.

Respectfully,

Michele and W. Allen Ruhl

35323 Beaver Dam Rd.

Frankford, DE 19945

302-745-8174

Sent from my iPhone

Jamie Whitehouse

From: boxter747@aol.com
Sent: Wednesday, February 9, 2022 9:53 PM
To: Jamie Whitehouse
Subject: Barn Hill Preserve

Opposition
Exhibit

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Hello,
I am Gary Tanner the owner of 134-15.00-125.01

I would like to express my concerns about the unwanted overdevelopment of the aforementioned property on Peppers Corner. I have seen the proposed plan for Barn Hill Preserve.

The infrastructure is grossly insufficient to accommodate a large parking area for busses and automobiles. The plan shown, omits illumination / lighting for public safety. This is a rural area that this commercial venture disrupts the spirit of the area. Every neighbor abhors this illegal use of land in this neighborhood. Most every complaint is: Barn Hill is trashing the community again.

We have worked tirelessly to prevent the further expansions of blight in Delaware, long before this charade known as Barn Hill set up shop. This Barn Hill Preserve is a totally unacceptable commercial business in an agricultural residential zoned area.

Barn Hill admits they are overcrowded and need 100 acres to accomplish a "real preserve" as they articulated in Media interviews, yet they will throw something together on the 5 useable acres west of the tax ditch. This is a disgrace !

There are 8 foot corral pens beyond the proposed parking area that currently do not follow the 15 foot set back. However, if moved to the 15 foot requirement, they are still too close to my residential property. It's my understanding that these were built as ad hoc endeavor as Sussex County is unable to regulate these additions. (Barn Hill can ask for forgiveness instead of permission)

The area further east is being used as a manure dump site that spoils the cleanliness of the waterway in the tax ditch known as the Beaver Dam Canal. Illegal dumping occurs regularly. Many artisan wells are being spoiled, including my property.

The unsightly "pavilions" are in fact "illegally constructed" support structures / sheds and shacks. Building Permits for most of these were not obtained. They are unsanitary / unkept and unsafe habitats for caged, (some exotic) animals that are suffering from irresponsible unlicensed workers. This animal Cruelty is outrageous ! Animal escapes are frequently observed. Large jungle cats are threatening pets and wildlife, as rodents populations are increasing.

The local Animal Rescue groups and PETA are against these types of businesses. (as noted in their complaints)

Sussex County has a well documented history of problems and complaints pertaining to the Muellers Properties, which now includes this complaint about this Property.

I am told that the current zoning prohibits this type of commercial business use in these areas.

We as a community ask that you :

Please ban the Barn Hill Application as your denial would help restore our agricultural setting that we have worked to maintain.

Sincerely yours,

Gary Tanner
410 570 2998

Sent from the all new AOL app for iOS

Jamie Whitehouse

From: boxter747@aol.com
Sent: Friday, February 11, 2022 11:29 AM
To: Planning and Zoning
Subject: Barn Hill Preserve opposition

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.



Hello,

I am Christine Tanner wife of Gary Tanner, the owner of 134-15.00-125.01, which is the adjacent property to the Barn Hill Preserve.

After viewing the Planning and Zoning Meeting Chamber Broadcast on February 10, 2022. I felt the need to follow up and add to the record of the previous letter sent February 9, 2022 and report to you about comments and representations presented by Barn Hill and Josh Mueller to the committee.

Alleged by Mr. Josh Mueller, he said the escaped animals was not his or Barn Hill Preserves exotic rodent. He claims someone else must have brought it to the area. I am told there is an E-mail/text correspondence from Mr. Mueller staying the contrary to what he told the members last night. I have provided the email enclosed here-in.

Mr. Josh Mueller made a representation that he lived on that property since he was a child. That is an impression that he farmed the property with chickens, hogs and other farm livestock. On the contrary, it was always his (deceased) father Jerry Muellers' land. Jerry told us his intention was to develop the property into a commercial property by any means possible.

The fact is Josh lived there as a child briefly with his mother and father before his parents divorced. Josh was residing elsewhere afterwards.

The property then became a rental property that "was" in compliance with the zoning laws at that time. Animals were in pasture in that area from several different renters. There were no problems with that farm in our community. The neighborhood likes the peaceful agricultural / residential area of Peppers Corner. This community is rich in farming history and has enjoyed it as such.

