

File #: C/U # 2213  
2019 13754

## 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

RECEIVED  
NOV 27 2019  
SUSSEX COUNTY  
PLANNING & ZONING

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

Conditional Use   
Zoning Map Amendment

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

17471 Whitetail Lane, Georgetown, DE 19947

**Type of Conditional Use Requested:**

Conditional use for 15-acre borrow pit

**Tax Map #:** 135-20.00-137.00 **Size of Parcel(s):** 220.38 acres

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

**Land Use Classification:** 2019 Future Land Use: Developing Area

**Water Provider:** On-Site Well **Sewer Provider:** On-Site Septic

**Applicant Information**

Applicant Name: Timothy R. Conaway  
Applicant Address: 23620 Parker Road  
City: Georgetown State: DE Zip Code: 19947  
Phone #: (302) 542-7115 E-mail: TRConaway@verizon.net

**Owner Information**

Owner Name: Whitetail Lane, LLC  
Owner Address: 23620 Parker Road  
City: Georgetown State: DE Zip Code: 19947  
Phone #: (302) 542-7115 E-mail: TRConaway@verizon.net

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: David C. Hutt, Esq. (Morris James, LLP)  
Agent/Attorney/Engineer Address: 107 W. Market Street, PO Box 690  
City: Georgetown State: DE Zip Code: 19947  
Phone #: (302) 856-0015 E-mail: DHutt@MorrisJames.com



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

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

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

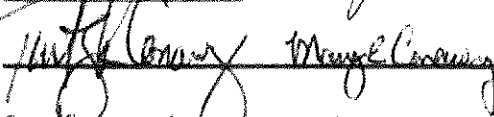
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney

  
\_\_\_\_\_

Date: 11/26/19

Signature of Owner

  
\_\_\_\_\_

Date: 11/26/19

For office use only:

Date Submitted: 11/27/19

Staff accepting application: CEL

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

Fee: \$500.00 Check #: 106014

Application & Case #: 201913764

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

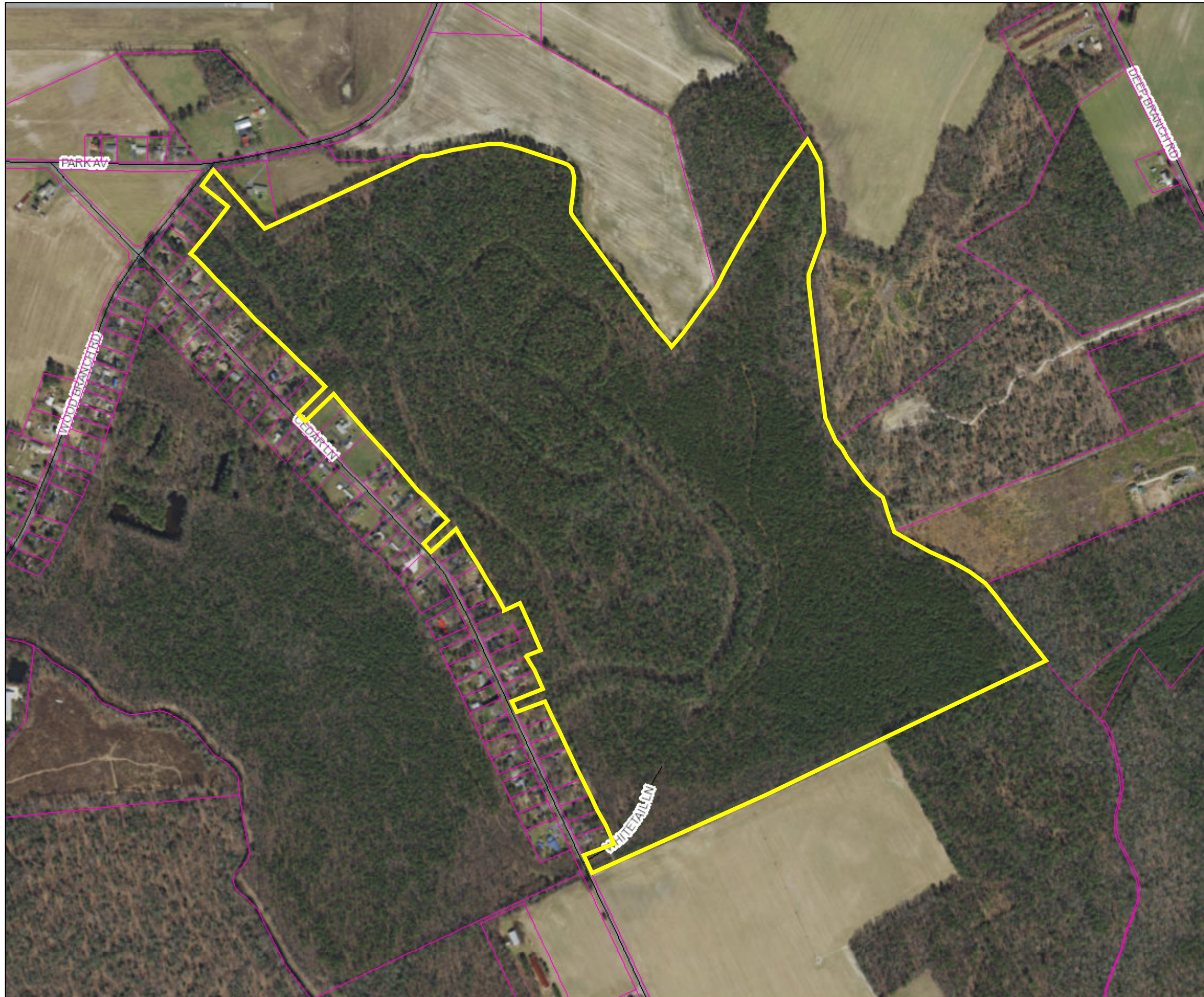
Date of PC Hearing: \_\_\_\_\_ Recommendation of PC Commission: \_\_\_\_\_

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





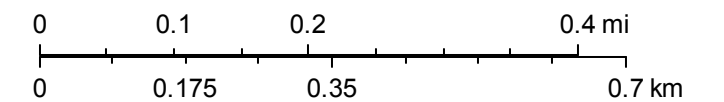
# Sussex County



<b>PIN:</b>	135-20.00-137.00
<b>Owner Name</b>	WHITETAIL LANE LLC
<b>Book</b>	5143
<b>Mailing Address</b>	122 W MARKET ST
<b>City</b>	GEORGETOWN
<b>State</b>	DE
<b>Description</b>	NE SD/ CEDAR LN
<b>Description 2</b>	SW/ WOOD BRANCH RD
<b>Description 3</b>	PARCELS A & B
<b>Land Code</b>	

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- Streets
- County Boundaries

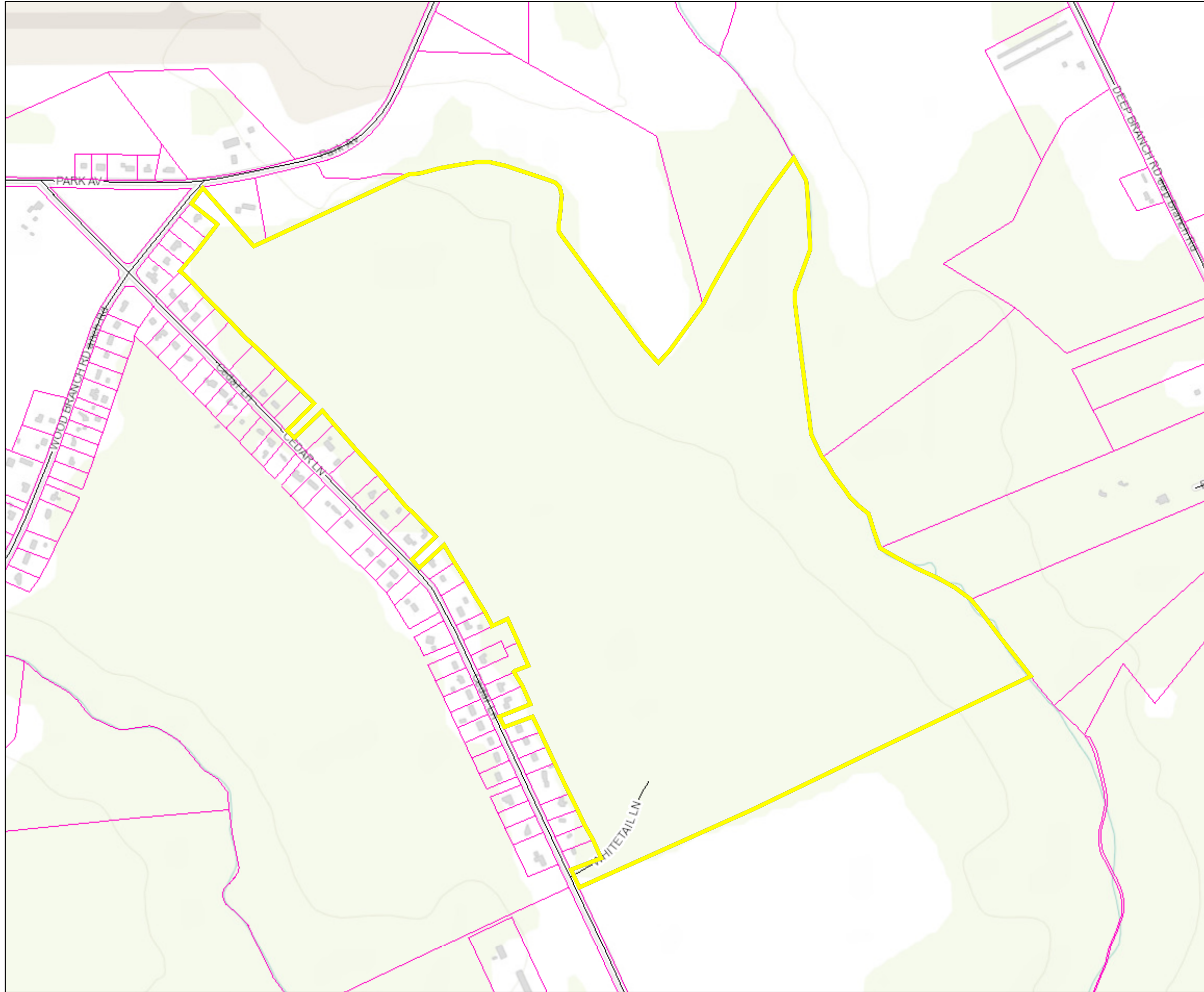
1:9,028







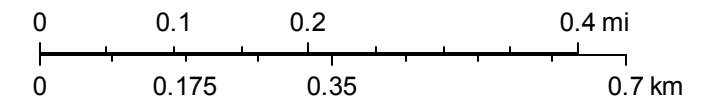
# Sussex County



<b>PIN:</b>	135-20.00-137.00
<b>Owner Name</b>	WHITETAIL LANE LLC
<b>Book</b>	5143
<b>Mailing Address</b>	122 W MARKET ST
<b>City</b>	GEORGETOWN
<b>State</b>	DE
<b>Description</b>	NE SD/ CEDAR LN
<b>Description 2</b>	SW/ WOOD BRANCH RD
<b>Description 3</b>	PARCELS A & B
<b>Land Code</b>	

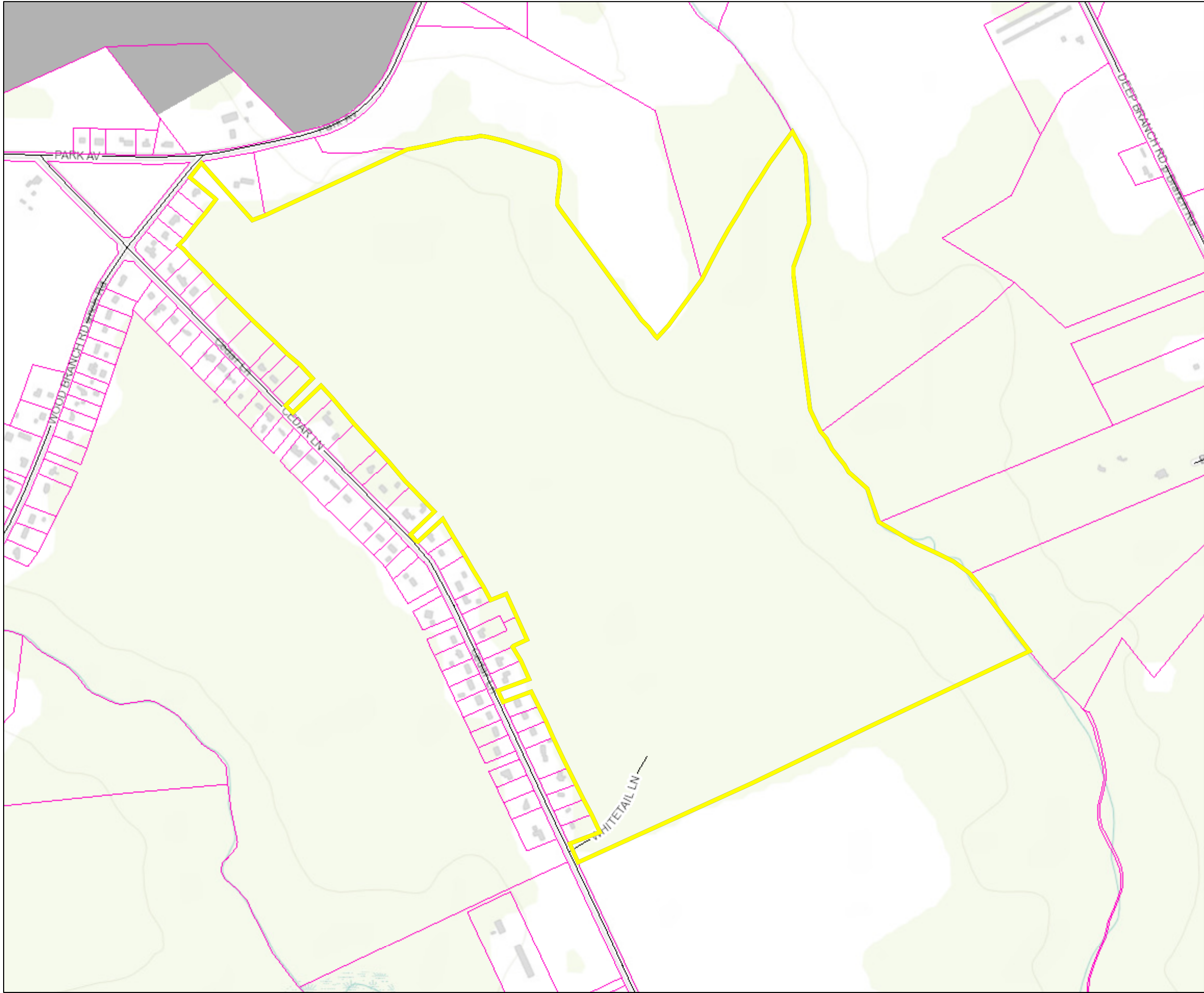
- polygonLayer**  
Override 1
- polygonLayer**  
Override 1
- Tax Parcels
- Streets
- County Boundaries

1:9,028





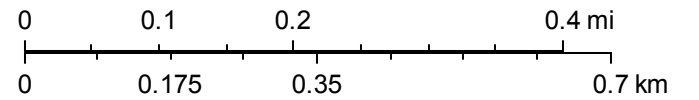
# Sussex County

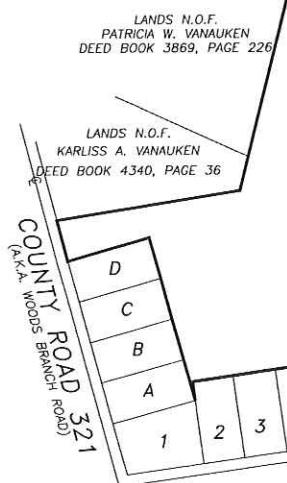
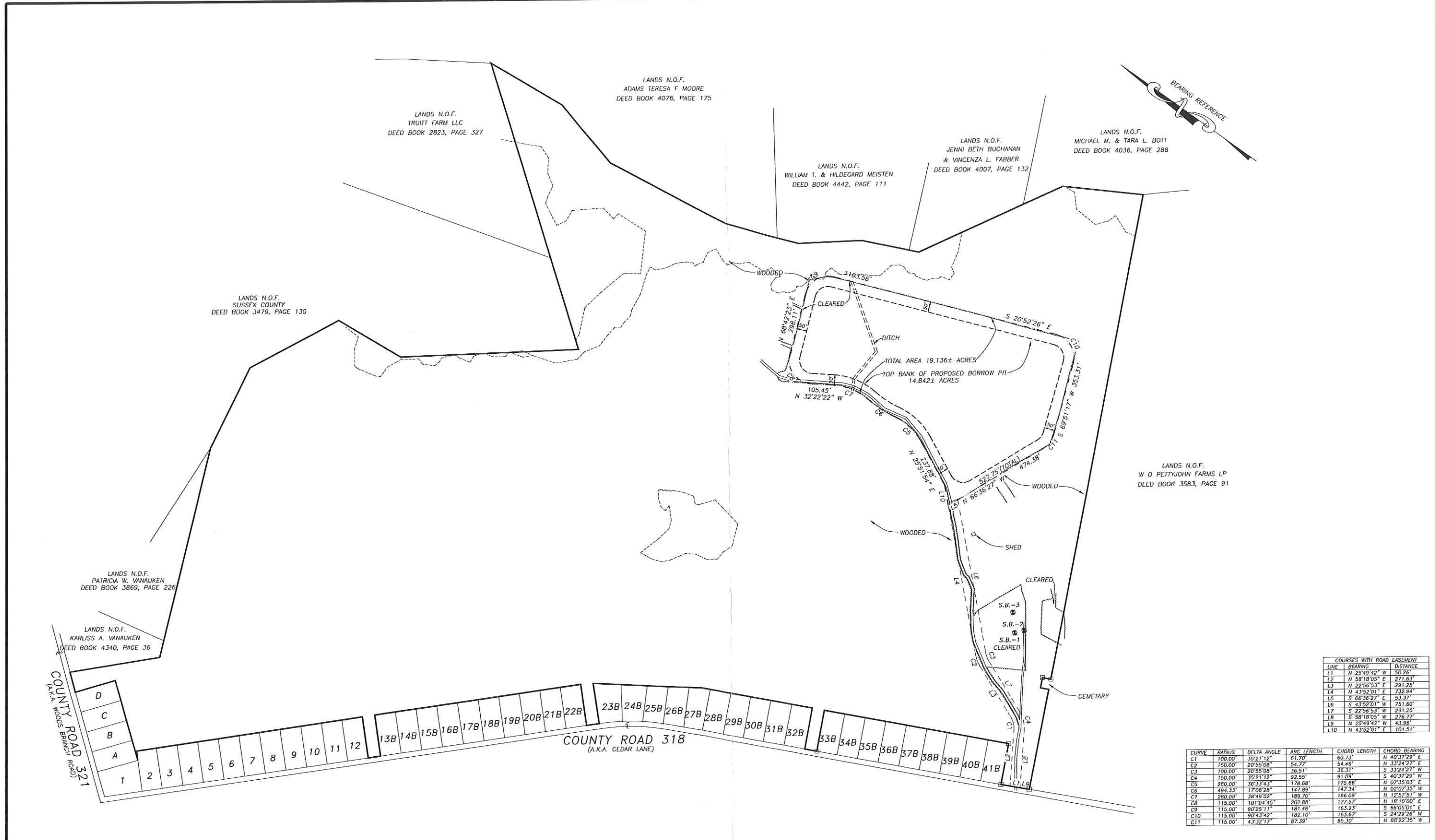


