

**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  
JANELLE CORNWELL, AICP  
DIRECTOR

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**

Planning Commission Public Hearing Date October 10, 2019

Application: CU 2186 Mountaire Farms of Delaware, Inc.

Applicant: Austin Pajda  
P.O. Box 1320  
Millsboro, DE 19966

Owner: Mountaire Farms, Inc.  
P.O. Box 710  
Selbyville, DE 19975

Site Location: Parcel of land lying on both sides of Mount Joy Rd. approximately 52 ft. west of Townsend Rd., and being on both sides of Townsend Rd. approximately 157 ft. south of Mount Joy Rd., and being on the southeast corner of Mount Joy Rd. and Townsend Rd. and the southwest corner of Maryland Camp Rd. and William St.

Current Zoning: AR-1 (Agricultural Residential District) & GR (General Residential District)

Proposed Use: Sludge and wastewater spray irrigation

Comprehensive Land Use Plan Reference: Low Density and Coastal Areas

Councilmatic District: Mr. Burton and Mr. Hudson

School District: Indian River School District

Fire District: Millsboro Fire District

Sewer: N/A

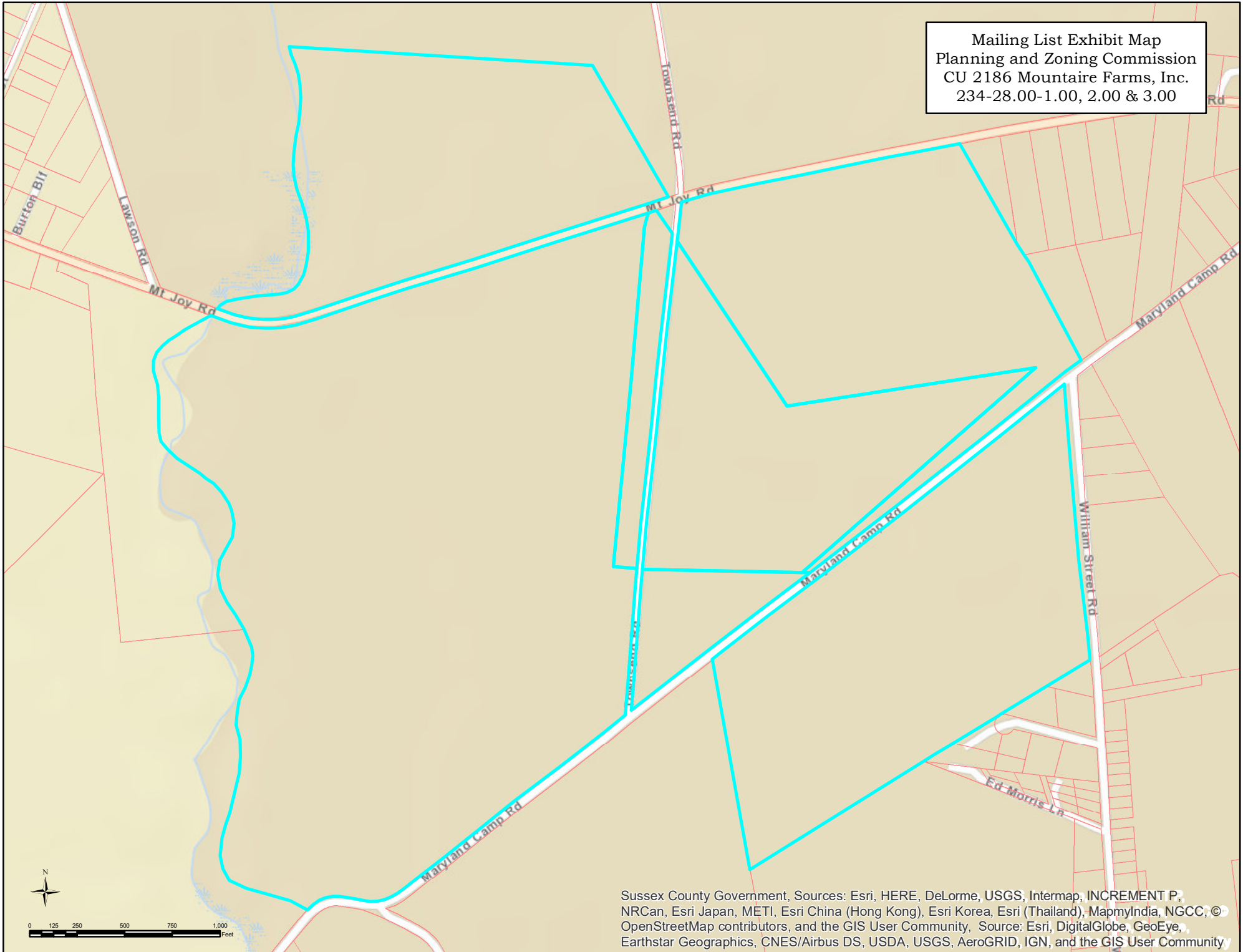
Water: N/A

Site Area: 351.86 ac. +/-

Tax Map ID.: 234-28.00-1.00, 2.00 & 3.00

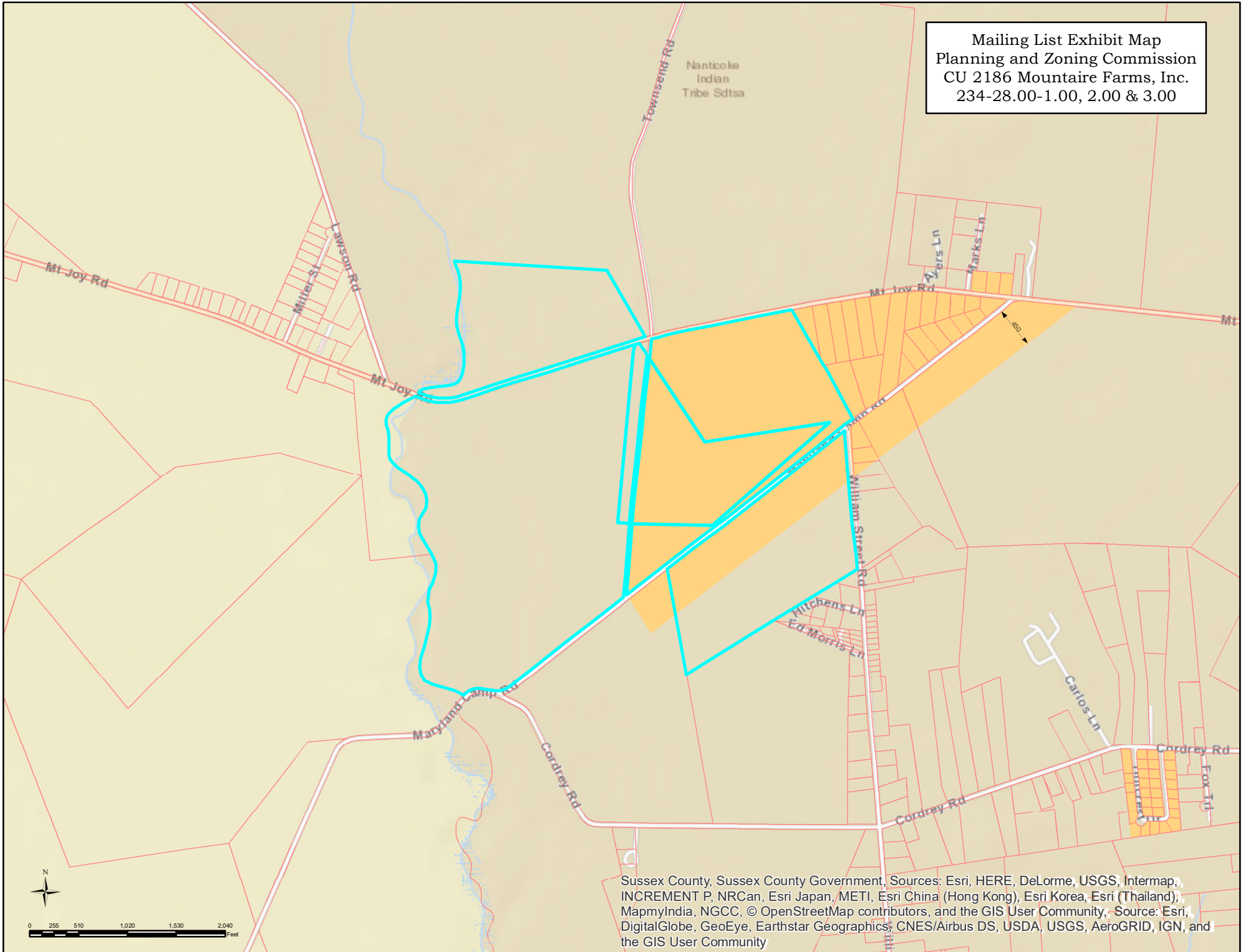


Mailing List Exhibit Map  
Planning and Zoning Commission  
CU 2186 Mountaire Farms, Inc.  
234-28.00-1.00, 2.00 & 3.00



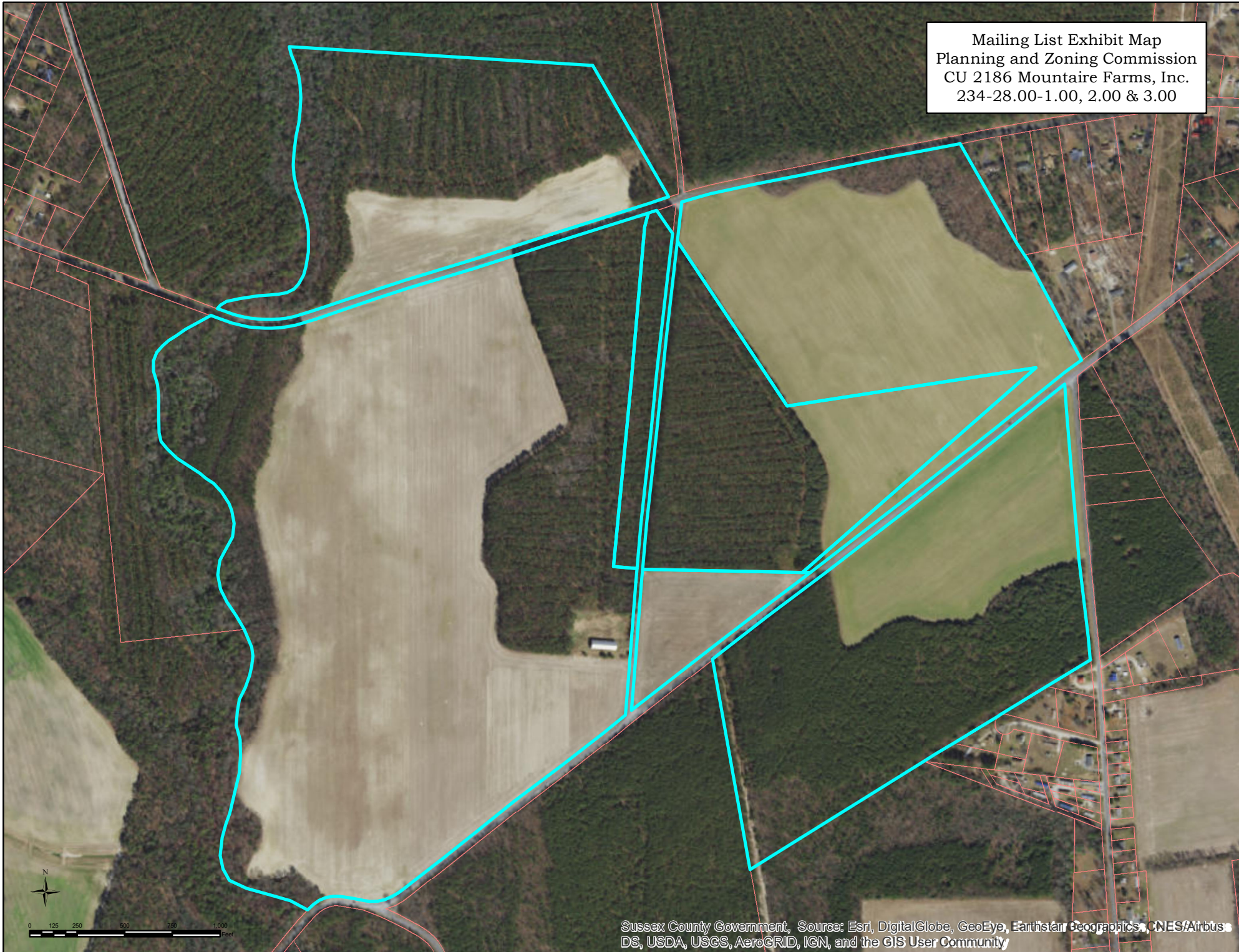
Sussex County Government, Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Mailing List Exhibit Map  
Planning and Zoning Commission  
CU 2186 Mountaire Farms, Inc.  
234-28.00-1.00, 2.00 & 3.00



Sussex County, Sussex County Government, Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Mailing List Exhibit Map  
Planning and Zoning Commission  
CU 2186 Mountaire Farms, Inc.  
234-28.00-1.00, 2.00 & 3.00



## PLANNING & ZONING

JANELLE M. CORNWELL, AICP  
DIRECTOR

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



# Sussex County

DELAWARE  
sussexcountye.gov

## Memorandum

To: Sussex County Planning & Zoning Commission Members  
From: Jamie Whitehouse, AICP, Planning & Zoning Manager  
CC: Vince Robertson, Assistant County Attorney and Applicant  
Date: October 3, 2019  
RE: Staff Analysis for CU 2186 Mountaire Farms of Delaware, Inc.

