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DIRECTOR OF PLANNING & ZONING
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Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

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

Morris James LLP

David C. Hutt
302.856.0018
dhutt@morrisjames.com

January 10, 2022

FILE COPY

**Applicant
Exhibit**

VIA: Hand Delivery

The Honorable Michael H. Vincent
The Honorable Cynthia Green
The Honorable Mark Schaeffer
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
c/o Todd F. Lawson, Sussex County Administrator
Sussex County Building
2 The Circle
Georgetown, DE 19947

RECEIVED

JAN 10 2022

SUSSEX COUNTY
PLANNING & ZONING

Re: ORDINANCE NO. 21-08. AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 532-12.00-1.00, 532-12.00-27.00, 532-18.00-42.00, 532-18.00-44.00 AND 532-19.00-1.00

Dear Council Members:

I represent the owners of the above-referenced tax parcels (the "Properties"). My clients appreciate the amount of time this Council spent considering this matter at the public hearing on December 14th where they were afforded the opportunity to present their position to this Council. My clients request is that Council adopt Ordinance No. 21-08 which modifies the designation of these Properties to a Developing Area on the Future Land Use Map ("FLUM").

The purpose of this letter is two-fold. First, it addresses the argument raised by the Office of State Planning Coordination ("OSPC") that Council should defer on deciding this Ordinance; and second, to summarize the owners' position for your consideration. Enclosed with this letter are a series of Bates Stamped documents. The first nineteen (19) pages of the attached exhibits are a copy of the exhibits shown during the presentation at the public hearing as these pictures are helpful pictorial demonstrations of the basis for this request.¹

¹ December 14th Presentation Exhibits (Letter Exhibits: Landowners 1-19).

Sussex County Council
January 10, 2022
Page 2

I. Council should act on Ordinance No. 21-08.

In a surprising turn during the December 14th public hearing, the OSPC encouraged this Council to stay the adoption of Ordinance No. 21-08 and even threatened Council that adoption of the Ordinance could jeopardize the flow of monies from the State to Sussex County. On behalf of my clients, I objected to that position during the public hearing and now, reiterate that objection.

Initially, the express language of Ordinance No. 21-08 contradicts the OSPC's position that the adoption of the Ordinance is the end of the process. Section 2 of the Ordinance states,

Section 2. This Ordinance shall also take effect following its adoption by majority vote of all members of the County Council of Sussex County, Delaware, and upon certification by the State of Delaware. [emphasis added]

This language clearly indicates when the Ordinance takes effect—upon certification by the State of Delaware.

Next, it cannot be stressed enough that the Comprehensive Plan being discussed is Sussex County's Comprehensive Plan adopted by County Council on December 4, 2018 and certified by Governor Carney on March 19, 2019 ("Comprehensive Plan"). This is likely why the Planning Commission's recommendation expressly included the following basis as part of its recommendation that the Ordinance be adopted:

8. By the terms of the Delaware Strategies for State Policies and Spending document, all land use authority remains vested with Sussex County. This is reiterated within the current Sussex County Comprehensive Plan. While the County certainly takes into account the State's recommendations with regard to a Map amendment, the circumstances that have been presented with this application justify a revision, if not a correction, to the Map.

This provision is what is often referred to as "home rule." The concept of "home rule" does not only manifest itself in the Delaware Strategies for State Policies and Spending and the Comprehensive Plan but, most importantly, is codified in the Delaware Code, which confirms "home rule" stating,

(f) Within 20 days of receipt of the findings and recommendations from the Cabinet Committee, the Governor shall certify the comprehensive plan or return the comprehensive plan to the municipality or county for revision. The municipality or county shall have the right to accept or reject any or all of the recommendations.

Sussex County Council
January 10, 2022
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The final decision on the adoption of the comprehensive plan is that of the municipality or county.²

Finally, the OSPC's position described at the December 14th public hearing is not the process set forth in the correspondence between the County and the OSPC. The correspondence began with the PLUS review of the County's request to consider the amendment of the FLUM in its Comprehensive Plan at its meeting on June 23, 2021. As part of its objection to the proposed amendment set forth in its July 22, 2021 written response to Mr. Whitehouse, the OSPC said that it was invoking the 45-day negotiation period set forth in the following provision of the Delaware Code:

(d) Should the Office of State Planning Coordination make objection to any proposed comprehensive plan or amendments or revisions thereto, then the Office of State Planning Coordination shall immediately enter into negotiation with the county or municipality in an attempt to solicit agreement and resolution. Any agreements reached during these negotiations shall be incorporated into the public record and considered by the governing body prior to final action on the comprehensive plan. If the Office of State Planning Coordination and the county or municipality fail to reach agreement after a period of 45 days, the Office of State Planning Coordination shall report the extent of agreement and areas of continued disagreement to the Cabinet Committee on State Planning Issues for dispute resolution.³

In response, the County asked the OSPC to allow it to conduct public hearings on the proposed amendment in order to be able to then negotiate with the OSPC.⁴ This reflected the oddity created by a process where the County is merely a conduit for the requested amendment and the lack of information available to the OSPC from the property owner—the party in interest. The OSPC confirmed its agreement to this plan and then confirmed that process with the Cabinet Committee at its meeting on September 30, 2021.⁵ On October 19, 2021, after the process was confirmed by the Cabinet Committee,⁶ the County introduced Ordinance No. 21-08. Unfortunately, at the public hearing on December 14th, the OSPC then argued that the process be paused by having the County not act upon the Ordinance.

² 29 Del. C. §9103(f).

³ 29 Del. C. §9103(d).

⁴ August 18, 2021 letter from Planning and Zoning Director Jamie Whitehouse to OSPC (Landowners 20).

⁵ August 31, 2021 letter from Director David L. Edgell to Director Whitehouse (Landowners 21).

⁶ Rather than just confirming the process, the Cabinet Committee also indicated that it had considered the matter on its merits by clearly stating that it agreed with the letter from the OSPC and hoped it did not have to consider this matter again after the County's process. It is unfortunate that the Cabinet Committee is the dispute resolution body identified in the Delaware Code and has already indicated its view of this matter despite no one having heard from the property owners themselves.

Sussex County Council

January 10, 2022

Page 4

All parties can agree that the process is curious, with the applicant not being allowed to speak during the PLUS review process until the public hearings before the Planning Commission and County Council. Regardless, the agreed upon process between the County and the OSPC was that the County was going to conduct public hearings (a process that occurs through the introduction of an ordinance, public hearings regarding that ordinance and then action taken on the proposed ordinance). The adoption of an ordinance is the logical, orderly and legal conclusion of that process. In fact, it is what is anticipated in the agreed-upon process. If the County adopts the Ordinance, then there is a dispute and the process moves to a dispute resolution process conducted by the Cabinet Committee.⁷ If the County does not adopt the Ordinance, then there is not a dispute for resolution by the Cabinet Committee.

In short, Council needs to act on the Ordinance in order for the process to continue. The OSPC's differing position is contrary to the law. There is no support for the OSPC's assertion that County Council is supposed to conduct public hearings and then, once the public hearings are concluded, conduct an additional negotiation to be undertaken with the OSPC or even the Cabinet Committee before making a final decision.

Even OSPC's own communications undercut its new position. The pre-hearing correspondence between the County and the OSPC indicates that the OSPC was going to use the County's public hearing process as the negotiation process. Yet the OSPC's position from the public hearings reveals is that this was not, in fact, a negotiation at all. The OSPC admittedly heard new information that previously the property owners had been prohibited from presenting to the OSPC. But, even after hearing that information takes the position that these properties still do not match the County's Comprehensive Plan and objects to the proposed FLUM amendment. The OSPC somehow took its sole purpose at the public hearings as being to contest and object to the proposed FLUM amendment.

Thus, from a legal and procedural perspective, the OSPC's position is incorrect. My clients ask the Council to reject the OSPC's position, adopt Ordinance No. 21-08 and continue the process with the OSPC to complete the negotiation and dispute resolution process set forth in the Delaware Code.

⁷ In the event this occurs, my clients trust that they will not be prohibited from speaking as they were at both the PLUS review on June 23, 2021 and the Cabinet Committee meeting on September 30, 2021 (at the Cabinet Committee, after the topic had been discussed (Item V on the Agenda, Sussex County Comprehensive Plan Amendments discussion), undersigned counsel was allowed to speak during the "Public Comment" section of the Agenda (Items VI on the Agenda, Public Comment). Of course, the Cabinet Committee had already considered and acted upon Agenda Item V by the time counsel was allowed to speak.

Sussex County Council
January 10, 2022
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II. History and Characteristics Supporting Inclusion as part of the Coastal Area.

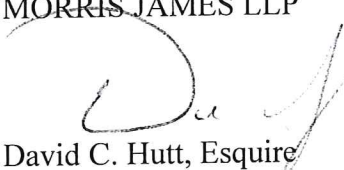
During the public hearing, I reviewed some of the history of the Properties, including the former Blackwater Creek⁸ project proposed for these Properties, along with the factors set forth in Chapter 4, Future Land Use of the Comprehensive Plan demonstrating that these Properties specifically match the characteristics of areas to be included in the Developing Area. Some of the best depictions of the appropriateness of these Properties being in a Developing Area were the slides⁹ shown during the public hearing and attached to this letter which show the proximity of the Properties to Salisbury, the largest municipality on the Eastern Shore.¹⁰ Of course, in addition to that employment center and destination, there are other local and regional employment centers in Western Sussex County—including, but not limited to, Delmar, Seaford, Laurel and Millsboro.¹¹

Conclusion

In conclusion, my clients request that Council, as recommended by the Planning Commission, adopt Ordinance No. 21-08 allowing the County staff and its professionals to then participate in the negotiation with the OSPC and any further dispute resolution required by the Cabinet Committee.

Respectfully submitted,

MORRIS JAMES LLP


David C. Hutt, Esquire

Enclosures: Landowners 1-21

Cc: Jamie Whitehouse (Hand Delivery and email to jamie.whitehouse@sussexcountyde.gov)
J. Everett Moore, Jr., Esquire (via email to jemoore@mooreandrutt.com)
Vincent G. Robertson, Esquire (via email to vrobertson@pgslegal.com)

⁸ Landowners 2.

⁹ Landowners 1-19.

¹⁰ Landowners 13-14

¹¹ Landowners 12-15.

