

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, AICP
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 Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: March 16, 2022

RE: County Council Report for C/U 2288 filed on behalf of Broom Solar Partners, LLC.

The Planning and Zoning Department received an application (C/U 2288 filed on behalf of Broom Solar Partners, LLC) for a Conditional Use for parcel 533-5.00-47.00 for a solar farm. The property is located within the Agricultural Residential (AR-1) Zoning District and is located on the north side of Frankford School Road (SCR 92) approximately 0.55 mile west of Pyle Center Road (SCR 20). The parcel size is 72.00 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on February 10, 2022. At the meeting of March 10, 2022, the Planning & Zoning Commission recommended approval of the application subject to 5 reasons stated and subject to 7 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of February 10, 2022 and March 10, 2022.

[Minutes of the February 10, 2022 Planning & Zoning Commission Meeting](#)

C/U 2288 Broom Solar Partners

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a solar farm to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 72.00 acres, more or less. The property is lying on the north side of Frankford School Road (S.C.R. 92) approximately 0.55 mile west of Pyle Center Road (S.C.R. 20). 911 Address: N/A. Tax Parcel: 533-5.00-47.00



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

Mr. Whitehouse advised the Commission that submitted into the record is a copy of the Applicant's Conceptual Site Plan, a copy of the Applicant's Executive Summary, a copy of the staff analysis, a copy of the deed, a letter from Sussex County Engineering Department Utility Planning Division, a copy of the DelDOT Service Level Evaluation Response, zero comments, and zero mail returns.

The Commission found that Mr. Jeff Machiran with EDF Renewables spoke on behalf of the Application, Broom Solar Partners; that also present were Mr. Dave Shapley, from Delaware Electric Cooperative and Mr. Chad Kayser, Environmental Consultant with TRC and Mr. Yannick Tamm with EDF; that the Broom Solar project is the second EDF project which is developing within Delaware Electric service territory, in conjunction with Delaware Electric and Old Dominion Electric Cooperative (ODEC); that Distributed Generation projects generate electricity directly to homes and businesses via local electrical distribution lines compared to larger centralized powerplants; that centralized powerplants push power onto high voltage transmission lines which carry electricity hundreds to thousands of miles away; that a key benefit of distributed generation projects like Broom Solar is they generate electricity in the communities where the power is consumed; that this reduces the need for long transmission lines and other costly infrastructure; that providing clean, renewable power close to the end user, they improve the resiliency of the local distribution grid and deliver the power at a all-end lower cost to the user; that another benefit to distributed generation projects is the smaller footprint of the projects; that this means a smaller impact; that Broom Solar will occupy tens of acres versus hundreds or even thousands of acres; that Broom Solar Partners, LLC, which is a wholly-owned entity of EDF Renewables Distributed Scale Power, is the Applicant of the project on behalf of the property owner, Wilgus Family Revocable Trust; that the proposed location is on one parcel of land, which runs along Frankford School Rd in Frankford, Delaware; that the project area is currently an agricultural field with no existing structures; that the anticipated project will be less than 35-acres; that the capacity to the proposed project is three megawatts of alternating current; that this is considered a relatively small project; that the project is sized to meet the local distribution system; that this type of project is referred to as distributed generation because it is connecting to the distribution grid as opposed to the electrical transmission system; that the point of interconnection will be at Delaware Electric's existing electric line, running along Frankford School Rd.; that this will end at the Omar substation, which is 1.5-mile away; that the equipment will consist of racking systems, which are mounted on support posts, panels which are installed on top of the racking systems, an inverter/transformer skid, interconnection equipment, which are typical utility poles and a small weather station; that there is a stream which runs to the south eastern portion of the project; that the stream will be avoided with a minimum 100-ft. setback; that there is a tax ditch to the northern corner of the property, which will be avoid as well; that there is an access drive running through the center of the property; that at the end of the access drive there is a turn around for fire trucks and emergency personnel; that the State Fire Marshal has reviewed and provided comment to the preliminary plan; that the proposed design is based on the State Fire Marshal's comments; that there is proposed fencing surrounding the array; that they are not proposing any grading onsite; that the project is set back 800-ft. from the eastern side of the site; that from the western portion the project is located 1,200-ft. from the road; that to date, EDF's Environmental Consultant, TRC, conducted a field reconnaissance, wetland delineation, and a habitat assessment to identify potential environmental and land use impacts on the project; that they did identify one perennial stream and 14 agricultural ditches; that all of these areas will be avoided and appropriately buffered with setbacks; that there were no threatened or

endangered species observed on the site; that there is low potential of onsite occurrence due to the history of land cultivation; that there were no cultural or historic resources previously identified onsite; that stormwater runoff will be tightly controlled in accordance with State and local regulations; that there are no impact to drainage patterns anticipated due to the ability of the arrays to conform to the existing topography, as well as the gaps between panels and space between arrays allow infiltration into the grounds surface; that the project will obtain all necessary permits required by local, State and Federal agencies; that siting for the project began with Delaware Electric in 2020; that interconnection studies, site diligence and project and civil engineering began around the same time; that they then initiated the permitting process; that EDF is committed to community engagement; that EDF reached out directly to neighbors by mailings; that EDF held a community event at the site on January 26, 2022 and January 27, 2022, in advance to the formal notices received from the County; that this year EDF will begin finalizing engineering, procuring of equipment and construction of the project, if approved; that construction is anticipated to take approximately five months; that the first month would consist of site preparation, installing the access road and fencing; that about two months would be required for the installation of the posts and racking; that approximately two more months are required for the installation of the modules, wiring and conduit, that next they install the remaining electrical equipment, including inverters and transformers; that a month would be required for the final system testing and commissioning; that by the beginning of 2023 the project could begin commercial operation; that EDF Renewables has over 35 years of experience in the United States developing wind, solar and storage projects; that they have developed over 16,000 megawatts of renewable energy projects; that they current operate over 11,000 megawatts; that EDF is one of the largest owners and operators of renewable energy in the country and EDF is well equipped to handle this type of project due to their experience and expertise.

The Commission found that Mr. Shapley, Vice President for Delaware Electric Coop, spoke on behalf of the Application; that the Coop is a non-profit organization owned by the members it serves; that they are very supportive of their local community; that Delaware Electric purchased power from Old Dominion Electric Cooperative (ODEC); that ODEC is a non-profit, wholesale generation transmission cooperative which operates for the benefit of its members who are the owners; ODEC serves 11 member distribution cooperatives in Virginia, Maryland and Delaware; that Delaware Electric Coop (DEC) service 108,000 members within Kent and Sussex County, Delaware; that the Broom Solar Project will provide 100% of its output directly to homes and business within the County and surrounding areas; that the project was specifically designed to offset DEC's customer load in the area; that this will reduce the need for costly transmission upgrades; that the proposed Broom Solar site is proposed to connect to existing distribution infrastructure to avoid the need for a new substation; that the Broom Solar project will save DEC members about \$51,000 per year in power costs; that combined with the solar project in Greenwood, DEC members will save about \$136,000 per year; that solar panels are constructed of silicon semiconductors, much like a computer chip; that when the sunlight hits the semiconductor material, it creates a charge, which is a direct current; that the direct current is converted to an alternating current through converters so it can be fed into the distribution grid for use in homes and business; that solar creates clean, renewable electricity without the use of water, creating emissions or producing waste products; that its low visual profile and quiet operations makes for a great neighbor; that solar projects place no demand on County infrastructure or services such as roads, water, sewer, emergency services or schools; that construction consist of

minimal grading and disturbance; that the solar projects are built using drive steel posts to support the solar panels versus concrete or other foundations and this allows the land to return to its previous agricultural use at the end of the project.

Ms. Wingate questioned the location of the proposed fencing; that she questioned if there is a plan in place to remove the equipment in the event the project is no longer needed and questioned what noise the project would create.

Mr. Machiran stated the fencing is proposed around the entire perimeter of the project; that the proposed fencing will be 7-ft. agricultural fixed knot fencing; that in the agreement with the property owner it is stated, should the project no longer be needed, EDF would handle the removing of all equipment where it would then be recycled leaving the property back to agricultural land; that the only noise the project would create would be a slight hum when the panel retracts to the sun; that the 24 inverters, the size of a small duffle bag, will create an occasional slight hum; that the inverters will be centralized in the field and the neighbors will not be able to hear the panels or inverters.

Ms. Stevenson questioned if EDF was part of the Power Generation Module (PGM) Grid System.

Mr. Shapley stated the proposed project will not fall back on the transmission system, therefore it will not fall into a PGM queue, making the project exempt from the PGM.

The Commission found there was no one present in the room or by teleconference who wished to speak in support or opposition to the Application.

Upon there being no further questions, Chairman Wheatley closed the public hearing.

In relation to Application C/U 2288 Broom Solar Partners. Motion by Ms. Wingate, to defer action for further consideration, seconded by Ms. Stevenson, and carried unanimously. Motion carried 5-0.

Draft Minutes of the March 10, 2022 Planning & Zoning Commission Meeting

The Commission discussed this Application which has been deferred since February 10, 2022.

Ms. Wingate moved that the Commission recommend approval of C/U 2288 Broom Solar Partners, LLC for a solar field in an AR-1 District based upon the record made at the public hearing and for the following reasons:

1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use in that it is of a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.
2. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar farms.
3. With the conditions imposed in this recommendation, the proposed use will not have any adverse impact on the neighboring or adjacent properties.
4. The proposed solar generation facility will not result in any noticeable increase in traffic on adjacent and neighboring roadways. There are no regular employees at the site, only periodic

- visits for inspections, maintenance, or repair of the solar panels.
5. No significant noise, dust or odor will be generated by the facility.
 6. This recommendation is subject to the following conditions:
 - A. No storage facilities shall be constructed on the site.
 - B. Lighting on the facility shall only consist of perimeter lighting needed for security purposes. All lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - C. One unlighted sign, not to exceed 32 square feet in size, shall be permitted.
 - D. The site shall be secured by fencing with a gate with a "Knox Box" or similar device to accommodate emergency access by the local fire company or other emergency responders. The fence line shall be shown on the Final Site Plan.
 - E. Any transformers or similar equipment shall be centrally located on the site away from any nearby residential uses.
 - F. All of the grounds, including the area outside of the fence, shall be maintained so that they do not become overgrown.
 - G. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to recommend approval for C/U 2288 Broom Solar Partners for the reasons and conditions stated in the motion. Motion carried 5-0.

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



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.

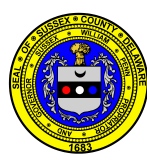
The surrounding parcels to the north, east, and west are all designated on the Future Land Use Map as "Coastal Area". The Coastal Area land use designation recognizes that a range of housing types should be permitted in Coastal Area, including single-family homes, townhouses, and multifamily units. Retail 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).

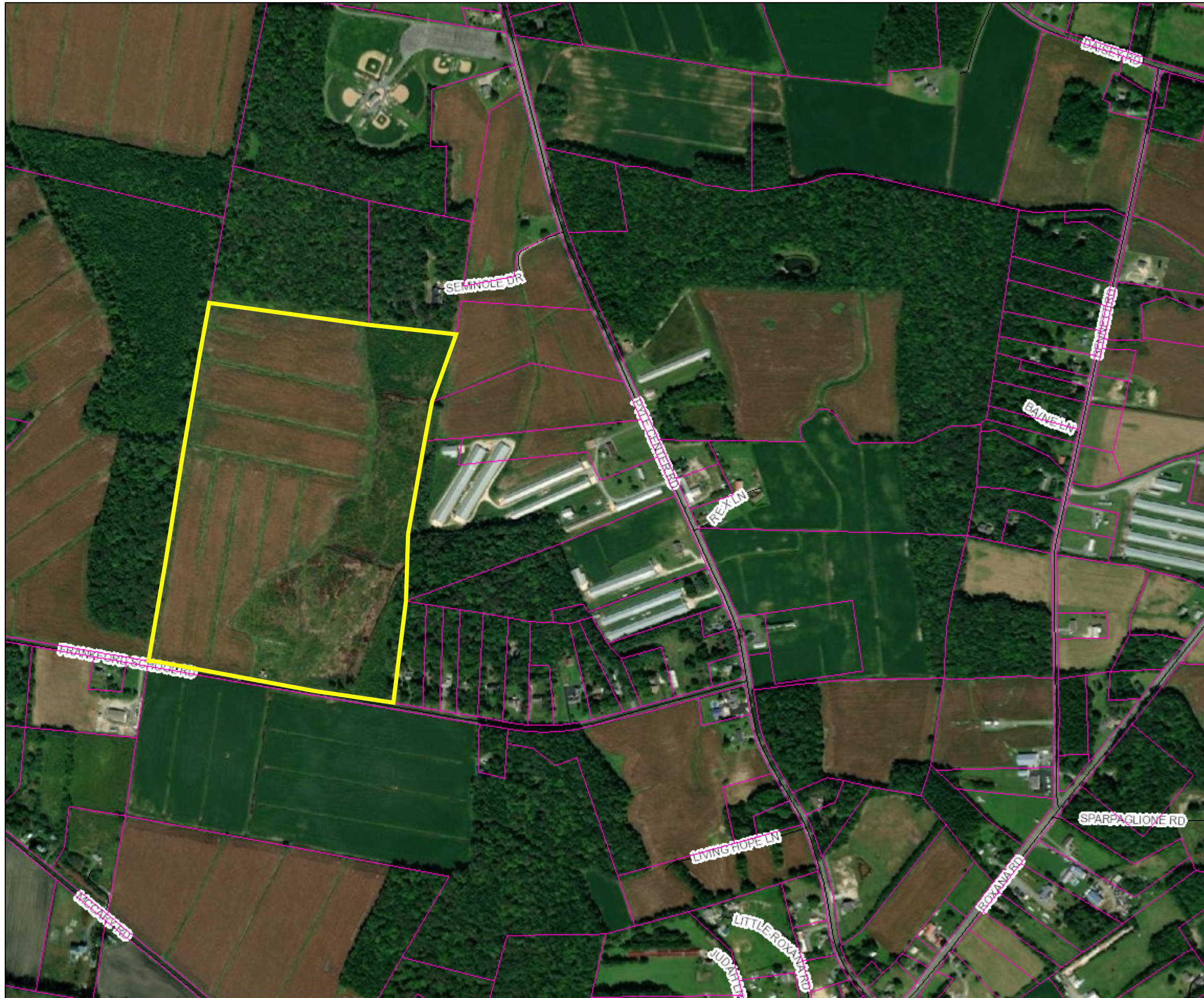
Since 2000, there have been two (2) Conditional Use approvals within a .25-mile radius of the application site. The Conditional Use applications were CU 1468 approved by County Council on 12/10/2002 and CU 2256 approved by County Council on 8/31/2021.

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.





