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Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

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



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

PLANNING & ZONING COMMISSION

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



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PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: May 26th, 2022

Application: CU 2293 Ronald & Candice Gray

Applicant: Ronald & Candice Gray
37176 Sunset Cove
Selbyville, DE 19975

Owner: Ronald & Candice Gray
37176 Sunset Cove
Selbyville, DE 19975

Site Location: Lying on the west side of Roxana Road (Route 17), approximately 0.45-miles south of the intersection of Peppers Corner Road (S.C.R. 365), Powell Farm Road (S.C.R. 365) and Roxana Road.

Current Zoning: Agricultural Residential (AR-1) District

Proposed Zoning: Agricultural Residential (AR-1) District

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: Mr. Rieley

School District: Indian River School District

Fire District: Roxana Fire Department

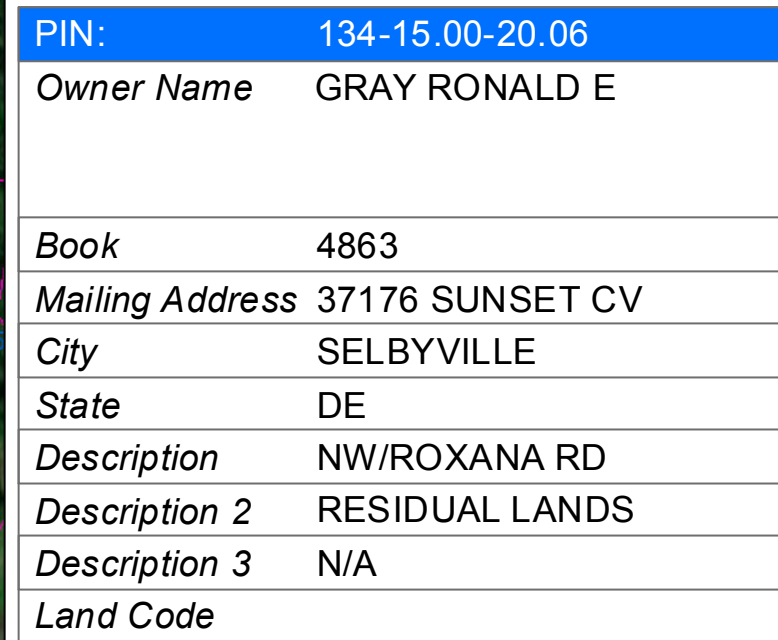
Sewer: Septic

Water: Well

Site Area: 8.424 acres +/-

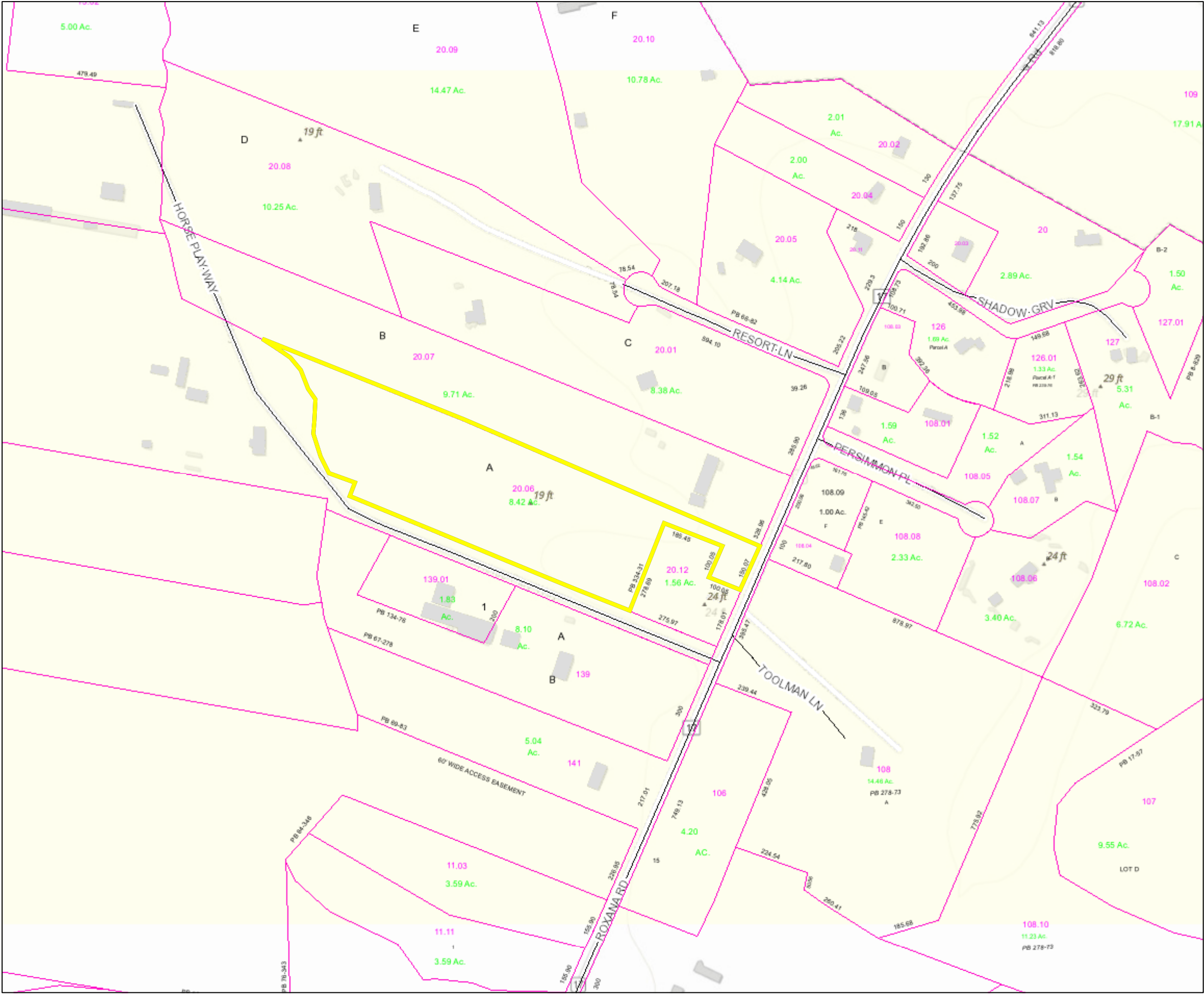
Tax Map ID.: 134-15.00-20.06



 County Boundaries



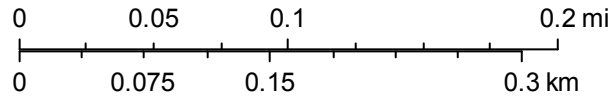
Sussex County



PIN:	134-15.00-20.06
Owner Name	GRAY RONALD E
Book	4863
Mailing Address	37176 SUNSET CV
City	SELBYVILLE
State	DE
Description	NW/ROXANA RD
Description 2	RESIDUAL LANDS
Description 3	N/A
Land Code	

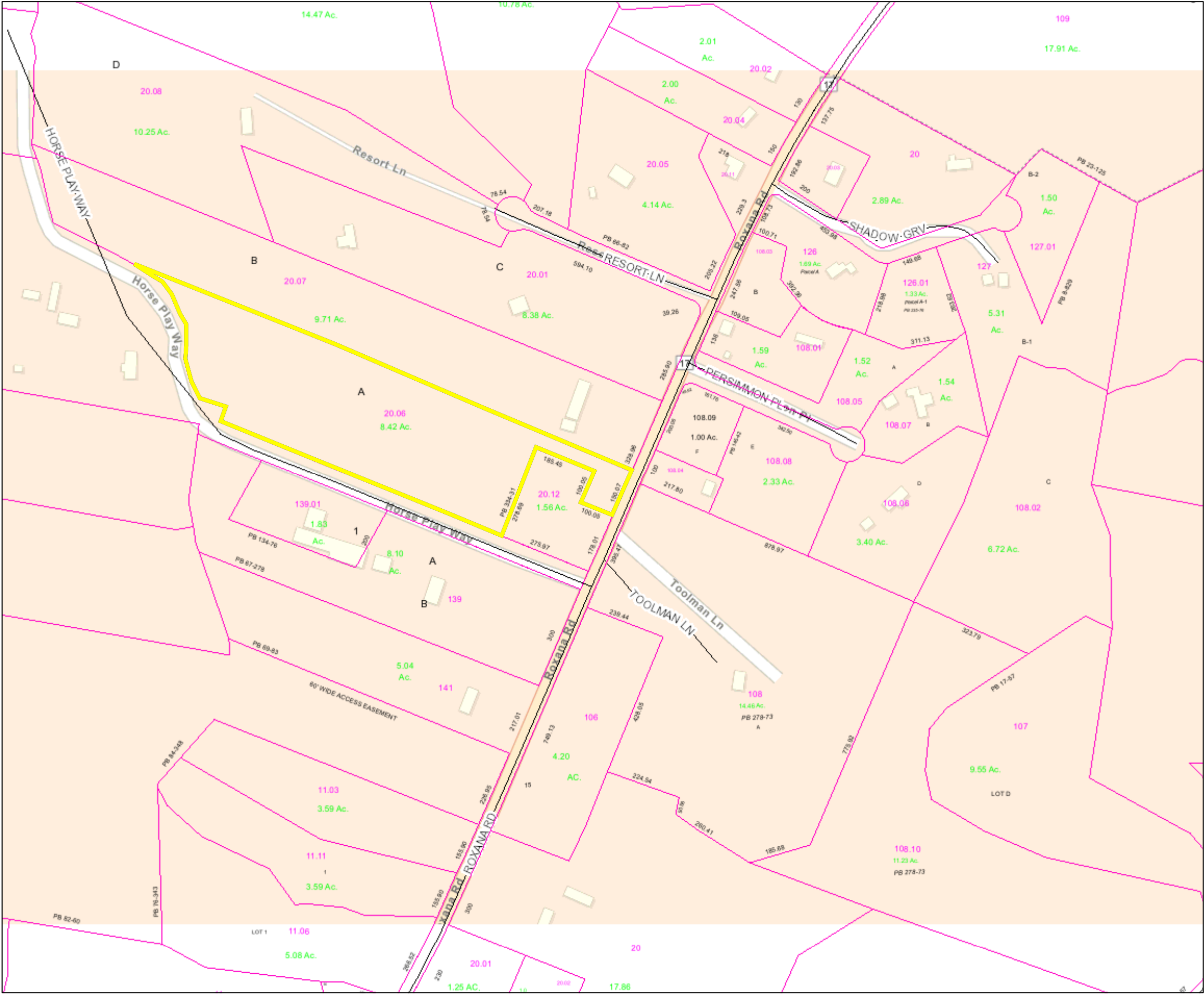
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Override 1
polygonLayer
Override 1
Tax Parcels
Streets

1:4,514





Sussex County



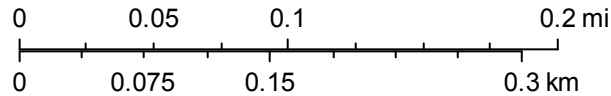
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- polygonLayer

Override 1
- polygonLayer

Override 1
- Tax Parcels
- Streets
- County Boundaries

1:4,514



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Memorandum

To: Sussex County Planning Commission Members
From: Elliott Young, Planner I
CC: Vince Robertson, Assistant County Attorney, and applicant
Date: May 18, 2022
RE: Staff Analysis for CU 2293 Ronald and Candice Gray

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2293 Ronald and Candice Gray to be reviewed during the May 26, 2022, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel 134-15.00-20.06 to allow for 703 storage units as well as outdoor storage for boats and RV's. The property is lying on the east side of Roxana Road (Rt. 17) approximately 0.45-miles south of the intersection of Peppers Corner Road (S.C.R. 365), Powell Farm Road (S.C.R. 365) and Roxana Road. The parcel contains 8.42 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 subject property has a land use designation of "Coastal Area." The properties to the north, south, east, and west also have the land use designation of Coastal Area.

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

The property is zoned Agricultural Residential (AR-1) Zoning District. Adjacent parcels to the north, south, east are zoned Agricultural Residential (AR-1) Zoning District. The properties to the west are also zoned Agricultural Residential (AR-1) Zoning District.

Since 1970, there has been five (5) Conditional Use applications within a 1-mile radius of the application site. CU 163 was approved 11/6/73 by County Council for the use of a fishpond. CU 1355 was approved through ordinance 1399 by County Council on 9/26/2000 for the use of a cabinet shop and storage. CU 1432 was approved through ordinance 1519 by County Council on 1/29/2002 for the use of a landscaping business/equipment storage. CU 1735 was approved through ordinance 1981 by the County Council for use of an Airport/Helipad. CU 2301 is still undecided and has a hearing with the County Council on 8/9/2022.



Based on the analysis of the land use, surrounding zoning and uses, a storage facility with outdoor storage could be considered as being consistent with the land use, based on size and scale, with area zoning and surrounding uses.

File #: CU 2292
202109538

Planning & Zoning Commission Application Sussex County, Delaware

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

Type of Application: (please check applicable)

Conditional Use ☒

Zoning Map Amendment ☐

Site Address of Conditional Use/Zoning Map Amendment

Horseplay Way and Roxanna Road, Frankford, DE 19945

Type of Conditional Use Requested:

Operate 94,800 square feet of enclosed storage space located in 40 buildings containing 703 storage units therein and outdoor storage for boats, boat trailers and RV's during the build-out and continuing after the build-out in limited areas not interfering with access to the built storage units.

Tax Map #: 1-34-15.00-20.06

Size of Parcel(s): 8.424 acres

Current Zoning: AR-1

Proposed Zoning: _____

Size of Building: 40 Bldgs. w/703 storage units

Land Use Classification: AG1-Residential/Residential

Water Provider: N/A-existing on-site well

Sewer Provider: NA - existing on-site septic system

Applicant Information

Applicant Name: Ronald E. & M. Candice Gray

Applicant Address: c/o John A. Sergovic, Jr., Esq, Sergovic Carmean Weidman McCartney & Owens

City: Georgetown

State: DE

Zip Code: 19947

Phone #: (302) 855-1260

E-mail: john@sussexattorney.com

Owner Information

Owner Name: Ronald E. & M. Candice Gray

Owner Address: 37176 Sunset Cove

City: Selbyville

State: DE

Zip Code: 19975

Phone #: (302) 855-1260

E-mail: john@sussexattorney.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: John A. Sergovic, Jr., Esquire

Agent/Attorney/Engineer Address: Sergovic Carmean Weidman McCartney & Owens, 25 Chestnut Street

City: Georgetown

State: DE

Zip Code: 19947

Phone #: 302-855-1260

E-mail: john@sussexattorney.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

___ Completed Application

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

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

___ Provide Fee \$500.00

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

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

___ DeIDOT Service Level Evaluation Request Response

___ PLUS Response Letter (if required)

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

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

Signature of Applicant/Agent/Attorney

Sign Here

Date: 6/1/21

Signature of Owner

Sign Here

Date: 5/26/2021

For office use only:

Date Submitted: 6/23/21

Fee: \$500.00 Check #: 4438

Staff accepting application: CES

Application & Case #: _____

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **4/28/2022**

APPLICATION: **CU 2293 Ronald & Candice Gray**

APPLICANT: **Ronald & Candice Gray**

FILE NO: **ROX-1.01**

TAX MAP &
PARCEL(S): **134-15.00-20.06**

LOCATION: **Lying on the west side of Roxana Road (Route 17),
approximately 0.45 miles south of the intersection of Peppers
Corner Road (SCR 365), Powell Farm Road (SCR 365) and
Roxana Road**

NO. OF UNITS: **703 storage units and outdoor storage for boats and RV's.**

GROSS
ACREAGE: **8.424**

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

SEWER:

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

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**
- ☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The proposed Conditional Use is not in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service.**
- (9). Is a Sewer System Concept Evaluation required? **Not at this time**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



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

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



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

September 22, 2021

Timothy M. Metzner
Davis, Bowen & Friedel, Inc.
1 Park Ave.
Milford, DE 19963

RE: PLUS review 2021-08-10; Roxana Road Storage

Dear Mr. Metzner:

Thank you for meeting with State agency planners on August 25, 2021 to discuss the proposed plans for the Roxana Road Storage project. According to the information received you are seeking review of a proposed site plan for a 94,800 square foot storage area on 8.42 acres along Roxana Road in Sussex County.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. **The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

Strategies for State Policies and Spending

This project is located in Investment Levels 2 and 3 according to the Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer-term future, or areas that may have environmental or other constraints to development. State investments may support future growth in these areas but may have other priorities for the near future.

The Office of State Planning has no objections to the development of this property provided it meets the codes and criteria of Sussex County, but we do encourage you to work with State agencies to address any concerns noted in this letter.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on Roxana Road (Delaware Route 17) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.
- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 275 vehicle trip ends per day. Using the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual, Land Use Code 151, and square feet of gross floor area as a variable, DelDOT calculates 143 vehicle trip ends per day for this number and estimates the weekday morning and evening peak hour trip ends at 9 and 16, respectively. Therefore, a TIS is not warranted.

The purpose of a TIS, per DelDOT regulations, is to determine the offsite improvements for which the developer should be responsible to build or contribute toward. DelDOT anticipates requiring the developer to improve Roxana Road within the limits of their frontage, to meet DelDOT's standards associated with its Functional Classification. Roxana Road is a Major Collector Road. The standards for such roads include 12-foot lanes and 8-foot shoulders.

Frontage, as defined in Section 1.8 of the Manual, includes the length of roadway perpendicular to lines created by the projection of the outside parcel corners to the roadway. Thus, the projected frontage would be about 300 feet.

Questions regarding the requirement to improve the site frontage should be directed to the Sussex County Review Coordinator, Mr. Steve McCabe. Mr. McCabe may be reached at Richard.McCabe@delaware.gov or (302) 760-2276.

Further regarding the trip generation calculation, Land Use Code 151 assumes a small office area associated with the storage use. From DelDOT's perspective, if the rezoning

contemplated for Tax Parcel No. 134-15.00-20.12 is not approved, the subject storage use could proceed as per the plan provided with the conversion of part of one of the proposed buildings to an accessory office use.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Route 17. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. The following right-of-way dedication note is required, **"An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."** However, it appears that the existing right-of-way may meet this requirement.
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, **"A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat."**
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
 - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
 - Depiction of all existing entrances within 600 feet of the entrance on Route 17.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 3 and 4 Investment Areas DelDOT has discretion to not require installation of paths or sidewalks along the frontage on State-maintained roads. DelDOT does not anticipate requiring the developer to build a sidewalk or SUP along their frontage on Route 17.
- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Route 17.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.

- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480
Concerns Identified Within the Development Footprint

Stormwater Management

This application proposes greater than 5000 square feet of land disturbing activities, therefore, this project will be subject to Delaware's *Sediment and Stormwater Regulations*.

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. For this project, the plan review agency is the Sussex Conservation District.
- Additionally, to address federal requirements, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.delaware.gov/enoi/>, select Construction Stormwater General Permit) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.
- Schedule a project application meeting with the appropriate plan review agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.

Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219. Website: <https://www.sussexconservation.org/>

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.
E-mail: DNREC.Stormwater@delaware.gov.
Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

Hydrologic Soils Group

Hydrologic Soil Group A/D (poorly drained and very poorly drained) soils have been identified over most of the site. These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.

- Any stormwater Best Management Practices that propose the use of infiltration or natural recharge shall include a soils investigation.

Contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

E-mail: DNREC.Stormwater@delaware.gov.

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

Tax Ditches

The Main Prong of the Beaver Dam Canal Tax Ditch lies on the western edge of the site within the Beaver Dam Canal Tax Ditch Watershed. Tax ditches are man-made channels created to move normal water flow off agricultural lands. These channels have associated tax ditch Rights-of-Way (ROW) that are utilized for access as well as sediment and debris disposal during maintenance. Tax Ditch ROWs vary by channel size and location. The Main Prong of the Beaver Dam Canal Tax Ditch has an 80-foot to Top of Bank (TOB) ROW extending into the project boundary.

- If the site and/or stormwater management features are designed to discharge into the Main Prong of the Beaver Dam Canal Tax Ditch, located on the western edge of the project parcel, design must consider existing conditions versus design specifications. Please consult with the DNREC Drainage Program for As-Built design information if necessary.
- Proposed structures or construction lies within the existing Tax Ditch ROW. To reduce or change existing Tax Ditch ROWs, a Court Order Change must be submitted by the DNREC Drainage Program. The associated Land Development Project Review Request form is attached, as well as the aerial drainage map.
- Contact the DNREC Drainage Program to discuss the on-site tax ditch ROW prior to the project application meeting with the appropriate plan review agency for construction stormwater management.
- Permanent obstructions including, but not limited to, stormwater management facilities, buildings, sheds, streets, wells, and septic systems are not allowed within the tax ditch ROW.
- Existing tax ditches on the property must be surveyed and compared to tax ditch design specifications for effective function. The channel should be cleared or excavated prior to the construction of the project if needed.
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream or create any off-site drainage problems downstream due to increases in stormwater.

Contact: DNREC Drainage Program at (302) 855-1930.

Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

Tax Ditch Mapper: de.gov/taxditchmap

Wastewater Disposal Systems – Small Systems

An expired elevated sand mound septic permit (permit #163810) exists for this site in the Small System Branch database.

- Contact the DNREC Groundwater Discharges Section to properly abandon these systems.
- The applicant must follow current regulations to apply for a small system permit. The On-Site Regulation are listed within Section 5 of the *Regulations Governing the Design, Installation and Operation of the On-site Wastewater Treatment and Disposal Systems* at: <http://www.dnrec.delaware.gov/wr/Information/GWDInfo/Documents/delaware-on-site-regulations-with-exhibits.pdf>
- A Site Evaluation must be performed by a Delaware licensed Class D Soil Scientist to determine the type of disposal system allowed under current regulations and site conditions. A list of licensed Class D soil scientists can be found at the following website: <https://data.delaware.gov/Energy-and-Environment/Class-D-Site-Evaluator-Licensees-Based-on-Licensed/6vjq-34rp>

Contact: DNREC Groundwater Discharges Section for proposed projects in Sussex County at (302) 856-4561.

Website: <https://dnrec.alpha.delaware.gov/water/groundwater/septic-systems/>

Water Quality (Pollution Control Strategies)

This site lies within the Inland Bays Watershed. Surface water quality in this watershed does not meet State Water Quality Standards and a Pollution Control Strategy is in place for this watershed.

- Consult with the appropriate plan review agency (Sussex Conservation District) to determine if stricter stormwater management standards may apply for development projects due to the Pollution Control Strategy. More information about Pollution Control Strategies can be found at the following website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/assessment/tributary-action-teams/>

Contact: DNREC Division of Watershed Stewardship's Watershed Assessment Section at (302) 739-9939. <https://dnrec.alpha.delaware.gov/watershed-stewardship/>

State Historic Preservation Office – Contact Carlton Hall 736-7400

- There are no known Archaeological Sites or known National Register listed or eligible properties on the parcel.
- There is low potential for prehistoric archaeological resources. There are no known archaeological sites on this parcel, nor are there any within a half-mile radius. This parcel is not near any water source and soils are poorly drained.
- There is low potential for historic archaeological resources. There are no properties shown on this parcel in historic topographic and aerial maps. The parcel has remained consistently agricultural field. Historic field scatter is possible.
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

Delaware State Fire Marshall's Office – Contact John Rudd 323-5365

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation:

Fire Protection Water Requirements:

- Since the structures of the complex are proposed to be served by individual on-site wells (No Central or Public Water System within 1000' of property), set back and separation requirements will apply.

Fire Protection Features:

- For mini-storage buildings greater than 10,000 sq. ft. Class B (2-hour rated) fire barriers are required to subdivide buildings into areas of 10,000 sq. ft. or less
- Buildings greater than 10,000 sq. ft, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements

Accessibility:

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Roxana Road must be constructed so fire department apparatus may negotiate it.

- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

Required Notes:

- Provide a note on the final plans submitted for review to read "All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations"
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Provide Road Names, even for County Roads

Department of Agriculture – Contact: Milton Melendez 698-4534

- The proposed project is adjacent to a property protected through the State's Agricultural Lands Preservation Program (Hudson's Heritage Expansion of the Hickman Farm's District S-17-03-085B Parcel 134-15.00-15). Therefore, the activities conducted on this preserved property are protected by the agricultural use protections outlined in Title 3, Del. C., Chapter 9. These protections effect adjoining developing properties. The 300 foot notification requirement affects all new deeds in a subdivision located in whole or part within 300 feet of an Agricultural District/Easement. Please take note of these restrictions as follows:

§ 910. Agricultural use protections.

(a) Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Preservation Districts. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations, land use adjacent to Agricultural Preservation Districts shall be subject to the following restrictions:

(1) For any new subdivision development located in whole or in part within 300 feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:

This property is located in the vicinity of an established Agricultural Preservation District in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities."

(2) For any new subdivision development located in whole or in part within 50 feet of the boundary of an Agricultural Preservation District, no improvement requiring an occupancy approval shall be constructed within 50 feet of the boundary of the Agricultural Preservation District.

(b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such claims under any existing or future county or municipal code or ordinance. In the event a formal complaint alleging nuisance related to normal agricultural uses and activities is filed against an owner of lands located in an Agricultural Preservation District, such owner, upon prevailing in any such action, shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees (68 Del. Laws, c. 118, § 2.).

- In addition, if any wells are to be installed, Section 4.01(A)(2) of the Delaware Regulations Governing the Construction and Use of Wells will apply. This regulation states:

(2) For any parcel, lot, or subdivision created or recorded within fifty (50) feet of, or within the boundaries of, an Agricultural Lands Preservation District (as defined in Title 3, Del. C., Chapter 9); all wells constructed on such parcels shall be located a minimum of fifty (50) feet from any boundary of the Agricultural Lands Preservation District. This requirement does not apply to parcels recorded prior to the implementation date of these Regulations. However, it is recommended that all wells be placed the maximum distance possible from lands which are or have been used for the production of crops which have been subjected to the application of land applied federally regulated chemicals.

Recommendations/Additional Information

This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how the suggestions can benefit the project.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Route 17.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 16, 2021. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>

Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480 **Stormwater Management**

- Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.
- For improved stormwater management, preserve existing trees, wetlands, and passive open space.

Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219. Website: <https://www.sussexconservation.org/>

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.
E-mail: DNREC.Stormwater@delaware.gov.
Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

Tax Ditches

- All existing ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.
- Environmental permits or exemptions may be required by the County Conservation District (Standard Plan), the DNREC Sediment and Stormwater Program (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.

Contact: DNREC Drainage Program at (302) 855-1930.

Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

Tax Ditch Mapper: de.gov/taxditchmap

Additional Sustainable Practices

- Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.
- Consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities (<https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/>).
- Incorporate trees into the landscaping plan to reduce the heat island effects from pavement.
- Use efficient Energy Star rated products and materials in construction and redevelopment. Energy efficient appliances use less energy over time. This saves consumers and businesses money, while also helping to reduce pollution from power generation.
- Use structural paint coatings that are low in Volatile Organic Compounds to help protect air quality. Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers.
- Use recycled materials, such as reclaimed asphalt pavement, to reduce heat island effects on paved surfaces, prevent landfill waste, and lower material costs.

Delaware State Fire Marshall's Office – Contact John Rudd 323-5365

- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov, Plan Review & Inspections link.

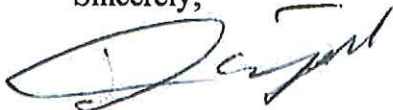
Department of Agriculture – Contact: Milton Melendez 698-4534

- The Department of Agriculture strongly encourages the developer to work with the Department's Forestry Section during the design and implementation of the project to plant an effective forested buffer between the proposed residential development and existing preserved properties. It is important that suitable tree species be selected and planted to create an effective mitigation barrier between this new development and the existing agricultural operation enrolled in the Agricultural Lands Preservation Program. This farm generates dust, noise and odors that new residents may not be familiar with.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,



David Edgell, AICP
Director, Office of State Planning Coordination

CC: Sussex County Planning Department

Attachments

DATA COLUMN

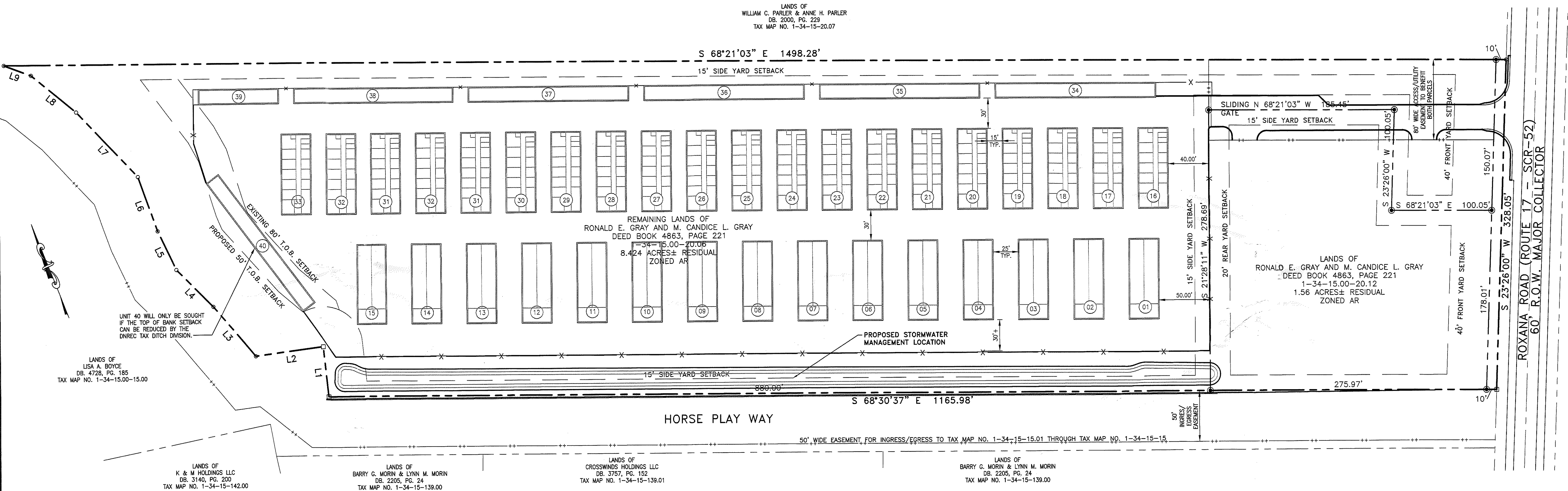
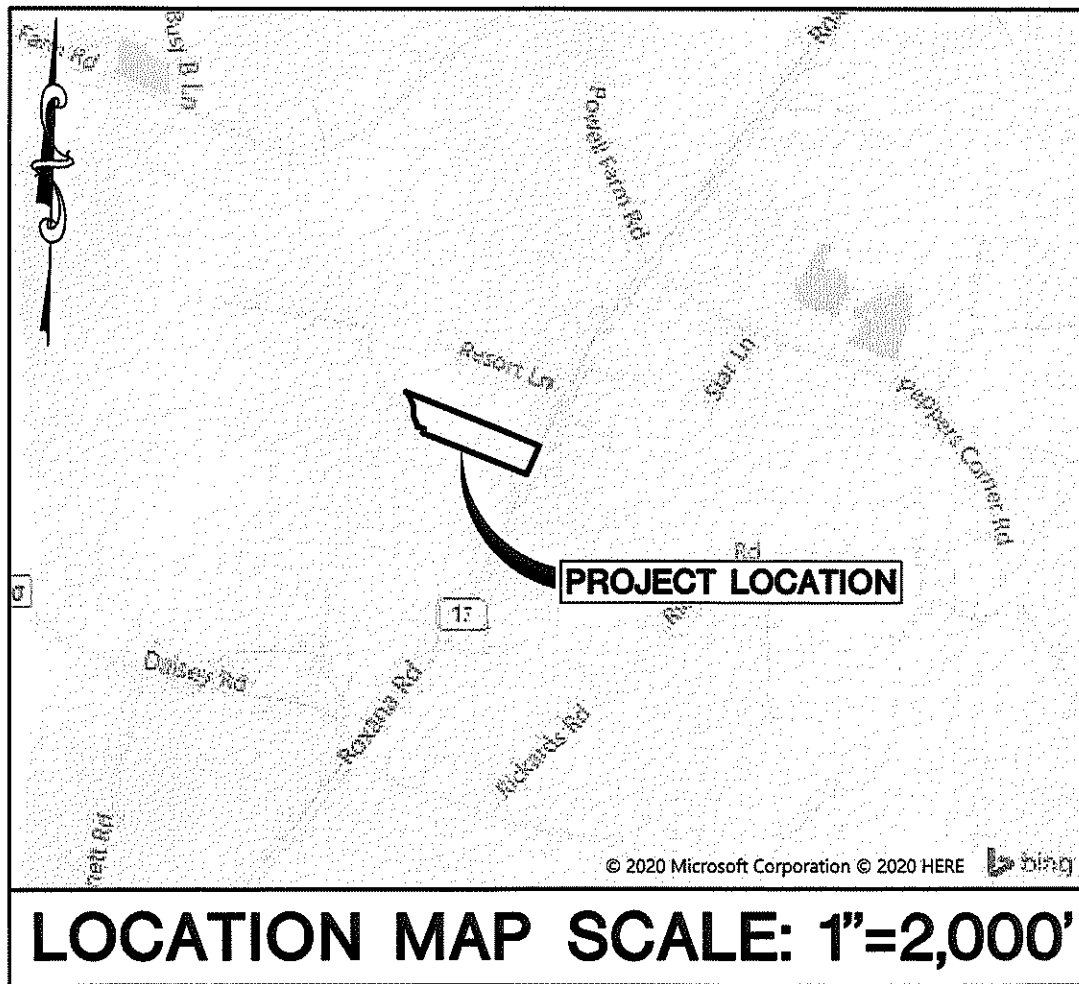
MAP & PARCEL NUMBER: 134-15.00-20.06
DEED REFERENCE: 4863/221
OWNER/DEVELOPER: RONALD E. GRAY AND M. CANDICE L. GRAY
37176 SUNSET COVE
SELBYVILLE, DELAWARE 19975
PREPARED BY: DAVIS, BOWEN AND FRIEDEL, INC.
601 E. MAIN ST., SUITE 100
SALISBURY, MARYLAND 21804
(410) 543-9091
TOTAL SITE AREA: 8.42 ACRES±
EXISTING ZONING: AR-1
PRESENT USE: AGRICULTURAL W/ RESIDENTIAL
PROPOSED USE: OPERATE 94,800 SQUARE FEET OF ENCLOSED STORAGE SPACE
LOCATED IN 40 BUILDINGS CONTAINING 703 STORAGE UNITS THEREIN
AND OUTDOOR STORAGE FOR BOATS, BOAT TRAILERS, AND RV'S
DURING THE BUILD-OUT AND CONTINUING AFTER THE BUILD-OUT IN
LIMITED AREAS NOT INTERFERING WITH ACCESS TO THE BUILT
STORAGE UNITS.
SEWER PROVIDER: ON SITE
WATER PROVIDER: ON SITE WELL
SURVEY CLASSIFICATION: SUBURBAN
SETBACK REQUIREMENTS: 40' FRONT
20' REAR
15' SIDE

LEGEND

- BOUNDARY LINE
--- PROPERTY LINE
--- SETBACK LINE
++ EXISTING EASEMENT
++ PROPOSED EASEMENT
X FENCE
--- 24' --- CONTOUR
+29.03 +29.03 SPOT ELEVATIONS
● PROPERTY CORNER SET

GENERAL NOTES

- OTHER THAN SHOWN, THIS SURVEY PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAYS OR EASEMENTS ON THIS PROPERTY. NO TITLE SEARCH WAS REQUESTED OR PERFORMED.
- ALL ENTRANCES SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
- SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- LOT 1 AND 2 SHALL HAVE A COMBINED ACCESS TO ROXANA ROAD (ROUTE 17).



LINE TABLE

LINE	BEARING	DISTANCE
L1	N 15°15'23" E	149.50'
L2	S 75°42'23" E	67.71'
L3	N 18°20'52" W	65.28'
L4	S 23°11'45" E	52.19'
L5	N 03°45'22" W	42.70'
L6	N 01°49'43" E	57.25'
L7	S 21°49'00" E	88.85'
L8	S 20°06'38" E	57.77'
L9	S 47°57'47" E	128.90'

OWNERS STATEMENT

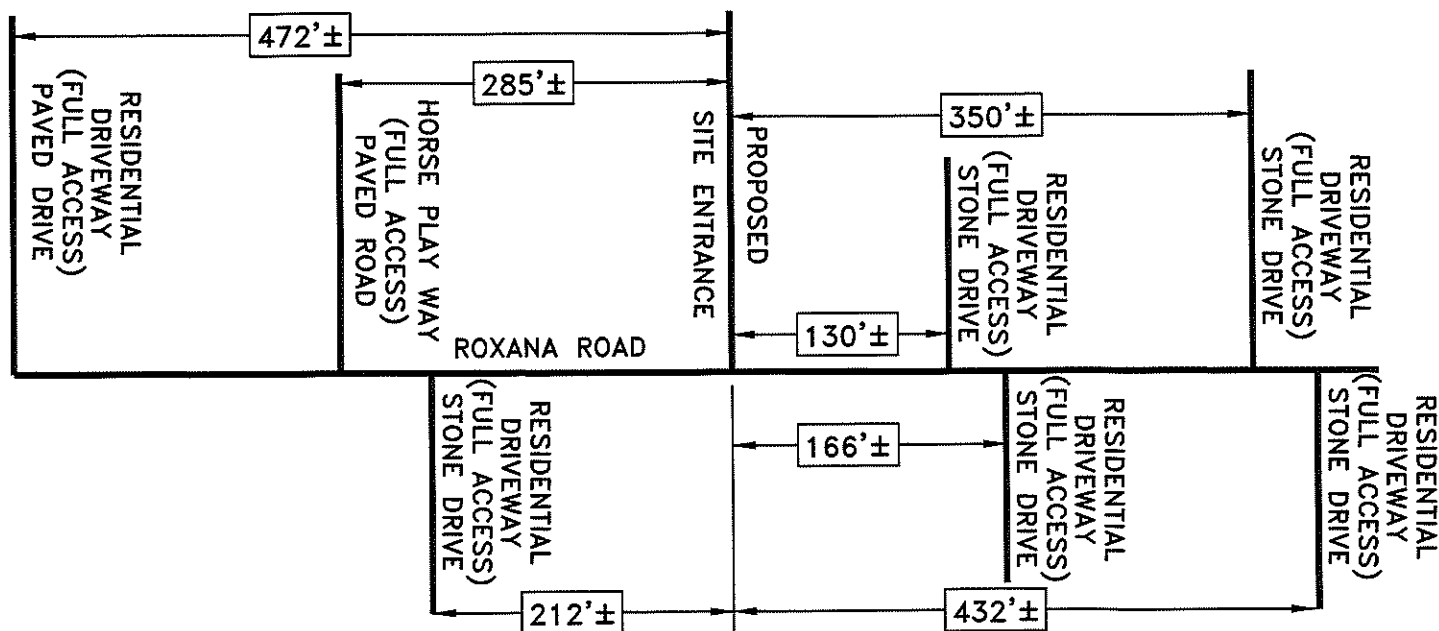
WE, THE UNDERSIGNED, HEREBY STATE THAT WE ARE THE LEGAL OWNERS OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION, THAT WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN TO BE RECORDED ACCORDING TO THE LAW.