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2186 Mountaire Farms of Delaware, Inc. to be reviewed during the October 10, 2019 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 parcels 234-28.00-1.00, 2.00 and 3.00 to allow for the land application of sludge and wastewater spray irrigation to be located on both sides of Mount Joy Rd., approximately 52 ft. west of Townsend Rd, and being on both sides of Townsend Rd., approximately 157 ft. south of Mount Joy Rd., and being on the southeast corner of Mount Joy Rd. and Townsend Rd, the northeast corner of Maryland Camp Rd and Townsend Rd, and the southwest corner of Maryland Camp Rd. and William Street Rd. The size of the property is 351.86 ac. +/-.

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 shows that Parcel 234-28.00-1.00 is largely within the low-density designated area with the easternmost corner of the parcel being within the Coastal Area designation. Parcels 234-28.00-2.00 and 3.00 are designated as being within the Coastal Area.

The Low-Density Area designation recognizes that the primary uses envisioned in Low Density Areas are agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. The Coastal Area designation recognizes that development can be accommodated provided that any special environmental concerns are addressed. Applicants are encouraged to analyze the development's potential environmental impacts, including effects on stormwater runoff, nitrogen and phosphorous loading, wetlands, woodlands, wastewater treatment, water systems, and other matters that affect the ecological sensitivity of the inland bays.

The land west of Townsend Rd is within the AR-1 Agricultural Residential Zoning District. The land to the east of Townsend Rd is within the GR General Residential Zoning District. The parcels to the north, west and south of the application site are primarily used for agriculture and forestry. The lands to the immediate north-east of the application site contain single-family dwellings.

The County's records show that there have been other Conditional Use applications for the use of bio-solids within a 5-mile radius of the application site. Conditional Use #1569 for the Mountaire Cordrey & Frame Tract (234-21.00-169.03) was approved by Sussex County Council on 11/30/2004. Also, Conditional Use #1570 for the Mountaire Colony Tract (133-7.00-7.00) for the use of biosolids from wastewater treatment was withdrawn on 11/12/2004.



Based on the analysis of the land use, surrounding zoning and uses, the proposed Conditional Use for sludge and wastewater spray irrigation, subject to consideration of scale, impact and intensity, could be considered as consistent with the land use, area zoning and uses.

File #: CU 2186  
2019 05478  
2019 05522  
2019 05523

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

**Type of Application: (please check applicable)**

Conditional Use   
Zoning Map Amendment

**Site Address of Conditional Use/Zoning Map Amendment**

Mount Joy Rd, Maryland Camp Rd.

**Type of Conditional Use Requested:**

Land to be utilized for sludge and wastewater spray irrigation.

**Tax Map #:** 234-28.00-1.00 ; 2.00 & 3.00 **Size of Parcel(s):** 203.34 Acres

**Current Zoning:** AR-1 & OR **Proposed Zoning:** \_\_\_\_\_ **Size of Building:** \_\_\_\_\_

**Land Use Classification:** \_\_\_\_\_

**Water Provider:** N/A **Sewer Provider:** N/A

**Applicant Information**

**Applicant Name:** Austin Pajda  
**Applicant Address:** PO Box 1320  
**City:** Millsboro **State:** DE **Zip Code:** 19966  
**Phone #:** (302) 934-3070 **E-mail:** apajda@mountaire.com

**Owner Information**

**Owner Name:** Mountaire Farms of Delaware, Inc.  
**Owner Address:** PO Box 710  
**City:** Selbyville **State:** DE **Zip Code:** 19975  
**Phone #:** \_\_\_\_\_ **E-mail:** \_\_\_\_\_

**Agent/Attorney/Engineer Information**

**Agent/Attorney/Engineer Name:** \_\_\_\_\_  
**Agent/Attorney/Engineer Address:** \_\_\_\_\_  
**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_  
**Phone #:** \_\_\_\_\_ **E-mail:** \_\_\_\_\_



# Check List for Sussex County Planning & Zoning Applications

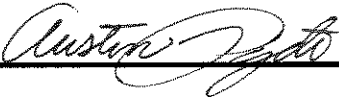
The following shall be submitted with the application

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

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

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

**Signature of Applicant/Agent/Attorney**



Date: 5/6/2019

**Signature of Owner**



Date: 5/6/2019

**For office use only:**

Date Submitted: 5/13/19

Fee: \$500.00 Check #: 6318464

Staff accepting application: ceh

Application & Case #: 2019 05478

Location of property: \_\_\_\_\_

Subdivision: \_\_\_\_\_

Date of PC Hearing: \_\_\_\_\_

Recommendation of PC Commission: \_\_\_\_\_

Date of CC Hearing: \_\_\_\_\_

Decision of CC: \_\_\_\_\_





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

JENNIFER COHAN  
SECRETARY

April 24, 2019

Ms. Janelle Cornwell, Director  
Sussex County Planning & Zoning  
P.O. Box 417  
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Mountaire Farms of Delaware, Inc.** conditional use application, which we received on March 29, 2019. This application is for a 352.65-acre assemblage of parcels (Tax Parcels: 234-28.00-1.00, 2.00, & 3.00). The subject land is located on both sides of Mount Joy Road (Sussex Road 297), both sides of Townsend Road (Sussex Road 303), and north side of Maryland Camp Road (Sussex Road 304). The subject land is currently split-zoned AR-1 (Agricultural Residential) and GR (General Residential), and the applicant is seeking a conditional use approval to utilize the land for spray irrigation and disposal of sludge.

Per the 2017 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Mount Joy Road where the subject land is located, which is from Hollyville Road (Sussex Road 305) to Cannon Road (Sussex Road 307), is 2,887 vehicles per day. As mentioned above, the subject land also has frontage along Townsend Road and Maryland Camp Road. The annual average daily traffic volume along Townsend Road is 417 vehicles per day. The annual average daily traffic volume along Maryland Camp Road where the subject land is located, which is from Delaware Route 24 to William Street (Sussex Road 309), is 380 vehicles per day.

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



Ms. Janelle M. Cornwell  
Page 2 of 2  
April 24, 2019

warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

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

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

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Mountaire Farms of Delaware, Inc., Applicant  
J. Marc Coté, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance and  
Operations  
Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination



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

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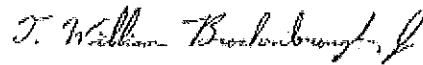
Ms. Janelle M. Cornwell  
Page 2 of 2  
April 24, 2019

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Development Coordination

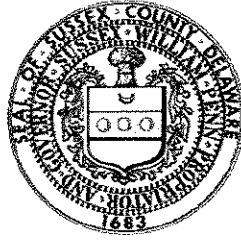
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John Andrescavage, Subdivision Manager, Development Coordination  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination

**PLANNING & ZONING**

JANELLE M. CORNWELL, AICP  
DIRECTOR

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



**Sussex County**

DELAWARE  
sussexcountyde.gov

**Service Level Evaluation Request Form**

This form **shall** be submitted to the Planning and Zoning Office and a response **shall** be received back from DelDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date: 3/26/19

**Site Information:**

Site Address/Location: 29292 John J Williams Hwy, Millsboro DE

Tax Parcel Number: 234-28.00-1.00; 234-28.00-3.00; 234-28.00-2.00

Current Zoning: AR-L, GR-X, GR-

Proposed Zoning: \_\_\_\_\_

Land Use Classification: \_\_\_\_\_

Proposed Use(s): ~350 acres to have conditional use for  
spray irrigation disposal and sludge

Square footage of any proposed buildings or number of units: N/A

**Applicant Information:**

Applicant's Name: Mountaire Farms of Delaware Inc

Applicant's Address: 29292 John J Williams Hwy

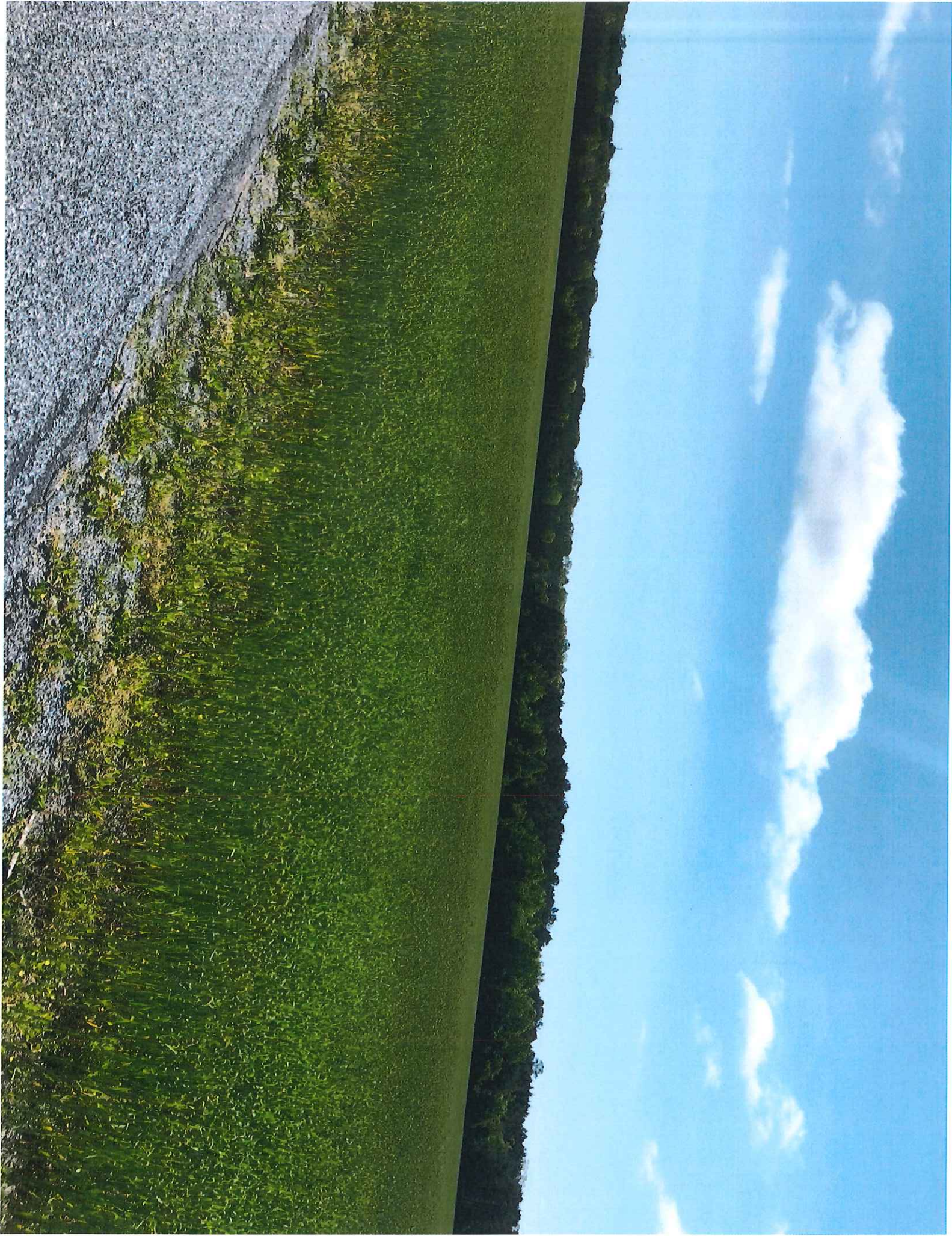
City: Millsboro State: DE Zip Code: 19966