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

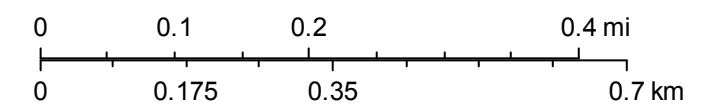
AE

AO

OPEN WATER

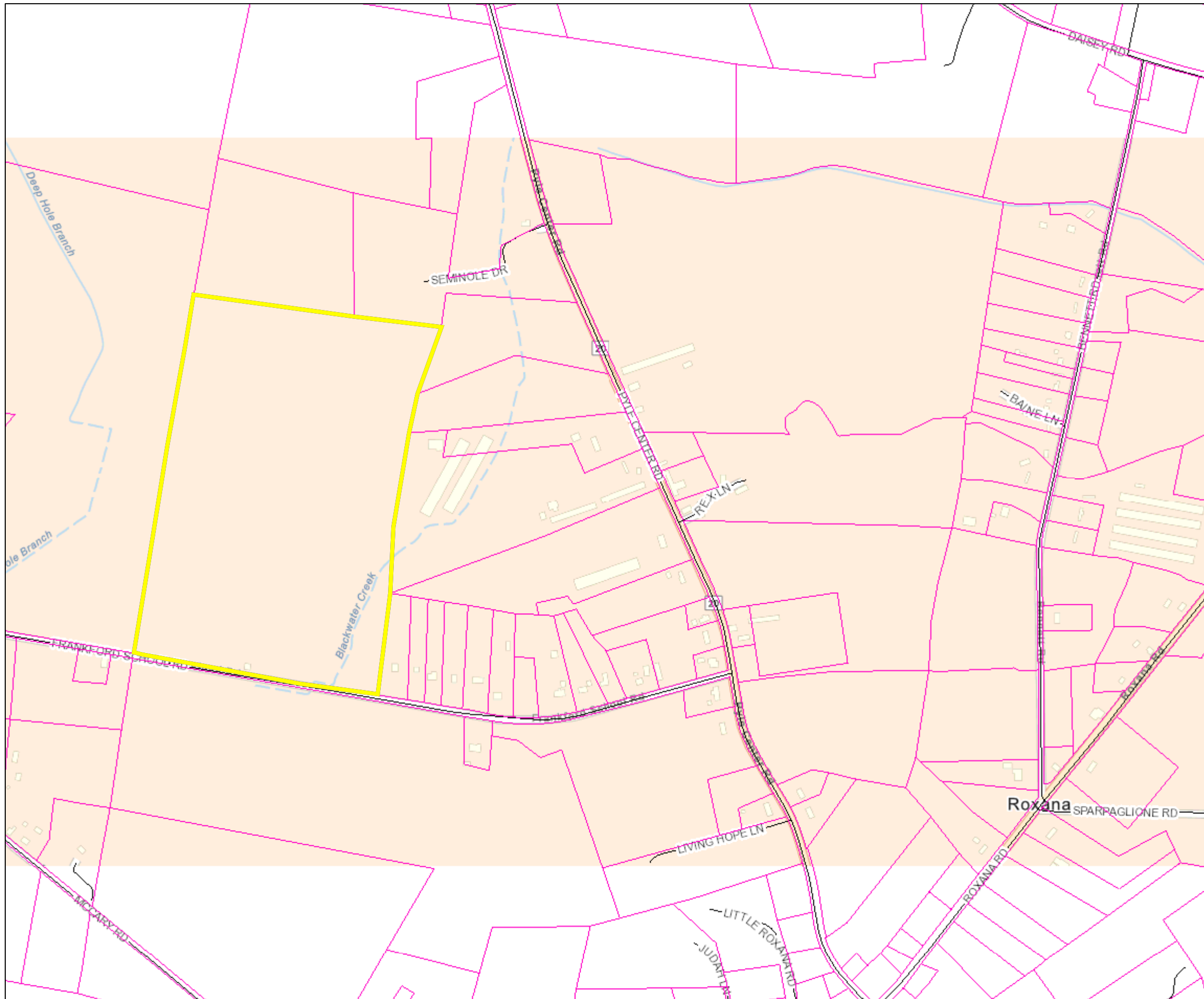
VE

1:9,028





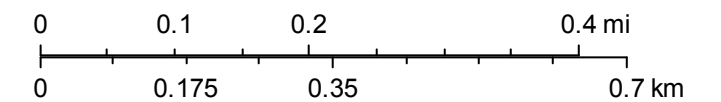
Sussex County



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	

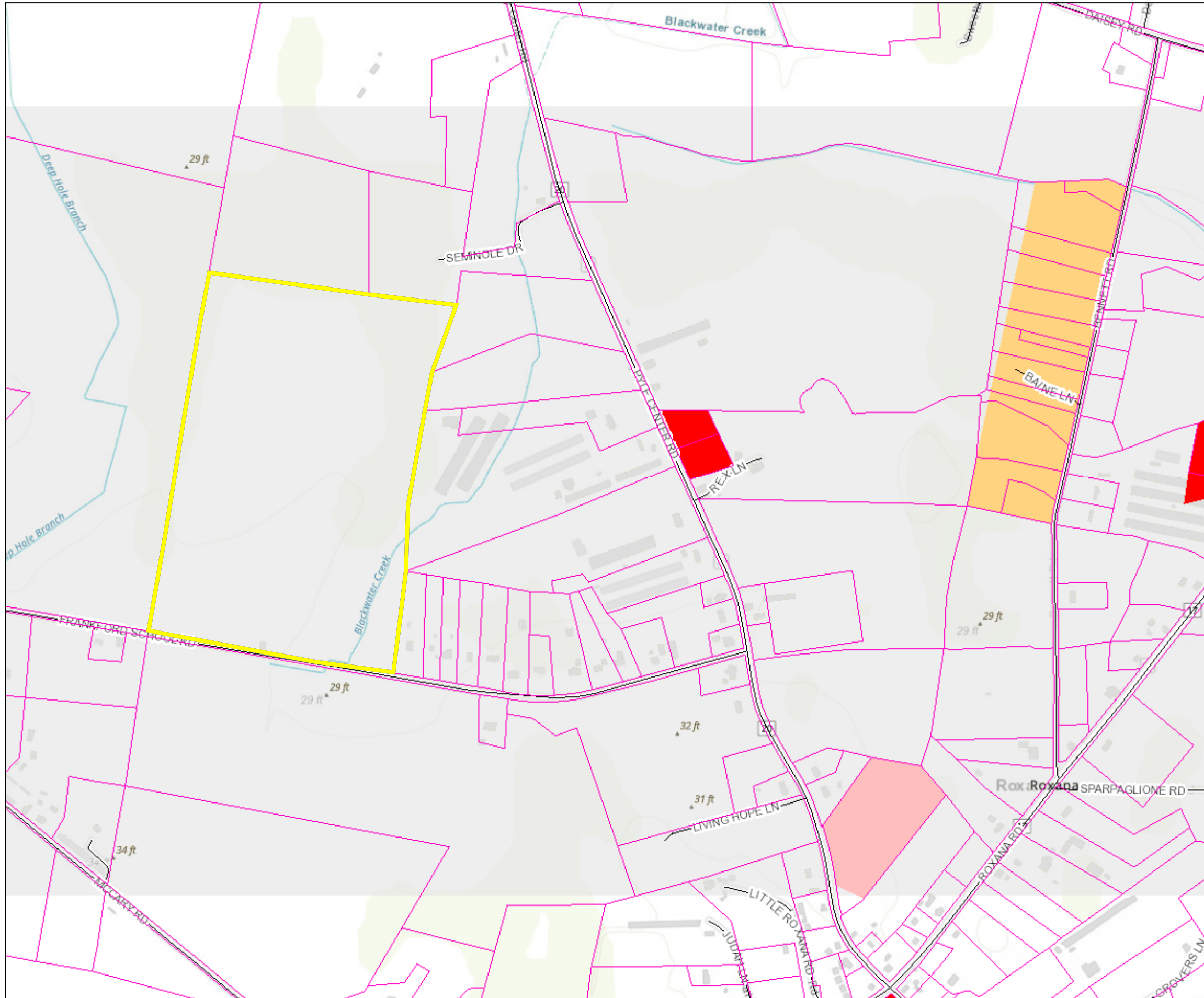
- Override 1
- Override 1
- Tax Parcels
- Streets
- County Boundaries
- Flood Zones 2018**
 - 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
 - A
 - AE
 - AO
 - OPEN WATER
 - VE

1:9,028





Sussex County



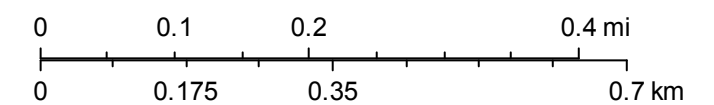
PIN:	533-5.00-47.00
Owner Name	WILGUS ROBERT E JR TTEE
Book	4459
Mailing Address	34108 WILGUS CEMETERY
City	FRANKFORD
State	DE
Description	N SIDE RD ROXANA TO
Description 2	FRANKFORD 72 ACRES
Description 3	FX
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- ⋯ Tax Parcels
- Streets

1:9,028





Broom Solar

Sussex County Council

March 22, 2022

Speakers



Jeff Machiran

Sr. Manager
Senior Project Development Manager
EDF Renewables Distribution-Scale
Power



Dave Shapley

Vice President
Innovation & Strategic Initiatives
Delaware Electric Co-Op



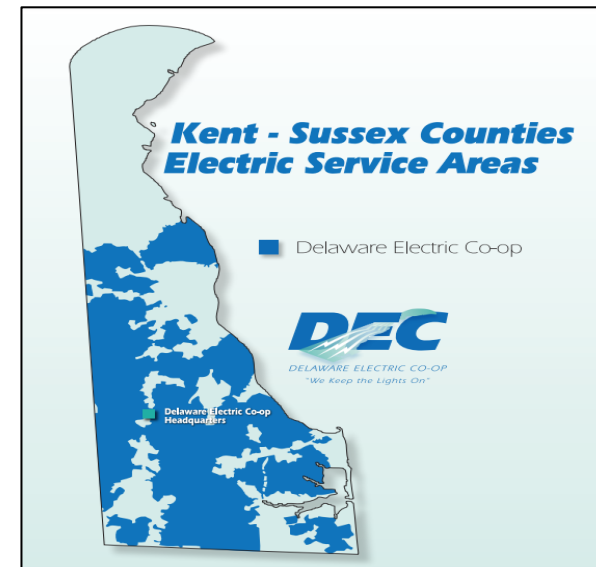
Chad Kayser

Senior Project Manager
TRC

Delaware Electric Cooperative

Delaware Electric Cooperative was formed in 1936 by a group of farmers in southern Delaware; purchases electricity and distributes it to member-consumers' homes and businesses

- Delaware Electric Cooperative (DEC) is a not-for-profit organization owned by the members it serves, and is very supportive of the local community
- DEC purchases power from Old Dominion Electric Cooperative (ODEC).
- ODEC is a not-for-profit wholesale generation and transmission cooperative that operates for the benefit of its members, who are its owners
- ODEC serves 11-member distribution cooperatives in Virginia, Maryland and Delaware
- DEC serves over 108,000 meters in Delaware
- Project will provide 100% of its output directly to homes and businesses in Sussex County and surrounding area
- Project specifically sized to offset Delaware Electric Cooperative's customer load in area in order to reduce need for costly transmission system upgrades
- Project sited in order to connect into existing distribution infrastructure and avoid the need for new substation



Why Solar?

Benefits of Solar Energy Projects



- ~\$51,000 per year in cost savings to DEC members
- Generates clean, renewable electricity without using water, creating emissions or producing waste products
- Places little to no demand on County infrastructure or services such as roads, water, sewer, emergency medical services or schools



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



- Creates jobs during construction of the project; indirect economic benefits include local contracting opportunities, equipment sales and rentals, material purchases, and spending on hotels, restaurants and other local goods and services

Distributed Solar

1

Generates electricity in communities where power is consumed

2

Connects to existing infrastructure; does not require construction of new substation or distribution lines

3

Increases resiliency of local distribution grid; reduces need for costly transmission system upgrades

4

Smaller footprint means smaller impact; project occupies tens of acres vs. 100s or 1,000s of acres

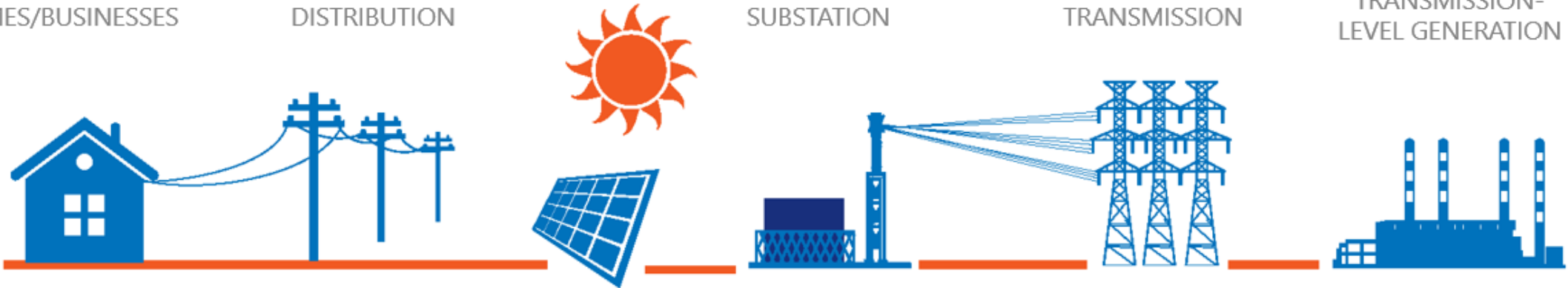
HOMES/BUSINESSES

DISTRIBUTION

SUBSTATION

TRANSMISSION

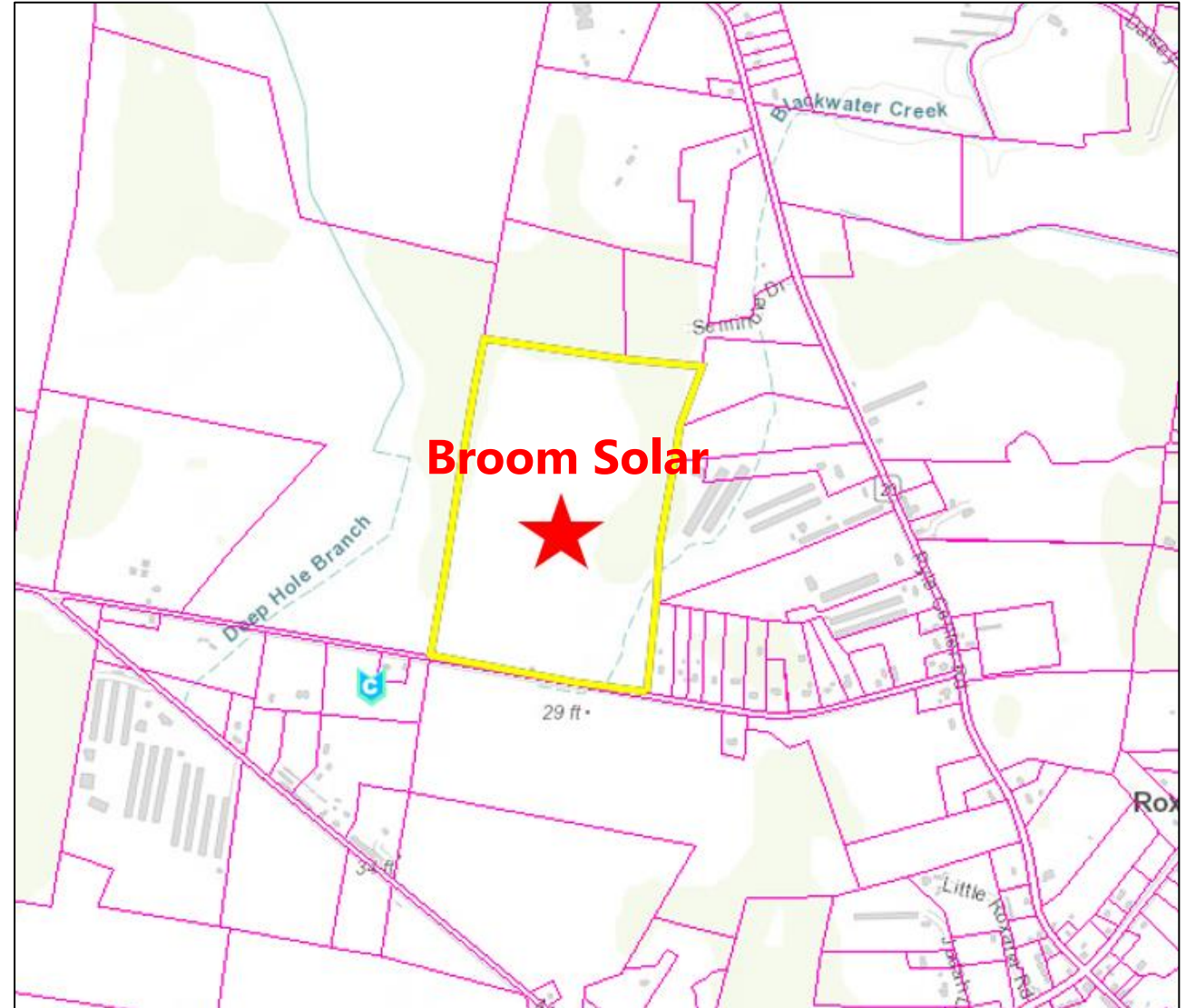
TRANSMISSION-LEVEL GENERATION



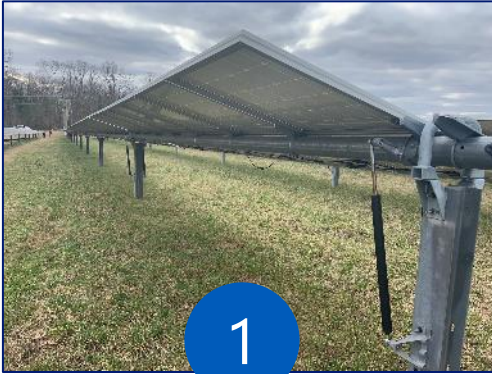
Project Overview

Broom Solar Partners, LLC

- **Location:** Frankford School Rd., Frankford, DE 19950
- **Technology:** Solar photovoltaic
- **Project Size:** 3.0 MWac (~35 acres)
- **Interconnection:** Connects to DEC's distribution system via existing 12.47 kV line
- **Parcel Info:**
 - Owner: Wilgus Family Revocable Trust
 - ID: 533-5.00-47.00
 - Size: 72 Acres
 - Zoning: AR-1; Agricultural Residential



Project Equipment



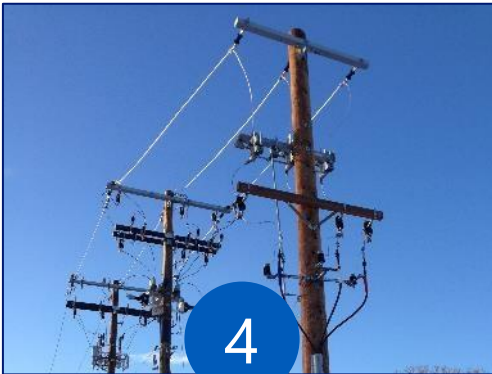
Racking mounted on support posts



Panels installed on racking



Inverter/Transformer Skid



Interconnection equipment

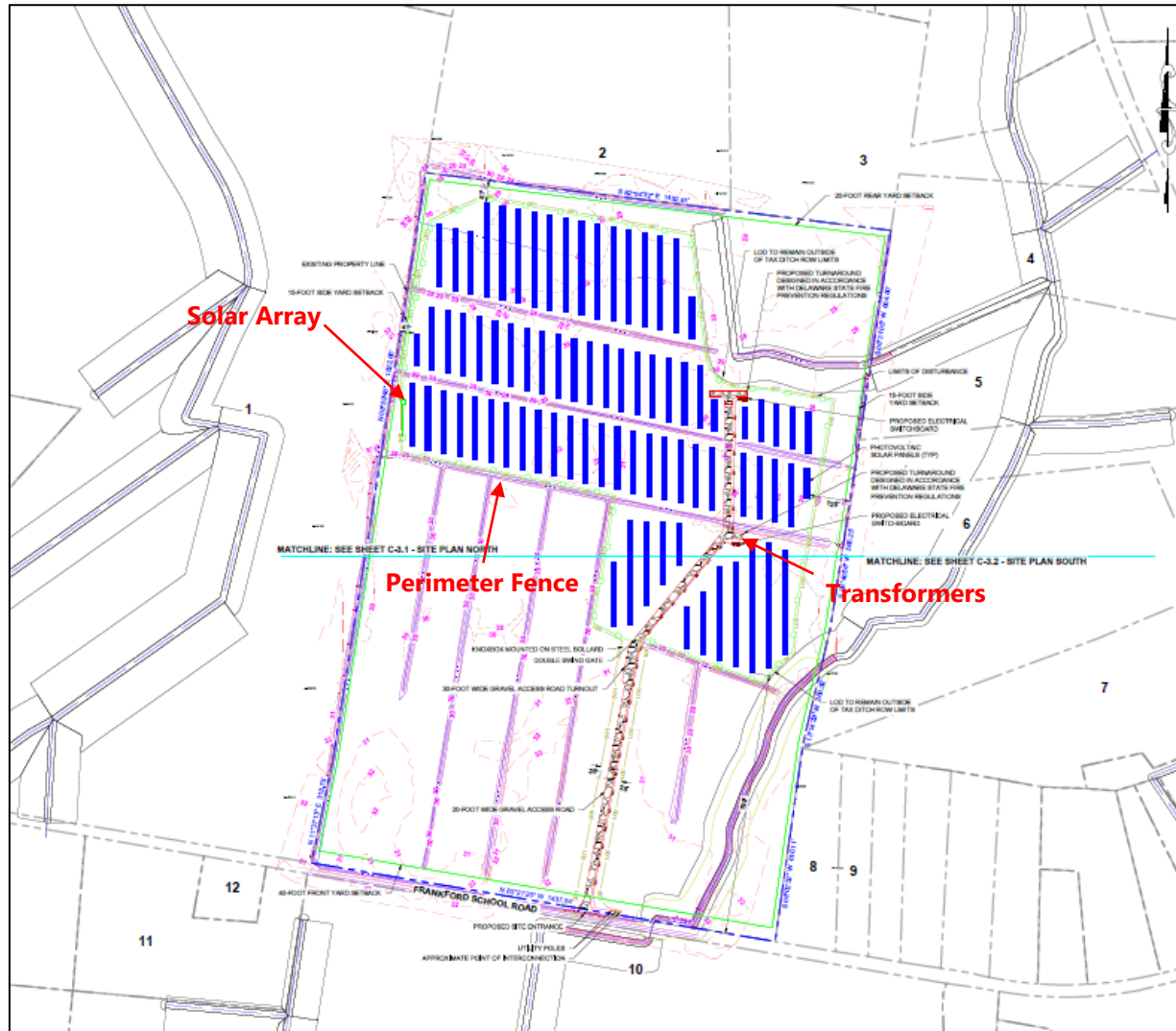


Weather Station



Aerial view of project

Project Conceptual Site Plan



Solar facilities are considered “public utilities” per Article XXIV of the Sussex County Zoning Code, and as such are allowed with approval of a Conditional Use Permit:

- Meets or exceeds required setbacks from property boundaries
- Equipment will be less than 15'
- Project will be compliant with applicable state and federal permitting and regulatory requirements
- Fencing to ensure public safety
- Project places little to no demand on county infrastructure or services

Site Investigation and Due Diligence

- Wetlands mapped and avoided
- No threatened or endangered species observed on-site; field reconnaissance indicates low potential for on-site occurrence
- Avoids known cultural or historic resources; no such resources have been previously identified on-site