The neighbors and community objects to a Theme Park / Amusement Park commercial operation that is currently being run illegally on the property.

In Muellers Testimony on February 10, 2022 he acknowledged he collects (expensive) fees to allow people access to his farm to educate others.

He is teaching these ticket holders to crowd and cage non-domesticated animals in a environment foreign to their natural habits. People testified that animals frequently cry out in pain late onto the night. These animal s are subject to harsh weather conditions and cruelty, regularly !

Mr. Mueller claims they close at 7:00 pm. That might be his intention, however I am told there are often no less than 10 employees and volunteers that disrupt the neighborhood. Many reside on this property any any given time. It's has dormitory for workers. Along with that are loud party's, fireworks, bond fires and wild activity. That is another violation

of zoning laws. Along with this are their numerous vehicles (with out of state licensed or expired tags) that clutter the property. We have worked tirelessly to clean the blight in Delaware. This Barn Hill Preserve creates a trashy dump yard condition that is being presented under the guise of a zoo / farm.

Barn Hill also made statements in this same hearing that they are attempting to bridge the Beaver Dam Canal for more encroachment into protected areas of wetlands. I have seen dumping of animal wastes into this canal. This is must stop !

The presentation was about : how wonderful and compassionate Josh is with animals. That may be admirable, however the THE ILLEGAL USE OF PROPERTY was never nearly discussed.

It appeared in the presentation that people were gushing at the idea of having "Kangaroo Yoga" or "Painting with the Sloths" and people might enjoy a photo opportunity with exotic animals and some wine. Thusly, they run a Commercial Carnival Enterprise outside allowable existing laws. This was direct testimony from Mueller / aka Barn Hill of Louisiana, Ohio and Tennessee.

WE DON'T WANT THIS AMUSEMENT PARK IN OUR NEIGHBORHOOD.

I look at this from an community perspective.

Josh Mueller and Barn Hill Corporate is running carnival park, with a zoo theme park like setting in a residential agricultural community.

THEY ARE NOT HOUSING ANIMALS AS A FARM in the historically accepted farm use. It is a moneymaking venue ...read the negative reviews from unhappy guests on the Barn Hill site and other review sources.

I write these and additional letters to the planning and zoning members in the hope and trust for the fiduciary consideration. For the record, you as commission members will be doing a great service to our community by denying this Barn Hill application and have them cease and desist any further operations. If not, and allowed to continue, at the very least you, will be informed of the real situation that exists at Peppers Corner and Beaver Dam Road.

Thank you for your consideration.

Christine Tanner
302 493 6228

Sent from the all new AOL app for iOS

Jamie Whitehouse

From: boxter747@aol.com
Sent: Friday, February 11, 2022 11:34 AM
To: Planning and Zoning
Subject: Attn Mr. Wheatley

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Hello,
I am Christine Tanner wife of Gary Tanner, the owner of 134-15.00-125.01, which is the adjacent property to the Barn Hill Preserve.

After viewing the Planning and Zoning Meeting Chamber Broadcast on February 10, 2022. I felt the need to follow up and add to the record of the previous letter sent February 9, 2022 and report to you about comments and representations presented by Barn Hill and Josh Mueller to the committee.

Alleged by Mr. Josh Mueller, he said the escaped animals was not his or Barn Hill Preserves exotic rodent. He claims someone else must have brought it to the area. I am told there is an E-mail/text correspondence from Mr. Mueller staying the contrary to what he told the members last night. I have provided the email enclosed here-in.

Mr. Josh Mueller made a representation that he lived on that property since he was a child. That is an impression that he farmed the property with chickens, hogs and other farm livestock. On the contrary, it was always his (deceased) father Jerry Muellers' land. Jerry told us his intention was to develop the property into a commercial property by any means possible.

The fact is Josh lived there as a child briefly with his mother and father before his parents divorced. Josh was residing elsewhere afterwards.

The property then became a rental property that "was" in compliance with the zoning laws at that time. Animals were in pasture in that area from several different renters. There were no problems with that farm in our community. The neighborhood likes the peaceful agricultural / residential area of Peppers Corner. This community is rich in farming history and has enjoyed it as such.