Applicant's Phone Number: (302) 934-3070

Applicant's e-mail address: apajda@mountaire.com



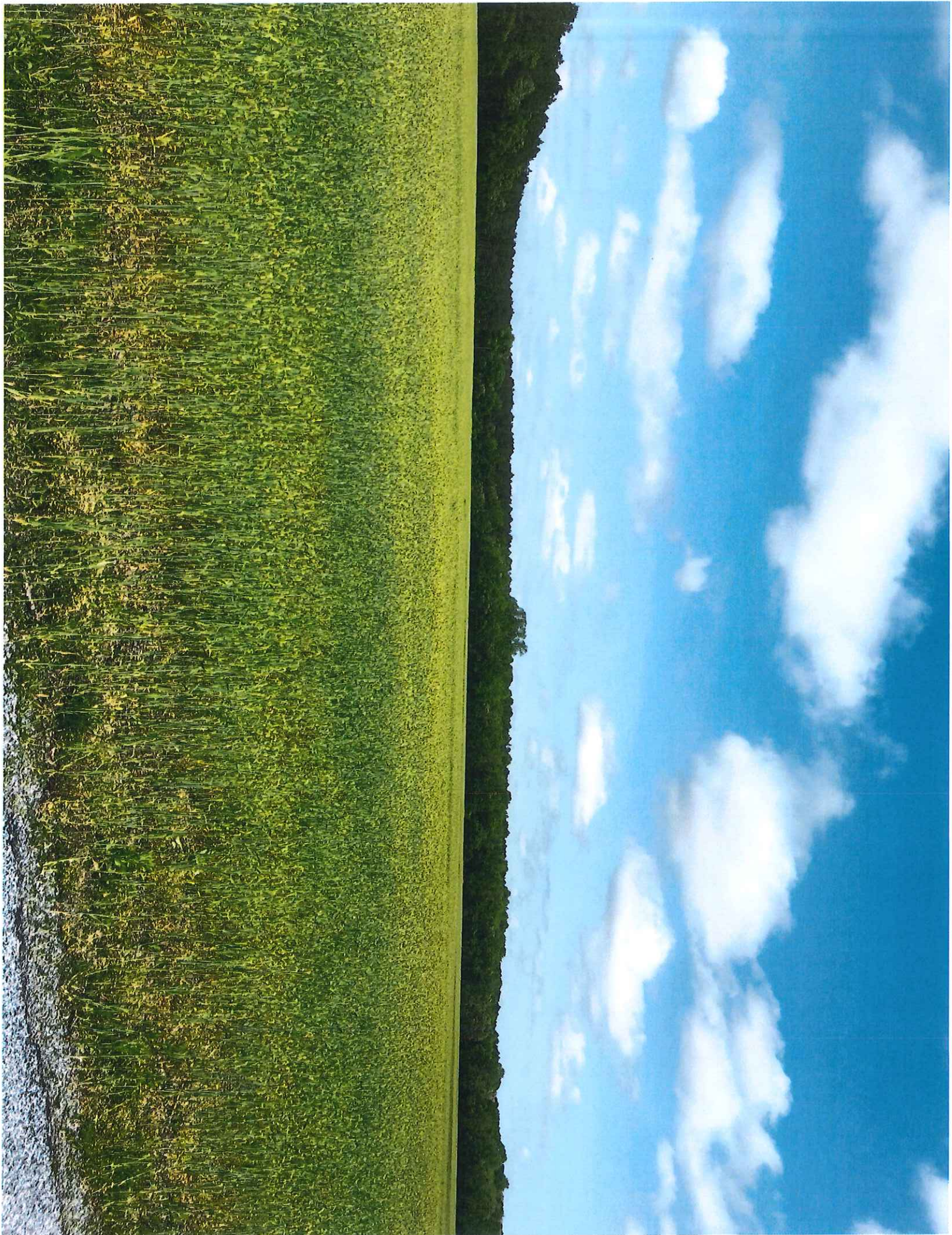
SENT EMAIL 4/25  
11:26 AM



















**Property Information**

Property Location: 0  
Unit:  
City: DE  
State: 0  
Zip: 0  
Class: AGR-Agriculture  
Use Code (LUC): FG-AG IN FAA  
Town: 00-None  
Tax District: 234 - INDIAN RIVER  
School District: 1 - INDIAN RIVER  
Council District: 5-Rieley  
Fire District: 83-Millsboro  
Deeded Acres: 203.3400  
Frontage: 0  
Depth: .000  
Irr Lot:  
Zoning 1: AR-1-AGRICULTURAL/RESIDENTIAL  
Zoning 2: XX-ADDITIONAL CODES  
Plot Book Page: /PB

100% Land Value: \$0  
100% Improvement Value  
100% Total Value

**Legal**

Legal Description: GEORGETOWNOAK ORCH  
FX  
FOREST EX

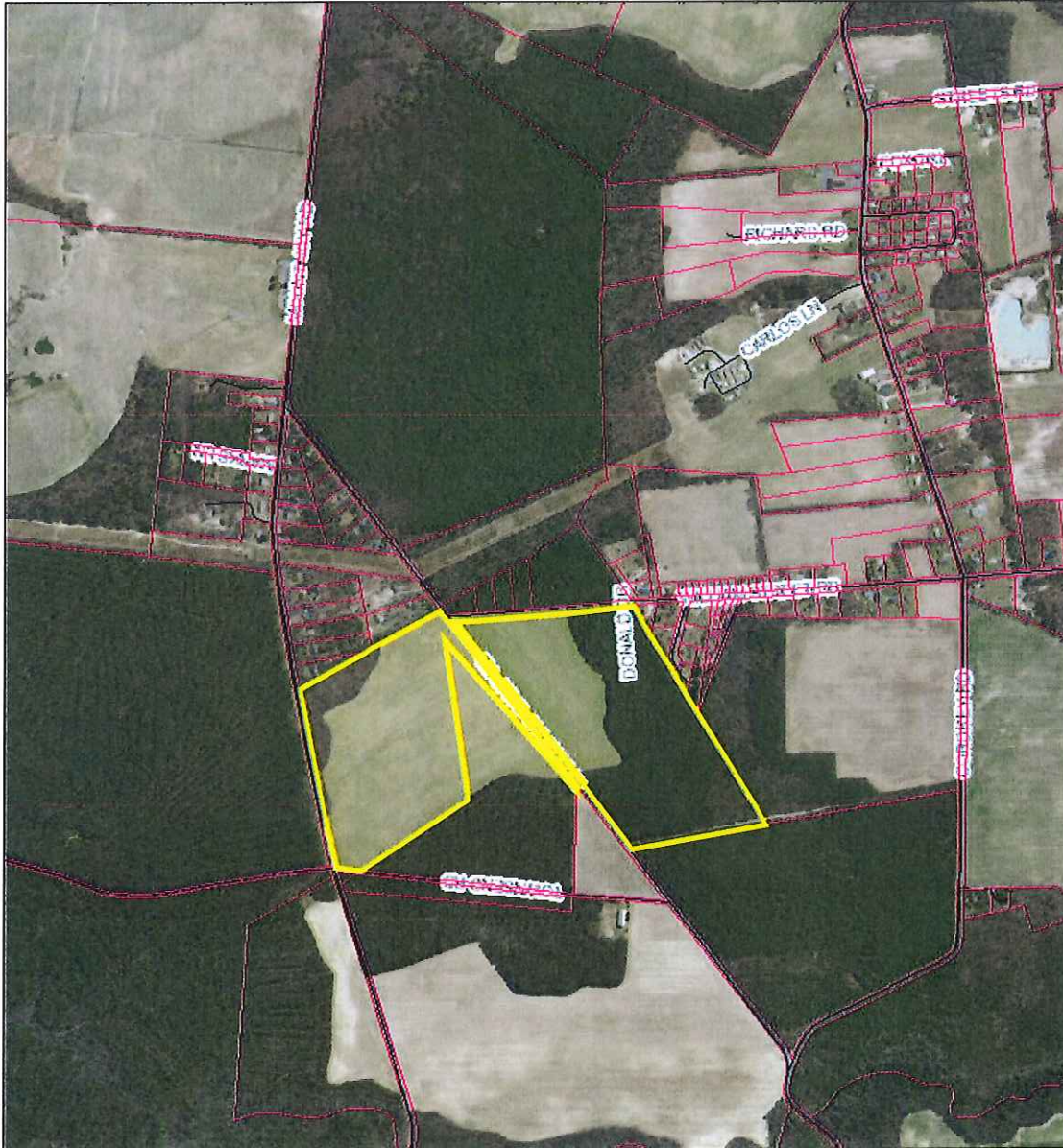
**Owners**

Owner: MOUNTAIRE FARMS OF DELAWARE INC  
Co-owner: PO BOX 710 SELBYVILLE DE 19975  
Address: SELBYVILLE DE 19975  
City: SELBYVILLE DE 19975  
State: SELBYVILLE DE 19975  
Zip: SELBYVILLE DE 19975



# Sussex County

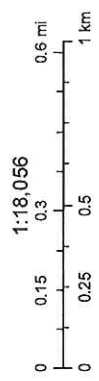
<b>PIN:</b>	234-28 00-3.00
<b>Owner Name</b>	MOUNTAIRE FARMS OF DELAWARE INC
<b>Book</b>	3273
<b>Mailing Address</b>	PO BOX 710
<b>City</b>	SELBYVILLE
<b>State</b>	DE
<b>Description</b>	FX
<b>Description 2</b>	T51 FOREST EX
<b>Description 3</b>	N/A
<b>Land Code</b>	



- polygonLayer**

  - Override 1
- polygonLayer**

  - Override 1
- Tax Parcels
- Streets
- County Boundaries



Property Information

Property Location: 0  
 Unit:  
 City:  
 State: DE  
 Zip: 0

Class: AGR-Agriculture  
 Use Code (LUC): FG-AG IN FAA  
 Town: 00-None  
 Tax District: 234 - INDIAN RIVER  
 School District: 1 - INDIAN RIVER  
 Council District: 4-Hudson  
 Fire District: 83-Millsboro  
 Deeded Acres: 41.8100  
 Frontage: 0  
 Depth: .000  
 Irr Lot:  
 Zoning 1: GR-GENERAL RESIDENTIAL  
 Zoning 2: XX-ADDITIONAL CODES  
 Plot Book Page: /PB

100% Land Value:  
 100% Improvement Value \$0  
 100% Total Value

Legal

Legal Description  
 E/RT 303  
 NW/RD 304  
 FX FOREST EX

Owners

Owner  
 MOUNTAIRE FARMS OF DELAWARE INC

Co-owner  
 PO BOX 710 SELBYVILLE DE 19975





**Addresses / Parcels**

- TaxParcels

**Council Districts**

- Fire Districts
- County District 01
- County District 02
- County District 03
- County District 04
- County District 05

- County Boundaries

**Schools/Libraries**

- School Buildings (Various)
- School Library
- Public Library
- Special Library
- DOE School Districts
- DOE VoTech School Districts

**Hydrology**

- Streams / Rivers
- Lakes, Ponds, Bays

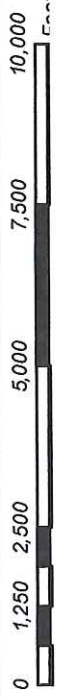
**Flood Zones**

- 0.2% Annual Chance Flood Hazard
- A
- AE
- AO
- Open Water
- VE

- Public Protected Lands
- Municipalities
- Communities
- Boundaries State County



Sussex County Government Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



**Sussex County Map**



Property Information

Property Location: 0  
 Unit:  
 City:  
 State: DE  
 Zip: 0

Class: AGR-Agriculture  
 Use Code (LUC): FG-AG IN FAA  
 Town: 00-None  
 Tax District: 234 - INDIAN RIVER  
 School District: 1 - INDIAN RIVER  
 Council District: 4-Hudson  
 Fire District: 83-Millsboro  
 Deeded Acres: 107.5000  
 Frontage: 0  
 Depth: .000  
 Irr Lot:  
 Zoning 1: GR-GENERAL RESIDENTIAL  
 Zoning 2: XX-ADDITIONAL CODES  
 Plot Book Page: /PB

100% Land Value:  
 100% Improvement Value \$0  
 100% Total Value

Legal

Legal Description: FX  
 T51 FOREST EX

Owners

Owner: MOUNTAIRE FARMS OF DELAWARE INC  
 Co-owner: PO BOX 710 SELBYVILLE DE 19975  
 City: SELBYVILLE  
 State: DE  
 Zip: 19975



**Addresses / Parcels**

□ TaxParcels

**Council Districts**

□ Fire Districts

□ County District 01

□ County District 02

□ County District 03

□ County District 04

□ County District 05

□ County Boundaries

**Schools/Libraries**

↓ School Buildings (Various)

□ School Library

□ Public Library

□ Special Library

□ DOE School Districts

□ DOE VoTech School Districts

**Hydrology**

~ Streams / Rivers

□ Lakes, Ponds, Bays

**Flood Zones**

□ 0.2% Annual Chance

□ Flood Hazard

□ A

□ AE

□ AO

□ Open Water

□ VE

□ Public Protected Lands

□ Municipalities

□ Communities

□ Boundaries State County



Sussex County Government, Source: Esri, DigitalGlobe, GeoEye, Earthstar  
Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User  
Community

Sussex County Man



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

TO: **Janelle Cornwell**  
REVIEWER: **Chris Calio**  
DATE: **9/16/2019**  
APPLICATION: **CU 2186 Mountaire Farms of Delaware, Inc.**  
APPLICANT: **Austin Pajda**  
FILE NO: **NCPA-5.03**

RECEIVED  
SEP 19 2019  
SUSSEX COUNTY  
PLANNING & ZONING

TAX MAP &  
PARCEL(S): **234-28.00-1.00, 2.00 & 3.00**

LOCATION: **Parcels of land lying on both sides of Mount Joy Road, approximately 52 feet west of Townsend Road, and being on both sides of Townsend Road, approximately 157 feet south of Mount Joy Road, and being on the southeast corner of Mount Joy Road and Townsend Road, and the southwest corner of Maryland Camp Road and William Street Road.**

NO. OF UNITS: **Sludge and wastewater spray irrigation site.**

GROSS  
ACREAGE: **203.34**

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

**SEWER:**

(1). Is the project in a County operated and maintained sanitary sewer and/or water district?