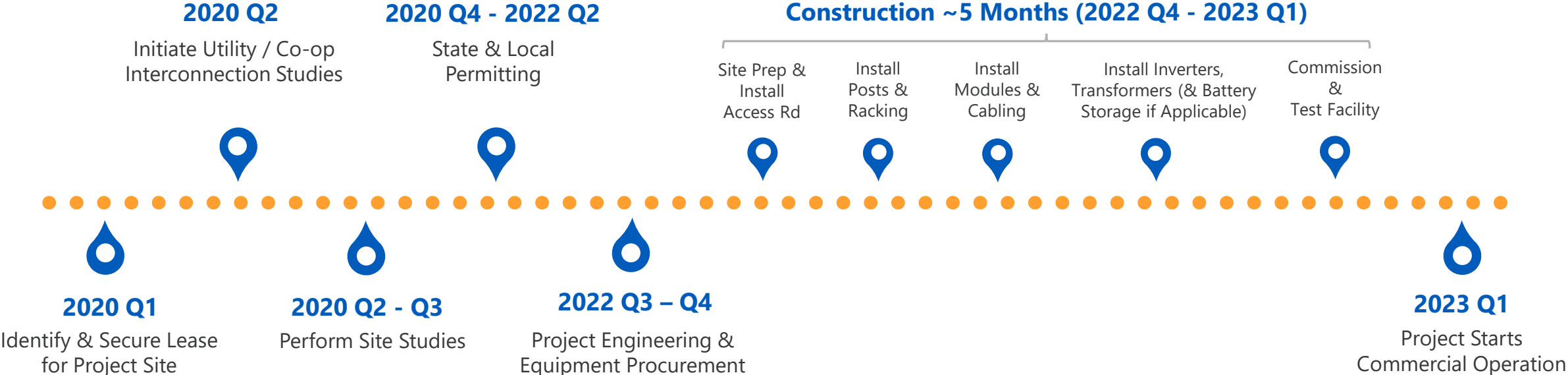
Compliance with Local & State Regulations

- Stormwater runoff tightly controlled in accordance with state and local regulations; mitigation measures implemented on-site as needed to control quantity and quality of stormwater runoff
- Rain passes through gaps between panels & spaces between arrays to infiltrate into ground (groundwater recharge)
- Natural drainage patterns maintained due to limited grading required; driven posts allow for conforming with existing topography
- Project will obtain all required local, state, and federal permits



Due Diligence & Compliance

Indicative Project Timeline

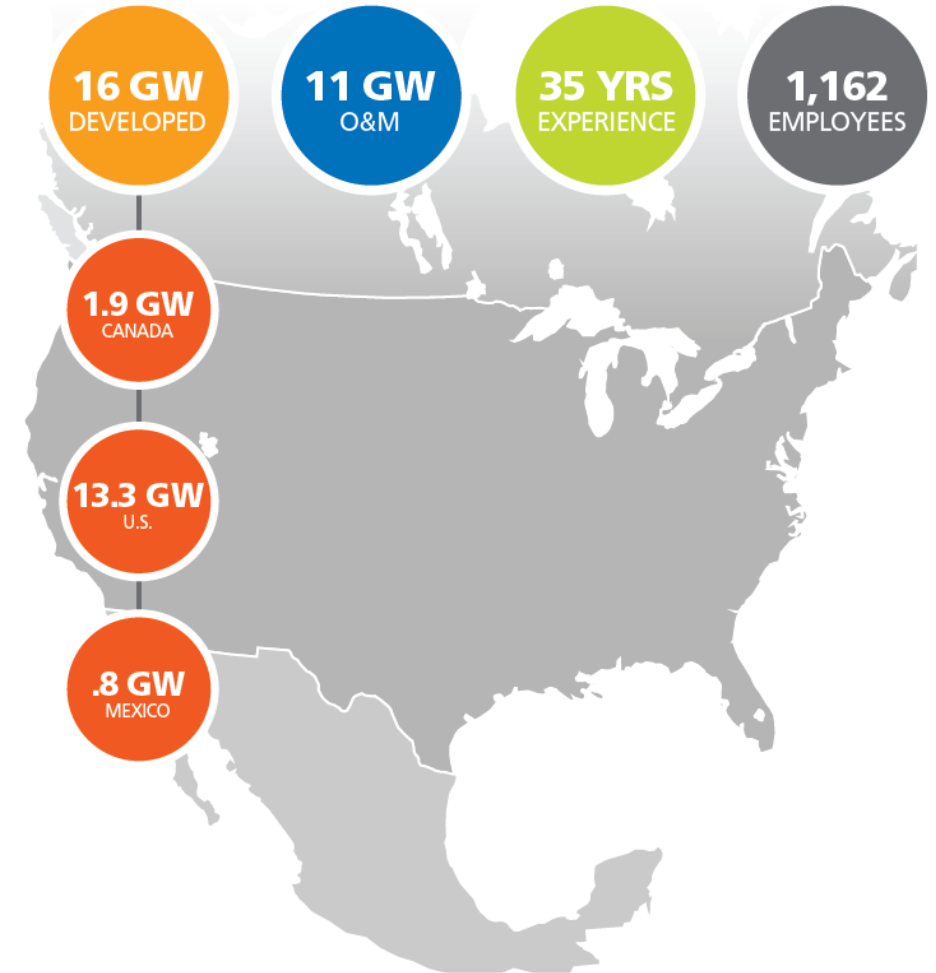


EDF Renewables North America

Trusted Partner in Renewable Energy with 35 Years of Industry Experience and Expertise in North America

- Grid-Scale Power: Wind (onshore and offshore), solar photovoltaic, and storage projects
- Distributed Solutions: Solar, solar+storage, electrical vehicle charging and energy management
- Asset Optimization: Technical, operational, and commercial skills to maximize performance of generating projects.

Creating value from Origination to Commercial Operation



An aerial photograph of a large-scale solar farm. The solar panels are arranged in neat, parallel rows across a green field. The sun is low on the horizon, creating a warm, golden glow and long shadows. The surrounding landscape includes trees with some autumn-colored foliage and a body of water in the distance.

Frequently Asked Questions

How will the Project affect the environment?

- Generates clean, renewable electricity without using water, creating emissions or producing waste products
- Extensive due diligence conducted prior to construction identifies and addresses potential environmental impacts; includes evaluation of wetlands, sensitive species, and cultural and historic resources
- Avoids wetlands and will not adversely impact groundwater resources; utilizes best management practices for erosion and sediment control during construction
- Retains existing trees and vegetation along the property boundary to extent possible
- Project will obtain all necessary permits required by local, state, and federal agencies

Sustainable Design





Passive Land Use

How will the Project affect the community?

- Projects offers low visual profile and quiet operations that preserve the rural, open-space character of the area
- Solar is a passive land use and a less intense use than farming; does not use fertilizers or pesticides, and does not involve land disturbance after construction
- Operation of the facility produces no emissions and does not generate smoke, debris or dust
- Unmanned facility; no buildings or other walk-in structures
- Project places little to no demand on County infrastructure and services including roads, water, sewer, fire, emergency medical services or schools
- No impact on traffic during operation



Low Visual Profile

Will I be able to see the Project?

- Maximum equipment height will be 15 feet or less except for one anemometer pole required to monitor weather
- Project will meet or exceed setbacks required by the County; set back from road ~800 ft.
- Existing vegetation along the side and rear property boundaries will limit views
- Solar panels are designed to absorb the sun's rays, not reflect them; panels will also utilize an anti-reflective coating in order to further minimize light reflected from their surface
- No lighting or signage other than for safety

Is the Project safe? Will it affect my health?

- Solar modules are safe and do not release toxic materials; are typically comprised of silicon, copper and aluminum wiring and connections, which are encapsulated in plastic and sandwiched between glass with an aluminum frame. Silicon - the same material as computer chips - is the 2nd most common element in Earth's crust and obtained by processing quartz sand.
- Inverters and transformers - utilized by utilities across the State - condition power for use on the distribution grid and do not contain heavy metals or toxins; pose limited environmental risk even during a malfunction or when damaged
- Operation of the facility is monitored online 24/7, and both emergency and normal shutdown procedures can be implemented remotely or manually on-site
- Project perimeter is fenced and includes warning signage to maintain public safety



Health and Safety

What happens at the end of project's life?

- Project is decommissioned and removed at the end of its 25–35-year life; land may be returned to previous agricultural use
- Decommissioning and removal is paid for by the Project, and not the landowner or the County
- Many project components have salvage value including steel posts and copper wire; solar modules and other equipment may be recycled

Decommissioning and **Removal**

Thank you.

Visit us at edf-re.com



CONTACT

Jeff Machiran

(443) 472-3467

jeff.machiran@edf-re.com

JAMIE WHITEHOUSE, AICP
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 Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: March 16, 2022

RE: County Council Report for C/U 2284 filed on behalf of Eastern Shore Natural Gas Company.

The Planning and Zoning Department received an application (C/U 2284 filed on behalf of Eastern Shore Natural Gas Company) for a Conditional Use for parcel 131-10.00-99.00 for the expansion of CU 889 (Ordinance No. 536) for Public Utilities or Public Service Uses to be located on a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County. The property is located within the Agricultural Residential (AR-1) Zoning District and is located at 17019, 17025, 17035 & 17041 Black Cherry Drive, Bridgeville. The parcel size is 29.98 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on February 10, 2022. At the meeting of March 10, 2022, the Planning & Zoning Commission recommended approval of the application subject to 8 reasons stated and subject to 4 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of February 10, 2022 and March 10, 2022.

Minutes of the February 10, 2022 Planning & Zoning Commission Meeting

C/U 2284 Eastern Shore Natural Gas Company

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for the expansion of C/U 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. The property being a landlocked parcel accessed off



Emma Jane Lane, approximately 0.33 mile south of E. Newton Road (S.C.R. 584). 911 Address: 17019, 17025, 17035 & 17041 Black Cherry Drive, Bridgeville. Tax Parcel: 131-10.00-99.00

Mr. Whitehouse advised the Commission that submitted into the record is a copy of the Applicant's Site Plan, a copy of the staff analysis, a letter from Sussex County Engineering Department Utility Planning Division, a copy of the Applicant's submittal letter, the property deed, the DelDOT Service Level Evaluation Response, a copy of Ordinance 536 (C/U 889) from September 27, 1988, one mail return, zero letters in support and 28 letters in opposition, with some appearing as duplicates.

Mr. Robertson recused himself from this Application and left Chambers.

The Commission found Mr. Mark Parker, Engineer Manager for Eastern Shore Natural Gas Company, spoke on behalf of the Application; that Eastern Shore Gas has safely and reliably served the natural gas transportation needs on the Delmarva Peninsula since 1959; that they serve all of Delaware; that they support Chesapeake Utilities as the local distribution company in Sussex County, along with industrial users and energy producers; that currently they maintain almost 600-miles of transmission main pipeline in operation; that they have three compressor station sites; that two station sites are located in Delaware, one in Delaware City and the other site located in Bridgeville; that they have another site located in PA; that the subject compressor station has operated at the subject location since 1988; that the compressor ensures adequate natural gas is transported throughout the region; that the location of the subject compressor station is approximately eight acres; that the area was previously granted a Conditional Use (C/U 889) in 1988 upon the stations original construction; that Wheatley Elementary School was in place at that time; that there was infrastructure in the area, including railroad and the industrial facilities located to the north; that they have been good neighbors, living harmoniously under the granted Conditional Use since 1988; that the parcel is wholly-owned and held by Eastern Shore Natural Gas; that the property is farmed at times by a tenant farmer; that they do understand the facility does serve as a utility; that there is a solar farm located on the northwest corner; that the compressor stations units are contained within two separate buildings; that the current Application request is to allow the current station to become a meter regulator station or also known as a receipt point for natural gas; that the existing compressor station facility is comprised of stone cover, two compressor unit buildings, several small axillary structures, a control room, a stormwater facility, above grade piping and ancillary equipment; that for all the facilities contained, they provide ancillary tenant farming to benefit the area at the time; that the interconnect project will develop approximately four acres of land; that the area is primarily stone; that there is presence of above grade piping, consisting of four, six and eight inch piping; which is proposed to be approximately five to eight feet above grade; that there would be three offload points; that at each of these locations, a truck would enter the facility and hook up to the offload points; that at any one time there could be three trucks offloading; that a trailer would offload, as they near the end of offload period, another trailer would be brought in; that the offload period takes about four hours; that a third location is shown in the case a trailer should be left behind for any reason; that they have worked closely with the Delaware Department of Transportation to provide understanding of how the trucks would move on and off the site; that the offload points could see up to six trailers per day; that the number of trailers per day will depend upon the receipt frequency; that the number of trailers cannot be any greater than six trailers, but could be less at times; that the site could see 18 trailers deliver; that this would equal to 36

total trips; that 36 total trips does not warrant a Traffic Impact Study (TIS); that the trips did warrant the need to look at the intersection of Emma Jane Lane and East Newton Rd.; that in working with DelDOT it was decided a design deviation was appropriate; that two to three trips are proposed during peak hours; that trailers may access the site from the west or the east of East Newton Road, depending on the location the gas is coming from; that the proposed shippers have not yet been determined; that through the design deviation process, which was granted by DelDOT, there were no intersection improvement required at the intersection of Emma Jane Lane and East Newton Road; that the types of trucks proposed are WB55 or WB65 trailers, which are the standard over-the-road 18-wheeler; that with the development of Miller Metals and the existing industrial facilities on Emma Jane Lane, the deviation was granted; that at the facility gas is offloaded, metered and regulated; that the gas is heated, which is required when gas pressures are dropped quickly; that the gas is not treated, processed and never evacuated to atmosphere, unless there was a pressure situation; that pressure situations can take place at any normal meter and regulator station throughout the state; that throughout the region, at a compressor station, there are always safety precautions; that the gas onsite is never treated or handled other than direct injection into the pipeline system; that if the gas should not meet the tariff standard on arrival, the valve is shut and the truck is sent away; that injection into the system is meant to indicate the lower explosive limit and the upper explosive limit; that it is meant to be more pungent than it needs to be, to ensure people are aware of its presence; that there is no actual discharge of natural gas with intent to atmosphere; that the trucks and the piping seen are approximately 800-ft. to the nearest residence; that even though they did receive siting authority with Federal Energy Regulatory Commission, they still took into account community considerations; that there is a residential community located to the southeast of the site; that the closest residence to the far eastern edge of the property is 800-ft. away; that there is a stone yard and a six foot security fence; that the fence is alarmed; that the alarm is manned by a 24/7 operation out of Dover, who also has cameras and access to ensure safety onsite; that due to the offload, there will be an operator onsite, contained within a closing gate; that they take security very seriously; that the stormwater facility has been placed to the eastern side of the facility; that the stormwater management is a partial infiltration facility; that it does contain a small spill-away in the over lands to the south, as it cannot infiltrate all of the volumetric water required; that the spill-away is not impactful to any residence, school, commercial or industrial users; that the proposed facility and the trucks would be located 1,300-ft. away from the school and almost 1,100-ft from the playground of the school; that through the Pipeline and Hazardous Material Safety Administration (PHMSA) and the regulations of the United States Department of Transportation (DOT), they look closely at what potential impact radiuses would be; that when looking at the largest pipe on the site, which is a 10-in. pipe, at a maximum allowable operating pressure of 800-lbs., the impact radius is 200-ft.; that they have positioned the facility, in case something catastrophic did occur within the fenced area, nothing would leave the property limits; that they work very closely with the State Fire Marshal and local fire departments; that there is always an operator on the site at all times, as well as the 24/7 manned operation in Dover; that they have never had a catastrophic event, but the fire departments do know how to handle such an event; that south of the stoned area there is an eight inch main, which runs to the south and leads to the interconnect of four pre-existing lines; that the four lines run out to Rt. 13; that there is a six-inch and ten-inch discharge line which comes out of the existing compressor station; that they propose to tie into both the six-inch and ten-inch lines to naturally feed their gas line systems; that the gas does not go into the compressor station; that the gas is directly injected, at tariff level rates, into the existing mains; that

this will serve points south of Sussex County; that there is no process or process piping; that the project is like any other meter regulator station, with the exception this station will accept gas through a virtual pipeline, via truck, rather than a pipeline; that the pipes are generally five to six feet off the ground; that there are one to two elements located in the southwest corner which are eight feet off the ground; that this area is called an up and over; that this allows people to egress quickly without the need to climb over or duck piping; that this area is located 1,000-ft. from any concerning area; that they do have a natural vegetated buffer which does separate the eastern subdivision and the facility; that to the south there is natural vegetation which will not shield the facility from Phillis Wheatley Elementary School, however the distance is so great, it does shield the existing compressor station; that they hold approvals from Sussex Conservation District, United States Fish & Wildlife Service, Delaware State Historic Preservation (SHPO), the Species Conservation and Research Program (SCRIP) of the Delaware Department of Natural Resources (DNREC); that they have prepared their general package to be submitted to the Federal Energy Regulatory Commission (FERC); that they are currently waiting for their local and State approvals; that once they receive approvals and a viable shipper is obtained, they will submit their Application with the Federal Government; that although they have siting authority, they yield towards obtaining all necessary approvals before taking any risks; that the proposed development will not have a substantial impact on physical, economic or social development in the area; that they have selected the proposed location to develop as it minimized the potential for negative environmental or community impacts; that the minimum buffer and facilities are proposed; that the proposed project is smaller in scale compared to the Bridgeville compressor station; that they believe the project fits the character of the site activity which is currently under use; that with the commercial and industrial facilities located on Emma Jane Lane and Miller Metals to the north, the project is in line with the general land use of the area; that there is access to trucking Rt. 404 and the Conditional Use request is for industrial use to be granted for the entire parcel.

Mr. Hopkins questioned if the site operation currently trucked gas to the site and distribute the gas, what a virtual pipeline is and asked if the request was to supplement the gas by truck due to inability to receive enough gas through the pipelines and questioned if the 200-ft. of potential impact radius was the maximum radius.

Ms. Stevenson questioned the location the trucks will be arriving from, if the railroad would be utilized, what hours the trucks would be running, if it proposed to place a new compressor on-site or use an existing compressor and she questioned if the proposed request was related to the biogas facility in Seaford.

Ms. Wingate questioned if Eastern Shore Natural Gas is currently performing the proposed process at any other location or facility

Mr. Parker stated they do not currently bring gas to the site by truck; that everything onsite is subgrade; that the natural gas pipelines come in, then head to the compressor units, which are located within the existing buildings; that the gas is typically compressed for 500-lbs. to 800-lbs., which helps transport the compressed gas, allowing the gas to move through the pipeline to the west and east; that they serve Cambridge and Easton; that in the proposed plan, there are three offload points; that the proposed use could be opportunistic for them during peak seasons; that the proposed use would allow them to

bring in compressed natural gas liquefied or renewable natural gases; that they would truck in the gas, to bring those opportunities to the site, rather than attempting to bring the gas down from an interconnect in PA; that a virtual pipeline is also known as a truck; that by supplementing the gas by a truck does create opportunities for them; that they do currently receive gas through the pipeline underground and the request is to supplement the gas additionally by truck; that the impact radius for a ten-inch pipe, at 800-lbs. of pressure, is 196-ft.; that if a person was outside of the impact radius, there would still be some type of percussion but the person would not be located within the blast radius; that the shippers have not yet been determined, therefore the location in which the trucks will arrive is currently unknown; that they found no advantage by rail, as the gas would still be required to off the rail, on load to a truck and off load again at the site; that they are proposing to use Marlin Natural Gas Services, which is part of Chesapeake Utilities Corporation which is where Eastern Shore Natural Gas falls under as a business unit; that it will be their truckers, their known system, and their operator qualified technicians using equipment; that due to not knowing who the shippers will be and their locations, the exact hours the trucks would run is unknown; that hours would mainly be through the daytime, but they are not excluding evenings and night deliveries; that peak hour movements are 7:00 am until 9:00 am and 4:00 pm until 6:00 pm; that DelDOT has not placed a condition on when the trucks can and cannot go; that the trucks would be considered part of the normal flow of traffic; that they are proposing zero to three trucks in a peak hour movement; that this equals to three trucks over a 120-minute window; that there is an existing compressor onsite; that the proposed project, and the request to expand the Conditional Use, will not involve a new compressor; that the proposed project will strictly be injected into the existing pipeline; that the gas is decompressed and comes off the trucks at high pressure, allowing the gas to be directly injected; that the proposed project is not related to the biogas facility in Seaford, that should the biogas facility open in Seaford, they could be a potential receipt point for them; that the proposed project is not based around the biogas facility in Seaford; that they have investigated a location at their existing Hollymount meter and regulator facility, but they have not taken any steps to inject at the location; that Marlin Natural Gas has the history of transporting the gas by truck and they have had no issues in the past.