The neighbors and community objects to a Theme Park / Amusement Park commercial operation that is currently being run illegally on the property.

In Muellers Testimony on February 10, 2022 he acknowledged he collects (expensive) fees to allow people access to his farm to educate others.

He is teaching these ticket holders to crowd and cage non-domesticated animals in a environment foreign to their natural habits. People testified that animals frequently cry out in pain late onto the night. These animal s are subject to harsh weather conditions and cruelty, regularly !

Mr. Mueller claims they close at 7:00 pm. That might be his intention, however I am told there are often no less than 10 employees and volunteers that disrupt the neighborhood. Many reside on this property any any given time. It's has dormitory for workers. Along with that are loud party's, fireworks, bond fires and wild activity. That is another violation of zoning laws. Along with this are their numerous vehicles (with out of state licensed or expired tags) that clutter the property. We have worked tirelessly to clean the blight in Delaware. This Barn Hill Preserve creates a trashy dump yard condition that is being presented under the guise of a zoo / farm.

Barn Hill also made statements in this same hearing that they are attempting to bridge the Beaver Dam Canal for more encroachment into protected areas of wetlands. I have seen dumping of animal wastes into this canal. This is must stop !

The presentation was about : how wonderful and compassionate Josh is with animals. That may be admirable, however the THE ILLEGAL USE OF PROPERTY was never nearly discussed.

It appeared in the presentation that people were gushing at the idea of having "Kangaroo Yoga" or "Painting with the Sloths" and people might enjoy a photo opportunity with exotic animals and some wine. Thusly, they run a Commercial Carnival Enterprise outside allowable existing laws. This was direct testimony from Mueller / aka Barn Hill of Louisiana, Ohio and Tennessee.

WE DON'T WANT THIS AMUSEMENT PARK IN OUR NEIGHBORHOOD.

I look at this from an community perspective.

Josh Mueller and Barn Hill Corporate is running carnival park, with a zoo theme park like setting in a residential agricultural community.

THEY ARE NOT HOUSING ANIMALS AS A FARM in the historically accepted farm use. It is a moneymaking venue ...read the negative reviews from unhappy guests on the Barn Hill site and other review sources.

I write these and additional letters to the planning and zoning members in the hope and trust for the fiduciary consideration. For the record, you as commission members will be doing a great service to our community by denying this Barn Hill application and have them cease and desist any further operations. If not, and allowed to continue, at the very least you, will be informed of the real situation that exists at Peppers Corner and Beaver Dam Road.

Thank you for your consideration.

Christine Tanner

10:41

1



Josh Mueller

Active 7h ago

JUL 09, 2019, 2:40 PM

Did you guys lose an a

JUL 09, 2019, 3:37 PM



I think one got out

It was in m

I have a trap set up so I'm hoping he goes into it. They don't bite, they are just very

Jennifer Norwood

From: Jamie Whitehouse
Sent: Friday, February 11, 2022 3:56 PM
To: Jennifer Norwood
Subject: Fwd: Barn Hill / February 10, Hearing

RECEIVED
AFTER
PUBLIC HEARING

Additional comment received- Please print in color for the file.

From: boxter747@aol.com <boxter747@aol.com>
Sent: Friday, February 11, 2022, 10:31 AM
To: Jamie Whitehouse
Subject: Barn Hill / February 10, Hearing

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Hello,

I am Christine Tanner wife of Gary Tanner, the owner of 134-15.00-125.01, which is the adjacent property to the Barn Hill Preserve.

After viewing the Planning and Zoning Meeting Chamber Broadcast on February 10, 2022.

I felt the need to follow up and add to the record of the previous letter sent February 9, 2022 and report to you about comments and representations presented by Barn Hill and Josh Mueller to the committee.

Alleged by Mr. Josh Mueller, he said the escaped animals was not his or Barn Hill Preserves exotic rodent. He claims someone else must have brought it to the area. I have been told there is an E-mail correspondence from Mr. Mueller stating the contrary. I have provided the email enclosed here-in.

Mr. Josh Mueller made a representation that he lived on that property since he was a child. That is an impression that he farmed the property with chickens, hogs and other farm livestock. On the contrary, it was always his (deceased) father Jerry Muellers' land. Jerry told us his intention was to develop the property into a commercial property by any means possible.