<b>PIN:</b>	135-20.00-137.00
<b>Owner Name</b>	WHITETAIL LANE LLC
<b>Book</b>	5143
<b>Mailing Address</b>	122 W MARKET ST
<b>City</b>	GEORGETOWN
<b>State</b>	DE
<b>Description</b>	NE SD/ CEDAR LN
<b>Description 2</b>	SW/ WOOD BRANCH RD
<b>Description 3</b>	PARCELS A & B
<b>Land Code</b>	

- polygonLayer**  
Override 1
- polygonLayer**  
Override 1
- Tax Parcels
- Streets

1:9,028





LANDS N.O.F.  
SUSSEX COUNTY  
DEED BOOK 3479, PAGE 130

LANDS N.O.F.  
TRUITT FARM LLC  
DEED BOOK 2823, PAGE 327

LANDS N.O.F.  
ADAMS TERESA F MOORE  
DEED BOOK 4076, PAGE 175

LANDS N.O.F.  
WILLIAM T. & HILDEGARD MEISTEN  
DEED BOOK 4442, PAGE 111

LANDS N.O.F.  
JENNI BETH BUCHANAN  
& VINCENZA L. FABBER  
DEED BOOK 4007, PAGE 132

LANDS N.O.F.  
MICHAEL M. & TARA L. BOTT  
DEED BOOK 4036, PAGE 288

LANDS N.O.F.  
W O PETTYJOHN FARMS LP  
DEED BOOK 3583, PAGE 91

LANDS N.O.F.  
PATRICIA W. VANAUKEN  
DEED BOOK 3869, PAGE 226

LANDS N.O.F.  
KARLISS A. VANAUKEN  
DEED BOOK 4340, PAGE 36

COUNTY ROAD 318  
(A.K.A. CEDAR LANE)

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	100.00'	35°21'12"	61.70'	60.73'	N 40°37'29" E
C2	150.00'	20°55'08"	54.77'	54.46'	N 33°24'27" E
C3	100.00'	20°55'08"	36.51'	36.31'	S 33°24'27" W
C4	150.00'	35°21'12"	92.55'	91.09'	S 40°37'29" W
C5	280.00'	36°33'43"	178.68'	175.66'	N 07°35'03" E
C6	494.33'	17°08'29"	147.89'	147.34'	N 02°07'35" W
C7	280.00'	38°49'32"	189.70'	186.09'	N 12°57'51" W
C8	115.00'	101°04'45"	202.88'	177.57'	N 18°10'00" E
C9	115.00'	90°25'11"	181.46'	163.23'	S 66°05'01" E
C10	115.00'	90°43'42"	182.10'	163.67'	S 24°29'26" W
C11	115.00'	43°32'17"	87.39'	85.30'	N 88°22'35" W

**NOTES:**  
 1) SOURCE OF TITLE: DEED BOOK 4963, PAGE 196  
 2) THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH

**LEGEND:**  
 □ FOUND CONCRETE MONUMENT

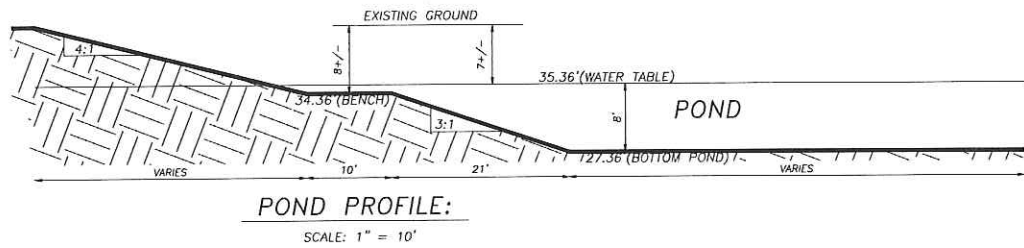
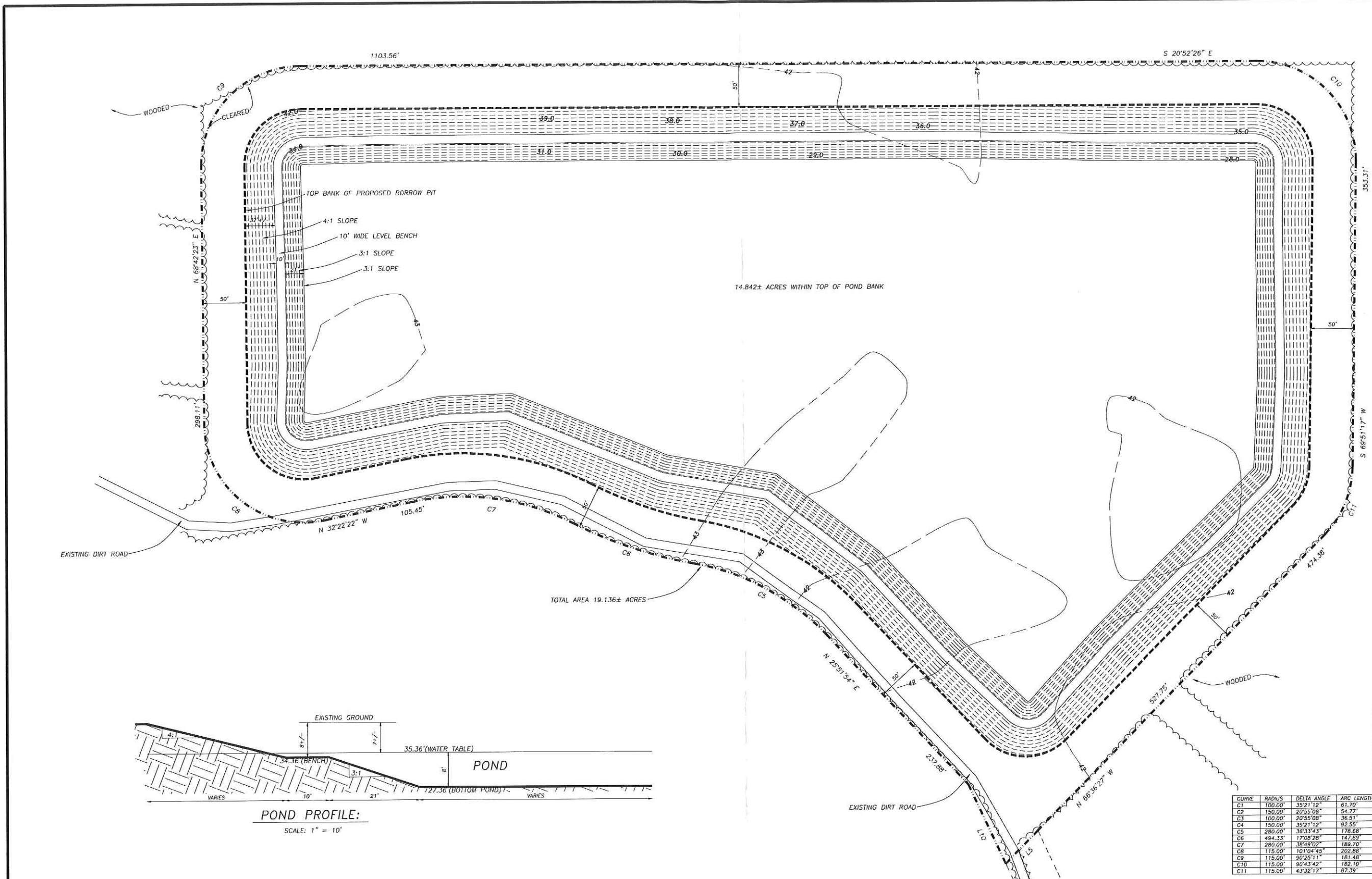
CHARLES E. ADAMS, JR., P.L.S. 506

Prepared By  
 ADAMS-KEMP ASSOCIATES, INC.  
 PROFESSIONAL LAND SURVEYORS  
 AND PLANNERS  
 217 SOUTH RACE STREET  
 GEORGETOWN, DELAWARE 19947  
 PHONE: (302) 856-6699  
 WWW.ADAMSKEMP.COM

**BORROW PIT SURVEY PLAN**  
 PREPARED FOR  
**TIMOTHY R. CONAWAY**  
 SITUATED IN  
 GEORGETOWN HUNDRED, SUSSEX COUNTY, DELAWARE  
 AREA: 219.800± ACRES  
 SCALE: 1" = 200'  
 DATE: AUGUST 26, 2019

SHEET 1 OF 2  
 PLAN NO. 180803-D





LINE	BEARING	DISTANCE
L1	N 25°49'42" W	50.28'
L2	N 58°18'05" E	271.63'
L3	N 22°56'53" E	291.25'
L4	N 43°52'01" E	232.94'
L5	S 68°36'27" E	43.37'
L6	S 43°52'01" W	751.60'
L7	S 22°56'53" W	291.25'
L8	S 58°18'05" W	276.77'
L9	N 25°49'42" W	43.96'
L10	N 43°52'01" E	101.51'

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	100.00'	33°21'12"	61.70'	60.73'	N 40°37'29" E
C2	150.00'	20°55'08"	54.77'	54.46'	N 33°24'22" E
C3	100.00'	20°55'08"	36.51'	36.31'	S 33°24'22" W
C4	150.00'	35°21'12"	92.55'	91.09'	S 40°37'29" W
C5	280.00'	36°33'43"	178.68'	175.66'	N 07°35'03" E
C6	494.33'	17°08'28"	147.89'	147.34'	N 02°07'35" W
C7	280.00'	38°49'02"	189.70'	186.09'	N 12°57'51" W
C8	115.00'	101°04'45"	202.88'	172.57'	N 18°10'00" E
C9	115.00'	90°25'11"	181.48'	163.23'	S 88°05'01" E
C10	115.00'	90°43'42"	182.10'	163.67'	S 24°29'26" W
C11	115.00'	43°32'17"	87.39'	85.30'	N 88°22'35" W

**NOTES:**  
 1) SOURCE OF TITLE: DEED BOOK 4963, PAGE 196  
 2) THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH

**LEGEND:**  
 □ FOUND CONCRETE MONUMENT  
 -43- EXISTING CONTOUR & ELEVATION  
 -28.0- PROPOSED CONTOUR & ELEVATION

I, Charles E. Adams, Jr., P.L.S., registered as a Professional Land Surveyor in the State of Delaware, hereby state that the information shown on this plan has been prepared under the supervision of the Surveyor in Charge as required by the State of Delaware Board of Professional Land Surveyors. Any changes to this plan shall be made only by a written amendment or by a new plan which shall be filed with the State of Delaware Board of Professional Land Surveyors. I, Charles E. Adams, Jr., P.L.S., do hereby certify that the information shown on this plan is true and correct to the best of my knowledge and belief.

CHARLES E. ADAMS, JR., P.L.S. 506

Prepared By  
**ADAMS-KEMP ASSOCIATES, INC.**  
 PROFESSIONAL LAND SURVEYORS  
 AND PLANNERS  
 217 SOUTH RACE STREET  
 GEORGETOWN, DELAWARE 19947  
 PHONE: (302) 856-6699  
 WWW.ADAMSKEMP.COM

**BORROW PIT SURVEY PLAN**  
 PREPARED FOR  
**TIMOTHY R. CONAWAY**  
 SITUATED IN  
 GEORGETOWN HUNDRED, SUSSEX COUNTY, DELAWARE  
 AREA: 219.800± ACRES  
 SCALE: 1" = 50'  
 DATE: AUGUST 28, 2019

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

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

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date May 28<sup>th</sup>,2020.

Application: (CU 2213) Whitetail Lane, LLC

Applicant: Timothy R. Conaway  
23620 Parker Road  
Georgetown, DE 19947

Owner: Whitetail Lane, LLC  
23620 Parker Road  
Georgetown, DE 19947

Site Location: Located on the east side of Cedar Lane (Route 318) at 17471 Whitetail Lane in Georgetown, Delaware.

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Borrow Pit

Comprehensive Land Use Plan Reference: Developing Area

Councilmatic District: Mr. Wilson

School District: Indian River School District

Fire District: Georgetown Fire District

Sewer:Private, On-Site

Water: Private, On-Site

Site Area: 220.38 +/-

Tax Map ID.: 135-20.00-137.00





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



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Lauren DeVore, Planner III  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: May 13, 2020  
RE: Staff Analysis for CU 2213 Whitetail Lane, LLC

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2213 Whitetail Lane, LLC to be reviewed during the May 28, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for tax parcel 135-20.00-137.00 to allow for a proposed borrow pit. The parcel is located on the east side of Cedar Lane (Route 318). The size of the property is 220.38 acres +/-

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

The parcel directly to the north is designated as a “Developing Area.” Additionally, the parcel to the west located on the opposite side of Cedar Lane (Route 318), is also designated as a “Developing Area.” Developing Areas are newer, emerging growth areas that demonstrate the characteristics of developmental pressures. A range of housing types are appropriate in Developing Areas, including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed. The parcels to the east are designated “Low Density” areas.

Furthermore, the property is zoned Agricultural Residential (AR-1) Zoning District. The properties located to the north, south, east, and west of the subject site are zoned Agricultural Residential (AR-1) Zoning District. There is a single parcel to the north on the opposite side of Park Avenue (S.C.R. 318) that is zoned Light Industrial (LI-2) Zoning District.

Since 2011, there has been one Conditional Use application within a 1-mile radius of the application site. This application is Conditional Use (CU 2182), which was a proposal to allow for a small automotive repair and dealer to be located within an Agricultural Residential (AR-1) Zoning District, which was approved by County Council on September 17<sup>th</sup>, 2019 and adopted through Ordinance No. 2679.



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





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

JENNIFER COHAN  
SECRETARY

October 10, 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 **Timothy R. Conaway** conditional use application, which we received on September 13, 2019. This application is for a 15.00-acre portion of an approximately 224.92-acre parcel (Tax Parcel: 135-20.00-137.00). The subject land is located on the southeast corner of the intersection of Park Avenue / Wood Branch Road (Sussex Road 321) and Cedar Lane (Sussex Road 318), southeast of the Town of Georgetown. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize a 15.00 acre portion of the land for a borrow pit.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Park Avenue where the subject land is located, which is from Cedar Lane to Springfield Road (Sussex Road 47), are 1,289 and 1,659 vehicles per day, respectively. As the subject land also has frontage along Cedar Lane, the annual average and summer average daily traffic volumes along that road segment, which is from Zoar Road (Sussex Road 48) to Wood Branch Road, are 2,861 and 3,682 vehicles per day, respectively.

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



Ms. Janelle M. Cornwell  
Page 2 of 2  
October 10, 2019

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  
Timothy R. Conaway, Applicant  
J. Marc Coté, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & 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



# Morris James LLP

David C. Hutt  
302.856.0018  
dhutt@morrisjames.com

May 18, 2020

## BY HAND DELIVERY

Jamie Whitehouse, Director  
Sussex County Planning & Zoning Office  
2 The Circle, P.O. Box 417  
Georgetown, DE 19947

**RE: Conditional Use No. 2213  
Whitetail Lane, LLC  
SCTP No. 135-20.00-137.00**

Dear Mr. Whitehouse:

Kindly find the enclosed seven (7) copies of Applicant Whitetail Lane, LLC's Exhibit Notebook for Conditional Use No. 2213. The exhibit notebook will be used at the public hearings before the Planning and Zoning Commission on May 28, 2020 and County Council on June 30, 2020. I will also be emailing an electronic copy of the exhibit notebook to you. Please let me know if you need any additional information prior to the public hearing.