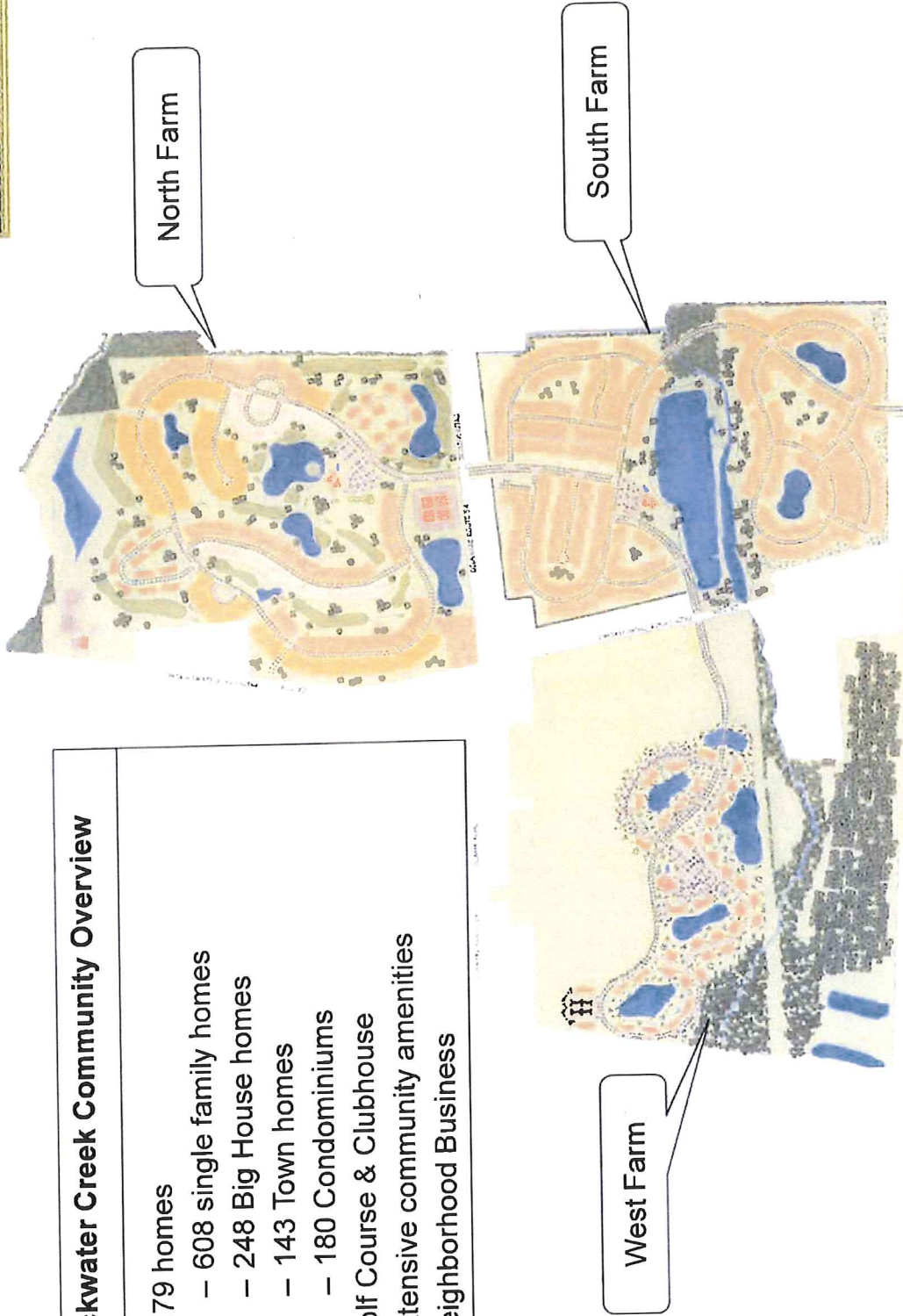


Blackwater Creek Proposed Site Plan

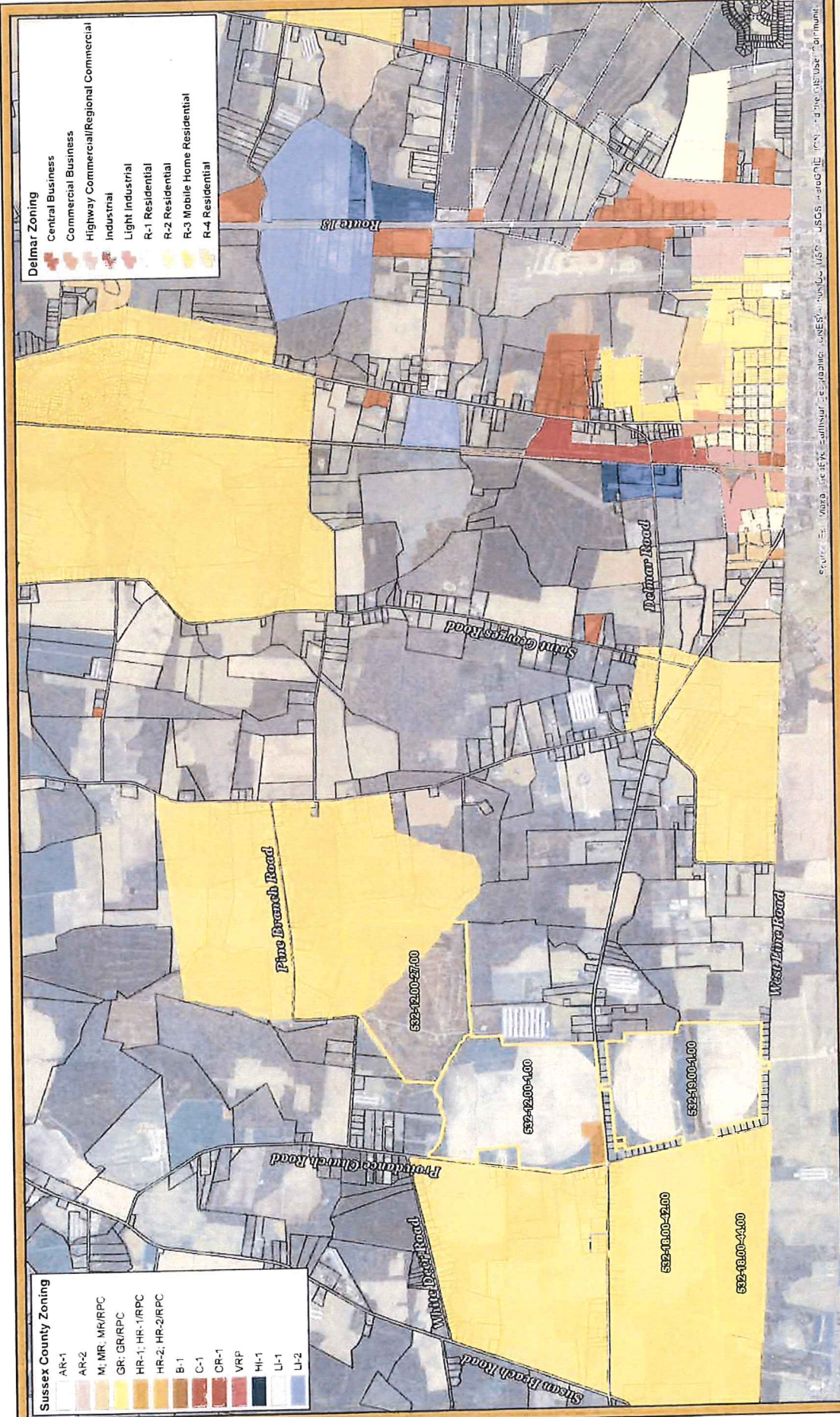


Blackwater Creek Community Overview

- 1,179 homes
 - 608 single family homes
 - 248 Big House homes
 - 143 Town homes
 - 180 Condominiums
- Golf Course & Clubhouse
- Extensive community amenities
- Neighborhood Business



Blackwater Creek



- Delmar Zoning**
- Central Business
 - Commercial Business
 - Highway Commercial/Regional Commercial
 - Industrial
 - Light Industrial
 - R-1 Residential
 - R-2 Residential
 - R-3 Mobile Home Residential
 - R-4 Residential

- Sussex County Zoning**
- AR-1
 - AR-2
 - M: MR, MK/RPC
 - GR: GR/RPC
 - HR-1, HR-1/RPC
 - HR-2, HR-2/RPC
 - B-1
 - C-1
 - OR-1
 - VRP
 - HI-1
 - LI-1
 - LI-2

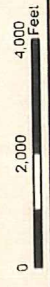


Delmar & County Zoning Map
 Double H Properties, LLC.
 Near Delmar, Sussex County, Delaware

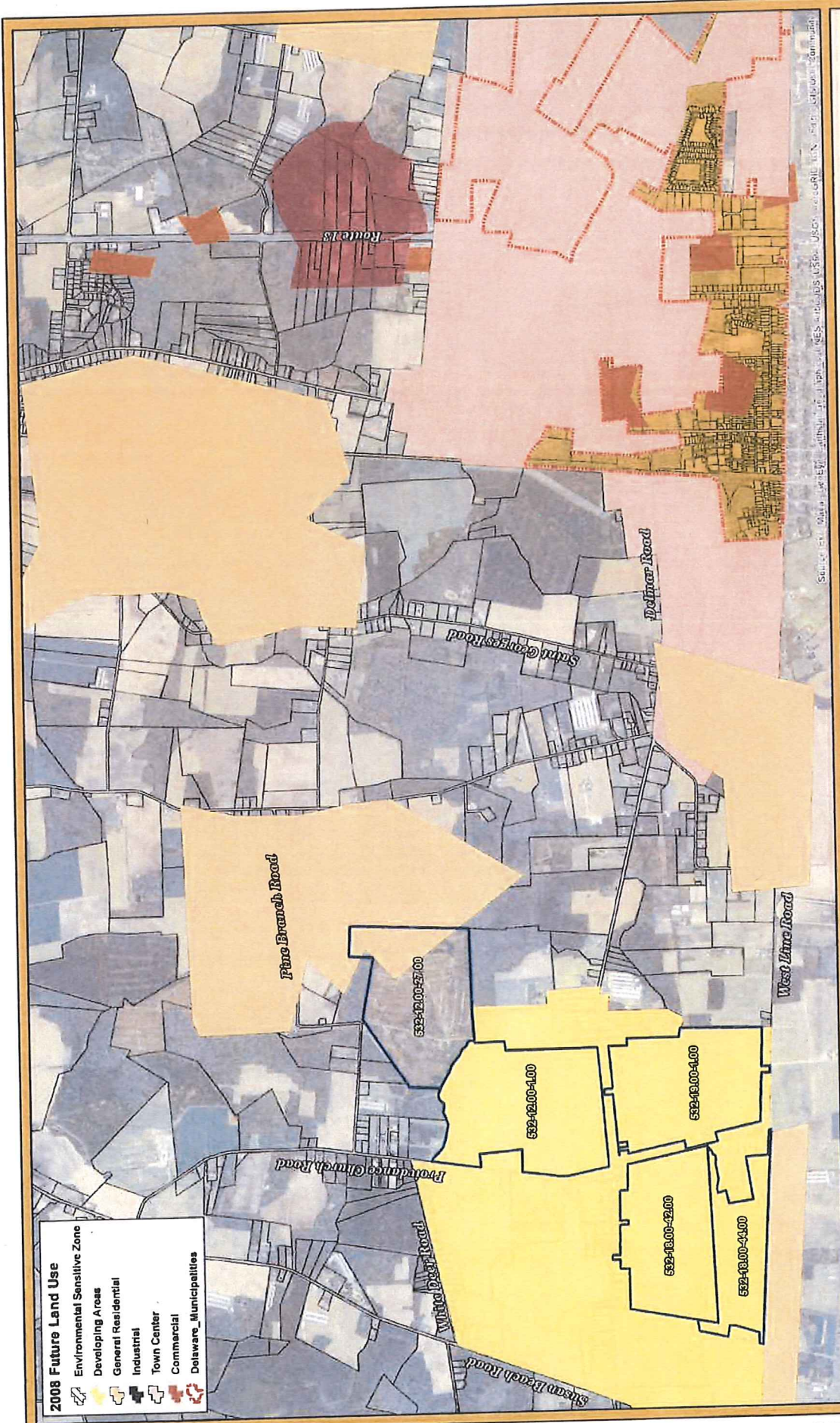
Summer 2020
 Aerial Photo



November 2021



Source: Esri, DigitalGlobe, GeoEye, Earthstar (United States), USDA, USGS, AeroGRID, IGN, and the GIS User Community



- 2008 Future Land Use**
- Environmental Sensitive Zone
 - Developing Areas
 - General Residential
 - Industrial
 - Town Center
 - Commercial
 - Delaware_Municipalities

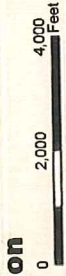
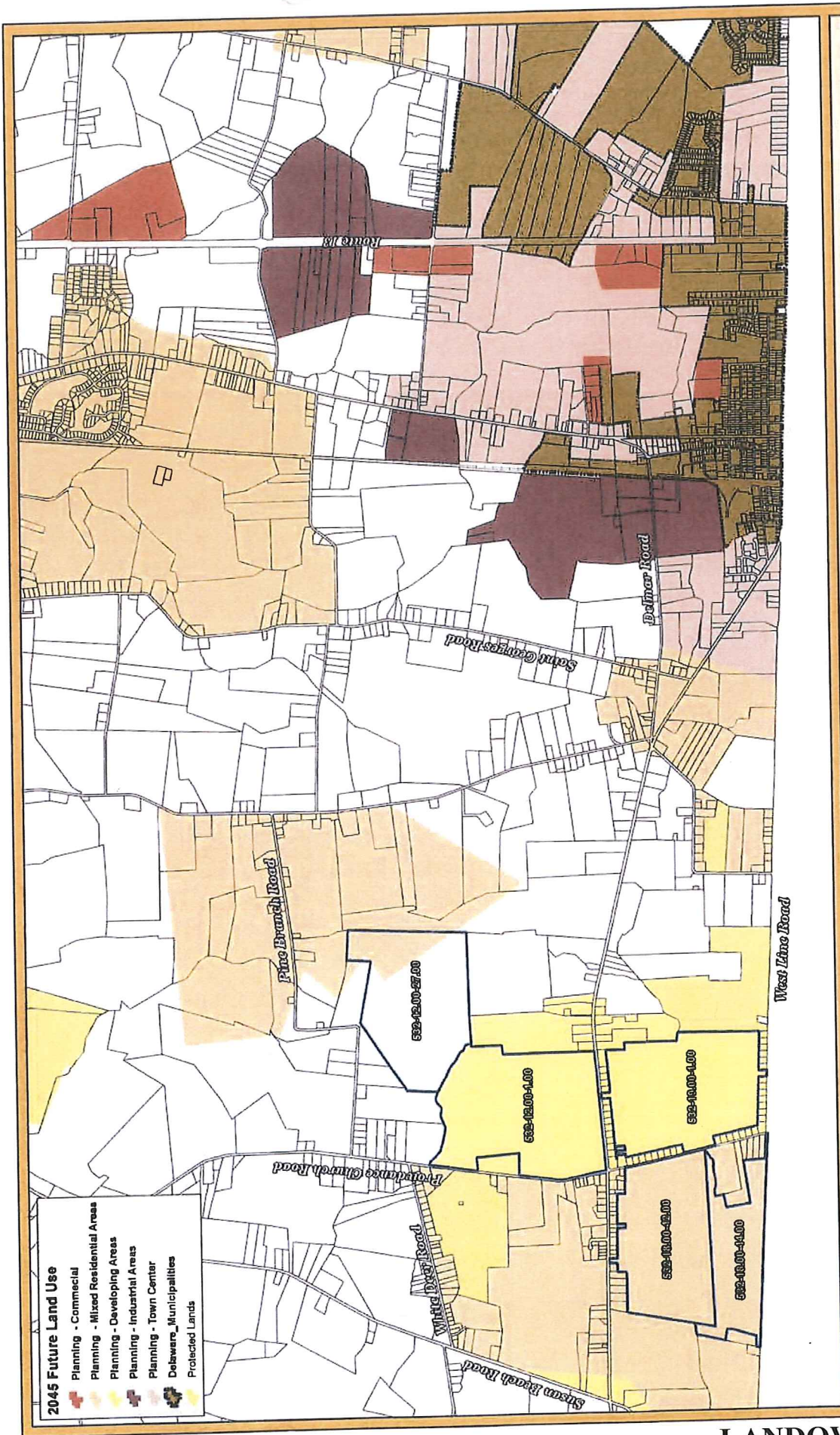