The Commission found Ms. Maria Payan, on behalf of Sussex Health & Environmental Network, Mr. Greg Layton, on behalf of Delaware Food & Water Watch, with concerns on traffic, the vagueness and lack of details submitted in the Application as to who the chosen drivers will be, the truck route of the drivers, how trucks will park in the bays, the process in the offloading of gas, the lack of a detailed emergency plan, the safety and potential negative impacts of the children and employees of the school, the percussion zone radius, the compatibility of the project to the Comprehensive Plan and the potential to create a climate catastrophe created by carbon-based fuel, environmental racism and a Traffic Impact Study and PLUS review should be required with an active FERC application.

Ms. Stevenson questioned if there could be an emergency plan set in place with the school be submitted for the Commission to review; that she mentioned her concern of when the trucks would be driving past the school and questioned how it could be avoided.

Mr. Parker stated he will have to check with the safety department to inquire if there is already a plan in place with the existing operating compressor station at the site and they are willing to initiate a safety plan if there is not an existing plan; that they do not anticipate the trucks to drive past the

school; that they assumed with DelDOT, the trucks would arrive from the eastern side, mainly from Rt. 13; that DelDOT requested they look at the more heavily trafficked areas; that there was a Traffic Impact Study performed with Miller Metals; that they did look at traffic through that previous TIS lens; that despite being unsure if they will arrive from Rt. 404 or Rt. 13, they looked at the more concentrated area, and found the safety concerns, timing issues and trips generated were not of concern; that it would keep the trucks completely away from Wheatley Elementary; that they did not propose any access off the western side, off of Black Cherry Lane; that all the trucks would come in from Rt. 404; that this keeps them out of residential areas, away from the elementary school, from crossing the railroad tracks; that they utilized the existing roadway corridor to be mindful of safety; that it is no different than a gas truck delivering to a Exxon or Wawa; that the trucks they use are properly valved; that the trucks have shut down components; that the truck drivers are operator qualified; that they are employees of Eastern Shore Natural Gas; that they are willing to place a condition not permitting the trucks to drive pass the school; that the only circumstance it could happen is if a trailer were to get lost; that their goal route is to have the trailers access Emma Jane Lane off of East Newton Rd.; that FERC takes jurisdiction when it comes to environmental and social justice issues; that they also regulate noise and siting authority; that for FERC to grant them the Certificate of Public Convenience (CPCN), which they refer to as a CP Filing, FERC uses the screening justice tool to review applications; that when they made the application to FERC for the Bridgeville compressor station in 2015-2016, the justice tools items were reviewed and analyzed by FERC; that they have made an application with FERC under a Prior Notice Filing to add a compressor unit inside an existing structure; that they are not expanding a facility; that they are placing a unit inside an existing building which was large enough to handle the unit; that this is under a docket with the Federal Energy Regulatory Commission; that the proposed facility is allowing them more opportunities to move adequate gas through their pipelines; that both components play a factor toward their shippers needs; that when they file for the CPCN for the proposed interconnect facility, FERC will address noise and environmental and social justice issues in their dissertation within their research report; that they take the comments seriously and comments made are addressed; that they are attempting to utilize the existing property; that they are trying to avoid taking a lateral through new areas off of Rt. 13 to another property, while potentially disturbing other areas; that they are requesting to make best use of the proposed property; that the reason the project is limited to 18 trucks daily is based off of 6,000 dekatherm (dth) daily for the total inlet capacity; that this is based upon the meters and piping onsite; that a number of 18 trucks would meet the maximum capability of the system; that the only way to allow for more trucks, would be to expand the facility further; that expanding is not their proposal at this time; that when they make an application with FERC for the CPCN, they are required to notify properties within a one mile radius of the Application; that if a public hearing is required, FERC will provide the opportunity.

Chairman Wheatley stated with a Conditional Use request the Commission has the authority to recommend approval, recommend denial or recommend approval with imposed stipulations and wanted to confirm Mr. Parker was aware what he has stated into record could become Conditionals of Approval.

Mr. Hopkins stated the proposed area is where he grew up; that he feels the perception of the public is similar to downtown Millsboro where there are multiple trucks attempting to get out onto Rt. 113;

that this is not the case for the proposed Application; that the trucks have Rt. 404 bypass, around Bridgeville, which enters into East Newton Rd.; that there are many more trucks, turning off, heading into Bridgeville; that the proposed trucks are not going into Bridgeville; that trucks are heading to Perdue's feed mill and the potato mill; that the proposed trucks will only be driving a bit further than those locations to turn into the proposed site; that the only reason a truck driver would make a left-hand turn out of the site, would be in the circumstance of an accident and he wanted to make sure everyone had the proper perspective.

Upon there being no further questions, Chairman Wheatley closed the public hearing.

In relation to Application C/U 2284 Eastern Shore Natural Gas Company. Motion by Mr. Hopkins, to defer action for further consideration, seconded by Ms. Stevenson, and carried unanimously. Motion carried 5-0.

Draft Minutes of the March 10, 2022 Planning & Zoning Commission Meeting

The Commission discussed this Application which has been deferred since February 10, 2022.

Mr. Hopkins moved the Commission recommend approval of C/U 2284 Eastern Shore Natural Gas Company for an expansion of Conditional Use No. 889 approved as Ordinance No. 536 for public utilities or public service based on the record made during the public hearing and for the following reasons:

1. This is the expansion of an existing natural gas facility within property that is owned by the Applicant. The original conditional use was approved by Sussex County Council on September 27, 1988, as Ordinance No. 536, and the property has been used as a natural gas facility ever since.
2. There are other conditional uses in the vicinity. These include Conditional Use #1955, which allowed the State of Delaware and DelDOT to operate a maintenance yard. This limited expansion of an existing conditional use in this location is appropriate.
3. This limited expansion will permit a point of connection into the Applicant's existing gas line infrastructure. It will allow renewable natural gas, compressed natural gas, or liquified gas to be introduced into the existing pipeline system.
4. The proposed use will have minimal above-ground facilities. These new facilities will be smaller in comparison to the existing facilities on the site.
5. No wetlands, waterbodies or other sensitive resources are located on the site, and it will not require any water or sewer connections.
6. The limited expansion will not have a detrimental impact upon the physical, economic or social environment of the area.
7. This Conditional Use to allow the limited expansion of the existing natural gas facility on this site promotes the convenience, order, prosperity and welfare of residents and businesses of Sussex County by providing improvements to natural gas infrastructure within an existing natural gas facility.
8. Fire protection will be provided by the Bridgeville Volunteer Fire Department, which is located approximately one-half mile from this site.
9. This recommendation is subject to the following conditions:

- A. The area of this use shall be fenced with a locked access gate. A “knox box” or similar means of access shall be established on the site for use by emergency responders.
- B. The site shall be marked with signage identifying the owner of the facility and emergency contact information.
- C. The use shall comply with all Federal and State requirements governing the use.
- D. The Final Site Plan shall be subject to review and approval of the Sussex County Planning & Zoning Commission.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to recommend approval of C/U 2284 Eastern Shore Natural Gas Company for the reasons and conditions stated in the motion. Motion carried 5-0.

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



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

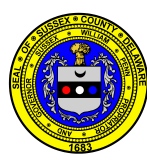


Agricultural Residential (AR-1). Several parcels adjacent to and located on the eastern side of the subject site as zoned General Commercial (C-1), along N. Main Street, which serves as a major thoroughfare from Route 13 (Sussex Highway) into the Town of Bridgeville.

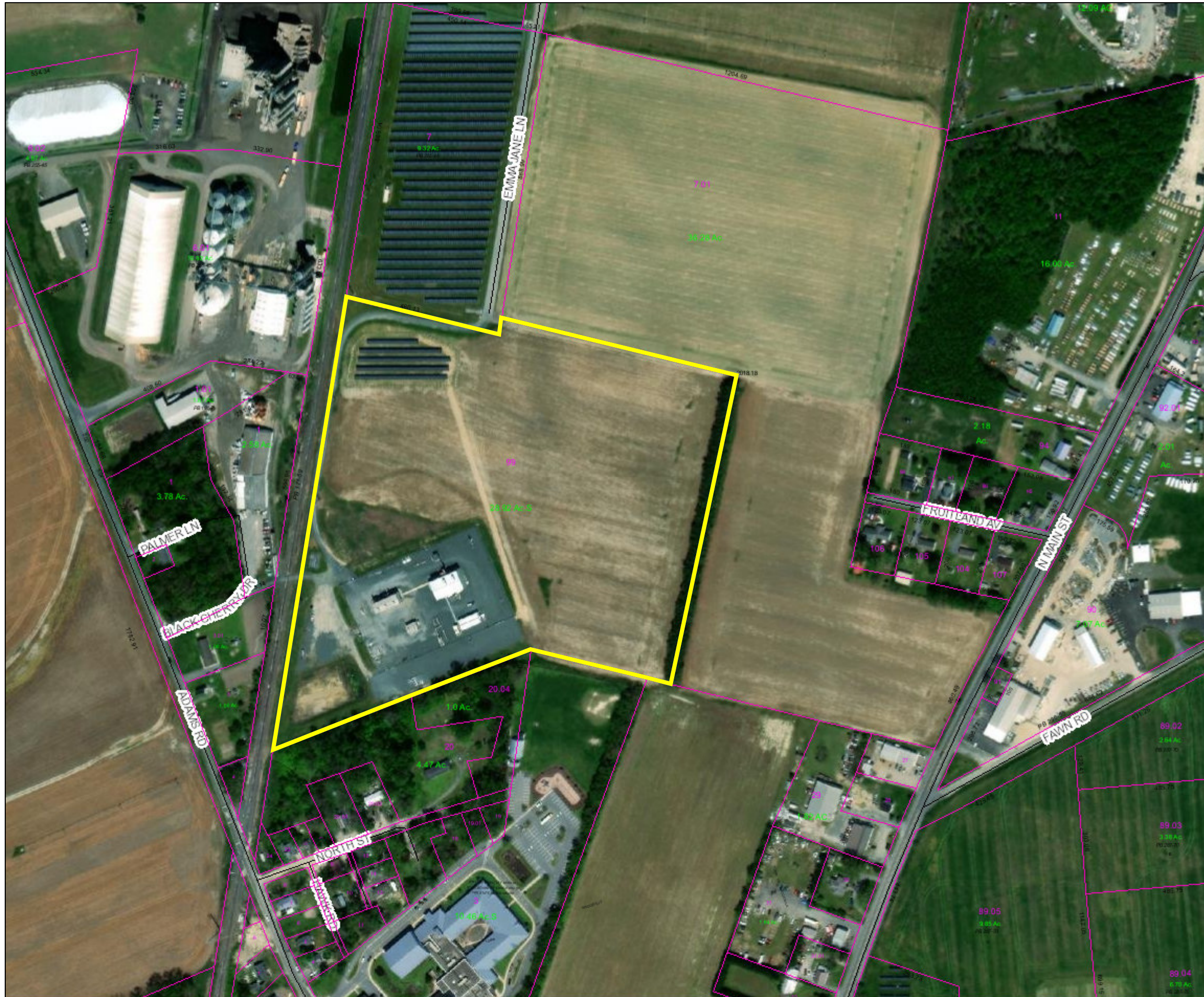
There are approximately five (5) parcels on the eastern side of the property on the opposite side of N. Main Street which are zoned Business Research (B-3).

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.



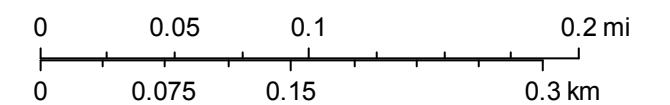
Sussex County



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	

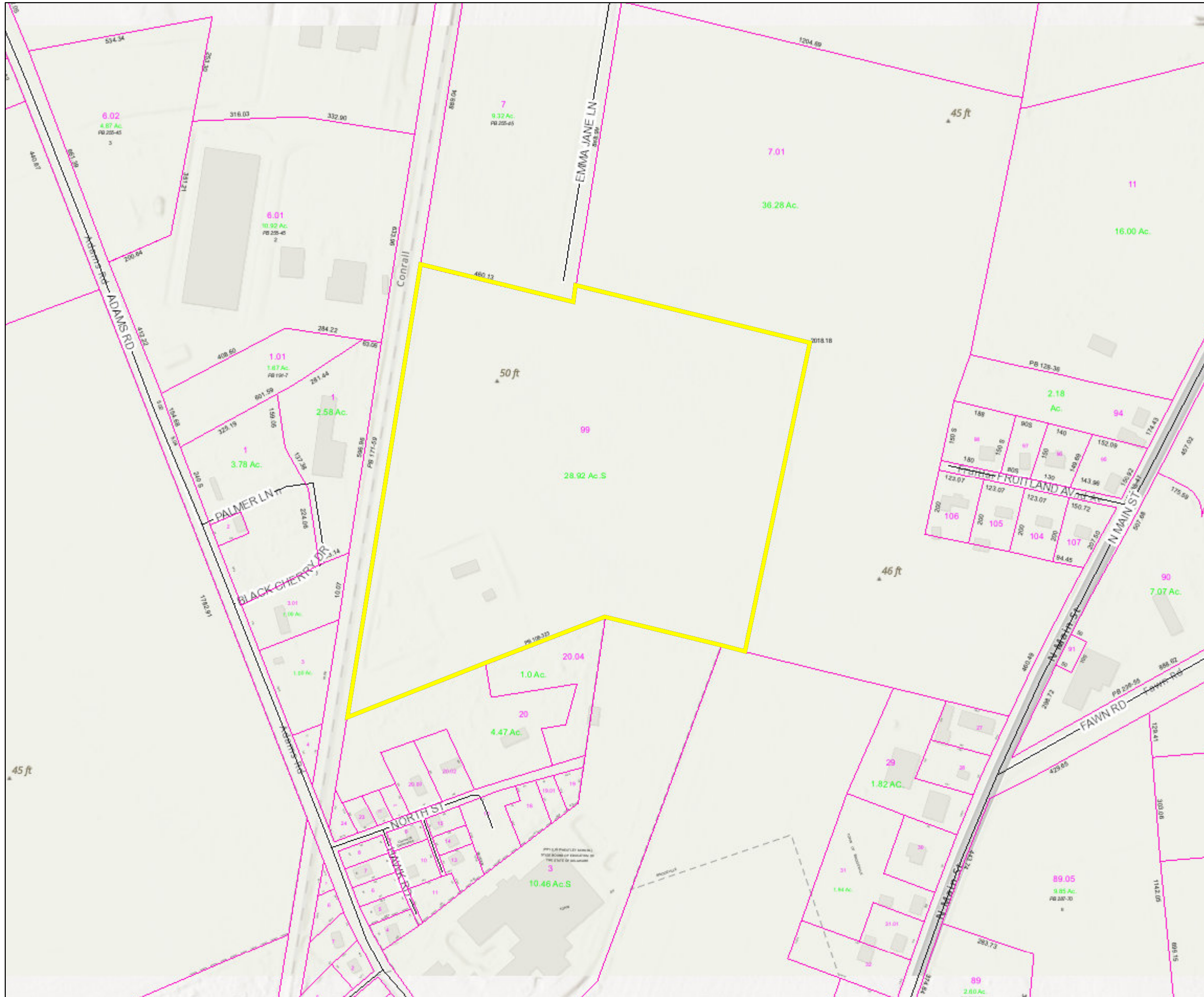
- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- Streets
- County Boundaries
- DOE School Districts

1:4,514





Sussex County



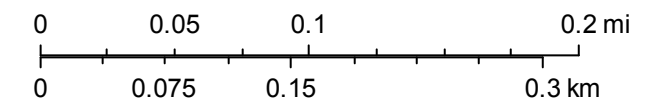
PIN:	131-10.00-99.00	
Owner Name	EASTERN	SHORE
	NATURAL GAS CO	
Book	1798	
Mailing Address	PO BOX 1769	
City	DOVER	
State	DE	
Description	E/PENN CENTRAL	
Description 2	250'N/RT 583	
Description 3	N/A	
Land Code		

- polygonLayer**

Override 1
- polygonLayer**

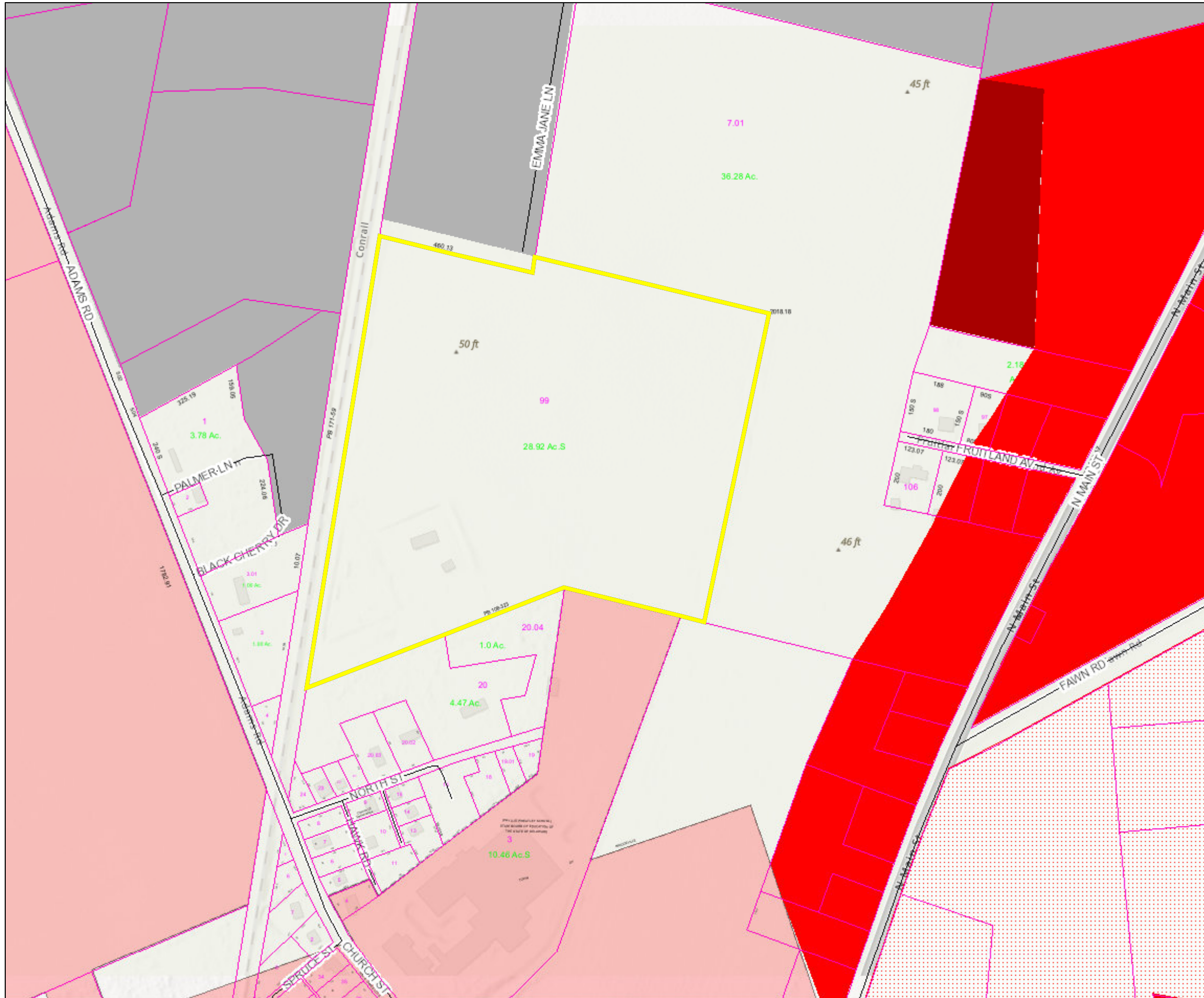
Override 1
- ⋯ Tax Parcels
- Streets
- County Boundaries
- ⋯ DOE School Districts