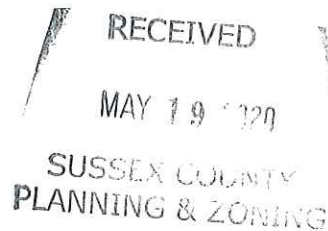
Very Truly Yours,

MORRIS JAMES LLP

  
David C. Hutt, Esquire

Enclosures

Cc: Whitetail Lane, LLC



# Whitetail Lane, LLC

Conditional Use No. 2213

Whitetail Lane, LLC  
17471 Whitetail Lane  
Georgetown, DE  
SCTP No. 135-20.00-137.00

David C. Hutt, Esquire  
Morris James LLP

Public Hearings:

Planning Commission	05/28/2020
County Council	06/30/2020



## Table of Contents

1. Planning & Zoning Commission Application, Conditional Use No. 2213
2. Title to Property: Deed: Dated October 28, 2019, Deed Book 5143, Page 322
3. DE Agricultural Lands Preservation Foundation
  - a. Forestland Preservation Agreement (Deed Book 4963, Page 188)
  - b. DE Ag Lands Acknowledgment (Deed Book 4963, Page 196)
4. DelDOT Response to Service Level Evaluation Request (October 10, 2019)
5. Sussex County Tax Maps:
  - a. Tax Parcels
  - b. Zoning
  - c. Comprehensive Plan
  - d. Ag Preservation Districts
  - e. Aerial Imagery
6. Other Aerial Imagery:
  - a. 1954 Delaware Orthophotography
  - b. 1992 Google Earth
  - c. 2018 Google Earth
7. 2015 Delaware State Strategies Map
8. 2019 Minerals Education Coalition Information
9. Borrow Pit Survey Plan, Adams-Kemp Associates, Inc. (August 28, 2019)
10. Proposed Findings of Fact and Conditions of Approval

TAB “1”



# 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

RECEIVED

NOV 27 2019

SUSSEX COUNTY  
PLANNING & ZONING

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

17471 Whitetail Lane, Georgetown, DE 19947

**Type of Conditional Use Requested:**

Conditional use for 15-acre borrow pit

**Tax Map #:** 135-20.00-137.00 **Size of Parcel(s):** 220.38 acres

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

**Land Use Classification:** 2019 Future Land Use: Developing Area

**Water Provider:** On-Site Well **Sewer Provider:** On-Site Septic

**Applicant Information**

**Applicant Name:** Timothy R. Conaway  
**Applicant Address:** 23620 Parker Road  
**City:** Georgetown **State:** DE **Zip Code:** 19947  
**Phone #:** (302) 542-7115 **E-mail:** TRConaway@verizon.net

**Owner Information**

**Owner Name:** Whitetail Lane, LLC  
**Owner Address:** 23620 Parker Road  
**City:** Georgetown **State:** DE **Zip Code:** 19947  
**Phone #:** (302) 542-7115 **E-mail:** TRConaway@verizon.net

**Agent/Attorney/Engineer Information**

**Agent/Attorney/Engineer Name:** David C. Hutt, Esq. (Morris James, LLP)  
**Agent/Attorney/Engineer Address:** 107 W. Market Street, PO Box 690  
**City:** Georgetown **State:** DE **Zip Code:** 19947  
**Phone #:** (302) 856-0015 **E-mail:** DHutt@MorrisJames.com



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

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

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

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

Signature of Applicant/Agent/Attorney

  
\_\_\_\_\_

Date: 11/26/19

Signature of Owner

  
\_\_\_\_\_

Date: 11/26/19

For office use only:

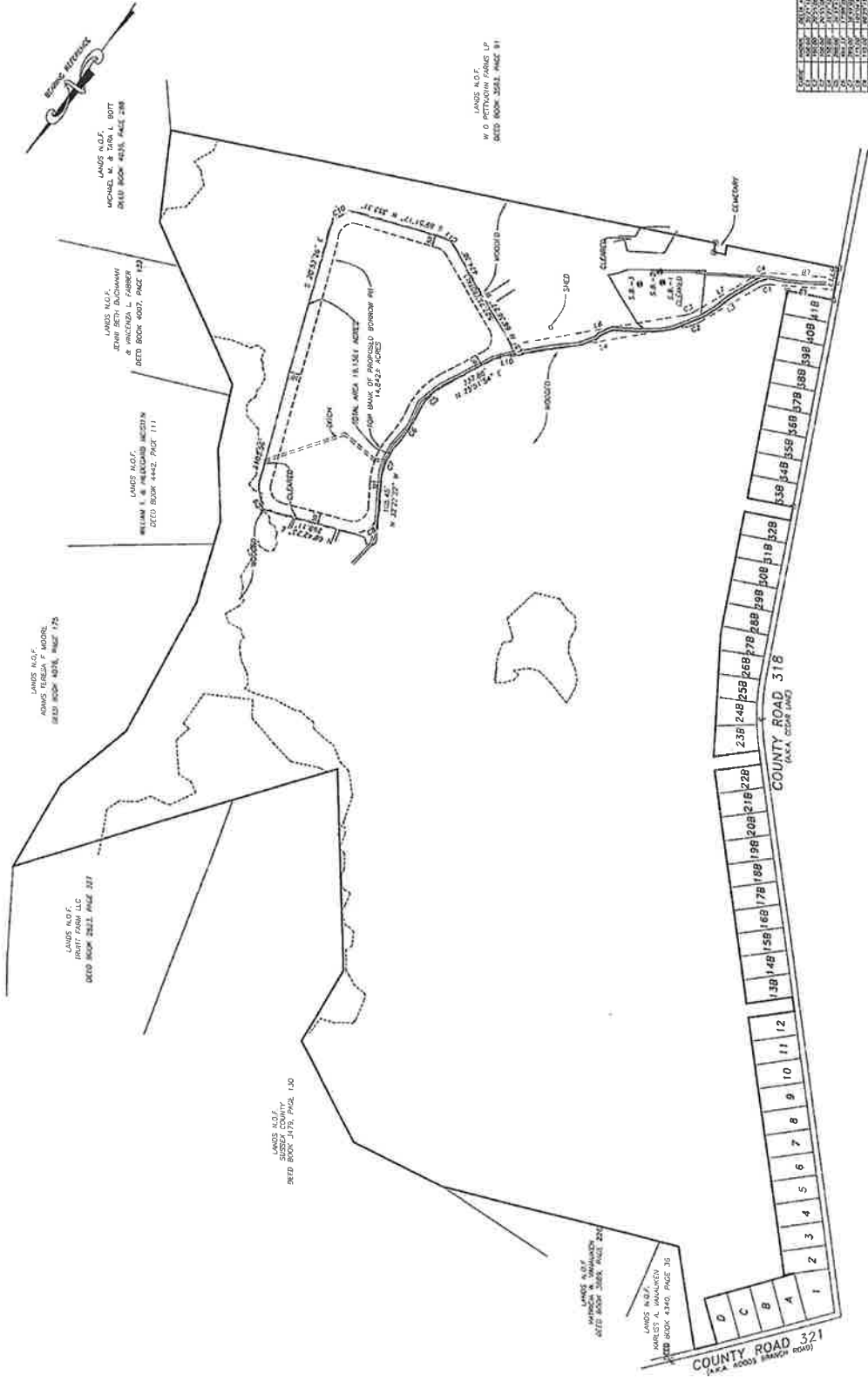
Date Submitted: \_\_\_\_\_  
Staff accepting application \_\_\_\_\_  
Location of property \_\_\_\_\_

Fee, \$500.00 Check # \_\_\_\_\_  
Application & Case # \_\_\_\_\_

Subdivision \_\_\_\_\_  
Date of PC Hearing \_\_\_\_\_  
Date of CC Hearing \_\_\_\_\_

Recommendation of PC Commission \_\_\_\_\_  
Decision of CC \_\_\_\_\_





LANDS N.O.F.  
FRUIT FARM LLC  
DEED BOOK 3821, PAGE 321

LANDS N.O.F.  
JAMES A. & YARA L. BOTT  
DEED BOOK 4634, PAGE 288

LANDS N.O.F.  
JENNIFER BUCHANAN  
DEED BOOK 4007, PAGE 123

LANDS N.O.F.  
WILLIAM J. & JENNIFER  
DEED BOOK 4442, PAGE 111

LANDS N.O.F.  
JAMES N. & JUDITH  
DEED BOOK 4074, PAGE 175

LANDS N.O.F.  
W O. PETERSON FARM LP  
DEED BOOK 3282, PAGE 81

LANDS N.O.F.  
MARCUS W. MARASCHI  
DEED BOOK 4340, PAGE 75

LANDS N.O.F.  
WILLIAM J. & JENNIFER  
DEED BOOK 4442, PAGE 111

LANDS N.O.F.  
JAMES A. & YARA L. BOTT  
DEED BOOK 4634, PAGE 288

LINE	BEARING	DISTANCE	AREA	PERIMETER
1	N 72° 22' 37" W	118.00	118.00	118.00
2	N 72° 22' 37" W	128.00	128.00	128.00
3	N 72° 22' 37" W	138.00	138.00	138.00
4	N 72° 22' 37" W	148.00	148.00	148.00
5	N 72° 22' 37" W	158.00	158.00	158.00
6	N 72° 22' 37" W	168.00	168.00	168.00
7	N 72° 22' 37" W	178.00	178.00	178.00
8	N 72° 22' 37" W	188.00	188.00	188.00
9	N 72° 22' 37" W	198.00	198.00	198.00
10	N 72° 22' 37" W	208.00	208.00	208.00
11	N 72° 22' 37" W	218.00	218.00	218.00
12	N 72° 22' 37" W	228.00	228.00	228.00
13	N 72° 22' 37" W	238.00	238.00	238.00
14	N 72° 22' 37" W	248.00	248.00	248.00
15	N 72° 22' 37" W	258.00	258.00	258.00
16	N 72° 22' 37" W	268.00	268.00	268.00
17	N 72° 22' 37" W	278.00	278.00	278.00
18	N 72° 22' 37" W	288.00	288.00	288.00
19	N 72° 22' 37" W	298.00	298.00	298.00
20	N 72° 22' 37" W	308.00	308.00	308.00
21	N 72° 22' 37" W	318.00	318.00	318.00
22	N 72° 22' 37" W	328.00	328.00	328.00
23	N 72° 22' 37" W	338.00	338.00	338.00
24	N 72° 22' 37" W	348.00	348.00	348.00
25	N 72° 22' 37" W	358.00	358.00	358.00
26	N 72° 22' 37" W	368.00	368.00	368.00
27	N 72° 22' 37" W	378.00	378.00	378.00
28	N 72° 22' 37" W	388.00	388.00	388.00

LINE	BEARING	DISTANCE	AREA	PERIMETER
1	N 72° 22' 37" W	118.00	118.00	118.00
2	N 72° 22' 37" W	128.00	128.00	128.00
3	N 72° 22' 37" W	138.00	138.00	138.00
4	N 72° 22' 37" W	148.00	148.00	148.00
5	N 72° 22' 37" W	158.00	158.00	158.00
6	N 72° 22' 37" W	168.00	168.00	168.00
7	N 72° 22' 37" W	178.00	178.00	178.00
8	N 72° 22' 37" W	188.00	188.00	188.00
9	N 72° 22' 37" W	198.00	198.00	198.00
10	N 72° 22' 37" W	208.00	208.00	208.00
11	N 72° 22' 37" W	218.00	218.00	218.00
12	N 72° 22' 37" W	228.00	228.00	228.00
13	N 72° 22' 37" W	238.00	238.00	238.00
14	N 72° 22' 37" W	248.00	248.00	248.00
15	N 72° 22' 37" W	258.00	258.00	258.00
16	N 72° 22' 37" W	268.00	268.00	268.00
17	N 72° 22' 37" W	278.00	278.00	278.00
18	N 72° 22' 37" W	288.00	288.00	288.00
19	N 72° 22' 37" W	298.00	298.00	298.00
20	N 72° 22' 37" W	308.00	308.00	308.00
21	N 72° 22' 37" W	318.00	318.00	318.00
22	N 72° 22' 37" W	328.00	328.00	328.00
23	N 72° 22' 37" W	338.00	338.00	338.00
24	N 72° 22' 37" W	348.00	348.00	348.00
25	N 72° 22' 37" W	358.00	358.00	358.00
26	N 72° 22' 37" W	368.00	368.00	368.00
27	N 72° 22' 37" W	378.00	378.00	378.00
28	N 72° 22' 37" W	388.00	388.00	388.00

**NOTES:**

- 1) SUBJECT OF THIS DEED BOOK 4982, PAGE 198
- 2) THE PROPERTY DESCRIBED HEREIN IS THE PROPERTY OF THE COUNTY OF SHERIDAN AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS, OR OTHER INTERESTS WHICH BE REVEALED BY A THROUGH TITLE SEARCH.

**LEGEND:**

- FOUND CANCELLED INSTRUMENT

Prepared By: CONNOR E. ANNUCCI, JR., P.L.L.C. 206  
 PROFESSIONAL LAND SURVEYORS  
 217 SOUTH RICE STREET  
 BOULDER, CO 80502  
 WWW.ANNUCCI.COM

**BORROW PIT SURVEY PLAN**  
 PREPARED FOR  
**TIMOTHY R. CONAWAY**  
 1111 W. 14TH AVENUE, SUITE 1000  
 BOULDER, CO 80502  
 DATE: 11/20/14  
 SHEET NO. 1 OF 2



## Mailing List Application Form

For Applications requiring a Public Hearing in Sussex County

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

### Application Information:

Site Address: 17471 Whitetail Lane  
Georgetown, DE 19947

Parcel #: 135-20.00-137.00

Site Address: \_\_\_\_\_

Parcel #: \_\_\_\_\_

Applicant Name: Timothy R. Conaway

Owner Name: Whitetail Lane, LLC

### Type of Application:

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

Date Submitted: 11/27/19

### For office use only:

Date of Public Hearing: \_\_\_\_\_

File #: \_\_\_\_\_

Date list created: \_\_\_\_\_

List created by: \_\_\_\_\_

Date letters mailed: \_\_\_\_\_

Letters sent by: \_\_\_\_\_



Sussex County, DE  
Treasury  
P.O. Box 601  
Georgetown, DE 19947  
Welcome

33016139-0024 Megan D. 11/27/2019 11:14AM

PERMITS / INSPECTIONS

CONDITIONAL USE - FEE

2019 Item: 201913754|2010 500.00

-----  
500.00

Subtotal 500.00

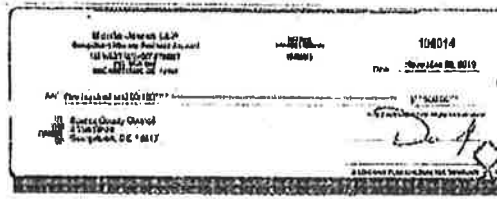
Total 500.00

CHECK 500.00

Check Number 00000106014

-----  
Change due 0.00

Paid by: MORRIS JAMES LLP



Thank you for your payment

Sussex County, DE COPY  
DUPLICATE RECEIPT

TAB “2”

**NO TITLE OR LIEN SEARCH PERFORMED OR REQUESTED**

TAX MAP #s: See each Tract for Tax Map & Parcel #

Prepared by: Moore & Rutt, P.A.  
P.O. Box 554  
Georgetown, DE 19947

Return to: Moore & Rutt, P.A.  
P.O. Box 554  
Georgetown, DE 19947

THIS DEED, made this 28<sup>th</sup> day of October, in the year of our LORD Two Thousand Nineteen (2019),

Between **TIMOTHY R. CONAWAY and MARY E. CONAWAY**, of 23260 Parker Road, Georgetown, Delaware 19947, parties of the first part,

**AND**

**WHITETAIL LANE, LLC**, a Delaware limited liability company, parties of the second part, 122 W. Market Street, Georgetown, DE 19947

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of One Dollar (\$1.00) lawful money and other valuable consideration of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the said party of the second part, **the following property:**

**Tax Map # 1-35-20.00-137.00 p/o:**

**PARCEL A & PARCEL B:**

All that certain lot, piece or parcel of land, with the improvements thereon erected, situate in Georgetown Hundred, Sussex County, State of Delaware, being lands of Cabbage Corner, LLC – Parcel “A” (120.17 acres) and Parcel “B” (100.2178 +/- acres) as shown on the Boundary Plan for “Properties of Lenore T. Tunnell”, prepared by Woodin & Associates, L.L.C., dated December 8, 2006, and being more particularly bounded and described as follows, to wit:

Beginning at a point on the northeasterly side of Cedar Lane – Road 318 (50’ wide R/W), said point being a corner in common for herein described lands with lands now or formerly of Warren O. Pettyjohn; thence from said point of beginning, along said northeasterly side of Cedar Lane – Road 318, North 25 degrees 49 minutes 42 seconds West 138.19 feet to a corner in common with Lot 41B of “Cabbage Corner”; thence leaving said southeasterly side of Cedar Lane – Road 318, on a line in common with said Lot 41B, North 64 degrees 47 minutes 29 seconds East 200.00 feet to another corner in common with said Lot 41B; thence on a line in common with said Lot 41B through Lot 33B of “Cabbage Corner”, in descending numerical order, North 25 degrees 12 minutes 31 seconds West 900.00 feet to another corner in common with said Lot 33B; thence on a line in common with said Lot 33B, South 64 degrees 47 minutes 29 seconds West 200.00 feet



to the aforesaid northeasterly side of Cedar Lane – Road 318; thence, thereby, North 25 degrees 12 minutes 31 seconds West 59.90 feet to a corner in common with Lot 32B of “Cabbage Corner”; thence leaving said northeasterly side of Cedar Lane – Road 318, on a line in common with said Lot 32B, North 64 degrees 47 minutes 29 seconds East 200.00 feet to another corner in common with said Lot 32B; thence on a line in common with said Lot 32B through 27B of “Cabbage Corner”, in descending numerical order, North 25 degrees 12 minutes 31 seconds West 538.70 feet to another corner in common with said Lot 27B; thence on a line in common with said Lot 27B through Lot 23B of “Cabbage Corner”, in descending numerical order, North 32 degrees 56 minutes 31 seconds West 523.60 feet to another corner in common with Lot 23B; thence on a line in common with said Lot 23B, South 45 degrees 39 minutes 32 seconds West 196.20 feet to the northeasterly side of said Cedar Lane – Road 318; thence, thereby, North 43 degrees 24 minutes 42 seconds West 60.19 feet to a corner in common with Lot 22B of “Cabbage Corner”; thence leaving said northeasterly side of Cedar Lane – Road 318, on a line in common with said Lot 22B, North 45 degrees 57 minutes 15 seconds East 200.00 feet to another corner in common with said Lot 22B; thence on a line in common with said Lot 22B through Lot 13B of “Cabbage Corner”, in descending numerical order, North 44 degrees 02 minutes 45 seconds West 1,000.00 feet to another corner in common with Lot 13B; thence on a line in common with said Lot 13B, South 45 degrees 57 minutes 15 seconds West 200.00 feet to the aforesaid northeasterly side of Cedar Lane – Road 318; thence, thereby, North 44 degrees 02 minutes 45 seconds West 60.00 feet to a corner in common with Lot 12 of “Cabbage Corner”; thence leaving said northeasterly side of Cedar Lane – Road – 318, on a line in common with said Lot 12, North 45 degrees 57 minutes 15 seconds East 200.00 feet to another corner in common with Lot 12; thence on a line in common with said Lot 12 through Lot 2 of “Cabbage Corner”, in descending numerical order, North 44 degrees 17 minutes 25 seconds West 1,096.44 feet to another corner in common with Lot 2; thence on a line in common with said Lot 2, South 46 degrees 06 minutes 59 seconds West 44.86 feet to a corner in common with Lot A of “Cabbage Corner”; thence on a line in common with said Lot A, in part, and Lot B, in part, North 37 degrees 57 minutes 00 seconds East 200.00 feet to another corner in common with said Lot B; thence on line in common with said Lot B, North 52 degrees 03 minutes 00 seconds West 200.00 feet to the southeasterly side of Woods Branch Road – Road 321 (50' wide R/W); thence, thereby, North 38 degrees 29 minutes 21 seconds East 99.86 feet to a point on the said southeasterly side of Woods Branch Road – Road 321; thence leaving said southeasterly side of Woods Branch Road – Road 321, the following three (3) described courses and distances: (1) South 52 degrees 03 minutes 00 seconds East 200.00 feet to a point; (2) North 37 degrees 57 minutes 00 seconds East 100.00 feet to a point; and (3) North 52 degrees 03 minutes 00 seconds West 200.00 feet to the aforesaid southeasterly side of Woods Branch Road – Road 321; thence, thereby, North 39 degrees 08 minutes 16 seconds East 100.02 feet to a corner in common with lands now or formerly of Wayne V. & Patricia W. VanAuken Trustees; thence leaving said southeasterly side of Woods Branch Road – Road 321, on lines in common with said lands now or formerly of Wayne V. & Patricia W. VanAuken Trustees, the following three (3) described courses and distances: (1) South 45 degrees 04 minutes 11 seconds East 438.05 feet to a point; (2) North 67 degrees 37 minutes 00 seconds East 960.08 feet to a point; and (3) North 67 degrees 37 minutes 00 seconds East 75.00 feet to the centerline of a ditch, at a corner in common