0 2,000 4,000 Feet

County 2008 Future Land Use
Double H Properties, LLC.
 Near Deimer, Sussex County, Delaware

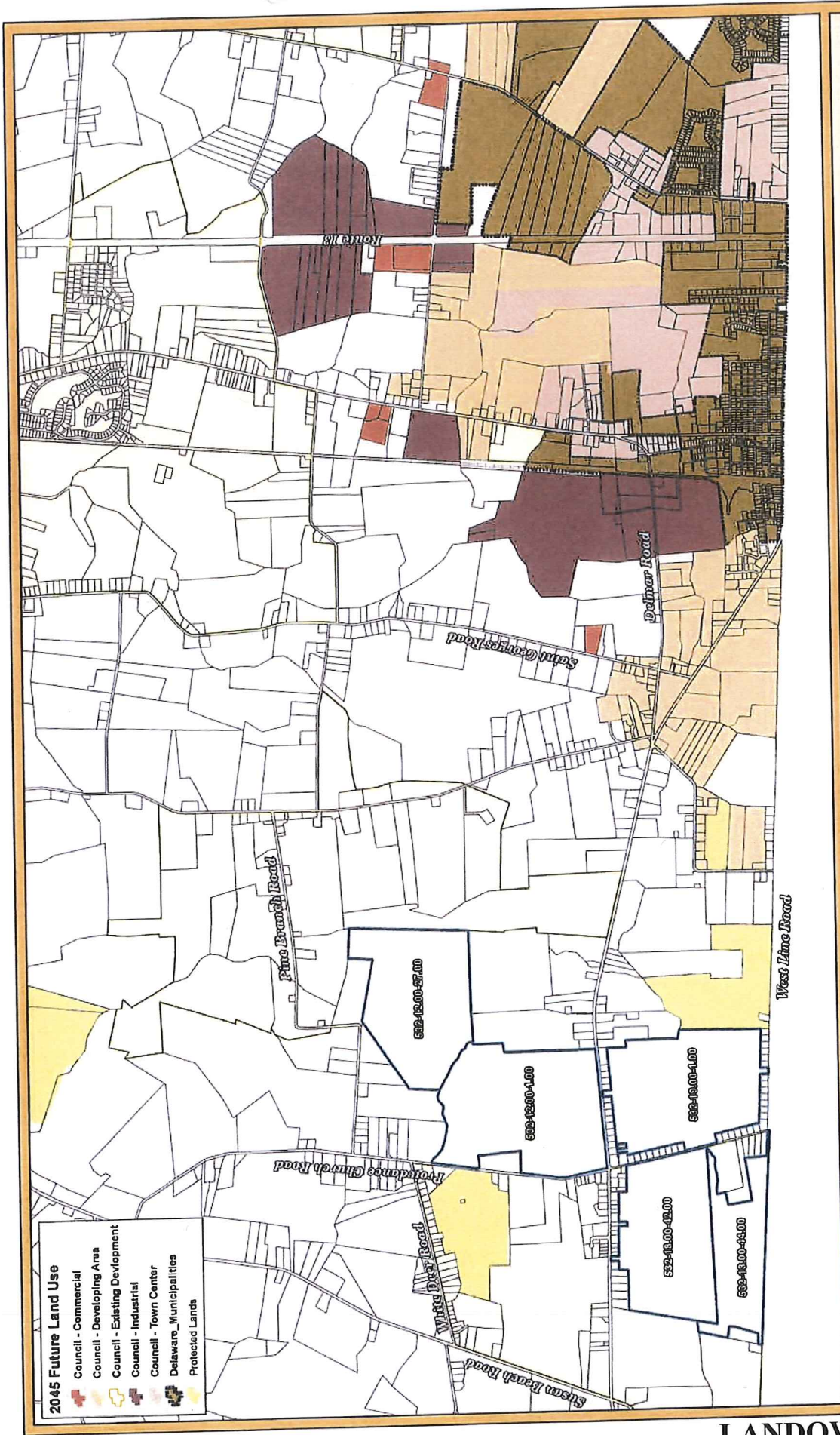
Summer 2020
 Aerial Photo





2045 Future Land Use Recommended by Planning Commission
 Double H Properties, LLC.
 Near Delmar, Sussex County, Delaware



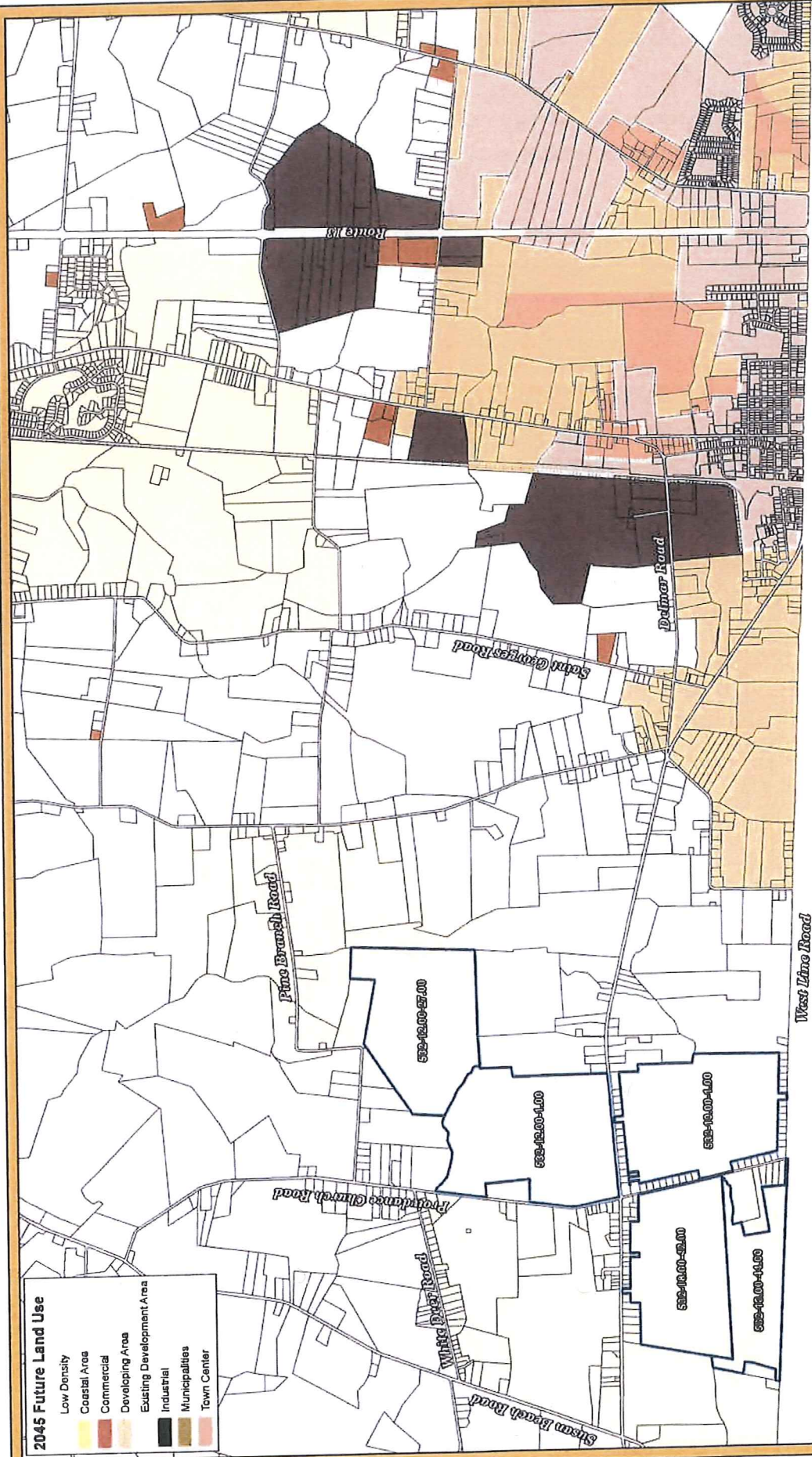




2045 Future Land Use Recommended by Council
 Double H Properties, LLC.
 Near Delmar, Sussex County, Delaware

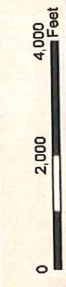
0 2,000 4,000 Feet

N
 November 2021
 W E S



2045 Future Land Use

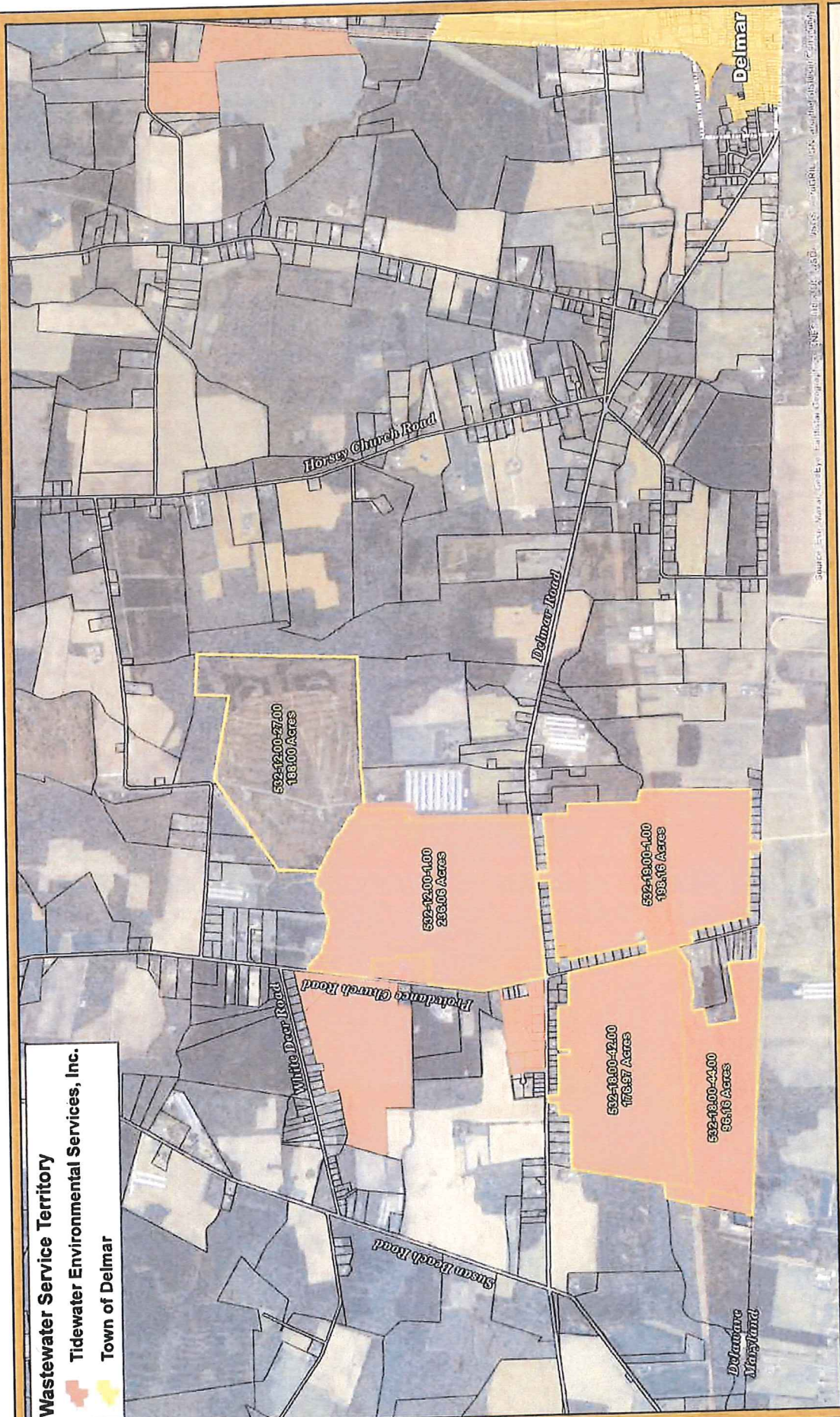
- Low Density
- Coastal Area
- Commercial
- Developing Area
- Existing Development Area
- Industrial
- Municipalities
- Town Center