1:4,514





Sussex County



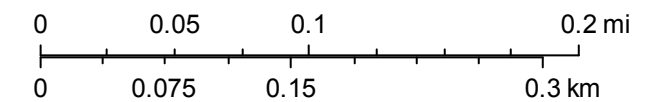
PIN:	131-10.00-99.00
Owner Name	EASTERN SHORE NATURAL GAS CO
Book	1798
Mailing Address	PO BOX 1769
City	DOVER
State	DE
Description	E/PENN CENTRAL
Description 2	250'N/RT 583
Description 3	N/A
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- Tax Parcels
- Streets

1:4,514



**CHESAPEAKE
UTILITIES
CORPORATION**

Bridgeville Interconnect



Norfolk Southern Railroad

Perdue Garage

Miller Metals - Under Construction

Perdue AgriBusiness

News Print Shop

SR 404

Existing ESG Compressor Station Facilities

Solar Farm

Fruitland Ave - Residential

Helena AgriEnterprises

Bridgeville Interconnect

Phillis Wheatley Elementary School

Phillis Wheatley Elementary School

Roberts Oxygen

AMH Enterprises

Miller Metal Fabrication

Western Sussex Animal Hospital

Power Trans

Weller's Utility Trailers

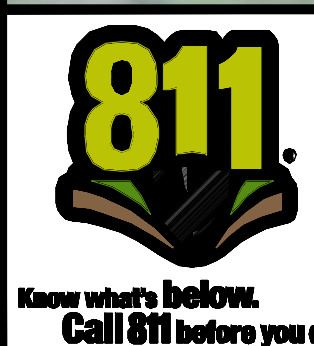
Helena Agri Enterprises

Fawn Rd

13

13



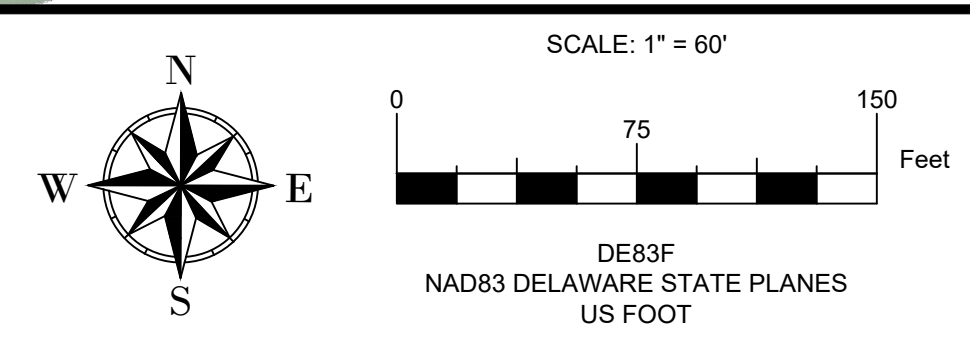


- EXCAVATE WITH CAUTION!!! EXACT LOCATION OF EXISTING UNDERGROUND PIPES AND UTILITIES IS UNKNOWN.
- CONTRACTOR TO FIELD VERIFY ALL DIMENSIONS PRIOR TO FABRICATION.

REVISIONS			
NO.	DATE	DESCRIPTION	BY
0	11/04/2021	ISSUED FOR CONSTRUCTION	BS

NOTES:

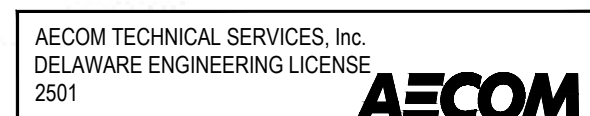
- PROJECT BENCHMARK IS THE SOUTHWEST CORNER OF THE GRADED PAD AND IS N. 1000'-0", E. 1000'-0", ELEVATION (+) 100'-0".
BENCHMARK DATA = GEODETIC N. 275,007.743, E. 603,393.186, EL(S), (+) 48.57.
- FUTURE SCOPE SHOWN FADED AND AS NOTED.



EASTERN SHORE
NATURAL GAS

500 ENERGY LANE - SUITE 200, DOVER, DE 19901
TELEPHONE: (302)734-6710 - FAX: (302)735-6601

BRIDGEVILLE INTERCONNECT	
RECEIPT POINT INJECTION	
17035 BLACK CHERRY DRIVE, BRIDGEVILLE, DE 19933	
DRAWING: 17035-20-2002 - PLOT PLAN	DATE: 10/27/2021
DRAFTER: B. STEWART	MOC No.: XXX
PROJECT ID: ESXXXXXX	



ISSUE/REVISION

NO.	DATE	DESCRIPTION

KEY PLAN

SURVEY NOTES

1. THIS PLAN IS A SITE PLAN SHOWING EXISTING AND PROPOSED FEATURES TO PROVIDE INFORMATION FOR CONDITIONAL USE APPROVAL.
2. 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.
3. 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.
4. DUE TO THE SITE CONDITIONS AND USE OF THE SUBJECT PREMISES SOME FEATURES MAY NOT BE LOCATED OR SHOWN HEREON.
5. THE FIELD SURVEY IS BASED ON THE DELAWARE STATE PLANE COORDINATE SYSTEM, NAD83, ELEVATIONS SHOWN ON THIS PLAN ARE BASED ON NAVD83.
6. 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.
7. NO WETLANDS WERE DELINEATED ON THIS PROPERTY.
8. THIS PLAN IS ONLY VALID WHEN THE PROFESSIONAL'S SIGNATURE AND SEAL IS SHOWN.

GENERAL NOTES

1. 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.
2. THIS PROJECT IS NOT LOCATED WITHIN THE 100 YEAR FEMA FLOOD PLAN, AS SHOWN ON FEMA FIRM MAP PANEL #100050015K REVISED MARCH 16, 2015. A FLOOD STUDY AND/OR FLOODPLAIN DELINEATION IS NOT REQUIRED.
3. NO DEBRIS SHALL BE BURIED ONSITE.
4. 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.
5. THIS PLAN DOES NOT INTEND TO CREATE ANY PUBLIC RIGHTS-OF-WAY.
6. THIS PLAN DOES NOT INTEND TO MODIFY THE EXISTING WATER SUPPLY.
7. THIS PLAN DOES NOT INTEND TO MODIFY THE EXISTING SEWER.
8. 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.
9. 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.
10. ALL FIRE LANES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.

ZONING

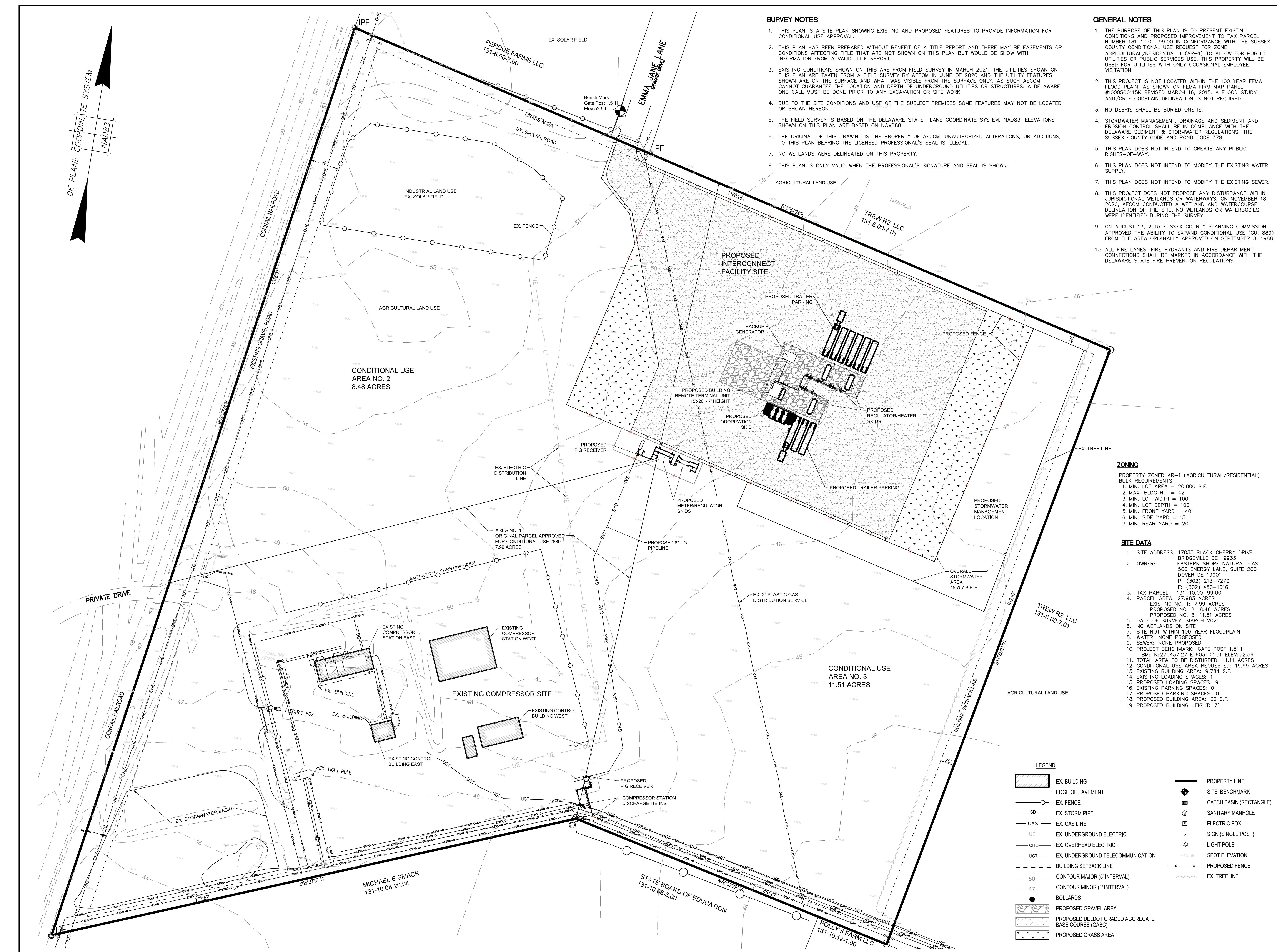
- PROPERTY ZONED AR-1 (AGRICULTURAL/RESIDENTIAL)
 BULK REQUIREMENTS
1. MIN. LOT AREA = 20,000 S.F.
 2. MAX. BLDG HT. = 42'
 3. MIN. LOT WIDTH = 100'
 4. MIN. LOT DEPTH = 100'
 5. MIN. FRONT YARD = 40'
 6. MIN. SIDE YARD = 15'
 7. MIN. REAR YARD = 20'

SITE DATA

1. SITE ADDRESS: 17035 BLACK CHERRY DRIVE BRIDGEVILLE DE 19933
2. OWNER: EASTERN SHORE NATURAL GAS COMPANY
500 ENERGY LANE, SUITE 200 DOVER DE 19901
P: (302) 213-7270
F: (302) 450-1616
3. TAX PARCEL: 131-10.00-99.00
4. PARCEL AREA: 27.983 ACRES
EXISTING NO. 1: 7.99 ACRES
PROPOSED NO. 2: 8.48 ACRES
PROPOSED NO. 3: 11.51 ACRES
5. DATE OF SURVEY: MARCH 2021
6. NO WETLANDS ON SITE
7. SITE NOT WITHIN 100 YEAR FLOODPLAIN
8. WATER: NONE PROPOSED
9. SEWER: NONE PROPOSED
10. PROJECT BENCHMARK: GATE POST 1.5' H
BM: N: 275437.27 E: 603403.51 ELEV: 52.59
11. TOTAL AREA TO BE DISTURBED: 11.11 ACRES
12. CONDITIONAL USE AREA REQUESTED: 19.99 ACRES
13. EXISTING BUILDING AREA: 9,784 S.F.
14. EXISTING LOADING SPACES: 1
15. PROPOSED LOADING SPACES: 9
16. EXISTING PARKING SPACES: 0
17. PROPOSED PARKING SPACES: 0
18. PROPOSED BUILDING AREA: 36 S.F.
19. 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. TREE LINE
	CONTOUR MINOR (1' INTERVAL)		
	BOLLARDS		
	PROPOSED GRAVEL AREA		
	PROPOSED DELDOT GRADED AGGREGATE BASE COURSE (GABC)		
	PROPOSED GRASS AREA		



From SR 404 – Looking South onto Emma Jane Lane and Newton Industrial Park



From Emma Jane Lane – Looking West Across Solar and Rail Toward Perdue AgriBusiness



From Center of Proposed Piping – Looking East Toward Fruitland Ave.



From Center of Proposed Piping – Looking South Toward Wheatley Elementary School



Center of Proposed Piping – Looking West/Northwest Toward Perdue AgriBusiness



From Fruitland Ave. – Looking West Toward Proposed Facility



**CHESAPEAKE
UTILITIES
CORPORATION**

**Open Discussion/
Questions**

Sent: Saturday, March 19, 2022 5:32 PM

Subject: Contact Form: Please don't pass the extension of a gas pipeline

Submitted on Saturday, March 19, 2022 - 5:31pm

Name: Nancy Feichtl

Email address: jfeichtl@yahoo.com

Phone number: 302 245 8979

Subject: Please don't pass the extension of a gas pipeline

Message:

Not only is it dangerous, but is totally contrary to what we now know about the immediate need to skip to green energy. Don't you realize that without taking steps now to limit climate change will affect Sussex County, DE almost immediate

From: photontraveler@gmail.com@mg.gospringboard.io
<photontraveler@gmail.com@mg.gospringboard.io> **On Behalf Of** Mark Butler
Sent: Friday, March 18, 2022 6:08 PM
To: Tracy Torbert <tracy.torbert@sussexcountyde.gov>
Subject: Reject the ESNG 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.

Dear Sussex County Council,

The proposed Eastern Shore Natural Gas (ESNG) pipeline expansion near Bridgeville is a dirty and dangerous idea. Not only would it bring about 20 “bomb trucks” each day loaded with explosive gas to local roads; it would expand a risky operation within 330 feet of a home, 1,100 feet of a playground, and 1,300 feet of Phillis Wheatley Elementary School. About 600 young children learn and play there five days a week.

You don’t have to search long to find examples of “bomb trucks” crashing and exploding or gas pipelines failing with devastating consequences. We don’t want to see a similar catastrophe near Bridgeville.

Further, ESNG’s parent company, Chesapeake Utilities, has an agreement to accept biogas from the proposed Bioenergy DevCo (BDC) methane refinery near Seaford. BDC plans to truck hundreds of thousands of tons of poultry slaughterhouse waste from three states to extract gas from it in our community. This means the project you will consider on March 22 would, if approved, further entrench fossil fuel infrastructure and the highly polluting factory farm model in Sussex County.

Most climate scientists believe we must transition away from carbon-based fuels as rapidly as possible to avert a climate crisis, not develop new ones, and the science is clear that the current model of raising poultry is destroying our environment and harming human health.

As the leaders of Sussex County Government, you have the power and responsibility to protect the health and well-being of Sussex County residents. Say NO to pipeline expansion in Sussex County.

Sincerely,

Mark Butler
15520 Abbott’s Pond Rd
Milford DE, 19963-3535

From: jloatman@yahoo.com@mg.gospringboard.io <jloatman@yahoo.com@mg.gospringboard.io> **On Behalf Of** Jodi Walters
Sent: Saturday, March 19, 2022 8:16 AM
To: Tracy Torbert <tracy.torbert@sussexcountyde.gov>
Subject: Reject the ESNB 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.

Dear Sussex County Council,

The proposed Eastern Shore Natural Gas (ESNB) pipeline expansion near Bridgeville is a dirty and dangerous idea. Not only would it bring about 20 “bomb trucks” each day loaded with explosive gas to local roads; it would expand a risky operation within 330 feet of a home, 1,100 feet of a playground, and 1,300 feet of Phillis Wheatley Elementary School. About 600 young children learn and play there five days a week.

You don’t have to search long to find examples of “bomb trucks” crashing and exploding or gas pipelines failing with devastating consequences. We don’t want to see a similar catastrophe near Bridgeville.

Further, ESNB’s parent company, Chesapeake Utilities, has an agreement to accept biogas from the proposed Bioenergy DevCo (BDC) methane refinery near Seaford. BDC plans to truck hundreds of thousands of tons of poultry slaughterhouse waste from three states to extract gas from it in our community. This means the project you will consider on March 22 would, if approved, further entrench fossil fuel infrastructure and the highly polluting factory farm model in Sussex County.

Most climate scientists believe we must transition away from carbon-based fuels as rapidly as possible to avert a climate crisis, not develop new ones, and the science is clear that the current model of raising poultry is destroying our environment and harming human health.

As the leaders of Sussex County Government, you have the power and responsibility to protect the health and well-being of Sussex County residents. Say NO to pipeline expansion in Sussex County.

Sincerely,

Jodi Walters
9 Blue Heron Drive
Lewes DE, 19958-2309

From: zzd100=aol.com@mg.gospringboard.io <zzd100=aol.com@mg.gospringboard.io> **On Behalf Of**
Zita Dresner
Sent: Friday, March 18, 2022 10:34 AM
To: Tracy Torbert <tracy.torbert@sussexcountyde.gov>
Subject: Reject the ESNB 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.

Dear Sussex County Council,

The proposed Eastern Shore Natural Gas (ESNG) pipeline expansion near Bridgeville is a dirty and dangerous idea. Not only would it bring about 20 “bomb trucks” each day loaded with explosive gas to local roads; it would expand a risky operation within 330 feet of a home, 1,100 feet of a playground, and 1,300 feet of Phillis Wheatley Elementary School. About 600 young children learn and play there five days a week.

You don’t have to search long to find examples of “bomb trucks” crashing and exploding or gas pipelines failing with devastating consequences. We don’t want to see a similar catastrophe near Bridgeville.

Further, ESNB’s parent company, Chesapeake Utilities, has an agreement to accept biogas from the proposed Bioenergy DevCo (BDC) methane refinery near Seaford. BDC plans to truck hundreds of thousands of tons of poultry slaughterhouse waste from three states to extract gas from it in our community. This means the project you will consider on March 22 would, if approved, further entrench fossil fuel infrastructure and the highly polluting factory farm model in Sussex County.

Most climate scientists believe we must transition away from carbon-based fuels as rapidly as possible to avert a climate crisis, not develop new ones, and the science is clear that the current model of raising poultry is destroying our environment and harming human health.

As the leaders of Sussex County Government, you have the power and responsibility to protect the health and well-being of Sussex County residents. Say NO to pipeline expansion in Sussex County.

Sincerely,

Zita Dresner
213 Lakeside Dr.
Lewes DE, 19958-8939

From: boldtom2@gmail.com@mg.gospringboard.io <boldtom2@gmail.com@mg.gospringboard.io> **On Behalf Of** Thomas Greenwood
Sent: Friday, March 18, 2022 11:08 AM
To: Tracy Torbert <tracy.torbert@sussexcountyde.gov>
Subject: Reject the ESNB 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.

Dear Sussex County Council,

The proposed Eastern Shore Natural Gas (ESNB) pipeline expansion near Bridgeville is a dirty and dangerous idea. Not only would it bring about 20 “bomb trucks” each day loaded with explosive gas to local roads; it would expand a risky operation within 330 feet of a home, 1,100 feet of a playground, and 1,300 feet of Phillis Wheatley Elementary School. About 600 young children learn and play there five days a week.