Yes

No

a. If yes, see question (2).

b. If no, see question (7).

(2). Which County Tier Area is project in? **Tier 3**

(3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.

(4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.

(5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **N/A**

If yes, the current System Connection Charge Rate is **Click or tap to enter a fee** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The Sussex County Engineering Department does not have a schedule to provide sanitary sewer service.**
- (9). Is a Sewer System Concept Evaluation required? **No**
- (10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:



John J. Ashman  
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.  
Jayne Dickerson  
No Permit Tech Assigned



RECEIVED

OCT 08 2019

SUSSEX COUNTY  
PLANNING & ZONING

## MEMORANDUM

TO: Janelle M. Cornwell

FROM: Debbie Absher, Director of Ag Programs

SUBJECT: LUPA

DATE: October 8, 2019

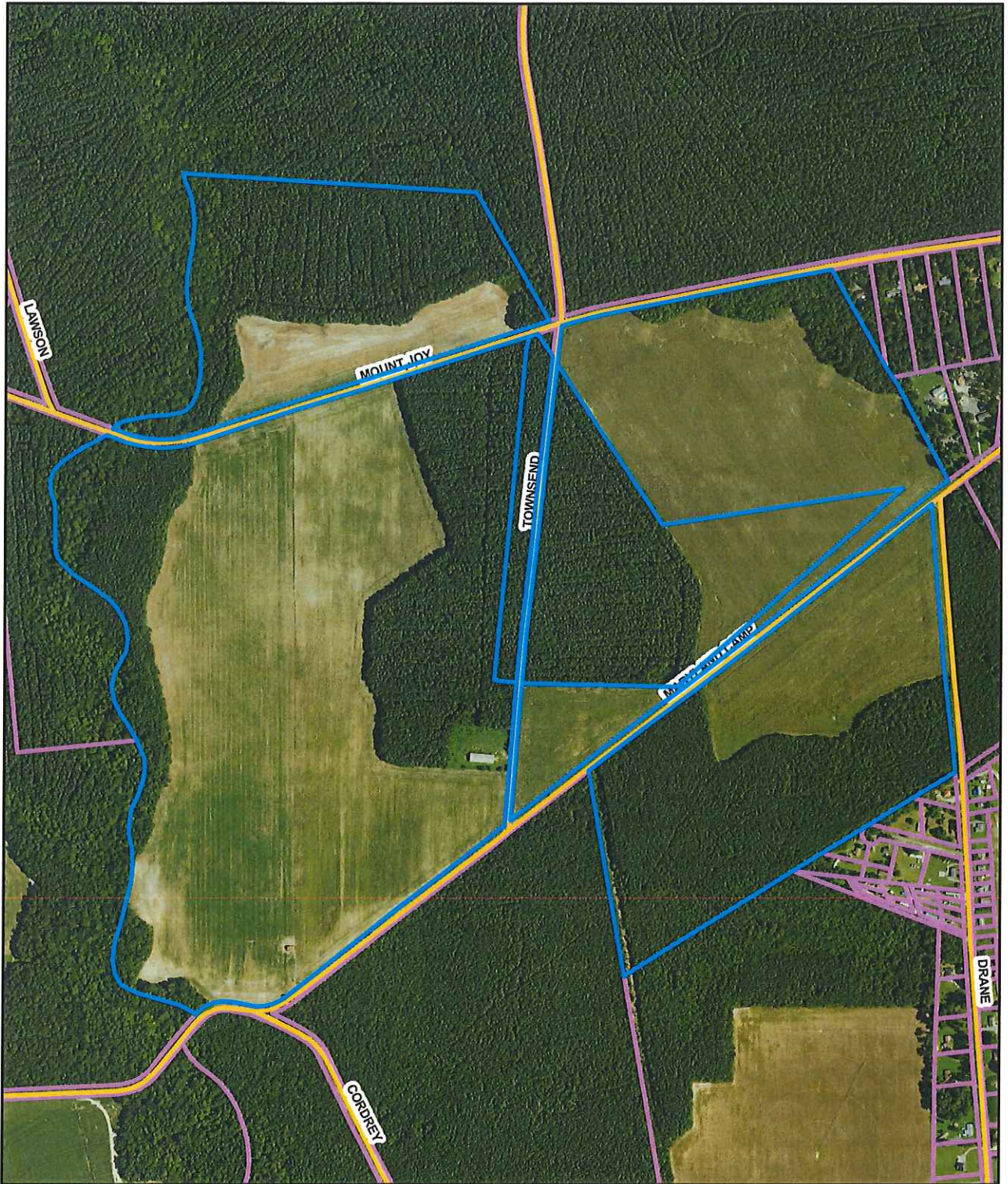
Attached you will find the comments for the following proposed zoning changes:

- 2019-15 – Lands of LBG Homes, LLC
- CU 2186 – Mountaire Farms of Delaware, Inc.

If you have any questions, I can be reached at 856-3990, ext. 3.

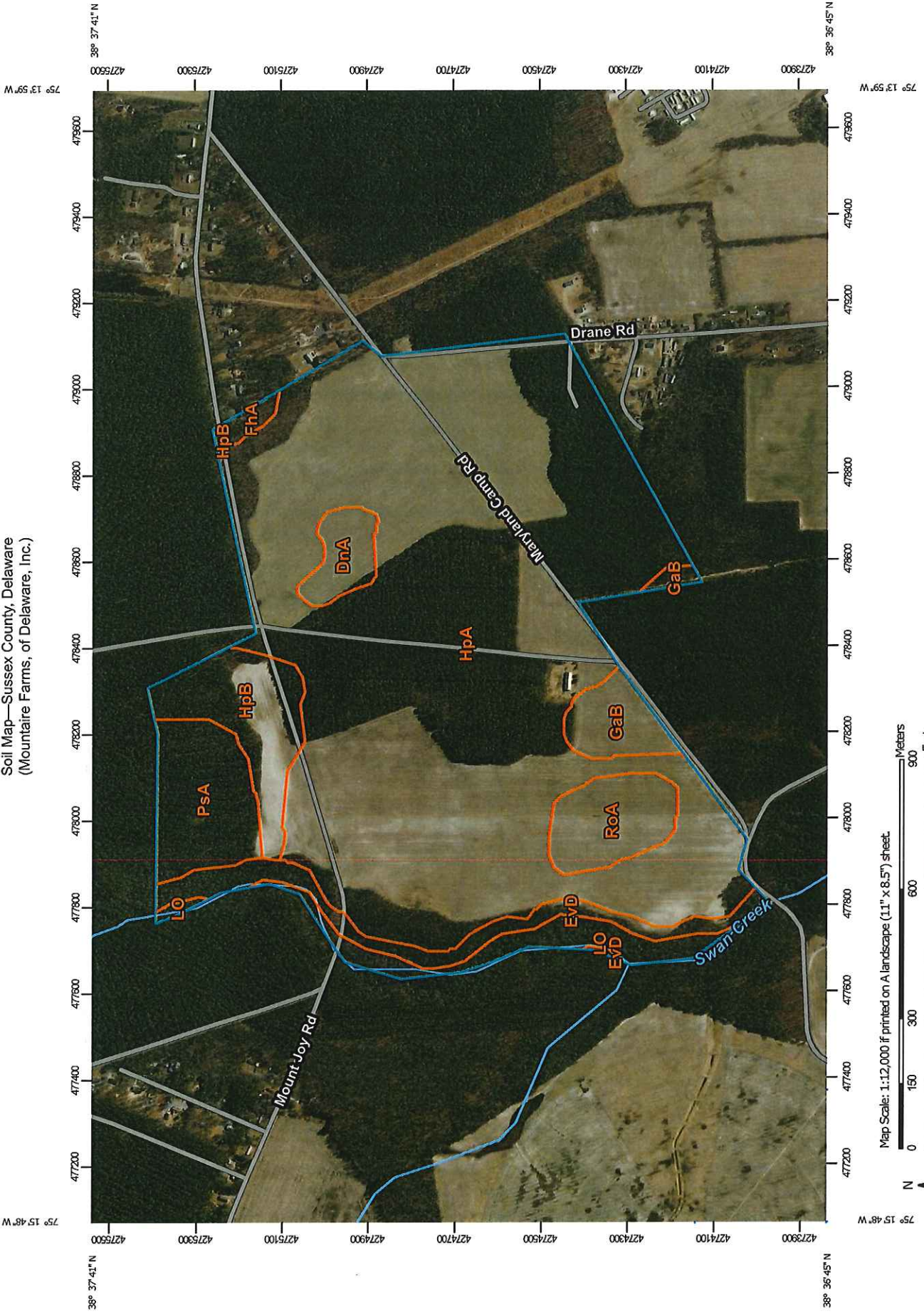
BJH

Enclosures



**CU 2186**  
**TM #234-28.00-1.00, 2.00 & 3.00**  
**Mountaire Farms of Delaware, Inc.**

Soil Map—Sussex County, Delaware  
(Mountaine Farms, of Delaware, Inc.)












































Map Scale: 1:12,000 if printed on A landscape (11" x 8.5") sheet.

Map projection: Web Mercator Corner coordinates: WGS84 Edge ties: UTM Zone 18N WGS84



## MAP LEGEND

 Area of Interest (AOI)	 Spoil Area
 Soils	 Stony Spot
 Soil Map Unit Polygons	 Very Stony Spot
 Soil Map Unit Lines	 Wet Spot
 Soil Map Unit Points	 Other
 Special Point Features	 Special Line Features
 Blowout	 Water Features
 Borrow Pit	 Streams and Canals
 Clay Spot	 Transportation
 Closed Depression	 Rails
 Gravel Pit	 Interstate Highways
 Gravelly Spot	 US Routes
 Landfill	 Major Roads
 Lava Flow	 Local Roads
 Marsh or swamp	 Background
 Mine or Quarry	 Aerial Photography
 Miscellaneous Water	
 Perennial Water	
 Rock Outcrop	
 Saline Spot	
 Sandy Spot	
 Severely Eroded Spot	
 Sinkhole	
 Slide or Slip	
 Sodic Spot	

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL:  
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Sussex County, Delaware  
Survey Area Data: Version 19, Sep 14, 2018

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Nov 21, 2018—Mar 12, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
DnA	Downer loamy sand, 0 to 2 percent slopes	6.9	1.9%
EvD	Evesboro loamy sand, 5 to 15 percent slopes	15.2	4.2%
FhA	Fort Mott-Henlopen complex, 0 to 2 percent slopes	1.8	0.5%
GaB	Galestown loamy sand, 0 to 5 percent slopes	9.9	2.7%
HpA	Henlopen loamy sand, 0 to 2 percent slopes	268.5	73.2%
HpB	Henlopen loamy sand, 2 to 5 percent slopes	19.5	5.3%
LO	Longmarsh and Indiantown soils, frequently flooded	12.8	3.5%
Psa	Pepperbox-Rosedale complex, 0 to 2 percent slopes	18.8	5.1%
RoA	Rosedale loamy sand, 0 to 2 percent slopes	13.2	3.6%
<b>Totals for Area of Interest</b>		<b>366.7</b>	<b>100.0%</b>

## Selected Soil Interpretations

This report allows the customer to produce a report showing the results of the soil interpretation(s) of his or her choice. It is useful when a standard report that displays the results of the selected interpretation(s) is not available.

When customers select this report, they are presented with a list of interpretations with results for the selected map units. The customer may select up to three interpretations to be presented in table format.

For a description of the particular interpretations and their criteria, use the "Selected Survey Area Interpretation Descriptions" report.