RONALD E. GRAY _____ DATE _____
M. CANDICE L. GRAY _____ DATE _____

SURVEYOR'S STATEMENT

THIS PLAT AND SURVEY WERE PERFORMED FOR RONALD E. GRAY AND M. CANDICE L. GRAY, UNDER MY SUPERVISION, TO THE LOCAL STANDARD OF CARE, AND SUBSTANTIALLY MEET THE "MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING" AS PROMULGATED BY THE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS FOR A SUBURBAN SURVEY.

CHRISTOPHER D. WATERS _____ DATE _____
PROFESSIONAL LAND SURVEYOR
DE NO. 530



EXISTING ENTRANCES DETAIL
NO SCALE

ROXANA ROAD STORAGE
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

Revisions:
Date: MAY 2021
Scale: 1" = 50'
Dwn.By: ADM
Proj.No.: 1111B001
Dwg.No.: 1

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS ENGINEERS SURVEYORS
SALISBURY, MARYLAND
100 E. MAIN ST., SUITE 100
SALISBURY, MARYLAND 21804
(410) 543-9091
FAX (410) 543-9092
CELL (410) 770-4744

STORAGE SITE PLAN

WRITTEN SUBMISSION
OF
RONALD E. GRAY AND M. CANDICE GRAY
CU NO. 2293
May 26, 2022

**John A. Sergovic, Jr., Esquire
Sergovic Carmean Weidman
McCartney & Owens, PA
25 Chestnut Street
P.O. Box 751
Georgetown, DE 19947
(302) 855-1260**

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RONALD E. GRAY and M. CANDICE GRAY
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- b. Photographs of property and existing commercial uses on the subject property south boundary;**
- c. Photographs of the subject property east boundary; and**
- d. Photographs of examples of a similar project developed by Applicants, with partners.**

M. Applicant, Ron Gray's narrative - need for use and response to prior opposition

A

B

**COMPLIANCE WITH COMPREHENSIVE PLAN AND
ZONING CODE OF SUSSEX COUNTY FOR C/U 2293**

The applicants, Ronald E. and M. Candice Gray (hereinafter “the Grays” or the “Applicants”), seek an Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District (“AR-1”) for purposes of operating 94,800 square feet of enclosed storage space to be located in 40 buildings containing 703 storage units and outdoor storage for boats, boat trailers and RV’s during the build-out, and continuing after the build-out in limited areas, on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, Delaware, located on Roxana Road outside of Selbyville, consisting of 8.424 acres, more or less. The subject property is designated by Sussex County Tax Mapping as District 1-34, Map 15.00, Parcel 20.06 (“Subject Property”). This conditional use will enable the Grays to provide essential services to meet the storage needs of the expanding population in Sussex County.

The Subject Property is located within an area identified in the Sussex County Comprehensive Plan dated March 2019 (“The Sussex Plan”) as Coastal Area. In addition to residential uses, permitted uses within the Coastal Area include retail and office use, with larger shopping centers and office parks confined to selected locations with access along arterial roads. The Sussex Plan further provides that “[a]ppropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home.”¹

The proposed use of the Subject Property is appropriate and compatible with the goals and directions of the Coastal Area of The Sussex Plan. The proposed use will not

¹ Sussex County Comprehensive Plan dated March 2019, at pages 4-15.

have an adverse impact on neighboring properties or the community. Rather, the proposed use is of a public or semi-public character and is desirable for the general convenience and welfare of neighboring properties and uses in the area. As acknowledged by The Sussex Plan, Sussex County is the fastest growing county in the State of Delaware. The proposed use will serve the needs of the expanding population in this area by providing convenient storage space to local businesses and residents in housing communities, such as Millville by The Sea and other communities located within a five (5) mile radius. In addition, the proposed use is compatible with other uses along Roxana Road, Route 17, between Route 26 and Daisey Road, which include a wide range of land uses, such as Hocker's Super Center, Car Wash, Bob's Marine Services, Inc., That Fireplace Store, Fishy Business, Millville By The Sea Christopher Companies, Garth Enterprises, Mercantile Processing, Inc., Beebe Healthcare's South Coastal Emergency Department, Apartment Complex next to Beebe Healthcare's South Coastal Emergency Department with final approval scheduled for this month and construction to begin shortly thereafter, Grant Massey Studio, Kitchen & Cabinet Corner and car storage operation on Wild Goose Lane a/k/a Horse Play Way, Our Lady Guadalupe Mission Church and Blackwater Fellowship Church.² Although the adjoining property owned by William and Anne Parler, and identified by Sussex County Tax Mapping as Parcel 134-15.00-20.07, is used for agricultural and residential purposes, the boundary between the properties contains mature trees, which will serve as a natural buffer and screening from the proposed use on the Subject Property, and a swale. The Grays are committed to maintaining the trees within the Subject Property and will fill any gaps to provide a

² See Part G of Notebook, Google Location Map, identifying multiple different uses along Roxanna Road.

continuous buffer and reduce any potential impact of the proposed use on the neighboring property.

The proposed use will have no significant impact upon traffic in the area and will generate less traffic than other uses permitted in the AR-1 Zoning District. More specifically, as determined by DelDOT, in its Plus Review comments 2021-08-10, there will be negligible impact on traffic. As a result, DelDOT did not recommend that a traffic impact study be performed for the proposed use.

In connection with The Office of State Planning Coordination (“OSP”) review 2021-09-22, The Office of State Planning advised that it “has no objections to the development of this property provided it meets the codes and criteria of Sussex County, but we do encourage you to work with State agencies to address any concerns noted in this letter.” Furthermore, Davis, Bowen & Friedel, Inc. addressed each concern, if any, of the Plus review 2021-09-22. In the Applicants’ prior withdrawn application for land use changes, the opposition to the application focused upon the prior Investment Level 4 classification under the OSP Strategies for State Policies and Spending, submitting that Sussex County should follow the Office of State Planning Strategy. Since then, the OSP has reclassified Route 17 to Investment Levels 2 and 3 acknowledging that Route 17 lies within an area where growth is anticipated by local, county and State plans. Based upon the assertion that Sussex County should follow the Office of State Planning Strategy, the Grays believe that the reclassification significantly supports the proposed conditional use.

In addition, the proposed use complies with the Sussex County Zoning Code (the “Code”). The Property is located in the AR-1 Agricultural Residential District under the Sussex County Zoning Code (the “Code”). The purpose of the AR-1 Zoning District is to

provide for “a full range of agricultural activities and to protect agricultural lands, as one of the county’s most valuable natural resources, from the depreciating effect of objectional, hazardous and unsightly uses.” Conditional Uses allowed within the AR-1 District pursuant to Section 115-22 of the Code include, among other uses, agricultural related industries, “as well as residential, business, commercial or industrial uses when the purposes of the chapter are more fully met by issuing a conditional use permit.” Thus, the proposed storage use is a permitted conditional use under the Code.

The Applicants propose the following conditions for the proposed storage complex:

- a) Any security lights or other lighting shall be directed toward the interior of the Subject Property and shall be downward illumination so that they do not shine on any neighboring properties or roadways;
- b)³ There shall not be any storage of welding, flammable, explosive or other inherently dangerous materials.
- c)³ There shall not be any waste committed or allowed to be committed upon the Subject Property or in a building.
- d) The perimeter of the storage area shall be fenced and gated.
- e) The hours of operation will be 6:00 am – 10:00 pm, with earlier access allowed on a case-by-case basis as determined by the operator.
- f) The Final Site Plan shall be subject to approval of the Planning and Zoning Commission.

³ To be included in the lease form used by Applicant for leased storage units.

For the reasons set forth herein, the proposed conditional use is appropriate under The Sussex Plan and Code as it promotes the health, safety, morals, convenience, order and prosperity and welfare of the present and future inhabitants of Sussex County.

C

Water Service Territory
 Artesian Water Company
 Tidewater Utilities
 Town of Millville

Spring 2017
 Aerial Photo

Sources:
 Tax Parcels per Sussex County
 Aerial Photograph Courtesy of DEMAC



Water Service Territories
 Ronald E. & M. Candice Gray
 Sussex County, Delaware

0 800 1,600
 Feet



D



Spring 2017
Aerial Photo

Source:
Tax Parcels per Sussex County
Aerial Photograph Courtesy of DEMAC



Sussex County Sewer Districts
Ronald E. & M. Candice Gray
Sussex County, Delaware

0 800 1,600
Feet



Nearest Sewer (4250')

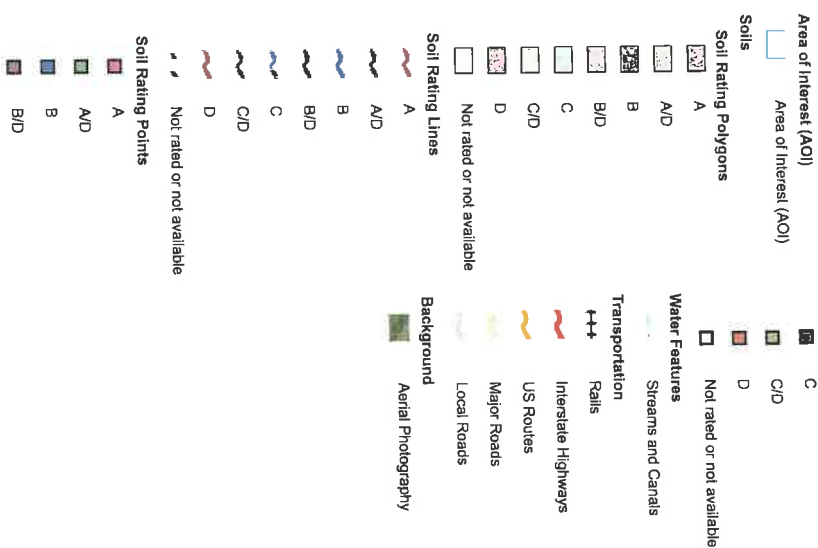
E

Under the NRCS Soils Map (“the Soils Map”) the soil designations of the site are of three types, HmA (B), HuA (A/D) and MuA (A/D). The Soils Map classifies the soils from A being the best drained in its natural state, to D being the worst drained in its natural state. This is not a limitation by the Code. During the engineering phase, the site will be designed to have positive drainage, therefore the soils on site that are A/D will become A after the site is engineered. The owner will be improving the existing drainage conditions.

Hydrologic Soil Group—Sussex County, Delaware



MAP LEGEND



MAP INFORMATION

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

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

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

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

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

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

Soil Survey Area: Sussex County, Delaware

Survey Area Data: Version 22, Aug 26, 2021

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

Date(s) aerial images were photographed: Apr 1, 2020—Oct 1, 2020

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

Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
HmA	Hammonton loamy sand, 0 to 2 percent slopes	B	6.9	14.4%
HuA	Hurlock loamy sand, 0 to 2 percent slopes	A/D	4.8	10.0%
KsA	Klej loamy sand, 0 to 2 percent slopes	A/D	0.4	0.9%
MuA	Mullica-Berryland complex, 0 to 2 percent slopes	A/D	36.1	74.8%
Totals for Area of Interest			48.3	100.0%

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

F

Assessment of Environmental Conditions & Natural Features

**Tax Map Parcels 134-15.00-20.06 & 134-15.00-20.12
Baltimore Hundred, Sussex County, Delaware**

May 6, 2022

Prepared for

**Ronald E. Gray
37176 Sunset Cove
Selbyville, Delaware 19975**

Prepared by

**Edward M. Launay
Senior Professional Wetland Scientist No. 875
Environmental Resources, Inc.
P.O. Box 169
38173 DuPont Blvd.
Selbyville, Delaware 19975**

ERI Project No. 969#1032

Assessment of Environmental Conditions & Natural Features

Tax Map Parcels 134-15.00-20.06 & 134-15.00-20.12 Baltimore Hundred, Sussex County, Delaware

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3. Boundary Survey – Davis, Bowen & Friedel, Inc. (reduced)
4. Concept Plans – Davis, Bowen & Friedel, Inc. (reduced)
5. USDA Soil Survey of Sussex County
6. U.S. Fish & Wildlife Service National Wetland Inventory Map
7. U.S. Fish & Wildlife Service Species List, May 5, 2021
8. Photographs

Introduction

Environmental Resources, Inc. (ERI) has performed a review of 9.98 acres of land located in Sussex County, Delaware on the western side of Roxana Road (State Route 17) just north of Horse Play Way. The site is located in the Baltimore Hundred and it is composed of Tax Map Parcels 134-15.00-20.06 (8.42 acres) and 134-15.00-20.12 (1.56 acres). The Sussex County Tax Map is included as Exhibit 1. A May 2021 Google Earth Photo is Exhibit 2. Exhibit 3 is a copy of a boundary survey reduced in size. This review was conducted on behalf of the property owner, Ronald E. Gray, who is seeking land use approval from Sussex County for a potential mixed use commercial development involving commercial offices and a commercial storage facility component. The proposed site plans are provided as Exhibit 4. Since the beginning of 2021, multiple field reconnaissance's of the property were performed. The last site visit was May 9, 2022. Prior to that reconnaissance, ERI reviewed a variety of published guidance document involving topics such as wetlands, soils and topography. The subject site is entirely agricultural land under active cultivation (soybean/corn rotation).

ERI found that in the case of the subject site, published guidance map information about environmental resources was relatively accurate. However, the extent of hydric soils shown on the USDA Soil Survey guidance map does appear to be greater than the actual condition. ERI did not encounter any wetlands, unique topographic conditions such as steep slopes, forest or any federally listed threatened or endangered species, or any critical habitats present on the property. The west boundary of parcel 20.06 is formed by the waters of the Beaver Dam Canal Tax Ditch Main. The site is surrounded by existing low density residential use and farmland. An existing commercial use containing among other things a granite supply business is present on the adjacent parcel (134-15.00-139.01) owned by Crosswinds Holdings, LLC (Photograph 4). Our Lady of Guadalupe Church is 0.4 miles to the south. The site lies 0.4 miles south of Peppers Corner Road. Land along Pepper Corner Road and north of Peppers Corner is being engineered for expanded residential development (part of original Millville by the Sea tract).

Site Location and Topography

The combined 9.98 acre site is rectangular in shape. It has 328.05 feet of frontage along the western side of Roxana Road (State Route 17). It is roughly 1,325 feet deep. A parcel lane named Horse Play Way is located along the south property line. The waters of the Beaver Dam Tax Ditch Main form the west property boundary. This tax ditch is a perennial stream and a federally regulated Waters of the U.S. The tax ditch right of way is 50 feet.

The topography over the site is relatively flat. State Route 17 is somewhat higher than the adjacent agricultural fields. Elevations range throughout the site from 17 toward the

rear of the property to 22 feet near the Roxana Road frontage. However, most of the property lies between 18 and 19 feet. Elevations lower than 17 feet exist along and within the tax ditch.

A man made drainage ditch exists along the north property line. The ditch drains only uplands and is not a regulated wetland feature. It drains into the tax ditch, but it is not a tax ditch.

Based on ERI's site reconnaissance and investigation of resource mapping there is no evidence of any surface ponding within any portion of the agricultural site. The site was dry on May 9th after 2.7 inches of rain over the previous three days. Depth to seasonal high groundwaters appears to be greater than 36 inches below the soil surface based upon the soil boring excavated on March 9, 2022. Soil textures were found to be composed of very permeable loamy sand soils.

Soil Characteristics & Groundwater

The USDA Soil Survey guidance map for Sussex County is included as Exhibit 5 of this report. The Soil Survey indicates three soil types within the site, all with 0 – 2 percent slopes. Hammonton loamy sand (HmA), Hurlock loamy sand (HuA), and Mullica Berryland Complex (MuA). Hammonton loamy sand composes roughly 2.4 percent of the site. Hurlock loamy sand composes 28.6 percent of the site and Mullica Berryland Complex composes 68.9 percent of the site. Hammonton loamy sand is a well drained upland soil.

Hurlock loamy sand and Mullica-Berryland Complex are hydric soils which under normal circumstances have high groundwater tables. These conditions can limit the development ability of these soils along with the presence of wetlands under normal circumstances.

In the case of this property, the entire site is drained agricultural land. Normal circumstances do not exist. A deeply dug well maintained tax ditch (Beaver Dam Canal) forms the western boundary of the site. An existing drainage channel is located on the north side of the site. A review of aerial topography and other resource maps show extensive agricultural ditching around this site for more than a 0.5 mile radius. In fact, Mullica-Berryland Complex and Hurlock loamy sand are by far the predominant soil types mapped by the USDA Soil Survey.

Many types of uses both residential and commercial and farm buildings are developed on these soils where they are drained. Development on these soils where they are uplands and drained is common throughout this area. Engineering practices are adapted to account for any development limitations.

ERI observed ground conditions and elevation on May 9, 2022, after the site had been plowed for crops. A soil boring was conducted in the center of the property. This area was mapped as Hurlock loamy sand by the USDA Soil Survey guidance map. The following textures and soil colors / features were observed.

DEPTH IN INCHES	DESCRIPTION
0-6	10 YR 3/3 dark brown loamy sand
6-10	10 YR 4/4 dark yellowish brown loamy sand
10-24	10 YR 5/4 yellowish brown loamy sand
24-36	10 YR 5/4 yellowish brown with 10 YR 5/8 mottles loamy sand
36+	10 YR 6/2 light brownish grey loamy sand
Boring dry to 36"	

Based upon actual soil profile description, hydric soils were not present. The soil colors below the plow layer were yellowish brown. The extent of actual hydric soils on this property is probably limited to the more low lying areas which abut the Beaver Dam Canal Tax Ditch where Mullica Berryland complex was mapped. This area is effectively drained by the tax ditch. Grey colors typical of hydric soils below the plow layer were absent. Soil colors were bright yellowish brown and without any redoximorphic features to 24 inches. The actual soil type is better described as Klej loamy sand (not a hydric soil).