You don’t have to search long to find examples of “bomb trucks” crashing and exploding or gas pipelines failing with devastating consequences. We don’t want to see a similar catastrophe near Bridgeville.

Further, ESNB’s parent company, Chesapeake Utilities, has an agreement to accept biogas from the proposed Bioenergy DevCo (BDC) methane refinery near Seaford. BDC plans to truck hundreds of thousands of tons of poultry slaughterhouse waste from three states to extract gas from it in our community. This means the project you will consider on March 22 would, if approved, further entrench fossil fuel infrastructure and the highly polluting factory farm model in Sussex County.

Most climate scientists believe we must transition away from carbon-based fuels as rapidly as possible to avert a climate crisis, not develop new ones, and the science is clear that the current model of raising poultry is destroying our environment and harming human health.

As the leaders of Sussex County Government, you have the power and responsibility to protect the health and well-being of Sussex County residents. Say NO to pipeline expansion in Sussex County.

Sincerely,

Thomas Greenwood
34 Sussex Dr
Lewes DE, 19958-1507

From: drenna.edelman@gmail.com@mg.gospringboard.io
<drenna.edelman@gmail.com@mg.gospringboard.io> **On Behalf Of** Drenna Edelman
Sent: Friday, March 18, 2022 11:42 AM
To: Tracy Torbert <tracy.torbert@sussexcountyde.gov>
Subject: Reject the ESNB 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.

Dear Sussex County Council,

The proposed Eastern Shore Natural Gas (ESNG) pipeline expansion near Bridgeville is a dirty and dangerous idea. Not only would it bring about 20 “bomb trucks” each day loaded with explosive gas to local roads; it would expand a risky operation within 330 feet of a home, 1,100 feet of a playground, and 1,300 feet of Phillis Wheatley Elementary School. About 600 young children learn and play there five days a week.

You don’t have to search long to find examples of “bomb trucks” crashing and exploding or gas pipelines failing with devastating consequences. We don’t want to see a similar catastrophe near Bridgeville.

Further, ESNB’s parent company, Chesapeake Utilities, has an agreement to accept biogas from the proposed Bioenergy DevCo (BDC) methane refinery near Seaford. BDC plans to truck hundreds of thousands of tons of poultry slaughterhouse waste from three states to extract gas from it in our community. This means the project you will consider on March 22 would, if approved, further entrench fossil fuel infrastructure and the highly polluting factory farm model in Sussex County.

Most climate scientists believe we must transition away from carbon-based fuels as rapidly as possible to avert a climate crisis, not develop new ones, and the science is clear that the current model of raising poultry is destroying our environment and harming human health.

As the leaders of Sussex County Government, you have the power and responsibility to protect the health and well-being of Sussex County residents. Say NO to pipeline expansion in Sussex County.

Sincerely,

Drenna Edelman
288 Winifreds Way
Lewes DE, 19958-2659

From: kg4trees@gmail.com@mg.gospringboard.io <kg4trees@gmail.com@mg.gospringboard.io> **On Behalf Of** Ken Gigliello
Sent: Saturday, March 19, 2022 9:32 AM
To: Tracy Torbert <tracy.torbert@sussexcountyde.gov>
Subject: Reject the ESNB 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.

Dear Sussex County Council,

The proposed Eastern Shore Natural Gas (ESNG) pipeline expansion near Bridgeville is a dirty and dangerous idea. Not only would it bring about 20 "bomb trucks" each day loaded with explosive gas to local roads; it would expand a risky operation within 330 feet of a home, 1,100 feet of a playground, and 1,300 feet of Phillis Wheatley Elementary School. About 600 young children learn and play there five days a week.

You don't have to search long to find examples of "bomb trucks" crashing and exploding or gas pipelines failing with devastating consequences. We don't want to see a similar catastrophe near Bridgeville.

Further, ESNB's parent company, Chesapeake Utilities, has an agreement to accept biogas from the proposed Bioenergy DevCo (BDC) methane refinery near Seaford. BDC plans to truck hundreds of thousands of tons of poultry slaughterhouse waste from three states to extract gas from it in our community. This means the project you will consider on March 22 would, if approved, further entrench fossil fuel infrastructure and the highly polluting factory farm model in Sussex County.

Most climate scientists believe we must transition away from carbon-based fuels as rapidly as possible to avert a climate crisis, not develop new ones, and the science is clear that the current model of raising poultry is destroying our environment and harming human health.

As the leaders of Sussex County Government, you have the power and responsibility to protect the health and well-being of Sussex County residents. Say NO to pipeline expansion in Sussex County.

Sincerely,

Ken Gigliello
32538 Estuary Blvd
Frankford DE, 19945-3733

From: cathy.rash11@gmail.com@mg.gospringboard.io <cathy.rash11@gmail.com@mg.gospringboard.io>
On Behalf Of Cathy Rash
Sent: Saturday, March 19, 2022 8:36 PM
To: Tracy Torbert <tracy.torbert@sussexcountyde.gov>
Subject: Reject the ESNB 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.

Dear Sussex County Council,

The proposed Eastern Shore Natural Gas (ESNB) pipeline expansion near Bridgeville is a dirty and dangerous idea. Not only would it bring about 20 “bomb trucks” each day loaded with explosive gas to local roads; it would expand a risky operation within 330 feet of a home, 1,100 feet of a playground, and 1,300 feet of Phillis Wheatley Elementary School. About 600 young children learn and play there five days a week.

You don’t have to search long to find examples of “bomb trucks” crashing and exploding or gas pipelines failing with devastating consequences. We don’t want to see a similar catastrophe near Bridgeville.

Further, ESNB’s parent company, Chesapeake Utilities, has an agreement to accept biogas from the proposed Bioenergy DevCo (BDC) methane refinery near Seaford. BDC plans to truck hundreds of thousands of tons of poultry slaughterhouse waste from three states to extract gas from it in our community. This means the project you will consider on March 22 would, if approved, further entrench fossil fuel infrastructure and the highly polluting factory farm model in Sussex County.

Most climate scientists believe we must transition away from carbon-based fuels as rapidly as possible to avert a climate crisis, not develop new ones, and the science is clear that the current model of raising poultry is destroying our environment and harming human health.

As the leaders of Sussex County Government, you have the power and responsibility to protect the health and well-being of Sussex County residents. Say NO to pipeline expansion in Sussex County.

Sincerely,

Cathy Rash
365 Wallace Dr
Newark DE, 19711-2011

From: Boe Daley <bojangles21@comcast.net>
Sent: Sunday, March 20, 2022 9:42 PM
To: Tracy Torbert <tracy.torbert@sussexcountyde.gov>
Subject: CU2284 - Eastern Shore Natural Gas Extension

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.

Can someone please explain what "untraditional natural gas" is and convince me that this is a safe product to allow so close to homes, a playground and school? Thank you, Boe Daley

From: Jeanette Akhter <jeakhter@gmail.com>
Sent: Saturday, March 19, 2022 9:29 PM
To: Tracy Torbert <tracy.torbert@sussexcountyde.gov>
Subject: Pubic Hearing C/U 2284

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.

Dear Ms Torbert,
Please register my opposition to the conditional use 2284 for Eastern Shore National Gas Expansion. It would be unacceptably dangerous to bring in truckloads of potentially explosive gas on these roads near Bridgeville. It is absolutely unacceptable to expand this facility so close to a school and playground!
Thank you,
Jeanette Akhter
37225 Tranquil Cove
Selbyville, DE 19975

From: webmaster@sussexcountyde.gov <webmaster@sussexcountyde.gov>
Sent: Saturday, March 19, 2022 5:32 PM
To: Tracy Torbert <tracy.torbert@sussexcountyde.gov>
Subject: Contact Form: Please don't pass the extension of a gas pipeline

RECIPIENTS: Chip Guy, Bobbi Albright, Tracy Torbert, Casey Hall

Submitted on Saturday, March 19, 2022 - 5:31pm

Name: Nancy Feichtl

Email address: jfeichtl@yahoo.com

Phone number: 302 245 8979

Subject: Please don't pass the extension of a gas pipeline

Message:

Not only is it dangerous, but is totally contrary to what we now know about the immediate need to skip to green energy. Don't you realize that without taking steps now to limit climate change will affect Sussex County, DE almost immediate

From: coastkeeper=actforbays.org@mg.gospringboard.io
<coastkeeper=actforbays.org@mg.gospringboard.io> **On Behalf Of** Gabrielle Ross
Sent: Friday, March 18, 2022 10:34 AM
To: Tracy Torbert <tracy.torbert@sussexcountyde.gov>
Subject: Reject the ESNB 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.

Dear Sussex County Council,

The proposed Eastern Shore Natural Gas (ESNB) pipeline expansion near Bridgeville is a dirty and dangerous idea. Not only would it bring about 20 "bomb trucks" each day loaded with explosive gas to local roads; it would expand a risky operation within 330 feet of a home, 1,100 feet of a playground, and 1,300 feet of Phillis Wheatley Elementary School. About 600 young children learn and play there five days a week.

You don't have to search long to find examples of "bomb trucks" crashing and exploding or gas pipelines failing with devastating consequences. We don't want to see a similar catastrophe near Bridgeville.

Further, ESNB's parent company, Chesapeake Utilities, has an agreement to accept biogas from the proposed Bioenergy DevCo (BDC) methane refinery near Seaford. BDC plans to truck hundreds of thousands of tons of poultry slaughterhouse waste from three states to extract gas from it in our community. This means the project you will consider on March 22 would, if approved, further entrench fossil fuel infrastructure and the highly polluting factory farm model in Sussex County.

Most climate scientists believe we must transition away from carbon-based fuels as rapidly as possible to avert a climate crisis, not develop new ones, and the science is clear that the current model of raising poultry is destroying our environment and harming human health.

As the leaders of Sussex County Government, you have the power and responsibility to protect the health and well-being of Sussex County residents. Say NO to pipeline expansion in Sussex County.

Sincerely,

Gabrielle Ross
PO Box 731
berlin MD, 21811-0731

From: Ayarnall@gmail.com@mg.gospringboard.io <Ayarnall@gmail.com@mg.gospringboard.io> **On Behalf Of** Amy Yarnall
Sent: Thursday, March 17, 2022 6:17 PM
To: Tracy Torbert <tracy.torbert@sussexcountyde.gov>
Subject: Reject the ESNB 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.

Dear Sussex County Council,

The proposed Eastern Shore Natural Gas (ESNB) pipeline expansion near Bridgeville is a dirty and dangerous idea. Not only would it bring about 20 “bomb trucks” each day loaded with explosive gas to local roads; it would expand a risky operation within 330 feet of a home, 1,100 feet of a playground, and 1,300 feet of Phillis Wheatley Elementary School. About 600 young children learn and play there five days a week.

You don’t have to search long to find examples of “bomb trucks” crashing and exploding or gas pipelines failing with devastating consequences. We don’t want to see a similar catastrophe near Bridgeville.

Further, ESNB’s parent company, Chesapeake Utilities, has an agreement to accept biogas from the proposed Bioenergy DevCo (BDC) methane refinery near Seaford. BDC plans to truck hundreds of thousands of tons of poultry slaughterhouse waste from three states to extract gas from it in our community. This means the project you will consider on March 22 would, if approved, further entrench fossil fuel infrastructure and the highly polluting factory farm model in Sussex County.

Most climate scientists believe we must transition away from carbon-based fuels as rapidly as possible to avert a climate crisis, not develop new ones, and the science is clear that the current model of raising poultry is destroying our environment and harming human health.

As the leaders of Sussex County Government, you have the power and responsibility to protect the health and well-being of Sussex County residents. Say NO to pipeline expansion in Sussex County.

Sincerely,

Amy Yarnall
140 Hazel Road
Dover DE, 19901-3823

From: acahartzel@gmail.com@mg.gospringboard.io <acahartzel@gmail.com@mg.gospringboard.io> **On Behalf Of** Adria Hartzel
Sent: Friday, March 18, 2022 7:51 AM
To: Tracy Torbert <tracy.torbert@sussexcountyde.gov>
Subject: Reject the ESNG 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.

Dear Sussex County Council,

The proposed Eastern Shore Natural Gas (ESNG) pipeline expansion near Bridgeville is a dirty and dangerous idea. Not only would it bring about 20 “bomb trucks” each day loaded with explosive gas to local roads; it would expand a risky operation within 330 feet of a home, 1,100 feet of a playground, and 1,300 feet of Phillis Wheatley Elementary School. About 600 young children learn and play there five days a week.

You don’t have to search long to find examples of “bomb trucks” crashing and exploding or gas pipelines failing with devastating consequences. We don’t want to see a similar catastrophe near Bridgeville.

Further, ESNG’s parent company, Chesapeake Utilities, has an agreement to accept biogas from the proposed Bioenergy DevCo (BDC) methane refinery near Seaford. BDC plans to truck hundreds of thousands of tons of poultry slaughterhouse waste from three states to extract gas from it in our community. This means the project you will consider on March 22 would, if approved, further entrench fossil fuel infrastructure and the highly polluting factory farm model in Sussex County.

Most climate scientists believe we must transition away from carbon-based fuels as rapidly as possible to avert a climate crisis, not develop new ones, and the science is clear that the current model of raising poultry is destroying our environment and harming human health.

As the leaders of Sussex County Government, you have the power and responsibility to protect the health and well-being of Sussex County residents. Say NO to pipeline expansion in Sussex County.

Sincerely,

Adria Hartzel
15 Browning Circle
Middletown DE, 19709-1662

From: Greg Layton <glayton@fwwatch.org>
Sent: Monday, March 21, 2022 2:43 PM
To: Tracy Torbert <tracy.torbert@sussexcountyde.gov>
Subject: Public Comment: Eastern Shore Natural Gas

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.

Dear Sussex County Council,

Tomorrow, you will hear about the proposed expansion of the Eastern Shore Natural Gas (ESNG) pipeline facility near Bridgeville. Expanding this fossil fuel pipeline is everything we don't need — and then some. It is abundantly clear that Delaware needs to move away from fossil fuel infrastructure and factory farms, not double down. And it should be obvious that Sussex County children and educators don't need an expanded hazardous pipeline next door to an elementary school.

Sussex County Council must say no to this dangerous scheme. Here's why.

First, fossil fuels. While the United Nations calls for an immediate move off of fossil fuels to stave off the worst of the climate crisis, Delaware remains utterly reliant on fracked gas. Ninety two percent of our state's energy comes from the combustion of fracked gas — and plans to use ESNG's expanded pipeline for factory farm biogas will do nothing to change that. So-called "biogas" is chemically indistinguishable from fracked gas and has the same climate impacts when we burn it. This project is little more than greenwashing to deepen our reliance on ESNG's pipeline and the fracked gas supercharging climate chaos. As the lowest-lying state in the country, Delawareans have a lot to lose under a changing climate and rising sea levels. Let's not let this false solution lock us into the worst of what's to come.

Second, factory farms. This pipeline expansion would accept gas from the proposed Bioenergy DevCo methane refinery near Seaford, and possibly other factory farm gas projects, thereby propping up our region's highly polluting factory farm system. Ninety seven percent of our waterways are impaired, the highest percentage in the nation, and we have factory farming to blame. Factory farms in Delaware produce more than 300,000 tons of manure every year, leaching into our waterways and causing everything from nitrate pollution in drinking water to fish kills in Delaware's bays. Bioenergy DevCo's proposed methane refinery near Seaford will only intensify these problems — and this expansion is their lifeline to profit.

Bioenergy DevCo has already signed a 20 year contract with Perdue Farms as part of its plan to truck hundreds of thousands of tons of poultry industry waste from three states into Seaford to produce gas. That means locking in 20 more years of factory farm pollution in our region, which will continue to degrade our air and water. If approved, this pipeline expansion would be a huge gift to Bioenergy DevCo and its fossil fuel and factory farm partners.

Third, environmental justice. Historically, projects like this one have been placed in vulnerable communities that lack the resources to fight back. Those living nearest the site are significantly more likely to be people of color than the average Sussex County resident. A third are low-income, and a third again are 65+. To place this dirty and dangerous operation in their midst is simply unjust. Delaware should be taking meaningful action to address environmental justice issues, not overburdening our most vulnerable communities further.

Last but not least, safety. The pipeline expansion would receive and compress as many as 18 heavy truckloads of gas each day, 330 feet from a home, 1,100 feet from a playground, and 1,300 feet from Phillis Wheatley Elementary School. (Google Maps suggests it's quite a bit closer.) Even ESNG admits that a “catastrophic failure” of this pipeline would have an “impact radius” of 200 feet. At the very least, that means shattered school windows and glass shards in classrooms.

Pipeline accidents are not as rare as the fossil fuel industry wants you to believe. In the last 20 years, U.S. pipeline failures have killed 260 Americans, hospitalized 1,112, and caused more than \$11 billion in property damage. The decision to build one next to a school was absurd — expanding it is unconscionable.

I beg you, the members of Sussex County Council, to say NO to this proposal. You have the power and the responsibility to stop this disaster in the making.

Greg Layton

Delaware organizer for Food & Water Watch

Owner of land in Sussex County, between Milford and Greenwood.

9052 Willow Grove Road

Camden, DE

--

Greg Layton

Delaware Organizer

Food & Water Watch and Food & Water Action

C (302) 423-9832

Fight like you live here.

JAMIE WHITEHOUSE, AICP
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 Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: March 16, 2022

RE: County Council Report for C/U 2305 filed on behalf of Barnhill Preserve of Delaware, LLC

The Planning and Zoning Department received an application (C/U 2305 filed on behalf of Barnhill Preserve of Delaware, LLC) for a Conditional Use for parcel 134-15.00-124.00 for a zoological park. The property is located within the Agricultural Residential (AR-1) Zoning District and is located at 34215 Peppers Corner Road, Frankford. The parcel size is 7.4 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on February 10, 2022. At the meeting of March 10, 2022, the Planning & Zoning Commission recommended approval of the application subject to 7 reasons stated and subject to 14 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of February 10, 2022 and March 10, 2022.

Minutes of the February 10, 2022 Planning & Zoning Commission Meeting

C/U 2305 Barnhill Preserve of Delaware, LLC

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a zoological park to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 7.24 acres, more or less. The property is lying on the northeast side of Peppers Corner Road (S.C.R. 365), approximately 0.61 mile southeast of Roxanna Road (Route 17). 911 Address: 34215 Peppers Corner Road, Frankford. Tax Parcel 134-15.00-124.00

Mr. Whitehouse advised the Commission that submitted into the record is the staff analysis, the Applicant's Preliminary Site Plan, DelDOT's Service Level Evaluation Response, a letter from Sussex



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

County Engineering Department Utility Planning Division, the property deed, zero mail returns, and written responses in opposition, with the responses received after the publishing of the paperless packet were circulated to the Commission.

The Commission found Mr. Tom Ford with Land Design, Inc, spoke on behalf of the Application; that also present was Mr. Joshua Mueller was also present; that the Application is a wildlife education center; that the owner, Mr. Mueller grew up on the property; that the land was originally owned by his parents; that they do seek a Conditional Use across the entire site; that shown on the site plan is a two phase development; that Phase 1 is straight forward on the site plan; that the Applicant is aware a site plan review will be necessary for Phase 2 prior to proceeding into development; that the property is 7.25-acres; that the property has setbacks of 40-ft. from the front, 15-ft. from the side and 20-ft. from the rear; that the property is also encumbered with tax ditch ROW buffer of 50-ft.; that guest attendance is by reservation only; that the maximum number of guests is 25 people at one time; that in Phase 1 they have proposed 20 parking spaces; that it is rare that each guest attends individually; that typically guest arrive as two to three people per vehicle; that there is an additional six spaces for employee parking; that the 20 parking spaces allow for transition of one group not quite leaving and another group arriving; that they feel they have proposed adequate parking for facility; that the site has existing features; that the existing features are the residential home of the owner, a garage, and multiple accessory structures which act as the wildlife habitats, appropriately sized paddocks for adequate movement, exercise and recreation of the wildlife; that stormwater, which is not presently engineered, will be required; that they have an outfall readily available in the tax ditch running through the property; that the Applicant will seek DelDOT entry approvals; that there was no TIS required for the Application; that there are State regulations which require a 8-ft. perimeter fence for this type of operation; that in addition to the paddocks for individual animals, which have different height criteria and openings, it is required a 8-ft. perimeter fence be placed around the access points for the wildlife; that a section of the front yard has been proposed as an area fenced off for the operation and the 8-ft. fence is see-through.