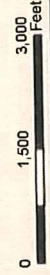
County 2045 Future Land Use
 Double H Properties, L.L.C.
 Near Delmar, Sussex County, Delaware



Wastewater Service Territory
 Tidewater Environmental Services, Inc.
 Town of Delmar

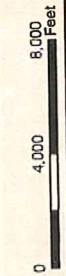
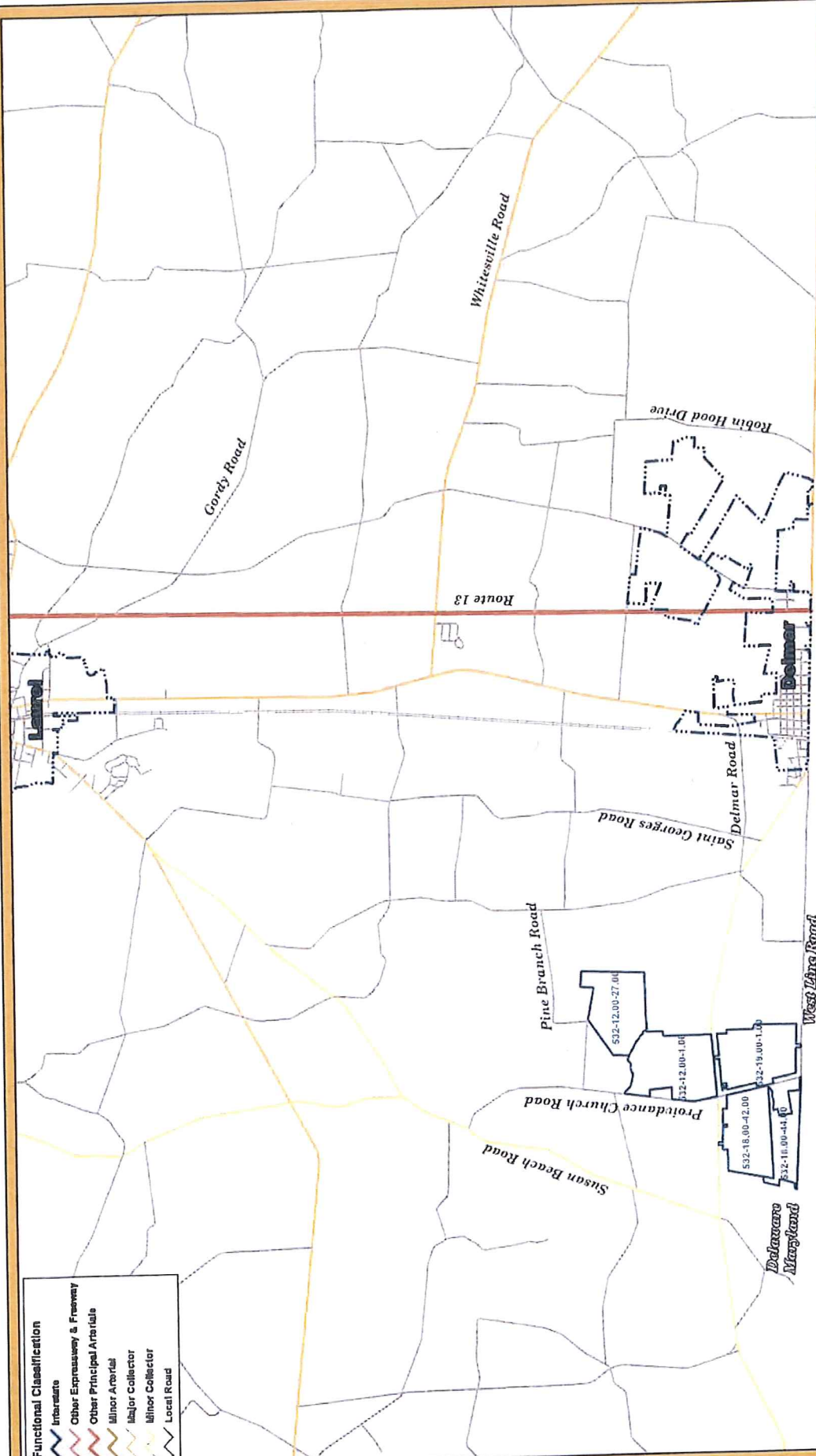


Sewer Service Territories (CPCN Areas)
 Double H Properties, LLC.
 Near Delmar, Sussex County, Delaware



November 2021
 Summer 2020
 Aerial Photo

Functional Classification	
	Interstate
	Other Expressway & Freeway
	Other Principal Arterials
	Minor Arterial
	Major Collector
	Minor Collector
	Local Road



Roadway Functional Classification Map
 Double H Properties, LLC.
 Near Delmar, Sussex County, Delaware.



November 2021



Local Employment Centers
 Double H Properties, LLC.
 Near Delmar, Sussex County, Delaware

Summer 2020
 Aerial Photo



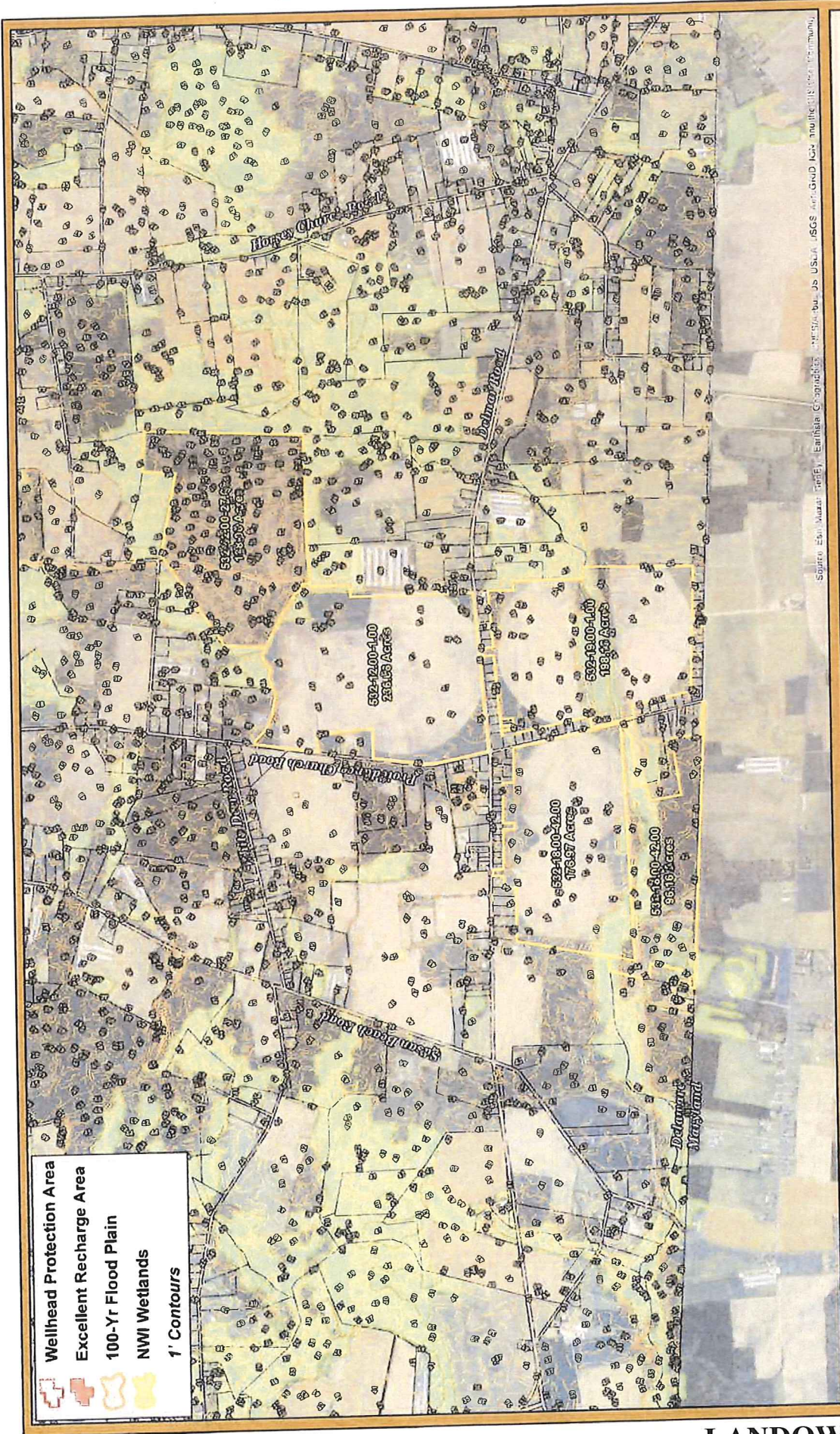
Source: ESRI, DeLorme, Garmin, Bing, Mapbox, © OpenStreetMap contributors, Swatch, © Mapbox, © USGS, © AeroGRID, © Mapbox, © Esri, © Mapbox, © OpenStreetMap contributors, Swatch, © Mapbox, © USGS, © AeroGRID, © Mapbox, © Esri



Higher Education Facilities
 Double H Properties, LLC.
 Near Delmar, Sussex County, Delaware

Summer 2020
 Aerial Photo





-  Wellhead Protection Area
-  Excellent Recharge Area
-  100-Yr Flood Plain
-  NWI Wetlands
-  1' Contours

Sojiren Est. Maps: TREF, Earthstar Geographics, METI, Inc., USLA, USGS, Air/GND, IOW, null, etc. (S. Permittance)

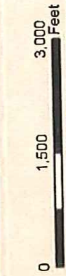
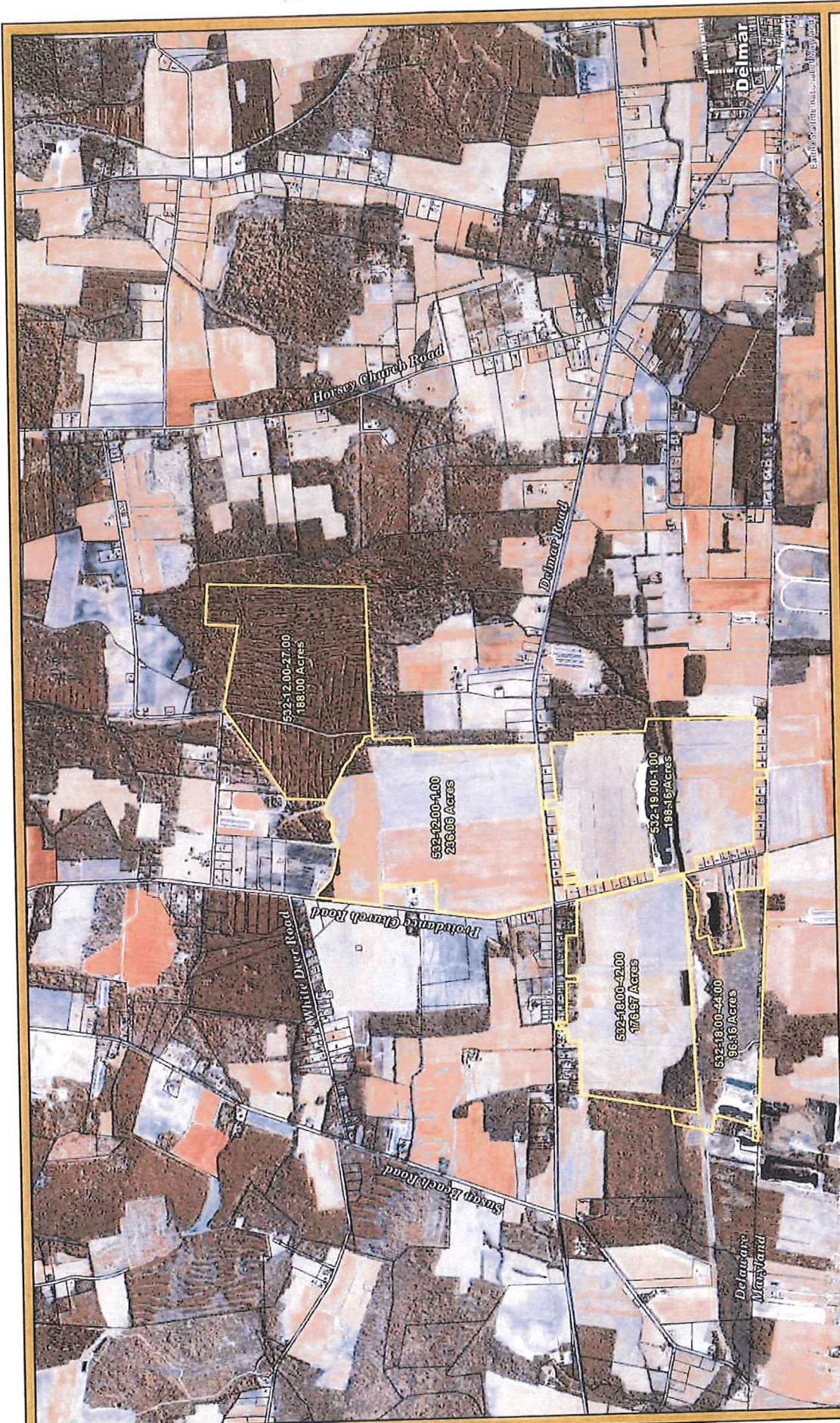