Federally Listed Threatened or Endangered Species

No evidence of any federally listed threatened or endangered species under the Endangered Species Act was observed on the site during ERI's reconnaissance.

ERI also consulted with the U.S. Fish and Wildlife Service on this topic. The Service has no record of any federally listed species on this site. The Service's determination letter dated May 5, 2022, is included as Exhibit 7 of this report. The Service's letter does identify a candidate species for listing, Monarch Butterfly (*Dahaus plexippus*) where suitable conditions exist.

This species of butterfly has a life cycle dependent upon milkweed species growing in open fields. The open lands of this property are active agricultural lands. Suitable habitat is not present.

Review of the Office of State Land Use Planning PLUS Comments involving this property letters dated October 5, 2021, had no comments from the DNREC, Division of Fish and Wildlife about any rare, threatened or endangered species on this property.

Conclusion

The 9.98 acre site consists of actively cultivated upland agricultural field. No wetlands or forested land is present. No federally listed threatened or endangered species exist on the property.

The site is relatively flat as is the surrounding topography. Elevations range from 17 to 22 feet. Most of the site is between 18 and 19 feet in elevation. Soils on the site are primarily permeable loamy sands.

Soil types mapped by the USDA Soil Survey guidance map on this property and throughout the area are predominantly hydric soil in the Hurlock Loamy Sand or Mullica-Berryland Complex. Unless drained, these soils can have significant development limitations due to high groundwater.

Hydric soil on this property are drained directly by the Beaver Dam Canal Tax Ditch Main and it's nearby prongs. A man made drainage ditch connecting to the Tax Ditch lies on the north boundary of this site. Based upon borings made to observe actual soil conditions the extent of hydric soils on this site is also less than mapped by the USDA Soil Survey guidance map. With proper engineering practices this property can be effectively developed.

Since the site consists of drained, cleared agricultural land, valuable habitat areas such as forest and wetlands will not be impacted by development of this property.

Exhibit 1

Sussex County Tax Map



Sussex County



PIN:	134-15-00-20.06
Owner Name	GRAY RONALD E
Book	4863
Mailing Address	37176 SUNSET CV
City	SELBYVILLE
State	DE
Description	NW/ROXANA RD
Description 2	RESIDUAL LANDS
Description 3	
Land Code	

- polygonLayer
Override 1
- polygonLayer
Override 1
- Tax Parcels
- 311 Address
- Streets
- County Boundaries
- Extent of Right-of-Way
- Approx. Watershed Boundary
- Sussex_Co
- Depression Index
- Depression Intermediate
- Normal Index
- Normal Intermediate

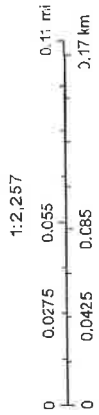


Exhibit 2

Google Earth Photo, May 2021

Gray Property May 2021

Legend

-  Kitchen & cabinet corner

SITE

Google Earth

Image © 2022 Maxar Technologies



600 ft

17

Toolma

Wild Goose Ln

Wild Goose Ln

Wild Goose Ln

Resort Ln

Resort Ln

Kitchen & cabinet corner

Exhibit 3

**Boundary Survey
Davis, Bowen & Friedel, Inc.
(reduced)**

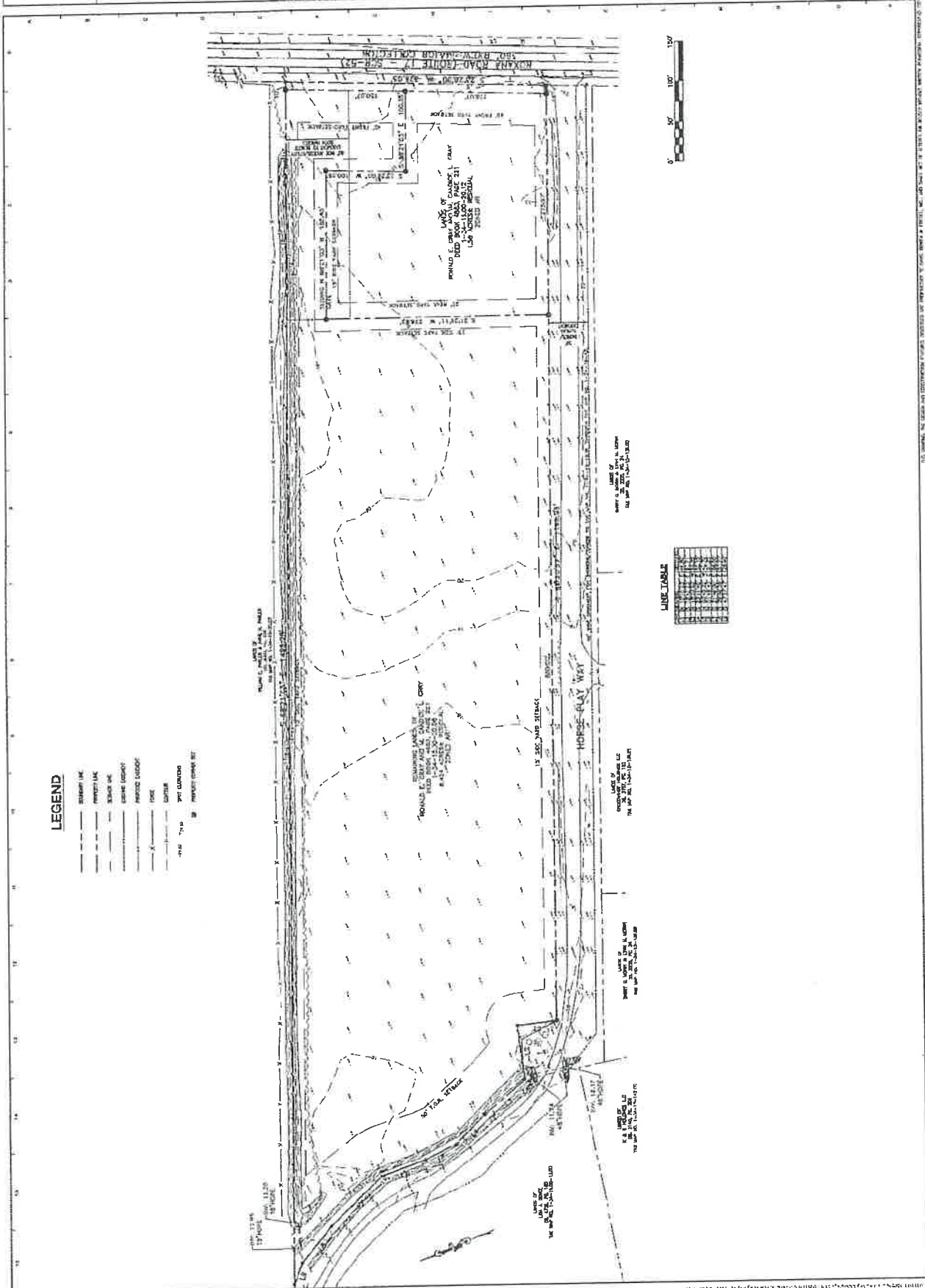


Exhibit 4

**Concept Plans
Davis, Bowen & Friedel, Inc.
(reduced)**

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[illegible]

LEGEND

[illegible]

GENERAL NOTES

2. ALL PATENTED TOLL CHARGES ON MOTOR VEHICLES, AIRCRAFT, CARRIAGES, TRAMCARS, AND RAILROADS SHALL BE REMOVED.

LOCATION MAP SCALE: 1"=2,000'



OWNERS STATEMENT

5. THE ACCUSED, INSTANTLY THAT WE ARE THE LEGAL OWNERS OF THE PROPERTY DESCRIBED AND OWNED BY THE PLAN, THAT THE PLAN WAS MADE BY THE DIRECTOR, I AM RESPONSIBLE FOR THE PLAN TO BE OCT ACT AND THAT THE PLAN TO BE ALLEGEDLY: ACTIONS TO THE LAW.

SURVEYORS STATEMENT

Their flat and rocky wife projects for Ronald E. Clay and W. Elliott L. Oak, United A.

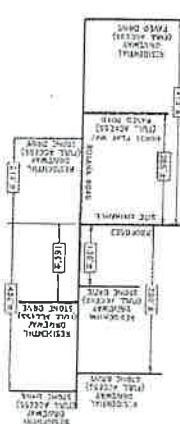
CONFIDENTIAL & UNCLASSIFIED
NO SPECIAL HANDLING
OF NO. 548

OUT


LINE TABLE



EXISTING ENTRANCES DETAIL



ROXANA ROAD STORAGE
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE



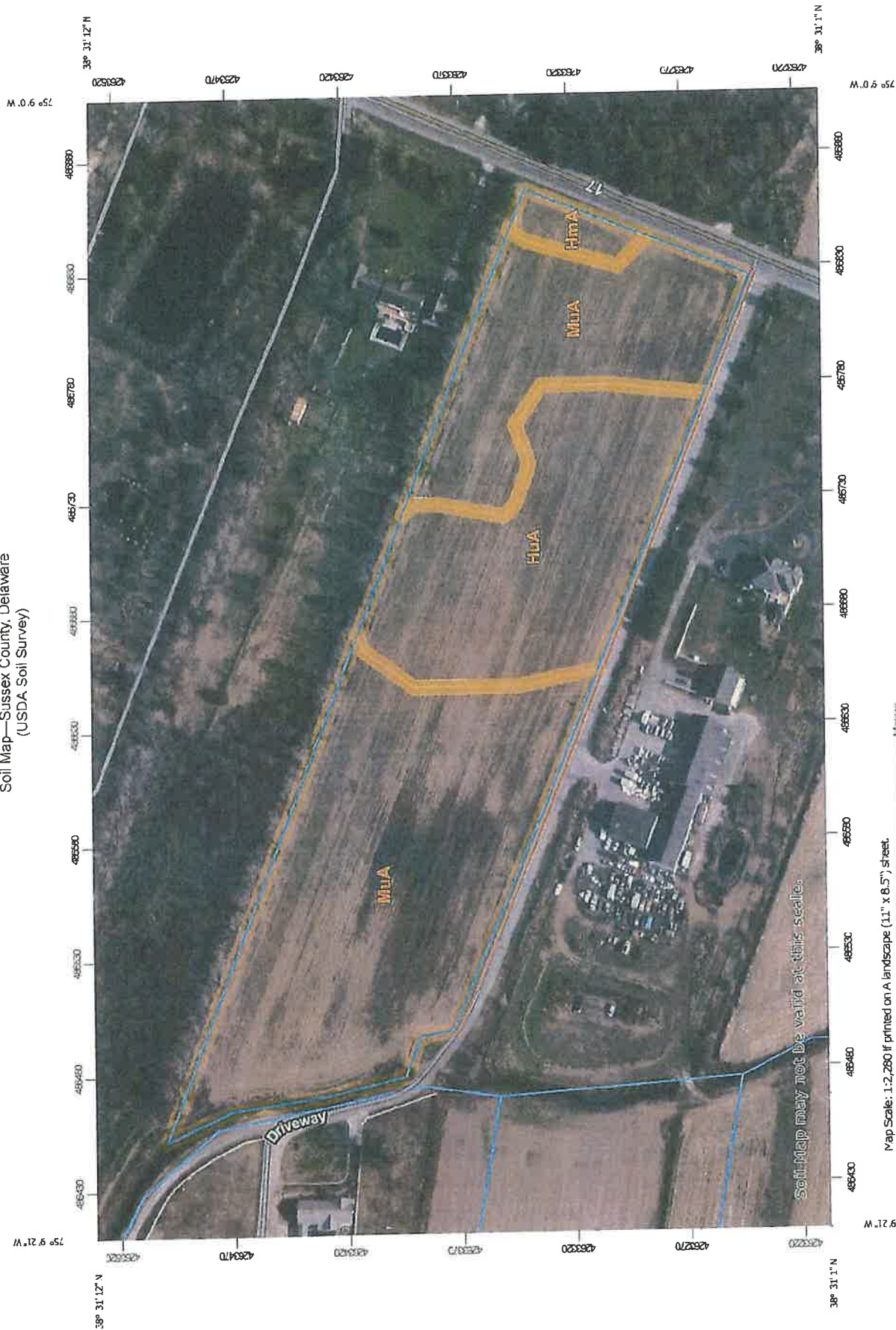
**DAVIS,
BOWEN &
FRIEDEL, INC.**

2010年12月31日	2010年12月31日
2010年12月31日	2010年12月31日

Exhibit 5

USDA Soil Survey of Sussex County

Soil Map—Sussex County, Delaware (USDA Soil Survey)



Map Scale: 1:2,280 if printed on A landscape (11" x 8.5") sheet.



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



MAP LEGEND

Area of Interest (AOI)	Area of Interest (AOI)	Soil Map Unit Polygons	Soil Map Unit Lines	Soil Map Unit Points	Special Point Features	Water Features	Streams and Canals	Transportation	Rails	Interstate Highways	US Routes	Major Roads	Local Roads	Background	Aerial Photography
Soils	Soils	Soils	Soils	Soils	Soils	Soils	Soils	Soils	Soils	Soils	Soils	Soils	Soils	Soils	Soils
Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)
Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)

MAP INFORMATION

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

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

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

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

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

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

Soil Survey Area: Sussex County, Delaware
Survey Area Data: Version 22, Aug 26, 2021

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

Date(s) aerial images were photographed: Apr 1, 2020—Oct 1, 2020

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

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
HmA	Hammonton loamy sand, 0 to 2 percent slopes	0.3	2.4%
HuA	Hurlock loamy sand, 0 to 2 percent slopes	3.0	28.6%
MuA	Mullica-Berryland complex, 0 to 2 percent slopes	7.2	68.9%
Totals for Area of Interest		10.4	100.0%

Exhibit 6

**U.S. Fish & Wildlife Service
National Wetland Inventory Map**



National Wetlands Inventory

Gray Property



This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

May 5, 2022

Wetlands

- | Wetland Type | Wetland Type |
|--------------------------------|-----------------------------------|
| Estuarine and Marine Deepwater | Freshwater Forested/Shrub Wetland |
| Estuarine and Marine Wetland | Freshwater Pond |
| | Other |
| | Riverine |

National Wetlands Inventory (NWI)
This page was produced by the NWI mapper

Exhibit 7

**U.S. Fish & Wildlife Service
Species List
May 5, 2021**



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
Phone: (410) 573-4599 Fax: (410) 266-9127



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

May 05, 2022

In Reply Refer To:

Project Code: 2022-0039791

Project Name: Gray Property - Proposed Commercial Development

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of

this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
(410) 573-4599

Project Summary

Project Code: 2022-0039791

Event Code: None

Project Name: Gray Property - Proposed Commercial Development

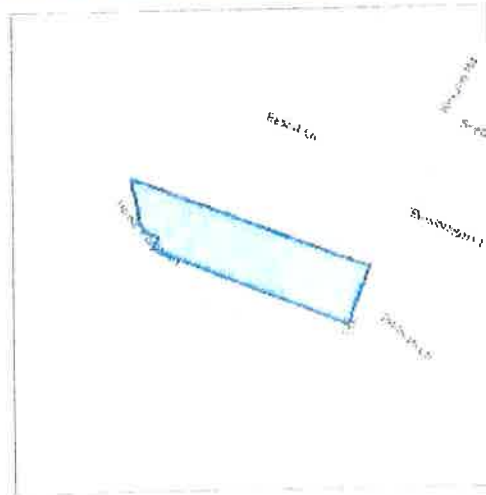
Project Type: Commercial Development

Project Description: The owners plan to develop the site with commercial uses. the current site is a open upland agricultural field.

Project Location:

Approximate location of the project can be viewed in Google Maps: [https://](https://www.google.com/maps/@38.51846825,-75.15282347525441,14z)

www.google.com/maps/@38.51846825,-75.15282347525441,14z



Counties: Sussex County, Delaware

Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Insects

NAME

STATUS

Monarch Butterfly *Danaus plexippus*

Candidate

No critical habitat has been designated for this species.

This species only needs to be considered under the following conditions:

- The monarch is a candidate species and not yet listed or proposed for listing. There are generally no section 7 requirements for candidate species (FAQ found here: <https://www.fws.gov/savethemonarch/FAQ-Section7.html>).

Species profile: <https://ecos.fws.gov/ecp/species/9743>

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

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

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Wetlands

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

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

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

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED.
PLEASE VISIT [HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML](https://www.fws.gov/wetlands/data/mapper.html) OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

IPaC User Contact Information

Agency: Environmental Resources Inc.
Name: Edward Launay
Address: PO Box 169
City: Selbyville
State: DE
Zip: 19975
Email: elaunay@ericonsultants.com
Phone: 3024369637

Exhibit 8

Photographs



Photo 1
View southeast toward Roxanna Road
Showing plowed field &
Horse Play Way



Photo 2 View northwest toward Roxanna Road
Showing soil boring
(Note yellow brown soil color)
not a hydric soil



Photo 3 View east from back of
property of field & Horse Play way



Photo 4 Photo of Existing Commercial
Use & Warehouse Crosswinds Holdings
opposite project site (TM 135-15-134.01)



Photo 5 TAX Ditch Culvert
under Horse Play way

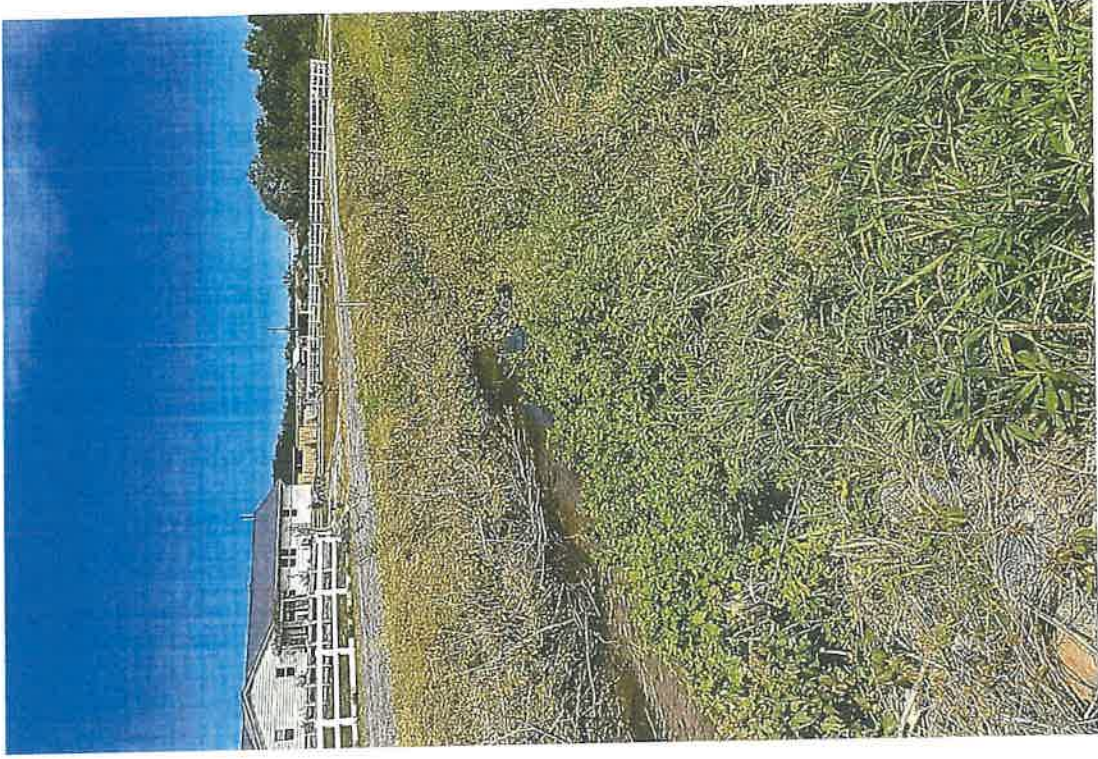


Photo 6 View north along
Beaver Dam Canal TAX Ditch

G

'11203

BK: 4863 PG: 221

Tax Map and Parcel #: 1-34-15.00-20.06

PREPARED BY:
TOMASETTI LAW LLC
1100 Coastal Hwy., Unit 3
Fenwick Island, DE 19944
File No. 518-89/KR

RETURN TO:
RONALD E. GRAY
M. CANDICE L. GRAY
37176 Sunset Cove
Selbyville, DE 19975

Consideration: 265,000.00

County	3,975.00
State	6,625.00
Town	Total 10,600.00
Received: Maria T Apr 02, 2018	

THIS DEED, made this 28th day of March, 2018,

- BETWEEN -

ALEXANDER PSZCZOLA, III and SHELLY HOCKER PSZCZOLA, husband and wife, of 33099 Omar Road, Frankford, DE 19945, parties of the first part,

- AND -

RONALD E. GRAY and M. CANDICE L. GRAY, husband and wife, of 37176 Sunset Cove, Selbyville, DE 19975, parties of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of **Two Hundred Sixty-Five Thousand and 00/100 Dollars (\$265,000.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the parties of the second part, and their heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware, as **TENANTS BY THE ENTIRETY** :

ALL that certain lot, piece or parcel of land situate, lying and being on the Northwestern side of Route 17, Baltimore Hundred, Sussex County, Delaware, more particularly described as follows: Being: PARCEL "A", on a plot entitled "SUBDIVISION OF LANDS OF BONARD B. TIMMONS, JR.", dated April 23, 1987, prepared by McCann,

BK: 4863 PG: 222

Inc., a copy of said plot is of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Plot Book 37, Page 19. Said parcel containing 10.05 acres of land, more or less.