### Report—Selected Soil Interpretations

Selected Soil Interpretations—Sussex County, Delaware							
Map symbol and soil name	Pct. of map unit	ENG - Dwellings W/O Basements		ENG - Dwellings With Basements		ENG - Septic Tank Absorption Fields (DE)	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
DnA—Downer loamy sand, 0 to 2 percent slopes							
Downer	80	Not limited		Not limited		Very limited	
						Restricted permeability	0.99
EvD—Evesboro loamy sand, 5 to 15 percent slopes							
Evesboro	75	Somewhat limited		Somewhat limited		Very limited	
		Slope	0.63	Slope	0.63	Filtering capacity	1.00
						Slope	0.63
FhA—Fort Mott-Henlopen complex, 0 to 2 percent slopes							
Fort mott	45	Not limited		Not limited		Somewhat limited	
						Restricted permeability	0.50
Henlopen	35	Not limited		Not limited		Not limited	
GaB—Galestown loamy sand, 0 to 5 percent slopes							
Galestown	80	Not limited		Not limited		Very limited	
						Filtering capacity	1.00
HpA—Henlopen loamy sand, 0 to 2 percent slopes							
Henlopen	80	Not limited		Not limited		Not limited	

Selected Soil Interpretations--Sussex County, Delaware							
Map symbol and soil name	Pct. of map unit	ENG - Dwellings W/O Basements		ENG - Dwellings With Basements		ENG - Septic Tank Absorption Fields (DE)	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
HpB—Henlopen loamy sand, 2 to 5 percent slopes							
Henlopen	80	Not limited		Not limited		Not limited	
LO—Longmarsh and Indiantown soils, frequently flooded							
Longmarsh	43	Very limited		Very limited		Very limited	
		Ponding	1.00	Ponding	1.00	Depth to saturated zone	1.00
		Flooding	1.00	Flooding	1.00	Ponding	1.00
		Depth to saturated zone	1.00	Depth to saturated zone	1.00	Flooding	1.00
						Restricted permeability	1.00
Indiantown	37	Very limited		Very limited		Very limited	
		Ponding	1.00	Ponding	1.00	Depth to saturated zone	1.00
		Flooding	1.00	Flooding	1.00	Ponding	1.00
		Depth to saturated zone	1.00	Depth to saturated zone	1.00	Flooding	1.00
		Organic matter content	1.00				
PsA—Pepperbox-Rosedale complex, 0 to 2 percent slopes							
Pepperbox	45	Somewhat limited		Very limited		Very limited	
		Depth to saturated zone	0.39	Depth to saturated zone	1.00	Depth to saturated zone	1.00
Rosedale	45	Not limited		Somewhat limited		Very limited	
				Depth to saturated zone	0.73	Depth to saturated zone	1.00
						Restricted permeability	1.00
RoA—Rosedale loamy sand, 0 to 2 percent slopes							
Rosedale	75	Not limited		Somewhat limited		Very limited	
				Depth to saturated zone	0.73	Depth to saturated zone	1.00
						Restricted permeability	1.00

## Data Source Information

Soil Survey Area: Sussex County, Delaware  
Survey Area Data: Version 19, Sep 14, 2018

# SOILS

ADD ANY ADDITIONAL INFORMATION THAT MAY BE CONSIDERED PERTINENT:

## SOILS:

DnA	Downer loamy sand, 0 to 2 percent slopes
EvD	Evesboro loamy sand, 5 to 15 percent slopes
FhA	Fort Mott-Henlopen complex, 0 to 2 percent slopes
GaB	Galestown loamy sand, 0 to 5 percent slopes
HpA	Henlopen loamy sand, 0 to 2 percent slopes
HpB	Henlopen loamy sand, 2 to 5 percent slopes
LO	Longmarsh and Indiantown soils, frequently flooded
PsA	Pepperbox-Rosedale complex, 0 to 2 percent slopes
RoA	Rosedale loamy sand, 0 to 2 percent slopes

- A. SUITABILITY OF SOILS INTENDED USE:  
See attached table for suitability.
  
- B. EVALUATE THE SOILS INCLUDED IN THIS PROJECT WITH RESPECT TO EROSION AND SEDIMENTATION CONTROL:
  1. DURING CONSTRUCTION:  
  
Follow recommended erosion and sediment control practices.
  
  2. AFTER CONSTRUCTION:  
  
Maintain vegetation.
  
- C. FARMLAND RATING (PRIME, UNIQUE, STATEWIDE IMPORTANCE, ETC.):  
See attached table(s) for ratings.
  
- D. ADDITIONAL COMMENTS (IF APPLICABLE):

# DRAINAGE AND FLOODING

Add any additional information that may be considered pertinent:

## DRAINAGE:

- A. Any Storm flood hazard area affected?       Yes       No
- B. Would the proposed project necessitate any off-site drainage improvements?  
*No*
- C. Would the proposed project necessitate any on-site drainage improvements?  
*Not likely*
- D. Any Tax Ditch affected?       Yes       No

Additional Comments (if applicable)

All landowners, developers, and site designers are strongly encouraged to thoroughly investigate the presence of easements or right-of-ways along tax ditches. These documents are located in the Prothonotary's Office and/or with the Recorder of Deeds. If a stormwater management facility is proposed along a stream or ditch, the Sussex Conservation District will require verification of any easements. Before you start any project design, please look into this matter by calling the Division of Soil and Water Conservation-Drainage Program at (302) 855-1930 or the Sussex Conservation District Sediment and Stormwater Program at (302) 856-7219 for more information.

The Planning and Zoning Memorandum of October 3, 2019 confirms that the Comprehensive Plan provides that in this Low Density Area envisions agricultural activities and residences. It states that "the Coastal Area Designation recognizes that development can be accommodated provided that any special environmental concerns are addressed."

First, this is NOT an agricultural activity that is being proposed. The proposal is to permit the spreading and spraying of industrial waste from a poultry processing facility. If it were an agricultural activity, there would be no use for a Conditional Use ordinance.

Second, it is not "business development" or "development" of any kind. It is a proposal to spread and spray industrial waste from a poultry processing facility.

The Planning and Zoning Memorandum of October 3, 2019 states that there have been other conditional use applications for the use of biosolids within a five-mile radius of the application site. The reference is to a 15 year old application for the same applicant.

Planning and Zoning is well aware of the contamination of drinking water in the area caused by the same applicant as you have before you. The property at issue is immediately adjacent to a residential area that is not served by public water. Their wells are therefore at risk.

The proposed use does not appear to fall under the listings of Conditional uses listed in the code under Sections 115-39

Under Section 115-171, there is a statement of the purpose of the Conditional Use article of the code. It reads:

The purpose of this article is to provide for certain uses which cannot be well adjusted to their environment in particular locations with full protection offered to surrounding properties by rigid application of the district regulations. These uses are generally of a public or semipublic character and are essential and desirable for the general convenience and welfare but, because of the nature of the use, the importance of the relationship to the Comprehensive Plan and possible impact not only on neighboring properties but on a large section of the county, require the exercise of planning judgment on location and site plan.

There is nothing of a public or semipublic nature about this proposed use. It benefits one corporate industrial entity and potentially harms all those reliant on well water in the area.

**FILE COPY**  
Opposition  
Exhibit

CU 2/86



I implore you to do what the code requires: exercise your planning judgment to deny this conditional use.

**FILE COPY**  
Exhibit

Oct. 10, 2019 Steck Comments on Sussex County  
Planning & Zoning Commission Case C/U 2186 Mountaire Farms

My name is Keith Steck. Thank you for the opportunity to comment on this case.

Let me begin by making some general comments about the documents provided as part of the paperless packet regarding this case. In particular, why is the application itself not part of the packet? Many people--such as those who work, have mobility problems, are ill or traveling--cannot go to the P&Z Office during regular business hours to examine the full range of documents. Something as fundamental as any application to this Commission should be included in the online packet. It is unclear what other key documents are not available to the public through the online packet.

That said, based on the documents that are available online, this whole project is not ready for serious consideration by the Commission, let alone County Council as scheduled for next month. If a decision is to be made based on the information provided to the public for this hearing, then the Commission should deny the request.

Below is my analysis and justification for requesting this entire project be put on hold until additional information is obtained, research and analysis is done, and the revised results are made available to the public.

#### Question About Proper Notification of Hearing

First, it's not clear from the public hearing notice that the southeastern corner of the southern portion of parcel 234.28.00-3.00 is at the intersection of Donald Drive and William Street Road. This is important because the properties along the southern boundary of this parcel do not appear to have been included in "Mailing List Exhibit Map" from the Planning & Zoning Commission--see page 16 of the paperless packet for the commission. So, it looks like none of the homes in the Hitchens Lane and Ed Morris

Lane areas and those along William Street Road were included in the notification area. This begs the question: Were these homeowners notified by mail about the proposal?

Further, I drove down by this area and only saw two yellow public notice signs for this hearing: (1) at the intersection of Maryland Camp Road and Townsend Road and (2) the intersection of Maryland Camp Road and William Street Road. There were no signs along Mount Joy Road, even though there are about a dozen homes on the eastern edge of the affected properties highlighted on the Mailing List Exhibit Map. Oddly, there are about 25 homes highlighted on the map in the Hillcrest Acres development off of Cordrey Road and Hillcrest Drive.

#### Incomplete Analysis of the Request

More concerning are flaws and the limited analysis in the P&Z Information Sheet and Oct. 3 Planning & Zoning Memorandum done for this conditional use request.

#### Information Sheet

The information sheet for this hearing, for example, misidentifies the councilmanic district and a substantially lower number of acres for this project--see p. 14 of the paperless packet. The sheet shows this project in Councilman Burton's district, yet the property information sheets show the councilmanic districts as Rieley and Hudson for the three parcels. Of more important concern is the erroneous size stated on both the information sheet and the Sept. 16, 2019, "C/U & C/Z Comments" from the County's Engineering Department's Utility Planning Division. These documents state the size of the project is 203.34 acres, when in reality the full project size is over 350 acres, according to the public notice. The erroneously stated size is for parcel 1 (234-28.00-1.00) only, even though all three parcels are clearly listed on both documents. This is a serious discrepancy, underreporting the size by 43%! HOW

DOES SUCH A BASIC FACT GET SCREWED UP? Worse, it undermines the public's confidence in other P&Z projects and documentation. It raises serious issues about

- What other P&Z Office documents have this error?
- What other county and state agency documents have this error?
- What decisions are impacted by this huge error?
- Does this size discrepancy impact critical decisions that are determined by project acreage/size?

THIS ENTIRE PROJECT SHOULD BE PUT ON HOLD UNTIL

- 1) ALL DOCUMENTS HAVE BEEN REVIEWED TO ENSURE THEY ARE ACCURATE AND
- 2) ALL DECISIONS HAVE BEEN REVIEWED TO ENSURE THEY WERE MADE USING THE 350+ ACREAGE FIGURE.

Oct. 3, 2019 P&Z Memorandum

Equally problematic is the P&Z memo to Commission members, the assistant county attorney, and the applicant--see p. 18 of the paperless packet. It does not provide a full context regarding this project nor does it provide key information and analysis. While the document does note that it "is subject to comments and information that may be presented during the public hearing" the public is skeptical that their comments are given serious and thoughtful consideration and weight based on other matters brought before this Commission and the Board of Adjustment.

Basic information is missing. For example, How long is this site going to exist? Is this a temporary site until Mountaire gets its act together regarding its plans for dealing with

existing sludge and wastewater problems ... or this going to be a permanent dumping/spray site? Is Mountaire going to use this location until it chokes the life out of the site and contaminates it to the point that it is unusable and runoff poisons the aquifer and drinking water, and continues to discharge into Swan Creek and Indian River?

Other information NOT included in this background memo:

- The source of the sludge and the type of sludge are not defined and/or described. Where is this coming from--just the facility on Rte 24 or Mountaire's other operations. Is it just from Delaware facilities or outside the state? To what extent is the sludge being treated? Is this raw, untreated sludge?
- There is no description of the source and type of wastewater to be sprayed. Where is the wastewater coming from--the Mountaire plant on Rte 24 or someplace else? Also, what's in the wastewater that's going to be sprayed and is it raw, untreated wastewater? Often <sup>it</sup> consists of process wastewater used in slaughtering, cleaning, and packaging chickens, but it often also includes sanitary wastewater--in plain English this means sewage and wastewater used in cleaning. Is this wastewater being treated and if so to what extent is it being treated?
- How are the sludge and wastewater getting to the proposed site? The memo does not discuss this. The public has a right to know and you have a responsibility to understand what that entails. Right now, the public has to assume it's being hauled by truck, given the DeIDOT traffic review that's included in the online package--see pages 20 and 21. But that review does is simply comment on traffic volume; it does not discuss the added volume of particulates and other pollutants that will be going into the air and onto the ground. Why does the DeIDOT analysis not mention whether Mountaire and DeIDOT have existing plans for addressing accidents involving trucks or do they need to come up with

such plans? More significant and complicated are the hauling permits Mountaire will have to obtain or have modified; the DeIDOT document doesn't even mention that Mountaire will be required to hauling permits for sludge and wastewater. DNREC and other agencies have different permitting requirements from hauling different types of waste. For example, DNREC does not allow sanitary wastewater to be hauled by the same trucks hauling process wastewater. And what about about Mountaire's truck safety record? HAVE DELDOT UPDATE ITS ANALYSIS.