The fact is Josh lived there as a child briefly with his mother and father before his parents divorced. Josh was residing elsewhere afterwards.

The property then became a rental property that "was" in compliance with the zoning laws at that time. Animals were in pasture in that area from several different renters. There were no problems with that farm in our community.

The neighborhood likes the peaceful agricultural / residential area of Peppers Corner. This community is rich in farming history and has enjoyed it as such.

The neighbors and community objects to a Theme Park / Amusement Park commercial operation that is currently being run illegally on the property.

In Muellers Testimony on February 10, 2022 he acknowledged he collects (expensive) fees to allow people access to his farm to educate others.

He is teaching these ticket holders to crowd and cage non-domesticated animals in a environment foreign to their natural habits. People testified that animals frequently cry out in pain late onto the night. These animals are subject to harsh weather conditions and cruelty, regularly !

Mr. Mueller claims they close at 7:00 pm. That might be his intention, however I am told there are often no less than 10 employees and volunteers that disrupt the neighborhood. Many reside on this property any any given time. It's has dormitory for workers. Along with that are loud party's, fireworks, bond fires and wild activity. That is another violation of zoning laws. Along with this are their numerous vehicles (with out of state licensed or expired tags) that clutter the property. We have worked tirelessly to clean the blight in Delaware. This Barn Hill Preserve creates a trashy dump yard condition that is being presented under the guise of a zoo / farm.

Barn Hill also made statements in this same hearing that they are attempting to bridge the Beaver Dam Canal for more encroachment into protected areas of wetlands. I have seen dumping of animal wastes into this canal. This is must stop !

The presentation was about : how wonderful and compassionate Josh is with animals. That may be admirable, however the THE ILLEGAL USE OF PROPERTY was never nearly discussed.

It appeared in the presentation that people were gushing at the idea of having "Kangaroo Yoga" or "Painting with the Sloths" and people might enjoy a photo opportunity with exotic animals and some wine. Thusly, they run a Commercial Carnival Enterprise outside allowable existing laws. This was direct testimony from Mueller / aka Barn Hill of Louisiana, Ohio and Tennessee.

WE DON'T WANT THIS AMUSEMENT PARK IN OUR NEIGHBORHOOD.

I look at this from an community perspective.

Josh Mueller and Barn Hill Corporate is running amusement park, with a zoo theme park like setting in a residential agricultural community.

THEY ARE NOT HOUSING ANIMALS AS A FARM in the historically accepted farm use.

I write these and additional letters to the planning and zoning members in the hope and trust for the fiduciary consideration. For the record, you as commission members will be doing a great service to our community by denying this Barn Hill application and have them cease and desist any further operations. If not, and allowed to continue, at the very least you, will be informed of the real situation that exists at Peppers Corner and Beaver Dam Road.

Thank you for your consideration.

Christine Tanner

302 493 6228

Sent from the all new AOL app for iOS

10:41

5G E

1



Josh Mueller

Active 7h ago



JUL 09, 2019, 2:40 PM

Did you guys lose an agouti?

JUL 09, 2019, 3:37 PM



I think one got out

It was in my yard

I have a trap set up so I'm hoping he goes into it. They don't bite, they are just very skittish



He was down by the ditch too

AUG 01, 2019, 12:16 AM

Hey man, I've seen the agouti three times this week, come set a trap at my place. I don't want the little fucker to die when it gets cold haha

AUG 01, 2019, 6:39 AM

Haha ill swing ↓ today. Thanks I've had one set up here but



Aa



Follow-up LETTER to previous letter RE: #C/U 2305

After attending a very interesting and educational meeting on Feb 10th, the Pickholtz Family continues to request denial of the Application from Barnhill Preserve case no.# C/U 2305 to conduct a large commercial enterprise in a Residential area.

Listening to Mr. Mueller describe his love of animals and his support of animal causes was very commendable. But for him to even remotely believe this zoo is an educational facility is a stretch. As a teacher of 52 years, we had dozens of zoologists visit our schools and teach the children about animals. This is what Mr. Mueller should be doing with his educational expertise.

This Zoo, that he runs in a residential area, with activities such as drinking wine, yoga and painting is purely for human amusement and to make money. I find it hard to believe that the families who live here can afford his prices. The children would learn more in an educational environment.