BEING the same lands as conveyed unto Alexander Pszczola, III and Shelly Hocker Pszczola, husband and wife, by Deed of Gerald Hocker and Emily Hocker, husband and wife, dated December 18, 2013 and filed for record in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Book 4210, Page 302.

Above described property is subject to a tax ditch right-of-way and assessment pursuant to Superior Court Order dated January 4, 2007 and of record in the Office of the Prothonotary in and for Sussex County, Delaware, as Case No. 06M-11-010, in Tax Ditch Book 1, Page 196.

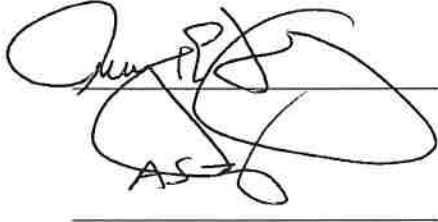
Above described property is subject to a tax ditch right-of-way and assessment pursuant to Superior Court Order dated March 12, 2009 and of record in the Office of the Prothonotary in and for Sussex County, Delaware, as Case No. 06M-11-010, in Tax Ditch Book 6, Page 97.

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

BK: 4863 PG: 223

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

Signed, Sealed and Delivered
in the presence of:



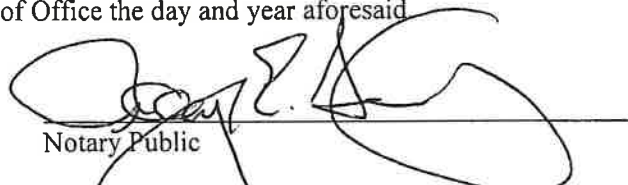
 (SEAL)
ALEXANDER PSZCZOLA, III

 (SEAL)
SHELLY HOCKER PSZCZOLA

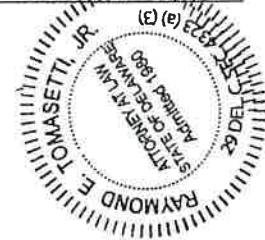
STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on March 28, 2018, personally came before me, the subscriber, ALEXANDER PSZCZOLA, III and SHELLY HOCKER PSZCZOLA, husband and wife, parties of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

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



Notary Public
My Commission Expires: none



RECEIVED
APR 02, 2018
ASSESSMENT DIVISION
OF SUSSEX COUNTY

Recorder of Deeds
Scott Dailey
Apr 02, 2018 12:14P
Sussex County
Doc. Surcharge Paid

H

PROPOSED FINDINGS OF FACT AND CONDITIONS

The record presented in C/U No. 2293, the application of Ronald E. and M. Candice Gray (hereinafter "the Grays"), supports an Ordinance to grant a conditional use of land in an AR-1 Agricultural Residential District ("AR-1") for purposes of operating 94,800 square feet of enclosed storage space to be located in 40 buildings containing 703 storage units and outdoor storage for boats, boat trailers and RV's during the build-out, and continuing after the build-out in limited areas, on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, Delaware, located on Roxana Road outside of Selbyville, consisting of 8.424 acres, more or less. The subject property is designated by Sussex County Tax Mapping as District 1-34, Map 15.00, Parcel 20.06 ("Subject Property"). In support of its recommendation for approval, the Planning and Zoning Commission of Sussex County, Delaware, finds the following facts and makes the following conclusions, based upon the record:

1. The application of the Grays seeks an Ordinance to grant a conditional use of land in an AR-1 District for purposes of operating 94,800 square feet of enclosed storage space to be located in 40 buildings containing 703 storage units and outdoor storage for boats, boat trailers and RV's during the build-out, and continuing after the build-out in limited areas
2. The Subject Property consists of approximately 8.424 acres and is designated by Sussex County Tax Mapping as District 1-34, Map 15.00, Parcel 20.06.
3. The Subject Property is located on Roxana Road outside of Selbyville.
4. The proposed use of the Subject Property is compatible and consistent with neighboring uses along Roxana Road, including, but not limited to, Hocker's Super

Center, Car Wash, Bob's Marine Services, Inc., That Fireplace Store, Fishy Business, Millville By The Sea Christopher Companies, Garth Enterprises, Mercantile Processing, Inc., Beebe Healthcare's South Coastal Emergency Department, Apartment complex next to Beebe Healthcare's South Coastal Emergency Department with final approval scheduled for this month and construction to begin shortly thereafter, Grant Massey Studio, Subject Property, Kitchen & Cabinet Corner and car storage operation on Wild Goose Lane a/k/a Horse Play Way, Our Lady Guadalupe Mission Church and Blackwater Fellowship Church.

5. The proposed use is of a public or semi-public character and is desirable for the general convenience and welfare of neighboring properties and uses in the area.

6. The proposed use will have no adverse or detrimental impact on neighboring areas or uses. The boundary between the Subject Property and that of its neighbor, William and Anne Parler, owners of SCTM 134-15.00-20.07, contains mature trees, which will serve as a natural buffer and screening from the proposed use on the Subject Property, and a swale. The Applicants have committed to maintaining the trees within its property boundary and will fill any gaps to provide a continuous buffer and reduce any potential impact of the proposed use on the neighboring property.

7. The proposed use will have no significant impact upon traffic in the area. DelDOT did not require a traffic impact study.

8. In the prior withdrawn application for land use changes by the Applicants, the opposition focused upon the prior Investment classification Level 4 under the Office of State Planning ("OSP") Strategies for State Policies and Spending, submitting that Sussex County should follow the Office of State Planning Strategy. The OSP changed

Route 17 to Investment Levels 2 and 3 and that reclassification significantly supports the current application.

9. The Office of State Planning has no objection to the development of the Subject Property, provided that it meets the codes and criteria of Sussex County.

10. Davis, Bowen & Friedel, Inc. addressed each concern, if any, of the Plus review 2021-09-22.

11. Under the NRCS Soils Map (“the Soils Map”), the soil designations of the site are of three types, HmA (B), HuA (A/D) and MuA (A/D). The Soils Map classifies the soils from A, being the best drained in its natural state, to D, being the worst drained in its natural state. This is not a limitation by the Code. Based upon the soil analysis provided by Edward M. Launay of Environmental Resources, Inc., the soils are well drained, which report provides a more site-specific analysis of the soil types and drainage capability.

12. The Subject Property is located in a Coastal Area as established by the Sussex County Comprehensive Plan, dated March 2019 (“The Sussex Plan”). The Coastal Area is a growth area according to The Sussex Plan. The proposed use meets the purposes and goals of The Sussex Plan in that it follows recommended allowed uses in the Coastal Area.

13. Historically, before and after adoption of the Sussex County Zoning Ordinance, the Subject Property has been rented farm lands.

14. The proposed use complies with the Sussex County Zoning Code (the “Code”). The Property is located in the AR-1 District under the Code. The proposed storage use is a permitted conditional use under the Code.

15. Proposed Conditions:

a) Any security lights or other lighting shall be directed toward the interior of the Subject Property and shall be downward illumination so that they do not shine on any neighboring properties or roadways;

b)¹ There shall not be any storage of welding, flammable, explosive or other inherently dangerous materials.

c)¹ There shall not be any waste committed or allowed to be committed upon the Subject Property or in a building.

d) The perimeter of the storage area shall be fenced and gated.

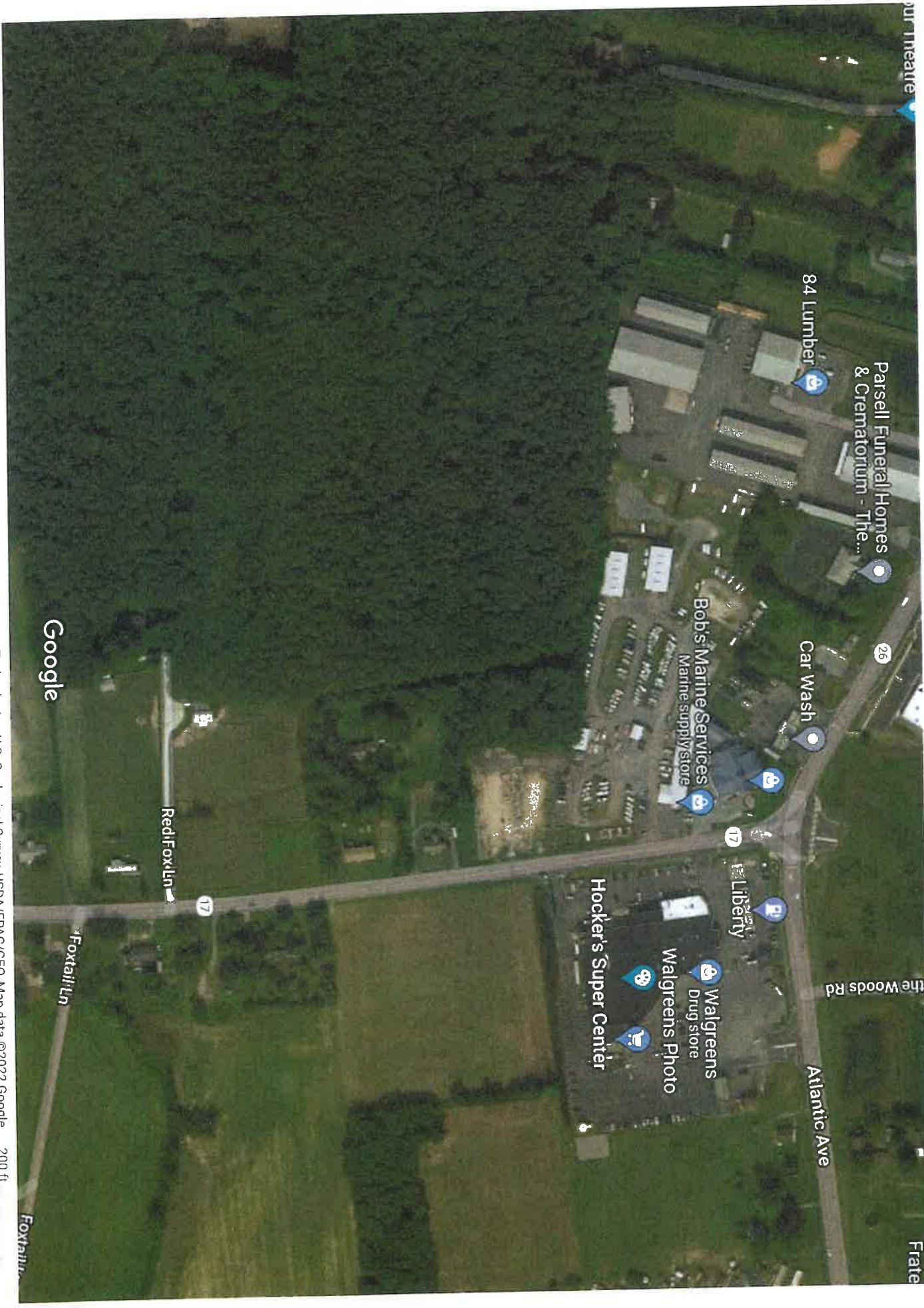
e) The hours of operation will be 6:00 am – 10:00 pm, with earlier access allowed on a case-by-case basis as determined by the operator.

f) The Final Site Plan shall be subject to approval of the Planning and Zoning Commission.

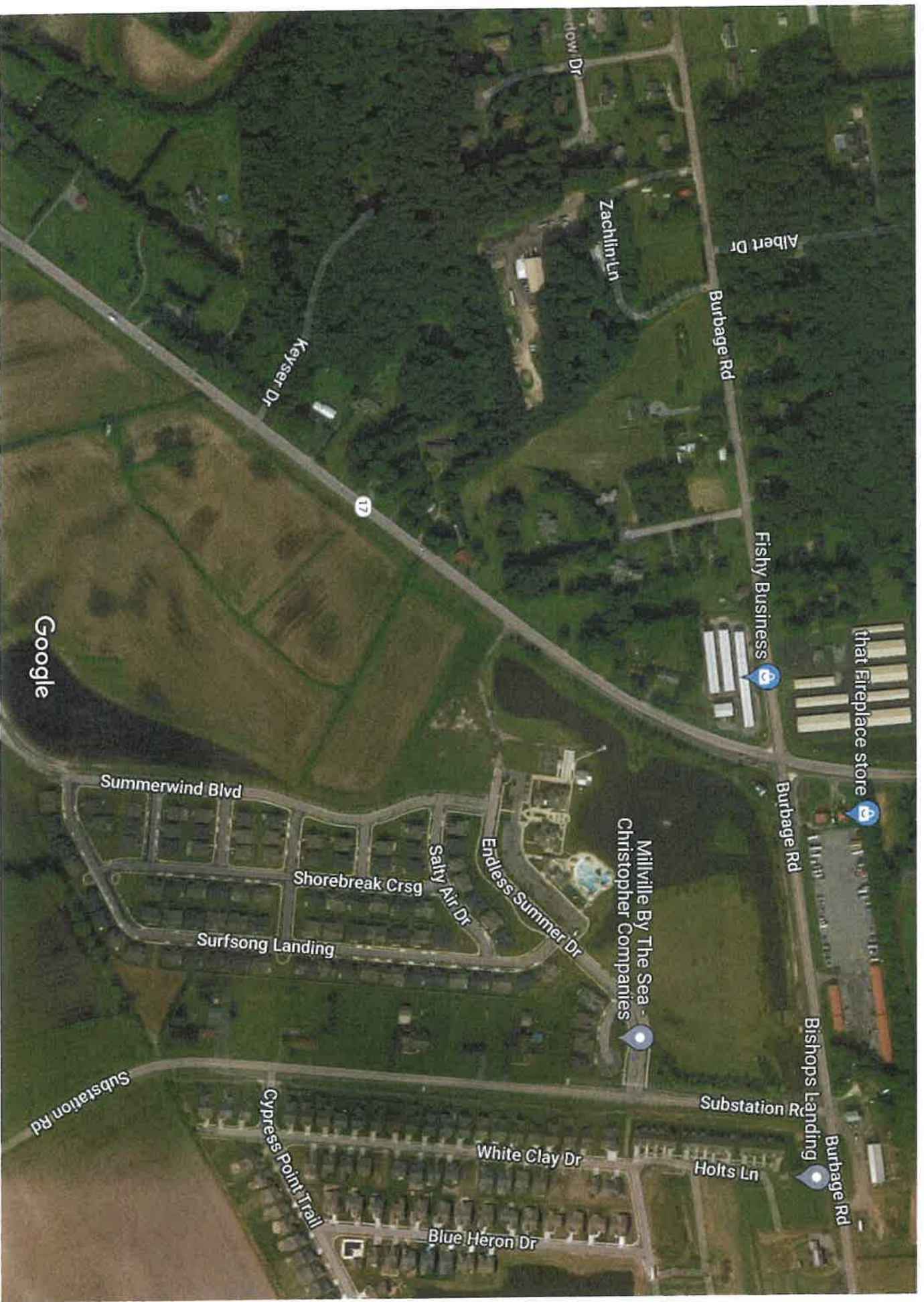
Based upon the record and the above findings, the Planning and Zoning Commission recommends that the County Council approve the proposed conditional use as it is in accordance with the Sussex County Comprehensive Plan and is for the purpose of promoting the health, safety, moral, convenience, order and prosperity and welfare of the present and future inhabitants of Sussex County.

¹ To be included in the lease form used by Applicant for leased storage units.