Environmental Conditions Map

Double H Properties, LLC.
Near Delmar, Sussex County, Delaware

November 2021
Summer 2020
Aerial Photo

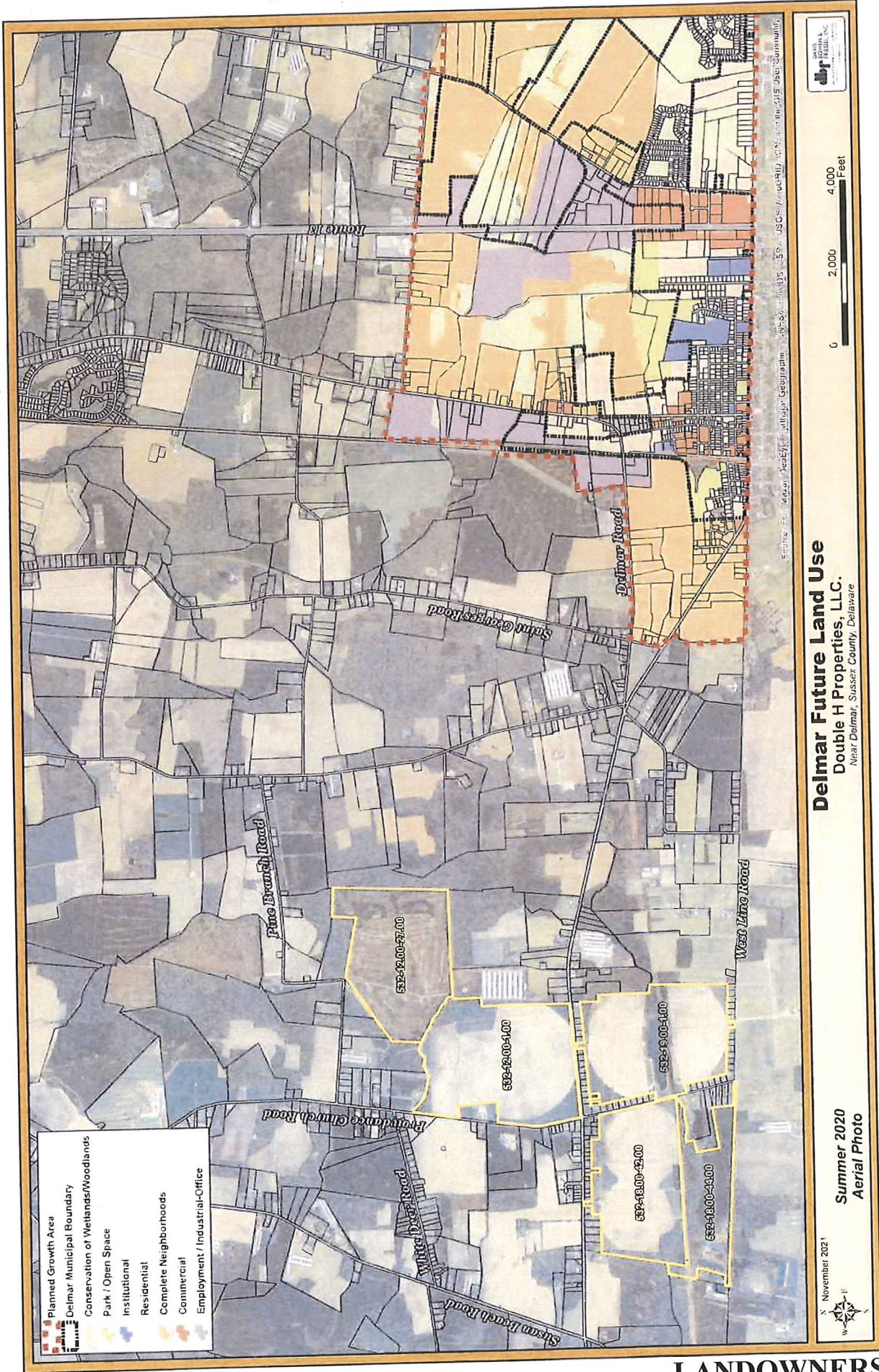




2002 Aerial Photo
Double H Properties, LLC.
 Near Delmar, Sussex County, Delaware

Spring 2002
 Aerial Photo

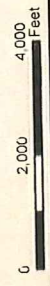




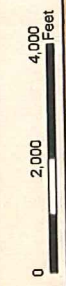
- Planned Growth Area
- Delmar Municipal Boundary
- Conservation of Wetlands/Woodlands
- Park / Open Space
- Institutional
- Residential
- Complete Neighborhoods
- Commercial
- Employment / Industrial-Office

Delmar Future Land Use
 Double H Properties, LLC.
 Near Delmar, Sussex County, Delaware

November 2021
 Summer 2020
 Aerial Photo



- Future Land Uses**
- Commercial
 - Highway Commercial
 - Industrial
 - Institutional
 - Multi-Family
 - Open Space
 - Park
 - Single Family

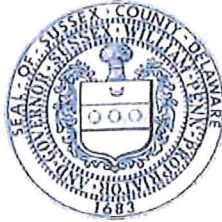


Delmar Future Land Use
 Double H Properties, LLC.
 Near Delmar, Sussex County, Delaware

Summer 2020
 Aerial Photo



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Sussex County
DELAWARE
sussexcountyde.gov

August 18, 2021

By email to: Dorothy.morris@delaware.gov

Dorothy L. Morris, AICP
Principal Planner, Office of State Planning
122 Martin Luther King Jr. Blvd, South
Dover, DE 19901

Dear Ms. Morris,

Re: June 2021 PLUS Review comments for 2021-06-11 and 2021-06-12

Further to our conversation on August 5th, please allow me to provide written confirmation of the County's suggested path forward in relation to the two potential Future Land Use Map Amendments (2021-06-11 and 2021-06-12) considered at the June 2021 PLUS review meeting.

As both potential Future Land Use Map amendments have not been subject to public hearings before the Planning & Zoning Commission and the Sussex County Council, it would be inappropriate at this stage for staff to enter into discussions relating to the progression of such amendments.

To assist with this, I would suggest that Public Hearings be scheduled before both the Planning & Zoning Commission and the County Council. The hearings, which could be scheduled for the months of October and November 2021, would enable the Landowner(s) and the State Planning Office to participate in the hearings. The hearings would also enable the requested negotiations to be conducted directly with the P&Z Commission and County Council as part of the hearing process.

If you could confirm that the suggested approach is acceptable, I will look at the schedule of Commission and Council meetings to locate suitable public hearing dates.

Please free to contact me at the number above with any questions.

Sincerely,

Jamie Whitehouse, AICP
Director, Planning & Zoning Department

CC. Todd Lawson, County Administrator, Sussex County



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

LANDOWNERS 20



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

August 31, 2021

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

Re: June 2021 PLUS review comments for 2021-06-11 and 2021-06-12

Dear Mr. Whitehouse

Thank you for your letter of August 18, 2021 regarding the County's suggested path forward for the above referenced comprehensive plan amendments.

The State agrees with your plan to move these amendments forward to Planning Commission and County Council for public hearings to enable the negotiations to be conducted directly with P & Z commission and County Council. It is our understanding that these meetings will be set in October and November 2021. The State does plan to participate in these hearings.

The PLUS letter dated July 22, 2021 began a 45 day negotiation period to reach an agreement on these amendments. This negotiation period ends September 6, 2021. With this new schedule an agreement cannot be reached by the September 6, 2021 deadline. Therefore, these items will be brought to the Cabinet Committee on State Planning Issues for discussion at their next scheduled meeting on September 30, 2021 at 10:00 am. The County is invited to attend this meeting. Additional agenda information will be forwarded closer to the meeting.

We look forward to working with the County to reach an agreement on these amendments. If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Edgell".

David L. Edgell, AICP
Director, Office of State Planning Coordination

122 Martin Luther King Jr. Blvd. South - Haslet Armory - Third Floor - Dover, DE 19901
Phone (302)739-3090 · Fax (302) 739-5661 · www.stateplanning.delaware.gov

Jamie Whitehouse

From: Tracy Torbert
Sent: Monday, January 24, 2022 11:00 AM
To: Jamie Whitehouse
Subject: Proposed Ordinance Comment

RECEIVED

JAN 24 2022

SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

See below

From: Lori Mocarsky <LMocarsky@Comcast.net>
Sent: Friday, January 21, 2022 6:16 PM
To: Tracy Torbert <tracy.torbert@sussexcountye.gov>
Subject:

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.

We are OPPOSED TO THE PROPOSED ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 532- 12.00-1.00, 532-12.00-27.00, 532-18.00-42.00, 532-18.00-44.00 AND 532-19.00- 1.00 (the Horsey Farm). This proposed ordinance is to amend the future land use map of the comprehensive plan for Sussex County which was certified by the Governor in 2018. It is a 10-year plan and was developed with 2 years of workshops and public hearings and provided residents the opportunity to brainstorm, debate and discuss the future of our community. THE PROPOSED ORDINANCE BEFORE THE COUNTY COUNCIL DECEMBER 14TH PUBLIC HEARING HAD VERY LITTLE PUBLIC INPUT AS NONE OF THE RESIDENTS IN THE IMMEDIATE AREA KNEW ANYTHING ABOUT THIS PROPOSAL OR ANY PUBLIC MEETINGS IN WHICH WE COULD HAVE VOICED OUR CONCERNS. THERE WERE NO MEETINGS IN THE LOCAL AREA FOR RESIDENTS TO ATTEND, THERE WERE NO SIGNS POSTED, THERE WAS NO LITERATURE DISTRIBUTED AND THE PUBLIC HEARING WAS HELD DURING A TIME WHEN PEOPLE WERE GETTING READY FOR THE HOLIDAYS.

This proposal is to change Sussex County Parcel. No. 532-12.00-1.00, 532-12.00-27.00, 532-18.00-42.00, 532-18.00-44.00 and 532-19.00-1.00 from the Low Density Area and/or Existing Development Area to the Developing Area. WE REALIZE THIS PROPOSAL IS NOT FOR REZONING. What this proposal would do is open the doors for high density development, up to 12 units per acre, along with commercial and industrial development, 10,776 units on 900 acres! As it stands now, 2,000-5,000 units can be applied for and approved by the County AS WELL AS OTHER PARCELS IN THE AREA THAT ARE ALREADY APPROVED FOR DEVELOPMENT THAT HAVEN'T BEEN DEVELOPED YET, those numbers alone are devastating to this area. Why is the County Council even entertaining this proposal!

MY REASONS FOR OBJECTING ARE AS FOLLOWS

infrastructure, schools, traffic, roads, police, fire, storm water management/drainage/flooding

Jamie Whitehouse

From: Tracy Torbert
Sent: Monday, January 24, 2022 11:00 AM
To: Jamie Whitehouse
Subject: FW: DELMAR LAND USE CHANGE

RECEIVED

JAN 24 2022



SUSSEX COUNTY
PLANNING & ZONING

Jamie,

See below – I do not believe that you received this email due to your email being written incorrectly.