with lands now or formerly of Wayne V. & Patricia W. VanAuken Trustees; thence along said lands now or formerly of Wayne V. & Patricia W. VanAuken Trustees, in part, and lands now or formerly of Betty Jane Truitt, in part, the following five (5) described courses and distances along said centerline of a ditch: (1) North 80 degrees 14 minutes 49 seconds East 428.89 feet to a point; (2) South 63 degrees 47 minutes 01 seconds East 483.38 feet to a point; (3) South 05 degrees 10 minutes 24 seconds East 347.58 feet to a point; (4) South 37 degrees 59 minutes 33 seconds East 858.01 feet to a point; and (5) North 37 degrees 05 minutes 10 seconds East 1,442.85 feet to the centerline of Peterkins Branch, a corner in common with lands now or formerly of Dorothy M. Moore; thence along said lands now or formerly of Dorothy M. Moore, in part, lands now or formerly of Thomas S. Macielag, in part, and lands now or formerly of John C. Johnson, Jr., in part, the following eight (8) described courses and distances along said centerline of Peterkins Branch: (1) South 05 degrees 21 minutes 24 seconds East 398.39 feet to a point; (2) South 14 degrees 34 minutes 08 seconds West 364.92 feet to a point; (3) South 07 degrees 43 minutes 55 seconds East 625.39 feet to a point; (4) South 20 degrees 12 minutes 48 seconds East 364.72 feet to a point; (5) South 38 degrees 11 minutes 50 seconds East 308.93 feet to a point; (6) South 23 degrees 48 minutes 15 seconds East 278.74 feet to a point; (7) South 60 degrees 01 minutes 51 seconds East 759.56 feet to a point; and (8) South 29 degrees 32 minutes 25 seconds East 391.15 feet to a corner in common with aforesaid lands now or formerly of Warren O. Pettyjohn; thence on lines in common with said lands now or formerly of Warren O. Pettyjohn, the following five (5) described courses and distances: (1) South 65 degrees 06 minutes 50 seconds West 2,371.35 feet to a point; (2) North 24 degrees 53 minutes 10 seconds West 40.00 feet to a point; (3) South 65 degrees 06 minutes 50 seconds West 50.00 feet to a point; (4) South 24 degrees 53 minutes 10 seconds East 40.00 feet to a point; and (5) South 65 degrees 06 minutes 50 seconds West 488.90 feet to the point and place of beginning.

**LOT 28B:**

All that certain lot, piece or parcel of land, with the improvements thereon erected, situate in Georgetown Hundred, Sussex County, State of Delaware, being Lot 28B – 0.4591+/- acres, as shown on the Boundary Plan for “Properties of Lenore T. Tunnell”, prepared by Woodin & Associates, L.L.C., dated December 8, 2006, and being more particularly bounded and described as follows, to wit:

Beginning at a point on the northeasterly side of Cedar Lane – Road 318 (50' wide R/W), said point being a corner in common for herein described Lot with Lot 29B; thence from said point of beginning, along said northeasterly side of Cedar Lane – Road 318, North 25 degrees 12 minutes 31 seconds West 100.00 feet to a corner in common with Lot 27B; thence leaving said northeasterly side of Cedar Lane – Road 318, on a line in common with said Lot 27B, North 64 degrees 47 minutes 29 seconds East 200.00 feet to a line in common with land designated “Lands of Cabbage Corner, L.L.C. – Parcel A”; thence, thereby, South 25 degrees 12 minutes 31 seconds East 100.00 feet to a corner in common with aforesaid Lot 29B; thence on a line in common with Lot 29B, South 64 degrees 47 minutes 29 seconds West 200.00 feet to the point and place of beginning.

**LOT 30B:**

All that certain lot, piece or parcel of land, with the improvements thereon erected, situate in Georgetown Hundred, Sussex County, State of Delaware, being Lot 30B – 0.4591+/- acres, as shown on the Boundary Plan for “Properties of Lenore T. Tunnell”, prepared by Woodin & Associates, L.L.C., dated December 8, 2006, and being more particularly bounded and described as follows, to wit:

Beginning at a point on the northeasterly side of Cedar Lane – Road 318 (50' wide R/W), said point being a corner in common for herein described Lot with Lot 31B; thence from said point of beginning along said northeasterly side of Cedar Lane – Road 318, North 25 degrees 12 minutes 31 seconds West 100.00 feet to a corner in common with Lot 29B; thence leaving said northeasterly side of Cedar Lane – Road 318, on a line in common with said Lot 29B, North 64 degrees 47 minutes 29 seconds East 200.00 feet to a line in common with lands designated “Lands of Cabbage Corner, L.L.C. – Parcel A”; thence, thereby, South 25 degrees 12 minutes 31 seconds East 100.00 feet to a corner in common with aforesaid Lot 31B; thence on line in common with said Lot 31B, South 64 degrees 47 minutes 29 seconds West 200.00 feet to the point and place of beginning.

BEING the same lands conveyed unto TIMOTHY R. CONAWAY and MARY E. CONAWAY, husband and wife by Deed of TUNNELL FARM, LLC dated October 10, 2018, and now of record in the Office of the Recorder of Deeds in and for Sussex County, at Georgetown, Delaware, in Deed Book 4963, Page 199.

**(THE REMAINDER OF THIS PAGE HAS BEEN LEFT INTENTIONALLY BLANK)**





TAB “3”

Tax Map No. Part of 135-20.00-137.00  
Prepared By: Delaware Agricultural  
Lands Preservation Foundation (F-S-18-09-268Y1)  
2320 S. DuPont Highway, Dover, DE 19901  
Return To: Parkowski, Guerke & Swayze, PA  
116 W. Water Street, Dover, DE 19904

DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION  
FORESTLAND PRESERVATION AREA AGREEMENT

This Forestland Preservation Area Agreement, in the nature of a declaration of a Restriction on the Use of Land for the purpose of preserving productive Forestlands, is made by and between TUNNELL FARM, LLC, its successors and assigns, (hereafter individually and collectively referred to as "GRANTOR"), of the County of Sussex, Delaware, and the DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION, its successors, nominees or assigns, a body politic and corporate constituting a public instrumentality of the State, created and organized under the laws of the State of Delaware, with its offices at 2320 S. DuPont Highway, Dover, Delaware 19901 (hereinafter "GRANTEE").

**RECITALS:**

A. GRANTOR is the owner in fee of lands consisting of Forestlands (as that term is defined in 3 Del. Code Section 902(6) and as shown on Exhibit "A" (hereinafter referred to as the "Property"), which Grantor desires to be included in a Forestland Preservation Area. The Property is located in Sussex County, Delaware, and is more fully described in part in a Deed recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware in Deed Book 4049, Page 235, and being a part of County Parcel No. 1-35-20.00-137.00. The Property consists of 177.22 acres which are classified as Forestlands.

B. The public and the economy benefits from the protection and conservation of Forestlands, including the protection of scenic areas for public visual enjoyment from the public right-of-way. The conservation and protection of Forestlands as a valued natural and ecological resource



provides needed space for clean air as well as for aesthetic purposes, and the public will benefit from the conservation, protection, development and improvement of Forestlands for the production of timber.

C. GRANTEE has declared that the preservation of prime Forestlands is vital to the public interest of the State, the region, and the nation through its economic, environmental, and productive benefits.

D. GRANTOR desires and intends that the Forestlands of the Property be preserved, protected, and maintained, and in consideration of those benefits conferred under 3 Del. Code Section 935, the Grantor is willing to enter into this Agreement.

E. GRANTEE is entitled to enforce this Forestland Preservation Area Agreement and to preserve and protect for ten years from the effective date of this Agreement, or any extension period, the Property subject to the restrictions imposed under this Agreement.

**RESTRICTIONS:**

NOW THEREFORE, in consideration of the foregoing and as required by 3 Del.C. §934, the undersigned GRANTOR agrees to the following restrictions which shall apply to the Property:

1. No rezoning or major subdivision of the Property, or any portion thereof, shall be allowed.
2. Activities conducted on the Property shall be limited to forestry production, forestry operations, forestry management and control, wildlife habitat management, and related activities, as defined in 3 Del. Code Section 934. Grantor shall manage the Parcel in accordance with a forest management plan prepared by a professional forester that addresses the Grantor's forest management goals for the Parcel. The plan shall contain, at a minimum, aerial and soil maps of the Property, a description and analysis of the forest by management unit, and silvicultural prescriptions for each management unit. The

plan shall be made available for inspection by the State Forester's office and the plan shall be revised and updated at a minimum every five years.

3. If the Property contains at least thirty (30) acres, one (1) location containing no more than one (1) acre of land may be designated for seasonal recreational dwelling usage provided the use of the designated area does not adversely affect the forestland use of the Property. Residential use of the Property shall be limited to usage of no more than one (1) acre of land for each twenty (20) acres of usable land on the Property, with a maximum of ten (10) acres of land being used for dwelling housing on the Property. The establishment or existence of any seasonal housing will be counted against the total allowable permanent housing acreage. The Property consists of 177.22 acres which are usable for forestry and related uses and only eight (8) acres shall be allowed for dwelling housing. With respect to the acreage allowed for dwelling housing, there shall be a limit of three (3) dwelling houses for residential use placed on the allowable acreage at three (3) locations to be designated by the Grantor on Exhibit A to be attached hereto, unless there exists three (3) or more dwelling houses on the Parcel as of the date hereof, in which case the allowable acreage shall be allocated to the existing dwelling houses and no additional dwelling houses shall be allowed. There are currently zero (0) dwelling houses located on the Property, and only three (3) additional dwelling houses shall be allowed; provided however that any use of the Property shall be in conformance with applicable planning and zoning requirements.
4. No conversion of the Forestlands to cropland, pasture land, open space or other types of land uses shall be allowed.
5. No permanent commercial or industrial structures shall be located on the Property.
6. No mining, commercial or extractive uses shall be conducted on the Property.
7. No disposal, burial, storage, or stock piling of junk, vehicles, equipment, liquid waste, solid waste or other liquid or solid materials, except that wastewater spray irrigation shall

be allowed utilizing best available treatment technology with storage and treatment facilities located on lands other than Forestland preservation areas.

8. The allowability of a general use, conditional use, special use or other use under any zoning law or ordinance shall not have any effect on the restrictions imposed on the Property under this Agreement.
9. This Agreement shall become effective as of the date the necessary approvals have been rendered and the Secretary of Agriculture has either failed to exercise or waived the right of rejection allowed within the thirty (30) day period following Foundation action on the Forestland Area Application. At the time of recording of the Agreement the Foundation shall certify the date of creation of the Forestland Area or extension thereto, and such date shall serve as the effective date of this Agreement.
10. This Agreement shall remain in effect for a minimum period of ten (10) years from the effective date. **Unless GRANTOR provides written notification to the Foundation of intent to withdraw the Property from the Forestland Area at least six (6) months prior to expiration date of this Agreement or any extension thereto, this Agreement shall continue for additional five (5) year periods.**
11. This Agreement shall be considered a covenant which runs with and binds the Property and the terms and conditions shall be subject to specific performance, and other action allowed under 3 Del.C. §939. GRANTOR agrees to abide by the provisions of 3 Del.C. Chapter 9 and the duly adopted regulations thereunder as such provisions relate to the Property.
12. By executing this Agreement the GRANTOR verifies that individually or collectively GRANTOR holds a fee simple interest in the Property and is entitled to enter into this Agreement. GRANTOR further verifies that the information contained in the Forestland Area Application is true and correct.

13. The Agreement shall be binding on the heirs, successors and assigns of GRANTOR. Prior to any transfer of any interest in the Property during the term of this Agreement, GRANTOR shall provide advance written notification of this Agreement and the restrictions contained herein to the party acquiring such interest and a copy of such written notification shall be provided to the Foundation.

**SIGNATURES APPEAR ON FOLLOWING PAGES**



IN WITNESS WHEREOF, the GRANTORS have set their hands and seals this 16 day of October A.D. 2018.

TUNNELL FARM, LLC,  
a Delaware Limited Liability Company  
By: SD Investment Properties, LLC, its sole member  
By: Lamboll Street, LLC, its sole member

[Signature]  
Witness

By: [Signature] (SEAL)  
Todd Kuhl, Authorized Director

STATE OF South Carolina COUNTY OF Charleston : to-wit

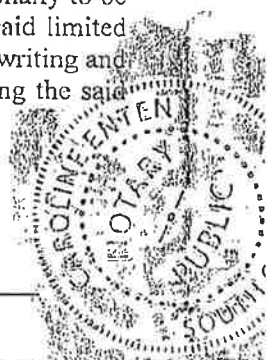
BE IT REMEMBERED, that on this 16<sup>th</sup> day of October, 2018, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, Todd Kuhl, Authorized Director of Lamboll Street, LLC, sole member of SD Investments, LLC, sole member of of Tunnell Farm, LLC, a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his/her act and deed and the act and deed of said limited liability company; that the signature of the Authorized Director is in his/her own proper handwriting and by his/her authority to act; and that the act of signing, sealing, acknowledging and delivering the said Indenture was first duly authorized by a resolution of the limited liability company.

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

[Signature]  
Notary Public

My Commission Expires

**CAROLINE ENTEN**  
Notary Public, State of South Carolina  
My Commission Expires 8/14/2028



I, THE UNDERSIGNED, being the Chairman of the Delaware Agricultural Lands Preservation Foundation or authorized assignee of the Delaware Agricultural Lands Preservation Foundation, hereby execute this Forestland Preservation Area Agreement on behalf of the Foundation.

IN WITNESS WHEREOF, I have set my hand and seal this 27<sup>th</sup> day of September, 2018.

WITNESS:

*Julia Blakeman*

*E. Austin Short*

(SEAL)

Chairman, Delaware Agricultural Lands Preservation Foundation or Authorized Designee

STATE OF DELAWARE )  
 ) SS:  
COUNTY OF KENT )

ON THIS, the 27<sup>th</sup> day of September, 2018, before me, the undersigned Notary Public for the County and State aforesaid, personally appeared, E. Austin Short, known to me (or satisfactorily proven) to be the person or persons whose names are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

*Julia Blakeman*  
Notary Public



NOTARY NAME - TYPED OR PRINTED  
My Commission Expires: \_\_\_\_\_

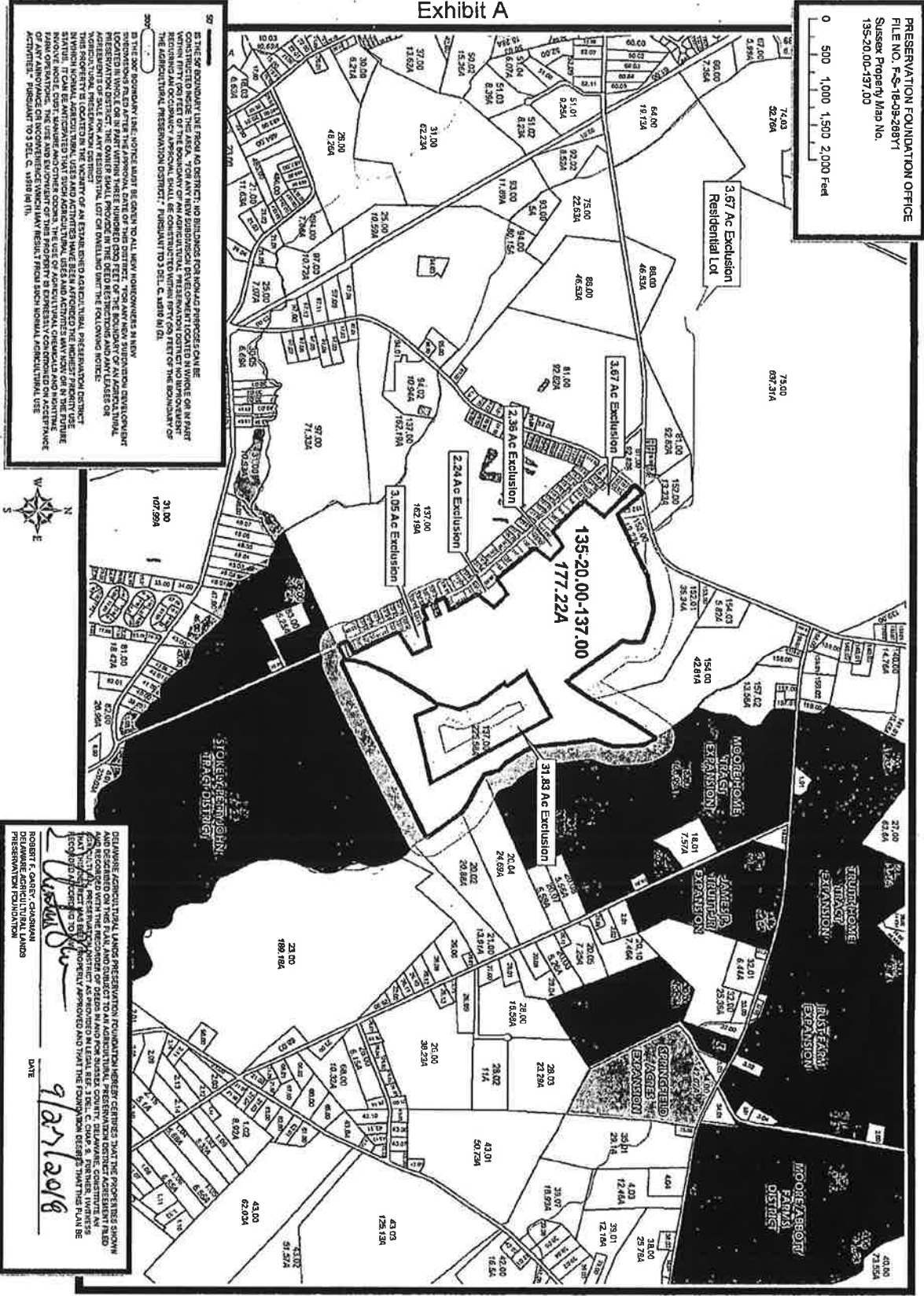
CERTIFICATION:

The Property subject to this Forestland Preservation Area Agreement was accepted into and established as a Forestland Preservation Area or an extension thereof on 10/12/18 which is the effective date of this Agreement.