The Commission found Mr. Joshua Mueller spoke on behalf of his Application; that he is the owner of Barnhill Preserve of Delaware; that he is an eagle scout, who was born and raised in Sussex County, Delaware; that his family has owned the subject property since 1996, where he grew up; that he has always had a strong passion to work with animals; that this drove him to get his degree in wildlife ecology at LSU; that while attending college he had the opportunity to work at Barnhill Preserve, at its original location in Ethel, Louisiana, with Mr. John Ligon; that Mr. Ligon is his business partner for the Delaware location; that he felt the preserve would be a great addition to Sussex County; that growing up in the area, there were no options to attend zoos, other than the Salisbury Zoo and Brandywine Zoo, which are a far distance to travel; that there was little opportunity to learn about the wildlife around the world; that the main mission at Barnhill Preserve is to educate youth and adults about the conservation and multiple animals on the planet; that in 2020 Barnhill Preserve helped fundraise over \$75,000 for the Australian wildlife during the bush fires; that he, and three of his staff members, spent a month in Australia helping rescue, providing care and providing food to the animals; that Barnhill Preserve has raised over \$15,000 for the Costa Rican wildlife just this year; that the Barnhill Preserve mobile unit visits schools all over the Northeast; that they generally educate about 300,000 children every year; that they average education for 8,000 children per week; that they have

three crews; that each crew goes to a different state; that he currently has employee crews in Ohio and Pennsylvania; that these education programs are free for the schools; that they strive to provide everyone access to learning about the animals; that the current facility has provided the chance to educate the local community, as well as inspire people to take action in helping the animals; that some of the animals he cares for are listed as threatened or endangered in the wild; that they can offer breeding programs to help increase the population, which help prolong the species; that they worked hard to receive the highest level of licensing provided by the United States Department of Agriculture; that Barnhill Preserve is considered a Class C Exhibitor; that this license allows them to be at the same level as every zoo in the nation; that they are randomly inspected annually; that the past year they were awarded a three year inspection; that this reflects the trust they have in Barnhill to not require an inspection for three years from their last inspection in October 2021; that he worked with the State of Delaware to receive an exhibitor license; that this permits him to be able to exhibit in the State of Delaware; that he also has exhibitor licenses in Florida, Kentucky, New Jersey, Maryland and Georgia; that they do exhibit in other states, which do not require a license; that they started the zoological process for accreditation with the Zoological Association of America (ZAA); that within the Code for Delaware, Association of Zoos and Aquariums (AZA) is the requirement; that they have work with the State of Delaware and the Department of Agriculture to include ZAA as an exception, as it meets more of their specific needs and beliefs with the animals; that the animals still have a very high level of care required; that in this high level of care, they discussed the required eight foot fence; that they require the eight foot fence; that the United States Department of Agriculture (USDA) recommends it to ensure the safety of the community and animals; that animals of high risk, such as their Eurasian Lynx, are required to have roof enclosures to ensure the animal cannot escape; that their first priority is the well being of the animals; that they do have a zoological vet who visits the site monthly; that the vet performs a full inspection of every animal to ensure every animal is healthy; that they also work very closely with Dr. Michael Metzler, who provides any treatments required when their zoological vet is out of the state; that their zoological vet is available by phone 24/7 to provide assistance or instruction to Dr. Metzler; that Dr. Metzler does not have expertise in the zoological field, but does have the background and supplies to provide care to the animals; that they have a zoological nutritionist; that diets are tailored to the particular species, as well as, to the specific animal's weight, preferred foods and activity level; that they have continued to update and improve the animal enclosures to provide optimal chances of enrichment; that all of his staff have degrees in biology or have comparable experience; that 11 professionals on the team have received extensive training to ensure they are equipped to work with the animals at Barnhill Preserve; that with a combined 16 years of experience, between Mr. John Ligon and himself, they have developed protocols to make it easier and safer to care for their animals; that he has worked with Delaware regarding the Nutrient Waste Management Plan; that due to not exceeding 8,000-lbs in animals, they are not required to have a plan in place; that they chose to match the Georgetown SPCA protocols, they bag animal waste, dispose of the waste with a locally approved waste management service; that they have proposed a manure barn in the case they should exceed the 8,000-lb. requirement in the future; that they desire to already have a plan in place; that he lives on the property; that he is available 24/7 for emergencies or should his staff need assistance; that he was recently elected on the Board of Directors to Prestigious U.S. Based Nonprofit, who rescues and rehabilitate wildlife in Costa Rica; that it is his desire to continue to share his love for animals with the community; that visitors from the area, as well as visitors from out of state have benefitted from Barnhill Preserve in the short amount of time it has been open to

the public; that there have been multiple reviews of a positive experience at Barnhill Preserve; that Mr. Brian Jones is a neighbor located across the street from Barnhill Preserve; that at first Mr. Jones had reserves about the project; that after some discussion, he was able to put Mr. Jones' concerns at ease; that Mr. Jones did write a letter in support, which Mr. Mueller submitted into the record; that he has no intention to build a massive zoo; that he desires to create a more personal experience through guided and educational tours; that all groups are small, maxing at 25 guest at a time; that the tours are led by a personal guide providing education on the animals; that with their unique encounters, they provide a stronger connection for guests and assist them with daily animal enrichment; that they are developing a program to allow schools to visit the facility for field trips; that they are designing a Junior Keeper program, allowing kids to shadow the animal caretakers during the summer time; that they will continue to offer their educational presentations all over the east coast and northeast; that the animals are no more vocal than any other traditional agricultural animal; that they have been very considerate with their hours of operations; that they are open from April until Christmas, with limited hours in the colder seasons; that the first Kangaroo yoga session begins at 7:00 am and is a very quiet and peaceful event; that tours of the facility begin at 10:00 am and the last tour ending at 7:00 pm; that they did host later events in the summer, but never exceed 9:00 pm in hopes to avoid creating any light pollution or nuisance to the neighbors; that they are currently in the process of working with the Ultra Solar Group, in hopes to have the facility run off of 100% green energy and he hopes the Commission can see his passion and how much of an asset the facility is to the community.

Mr. Mueller read multiple reviews regarding his current operation at the site.

Chairman Wheatley questioned what Kangaroo Yoga is.

Ms. Wingate stated she can see the passion Mr. Mueller has for the animals; that she feels the project is a great idea; that it is a great opportunity for the children and adults; that she did make a visit to the site; that she questioned the hours of operation; that she questioned if there would be any outdoor music or other noises and she questioned if Mr. Mueller could speak to the complaint letter written regarding an animal which had escaped from the property.

Mr. Mears questioned if the need for an eight-foot fence would require a variance approval from the Board of Adjustment.

Mr. Whitehouse stated they did identify the requirement for a variance to the fence height during the pre-application stage.

Ms. Stevenson questioned if the site was considered agricultural use other than the guest visiting the site if this was the reason for the Conditional Use requirement and if parking was proposed within the front yard setback.

Mr. Whitehouse stated the use is not specifically called out as a permitted use, which required Conditional Use.

Mr. Hopkins stated he feels it is a great service to the community; that he questioned if the guest pay admission and if the proposed use is self-sustaining or if it will rely on contributions.

Mr. Mueller stated kangaroo yoga first began as an idea to help raise money for the bush fires in Australia; that they partnered up with local yoga studios, who hosted these events inside their studios; that this idea worked for a while, but became more difficult as the kangaroos became bigger; that the kangaroos became too large to do this by the summer of 2020; that they have a large paddock for the kangaroos; that they allow guest to come inside the paddock area and set up their yoga mat; that they place food bowls around the paddock to help encourage the kangaroos to be more active with the guests; that every experience is different; they have had multiple guests return for multiple sessions; that the event is good for all ages; that they do kangaroo yoga, paint night with sloths, sipping Salted Vines wine with sloths, encounter tours and otter swims, that 7:00 am is when the first yoga session begins; that they encourage guest to arrive 15 minutes early to allow for check in; that no event has ever gone past 9:00 pm; that the only outdoor music is played from a few small speakers during yoga sessions; that the music is never at high decibels as they do not wish to disturb the animals; that they work with the State of Delaware, who is aware of every animal they bring in the state; that the animal which was found off the site did not belong to Barnhill Preserve; that it was an agouti, which is a South American rodent; that agoutis are considered a delicacy for some people; that all of his animals are registered; that his hope was to do agritourism; that agritourism seemed a bit too out-of-the-box due to the hours they chose; that they do have several different options for guest to attend; that every experience, other than kangaroo yoga, begins with a animal show; that with just the purchase of an animal show, guest can build their own experience; that currently a lot of the animals are located indoors where the public cannot see the animals without the caretakers bringing the animals out; that the proposed site plan will allow guests to view more of the animals; that the proposed use will rely on the ticket prices for the guest attending; that he feels very confident Barnhill Preserve can sustain, especially with the Louisiana location; that ticket prices are a bit higher than a traditional zoo, but they are providing a unique experience; that they desired to obtain a few variances due to the nature of the property; that the parking shown in the setbacks is proposed for school buses; that there are limits to how much of the property they can use due to the tax ditch and unique shape of the property and currently they are land locked from the back property.

Ms. Wingate stated she felt if buses were coming to the property, they would most likely not need the regular parking for regular vehicles, as they are not proposing many guests at the same time.

Chairman Wheatley stated the site plan issues can be discussed and solved with Mr. Mueller's site plan professional.

Mr. Whitehouse stated Mr. Ford is exploring bridging across the tax ditch to the future expansion area.

The Commission found Ms. Barbara Pickholtz spoke by teleconference in opposition to the Application with concerns of the use of a commercial zoo in a residential area, noise, traffic, waste management, negative impacts to the environment and nearby residents, and the safety of the animals.

Ms. Stevenson stated the property is AR-1 and questioned if Mr. Mueller would be permitted to place chicken houses and hogs on the property.

Mr. Whitehouse stated chicken houses and hogs are permitted in AR-1 subject to the setbacks of the property.

Upon there being no further questions, Chairman Wheatley closed the public hearing.

In relation to Application C/U 2305 Barnhill Preserve of DE, LLC. Motion by Ms. Wingate, to defer action for further consideration, seconded by Mr. Mears and carried unanimously. Motion carried 5-0.

Draft Minutes of the March 10, 2022 Planning & Zoning Commission Meeting

The Commission discussed this Application which has been deferred since February 10, 2022.

Ms. Wingate moved that the Commission recommend approval of C/U 2305 Barnhill Preserve of Delaware, LLC for a Conditional Use to operate a Zoological Park in an AR-1 Zoning District based upon the record and for the following reasons:

1. The property is zoned AR-1 Agricultural Residential, which anticipates the keeping of live animals in certain situations. This use is similar to the types of uses that are expected within the AR-1 Zoning District. The Sussex County Zoning Code allows the keeping of various types of animals for personal use and larger farming operations on properties greater than five acres.
2. The property is in the Coastal Area according to the Sussex County Comprehensive Plan. The Plan does not prohibit this type of small business use in this Area.
3. The Applicant has stated that the use as a Zoological Park is intended to be educational and it will be visited by school-aged children from all over Sussex County.
4. The use, with the conditions and limitations placed upon it, will not have an adverse impact upon neighboring properties, roadways, or the community in general.
5. The use is regulated by the United States Department of Agriculture with regular inspections, and it is licensed by the State of Delaware.
6. The use will be connected to Sussex County sewer.
7. The use, as a small Zoological Park, will be a benefit to residents and visitors of Sussex County by providing a nearby location for residents, visitors, and schoolchildren to learn about the animals kept in the park without having to otherwise travel to Wilmington, Salisbury, or other out-of-state locations for such an educational experience.
8. This recommendation is subject to the following conditions:
 - A. The use shall be limited to a Zoological Park.
 - B. There shall not be any parking located within the setbacks. All parking spaces shall be shown on the Final Site Plan and clearly marked on the site itself.
 - C. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.
 - D. The Zoological Park shall only be open to the public between the hours of 6:30 am until 9:00 pm.
 - E. The Applicant has stated that the Zoological Park must have 8-foot-tall fencing. This will require a variance from the Sussex County Board of Adjustment.
 - F. All lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
 - G. The location of the Tax Ditch and Tax Ditch Right of Way shall be shown on the Final Site Plan. No fencing or structures shall be located within the Tax Ditch Right of Way.
 - H. The stormwater management system shall meet or exceed the requirements of the State and County. The Final Site Plan shall contain the approval of the Sussex

Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.

- I. The use shall comply with all DelDOT entrance and roadway improvement requirements.
- J. Any expansion of the Zoological Park into the area designated on the Preliminary Site Plan as “Area Reserved for Future Expansion” north of the Beaver Dam Canal Tax Ditch require another public hearing.
- K. All locations for the temporary storage of animal waste shall be fully enclosed and centrally located on the site. These locations and the method of enclosure shall be clearly shown on the Final Site Plan.
- L. Any outdoor entertainment and music or the use of outdoor speakers shall end at 9:00 p.m. each night. All outdoor entertainment and music or outdoor speakers shall be oriented away from the residential properties adjacent to the site.
- M. The failure to abide by any of these conditions of approval may result in the revocation of this Conditional Use.
- N. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to recommend approval of C/U 2305 Barnhill Preserve of DE, LLC for the reasons and conditions stated in the motion. Motion carried 5-0.

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



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).

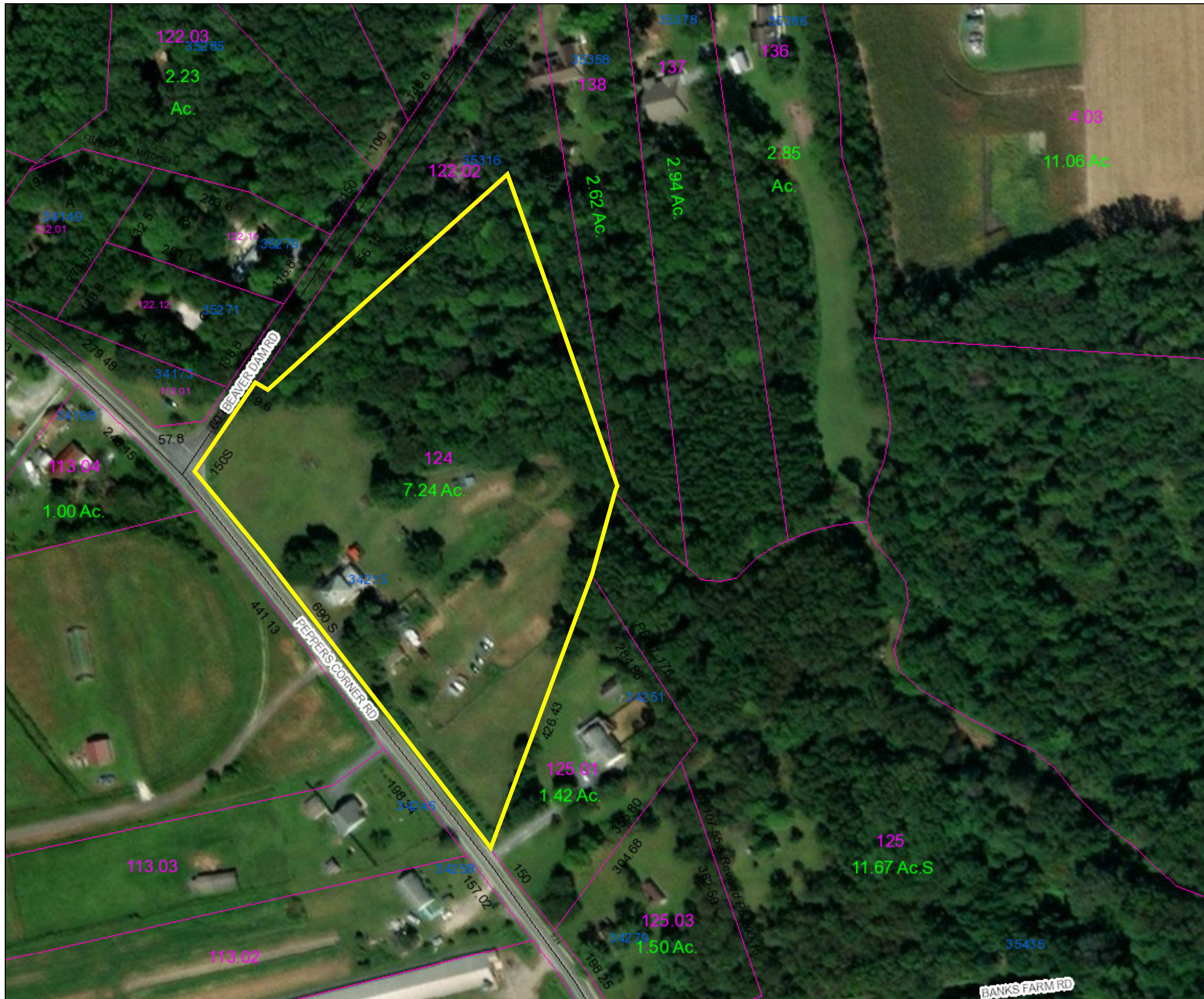
There is a single parcel to the south which encompasses the Milo's Haven (F.K.A. Lakelynn's) Residential Planned Community which is zoned General Residential – Residential Planned Community (GR-RPC).

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.