Tracy

From: Ronald Dickerson <fenceman6145@gmail.com>
Sent: Saturday, January 22, 2022 3:26 PM
To: Tracy Torbert <tracy.torbert@sussexcountyde.gov>; jamie.whitehouse@sussexcounty.gov
Subject: DELMAR LAND USE CHANGE

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We are OPPOSED TO THE PROPOSED ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 532- 12.00-1.00, 532-12.00-27.00, 532-18.00-42.00, 532-18.00-44.00 AND 532-19.00- 1.00 (the Horsey Farm). This proposed ordinance is to amend the future land use map of the comprehensive plan for Sussex County which was certified by the Governor in 2018. It is a 10-year plan and was developed with 2 years of workshops and public hearings and provided residents the opportunity to brainstorm, debate and discuss the future of our community. THE PROPOSED ORDINANCE BEFORE THE COUNTY COUNCIL DECEMBER 14TH PUBLIC HEARING HAD VERY LITTLE PUBLIC INPUT AS NONE OF THE RESIDENTS IN THE IMMEDIATE AREA KNEW ANYTHING ABOUT THIS PROPOSAL OR ANY PUBLIC MEETINGS IN WHICH WE COULD HAVE VOICED OUR CONCERNS. THERE WERE NO MEETINGS IN THE LOCAL AREA FOR RESIDENTS TO ATTEND, THERE WERE NO SIGNS POSTED, THERE WAS NO LITERATURE DISTRIBUTED AND THE PUBLIC HEARING WAS HELD DURING A TIME WHEN PEOPLE WERE GETTING READY FOR THE HOLIDAYS.

This proposal is to change Sussex County Parcel. No. 532-12.00-1.00, 532-12.00-27.00, 532-18.00-42.00, 532-18.00-44.00, and 532-19.00-1.00 from the Low-Density Area and/or Existing Development Area to the Developing Area. WE REALIZE THIS PROPOSAL IS NOT FOR REZONING. What this proposal would do is open the doors for high-density development, up to 12 units per acre, along with commercial and industrial development, 10,776 units on 900 acres! As it stands now, 2,000-5,000 units can be applied for and approved by the County AS WELL AS OTHER PARCELS IN THE AREA THAT ARE ALREADY APPROVED FOR DEVELOPMENT THAT HAVEN'T BEEN DEVELOPED YET, those numbers alone are devastating to this area. Why is the County Council even entertaining this proposal! My wife and I are concerned about the increased traffic on existing local roads as well as how the increased population would affect the schools and local police dept. We are already several police officers short to cover our small town. I'm also concerned about problems with drainage and flooding in this area. Please take our concerns into account when you make your decisions concerning the land-use change. Thank you, Ron and Eleanor Dickerson, 36933 Saint George Road, Delmar, De. 19940

Jamie Whitehouse

RECEIVED

From: Lori Mocarsky <LMocarsky@Comcast.net>
Sent: Friday, January 21, 2022 6:19 PM
To: Jamie Whitehouse

Opposition
Exhibit

JAN 24 2022

SUSSEX COUNTY
PLANNING & ZONING

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MY REASONS FOR OBJECTING ARE AS FOLLOWS

infrastructure, schools, traffic, roads, police, fire, storm water management/drainage/flooding

Jamie Whitehouse

From: trey Moore <countryk918@gmail.com>
Sent: Friday, January 21, 2022 4:30 PM
To: Tracy Torbert; Jamie Whitehouse
Subject: Blackwater Creek

RECEIVED

JAN 24 2022

SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

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Please pass the following to the Sussex County Council and place it on record for this Tuesday's hearings.

Before I begin this email, I would like to thank each of you for trying to represent your district's best interest when others have not stepped up to do what many of you have done. I know the countless emails and calls you must receive about a variety of things. I have always said you can't make everyone happy and someone will always be mad. I can't imagine some of the comments you receive or the dirty looks you get at the grocery store. Everyone hears the complaints but no one talks about the good things you do. I have sent all of your emails regarding the proposed area change located in Delmar in the area of Rt 54 & Providence Church Road, proposed by Mr. Bobby Horsey. It is no secret that I am against Mr. Horsey's proposed changes for his area. I understand what the council keeps stating that there is no application on file at this time. I work for a planning and codes department for a county locally and I know what those statements mean. Mr. Horsey is looking to get the land rezoned for developmental needs and as humans we don't do things just to do them, there is always a reason. I've been a born, Sussex County Resident for 33 years and I've seen this state, this county change not necessarily for the better or worse. I've also known Mr. Horsey and his family for 33 years and have celebrated birthdays, little league games, and other events with his family for quite some time. Mr. Horsey is a hard working man, there's no question in that. The property is owned by him and I could understand his willingness to get this approved as everyone wants to profit. However once Blackwater Creek is approved the neighbors, the town, the schools, the businesses will all suffer. For every development you've heard the same reasons why these are not good ideas. I've seen the developments that Mr. Horsey has been involved in and in my opinion their not developments to stand the test of time like developments were years ago. I have seen developments like this (Plantation lakes), it started off with an amazing idea of a golf course and homes, pools, lawn care. It started off nice but now more crime occurs in that development and it's nothing like what it was portrayed to the county at the time. I have a home right across from one of the fields he is trying to put the development in. I also own a lot adjoining that property that would be right next to one of the entrances that he would be building behind me. So I feel I have a very keen stake in this matter. The property I own is no good for any septic as Horsey's has a tax ditch between my lot and his future entrance, so it's not about the value. This is about Delmar's interest as a whole. This ground isn't the best for farming and it floods routinely which makes me worry for the future of his building. I implore you to take a look at the property. Mr. Horsey would like to build on this land (Most likely) on land that has a cemetery, flooding issues, and is next to several chicken houses and a manure shed which all would surely lead to complaints from the new development if it were to happen. I chose to live here because it was so rural, that I was so far out of town that I wouldn't have to worry about many neighbors (ESPECIALLY TOWNHOMES & CONDOS). I will remind you this is Delmar not Ocean City, there is no need for condo's, This is also not in town so there is no need for TownHouses. I am not opposed to a few houses but condo's and townhouses make no sense, homes that are in the area of 15 ft apart from another don't make sense for the area. I know the county has legal obligations in regards to this topic but I feel the public is worried about this first step being approved and that the future steps will come fast. They are building homes in under 60 days now, so a development can be built pretty fast, and once it's started there's no going back. I wouldn't say Mr. Horsey would ever do this but what developers routinely do is advertise a beautiful development with amazing amenities and when they don't sell so well the development goes down hill. I don't know if Mr. Horsey will build his own development or if he will be like others and just sell to Ryan Homes or some other major developer and I can't say for certain Mr. Horsey will build a development like the ones discussed above but it is a concern.. Delmar was one of the last places that hadn't been touched by development in Sussex County until this time. Now there's talk of the Rt 13 Race track being

developed into homes and this horrible idea of a blackwater creek. I have paid taxes for the people of this town and county, I don't pay them for all the people moving from the city to enjoy bigger homes and more amenities than a person who has lived here for 30 sum years. This combined leaves Delmar in a vulnerable position. I have heard from the council in several cases that the location close to Salisbury provides valuable assets for new homeowners. What you didn't think of is how close this is to Sharptown, Hebron, Mardela, and Bethel and the effects it would take on them. I have also heard the council and Mr. Horsey's lawyer speak regarding how the East side of the county is developing and the Western side has been left out. The Western Side has not been left out, Western Sussex is far different than Millsboro, Millville, Lewes, and Rehoboth Beach. We value the rural areas and with ideas such as this you will be pushing out True Sussex Countians, who have lived here and worked here for centuries in return for people from DC & Baltimore & other places that will forever change the county. I don't like to repeat others that discuss how the schools, businesses, sewers, EMS, & Hospitals can't handle the population boom but these are true. Change is good at times, but change can also be bad, progress isn't failing like this development did years ago and then trying again years later. Growth is good in moderation but you must have the means to support the growth and it must be managed. I like to stick to facts so I will discuss a few facts:

Heron Ponds was a Development started in Delmar and it took a long time to sell
Heron Ponds was supposed to be a development with an amphitheater that would have famous acts come to delmar/
Never happened
Yorkshire Estates behind Wawa was promised to be a nice development however its mostly rentals now and led to the loss of a dear friend of mine and our local police officer that was killed
We have a golf course/ Development in Delmar already and it failed miserably
We have a newer school that is maxed out
Hospitals can't keep up with our population now with covid
Townhouses have the name town in it not for out of town
Delmar can't handle any more sewer lines
New Developments usually leads to crime
The land floods routinely

My concerns are:

Flooding
Crime coming with the large number of houses
New people complaining of the manure sheds & chicken houses
If a golf ball hits my house Will bobby pay for it/ Several questions regarding this
I'm a part of the community according to the deed with these new houses will my property value decrease
The Wildlife
The Schools
A population boom that we can not handle

Thank you so much for listening, Before the lawyer stops me or throws the letter out for speaking about a development when this decision is about a land use change I would like to express to him that facts would support most land use changes do come with development of the land and we have seen the prints for a development. which would lead to concerns for the area and bring a basis for an argument about a development. So I do understand once again there is no application for a development BUT you must think long term and how every action causes a change. I also want to ask the council , Did any of you run on the foundation you wanted to develop all of Sussex County?" During your elections, I never once heard any of you speak in regards to wanting to develop western sussex. I have heard that it is a goal of the council to develop on the Western Side of the county like the East side but I can assure you that your established citizens on this side of the county do not want that. I just want to again thank you for all you do for the county but do whats right for the people of Sussex County. I'm pretty sure this measure will pass based on a few of the council members' reactions as of late, but during this whole process I'm sure we will get to know each other better as I will attend every meeting regarding this development and process. Thank you all again.

Phillip Moore

Jamie Whitehouse

JAN 21 2022

From: carolretired06@gmail.com
Sent: Friday, January 21, 2022 11:20 AM
To: Tracy Torbert; Jamie Whitehouse
Subject: OLD BUSINESS 1/25 AGENDA: PROPOSED ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 532-12.00-1.00, 532-12.00-27.00, 532-18.00-42.00, 532-18.00-44.00 AND 532-19.00- 1.00

SUSSEX COUNTY
PLANNING & ZONING

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We OBJECT to this proposed ordinance for a number of reasons.

First, the residents in this area have flooding in their yards during heavy rains, all coming from the fields being proposed to become "developing". At the present time the water drains from the fields into the ditches in the area and the ditches basically go nowhere, leaving the water to flood residents' yards. The ground is not suitable for building. Building on these properties would force more water on the neighboring properties.

Second, we have a safety issue. The roads. Providence Church Road is a 2 lane road with many accidents right in front of our property because people are constantly speeding up and down the road. (Everyone knows there are never any police in this area) There is no shoulder so if you break down you are SOL. Ditches are on both sides of the road, which are typically full of water. There has already been a little boy killed on that Providence Church Road and many pets.

Third, another safety issue. The Police Dept. Currently Delmar Police is understaffed and has been for a long time. For those of us who live outside the city limits, if we have an issue, we have to call the DE State Police

located in Bridgeville, which then takes 45 minutes to arrive as they do not routinely patrol this area. That is inexcusable and I'm not blaming the police. They do the best job they can. The police will not be able to handle another 11,000 families in the immediate area.

Fourth, another safety issue. The Fire Dept. Currently the Fire Dept. has trouble getting volunteers and are stretched to their limits. They cannot handle another 11,000 homes.

Fifth, and certainly not least, we have an overcrowded school issue. Delmar Elementary School has over 30 children per class and teachers quitting left and right. It cannot support 11,000 more households. Neither can the Middle or High School. Right now, Delmar is the premier school district, but it won't be with this growth plan. This would also affect the Bi-State Agreement.

I understand the Council is continuing to entertain approving this ordinance, and we are urging you to vote this proposed ordinance down. This community absolutely is not set up for high density growth, nor do the residents want this. We have a petition of over 500 signatures opposed to this Ordinance and more people are signing on to the petition every day.

I watched the broadcast of the meeting held in December where the developer gave his reasons why his properties should be amended to be in the growth area. This would make Delmar bigger than Salisbury. WE DON'T WANT TO BE LIKE SALISBURY! The developer compared us to the Rt. 1 corridor of Sussex. WE DON'T WANT OUR COMMUNITY TO BE LIKE THAT! We moved from Fenwick Island BECAUSE we did not like all the traffic, people, and lack of woodlands. Our 22 acres can only support 2 septic systems so I don't see how in the world the farm that drains onto our property can support septic for a whole housing development. The developer mentioned this is Artesian area. It may very well be "their area" but there is no sewer in place in this area and we don't want it! We purchased 22 acres in this area because we LOVE the quiet rural setting. We need our farmlands preserved. The economy is already falling short of produce from our farms.