Exhibit A

PRESERVATION FOUNDATION OFFICE  
 FILE NO. F-2-18-05-28911  
 Sussex Property Map No.  
 135-20.00-137.00

0 500 1,000 1,500 2,000 Feet



IS THE BOUNDARY LINE FROM AD DISTRICT, NO BUILDINGS FOR NON-AD PURPOSES CAN BE CONSTRUCTED WITHIN THE AREA. FOR ANY NEW SUBDIVISION DEVELOPMENT LOCATED WHOLLY OR IN PART WITHIN THE AREA, THE OWNER SHALL BE CONSIDERED TO HAVE ACCEPTED THE BOUNDARY OF THE AGRICULTURAL PRESERVATION DISTRICT. PURSUANT TO D.L.C. 1899 (M.D.).

IS THE BOUNDARY LINE, NOTICES MUST BE GIVEN TO ALL NEW HOMEOWNERS IN NEW DEVELOPMENTS WITHIN THE AGRICULTURAL PRESERVATION DISTRICT. FOR ANY NEW SUBDIVISION DEVELOPMENT LOCATED WHOLLY OR IN PART WITHIN THE AREA, THE OWNER SHALL BE CONSIDERED TO HAVE ACCEPTED THE BOUNDARY OF THE AGRICULTURAL PRESERVATION DISTRICT. PURSUANT TO D.L.C. 1899 (M.D.).

IS THE BOUNDARY LINE, NOTICES MUST BE GIVEN TO ALL NEW HOMEOWNERS IN NEW DEVELOPMENTS WITHIN THE AGRICULTURAL PRESERVATION DISTRICT. FOR ANY NEW SUBDIVISION DEVELOPMENT LOCATED WHOLLY OR IN PART WITHIN THE AREA, THE OWNER SHALL BE CONSIDERED TO HAVE ACCEPTED THE BOUNDARY OF THE AGRICULTURAL PRESERVATION DISTRICT. PURSUANT TO D.L.C. 1899 (M.D.).

DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION HEREBY CERTIFIES THAT THE PROPERTIES SHOWN AND DESCRIBED ON THIS PLAN ARE SUBJECT TO AND ARE BOUND BY THE AGRICULTURAL PRESERVATION DISTRICT. THE PROPERTIES SHOWN AND DESCRIBED ON THIS PLAN ARE SUBJECT TO AND ARE BOUND BY THE AGRICULTURAL PRESERVATION DISTRICT. THE PROPERTIES SHOWN AND DESCRIBED ON THIS PLAN ARE SUBJECT TO AND ARE BOUND BY THE AGRICULTURAL PRESERVATION DISTRICT.

ROBERT F. GARDNER, CHAIRMAN  
 DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION

DATE: 9/27/2018

2

TAX MAP NO.: Part of 135-20.00-137.00  
DALPF Project I.D.#:F-S-18-09-268Y1  
Prepared By & Return To:  
Parkowski, Guerke & Swayze, P.A.  
P.O. Box 598  
Dover, Delaware 19903

**DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION  
ACKNOWLEDGMENT PURSUANT TO 3 Del. C. § 934 (c)**

**WHEREAS**, TUNNELL FARM, LLC, PREVIOUSLY INCORRECTLY REFERRED TO AS TUNNELL FARMS, LLC, a Delaware Limited Liability Company, (“Transferor”) is the owner of forestlands comprised of approximately 177.22 acres located at Georgetown Hundred, said lands lying in Sussex County, State of Delaware, and described in and subject to an Agricultural Preservation Forestland Area Agreement, dated 10/12/18, of record in the Office of the Recorder of Deeds in and for Sussex County, State of Delaware in Deed Book 4963 Page 188 ; and

**WHEREAS**, Transferor is about to transfer all of the subject lands to TIMOTHY R. CONAWAY and MARY E. CONAWAY, (“Transferees”), said lands being Part of tax parcel 135-20.00-137.00.

**NOW, THEREFORE**, in accordance with the requirements of 3 Del. C. § 934 (c) [71 Del. Laws, C. 257], Transferor and Transferee acknowledge their understanding of the acreage allowed for dwelling housing, and the restrictions which apply to the real property about to be conveyed, and that said lands are subject to the referenced Forestland Area Agreement, the provisions of 3 Del. C. ch. 9 and the regulations adopted pursuant thereto. Transferor and Transferee agree to be bound by same. Transferee shall be allowed eight (8) acres for dwelling housing and only three (3) residential dwellings shall be allowed on said eight (8) acres.



IN WITNESS WHEREOF, the Transferor and Transferee have executed this Acknowledgment this 10<sup>th</sup> day of October, 2018.

Transferor:  
TUNNELL FARM, LLC,  
a Delaware Limited Liability Company  
By: SD Investment Properties, LLC, its sole member  
By: Lamboll Street, LLC, its sole member

[Signature]  
Witness

By: [Signature] (SEAL)  
Todd Kuhl, Authorized Director

STATE OF South Carolina COUNTY OF Charleston : to-wit

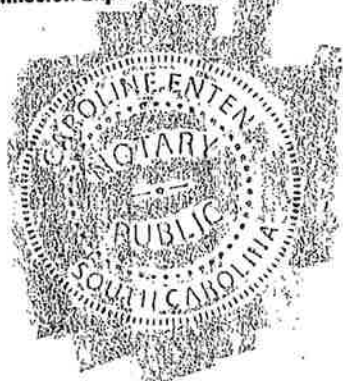
BE IT REMEMBERED, that on this 10<sup>th</sup> day of October, 2018, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, Todd Kuhl, Authorized Director of Lamboll Street, LLC, sole member of SD Investments, LLC, sole member of of Tunnell Farm, LLC, a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his/her act and deed and the act and deed of said limited liability company; that the signature of the Authorized Director is in his/her own proper handwriting and by his/her authority to act; and that the act of signing, sealing, acknowledging and delivering the said Indenture was first duly authorized by a resolution of the limited liability company.

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

[Signature]  
Notary Public

My Commission Expires: \_\_\_\_\_

**CAROLINE ENTEN**  
Notary Public, State of South Carolina  
My Commission Expires 8/14/2028



  
 \_\_\_\_\_  
 Witness

  
 \_\_\_\_\_  
 Witness

Transferee:

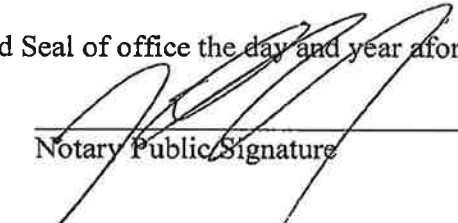
  
 \_\_\_\_\_ (SEAL)  
 TIMOTHY R. CONAWAY

  
 \_\_\_\_\_ (SEAL)  
 MARY E. CONAWAY

STATE OF DELAWARE :  
 : SS.:  
 COUNTY OF Sussex :

BE IT REMEMBERED that on this 12 day of October, A.D. 2018 personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, TIMOTHY R. CONAWAY and MARY E. CONAWAY, parties to this Indenture, known to me personally to be such, and they acknowledged this Indenture to be their act and deed.

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

  
 \_\_\_\_\_  
 Notary Public Signature

J. Everett Moore, JR., Esq.  
 Attorney-Notary Public  
 Unif. Notarial Act 29 Del. C. §4323(a) (3)  
 Non Expiring Commission

\_\_\_\_\_  
 Notary Name – Printed or Typed

My Commission Expires: \_\_\_\_\_

TAB “4”



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

JENNIFER COHAN  
SECRETARY

October 10, 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 **Timothy R. Conaway** conditional use application, which we received on September 13, 2019. This application is for a 15.00-acre portion of an approximately 224.92-acre parcel (Tax Parcel: 135-20.00-137.00). The subject land is located on the southeast corner of the intersection of Park Avenue / Wood Branch Road (Sussex Road 321) and Cedar Lane (Sussex Road 318), southeast of the Town of Georgetown. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize a 15.00 acre portion of the land for a borrow pit.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Park Avenue where the subject land is located, which is from Cedar Lane to Springfield Road (Sussex Road 47), are 1,289 and 1,659 vehicles per day, respectively. As the subject land also has frontage along Cedar Lane, the annual average and summer average daily traffic volumes along that road segment, which is from Zoar Road (Sussex Road 48) to Wood Branch Road, are 2,861 and 3,682 vehicles per day, respectively.

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



Ms. Janelle M. Cornwell  
Page 2 of 2  
October 10, 2019

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  
Timothy R. Conaway, Applicant  
J. Marc Coté, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & 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



**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:

**Site Information:**

Site Address/Location: 135-20.00-137.00

Tax Parcel Number: 135-20.00-137.00

Current Zoning: AR-1

Proposed Zoning: AR-1 w/ Conditional Use

Land Use Classification: AGR

Proposed Use(s): 15-acre Borrow Pit

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

RECEIVED

SEP 13 2019

SUSSEX COUNTY  
PLANNING & ZONING

**Applicant Information:**

Applicant's Name: Timothy R. Conaway

Applicant's Address: 23620 Parker Road

City: Georgetown State: DE Zip Code: 19947

Applicant's Phone Number: (302) 542-7115

Applicant's e-mail address: TRConaway@verizon.net

Please send a copy to:  
Morris James LLP  
Attn: David C. Hutt, Esq.  
107 W. Market Street, PO Box 690  
Georgetown, DE 19947  
DHutt@MorrisJames.com

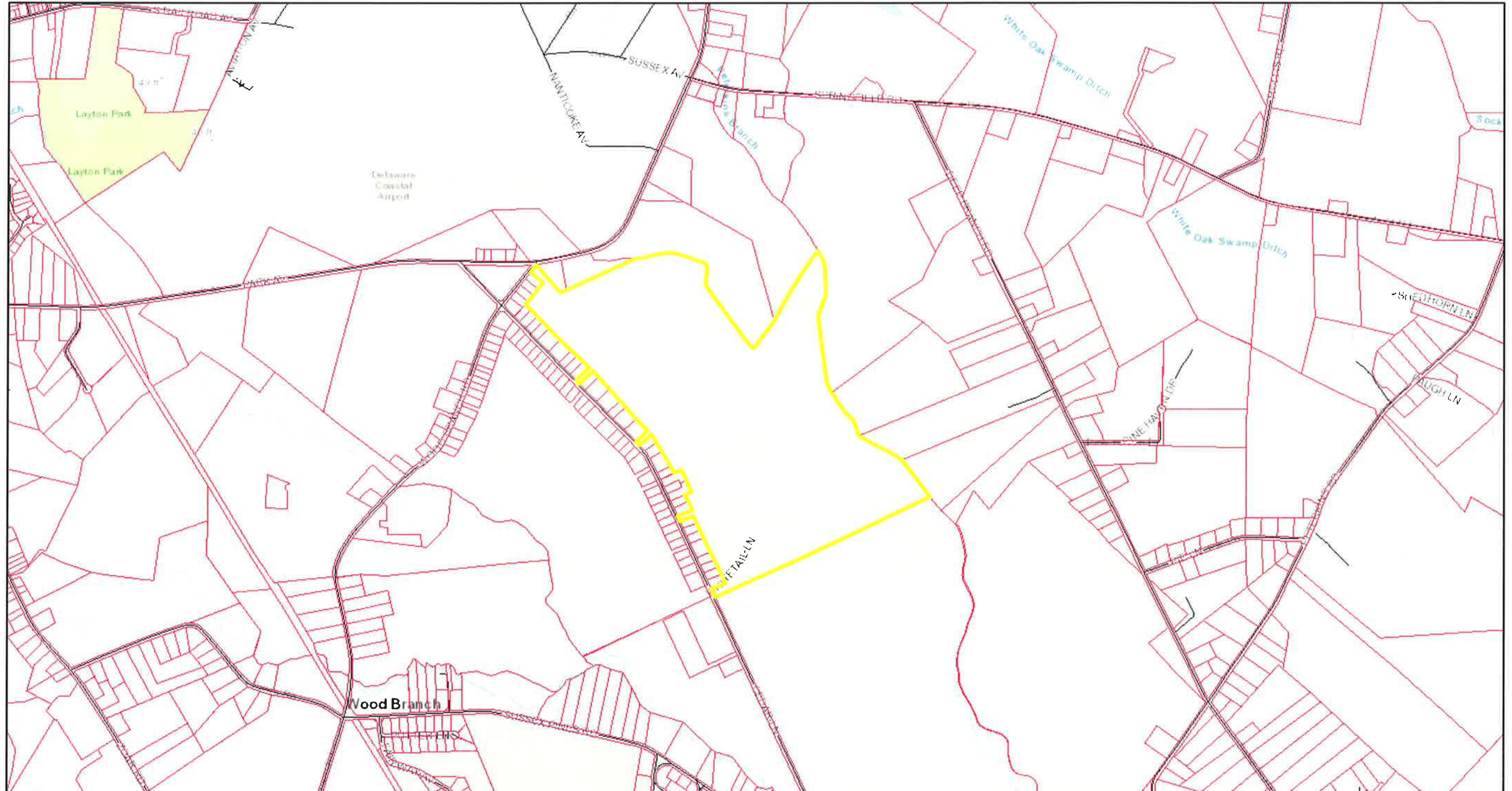


COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 417  
GEORGETOWN, DELAWARE 19947

Last updated 7-27-18

TAB "5"

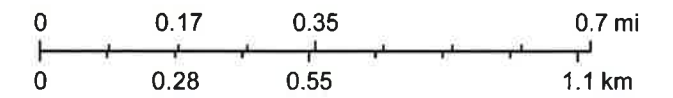
# Sussex County



May 15, 2020

-  Override 1
-  Override 1
-  Tax Parcels
-  Streets
-  County Boundaries

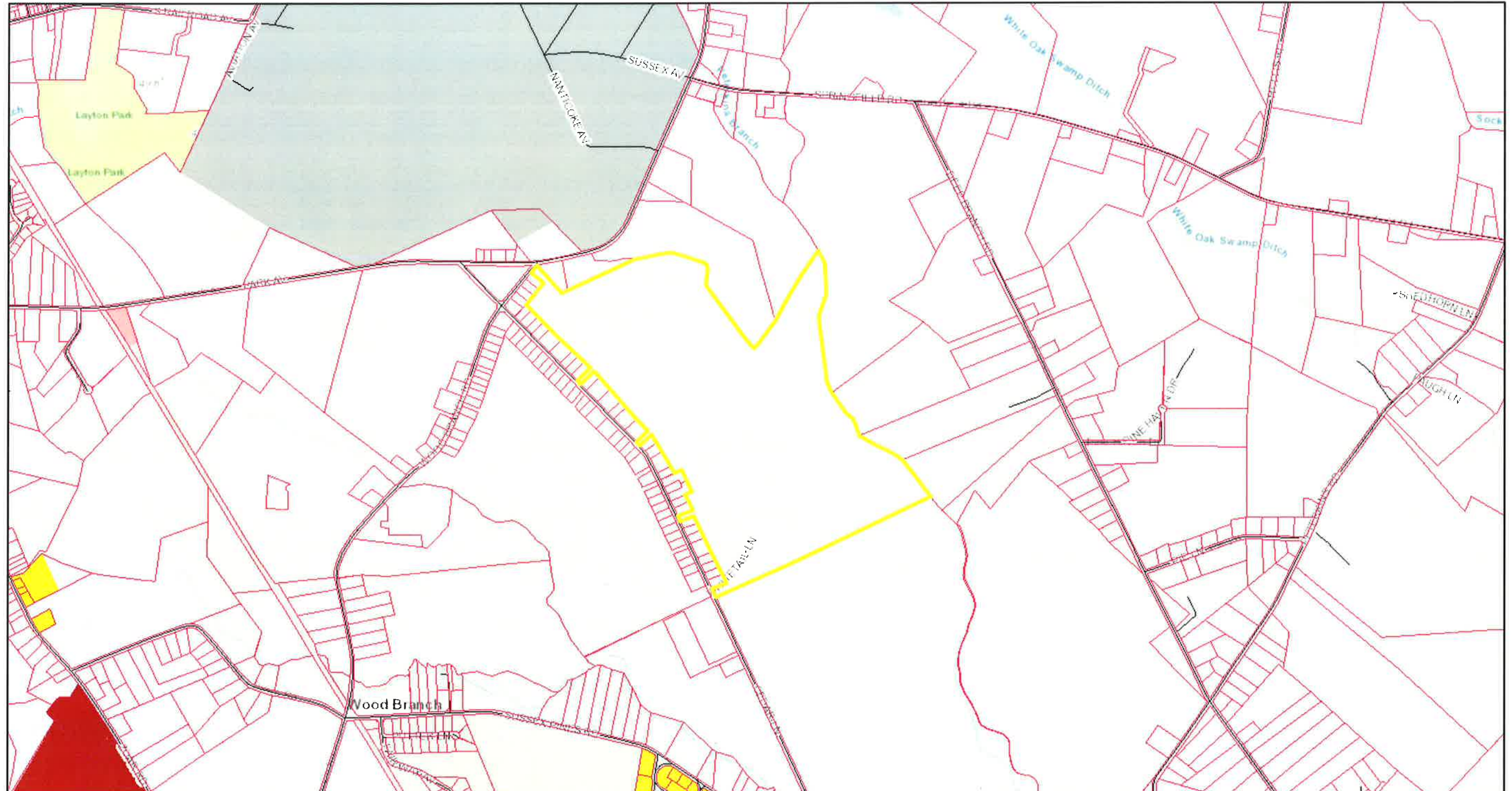
1:18,056



DALPF, Delaware Department of Education, Delaware Geological Survey, DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI,