Also, the commission members spoke of stipulations on many of the requested zoning changes. We do not see how those stipulations could be monitored considering Mr. Mueller has run this business without Sussex County approval for this long already with no monitoring. Who will monitor the zoo and how often? Cars and buses have been parked on the main roads in the past.

Frankford is a quiet residential area. It needs housing, schools and infrastructure - not a large commercial zoo.

Please share this letter with all the commission members.

Thanks you - the Pickholtz Family

RECEIVED

FEB 14 2022

SUSSEX COUNTY
PLANNING & ZONING

You can contact us in these ways at present:

email: barbarapickholtz@comcast.net

fax: 561 734-9008

mail: Barbara Pickholtz, 6850 Antinori Lane, Boynton Beach , FL
33437

02/07/2022

Re: C/U 2305
Barn Hill Preserve of DE LLC
Parcel 134-15.00-124.00

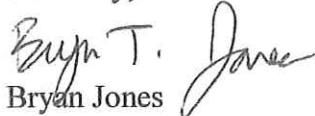
FILE COPY
Applicant
Exhibit
RECEIVED
Received at Public Hearing.
FEB 10 2022

To whom it may concern,

SUSSEX COUNTY

I am writing to express my support for Barn Hill Preserve and the application made for a conditional use of the AR-1 district. My wife and I live on Peppers Corner Road; directly across from Josh Mueller and his Barn Hill Preserve. I have discussed the plans for a zoological park with Josh and he has shared his concept plan with me. I don't have any issues with what is proposed on this parcel. I own and operate a small farm and from my point of view an operation such as Barn Hill Preserve seems very similar to an agritourism business. As a neighbor, Barn Hill Preserve has been conscientious of the fact that the surrounding parcels are residential homes. Josh has taken steps to help mitigate issues associated with running a business that is open to the public. Such as the increase in traffic, noise and lighting. Barn Hill Preserve is a unique operation that brings a special opportunity to the local community as well as to the tourists visiting the area. Again, I support this application for the conditional use of a zoological park in an AR-1 district.

Sincerely,


Bryan Jones

 **amanda conrad**
★★★★★ 10 weeks ago
Highly recommend new gem to our area.


[Reply](#)

 **James Lucas**
★★★★★ 11 weeks ago
Hidden gem!!!


[Reply](#)

 **Kelly Lawyer**
★★★★★ 12 weeks ago
We had an amazing time at the Barn Hill! The staff was friendly and knowledgeable and the up close and personal nature of the experience was unmatched. I highly recommend it and would definitely go again!!


[Reply](#)

 **Michelle Rowan**
★★★★★ 12 weeks ago
Had a great visit on Saturday 11/13. Found via an online search and have to say that this was a perfect way to spend a couple hours. Our two kids (8&10) had a lot of fun and got to interact up close with a Camel, a pack of kangaroos and other animals. The staff were great and very knowledgeable and we could tell that they take very good care of the animals. Will definitely make our way back there with friends on our next trip to OCMD.


[Reply](#)

 **Nicole Grossman**
★★★★★ 13 weeks ago
My friend and I went to visit Barn hill Preserve this past weekend. We had the best time! They were very knowledgeable... [More](#)


[Reply](#)

 **Sarah Mills**
★★★★★ 14 weeks ago
I signed up for Kangaroo yoga with my sister and we had a wonderful time! We got plenty of time to snuggle with the kangaroos and the yoga instructor was attentive to our levels and understanding when we were distracted by the roos. The animals were in good shape and I am looking forward to returning for some of their other experiences!

[Reply](#)

 **Greg H.**
★★★★★ 14 weeks ago
We really enjoyed our animal encounter. The animal guides were very friendly and did not rush us through the experience at all. We had plenty of time to get up close and personal with our new furry, and scale-y, friends. Great for kids and adults.

[Reply](#)

 **Jennifer Brennan**
★★★★★ 15 weeks ago
We had a wonderful experience at Barn Hill. The staff was very knowledgeable and friendly. All of the animals looked very well cared for. You can tell the staff takes pride in everything they do to make the encounter safe and enjoyable for everyone.

RECEIVED

FEB 10 2022

SUSSEX COUNTY
PLANNING & ZONING

Received at Public Hearing.