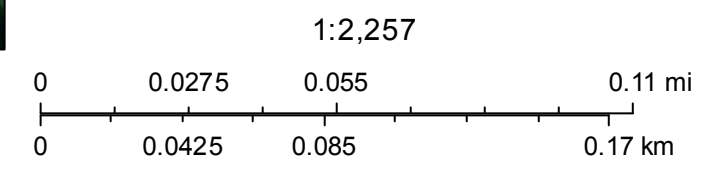


Sussex County



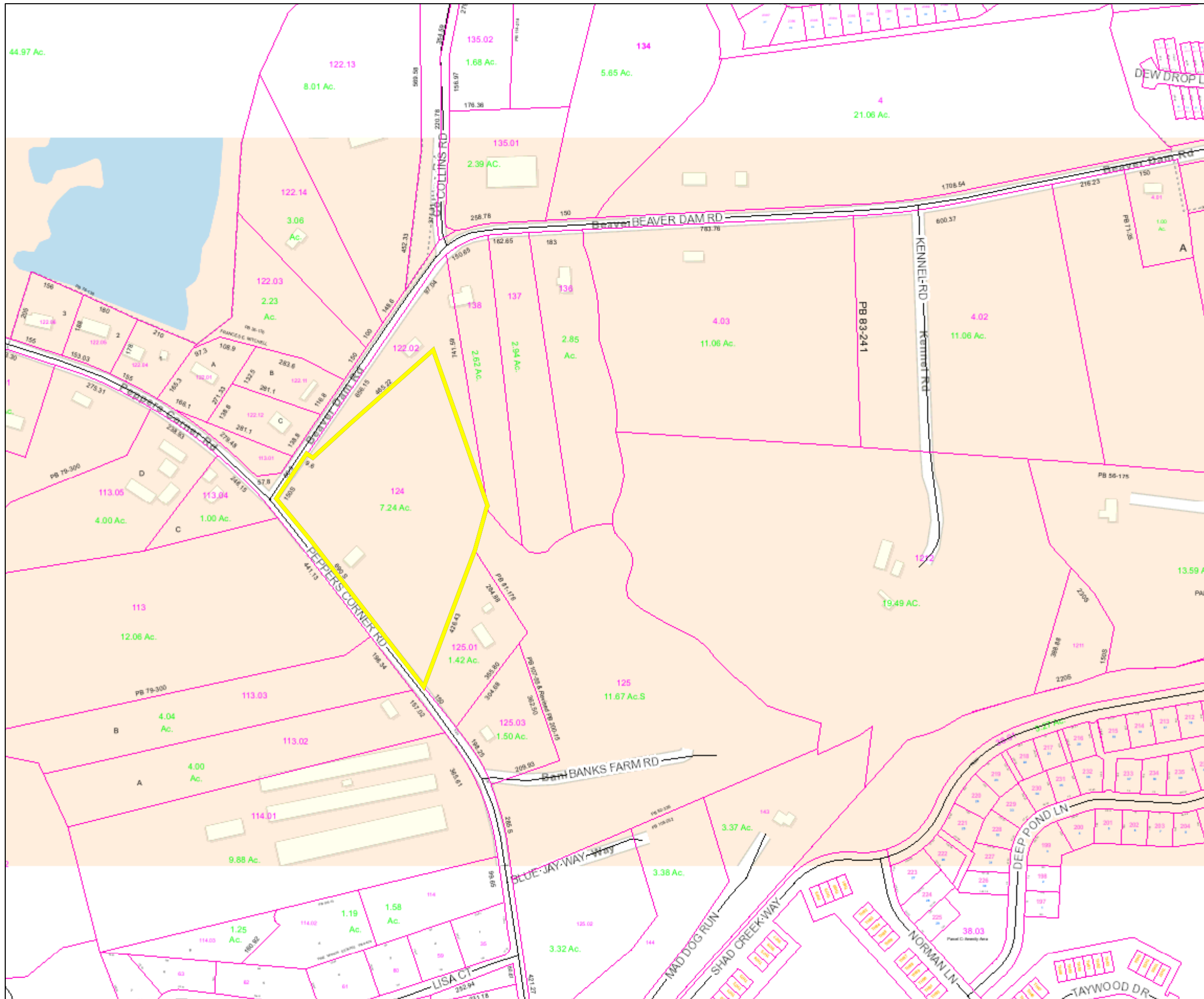
PIN:	134-15.00-124.00
Owner Name	MUELLER JOSHUA E
Book	5051
Mailing Address	32415 PEPPERS CORNER
City	FRANKFORD
State	DE
Description	N/CO RD BAYARD
Description 2	TO ABIES
Description 3	N/A
Land Code	

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





Sussex County



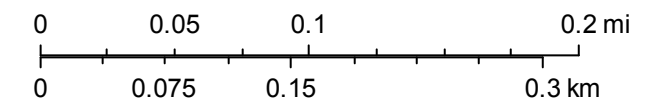
PIN:	134-15.00-124.00
Owner Name	MUELLER JOSHUA E
Book	5051
Mailing Address	32415 PEPPERS CORNER
City	FRANKFORD
State	DE
Description	N/CO RD BAYARD
Description 2	TO ABIES
Description 3	N/A
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

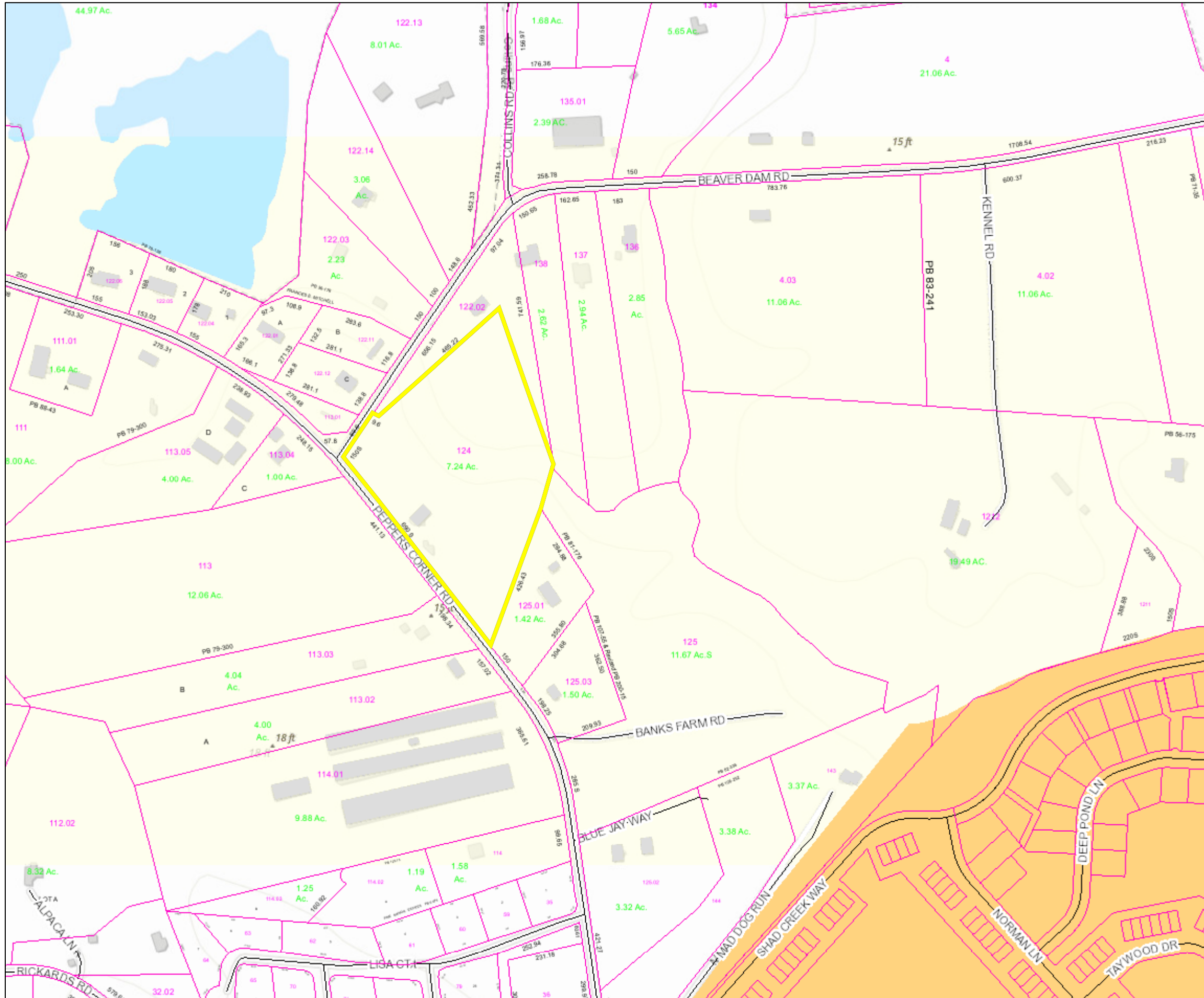
 - Override 1
 - Tax Parcels
 - Streets
 - County Boundaries

1:4,514





Sussex County



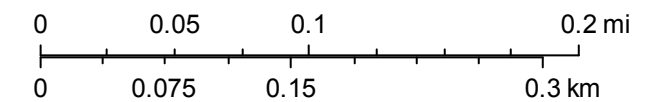
PIN:	134-15.00-124.00
Owner Name	MUELLER JOSHUA E
Book	5051
Mailing Address	32415 PEPPERS CORNER
City	FRANKFORD
State	DE
Description	N/CO RD BAYARD
Description 2	TO ABIES
Description 3	N/A
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
 - Tax Parcels
 - Streets

1:4,514



Jamie Whitehouse

From: boxter747@aol.com
Sent: Thursday, March 17, 2022 3:14 PM
To: Jamie Whitehouse
Subject: Fw: 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.

[Sent from the all new AOL app for Android](#)

----- Forwarded Message -----

From: "boxter747@aol.com" <boxter747@aol.com>
To: "gregwelsh@mchsi.gov" <gregwelsh@mchsi.gov>
Sent: Thu, Mar 17, 2022 at 3:08 PM
Subject: Barn Hill Preserve Opposition

10:41



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

Hello,

We are Gary and Christine Tanner, the owners of 134-15.00-125.01, which is the adjacent property to the Barn Hill Preserve.

This letter is another plea to deny Barn Hill Preserve / Amusement Park to continue operations and expand in our community. The case has been deferred until the next hearing on March 22, 2022

After viewing the Planning and Zoning Meeting, Chamber Broadcast on February 10, 2022.

We felt the need to again follow up and add to the record of the previous letters we sent February 9, 2022 and report to you about comments and representations presented by Barn Hill and Josh Mueller to the committee the following day.

Alleged by Mr. Josh Mueller, he said the escaped animal(s) were "NOT HIS" or Barn Hill Preserves exotic rodent. He claims someone else must have brought it to the area. Enclosed is a screen shot of the text correspondence from Mr. Mueller and another neighbor stating the contrary to what he told the members. We have provided the screen shot enclosed here-in.

JOSH MUELLER PUBLICALLY LIES TO YOU.

Mr. Josh Mueller made a representation that he lived on that property since he was a child and gave an impression that the Muellers historically farmed the property with chickens, hogs and other farm livestock.

On the contrary, it was always his (deceased) father Jerry Muellers' land, that he rented out to others that some renters owned livestock.

Jerry Mueller was our next door neighbor, he told us his intention was to develop the property into a commercial shopping center "by any means possible". You can see where this is the beginning of achieving that goal.

The traditional farm "WAS" in compliance with the zoning laws with various farm animals in pasture. Our community has no problems with farming in our community until Barn Hill set up shop. It has become very disruptive.

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 Admission for entry into a Theme Park / Amusement Park Commercial Operation that is currently being run illegally on the property.

In Muellers own testimony on February 10, 2022 he acknowledged he collects (expensive) fees to allow people access to his farm to educate others. " Kangaroo Yoga, painting with the sloths and wine consumption with a camel " is clearly it is a " ILLEGAL COMMERCIAL BUSINESS USE " in AR-1

A visit to Barn Hill with a paid admission fee reveals crowded cages of 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 exotic animals are subject to harsh weather conditions and cruelty, regularly. How many animals have died unreported ?

Mr. Mueller claims they close at 7:00 pm. That might be his intention, however I there are often no less than 10 employees and volunteers that disrupt the neighborhood. Many reside on this property any any given time. It has become a commune and a dormitory for workers. The zoning law does not allow apartment dwellings there. Along with such, there are loud party's, drug use, fireworks, bond fires and wild activity.

Additionally there are numerous vehicles, boats, trailers, illegally constructed sheds that clutter the property.

We have worked tirelessly to clean the blight in Delaware. This Barn Hill Preserve creates a trashy dump / junk 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. It has been reported as they want that area as a dump site for animal waste. We have seen dumping in the canal prior.

The Mueller presentation was about how wonderful and compassionate Josh is with animals. That may be admirable to some, however, it is a distraction to the issue... Barn Hill's ILLEGAL USE OF PROPERTY FOR COMMERCIAL BUSINESS in an AR-1.. This activity needs to be recognized and terminated.

We as a community object to this Commercial Carnival / Amusement Park Enterprise outside allowable existing laws. His plan as presented proposes large parking areas for numerous cars and high capacity bus parking. All of which encroaches into set backs and buffer areas.

The Peppers Corner roadway infrastructure is inadequate to accommodate the plans.

Barn Hill IS NOT HOUSING ANIMALS AS A FARM in the historically accepted farm use. It is a money making venture which they plan to COMMERCIALIZE the property.

Finally, I ask the board to research further, interview the neighbors and read our complaints and numerous letters from people in opposition to Barn Hill. Additionally, there are many dissatisfied guests and poor reviews about Barn Hill on review sites and sources, detailing problems.

We write these and additional letters to the planning and zoning members in the hope and trust for the fiduciary consideration to our community.

For the record, you as commission members will be doing a great service to our Delaware community by denying this Barn Hill application and have them cease and desist any further commercial operations at Peppers Corner and Beaver Dam Road, an AR-1 zoned property.

Thank you for your consideration.

Gary and Christine Tanner
302 493 6228

[Sent from the all new AOL app for iOS](#)



factsheet

Barn Hill Preserve

11342 LA-955, Ethel, LA 70730

Barn Hill Preserve has locations in two states, with headquarters in Louisiana and a mobile facility in Delaware. Barn Hill Preserve has failed to meet minimum standards for the care of animals used in exhibitions as established by the federal Animal Welfare Act (AWA). The U.S. Department of Agriculture (USDA) has cited it for failing to handle an 8-month-old Asian small-clawed otter properly—resulting in the death of the animal—failing to provide safe enclosures and clean water, repeatedly failing to have an effective perimeter fence, and repeatedly failing to have an adult available to accompany USDA officials so that an inspection could take place. Documentation is available upon request.

February 23, 2021: The USDA issued Barn Hill Preserve a critical repeat citation for failing to provide the following animals with adequate veterinary care:

- Kujo, a two-toed sloth, received a "10-lb" dose of Metacam daily for the previous 10 to 12 days to treat an injured claw. The medication had expired five months prior. The attending veterinarian was contacted and stated that she had instructed the facility to give "a dose" of Metacam and had not intended it for long-term use. Barn Hill Preserve had apparently also failed to keep the attending veterinarian updated on the condition of Kujo's injury.
- Koda, an approximately 1-year-old two-toed sloth, died in January after suffering from diarrhea for three weeks. She was being housed at the owner's home in the days before she died. The

attending veterinarian at that time stated that she had not examined Koda or provided any medical treatment prior to Koda's death, beyond possibly conducting one fecal exam for parasites.

- An adult dromedary camel had a large amount of loose feces on his hind legs and the underside of his tail. Spots of similarly colored feces were observed in the pasture. According to an employee, it had not been observed the day before and the camel had had diarrhea intermittently in the past when needing to be dewormed. A fecal sample was taken and examined by the attending veterinarian that day, and the camel was given medication.

The facility was cited for failing to handle otters properly in order to ensure the safety of animals and the public on two past occasions: A guest participating in the otter swim program was bitten on the thumb by an otter, breaking the skin, and in a separate incident, a woman was bitten in the otter pool, causing her to bleed.

The USDA also issued Barn Hill Preserve repeat citations for failing to have an adequate and complete perimeter fence to act as a secondary containment system and to keep animals and unauthorized humans out and for failing to have acquisition records for 13 animals.

Barn Hill Preserve also received a repeat citation for failing to maintain safe enclosures:

- Three outdoor enclosures, which held a total of seven Asian soft-clawed otters, consisted of chain-link fences with a covering on top. Chicken wire and green plastic tarps covered parts of each enclosure. The otters were seen chewing on the tarps. Small metal wires were used to keep parts of the enclosure together, and an otter was seen chewing and pulling at them.



Barn Hill Preserves

Chewing on or ingesting these materials poses a risk of serious, painful, and potentially deadly digestive problems, such as a gastrointestinal obstruction.

- Outdoor enclosures holding an African crested porcupine, a hyena, and an Asian small-clawed otter had exposed underlying wire fencing on the floors that could result in serious injury to the animals if a leg became entrapped.
- A badly chewed power cord from an unplugged wall-mounted air conditioning unit was hanging in the enclosure holding two Mexican hairy dwarf porcupines. Ingestion of the plastic casing and exposed wires posed a risk of serious, painful, and potentially deadly digestive problems such as a gastrointestinal obstruction.

January 28, 2021: The USDA issued Barn Hill Preserve a direct citation for failing to provide a juvenile two-toed sloth with water. The water bowl in the enclosure was empty. Water was provided by an employee at the inspector's direction, whereupon the sloth drank continuously for five minutes.

Barn Hill Preserve was also cited for failing to provide a shelter with adequate heat for a 10-month-old giraffe and failing to maintain safe enclosures:

- An otter was able to escape an enclosure. He was recaptured the following day.
- Three outdoor enclosures, which held a total of seven Asian soft-clawed otters, consisted of chain-link fences with a covering on top. Chicken wire and green plastic tarps covered parts of each enclosure. The otters were seen chewing on the tarps. Small metal wires were used to keep parts of the enclosure together, and an otter was seen chewing and pulling at them. Chewing on or ingesting these materials poses a risk of serious, painful, and

potentially deadly digestive problems, such as a gastrointestinal obstruction.

- Three juvenile red kangaroos and three goats were housed in an enclosure in which the only shelter was a covered patio and two unfinished rooms that were under construction. A table saw and construction materials were on the patio, and the two unfinished rooms held tools, a box of screws, and a large amount of exposed insulation and wires, risking injury to the animals. Feces were on the floor of the rooms, and animals were seen resting on the patio near the tools.

The USDA issued Barn Hill Preserve a repeat citation for failing to have an adequate and complete perimeter fence to act as a secondary containment system and to keep animals and unauthorized humans out.

The facility was also cited for failing to have a veterinarian-approved written program of veterinary care, failing to have records of acquisition for 16 animals, and failing to disclose the location of a juvenile sloth, who was housed at the owner's residence.

April 10, 2019: The USDA cited Barn Hill Preserve for failing to reduce the risk of harm and injury to a hyena by failing to maintain the floor of the animal's enclosure properly. There was an exposed wire bed within the dirt floor of the enclosure.

March 18, 2019: The USDA cited Barn Hill Preserve for failing to have an adult available to accompany officials so that an inspection could take place.

December 7, 2018: According to the *Miami Herald*, a sloth provided by Barn Hill Preserve bit a secretary during a photo op at Camelot Elementary School in Orlando, Florida. The secretary was treated for a

Done

2 of 2



enclosure. The otters were seen chewing on the tarps. Small metal wires were used to keep parts of the enclosure together, and an otter was seen chewing and pulling at them. Chewing on or ingesting these materials poses a risk of serious, painful, and

inspection could take place.

December 7, 2018: According to the *Miami Herald*, a sloth provided by Barn Hill Preserve bit a secretary during a photo op at Camelot Elementary School in Orlando, Florida. The secretary was treated for a hand injury.

PETA People for the Ethical Treatment of Animals • 501 Front St., Norfolk, VA 23510 • PETA.org

Barn Hill Preserves

November 8, 2018: The USDA issued a repeat citation to Barn Hill Preserve of Delaware for failing to have an effective perimeter fence around the lynx enclosure. The fence had not been anchored in the ground to prevent contact with the animal contained within.

November 7, 2018: The USDA cited Barn Hill Preserve of Delaware for failing to have an adult available to accompany officials so that an inspection could take place.

June 21, 2018: The USDA issued a repeat citation to Barn Hill Preserve for failing have a perimeter fence around several enclosures to contain the regulated species and prevent unwanted entry by animals and unauthorized persons.

March 8, 2018: The USDA issued a critical citation to Barn Hill Preserve after an employee dropped a circular tub on an 8-month-old Asian small-clawed otter, who died as a result of the injuries sustained in the incident. The employee was washing and filling the tub when it occurred.

Barn Hill was also cited again for failing to have a perimeter fence around several enclosures to contain the regulated species and prevent unwanted entry by animals and unauthorized persons.

swimming purposes, was cloudy and green with larvae present on the surface.

The USDA also cited Barn Hill Preserve for failing to reduce the risk of harm and injury to a goat and two potbellied pigs by failing to maintain the floor of the animals' enclosure properly. There was an exposed wire bed within the dirt floor of the enclosure.

February 15, 2017: The USDA cited Barn Hill Preserve for failing to have an adult available to accompany officials so that an inspection could take place.

September 18, 2014: The USDA cited Barn Hill Preserve for failing to submit itineraries for animals on overnight journeys.