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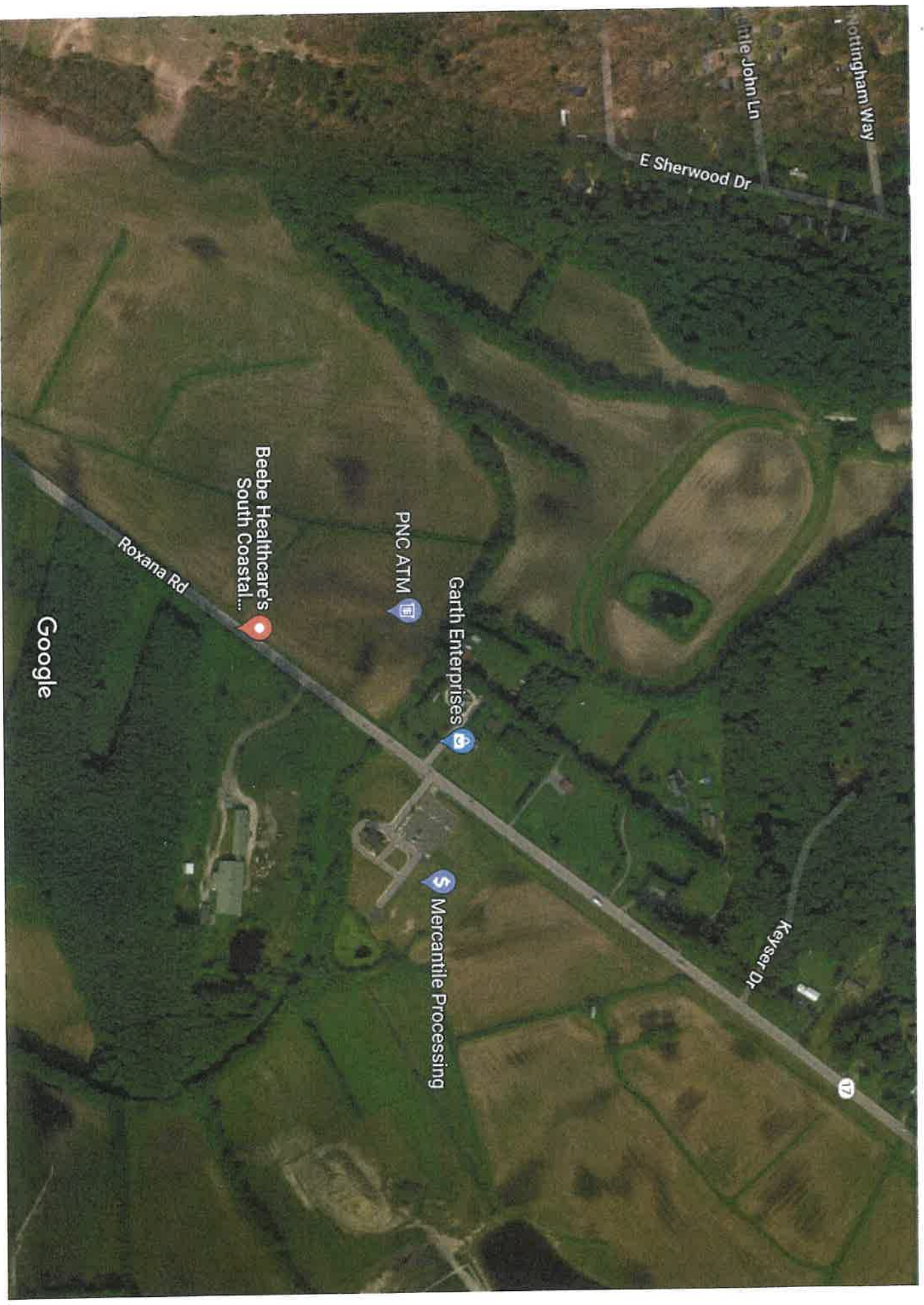


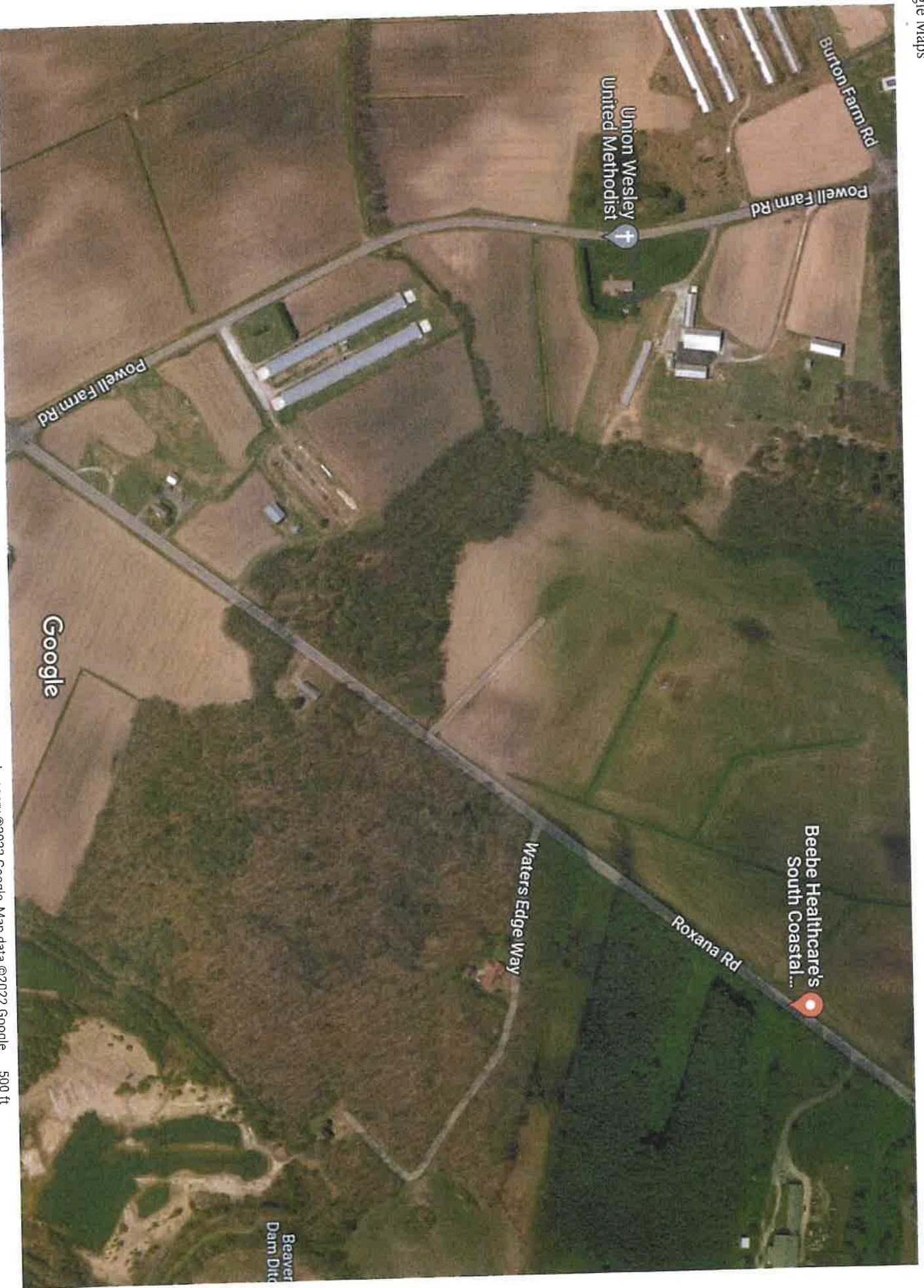


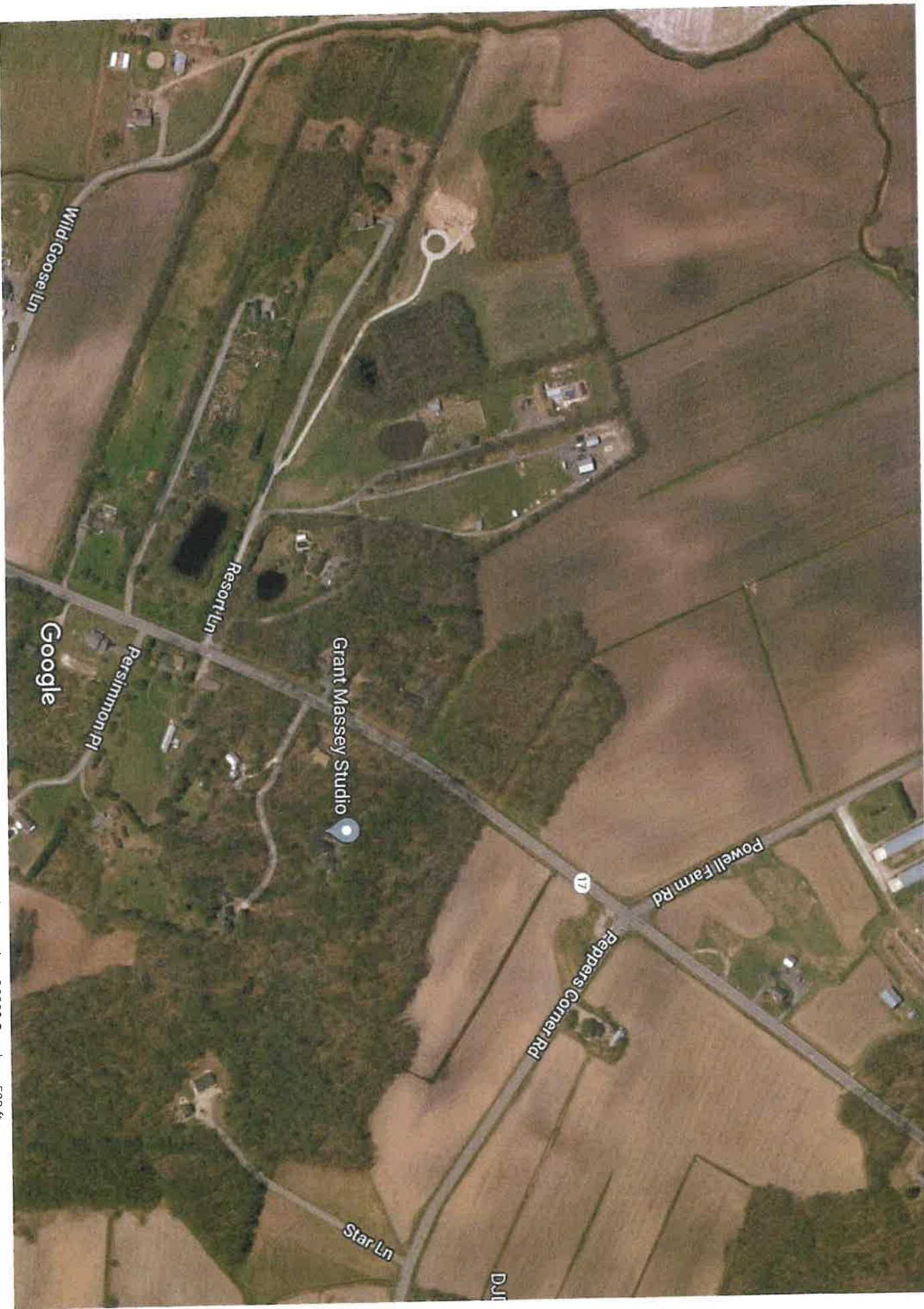


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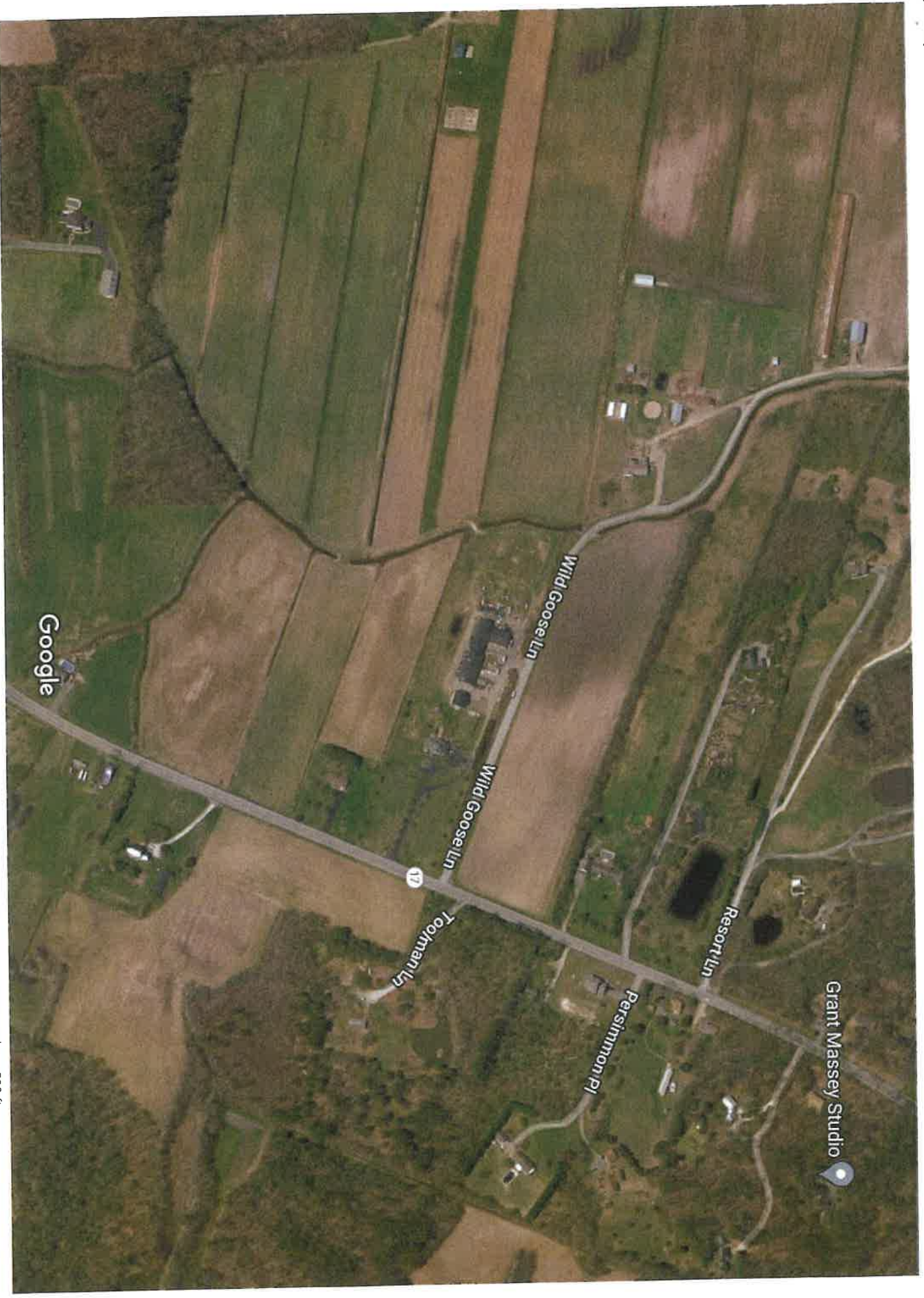
Imagery ©2022 Google, Map data ©2022 Google 500 ft







Imagery ©2022 Google, Map data ©2022 Google 500 ft



Gray Property May 2021

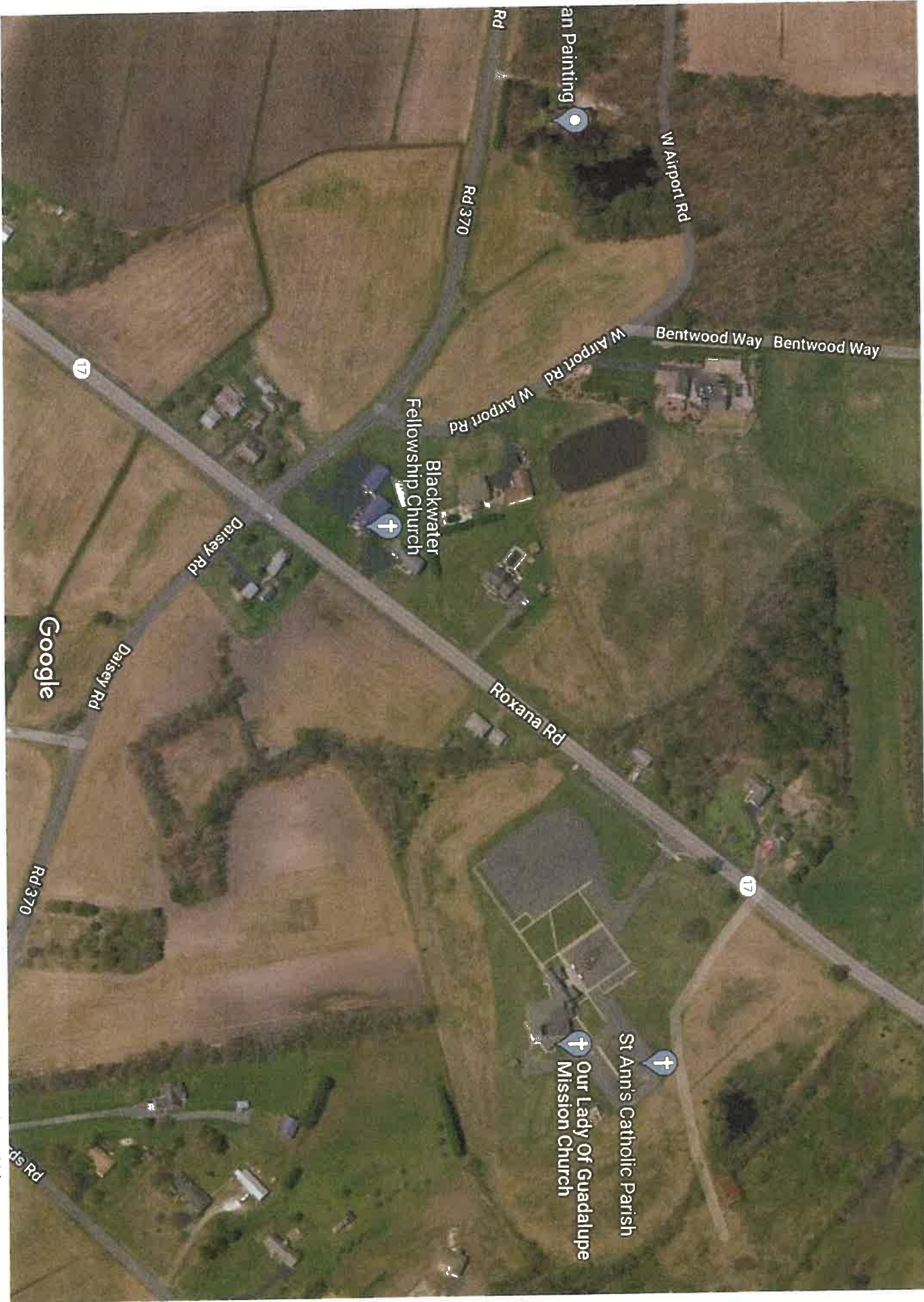


Legend

-  Kitchen & cabinet corner

Google Earth

Image © 2022 Technologies



Imagery ©2022 Maxar Technologies, U.S. Geological Survey, USDA/FPAC/GEO, Map data ©2022 Google 200 ft

J



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

September 22, 2021

Timothy M. Metzner
Davis, Bowen & Friedel, Inc.
1 Park Ave.
Milford, DE 19963

RE: PLUS review 2021-08-10; Roxana Road Storage

Dear Mr. Metzner:

Thank you for meeting with State agency planners on August 25, 2021 to discuss the proposed plans for the Roxana Road Storage project. According to the information received you are seeking review of a proposed site plan for a 94,800 square foot storage area on 8.42 acres along Roxana Road in Sussex County.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. **The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

Strategies for State Policies and Spending

This project is located in Investment Levels 2 and 3 according to the Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer-term future, or areas that may have environmental or other constraints to development. State investments may support future growth in these areas but may have other priorities for the near future.