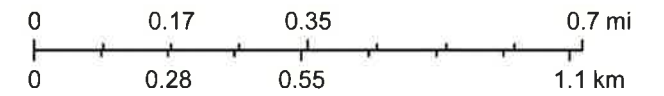
# Sussex County



May 15, 2020



1:18,056



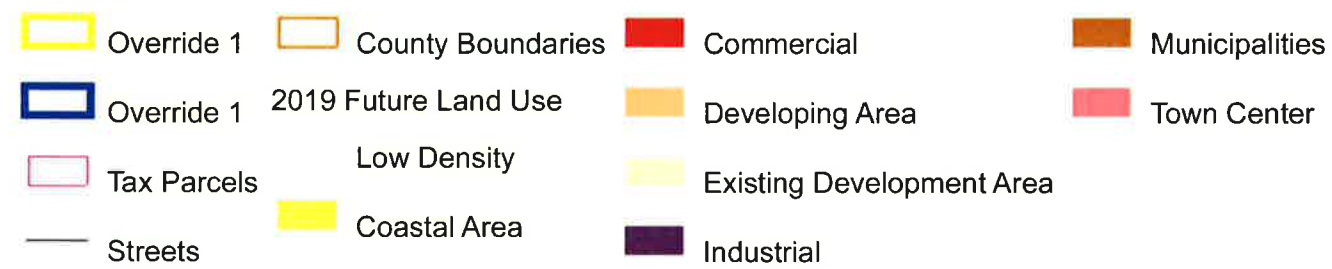
DALPF, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County, Sussex County Government



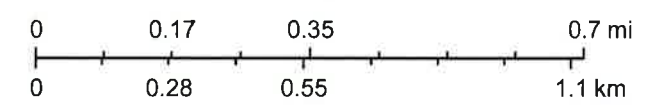
# Sussex County



May 15, 2020



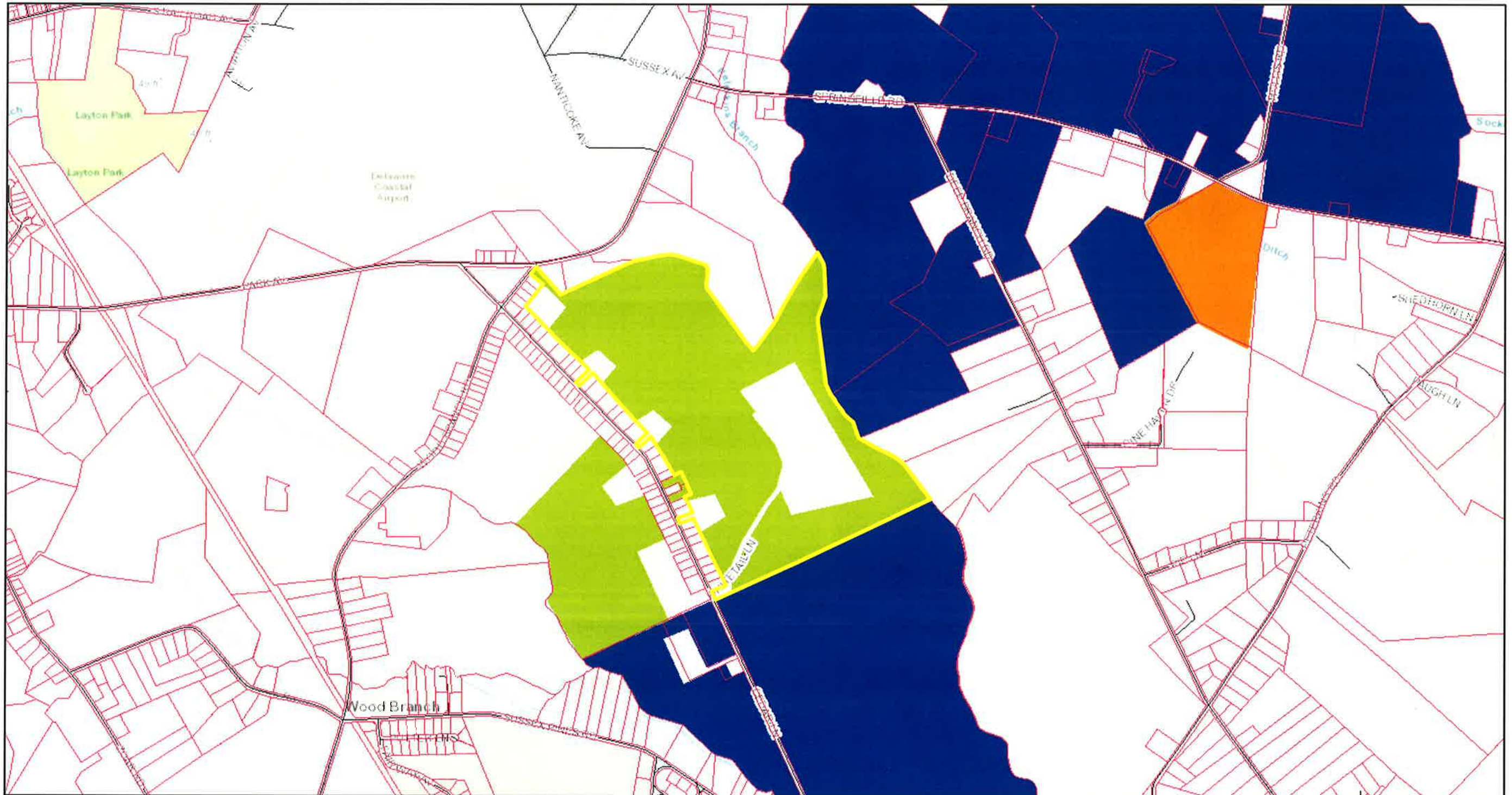
1:18,056



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County, Sussex County Government



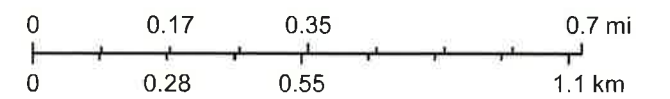
# Sussex County



May 15, 2020

- |             |                           |                                  |
|-------------|---------------------------|----------------------------------|
| Override 1  | County Boundaries         | Agricultural Expansion           |
| Override 1  | Ag Preservation Districts | Forest Land Preservation         |
| Tax Parcels | Agricultural Easement     | Forestland Preservation Area     |
| Streets     | Agricultural District     | Forestland Preservation Easement |

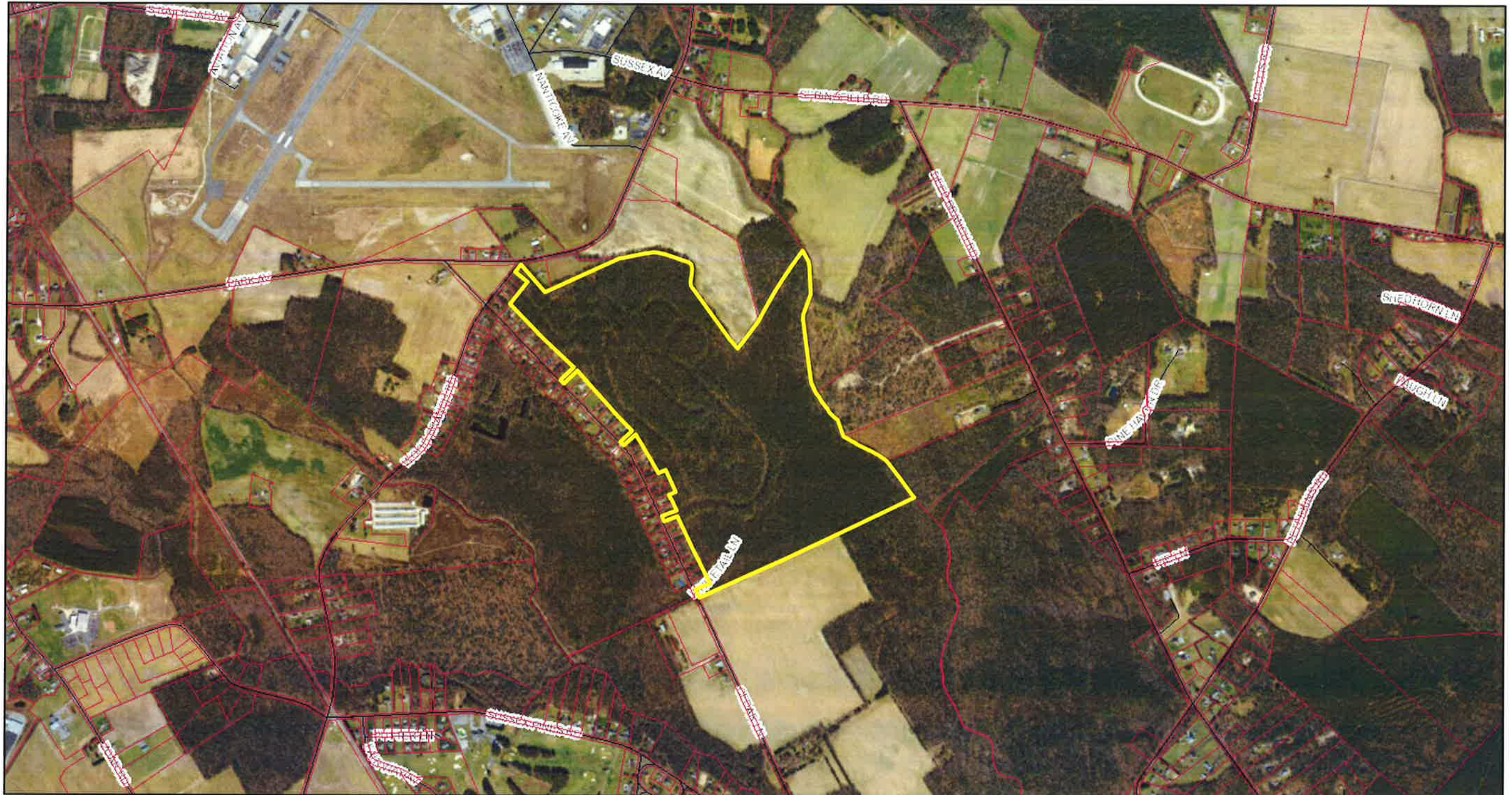
1:18,056



DALPF. Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County, Sussex County Government



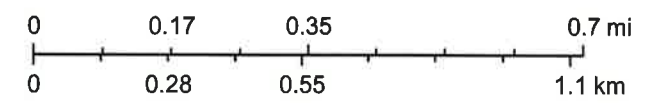
# Sussex County



May 15, 2020

-  Override 1
-  Override 1
-  Tax Parcels
-  Streets
-  County Boundaries

1:18,056



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



TAB “6”

**Delaware 1954 Orthophotography**



Delaware 1954 Orthophotography

0.2mi

Esri, NASA, NGA, USGS, FEMA | Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



N

Springfield Rd

Deep Branch Rd

Sussex Ave

Nanticoke Ave

Park Ave

West Branch Rd

Cedar Ln

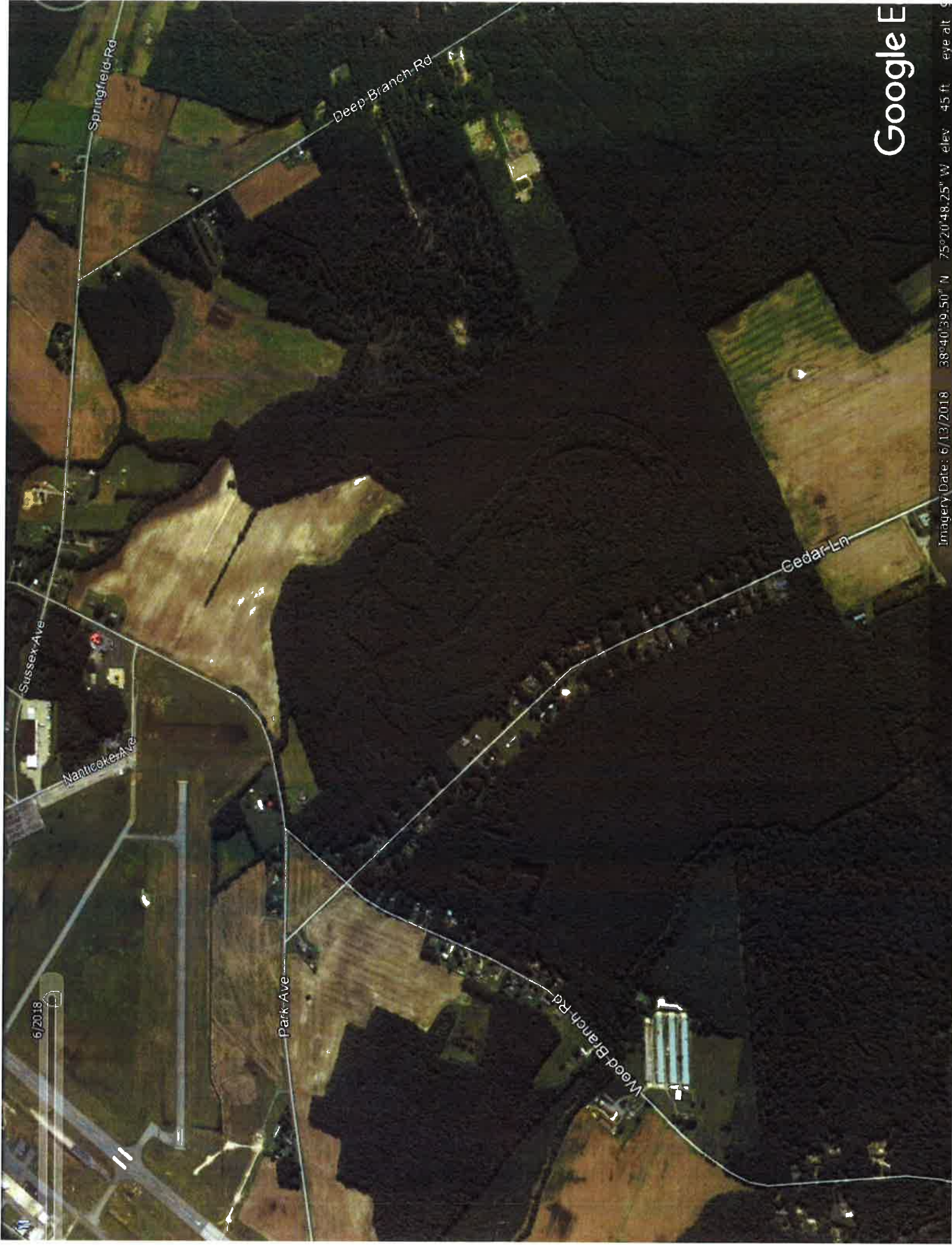
Image U.S. Geological Survey

Google Earth

Imagery Date: 3/23/1992 38°40'39.50" N 75°20'48.25" W elev 45 ft eye alt 9277 ft

1992





6/2018

Springfield Rd

Deep Branch Rd

Sussex Ave

Nanticoke Ave

Park Ave

Cedar Ln

Wood Branch Rd

Google E

Imagery Date: 6/13/2018 38°40'39.50" N 75°20'48.25" W elev 45 ft eye alt 5



TAB “7”