Moreover, there are no analyses or information in the Oct. 3 memo regarding

- the opinion from the Sussex Conservation District about what impact this project will have on the proposed site and surrounding areas. Given the very nature of this project, why does Planning and Zoning not include such information in this packet? You get an analysis for many other projects, why not this one? It is simple common sense that the Commission have comments from the Conservation District before making a decision. To wait until after you decide would be like trying to put the genie back in the bottle--it makes no sense, especially given the environmental and other damage done regarding past Commission decisions; just look at the mess with the Blessings Blends Composting by Prime Hook.
- the impact this project will have on the surrounding communities? Given that the surrounding area and its residents have already suffered from environmental harm, especially people of color, the poor, and the elderly, the Commission needs to pay particular attention to what impact this project will have on this area. Moreover, is the Commission aware that this entire project falls within the Nanticoke State Designated Tribal Statistical Area (see Census Bureau)? Do you want to continue burdening this area and its people disproportionately and

limiting future economic development such as retail, medical, or office centers or other economic drivers? Seriously look at not just what is now but what will be in the future--look at the long-term economic and residential development plans under the County's Updated Comprehensive Plan for the area. Don't rely just on DelDOT's traffic review but ask for it to include traffic projections for the next 20 years. DO NOT MAKE A DECISION THAT FURTHER ADVERSELY HARMS THIS AREA, WHICH HAS BEEN OVERBURDENED WITH INDUSTRIAL DEVELOPMENT. Why load more pollutants onto areas already environmentally overburdened area?

- the environmental impact this project will have on the adjoining Swan Creek and the downstream Waples and Longwood Ponds, the Indian River, and ultimately into the inland bays. Given the tremendous pollution the Indian River and inland bays suffer, major consideration should be given to the impact this project will have on the waterways bordering this project. At the very least, Planning and Zoning should have included existing studies of the Indian River and the inland bays done by the Center for Inland Bays. P&Z can go to the CIB website and pull up and forward these reports on the degraded quality of these waterways--no fuss, no muss. Moreover, the memo references how "[a]pplicants are encouraged to analyze the development's potential environmental impacts... that affect the ecological sensitivity of the inland bays." P&Z SHOULD require all projects affecting waterways to include these and other reports in the initial application. YOU'LL UNDERSTAND WHY MOUNTAIRE IS THE FOCUS OF SO NEGATIVE ATTENTION AND WHY DNREC IS SO DISTRUSTED AND WHY THIS PROJECT SHOULD NOT BE ALLOWED IN THIS WATERSHED.

IN SUMMARY, I URGE YOU TONIGHT TO DENY THIS REQUEST. SURELY THERE ARE OTHER OPTIONS OR BETTER LOCATIONS.

IF YOU DO NOT DENY THIS REQUEST TONIGHT, AT THE VERY LEAST DELAY YOUR DECISION UNTIL YOU GET THE MISSING INFORMATION AND CONSIDER PLACING SERIOUS, ENFORCEABLE CONDITIONS ON THIS AND ALL FUTURE PROJECTS. YOU DON'T WANT A REPEAT OF THE DECISIONS THAT HAVE LEAD TO MAJOR LAWSUITS INVOLVING HUNDREDS OF PEOPLE, SERIOUS HEALTH PROBLEMS, DIMINISHED PROPERTY VALUES, AND A FURTHER DAMAGED ENVIRONMENT.



**Shane M. Miller**  
26642 Maryland Camp Road  
Millsboro, DE 19966  
(302) 542-0452

October 8, 2019

Sussex County Planning & Zoning Commission  
PO Box 417  
Georgetown, DE 19947

RE: Conditional Use Application #2186 - Mountaire Farms of Delaware, Inc.

To Whom It May Concern:

As an adjoining property owner to Tax Parcels: 234-28.00-1.00, 2.00, and 3.00, I am extremely concerned about the Conditional Use Application #1286 filed by Mountaire Farms of Delaware, Inc. based upon the alleged complaints and issues regarding the current distribution and application of sludge and wastewater spray irrigation employed by the current property owners.

As a neighboring property owner, we have been subject to adverse conditions with smell and debris associated inadequate distribution of waste products dispersed amongst the property which has created unsightly and unpleasant issues.

It is troublesome when these conditions are prevalent and the ability to obtain oversight and verification of compliance has been non-existent at times. Our concern continues to be the conditions that these effluents may pose to the environment and health of surrounding neighbors and property-owners.

The residential population is growing in and around this area of the proposed parcels for this conditional use application. It is becoming more and more alarming that new homes are being built in the immediate vicinity but such requests are also being permitted.

It is conceivable that greater scrutiny may be warranted because the eminent dangers of these effluents are not fully known at the current time and residential development on adjacent parcels have been approved.

I am concerned about the health and well-being of aquifer and impact to neighboring properties within the immediate vicinity of these aforementioned parcels.

If there are any questions, please do not hesitate to contact me.

Sincerely,   
Shane M. Miller

**Connor MacDonald**  
26638 Maryland Camp Road  
Millsboro, DE 19966

October 8, 2019

Sussex County Planning & Zoning Commission  
PO Box 417  
Georgetown, DE 19947

RE: Conditional Use Application #2186 - Mountaire Farms of Delaware, Inc.

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Our concern continues to be the conditions that these effluents may pose to the environment and health of surrounding neighbors and property-owners.

The residential population is growing in and around this area of the proposed parcels for this conditional use application. It is becoming more and more alarming that new homes are being built in the immediate vicinity but such requests are also being permitted.

I am concerned about the health and well-being of aquifer and impact to neighboring properties within the immediate vicinity of these aforementioned parcels.

If there are any questions, please do not hesitate to contact me.

Sincerely,

  
Connor MacDonald

*Connor MacDonald*

**Paige A. McCandless**  
26638 Maryland Camp Road  
Millsboro, DE 19966  
(302) 448-0488

October 8, 2019

Sussex County Planning & Zoning Commission  
PO Box 417  
Georgetown, DE 19947

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To Whom It May Concern:

As a nearby property owner to Tax Parcels: 234-28.00-1.00, 2.00, and 3.00, I am extremely concerned about the Conditional Use Application #1286 filed by Mountaire Farms of Delaware, Inc. based upon the alleged complaints and issues regarding the current distribution and application of sludge and wastewater spray irrigation employed by the current property owners.

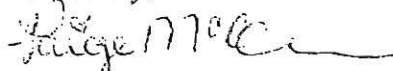
Our concern continues to be the conditions that these effluents may pose to the environment and health of surrounding neighbors and property-owners.

The residential population is growing in and around this area of the proposed parcels for this conditional use application. It is becoming more and more alarming that new homes are being built in the immediate vicinity but such requests are also being permitted.

I am concerned about the health and well-being of aquifer and impact to neighboring properties within the immediate vicinity of these aforementioned parcels.

If there are any questions, please do not hesitate to contact me.

Sincerely,



Paige A. McCandless

*Paige McCandless*

**Patrick C. Miller**  
32717 Oak Orchard Road  
Millsboro, DE 19966  
(302) 947-1577

October 7, 2019

Sussex County Planning & Zoning Commission  
2 The Circle, PO Box 417  
Georgetown, DE 19947

RE: C/U 2186 Mountaire Farms of Delaware, Inc.

Dear Sussex County Planning & Zoning Commission

As an adjoining property owner to Tax Parcels: 234-28.00-1.00, 2.00, and 3.00, I am extremely concerned about the Conditional Use Application #1286 filed by Mountaire Farms of Delaware, Inc. based upon the alleged complaints and issues regarding the current distribution and application of sludge and wastewater spray irrigation employed by the current property owners.

As a property owner for approximately the past seventeen (17) years, we have been subject to sometime odoriferous conditions and in a few instances inadequate distribution of waste products dispersed amongst the property which has created unsightly and unpleasant issues.

It is extremely troublesome when these conditions are prevalent and the ability to obtain oversight and verification of compliance has been non-existent at times.

Our concern continues to be the conditions that these effluents may pose to the environment and health of surrounding neighbors and property-owners.

The residential population is growing in and around this area of the proposed parcels for this conditional use application. It is becoming more and more alarming that the Sussex County Planning & Zoning is issuing residential building permits in the immediate vicinity but also allowing for such applications to continue.

It is conceivable that greater scrutiny may be warranted because the eminent dangers of these effluents are not fully known at the current time and residential development on adjacent parcels has been approved by the same governing body.

I am concerned about the health and well-being of aquifer and impact to neighboring properties within the immediate vicinity of these aforementioned parcels.

If there are any questions, please do not hesitate to contact me.

Sincerely,



Patrick C. Miller

## Janelle Cornwell

---

**From:** Patrick Miller <noreply@forms.email>  
**Sent:** Monday, October 7, 2019 10:23 PM  
**To:** Janelle Cornwell  
**Subject:** Contact Form: C/U 2186 Mountaire Farms of Delaware, Inc.

Name: Patrick Miller  
Email: millerpcm@aol.com  
Phone: 302-947-1577  
Subject: C/U 2186 Mountaire Farms of Delaware, Inc.  
Message: Sussex County Planning & Zoning Commission  
2 The Circle, PO Box 417  
Georgetown, DE 19947

RE: C/U 2186 Mountaire Farms of Delaware, Inc.

Dear Sussex County Planning & Zoning Commission

As an adjoining property owner to Tax Parcels: 234-28.00-1.00, 2.00, and 3.00, I am extremely concerned about the Conditional Use Application #1286 filed by Mountaire Farms of Delaware, Inc. based upon the alleged complaints and issues regarding the current distribution and application of sludge and wastewater spray irrigation employed by the current property owners.

As a property owner for approximately the past seventeen (17) years, we have been subject to sometime odoriferous conditions and in a few instances inadequate distribution of waste products dispersed amongst the property which has created unsightly and unpleasant issues.

It is extremely troublesome when these conditions are prevalent and the ability to obtain oversight and verification of compliance has been non-existent at times.

Our concern continues to be the conditions that these effluents may pose to the environment and health of surrounding neighbors and property-owners.

The residential population is growing in and around this area of the proposed parcels for this conditional use application. It is becoming more and more alarming that the Sussex County Planning & Zoning is issuing residential building permits in the immediate vicinity but also allowing for such applications to continue.

It is conceivable that greater scrutiny may be warranted because the eminent dangers of these effluents are not fully known at the current time and residential development on adjacent parcels has been approved by the same governing body.

I am concerned about the health and well-being of aquifer and impact to neighboring properties within the immediate vicinity of these aforementioned parcels.

If there are any questions, please do not hesitate to contact me.

Sincerely,

Patrick C. Miller

## Janelle Cornwell

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**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Thursday, October 10, 2019 3:39 PM  
**To:** Janelle Cornwell  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Janelle Cornwell

Submitted on Thursday, October 10, 2019 - 3:38pm

Name: Maria Payan

Email address: payans@zoominternet.net

Phone number: 7178267286

Subject: Mountaire conditional use hearing c/u 2186

Message: I am commenting on Mountaire's conditional use hearing as a resident of Sussex County and member of Sussex Health and Environmental network-a grass roots coalition of citizen groups. One of the parcels is a general residential parcel in the application and is not an appropriate use in a general residential zone. This application is in an area, which is an environmental justice area, near vulnerable populations already overburdened with pollution. The watershed itself, is overloaded with nutrients and this sludge and sprayfields should be taken outside of this watershed. The Inland Bays are degraded already with too many nutrients. This is in a coastal area with 100 yr storm plain and 25 yr storm plain. There are threatened and endangered species. The high water table and sandy soils make this very prone to contamination. There are public health concerns with processing plant sludge. Please see Pathogenic micro-organisms in slaughterhouse sludge-

<https://www.ncbi.nlm.nih.gov/pubmed/8930709> Also, please see the Center for the Inland Bays -Mountaire pollution report for information on the overload of nutrients in this watershed and lack of ability to operate with in permit levels. <https://www.inlandbays.org/mountaire-contamination-report/> Please deny this application in this watershed. It should be taken outside to a more appropriate watershed that is not overloaded with nutrients. Thank you for your consideration Maria Payan 104 West Mill Pond Dr Selbyville DE 19975

## Janelle Cornwell

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**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Thursday, October 10, 2019 3:56 PM  
**To:** Janelle Cornwell  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Janelle Cornwell

Submitted on Thursday, October 10, 2019 - 3:56pm

Name: Shelly Cohen  
Email address: philliegyrl1968@gmail.com Phone number: 3024481519  
Subject: PZ HEARING, C/U 2186 MOUNTAIRE FARMS

Message:

I oppose any PZ changes allowing these parcels of land to be used for the spraying of sludge or -chicken slaughter wastewater in any of Mountaire/Mountaire Farms or any other companies, departments, divisions, LLCs or Corporations operating under any of the Mountaire names and/or labels. The reason is simple. This spraying of sludge and/or wastewater will pollute the groundwater/aquifer/wells of the people living in Sussex County. Pollution in the aquifer spreads; it is not stationary as the pollution plume moves with the flow of the groundwater/aquifer.

This is not an isolated area. People live and work there. There are many existing homes there. Just because spraying excrement/sludge/wastewater was allowed in the area in 2003/2004, that prior criteria should not be the precedent to allow this type of operation from this point on in 2019. It was wrong then, but the deciders may have not known better. Now you know this is a PUBLIC HEALTH PROBLEM which should make the County decision makers make the correct decision to deny this usage of land. To allow it, would be irresponsible leading to the spread of more disease, birth defects, miscarriages, intestinal illnesses and cancers.

It is not safe to have the many types of bacteria, viruses, other microbial organisms entering the public water supply used for drinking water, cooking and personal hygiene for thousands people living in the immediate and extended Sussex areas.