The Office of State Planning has no objections to the development of this property provided it meets the codes and criteria of Sussex County, but we do encourage you to work with State agencies to address any concerns noted in this letter.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on Roxana Road (Delaware Route 17) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.
- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 275 vehicle trip ends per day. Using the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual, Land Use Code 151, and square feet of gross floor area as a variable, DelDOT calculates 143 vehicle trip ends per day for this number and estimates the weekday morning and evening peak hour trip ends at 9 and 16, respectively. Therefore, a TIS is not warranted.

The purpose of a TIS, per DelDOT regulations, is to determine the offsite improvements for which the developer should be responsible to build or contribute toward. DelDOT anticipates requiring the developer to improve Roxana Road within the limits of their frontage, to meet DelDOT's standards associated with its Functional Classification. Roxana Road is a Major Collector Road. The standards for such roads include 12-foot lanes and 8-foot shoulders.

Frontage, as defined in Section 1.8 of the Manual, includes the length of roadway perpendicular to lines created by the projection of the outside parcel corners to the roadway. Thus, the projected frontage would be about 300 feet.

Questions regarding the requirement to improve the site frontage should be directed to the Sussex County Review Coordinator, Mr. Steve McCabe. Mr. McCabe may be reached at Richard.McCabe@delaware.gov or (302) 760-2276.

Further regarding the trip generation calculation, Land Use Code 151 assumes a small office area associated with the storage use. From DelDOT's perspective, if the rezoning

contemplated for Tax Parcel No. 134-15.00-20.12 is not approved, the subject storage use could proceed as per the plan provided with the conversion of part of one of the proposed buildings to an accessory office use.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Route 17. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**" However, it appears that the existing right-of-way may meet this requirement.
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**"
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
 - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
 - Depiction of all existing entrances within 600 feet of the entrance on Route 17.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 3 and 4 Investment Areas DelDOT has discretion to not require installation of paths or sidewalks along the frontage on State-maintained roads. DelDOT does not anticipate requiring the developer to build a sidewalk or SUP along their frontage on Route 17.
- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Route 17.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.

- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480
Concerns Identified Within the Development Footprint

Stormwater Management

This application proposes greater than 5000 square feet of land disturbing activities, therefore, this project will be subject to Delaware's *Sediment and Stormwater Regulations*.

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. For this project, the plan review agency is the Sussex Conservation District.
- Additionally, to address federal requirements, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.delaware.gov/enoi/>, select Construction Stormwater General Permit) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.
- Schedule a project application meeting with the appropriate plan review agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.

Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219. Website: <https://www.sussexconservation.org/>

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.
E-mail: DNREC.Stormwater@delaware.gov.
Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

Hydrologic Soils Group

Hydrologic Soil Group A/D (poorly drained and very poorly drained) soils have been identified over most of the site. These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.

- Any stormwater Best Management Practices that propose the use of infiltration or natural recharge shall include a soils investigation.

Contact: DNREC Sediment and Stormwater Program at (302) 739-9921.
E-mail: DNREC.Stormwater@delaware.gov.
Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

Tax Ditches

The Main Prong of the Beaver Dam Canal Tax Ditch lies on the western edge of the site within the Beaver Dam Canal Tax Ditch Watershed. Tax ditches are man-made channels created to move normal water flow off agricultural lands. These channels have associated tax ditch Rights-of-Way (ROW) that are utilized for access as well as sediment and debris disposal during maintenance. Tax Ditch ROWs vary by channel size and location. The Main Prong of the Beaver Dam Canal Tax Ditch has an 80-foot to Top of Bank (TOB) ROW extending into the project boundary.

- If the site and/or stormwater management features are designed to discharge into the Main Prong of the Beaver Dam Canal Tax Ditch, located on the western edge of the project parcel, design must consider existing conditions versus design specifications. Please consult with the DNREC Drainage Program for As-Built design information if necessary.
- Proposed structures or construction lies within the existing Tax Ditch ROW. To reduce or change existing Tax Ditch ROWs, a Court Order Change must be submitted by the DNREC Drainage Program. The associated Land Development Project Review Request form is attached, as well as the aerial drainage map.
- Contact the DNREC Drainage Program to discuss the on-site tax ditch ROW prior to the project application meeting with the appropriate plan review agency for construction stormwater management.
- Permanent obstructions including, but not limited to, stormwater management facilities, buildings, sheds, streets, wells, and septic systems are not allowed within the tax ditch ROW.
- Existing tax ditches on the property must be surveyed and compared to tax ditch design specifications for effective function. The channel should be cleared or excavated prior to the construction of the project if needed.
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream or create any off-site drainage problems downstream due to increases in stormwater.

Contact: DNREC Drainage Program at (302) 855-1930.
Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>
Tax Ditch Mapper: de.gov/taxditchmap

Wastewater Disposal Systems – Small Systems

An expired elevated sand mound septic permit (permit #163810) exists for this site in the Small System Branch database.

- Contact the DNREC Groundwater Discharges Section to properly abandon these systems.
- The applicant must follow current regulations to apply for a small system permit. The On-Site Regulation are listed within Section 5 of the *Regulations Governing the Design, Installation and Operation of the On-site Wastewater Treatment and Disposal Systems* at: <http://www.dnrec.delaware.gov/wr/Information/GWDInfo/Documents/delaware-on-site-regulations-with-exhibits.pdf>
- A Site Evaluation must be performed by a Delaware licensed Class D Soil Scientist to determine the type of disposal system allowed under current regulations and site conditions. A list of licensed Class D soil scientists can be found at the following website: <https://data.delaware.gov/Energy-and-Environment/Class-D-Site-Evaluator-Licensees-Based-on-Licensed/6vjq-34rp>

Contact: DNREC Groundwater Discharges Section for proposed projects in Sussex County at (302) 856-4561.

Website: <https://dnrec.alpha.delaware.gov/water/groundwater/septic-systems/>

Water Quality (Pollution Control Strategies)

This site lies within the Inland Bays Watershed. Surface water quality in this watershed does not meet State Water Quality Standards and a Pollution Control Strategy is in place for this watershed.

- Consult with the appropriate plan review agency (Sussex Conservation District) to determine if stricter stormwater management standards may apply for development projects due to the Pollution Control Strategy. More information about Pollution Control Strategies can be found at the following website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/assessment/tributary-action-teams/>

Contact: DNREC Division of Watershed Stewardship's Watershed Assessment Section at (302) 739-9939. <https://dnrec.alpha.delaware.gov/watershed-stewardship/>

State Historic Preservation Office – Contact Carlton Hall 736-7400

- There are no known Archaeological Sites or known National Register listed or eligible properties on the parcel.
- There is low potential for prehistoric archaeological resources. There are no known archaeological sites on this parcel, nor are there any within a half-mile radius. This parcel is not near any water source and soils are poorly drained.
- There is low potential for historic archaeological resources. There are no properties shown on this parcel in historic topographic and aerial maps. The parcel has remained consistently agricultural field. Historic field scatter is possible.
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

Delaware State Fire Marshall's Office – Contact John Rudd 323-5365

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation:

Fire Protection Water Requirements:

- Since the structures of the complex are proposed to be served by individual on-site wells (No Central or Public Water System within 1000' of property), set back and separation requirements will apply.

Fire Protection Features:

- For mini-storage buildings greater than 10,000 sq. ft. Class B (2-hour rated) fire barriers are required to subdivide buildings into areas of 10,000 sq. ft. or less
- Buildings greater than 10,000 sq. ft, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements

Accessibility:

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Roxana Road must be constructed so fire department apparatus may negotiate it.

- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

Required Notes:

- Provide a note on the final plans submitted for review to read "All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations"
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Provide Road Names, even for County Roads

Department of Agriculture – Contact: Milton Melendez 698-4534

- The proposed project is adjacent to a property protected through the State's Agricultural Lands Preservation Program (Hudson's Heritage Expansion of the Hickman Farm's District S-17-03-085B Parcel 134-15.00-15). Therefore, the activities conducted on this preserved property are protected by the agricultural use protections outlined in Title 3, Del. C., Chapter 9. These protections effect adjoining developing properties. The 300 foot notification requirement affects all new deeds in a subdivision located in whole or part within 300 feet of an Agricultural District/Easement. Please take note of these restrictions as follows:

§ 910. Agricultural use protections.

(a) Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Preservation Districts. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations, land use adjacent to Agricultural Preservation Districts shall be subject to the following restrictions:

(1) For any new subdivision development located in whole or in part within 300 feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:

This property is located in the vicinity of an established Agricultural Preservation District in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities."

(2) For any new subdivision development located in whole or in part within 50 feet of the boundary of an Agricultural Preservation District, no improvement requiring an occupancy approval shall be constructed within 50 feet of the boundary of the Agricultural Preservation District.

(b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such claims under any existing or future county or municipal code or ordinance. In the event a formal complaint alleging nuisance related to normal agricultural uses and activities is filed against an owner of lands located in an Agricultural Preservation District, such owner, upon prevailing in any such action, shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees (68 Del. Laws, c. 118, § 2.).

- In addition, if any wells are to be installed, Section 4.01(A)(2) of the Delaware Regulations Governing the Construction and Use of Wells will apply. This regulation states:

(2) For any parcel, lot, or subdivision created or recorded within fifty (50) feet of, or within the boundaries of, an Agricultural Lands Preservation District (as defined in Title 3, Del. C., Chapter 9); all wells constructed on such parcels shall be located a minimum of fifty (50) feet from any boundary of the Agricultural Lands Preservation District. This requirement does not apply to parcels recorded prior to the implementation date of these Regulations. However, it is recommended that all wells be placed the maximum distance possible from lands which are or have been used for the production of crops which have been subjected to the application of land applied federally regulated chemicals.

Recommendations/Additional Information

This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how the suggestions can benefit the project.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Route 17.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 16, 2021. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>

Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480 **Stormwater Management**

- Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.
- For improved stormwater management, preserve existing trees, wetlands, and passive open space.

Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219. Website: <https://www.sussexconservation.org/>

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.
E-mail: DNREC.Stormwater@delaware.gov.
Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

Tax Ditches

- All existing ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.
- Environmental permits or exemptions may be required by the County Conservation District (Standard Plan), the DNREC Sediment and Stormwater Program (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.

Contact: DNREC Drainage Program at (302) 855-1930.

Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

Tax Ditch Mapper: de.gov/taxditchmap

Additional Sustainable Practices

- Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.
- Consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities (<https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/>).
- Incorporate trees into the landscaping plan to reduce the heat island effects from pavement.
- Use efficient Energy Star rated products and materials in construction and redevelopment. Energy efficient appliances use less energy over time. This saves consumers and businesses money, while also helping to reduce pollution from power generation.
- Use structural paint coatings that are low in Volatile Organic Compounds to help protect air quality. Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers.
- Use recycled materials, such as reclaimed asphalt pavement, to reduce heat island effects on paved surfaces, prevent landfill waste, and lower material costs.

Delaware State Fire Marshall's Office – Contact John Rudd 323-5365

- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov, Plan Review & Inspections link.

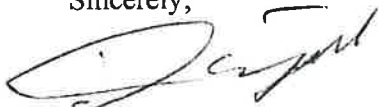
Department of Agriculture – Contact: Milton Melendez 698-4534

- The Department of Agriculture strongly encourages the developer to work with the Department's Forestry Section during the design and implementation of the project to plant an effective forested buffer between the proposed residential development and existing preserved properties. It is important that suitable tree species be selected and planted to create an effective mitigation barrier between this new development and the existing agricultural operation enrolled in the Agricultural Lands Preservation Program. This farm generates dust, noise and odors that new residents may not be familiar with.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

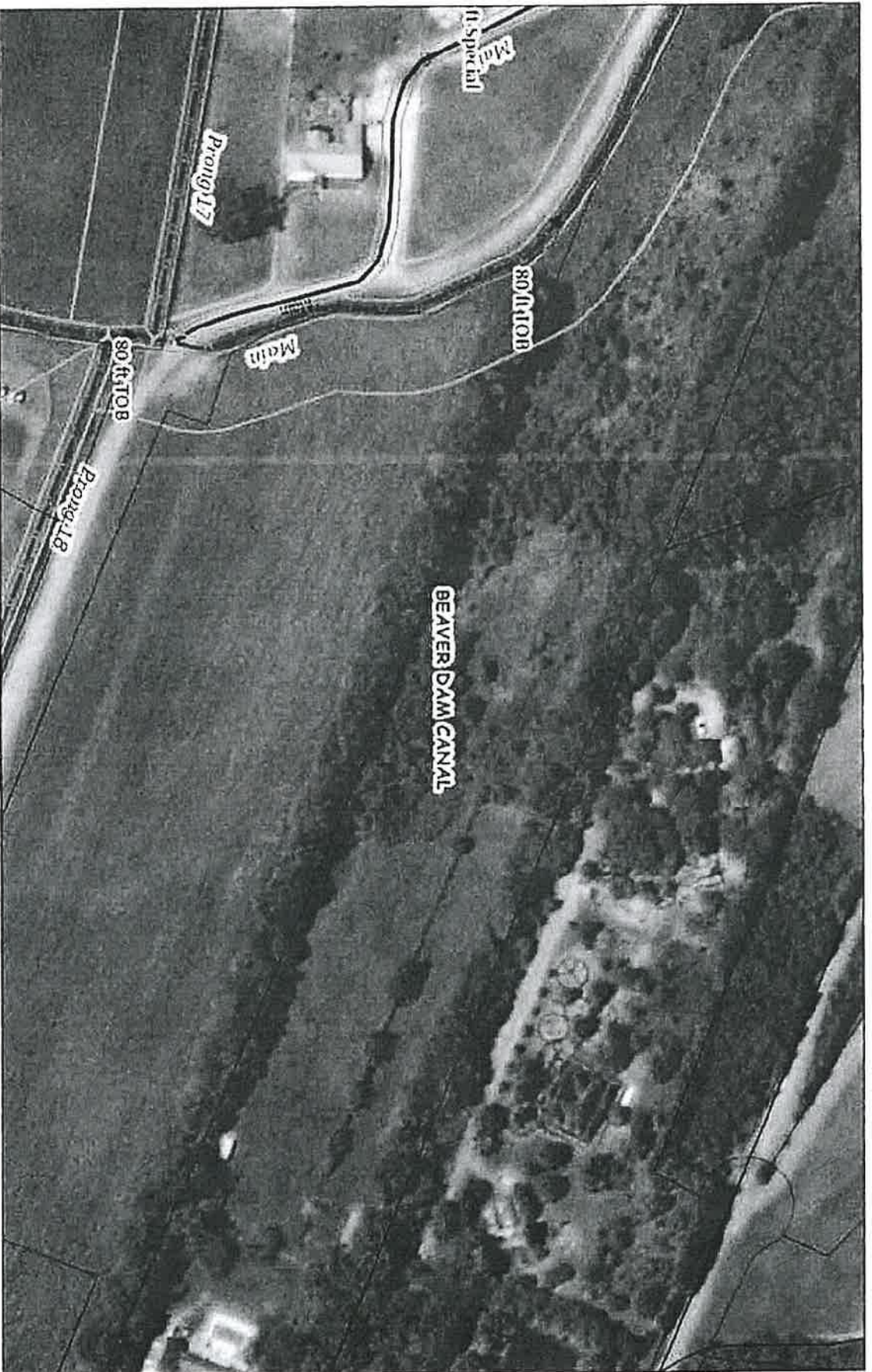


David Edgell, AICP
Director, Office of State Planning Coordination

CC: Sussex County Planning Department

Attachments

PLUS 2021-08-10 Tax Ditch Map



8/31/2021 3:00:23 PM

- DE_Roadways_Main - CENTER LINE ☐ Approx. Watershed Boundary ☐ Spec. Access ROW
- DE_StateParcels - Sussex ☐ Tax Ditch Segments ☐ Municipalities
- Extent of Right-of-Way ☐ Tax Ditch Channel ☐ Communities



This map is not a legal document. It is for informational purposes only. It is not to be used as a legal document. It is not to be used as a legal document. It is not to be used as a legal document.



Division of Watershed Stewardship
Drainage Program
21309 Berlin Rd., Unit 6
Georgetown, DE 19947

Tax Ditch Land Development Project Review Request Form

Project Name: _____

Attach Site Plan of proposed request(s) and include all structures, easements, setbacks, etc. that make your proposal as requested necessary. Include and label existing tax ditch channel and rights-of-way for comparison.

Check out de.gov/taxditchmap to view tax ditch channels and rights-of-way from any web browser. To download the tax ditch GIS Feature Service layer to your own application, visit Delaware FirstMap. Don't forget to label all tax ditch features in all your plans!

Project Representative/Consultant Information:

Name(s): _____
Company: _____
Title(s): _____
Phone Number(s): _____
Email(s): _____

Owner(s) Contact Information:

Name: _____
Phone Number: _____
Email: _____

Authorized Signer(s) Contact Information (when applicable):

Name: _____
Title: _____
Phone Number: _____
Email: _____

For Internal Use Only

Date Received: _____
Tracking #: _____



Division of Watershed Stewardship
Drainage Program
21309 Berlin Rd., Unit 6
Georgetown, DE 19947

Property Information:

Tax Parcel(s) Affected: _____
Tax Ditch Organization(s) Affected: _____

Request(s) of / Proposed Impact(s) to Tax Ditch System (Check all that apply):

<input type="checkbox"/>	Outfall/Discharge into Tax Ditch Channel(s)
<input type="checkbox"/>	Pipe Crossing/Entrances in Tax Ditch Channel(s)
<input type="checkbox"/>	Relocate/Eliminate Tax Ditch Channel(s)
<input type="checkbox"/>	Reduce/Increase Tax Ditch Rights-of-Way
<input type="checkbox"/>	Change Tax Ditch Watershed Boundary
<input type="checkbox"/>	Alteration of Existing Tax Ditch Channel(s)
<input type="checkbox"/>	Utility Crossing in Tax Ditch Channel
<input type="checkbox"/>	Other Explain: _____

Based on the options selected above, additional information may be requested.

Please specify Tax Ditch Channel(s) affected, existing and requested tax ditch rights-of-way extents whenever applicable, using the space below. (REQUIRED)

Submit all forms to the DNREC Drainage Program
Via email: DNREC_drainage@delaware.gov
Subject Line: Tax Ditch- Land Development Request

For questions about this form please call the Tax Ditch Program at 302-855-1930.

For Internal Use Only

Date Received: _____
Tracking #: _____

October 15, 2021

Office of State Planning Coordination
122 Martin Luther King Jr, Blvd, Third Floor
Dover, DE 19901

Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheelerton, AIA, LEED GA
Jason P. Lear, P.E.
King W. Lordnot, P.E.
Jamie L. Sechler, P.E.

Attn: Mr. David Edgell, AICP
Director

Re: **PLUS review 2021-09-22; Roxanna Road Storage**
Tax Parcel No: 1-34-15.00-20.06
DBF# 0003H001

Dear Mr. Edgell,

We are pleased to submit the following responses to the Office of State Planning Coordination's review letter dated September 22, 2021.

Strategies for State Policies and Spending

This project is located in Investment Levels 2 and 3 according to the Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer-term future, or areas that may have environmental or other constraints to development. State investments may support future growth in these areas but may have other priorities for the near future.