Donna Nelson

★★★★★ 15 weeks ago

Such a wonderful experience. A must see. Animals well taken care of and have great relationships with the staff. Everyone was friendly and knowledgeable.

[Reply](#)



Jennifer Cavin

★★★★★ 16 weeks ago

Nice small animal preserve. Got to see and interact with some cool animals. Loved feeding the sloths!

[Reply](#)



Jessica Eve

★★★★★ 18 weeks ago

I drove 3 hours each way to get here, and it was worth it! The staff were incredible. Friendly, knowledgeable, and committed to ensuring everyone had a great time and all their questions were answered. We got to put and hold so many furry, scaly, and spiky animals. This is a great place for people of all ages to enjoy!

[Reply](#)



anita iannone

★★★★★ 18 weeks ago

What a great experience, so happy we stumbled upon this little treasure

[Reply](#)



Carolyn Duncan

★★★★★ 20 weeks ago

Great place and everyone was so nice! The owner knows lots of information about each of the animals housed here and spent a good deal of time educating me about them. I was able to hold the hedgehog, Joey (baby kangaroo) and got to feed the sloths! What a great experience! Thank you!

[Reply](#)



Earl Blansfield Photography

★★★★★ 20 weeks ago

The hosts were amazing. We enjoyed the peace and quiet as well as the animals. We will definately be back.

[Reply](#)



Jennifer Moyer

★★★★★ 22 weeks ago

I went on an animal encounter tour here today and LOVED it. Everyone was so kind and knowledgeable, and I could tell how much they cared about the animals. They are a growing animal preserve and it was nice to get to really interact with some of the animals they have there. Definitely the highlight of my trip to Delaware!

[Reply](#)



Katie Cook

★★★★★ 22 weeks ago

Totally awesome experience! Was originally a mobile educational animal encounter, but now they're growing and expanding their facility/activities. Where else can you be up close and personal with sloths or hold a baby kangaroo? Very friendly and informative staff. Can't wait to come back to do kangaroo yoga and "hang" with sloths and other cool animals! Will be recommending to family and friends who are traveling to Delaware or Louisiana!

[Reply](#)



Debbie Davis

★★★★★ 22 weeks ago

Very knowledgeable staff and lots of opportunities to interact with the animals. Fantastic way to spend a few hours--fun for all ages.

[Reply](#)



Benjamin Rainier

★★★★★ 22 weeks ago

Loved the preserve. Staff was knowledgeable and appeared to be really attached to the animals. It was so cool to hold the Joey and feed the sloth.

[Reply](#)



Lisa Wiles

★★★★★ 22 weeks ago

While vacationing in OCMD, we decided to look for adventures away from the boardwalk. I found Barn Hill Preserve in a brochure, and since I love animals, learning and fun new things, we decided to go. We were a little leery when we arrived, but it was so much fun and very educational. It is a fairly new operation as far as allowing visitors, but the young ladies working there were fantastic and very knowledgeable.



Barn Hill Preserve of Delaware (owner)

22 weeks ago

Thank you for visiting! We are happy you had a great time and we hope you return next summer. We are constantly trying to expand and improve to make guest experience as great as possible!

[Edit](#) [Delete](#)



Jeremy Ehrlich

★★★★★ 22 weeks ago

Great place for kids or animal lovers. They currently have a 7 month old joey that is just too cute for words. Looking forward to visiting again next year.

[Reply](#)



Trudy Albrecht

★★★★★ 23 weeks ago

What a GREAT place to take visiting grand kids! They loved all the animals - especially the sloths!

Reply




Stacey Woodson

★★★★★ 23 weeks ago

Great Experience! My children and I loved the animal show and feeding the kangaroos!

Reply



Termia TJ Jones  recommends **Barn Hill Preserve of Delaware.** ...


December 14, 2021 · 

The experience was absolutely priceless. I lucked up had a private tour. Perfect for animal lovers!

 Barn Hill Preserve of Delaware

 Love

 Comment

 Share




Justin Verechia  recommends **Barn Hill Preserve of Delaware.** ...

November 5, 2021 · 

amazing experience for our family! very friendly and knowledgeable staff. we loved the animals,

 Like

 Comment

 Share



Comment as Barn Hill Preserve of Delaware