Emails were sent directly to the Council Members before the last meeting and were not put into the record. We hope this time that you put all of our emails into the record as opposing this issue,

Respectfully submitted,
Carol Hamilton
410.980.0640

Jamie Whitehouse

JAN 20 2022

From: Tammy Horn <thorn96@comcast.net> SUSSEX COUNTY
Sent: Thursday, January 20, 2022 11:18 AM PLANNING & ZONING
To: Tracy Torbert; Jamie Whitehouse
Subject: Objection to amend land use Tax parcel PARCEL NO. 532- 12.00-1.00, 532-12.00-27.00, 532-18.00-42.00, 532-18.00-44.00 AND 532-19.00- 1.00 (the Horsey Farm)

Importance: High

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THE PROPOSED ORDINANCE BEFORE THE COUNTY COUNCIL DECEMBER 14TH PUBLIC HEARING HAD VERY LITTLE PUBLIC INPUT AS NONE OF THE RESIDENTS IN THE IMMEDIATE AREA KNEW ANYTHING ABOUT THIS PROPOSAL OR ANY PUBLIC MEETINGS IN WHICH WE COULD HAVE VOICED OUR CONCERNS. THERE WERE NO MEETINGS IN THE LOCAL AREA FOR RESIDENTS TO ATTEND, THERE WERE NO SIGNS POSTED, THERE WAS NO LITERATURE DISTRIBUTED AND THE PUBLIC HEARING WAS HELD DURING A TIME WHEN PEOPLE WERE GETTING READY FOR THE HOLIDAYS!!!!!!

This proposal is to change Sussex County Parcel. No. 532-12.00-1.00, 532-12.00-27.00, 532-18.00-42.00, 532-18.00-44.00 and 532-19.00-1.00 from the Low Density Area and/or Existing Development Area to the Developing Area. WE REALIZE THIS PROPOSAL IS NOT FOR REZONING. What this proposal would do is open the doors for high density development, up to 12 units per acre, along with commercial and industrial development, 10,776 units on 900 acres! As it stands now, 2,000-5,000 units can be applied for and approved by the County AS WELL AS OTHER PARCELS IN THE AREA THAT ARE ALREADY APPROVED FOR DEVELOPMENT THAT HAVEN'T BEEN DEVELOPED YET, those numbers alone are devastating to this area. Why is the County Council even entertaining this proposal!

REASONS FOR OBJECTING TO THIS PROPOSAL:

1. infrastructure - Is the county prepared to support building an elementary school? An additional state police barrack? Can Delmarva power handle adding this to the grid?
2. schools - The Delmar school district (middle and high) is already over crowded with 30+ students in multiple classes. The elementary school is in Wicomico county how will this impact the bi-state agreement with Wicomico county. The elementary school is also over capacity.
3. traffic - Not only will this impact Delmar but also Laurel and Mardela. These small towns can't widen roads. Delmar and Mardela only have one stop light and a development this size would cause backups to the highway.

4. roads - are roads going to be added? will property owners on main roads be subjected to their land being taken to widen roads
5. police - town police are already over whelmed and short staffed. The closest State Police are in Georgetown and Bridgeville are they ready to increase patrols in Western Sussex county or add a troop to this side of the county?
6. fire/EMS - Delmar has a small volunteer department they would need to double in size in or build a satellite facility to handle this population growth.
7. storm water management/drainage/flooding - Is there a plan for water management once you have over crowded the land with houses? Where will this water go, there are already issue with backroads in this area flooding over?

Jamie Whitehouse

RECEIVED

From: Janet Smith <janetsmc@gmail.com>
Sent: Thursday, January 20, 2022 11:04 AM
To: Tracy Torbert; Jamie Whitehouse
Subject: Delmar Growth Plan Amendment--OPPOSED

JAN 20 2022
SUSSEX COUNTY
PLANNING & ZONING

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I strongly oppose any new development in our area. My specific concern is for our schools. Already the school system is overwhelmed with students. I believe that a development of this size would be detrimental to our students who are already in the system and struggling to receive the attention and services they need. Also, our roads are not large enough to handle the amount of people that would move to this new development. Please reconsider approving this massive undertaking that will stress our already overwhelmed system.

Thank you for your attention!

Janet Hastings, a Delmar resident

Jamie Whitehouse

RECEIVED

From: Kelsey <kelseyrdickerson@gmail.com>
Sent: Thursday, January 20, 2022 10:52 AM
To: Tracy Torbert; Jamie Whitehouse
Subject: ORD 21-08-Delmar FLUM

JAN 20 2022
SUSSEX COUNTY
PLANNING & ZONING

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January 20, 2022

To Whom It May Concern:

Opposition
Exhibit

I am a homeowner in the Delmar area, Opposed to the proposed ordinance to amend the future land use map of the comprehensive plan in relation to tax parcel numbers: 532- 12.00-1.00, 532-12.00-27.00, 532-18.00-42.00, 532-18.00-44.00 AND 532-19.00- 1.00 (the Horsey Farm). This proposed ordinance is to amend the future land use map of the comprehensive plan for Sussex County which was certified by the governor in 2018. It is a 10 year plan and was developed with 2 years of workshops and public hearings and provided residents the opportunity to brainstorm, debate and discuss the future of our community. The proposed ordinance before the county council December 14th public hearing had very little public input as none of the residents in the immediate area knew anything about this proposal or any of the public meetings in which we could have voiced our concerns. There were no meetings in the local area for residents to attend, there were no signs posted, there was no literature distributed and the public hearing was held during a time when people were getting ready to for the holidays.

This proposal is to change Sussex County Parcel. No. 532-12.00-1.00, 532-12.00-27.00, 532-18.00-42.00, 532-18.00-44.00 and 532-19.00-1.00 **from the Low Density Area and/or Existing Development Area to the Developing Area**. I understand this proposal is not for rezoning. What this proposal would do is open the doors for high density development, up to 12 units per acre, along with commercial and industrial development, 10,776 units on 900 acres. As it stands now, 2,000-5,000 units can be applied for and approved by the County as well as other parcels in the area that are already approved for development that haven't been developed yet, those numbers alone are devastating to this area.

Those of us who have chosen to live and buy in the rural community appreciate the quite nature of the surrounding area. From an infrastructure standpoint the area could not support the change in proposal. It would not only require the cooperation from the State of Delaware (which it does not appear they will have), but also the State of Maryland due to the location of the parcels to be done correctly. There are currently two ways for traffic to get to Route 13, one of which goes through the Town of Delmar, the other goes to Maryland by route of Jersey Road. As of right now, those two routes could be improved to reduce traffic, and that is with zero development, an entire rewrite of the traffic patterns would be needed to accommodate the proposal. If that was done, what would that mean for the taxes of the surrounding homeowners?

Currently the schooling situation in Delmar is also quite complicated. When the schools were built they were already too small, how would they be able to support the growth from the change in this proposal. Again, this would require the cooperation between states to achieve, as the elementary school is in Maryland and the middle and high schools are in Delaware. The alternative would be building another school on the Delaware side. Is that something that would be permitted in this high density area? Would the developer be willing to

consider donating the land to build a new school on the Delaware side? I would say that is highly doubtful and again, the residents of this area would also be paying for.

These two issues do not even begin to touch on the additional services of the area that would be needed like an expansion of first responders (for which there is already a shortage in the community) that would be needed to support potential growth or the environmental impacts on the area. Creating the potential for this much development in the area would also impact flooding concerns for current land owners. We may not need flood insurance now, but how would the potential for new 10,776 units change that?

Again, I understand this proposal is not for rezoning, however, this seems like the first step in the process for that to be achieved. Unfortunately, due to the lack of meetings in the local area for residents to attend, lack of signs posted, lack of literature distributed and the scheduling of the public hearing I feel it necessary to express these concerns now to make sure they are noted on record. Until more information can be obtained for some of the questions noted I would ask that the council table or preferably deny this proposed ordinance.

Thank you,

Kelsey Tilghman

Delmar, DE Resident

*I would ask if there are parties that this information should be sent to that are more appropriate, please advise. Thank you!

Jamie Whitehouse

From: Luke Nielson <lnielson85@gmail.com>
Sent: Wednesday, January 19, 2022 12:13 PM
To: Jamie Whitehouse
Subject: Letter in opposition to be put on record

RECEIVED

JAN 19 2022

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We are OPPOSED TO THE PROPOSED ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 532- 12.00-1.00, 532-12.00-27.00, 532-18.00-42.00, 532-18.00-44.00 AND 532-19.00- 1.00 (the Horsey Farm). This proposed ordinance is to amend the future land use map of the comprehensive plan for Sussex County which was certified by the Governor in 2018. It is a 10-year plan and was developed with 2 years of workshops and public hearings and provided residents the opportunity to brainstorm, debate and discuss the future of our community. THE PROPOSED ORDINANCE BEFORE THE COUNTY COUNCIL DECEMBER 14TH PUBLIC HEARING HAD VERY LITTLE PUBLIC INPUT AS NONE OF THE RESIDENTS IN THE IMMEDIATE AREA KNEW ANYTHING ABOUT THIS PROPOSAL OR ANY PUBLIC MEETINGS IN WHICH WE COULD HAVE VOICED OUR CONCERNS. THERE WERE NO MEETINGS IN THE LOCAL AREA FOR RESIDENTS TO ATTEND, THERE WERE NO SIGNS POSTED, THERE WAS NO LITERATURE DISTRIBUTED AND THE PUBLIC HEARING WAS HELD DURING A TIME WHEN PEOPLE WERE GETTING READY FOR THE HOLIDAYS.

This proposal is to change Sussex County Parcel. No. 532-12.00-1.00, 532-12.00-27.00, 532-18.00-42.00, 532-18.00-44.00 and 532-19.00-1.00 from the Low Density Area and/or Existing Development Area to the Developing Area. WE REALIZE THIS PROPOSAL IS NOT FOR REZONING. What this proposal would do is open the doors for high density development, up to 12 units per acre, along with commercial and industrial development, 10,776 units on 900 acres! As it stands now, 2,000-5,000 units can be applied for and approved by the County AS WELL AS OTHER PARCELS IN THE AREA THAT ARE ALREADY APPROVED FOR DEVELOPMENT THAT HAVEN'T BEEN DEVELOPED YET, those numbers alone are devastating to this area. Why is the County Council even entertaining this proposal!

I live right next to Providence Church Road and so the proposed ordinance would directly affect my family. I have two young children. One currently attends Delmar elementary school and will attend the Middle and High school in the future. The schools are already incredibly over crowded. Class sizes are already way too high. More development in this area will lead to even higher class sizes. What is the plan is place to deal with more crowding of already over crowded schools? This is an important issue to many residents of Delmar, DE. If there is no plan, then how is it possibly a good idea to move forward with this. The schools will no longer be desirable if they are over crowded, resulting in less effective instruction. I also have safety concerns having my child attend schools so incredibly overcrowded.

The traffic that would result from building a large community in this area is also a concern. Mr. Horsey stated that his plan is to "develop a process to create a plan to come up with a community." 900 acres allows for a community large enough to negatively impact traffic and our school system. This area cannot handle the traffic that would result from a community of the size being described to be built here. Delmar Road already experiences high traffic at times and can be quite busy.

The land use change is the very first step in this process to creating this community. I am in opposition to this first step as it will allow the process of building this community to continue on. This would then negatively impact our school system and the traffic in this area.

Lindsey Nielson

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Opposition

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WILLIAMS & SONNETT
ATTORNEYS AT LAW

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Tuesday, November 16, 2021 5:00 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, November 16, 2021 - 4:59pm

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Name: Lorraine Easton

Email address: bleaston2@gmail.com

Phone number: 908-720-6517

Subject: AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 532-12.00-1.00, 532-12.00-

Message: As a citizen of Sussex County Delaware I am strongly against the proposed ordinance. Please act in the best interests of your citizens and vote against amending the future land use map.

Sent: Saturday, January 15, 2022 8:57 AM

Subject: Contact Form: Amendments to the 2018 comp plan land-use map

Submitted on Saturday, January 15, 2022 - 8:56am

Name: Michael Cunningham

Email address: [mslower57@earthlink.net](mailto:m slower57@earthlink.net)

Phone number: 3025031045

Subject: Amendments to the 2018 comp plan land-use map

Message:

I want to say that I am against any amendments to the 2018 county comprehensive plan land-use map that changes a parcel's map designation from one density to another. These amendments, in my opinion, are just a back door way of rezoning a parcel of land away from the original comp plan designation. There was a lot of work put into the development of the 2018 comp plan that is suppose to address the next 10 years of growth in Sussex County in a controlled and responsible way. Allowing these types of amendments to pass basically makes the county plan useless.

Thanks,
Mike Cunningham

Sent: Friday, January 14, 2022 8:34 AM

Subject: Contact Form: Vote "no" on set back change and density issue scheduled for January 14, 2022

Submitted on Friday, January 14, 2022 - 8:33am

Name: Hugh T Collins iii

Email address: htimcollinsiii@gmail.com

Phone number: 3025396147

Subject: Vote "no" on set back change and density issue scheduled for January 14, 2022

Message:

Please vote no to the 2 proposals dealing with set backs and density change. Put the brakes on more density projects. Keep Sussex County's character and be kind to all the wildlife that depends on you to keep there homes in place!!
Thank you!! Fenwick Island , De.