The Office of State Planning has no objections to the development of this property provided it meets the codes and criteria of Sussex County, but we do encourage you to work with State agencies to address any concerns noted in this letter.
Understood

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on Roxana Road (Delaware Route 17) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>. We will design the site access in accordance with DelDOT's Development Coordination Manual.
- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at

https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.

A Pre-Submittal Meeting will be requested in the near future.

- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.

We will submit the Initial Stage Fee with the record plan, and the Construction Stage Fee with the construction plans when they are submitted.

- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 275 vehicle trip ends per day. Using the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual, Land Use Code 151, and square feet of gross floor area as a variable, DelDOT calculates 143 vehicle trip ends per day for this number and estimates the weekday morning and evening peak hour trip ends at 9 and 16, respectively. Therefore, a TIS is not warranted.

We concur that a Traffic Impact Study is not warranted.

The purpose of a TIS, per DelDOT regulations, is to determine the offsite improvements for which the developer should be responsible to build or contribute toward. DelDOT anticipates requiring the developer to improve Roxana Road within the limits of their frontage, to meet DelDOT's standards associated with its Functional Classification. Roxana Road is a Major Collector Road. The standards for such roads include 12-foot lanes and 8-foot shoulders.

We acknowledge the improvement requirements for DE Route 17 within the frontage limits.

Frontage, as defined in Section 1.8 of the Manual, includes the length of roadway perpendicular to lines created by the projection of the outside parcel corners to the roadway. Thus, the projected frontage would be about 300 feet.

We concur that the projected frontage shall be about 300 feet.

Questions regarding the requirement to improve the site frontage should be directed to the Sussex County Review Coordinator, Mr. Steve McCabe. Mr. McCabe may be reached at Richard.McCabe@delaware.gov or (302) 760-2276.

Understood

Further regarding the trip generation calculation, Land Use Code 151 assumes a small office area associated with the storage use, From DelDOT's perspective, If the rezoning contemplated for Tax Parcel No. 134-15.00-20.12 is not approved, the subject storage use could proceed as per the plan provided with the conversion of part of one of the proposed buildings to an accessory office use.

Understood.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Route 17. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**" However, it appears that the existing right-of-way may meet this requirement. We acknowledge the ROW required along the frontage of DE Route 17.
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**" We acknowledge a 15' easement is required along the frontage on DE Route 17.
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
 - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
We acknowledge a Traffic Generation Diagram is required.
 - Depiction of all existing entrances within 600 feet of the entrance on Route 17. All existing entrances within 600 feet of our proposed entrance will be shown on the plan.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
We acknowledge notes of any off-site improvements, agreements, and contributions will be required.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 3 and 4 Investment Areas DelDOT has discretion to not require installation of paths or sidewalks along the frontage on State-maintained roads. DelDOT does not anticipate requiring the developer to build a sidewalk or SUP along their frontage on Route 17.
Understood. We also acknowledge the requirements for Shared Use Paths and sidewalks.
- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Route 17.
We acknowledge the setback requirement of stormwater treatment methods.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how

long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.
We will provide an auxiliary Lane Worksheet

- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.
We will show all existing utilities on the plan.

Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480
Concerns Identified Within the Development Footprint

Stormwater Management

This application proposes greater than 5000 square feet of land disturbing activities, therefore, this project will be subject to Delaware's *Sediment and Stormwater Regulations*.

We acknowledge that the project will be subjected to Delaware's Sediment and Stormwater regulations.

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. For this project, the plan review agency is the Sussex Conservation District.
Understood. Sussex Conservation District will be contacted for review for the Sediment and Stormwater Plan.
- Additionally, to address federal requirements, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.delaware.gov/enoi/>, select Construction Stormwater General Permit) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.
We acknowledge to submit a Construction General Permit via electronically with the fee.
- Schedule a project application meeting with the appropriate plan review agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.
Understood. We acknowledge to submit a Stormwater Assessment Study with the submittal.

Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219. Website: <https://www.sussexconservation.org/>

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.
E-mail: DNREC.Stormwater@delaware.gov.
Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

Hydrologic Soils Group

Hydrologic Soil Group A/D (poorly drained and very poorly drained) soils have been identified over most of the site. These soil types are typically not conducive to utilizing infiltration

stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.

- Any stormwater Best Management Practices that propose the use of infiltration or natural recharge shall include a soils investigation.
We acknowledge that any stormwater that proposed the use of infiltration shall require a soils investigation.

Contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

E-mail: DNREC.Stormwater@delaware.gov.

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

Tax Ditches

The Main Prong of the Beaver Dam Canal Tax Ditch lies on the western edge of the site within the Beaver Dam Canal Tax Ditch Watershed. Tax ditches are man-made channels created to move normal water flow off agricultural lands. These channels have associated tax ditch Rights-of-Way (ROW) that are utilized for access as well as sediment and debris disposal during maintenance. Tax Ditch ROWs vary by channel size and location. The Main Prong of the Beaver Dam Canal Tax Ditch has an 80-foot to Top of Bank (TOB) ROW extending into the project boundary.

- If the site and/or stormwater management features are designed to discharge into the Main Prong of the Beaver Dam Canal Tax Ditch, located on the western edge of the project parcel, design must consider existing conditions versus design specifications. Please consult with the DNREC Drainage Program for As-Built design information if necessary.
Understood.
- Proposed structures or construction lies within the existing Tax Ditch ROW. To reduce or change existing Tax Ditch ROWs, a Court Order Change must be submitted by the DNREC Drainage Program. The associated Land Development Project Review Request form is attached, as well as the aerial drainage map.
Understood. We also acknowledge a Court Order Change is required to be submitted by DNREC.
- Contact the DNREC Drainage Program to discuss the on-site tax ditch ROW prior to the project application meeting with the appropriate plan review agency for construction stormwater management.
Understood. DNREC Drainage Program will be contacted prior to a project application meeting.
- Permanent obstructions including, but not limited to, stormwater management facilities, buildings, sheds, streets, wells, and septic systems are not allowed within the tax ditch ROW.
Understood.

- Existing tax ditches on the property must be surveyed and compared to tax ditch design specifications for effective function. The channel should be cleared or excavated prior to the construction of the project if needed.
Understood.
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream or create any off-site drainage problems downstream due to increases in stormwater.
Understood. We also acknowledge that all precautions should be taken to avoid off-site drainage problems.

Contact: DNREC Drainage Program at (302) 855-1930.

Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

Tax Ditch Mapper: de.gov/taxditchmap

Wastewater Disposal Systems – Small Systems

An expired elevated sand mound septic permit (permit #163810) exists for this site in the Small System Branch database.

- Contact the DNREC Groundwater Discharges Section to properly abandon these systems.
Understood. DNREC Groundwater Discharges Section will be contacted.
- The applicant must follow current regulations to apply for a small system permit. The On-Site Regulation are listed within Section 5 of the *Regulations Governing the Design, Installation and Operation of the On-site Wastewater Treatment and Disposal Systems* at: <http://www.dnrec.delaware.gov/wr/Information/GWDInfo/Documents/delaware-on-site-regulations-with-exhibits.pdf>
We acknowledge that a small system permit is required.
- A Site Evaluation must be performed by a Delaware licensed Class D Soil Scientist to determine the type of disposal system allowed under current regulations and site conditions. A list of licensed Class D soil scientists can be found at the following website: <https://data.delaware.gov/Energy-and-Environment/Class-D-Site-Evaluator-Licensees-Based-on-Licensed/6vjq-34rp>
We acknowledge that a site evaluation performed by a Delaware licensed Class D Soil Scientist is required.

Contact: DNREC Groundwater Discharges Section for proposed projects in Sussex County at (302) 856-4561.

Website: <https://dnrec.alpha.delaware.gov/water/groundwater/septic-systems/>

Water Quality (Pollution Control Strategies)

This site lies within the Inland Bays Watershed. Surface water quality in this watershed does not meet State Water Quality Standards and a Pollution Control Strategy is in place for this watershed.

- Consult with the appropriate plan review agency (Sussex Conservation District) to determine if stricter stormwater management standards may apply for development projects due to the Pollution Control Strategy. More information about Pollution Control Strategies can be found at the following website:
<https://dnrec.alpha.delaware.gov/watershed-stewardship/assessment/tributary-action-teams/>
Understood. Sussex Conservation District will be contacted to review plans on determining if stricter standards may apply.

Contact: DNREC Division of Watershed Stewardship's Watershed Assessment Section at (302) 739-9939. <https://dnrec.alpha.delaware.gov/watershed-stewardship/>

State Historic Preservation Office – Contact Carlton Hall 736-7400

- There are no known archaeological sites or known National Register listed or eligible properties on the parcel.
We acknowledge that there are no known archaeological sites or known National Register listed or eligible properties on the parcel.
- There is low potential for prehistoric archaeological resources. There are no known archaeological sites on this parcel, nor are there any within a half-mile radius. This parcel is not near any water source and soils are poorly drained.
Understood. We also acknowledge that there is low potential for prehistoric archaeological resources on the parcel.
- There is low potential for historic archaeological resources. There are no properties shown on this parcel in historic topographic and aerial maps. The parcel has remained consistently agricultural field. Historic field scatter is possible.
Understood. We also acknowledge that there is low potential for historic archaeological resources.
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov
We acknowledge the National Historic Preservation Act.

Delaware State Fire Marshall's Office – Contact John Rudd 323-5365

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation:

Fire Protection Water Requirements:

- Since the structures of the complex are proposed to be served by individual on-site wells (No Central or Public Water System within 1000' of property), set back and separation requirements will apply.
We acknowledge the requirements of an individual on-site wells.

Fire Protection Features:

- For mini-storage buildings greater than 10,000 sq. ft Class B (2-hour rated) fire barriers are required to subdivide buildings into areas of 10,000 sq. ft. or less
We acknowledge the requirements for fire barriers.
- Buildings greater than 10,000 sq. ft, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements
We acknowledge the requirements for fire lane markings.

Accessibility:

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Horse Play Road must be constructed so fire department apparatus may negotiate it.
Understood. We also acknowledge the need of accessibility to fire apparatus.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
We acknowledge that the fire department access shall be provided so that the fire apparatus will be able to locate within 100' of the front door.
- Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
Understood. We also acknowledge that if a dead-end road is more than 300 feet, a cul-de-sac or turn-around is required.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
We acknowledge that if traffic speed reduction measures are used, they must be in accordance to DTO requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.
We acknowledge that the local Fire Chief shall approve the use of gates into and out of the site.

Required Notes:

- Provide a note on the final plans submitted for review to read "All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations"
 - Proposed Use
 - Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
 - Square footage of each structure (Total of all Floors)
 - National Fire Protection Association (NFPA) Construction Type
 - Maximum Height of Buildings (including number of stories)
 - Provide Road Names, even for County Roads
- The above referenced notes will be provided on the plans.

Department of Agriculture – Contact: Milton Melendez 698-4534

- The proposed project is adjacent to a property protected through the State's Agricultural Lands Preservation Program (Hudson's Heritage Expansion of the Hickman Farm's District S-17-03-085B Parcel 134-15.00-15). Therefore, the activities conducted on this preserved property are protected by the agricultural use protections outlined in Title 3, Del. C., Chapter 9. These protections effect adjoining developing properties. The 300 foot notification requirement affects all new deeds in a subdivision located in whole or part within 300 feet of an Agricultural District/Easement. Please take note of these restrictions as follows:

We acknowledge the restrictions of the State's Agricultural Lands Preservation Program.

§ 910. Agricultural use protections.

(a) Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Preservation Districts. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations, land use adjacent to Agricultural Preservation Districts shall be subject to the following restrictions:

(1) For any new subdivision development located in whole or in part within 300 feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:

This property is located in the vicinity of an established Agricultural Preservation District in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities."

(2) For any new subdivision development located in whole or in part within 50 feet of the boundary of an Agricultural Preservation District, no improvement requiring an occupancy approval shall be constructed within 50 feet of the boundary of the Agricultural Preservation District.

(b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such claims under any existing or future county or municipal code or ordinance. In the event a formal complaint alleging nuisance related to normal agricultural uses and activities is filed against an owner of lands located in an Agricultural Preservation District, such owner, upon prevailing in any such action, shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees (68 Del. Laws, c. 118, § 2.).

- In addition, if any wells are to be installed, Section 4.01(A)(2) of the Delaware Regulations Governing the Construction and Use of Wells will apply. This regulation states:

We acknowledge the regulations if wells are to be installed.

(2) For any parcel, lot, or subdivision created or recorded within fifty (50) feet of, or within the boundaries of, an Agricultural Lands Preservation District (as defined in Title 3, Del. C., Chapter 9); all wells constructed on such parcels shall be located a minimum of fifty (50) feet from any boundary of the Agricultural Lands Preservation District. This requirement does not apply to parcels recorded prior to the implementation date of these Regulations. However, it is recommended that all wells be placed the maximum distance possible from lands which are or have been used for the production of crops which have been subjected to the application of land applied federally regulated chemicals.

Recommendations/Additional Information

This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how the suggestions can benefit the project.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Route 17.

We acknowledge the access requirements for a substation and/or wastewater facility.

- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
We acknowledge that all comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 16, 2021. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>
Understood.

Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480
Stormwater Management

- Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.
We acknowledge the need for runoff reduction techniques where site and soil condition permits.
- For improved stormwater management, preserve existing trees, wetlands, and passive open space.
We acknowledge the need for improving stormwater management by preserving existing trees, wetlands, and passive open space.

Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219. Website: <https://www.sussexconservation.org/>

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.
E-mail: DNREC.Stormwater@delaware.gov.
Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

Tax Ditches

- All existing ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.
We acknowledge that existing ditches to be evaluated prior to construction.
- Environmental permits or exemptions may be required by the County Conservation District (Standard Plan), the DNREC Sediment and Stormwater Program (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.
We acknowledge that environmental permits or exemptions may be required prior to clearing and/or excavating ditch channels.

Contact: DNREC Drainage Program at (302) 855-1930.
Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>
Tax Ditch Mapper: de.gov/taxditchmap

Additional Sustainable Practices

- Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.
We acknowledge the need for recycling dumpsters within the preliminary site design stage.
- Consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities (<https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/>).
We acknowledge the need for renewable energy infrastructure to reduce pollution.
- Incorporate trees into the landscaping plan to reduce the heat island effects from pavement.
We acknowledge the need to incorporate trees in the landscape plans to reduce heat island effects from the pavement.
- Use efficient Energy Star rated products and materials in construction and redevelopment. Energy efficient appliances use less energy over time. This saves consumers and businesses money, while also helping to reduce pollution from power generation.
We acknowledge the need for energy efficient appliances to reduce pollution.
- Use structural paint coatings that are low in Volatile Organic Compounds to help protect air quality. Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers.
We acknowledge the need for paint coatings low in Volatile Organic Compounds to protect air quality.
- Use recycled materials, such as reclaimed asphalt pavement, to reduce heat island effects on paved surfaces, prevent landfill waste, and lower material costs.
We acknowledge the need for reclaimed asphalt pavement to reduce heat island effects on paved surfaces.

Delaware State Fire Marshall's Office – Contact John Rudd 323-5365

- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.
Understood.

Department of Agriculture – Contact: Milton Melendez 698-4534

The Department of Agriculture strongly encourages the developer to work with the Department's Forestry Section during the design and implementation of the project to plant an effective forested

buffer between the proposed residential development and existing preserved properties. It is important that suitable tree species be selected and planted to create an effective mitigation barrier between this new development and the existing agricultural operation enrolled in the Agricultural Lands Preservation Program. This farm generates dust, noise and odors that new residents may not be familiar with.

Understood.

Should you have any questions or need additional information, please call.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.

A handwritten signature in black ink, appearing to read 'T Metzner', written over a white background.

Timothy M. Metzner, RLA, LEED AP ND
Associate

TMM
P:\1111\1111B001\submit\PLUS\2021-10-15 Comment Reponse\Storage Parcel\Response Letter.docx

cc: Sussex County Planning & Zoning

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

NICOLE MAJESKI
SECRETARY

May 10, 2021

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Ronald E. Gray and M. Candice Gray** proposed land use application, which we received on April 22, 2021. This application is for an approximately 8.42-acre parcel (Tax Parcels: 134-15.00-20.06). The subject land is located on the southwest corner of Horse Play Way and Roxana Road (Sussex Road 52) about 0.5 miles south of the intersection with Peppers Corner Road (Sussex Road 365). The subject land is currently zoned AR-1 (Agriculture Residential) and the applicant seeks a conditional use approval for operation of a 90,800 S.F. storage space with 703 units and outdoor storage space for boats, boat trailers and RV's.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volume along Roxana Road (State Route 52) from Daisy Road to Atlantic Avenue, is 4,780 and 6,146 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.

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



Mr. Jamie Whitehouse
Page 2 of 2
May 10, 2021

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:aff

cc: Ronald E. Gray and M. Candice Gray, Applicant
Russell Warrington, Sussex County Planning & Zoning
David Edgell, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Scott Rust, South District Public Works Manager, Maintenance & Operations
Steve McCabe, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination
Annamaria Furmato, Project Engineer, Development Coordination

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M

Ron Gray Narrative 5/10/22

This is the second time I have brought this project to Planning and Zoning. I initially proposed a complete rezoning of a single ten-acre parcel but with the same proposed usage as I am now proposing in two portions; a 1.5-acre parcel proposed for office buildings and 8.5 acres for storage buildings and boat and RV storage. There were several concerns raised at the County Council hearing that caused me to want to pull the complete rezoning request and take the current approach. The conditional use of the storage parcel assures everyone that this portion of the property will only be used for storage. There has become an increased demand for storage units throughout our area from Fenwick Island to Millsboro in the last 2 years. This project will serve that need. It will not bring new people to our area but will allow those that are nearby to have a convenient place to store their things. I think it is somewhat a result of the new homes being built in our area that don't have the same storage capacity as homes people sold to move to our area. There was a lot of discussion about visibility of the storage area from neighboring properties. So, I have included pictures looking north toward the Parlor property. There is a 30 to 40-foot-tall line of trees along this property that we plan to keep that substantially limits our ability to see the house and buildings behind them and these pictures were taken in the springtime before the trees have leaves. The view to the west is a farmhouse and buildings that we will plan to buffer with landscaping. There is a commercial area to the south that you may wish to have landscaped as well especially closer to Route 17. The area across Route 17 is already wooded and I will show you some pictures of another project I jointly own in Millsboro to see how that would look in the future depending on your approvals of our plans. All lighting on the project would be down lighting and not spill over into adjacent parcels. The facility will be gated and accessible with individual codes assigned to those that have storage units. We have allowed access to our other storage facilities beginning at 6 am in the morning until 10 pm at night with exceptions allowed on a case-by-case basis. This has worked out well for our other facilities and we have had minimal complaints from neighbors there that live next door. We would plan to place cameras around the site and in buildings to ensure the security of all that are inside. The facility would have fencing around the perimeter for security reasons as well.

I have pictures of our Millsboro facility that show the access gate and how that facility looks from the outside. The proposed office buildings would limit one's view of the storage facility from Route 17 like the Millsboro project. I think the proposed office buildings will blend in well with other residential buildings and businesses that currently exist along route 17 toward route 26 and toward Roxana from this site.