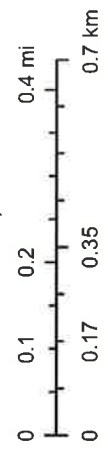
# Delaware State Strategies 2015



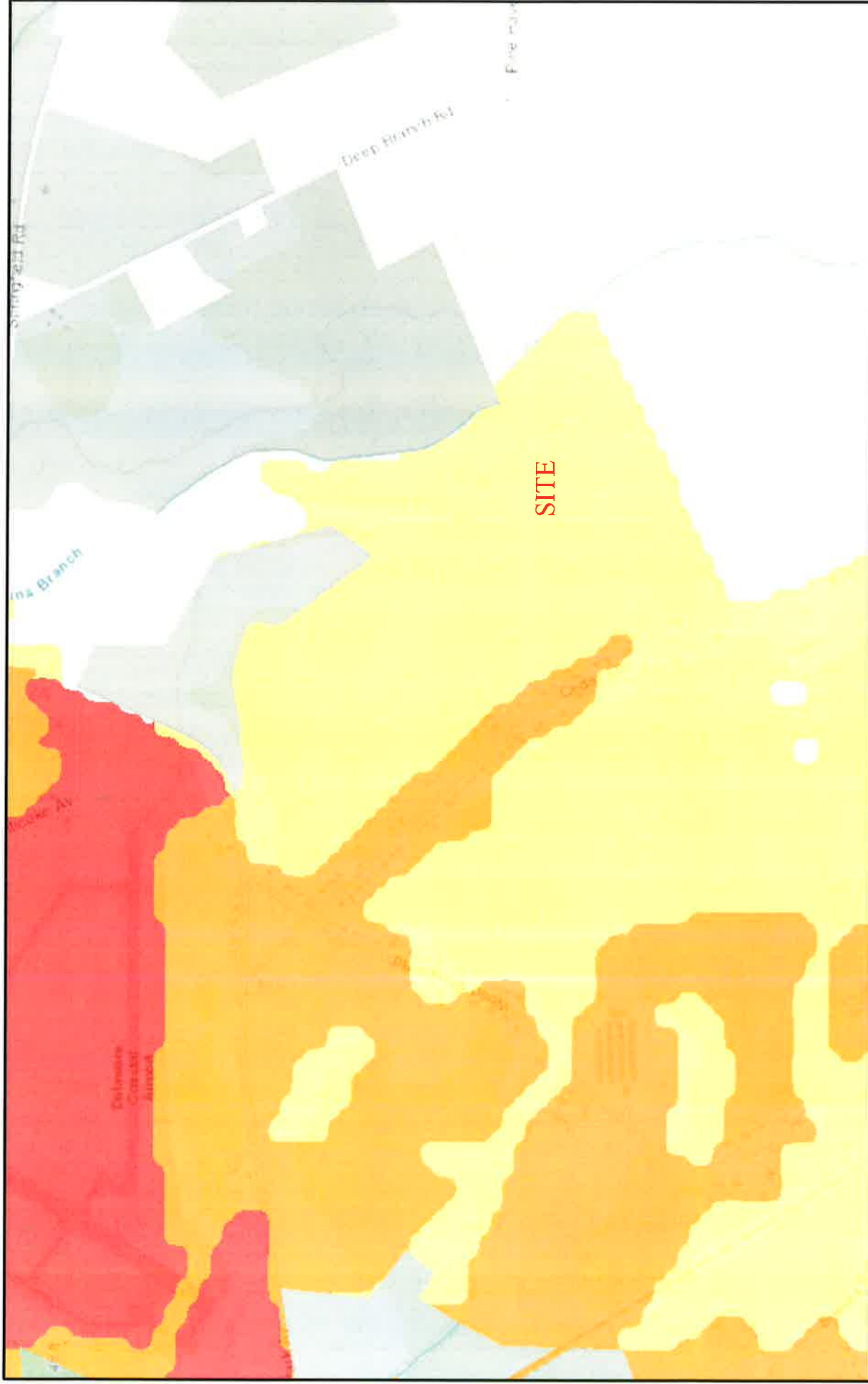
State Strategies 2015

- Level 1
- Level 2
- Level 3
- Level 4
- Out of Play

1:18,056



# Delaware State Strategies 2015



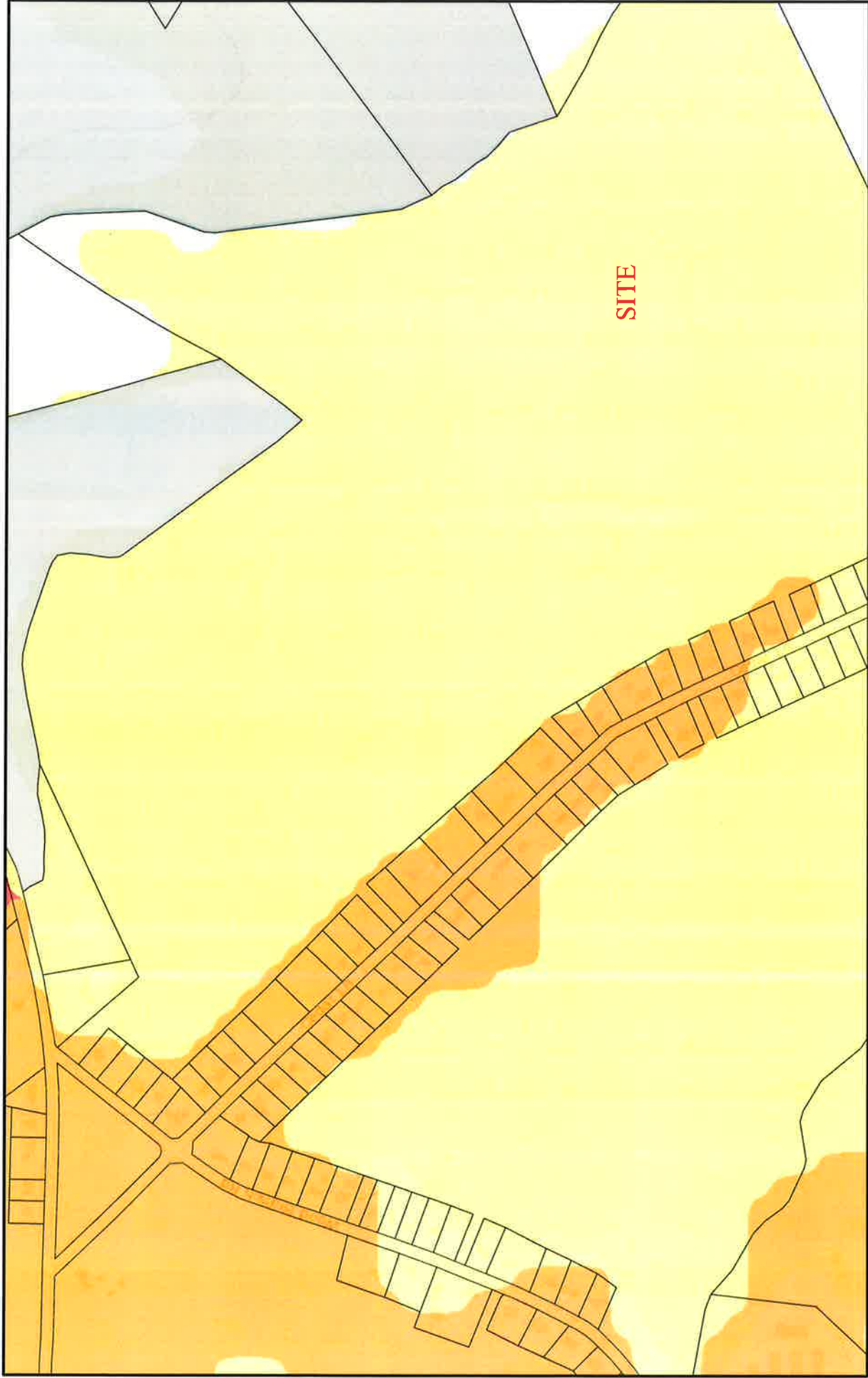
State Strategies 2015

- Level 1
- Level 2
- Level 3
- Level 4
- Out of Play

1:18,056



# Delaware State Strategies 2015



State Strategies 2015

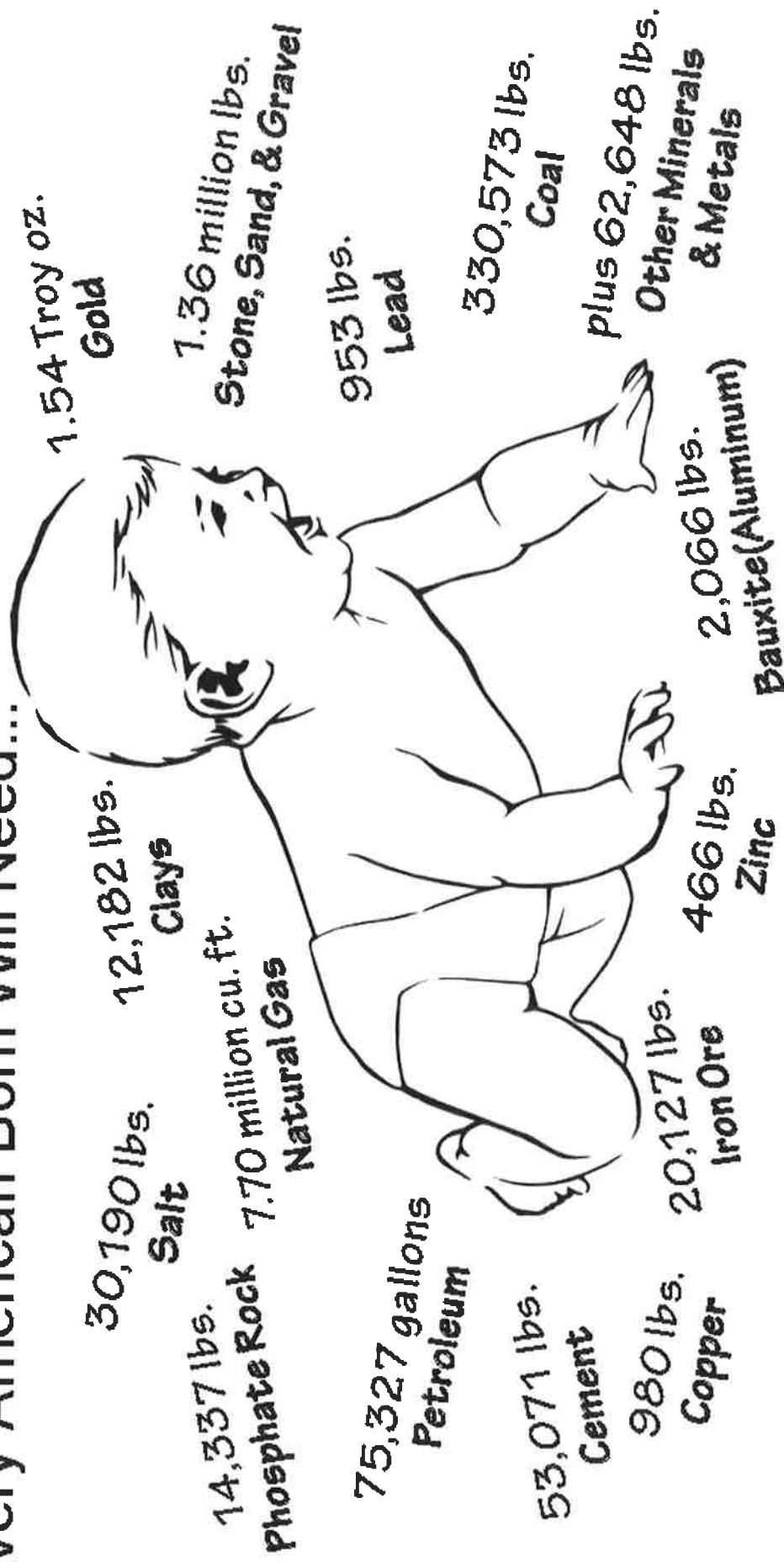
- Level 1
- Level 2
- Level 3
- Level 4
- Out of Play

1:9,028



TAB “8”

# Every American Born Will Need...



3.19 million pounds of minerals, metals, and fuels in their lifetime



# EVERY YEAR

# 40,633 pounds of new minerals must be provided for every person in the United States to make the things we use daily

**9,924 lbs.**

**Stone** used to make roads, buildings, bridges, landscaping, numerous chemical and construction uses

**12 lbs.**

**Copper** used in buildings, electrical & electronic parts, plumbing, transportation

**7,345 lbs.**

**Sand & Gravel** used to make concrete, asphalt, roads, blocks & bricks

**12 lbs.**

**Lead** 75% used for transportation—batteries, electrical, communications

**675 lbs.**

**Cement** used to make roads, sidewalks, bridges, buildings, schools, houses

**6 lbs.**

**Zinc** used to make metals rust resistant, various metals & alloys, paint, rubber, skin creams, health care, and nutrition

**256 lbs.**

**Iron Ore** used to make steel—buildings, cars, trucks, planes, trains, other construction, containers

**34 lbs.**

**Soda Ash** used to make all kinds of glass, in powdered detergents, medicines, as a food additive, photography, water treatment

**384 lbs.**

**Salt** used in various chemicals, highway deicing, food & agriculture

**182 lbs.**

**Phosphate Rock** used to make fertilizers to grow food, animal feed supplements

**6 lbs.**

**Manganese** used to make almost all steel for construction, machinery, transportation

**155 lbs.**

**Clays** used to make floor & wall tile, dinnerware, kitty litter, bricks & cement, paper

**624 lbs.**

**Other Nonmetals** used in glass, chemicals, soaps, paper, computers, cell phones, etc.

**26 lbs.**

**Aluminum (Bauxite)** used to make buildings, beverage containers, autos, airplanes

**23 lbs.**

**Other Metals** used in electronics, TV & video equipment, recreation equipment, etc.

## Including These Energy Fuels

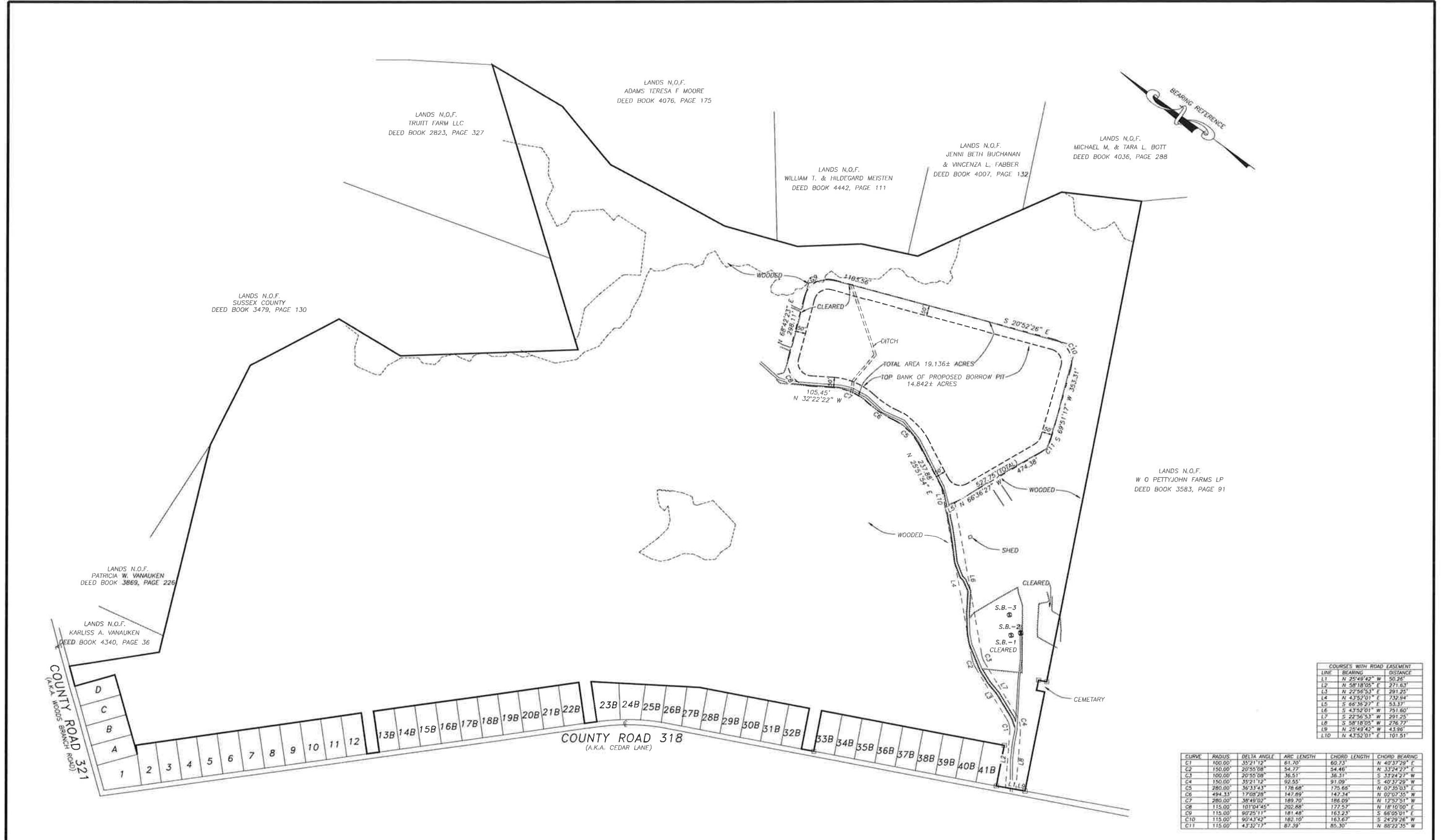
- 958 gallons of Petroleum
- 4,206 lbs. of Coal
- 97,988 cu. ft. of Natural Gas
- 0.13 lb. of Uranium

To generate the energy each person uses in one year—

# MEC

Minerals Education Coalition

TAB “9”



LANDS N.O.F.  
PATRICIA W. VANAUKEN  
DEED BOOK 3869, PAGE 226

LANDS N.O.F.  
KARLISS A. VANAUKEN  
DEED BOOK 4340, PAGE 36

LANDS N.O.F.  
SUSSEX COUNTY  
DEED BOOK 3479, PAGE 130

LANDS N.O.F.  
TRUITT FARM LLC  
DEED BOOK 2823, PAGE 327

LANDS N.O.F.  
ADAMS TERESA F MOORE  
DEED BOOK 4076, PAGE 175

LANDS N.O.F.  
WILLIAM T. & HILDEGARD MEISTEN  
DEED BOOK 4442, PAGE 111

LANDS N.O.F.  
JENNI BETH BUCHANAN  
& VINCENZA L. FABBER  
DEED BOOK 4007, PAGE 132

LANDS N.O.F.  
MICHAEL M. & TARA L. BOTT  
DEED BOOK 4036, PAGE 288

LANDS N.O.F.  
W O PETTYJOHN FARMS LP  
DEED BOOK 3583, PAGE 91

COUNTY ROAD 321  
(A.K.A. WOODS BRANCH ROAD)

COUNTY ROAD 318  
(A.K.A. CEDAR LANE)

COURSES WITH ROAD EASEMENT		
LINE	BEARING	DISTANCE
L1	N 25°49'42" W	50.26'
L2	N 58°18'05" E	271.63'
L3	N 22°56'53" E	291.25'
L4	N 43°52'01" E	732.94'
L5	S 68°36'27" E	53.37'
L6	S 43°52'01" W	751.60'
L7	S 22°56'53" W	291.25'
L8	S 58°18'05" W	276.77'
L9	N 25°49'42" W	43.96'
L10	N 43°52'01" E	101.91'

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	100.00'	35°21'12"	61.70'	60.73'	N 40°37'29" E
C2	150.00'	20°55'08"	54.77'	54.46'	N 33°24'22" E
C3	100.00'	20°55'08"	36.51'	36.31'	S 33°24'22" W
C4	150.00'	35°21'12"	92.55'	91.09'	S 40°37'29" W
C5	280.00'	36°33'43"	178.68'	175.66'	N 07°35'03" E
C6	494.33'	17°08'28"	147.89'	147.34'	N 07°07'55" W
C7	280.00'	36°33'43"	189.29'	186.09'	N 12°52'51" W
C8	115.00'	101°04'45"	202.88'	172.52'	N 18°10'00" E
C9	115.00'	90°25'11"	181.48'	163.23'	S 66°05'01" E
C10	115.00'	90°43'42"	182.10'	163.67'	S 24°29'26" W
C11	115.00'	43°32'17"	87.39'	85.30'	N 85°22'55" W

**NOTES:**

- 1) SOURCE OF TITLE: DEED BOOK 4963, PAGE 196
- 2) THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH

**LEGEND:**

□ FOUND CONCRETE MONUMENT

I, Charles E. Adams, Jr., P.L.S., registered as a Professional Land Surveyor in the State of Delaware, hereby certify that the information shown on this plan has been prepared under the supervision and under the personal direction and control of me, and that I am a duly licensed and qualified professional land surveyor in the State of Delaware.