Jamie Whitehouse

From: Doug Hudson
Sent: Monday, January 10, 2022 6:03 PM
To: Jamie Whitehouse
Subject: Fwd: Contact Form: Delmar Land change use for Golf community

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From: William Hamilton Jr. <noreply@forms.email>
Sent: Monday, January 10, 2022 5:53 PM
To: Doug Hudson
Subject: Contact Form: Delmar Land change use for Golf community

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Name: William Hamilton Jr.
Email: whjr16@gmail.com
Phone: 4104742047
Subject: Delmar Land change use for Golf community

Message: I'm writing to you to voice my opposition to the proposed land change use to allow for a golf course community to be built off of Providence Church Rd in Delmar DE. I live exactly where this proposed community will build. This amount of growth will greatly stress the current infrastructure in EVERY way. It will also threaten the quality of the Delmar School district along with Jeopardizing the Bistate Agreement. Other issues such as flooding will become a huge problem for surrounding homeowners, particularly my family. No matter what type of storm drainage would be installed, that run off water would flow right to our property causing massive flooding which we have already experienced. And currently the farm fields are there to soak up most of the rain. From my interactions with many residents in the local community, MOST are not in favor of this land use change.

Furthermore, the lack of attention and awareness to the local community on the Counties part when it comes to this discussion and voting is not appreciated. To most of us, it feels like you guys are trying to pass this through without the community even knowing about it. We will just wake up one day and see the construction starting where we once saw our beautiful country landscape.

I urge you to not allow this land change use to occur as it will start the domino effect of "PROGRESS" that will ruin this area of the state that live and love. These types of situations will be remembered when election day comes back around.

Jamie Whitehouse

From: Doug Hudson
Sent: Monday, January 10, 2022 1:19 PM
To: Jamie Whitehouse
Subject: Fwd: Contact Form: Proposed Growth in Delmar, DE - land use change

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From: Jennifer S Hamilton <noreply@forms.email>
Sent: Monday, January 10, 2022 12:18 PM
To: Doug Hudson
Subject: Contact Form: Proposed Growth in Delmar, DE - land use change

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Name: Jennifer S Hamilton
Email: jennpt06@gmail.com
Phone: 4437835697
Subject: Proposed Growth in Delmar, DE - land use change
Message: To Whom It May Concern:

I am writing this in reference to the meeting that will be held tomorrow January 11, 2022 to vote on the change of land in Delmar, DE in the area of Providence Church Road and Rt. 54. My husband and I, as well as all of our neighbors are vehemently against this change for many reasons.

Most important to us, is the flooding which occurs with every heavy rain. We live at 6901 Hamilton Lane, right across the street from the north farm proposal. That field floods in heavy rains and ALL that water runs under Providence Church Road and into the ditches that flow through our property. Once the ditches are full, which doesn't take long, all our property floods. We brought in 400 dump truck loads of dirt just to raise the ground level around our house, so our house doesn't flood. The water that makes it to the back of our property flows into the ditches of a neighboring farm whose ditches are 12 inches higher than ours, and those ditches have trees growing in their ditches that the property owner refuses to remove. One of the neighbors can boat in their side yard on a heavy rain. The water that runs down Providence Church Road towards Rt. 54 floods the houses on Rt. 54. Once they get water in their ditches along 54, there is nowhere for the water to go! One of the houses tried pumping the water across 54, where one of the other proposed parcels is located, but it only came right back to their property. Then they tried pumping the water behind them, which was our property and a neighboring field which they flooded that and put his crops under water!

Secondly, we have a safety issue regarding the roads. Providence Church Road is a 2-lane road with many accidents right in front of our property because drivers are constantly speeding up and down the road. There is no shoulder so if you break down you are out of luck. Ditches are on both sides of the road, which are typically full of water. There has already been a little boy killed on that road, as well as many pets.

Thirdly, another safety issue is the Police Department. Currently Delmar Police is understaffed and has been for a long time. For those of us who live outside the city limits, if we have an issue, we must call the DE State Police located in Bridgeville, which then takes 45 minutes to arrive. That is inexcusable and I'm not blaming the police. They do the best job they can. The police will not be able to handle another 11,000 families in the immediate area.

Additionally, another safety issue concerns the Fire Department. Currently the Fire Dept. has trouble getting volunteers. They could not handle another 11,000 homes.

Finally, and certainly not least, we have an overcrowded school issue. Delmar Elementary School has over 30 children per class and teachers are resigning at a swift pace. The schools cannot support 11,000 more households. The same goes for the Middle/High School. When the new Middle/High school was built, it was built off plans that were 10 years old, which meant that when it opened, it was already at capacity. Since the Delmar School District is the premier school district, many people already try to get special exception to attend these schools, so any additional growth is unimaginable. This will lead to a decline in the ability for the system to provide the exceptional education, which in turn will be devastating to our children and their education.

I understand the Council is voting on this issue in January, and we are urging you to vote this proposal down. This community absolutely is not set up for another 11,000 homes, not to mention the fact that Delaware State has already said Sussex County would not get any additional funding for this project which means it will fall on the taxpayers – US!

I watched the broadcast of the meeting held in December where the developer gave his reasons why his properties should be amended to be in the growth area. This would make Delmar bigger than Salisbury. WE DON'T WANT TO BE LIKE SALISBURY! The developer compared us to the Rt. 1 corridor of Sussex. WE DON'T WANT OUR COMMUNITY TO BE LIKE THAT! We moved from Salisbury BECAUSE we did not like all the traffic, people, and lack of woodlands. We purchased 22 acres in this area because we LOVE the wetlands, environment, and scenery. Our 22 acres can only support 2 septic systems so I don't see how in the world the farm that drains into ours can support septic for a whole housing development. The developer mentioned this is Artesian area. It may very well be "their area" but there is no sewer in place in this area and we don't want it!

Mr. Hudson, you were voted in because you stood on preserving the farmland. THIS IS NOT PRESERVING THE FARMLAND!

Sincerely,
Jennifer Hamilton
Delmar, DE resident

Jamie Whitehouse

From: Doug Hudson
Sent: Sunday, January 9, 2022 1:33 PM
To: Jamie Whitehouse
Subject: Fwd: Contact Form: Proposed change to County comprehensive land use designation

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From: David B. See <noreply@forms.email>
Sent: Sunday, January 9, 2022 12:18 PM
To: Doug Hudson
Subject: Contact Form: Proposed change to County comprehensive land use designation

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Name: David B. See
Email: davidsee@comcast.net
Phone: 14107262285
Subject: Proposed change to County comprehensive land use designation
Message: Councilman Hudson,

I am contacting you to advise you of my opposition to the proposed changes (from low density to developing areas) to the County's comprehensive land use plan for the properties known to area residents as the Horsey Farm with parcels located west of Delmar, Delaware on Providence Church Road, both north and south of Delmar Road (State Road 54). This area is proposed to be developed as Blackwater Creek (with almost 11,000 proposed homes). While there was little to no opposition to the original planned development of these parcels (to include an estimated 5000 homes, proposed in 2005-06) thankfully it was shelved due to the failing economy and housing market demise in the mid to late 2000s.

Revising this land use designation is a game changer for many local residents of the area. Today's infra-structure (roads, schools, public safety agencies) struggles to keep up with current public needs and demands. I can only imagine what the estimated 30,000 residents of this new enlarged planned community will do to those systems if they are not addressed and updated now before this development begins. This planned community, when built out, would house more residents than the current population (according to recent census statistics) of the City of Salisbury, Maryland.

I, my neighbors and most of the current residents of the impacted areas moved to this area for a number of reasons...one of them to enjoy rural Sussex County living. I, and others, have spoken with a large number of local area residents (Providence Church Rd, West Line Rd, Delmar Rd) whose properties border these parcels and whose lives would be affected by this zoning designation change and the proposed development. The majority of them strongly oppose this proposed change to the comprehensive plan as well as having almost 11,000 homes placed in our back yards.

It is also telling that the State of Delaware has voiced opposition to this proposal and has indicated that no State funding will be allocated for this development (for infra-structure, especially road improvements, and other crucial needs) should the County proceed.

I hope that you and your colleagues on the County Council will consider local resident's comments and concerns when

debating this issue and making a final decision.

If you desire I'd be more than happy to discuss my concerns further.

Thank you for your consideration of these comments and your service to citizens of Sussex County.

Best Regards,

David B. See
38297 Providence Church Road
Delmar, Delaware 19940
302-846-3004
410-726-2285 (cell)

Jamie Whitehouse

From: Doug Hudson
Sent: Sunday, January 9, 2022 9:41 AM
To: Jamie Whitehouse
Subject: Fwd: Contact Form: Delmar Land Use Change

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From: Lindsey Nielson <noreply@forms.email>
Sent: Saturday, January 8, 2022 3:49 PM
To: Doug Hudson
Subject: Contact Form: Delmar Land Use Change

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Name: Lindsey Nielson
Email: lnielson85@gmail.com
Phone: 4437831746
Subject: Delmar Land Use Change
Message: Dear Mr. Hudson,

I am writing to you to state my opposition of the change in use of land in the Providence Church area of Delmar, DE. I live right next to Providence Church Road and so the possible development that is being proposed would directly affect my family and I. I have two young children. One currently attends Delmar elementary school and will attend the Middle and High school in the future. The schools are already incredibly over crowded. I taught Kindergarten in the state of Maryland for ten years. When my child's teacher told me her class size my mouth dropped. Class sizes are already way too high. More development in this area will lead to higher class sizes. What is the plan is place to deal with more crowding of already over crowded schools? This is an important issue to most residents of Delmar, DE. If there is no plan, then how is it possibly a good idea to move forward with this. Data shows that lower class sizes lead to better success in academics. The schools will no longer be desirable if they are over crowded, resulting in less effective instruction. I also have safety concerns having my child attend schools so incredibly overcrowded. The traffic that would result from building a major development in this area is also a concern. This area cannot handle a large development of the size that is being described. You are talking about essentially building a small city in the middle of a rural area. Delmar Road already experiences high traffic at times and can be quite busy. This area will not be able to handle the kind of traffic that will happen as a result of building a major development here. I moved here because it was a rural area. I watched the latest council meeting and it does seem as though not much thought has been put into the logistics of this and how it will affect those currently living in this area. We are talking about a mini city in the middle of an extremely rural area that cannot handle it. A rural area with already extremely over crowded schools. I hope you will take these concerns into consideration when you vote on January 11. Thank you for your time.

Lindsey Nielson

Jamie Whitehouse

From: Doug Hudson
Sent: Sunday, January 9, 2022 9:52 AM
To: Jamie Whitehouse
Subject: Fwd: Contact Form: Black water creek development delmar

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From: Phillip moore <noreply@forms.email>
Sent: Saturday, January 8, 2022 2:29 PM
To: Doug Hudson
Subject: Contact Form: Black water creek development delmar

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Name: Phillip moore
Email: countryk918@gmail.com
Phone: 3023811585
Subject: Black water creek development delmar
Message: Mr Hudson,

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I want to start off by saying thank you for serving the community and stepping up when others wouldn't to serve their county. This email is most likely similar to a lot of emails you get (somebody's not happy about something)) this black water creek development in Delmar has cause a lot of stir. I won't bring up the things that everyone does when they complain about these thing such as the schools can't handle it, healthcare can't handle it, and the roads can't handle it, and the crime that comes with it. Although they are good supporting facts you know these and you've heard them over and over for every development so far. I've talked to mr reiley on the council and he informed me no applications are on the table and 11,000 homes was a mistake when it was sent to dover and came back, call me negative but I know the horseys this Was most likely no mistake it was a tactic . When you tell a community 11,000 homes are coming they'll be happy to hear it's only 800 or so. Well I know the Horsey's , I know the developments they build , and I know their short cuts. I mean no disrespect to them or their family as I've celebrated birthdays with them and have been close with them for over 32 years. No one wants development when it impacts their lives or their convience . But this development will lead to the destruction of the are. The area already floods and I've taken pictures ready for when they cause more flooding to my yard the area. Town houses and condos were never meant for Delmar . I can't name a single development that has town houses or condos this far out of town. To be realistic tho there are a few on rt 24 as lewes and been over run and began to feed into Milford. These residents from DC and Baltimore that it will attract will ruin the area. This area is tooo far out of town for this kind of development. This area isn't like coastal club in lewes, plantation and peninsula lakes in millsboro in lewes. These residents on this side of the county don't want this . Mr Rieley seemed to try to push this through too fast and be in too much support of this and caused me to be more involved. Believe me I work in construction and I work for a county, I've seen the results and I've seen what Horsey's and this development has done to the communities . Just so you know I'm not negative about this I own the lots next to some of the entrances and the lots can't have a septic and horsey will proly need more right of way and bring a sewer treatment center and I'll Make money . But it's not about money it's bout delmar and this just isn't right. Sir thank you again for taking the time to read just another complaint letter but please make the right decision do the research and listen to the citizens , this isn't progress . Happy new year sir and I'll be watching how all of this unfolds