These organisms include but are not limited to Enterobacteriaceae, enterococci, Clostridia, Salmonella, Yersinia enterocolitica serotypes & Campylobacter jejuni/coli. In addition, lab analysis (several periodic Samples) should analyzed over a period of at least a year should be submitted as part of the Sussex County application and made available online to the public for examination and comment, before P & Z makes a decision. These tests should should examine all microbial organisms, PFASs (and other PFs), nutrients such as nitrates, phosphorous, metals, other chemicals, disinfectants, lead and other substances that should not be in groundwater,, aquifers, creeks, streams, rivers an other bodies of water. These pollutants have a negative impact on the health of the Sussex County residents, workers, students and tourists. Planning and Zoning along with. Sussex County Council and the Board of Adjustment have the fiduciary responsibility to protect the health of the public, their constituents, others entering the county for work, study or tourism and the precious environment.

Please do NOT authorize this request from Mountaire. The priority should be to PROTECT THE PEOPLE FIRST!

Thank you  
Shelly Cohen  
Homeowner/resident

Milton, DE



**Conditional Use 2186**  
**Mountaire Farms of Delaware, Inc.**

**PLANNING & ZONING**

JANELLE M. CORNWELL, AICP  
DIRECTOR

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



**Sussex County**

DELAWARE  
sussexcountyde.gov

September 17, 2019

Mountaire Farms of Delaware, Inc.  
P.O. Box 710  
Selbyville, DE 19975

To whom it may concern:

**C/U 2186 MOUNTAIRE FARMS OF DELAWARE, INC. - AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND GR GENERAL RESIDENTIAL DISTRICT FOR SLUDGE AND WASTEWATER SPRAY IRRIGATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 351.86 ACRES, MORE OR LESS.** The property is lying on the both sides of Mount Joy Rd., approximately 52 ft. west of Townsend Rd, and being on both sides of Townsend Rd., approximately 157 ft. south of Mount Joy Rd., and being on the southeast corner of Mount Joy Rd. and Townsend Rd, the northeast corner of Maryland Camp Rd and Townsend Rd, and the southwest corner of Maryland Camp Rd. and William Street Rd. 911 Address: N/A. Tax Parcels: 234-28.00-1.00, 2.00, and 3.00.

The **Planning and Zoning Commission** will hold a Public Hearing on **Thursday, October 10, 2019 at 6:00 pm** in the Sussex County Council Chambers located in the County Administrative Office at 2 The Circle Georgetown, DE, 19947.

The **Sussex County Council** will hold a Public Hearing on **Tuesday, November 5, 2019 at 1:30 pm** in the Sussex County Council Chambers located in the County Administrative Office at 2 The Circle Georgetown, DE, 19947.

It will be necessary for you the applicant to be present or represented by an agent or attorney at the hearings before both the Commission and County Council. If you are not present or represented, the Commission and/or County Council reserve the right to refuse to act on your application and to require that a new application be filed, and fees paid at your expense.

If an attorney, or agent, will be representing you, the applicant, it is your duty to notify them as to the dates and times of the hearings as herein set forth, as the Commission and County Council will not notify your counsel.

Sincerely,

Planning and Zoning Department

**RECEIVED SEP 18 2019**



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

## **Summary of Conditional Use Request**

Mountaire is requesting to have existing owned lands being tax parcels: 234-28.00-1.00; 234-28.00-2.00; 234-28.00-3.00 granted conditional use for sludge and wastewater spray irrigation. The total area encompasses roughly 350 acres. A site map for each parcel and a general overview and topographic map is attached for reference.

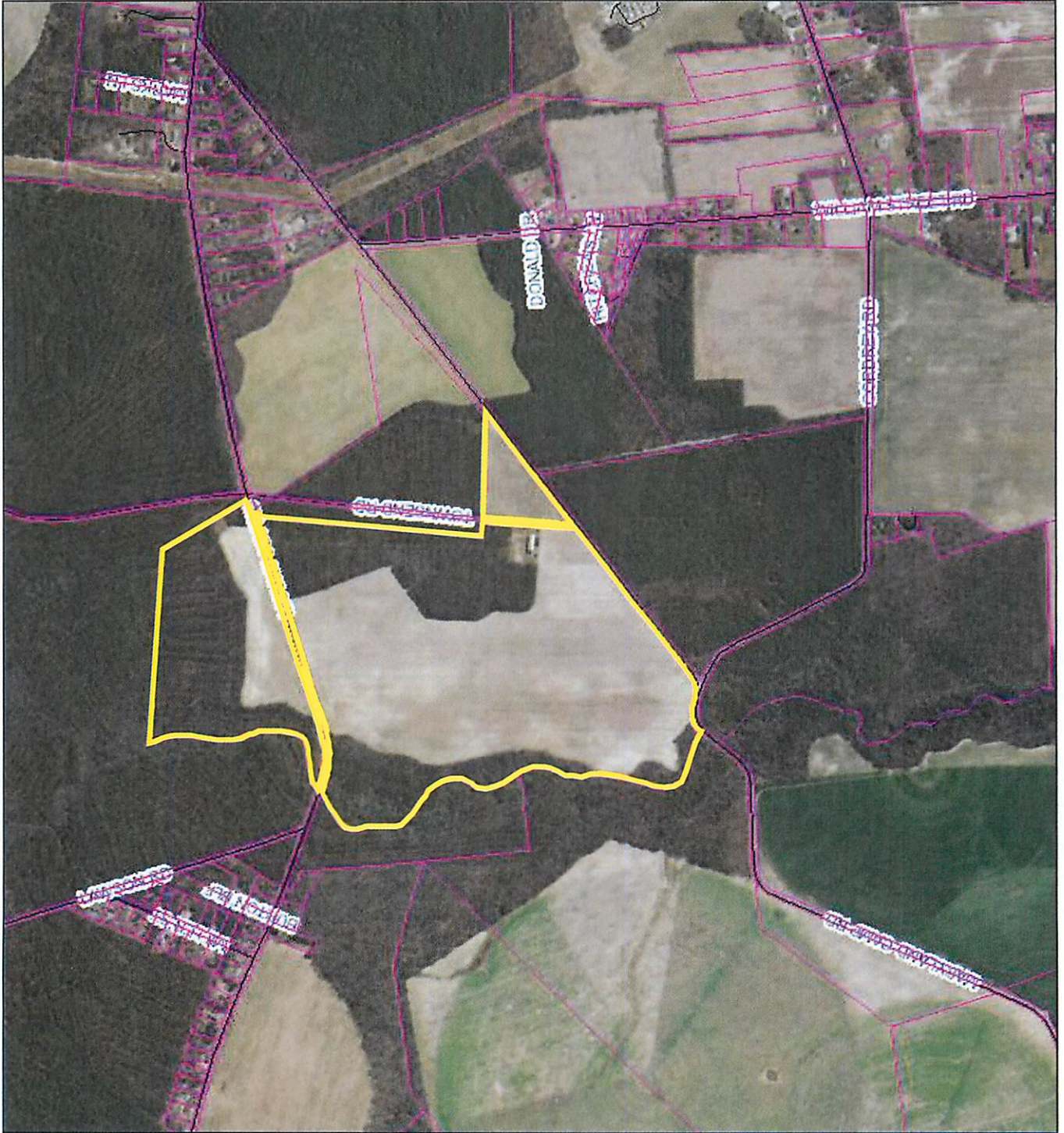
Sludge has been applied on these lands dating back to the 1990's specified by the Department of Natural Resource and Environmental Control permits. Spray Irrigation of wastewater on these additional acres is sought to allow for improved allocation of hydraulic loading. In short, more available acres equates to less water applied per acre.

Obtaining approval for conditional use is the first step in having the above scenario become a reality. The end goal, of which, benefits all. Specifics regarding spray irrigation such as rates, overall acres, crops, etc. will need to be discussed with DNREC once approval for conditional use is granted. These details will be dependent on test results outlined in DNREC's regulations. Some of the general protocols which will need to be conducted in determining the above include soil sampling, installation/approval of additional monitoring wells and marking applicable setbacks for an appropriate buffer zone.

We hope that everybody sees this as an opportunity for Mountaire to continue its effort in being good stewards of the environment and the resources which have been entrusted to us.

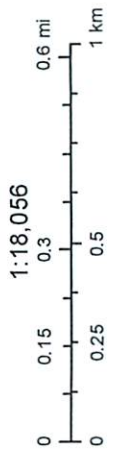


# Sussex County



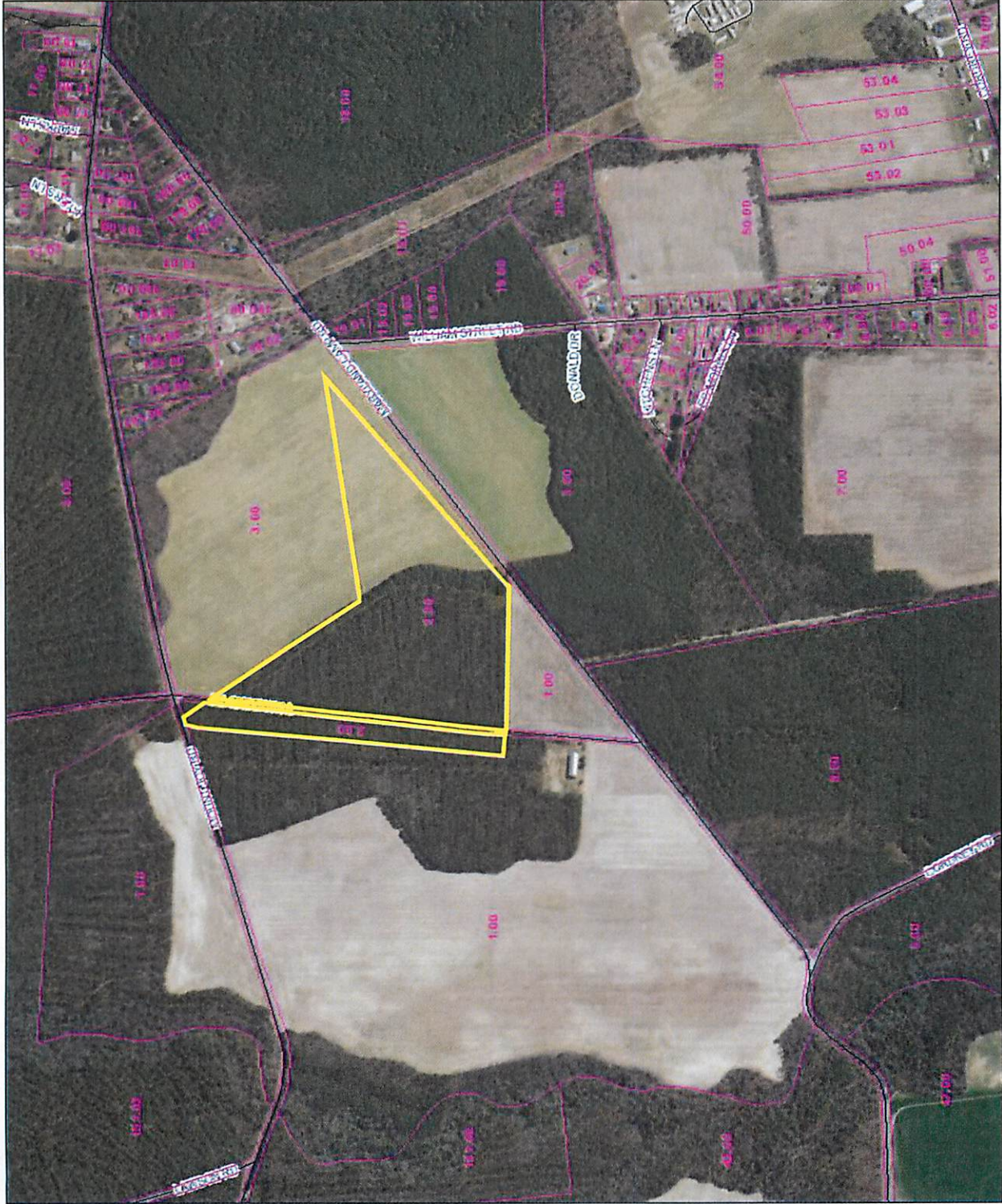
<b>PIN:</b>	234-28.00-1.00
<b>Owner Name</b>	MOUNTAIRE FARMS OF DELAWARE INC
<b>Book</b>	3172
<b>Mailing Address</b>	PO BOX 710
<b>City</b>	SELBYVILLE
<b>State</b>	DE
<b>Description</b>	GEORGETOWNOAK ORCH
<b>Description 2</b>	FX
<b>Description 3</b>	FOREST EX
<b>Land Code</b>	

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- Tax Parcels** □
- Streets** —
- County Boundaries** □