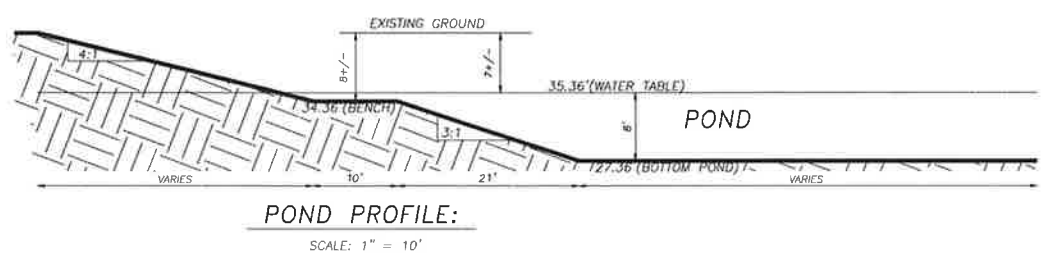
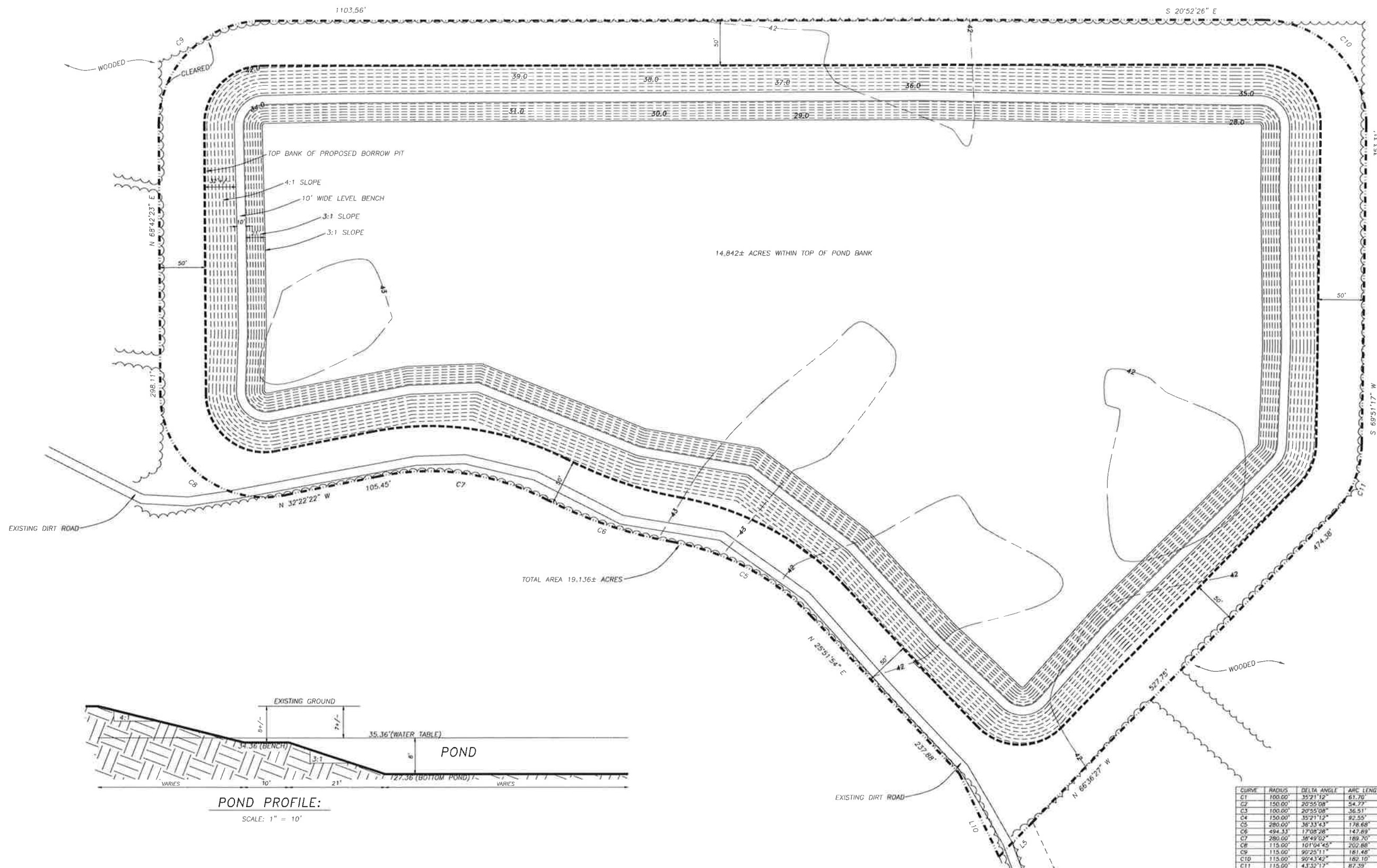
CHARLES E. ADAMS, JR., P.L.S. 506

Prepared By  
**ADAMS-KEMP ASSOCIATES, INC.**  
PROFESSIONAL LAND SURVEYORS  
AND PLANNERS  
217 SOUTH RACE STREET  
GEORGETOWN, DELAWARE 19947  
PHONE: (302) 856-6699  
WWW.ADAMSKEMP.COM

**BORROW PIT SURVEY PLAN**

PREPARED FOR  
**TIMOTHY R. CONAWAY**  
SITUATED IN  
GEORGETOWN HUNDRED, SUSSEX COUNTY, DELAWARE  
AREA: 219.800± ACRES  
SCALE: 1" = 200'  
DATE: AUGUST 28, 2019





LINE	BEARING	DISTANCE
L1	N 25°49'42\"	50.26'
L2	N 58°18'05\"	271.63'
L3	N 27°56'53\"	291.25'
L4	N 43°52'01\"	232.94'
L5	S 62°35'22\"	43.32'
L6	S 43°52'01\"	751.60'
L7	S 22°58'53\"	291.25'
L8	S 58°18'05\"	276.72'
L9	N 25°49'42\"	43.96'
L10	N 43°52'01\"	101.51'

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	100.00'	35°21'12\"	61.70'	60.23'	N 49°37'29\"
C2	150.00'	20°55'08\"	54.77'	54.46'	N 33°24'23\"
C3	100.00'	20°55'08\"	36.51'	36.31'	S 33°24'22\"
C4	150.00'	35°21'12\"	92.55'	91.09'	S 40°37'29\"
C5	280.00'	38°33'43\"	178.68'	175.66'	N 07°35'03\"
C6	434.33'	17°08'26\"	142.89'	142.34'	N 02°07'35\"
C7	280.00'	38°49'02\"	189.70'	186.09'	N 12°52'51\"
C8	115.00'	101°04'45\"	202.88'	177.52'	N 18°10'00\"
C9	115.00'	92°25'11\"	181.48'	163.23'	S 66°05'01\"
C10	115.00'	92°43'42\"	182.70'	163.67'	S 24°29'26\"
C11	115.00'	43°32'12\"	87.59'	85.30'	N 88°22'35\"

**NOTES:**

- SOURCE OF TITLE: DEED BOOK 4963, PAGE 196
- THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH

**LEGEND:**

- FOUND CONCRETE MONUMENT
- 43— EXISTING CONTOUR & ELEVATION
- 28.0— PROPOSED CONTOUR & ELEVATION

I, Charles E. Adams, Jr., P.L.S., 506, registered as a Professional Land Surveyor in the State of Delaware, hereby certify that the information shown on this plan was prepared under my supervision and meets the standards of practice as established by the State of Delaware Board of Professional Land Surveyors. My principal office is located at the address shown hereon and I am duly licensed under the laws of the State of Delaware.

CHARLES E. ADAMS, JR., P.L.S. 506

Prepared By  
**ADAMS-KEMP ASSOCIATES, INC.**  
 PROFESSIONAL LAND SURVEYORS  
 AND PLANNERS  
 217 SOUTH RACE STREET  
 GEORGETOWN, DELAWARE 19947  
 PHONE: (302) 856-6699  
 WWW.ADAMSKEMP.COM

**BORROW PIT SURVEY PLAN**  
 PREPARED FOR  
**TIMOTHY R. CONAWAY**  
 SITUATED IN  
 GEORGETOWN HUNDRED, SUSSEX COUNTY, DELAWARE  
 AREA: 219,800± ACRES  
 SCALE: 1" = 50'  
 DATE: AUGUST 28, 2019

TAB “10”

**WHITETAIL LANE, LLC**

**PROPOSED FINDINGS OF FACTS & CONDITIONS OF APPROVAL  
C.U. No. 2213**

***Findings of Fact***

1. This is an application for a Conditional Use in an AR-1 Agricultural Residential District for excavation of a 15± acre borrow pit, extraction, processing and removal of sand, gravel or stone, said property being located in Georgetown Hundred, Sussex County, Delaware and situated on the east side of Cedar Lane (S.C.R. 318), being a part of Sussex County Tax District 135, Map 20.00, Parcel 137.00.

2. The subject property is owned by the applicant, Whitetail Lane, LLC.

3. The proposed site is a portion of larger tract consisting of approximately 219.8± acres.

4. The proposed site is presently wooded and is an upland portion of the property.

5. The larger 219.8± acres parcel is subject to a forestland preservation easement. The Preservation Easement specifically excludes 31.83± acres from the preservation easement, which is the location of the proposed borrow pit.

6. The conditional use is for excavation of a 15-20± acre borrow pit, extraction, processing and removal of sand, gravel or stone at the “rear” of the property treating Cedar Lane as the “front” of the property.

7. The immediate area surrounding this property is a combination of residential homes, agricultural lands and woodlands. More specifically, the property is bordered on:

- a. the north by one residence and other large parcels used agriculturally with some woodlands;
- b. the east by large (25+ acres) parcels including lands subject to Agricultural Preservation Easements;
- c. the south by woodlands and agricultural lands subject to Agricultural Preservation Easements; and
- d. the west by approximately ½ acres lots used residentially along Cedar Lane.

8. In the 2018 Sussex County Comprehensive Plan update, the area for the proposed rezoning is identified for purposes of future land use as being in a Developing Area, one of the Comprehensive Plan’s Growth Areas. The property likely has this designation due to its close proximity to the Delaware Coastal Airport.

9. The 2015 Delaware Strategies for State Policies and Spending identify the property as Investment Level 3.



10. The proposed conditional use will not increase the congestion of roads or streets as confirmed by DelDOT, which did not require a Traffic Impact Study or Traffic Operations Analysis and determined that the borrow pit's impact would be negligible on the adjacent roads. More specifically, DelDOT reviewed the applicant's planned project and issued a letter stating that the proposed land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day, which is below the warrants when a Traffic Impact Study is required. In addition, DelDOT's review stated that it considered the proposed development's traffic impact to be "negligible" in the context of DelDOT's agreement with Sussex County regarding land development coordination. Further, any site plan will require DelDOT review and approval to provide for safe vehicular and pedestrian movement within the site and entrance approval for access onto Cedar Lane.

11. This conditional use application is for approximately 15-20 acres of the total site acreage of 219.80± acres, and is subject to the provisions of Articles IV through XX, § 115-22 and § 115-172 of the Zoning Code.

12. The purpose of a Conditional Use is to provide for certain uses which cannot otherwise be well adjusted to their environment in particular locations with full protection offered to surrounding properties by rigid application of the district regulations.

13. A borrow pit use is generally of a public or semipublic character and is essential and desirable for the general convenience and welfare but, because of the nature of the use, the importance of its relationship to the Comprehensive Plan and possible impact on neighboring properties, requires the exercise of planning judgment on location and site plan.

14. The granting of this application will provide a borrow pit for the processing and removal of sand, gravel, and stone, to be used in the construction of private and public works projects in the immediate area and throughout Sussex County.

15. The proposed use complies with Sussex County Code ARTICLE XXIV, Section 115-172 B. which contains Sussex County's "Special Requirements" relating to excavation or backfilling of borrow pits, extraction, processing and removal of sand, gravel or stone, stripping of topsoil (but not including stripping of sod) and other major excavations, provided that:

a. *No material may be brought from off the site for processing, mixing or similar purposes.*

The applicant will comply with this requirement and no offsite materials will be brought to the site for processing, etc.

b. *The excavating, extraction or filling operation shall be controlled to offer reasonable protection to surrounding properties and the neighborhood, particularly as regards to odors, dust, air or water pollution and uses of roads or streets providing access to the site.*

The applicant has designed the project so that any entrance, intersection and roadway improvements shall be completed in accordance with all DelDOT requirements.

The proposed access road will be located on Cedar Lane Road at the southern end of the property. The access road is approximately 1,000' from the beginning of the borrow pit and is surrounded by lands in woodland preservation. This natural barrier will help to prevent the pit from becoming an attractive nuisance as it will not be visible from local roads.

- c. *The location of the excavation, extraction or filling with respect to property lines, the depth of excavation or filling and relation to the water table or flood criteria and the slope of the sides of the excavation shall be controlled to prevent a continuing unsightly, hazardous or wasteful condition of the land.*

The proposed pit is not in any flood plain area.

The proposed pit is greater than 50-feet from all property lines.

The proposed pit is surrounded by woodlands subject to a preservation easement.

The proposed pit will have 4:1 side slope down to a 10-foot level bench that will be approximately near or 1-foot below the static water surface.

The water table is approximately 14 feet below the existing grade.

The depth of the proposed borrow pit will not exceed 65-feet.

Only the trees within the area of the proposed pit will be disturbed. All other existing trees will remain as they are subject to a preservation easement.

Wetlands onsite will not be disturbed and will be buffered during pit excavation.

There are no known endangered species located onsite.

- d. *The Borrow Pit shall be surrounded by a landscaped unexcavated buffer strip of open space a minimum distance of 100 feet from any street lines and a minimum distance of 50 feet from all other property lines. The buffer strip shall remain free of any buildings or streets.*

The plans submitted with the application show a minimum 50-foot landscaped buffer around the entire proposed Borrow Pit. The Borrow Pit is greater than 50-feet from property lines. Further, the Borrow Pit is surrounded by lands subject to a preservation easement.

The proposed borrow pit will be located approximately 1,000-feet from Cedar Lane (the nearest public road) which exceeds the 100-foot minimum requirement.

- e. *The Borrow Pit shall be at least 200 feet from any dwelling on property of other ownership.*

All excavation of the proposed pit will occur more than 200' from any adjacent dwellings.

- f. *Prior to issuance of a notice to proceed with development of the Borrow Pit, a site plan shall be submitted to the Commission for review. The site plan shall be prepared in compliance with this subsection, Article XXVIII of this chapter and the following:*

- i. *Site plans shall designate existing site conditions, proposed excavation area and proposed reclamation plans.*

The preliminary site plan submitted shows these features and the applicant intends to comply with this requirement during the approval process.

- ii. *Approvals shall be required to be submitted from the appropriate governmental agency for ingress/egress and erosion/sediment control.*

Any entrance, intersection and roadway improvements shall be completed by the applicant in accordance with all DelDOT requirements.

The stormwater management control system shall meet or exceed the requirements of Sussex Conservation District and DNREC through a combination of Best Management Practices (BMP) and Best Available Technologies (BAT).

16. Potable drinking water will be provided for on-site.

17. Sanitary Sewer will be provided through the use of a Delaware State Licensed Port-O-Potty company. No onsite wastewater disposal system will be needed for the proposed pit.

18. The applicant intends to construct a residence on the property in the future. Once the residence is constructed, sanitary sewer may be provided through the system installed for the residence.

19. The proposed conditional use meets the general purpose of the Zoning Ordinance and the Comprehensive Plan as it is being located in an appropriate location providing sufficient area for a use of this nature which in other locations may not be able to be as well adjusted to its environment.

20. Through the placement of appropriate conditions of approval, the impact of the borrow pit on neighboring properties will be significantly reduced.

21. The proposed project meets the purpose of the Zoning Ordinance in that it promotes the orderly growth, convenience, order, prosperity and welfare of the County.

22. The conditional use requested will promote the health and safety of the inhabitants of Sussex County and is essential and desirable for the general convenience, orderly growth, prosperity and welfare of the County, particularly for any projects that have been or may be approved for development.

**Conditional Use 2213 - Conditions of Approval**

Approval is subject to the following conditions:

A. No material may be brought from off the site for processing, mixing or similar purposes.

B. The excavated area shall not exceed 15 acres.

C. The entrance to the pit shall be a gravel or paved road from S.C.R. 318 (Cedar Lane). Until a residence is built on the site, the entrance shall be fenced or gated to prevent access. Until a residence is built on the site, the entrance shall be secured when the pit is not in operation.

D. Any roadway and entrance improvements required by DelDOT shall be completed by the Applicant as required and in accordance with all DelDOT requirements.

E. The Applicant shall comply with all State and County erosion and sediment control regulations. The project will meet or exceed stormwater management system regulations set forth by the Sussex Conservation District and DNREC through a combination of Best Management Practices (BMP) and Best Available Technologies (BAT). The final site plan shall contain the approval of Sussex County Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.

F. The hours of operation shall be between 6 a.m. and 6 p.m. Monday thru Friday and between 6 a.m. and 2 p.m. on Saturdays. No Sunday hours shall be permitted.

G. No materials will be stored on any access roads or within any buffers.

H. The proposed pit will have a 4:1 side slope down to a 10 foot level bench that will be approximately near or 1 foot below the static water surface. Below the water level the borrow pit shall have 3:1 slopes. The depth of the proposed borrow pit will not exceed 65 feet.

I. A final site plan, including all pit slopes, excavation phasing, and reclamation plans shall be reviewed and approved by the Planning and Zoning Commission prior to the commencement of operations. Reclamation plans shall indicate finished grading, seeding and

planting schedules designed to create a pleasing appearance and protect existing and future developments.

J. Permanent concrete markers and signs shall be placed at appropriate locations to designate the boundaries of the subject property and pit areas. The boundary markers shall be raised and marked so that they are clearly visible to anyone nearing the site.

K. The borrow pit shall be surrounded by a buffer strip a minimum distance of 100 feet from any street lines, 200 feet from any dwelling of other ownership, and 50 feet from all other property lines of other ownership. The buffer area shall be a vegetated buffer of existing vegetation or native species vegetation.

L. No wetlands shall be disturbed.

M. This approval shall terminate upon the expiration of fifty (50) years from the date of enactment.

N. Any safety lights shall be screened downward, so they do not shine on neighboring properties or roadways.

O. The final site plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.