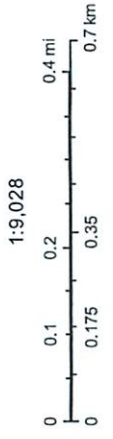


# Sussex County



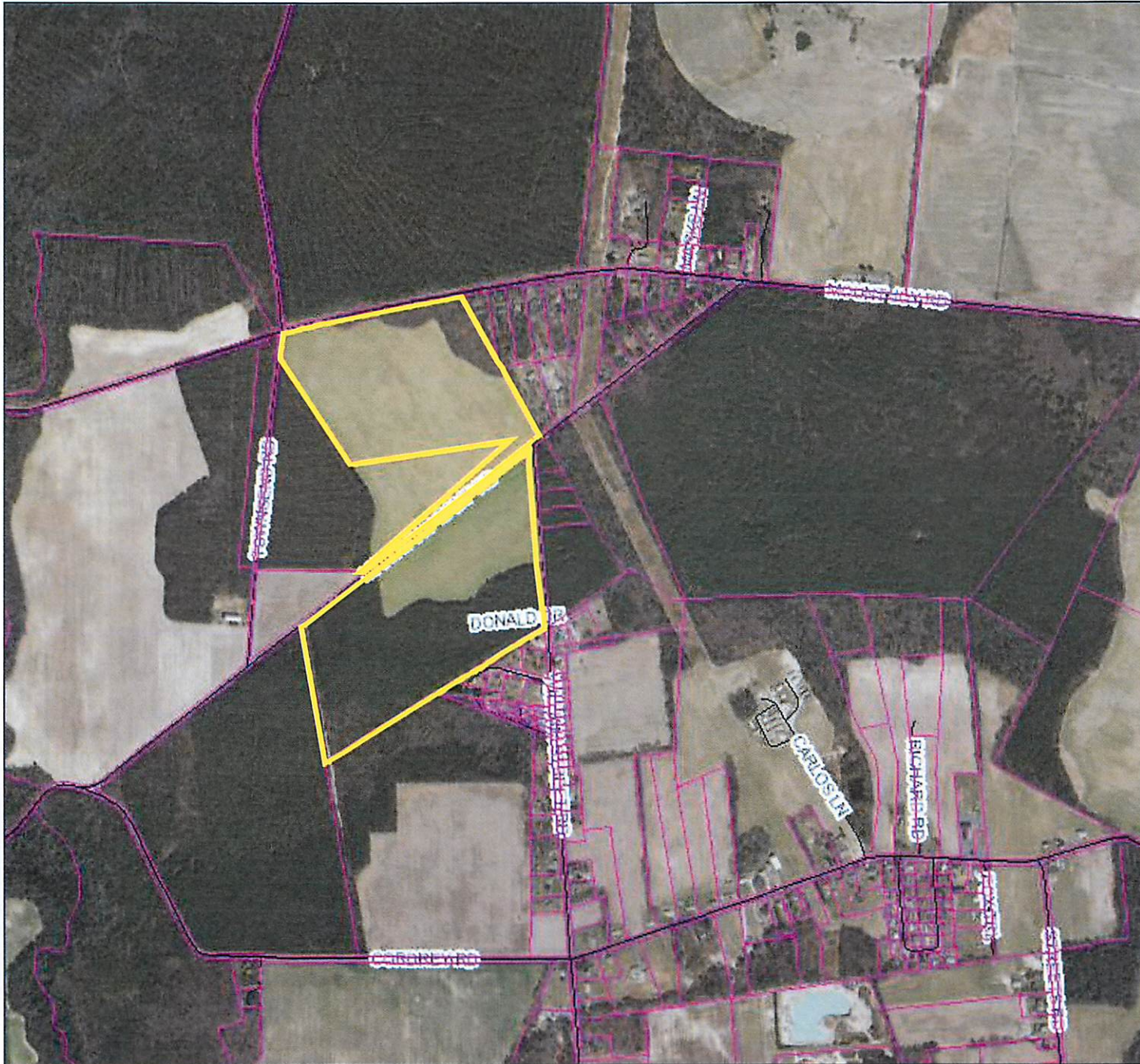
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<b>Owner Name</b>	MOUNTAIRE FARMS OF DELAWARE INC
<b>Book</b>	3273
<b>Mailing Address</b>	PO BOX 710
<b>City</b>	SELBYVILLE
<b>State</b>	DE
<b>Description</b>	E/RT 303
<b>Description 2</b>	NW/RD 304
<b>Description 3</b>	FX FOREST EX
<b>Land Code</b>	

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|              | Tax Parcels       |
|              | Streets           |
|              | County Boundaries |





# Sussex County



<b>PIN:</b>	234-28.00-3.00
<b>Owner Name</b>	MOUNTAIRE FARMS OF DELAWARE INC
<b>Book</b>	3273
<b>Mailing Address</b>	PO BOX 710
<b>City</b>	SELBYVILLE
<b>State</b>	DE
<b>Description</b>	FX
<b>Description 2</b>	T51 FOREST EX
<b>Description 3</b>	N/A
<b>Land Code</b>	

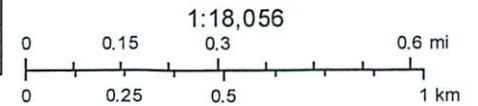
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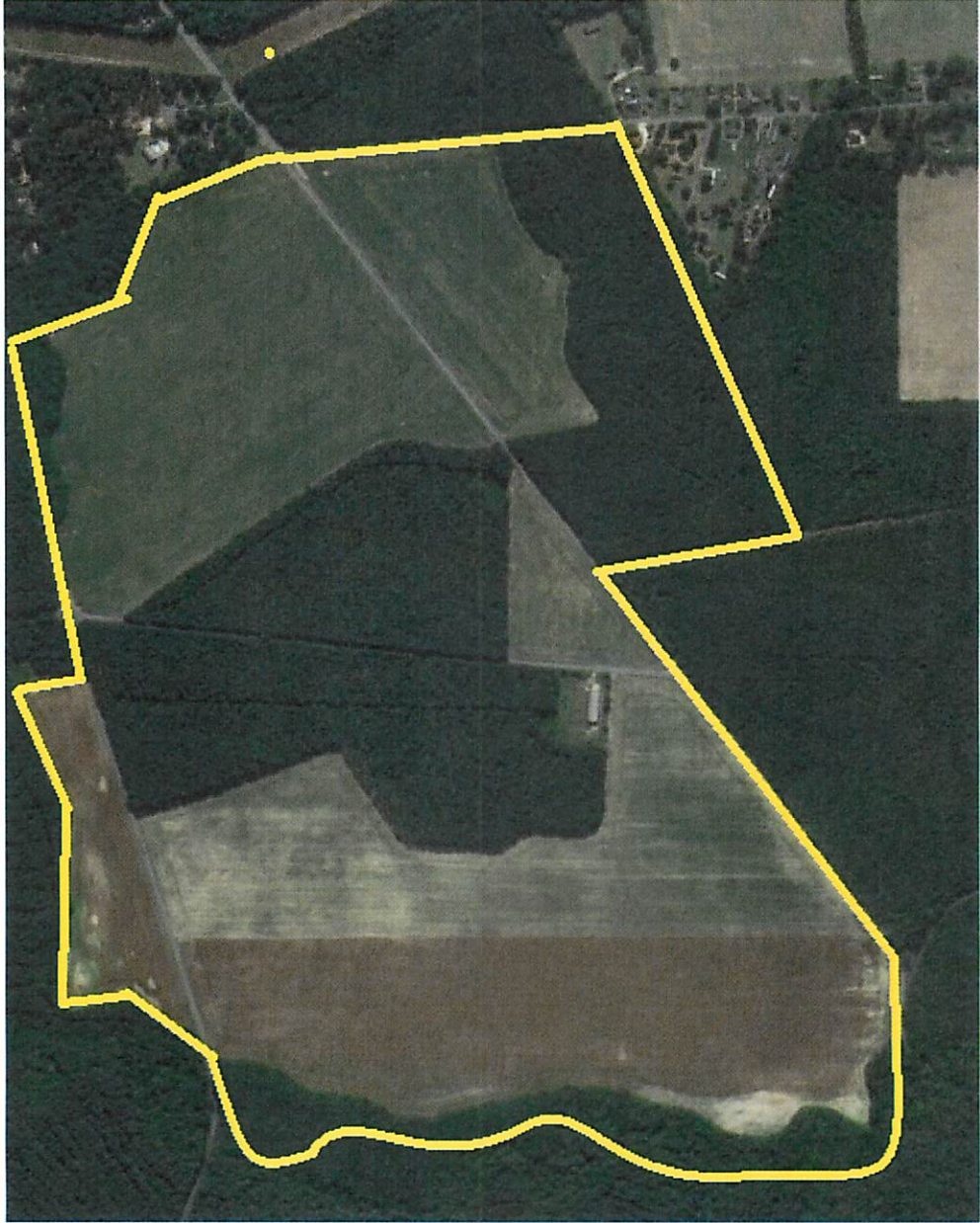
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**polygonLayer**

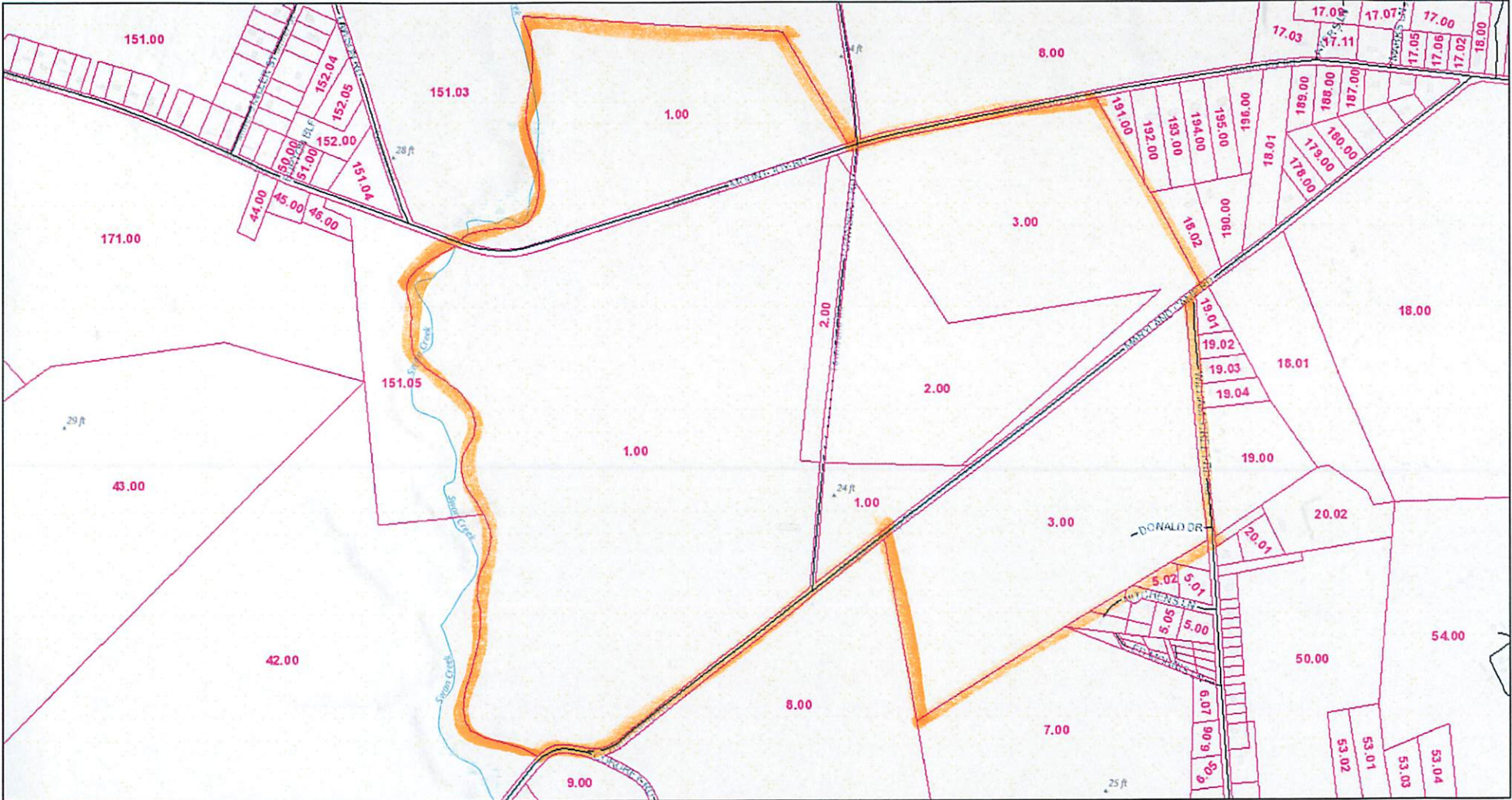
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- Tax Parcels
- Streets
- County Boundaries





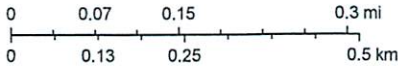
# Sussex County



September 30, 2019

- Tax Parcels
- Streets
- County Boundaries

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Delaware Department of Education, Delaware Geological Survey, DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sussex County. Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasystemen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap